



# **JUSTICE DENIED:** ROMA IN THE CRIMINAL JUSTICE SYSTEM OF THE CZECH REPUBLIC

CHALLENGING DISCRIMINATION PROMOTING EQUALITY





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This report is published in English. It is one of a series of reports covering the Czech Republic, Slovakia, Serbia, and North Macedonia. It was produced in joint partnership with Fair Trials. The ERRC would like to thank all who participated in the interviews, especially those members of the Romani community who gave so generously of their time and trust.

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## Introduction

Shocking video footage of the death of Stanislav Tomáš in the Czech town of Teplice, which went viral in June 2021, sparked outrage and reignited long-standing concerns about anti-Roma racism in law enforcement across Europe.<sup>1</sup> The footage showed one police officer kneeling on the Romani victim's neck for several minutes before he lost consciousness. Czech police immediately rejected the notion that their actions in restraining Tomáš had anything to do with his death, and were quick to tweet that this incident is no 'Czech George Floyd'. The then Czech Prime Minister Andrej Babiš thanked the police officers for their work<sup>2</sup> and commented, *"This is sad, but a normal, respectable person would have a hard time getting into such a situation."*<sup>3</sup>

A subsequent report by Deputy Public Defender of Rights, Monika Šimůnková, was deeply critical of the actions of the arresting officers and found grave fault with the internal investigation conducted by the Ústecký Regional Police Directorate, which *"absolutely ignored the absence of testimony"* from the paramedic crew on the scene, whose accounts contradicted police assertions that Stanislav Tomáš did not collapse until he was inside the ambulance.<sup>4</sup> On 21 March 2022, the authorities closed the investigation into his death. In condemning this decision, human rights NGOs described the investigation as flawed and undermined from the outset by political interference, which *"raised major doubts as to whether the investigation would be independent and thorough."*<sup>5</sup>

Monika Šimůnková pursued her own-initiative inquiry and published her conclusions on 5 May 2022. She reiterated that *"The testimony from the emergency medical responders contradicts the police testimony"* and noted that the Regional Police headquarters has not responded to the contradiction between these testimonies. Concerning her conclusions, the Deputy Public Defender of Rights said: *"For them to proceed this way in the face of basic evidence can greatly harm people's trust in independent internal control mechanisms and in police work as such."*<sup>6</sup>

1 ERRC News, *Outrage grows following the death of 'The Romani George Floyd' in the Czech Republic: #Sayhisname Stanislav Tomáš*, 24 June 2021. Available at: <http://www.errc.org/news/outrage-grows-following-the-death-of-the-romani-george-floyd-in-the-czech-republic>.

2 Romea.cz, *Czech Prime Minister thanks police officers for their intervention against a Romani man who later died in Teplice, claims it wasn't easy for them*. 23 June 2021. Available at: <http://www.romea.cz/en/news/czech/czech-prime-minister-thanks-police-officers-for-their-intervention-against-a-romani-man-who-later-died-in-teplice-claims-it>.

3 ERRC News, *'Outrage grows following the death of 'The Romani George Floyd' in the Czech Republic: #Sayhisname Stanislav Tomáš*, 24 June 2021. Available at: <http://www.errc.org/news/outrage-grows-following-the-death-of-the-romani-george-floyd-in-the-czech-republic>.

4 ERRC News, *'Public Defender finds Czech Police at Fault in the Death of Romani Man Stanislav Tomáš*', 14 December 2021. Available at: <http://www.errc.org/news/public-defender-finds-czech-police-at-fault-in-the-death-of-romani-man-stanislav-tomas>.

5 ERRC Press Release, *Czech Republic: Investigation closed into death of Romani man Stanislav Tomáš, Human rights activists move for justice*. 21 March 2022. Available at: <http://www.errc.org/press-releases/czech-republic-investigation-closed-into-death-of-romani-man-stanislav-tomas-human-rights-activists-move-for-justice>.

6 Romea.cz, *Czech Deputy Public Defender of Rights: Police ignored whether the man they restrained was even alive, ambulance called too late*. 3 May 2022. Available at: <http://www.romea.cz/en/news/czech/czech-deputy-public-defender-of-rights-police-ignored-whether-the-man-they-restrained-was-even-alive-ambulance-called-too>.



This disparagement of the victim by investigating officers and politicians, including the then Prime Minister, the subsequent official obfuscation and political inaction, compounded by wider public indifference and the shutting down of the investigation, illustrate how the issues around access to justice and anti-Roma racism run deeper than incidents of police brutality.

This report is one of a series of four investigating anti-Roma racism in the criminal justice systems of the Czech Republic, Slovakia, Serbia, and North Macedonia, and produced in partnership with Fair Trials. The evidence from the reports and the ERRC's caseload over twenty years strongly suggests that law enforcement agencies are institutionally racist, and there is official tolerance of a culture of impunity within law enforcement when it comes to mistreatment of Roma.

Beyond policing, the reports confirm that at every stage of criminal proceedings Romani defendants face discrimination from judges, prosecutors, and often their own lawyers. Researchers in each of the four countries conducted interviews between May and September 2020, with people of Romani origin and criminal justice professionals, including defence lawyers, prosecutors, judges, and police officers. This abject failure of the criminal justice system is rooted in antigypsyism, defined by the European Commission against Racism and Intolerance (ECRI) as:

*“an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination.”<sup>7</sup>*

Despite the absence of reliable ethnically disaggregated data concerning Roma in the criminal justice system, most of those interviewed agreed that Roma were overrepresented in the Czech system. Lawyers' estimates of the proportion of Romani defendants in the Czech criminal justice system ranged between 20% to 50%, whereas prosecutors' estimates ranged between 5% and 50%.

The research in all four countries corroborated earlier findings that Romani overrepresentation is due to a combination of reasons which include persistent racial profiling and over-policing of Romani communities, social marginalisation and higher rates of poverty, lack of eligibility for alternatives to sentencing, and a presumption of guilt rooted in wider racist narratives around so-called 'Gypsy crime'. In the Czech Republic, lawyers who work closely with Roma spoke of strong anti-Roma bias within the criminal justice system, and spoke directly of 'institutional racism', where the odds are stacked against Roma due to deeply rooted prejudice and stereotypes in a system *“that is extremely resistant to change and at its core, systematically racist.”<sup>8</sup>*

Interviewed lawyers in the Czech Republic suggested that, beyond prejudice, over-incarceration of Romani defendants was also due to harsh sentencing laws for repeated thefts, which can land a person in prison for up to three years for having stolen a loaf of bread from a grocery store.<sup>9</sup> Almost all interviewed defence lawyers and judges perceived this legislation as unnecessarily strict and unfair because it effectively criminalises poverty, and one lawyer

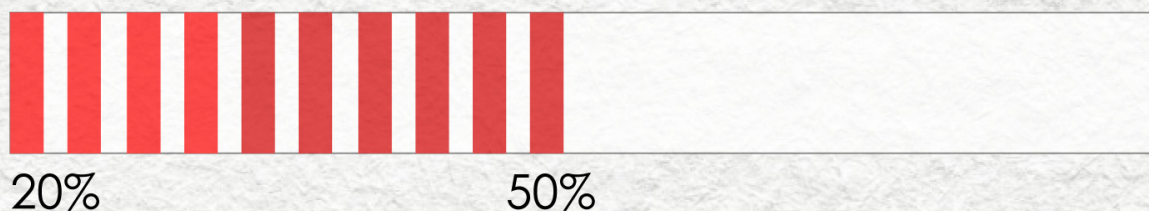
7 European Commission against Racism and Intolerance (ECRI) General Policy Recommendation Nos. 3 & 13: Key Topics. Council of Europe. Available at: <https://rm.coe.int/ecri-general-policy-recommendation-nos-3-13-key-topics-fighting-racism/16808b763c>.

8 See Section 8 of this report.

9 See for example a report published by the police: <https://www.policie.cz/clanek/ukradl-cervene-papricky-a-dva-rohliky.aspx>.



**Lawyers' estimates of the proportion of Romani defendants in the Czech criminal justice system ranged between 20% to 50%, whereas prosecutors' estimates ranged between 5% and 50%.**



described the provision in the criminal code as a response to “a populist demand to criminalise Roma, and to criminalise the poor.”<sup>10</sup>

Despite denials from Czech prosecutors that ethnic bias had any bearing on the workings of the justice system, it was clear from the interviews that some harboured negative stereotypes of Roma. Prosecutors who claimed to be without bias then proceeded to describe Romani defendants in prejudicial terms as being overly emotional, fairy-tale tellers, whose typical defence strategy is to accuse police of anti-Roma bias and of having forced them to sign statements of guilt.

<sup>10</sup> See Section 8 of this report.

When prosecutors, senior officials, and even the former Prime Minister of the Czech Republic openly refer to Roma as ‘inadaptables’,<sup>11</sup> it is clear that a racist ‘common sense’ prevails within the system that blames the victims, and absolves state actors from their transgressions. The effect is to stigmatise and effectively criminalise entire Romani communities.

The discrimination that Roma encounter in criminal justice systems is rooted in the wider phenomenon of antigypsyism that excludes Roma from society and denies their basic rights across the European Union. The first attempt by the EU to address Roma exclusion across the member states was, by the European Commission’s own estimation, an ‘inexcusable’ failure<sup>12</sup>. With the launch of the new EU strategic framework on Roma equality, inclusion and participation up to 2030, the Commission called on Member States to show a “*strengthened commitment to tackle persistent discrimination*”.<sup>13</sup> While it is clear that criminal justice reform alone will not eliminate anti-Roma racism, the evidence from the reports suggest it would be a very good place to start, because without access to justice the new EU framework will be doomed to fail just as ‘inexcusably’ as its predecessor.

11 For the most recent example see: Romea.cz, *From opposition, ex-PM revisits Czech town, echoing the problematic language of a local petition*, 19 April 2022. Available at: <http://www.romea.cz/en/news/czech/from-opposition-ex-pm-revisits-czech-town-echoing-the-problematic-language-of-a-local-petition>.

12 See: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_1813](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1813).

13 European Commission, *Proposal for a Council Recommendation on Roma equality, inclusion and participation* Brussels, 7.10.2020 COM(2020) 621 final. Available at: [https://ec.europa.eu/info/sites/default/files/commission\\_proposal\\_for\\_a\\_draft\\_council\\_recommendation\\_for\\_roma\\_equality\\_inclusion\\_and\\_participation\\_en.pdf](https://ec.europa.eu/info/sites/default/files/commission_proposal_for_a_draft_council_recommendation_for_roma_equality_inclusion_and_participation_en.pdf).

# Methodology

Researchers carried out a series of semi-structured interviews with people of Romani origin and professionals working in the Czech criminal justice system. These interviews were based on questionnaires prepared by the ERRC separately for each group of respondents. The interviews were conducted between May and July 2020 by an ERRC consultant working as an NGO lawyer in the Czech Republic.

In total 28 people were interviewed: eight of whom were people of Romani origin from different regions of the Czech Republic; five judges (four judges of the first instance courts, and one judge of the appellate court); seven prosecutors (including two specialists in hate crime and two specialists in juvenile delinquency); and eight lawyers (two of whom specialised in representing victims of hate crimes). In order to carry out the interviews with the people of Romani origin, researchers benefitted from the cooperation of local organisations *Romodrom*, *Rubikon*, and *Kon-exe*. Thirteen interviews were conducted in person, seven via teleconference (Skype), and seven by telephone based on the preferences and availability of the respondents. It should be noted that no police officers were interviewed, as the researcher received no responses to repeated requests to the Czech Police Presidium. The researcher approached police officers suggested by partners and interviewees, but all of the officers referred the researcher back to the Police Presidium, which never officially responded to requests for interviews.

This research was guided by the following ethical principles: (1) *informed consent*: all persons interviewed were informed of the content of the project and the processing of the information obtained via interviews, having to give prior, written or oral<sup>14</sup> authorisation for the same; (2) *data protection*: the data obtained in the course of the research was processed confidentially, stored securely and the anonymity of the participants vis-à-vis third parties was guaranteed in relation to the statements made during the interviews; (3) *proper use of data*: the data obtained during the interviews carried out for this research will only be used in the context of this project.

The interviewees were selected taking into account two main factors: experience with the criminal justice system, and a geographical spread to ensure different regions were covered. In the case of interviews with Roma, ethnicity, gender, and age were also taken into consideration. Interviews with prosecutors and judges were limited by the nature of cooperation with authorities, and their input into the selection of interviewed professionals. With regard to lawyers, five lawyers volunteered to participate in the interview and three were selected by the consultant for their experience with working with Romani people.

Researcher interviewed eight Romani men and women who either had experience of, or knew someone who had experience with, the criminal justice system. One interviewee worked previously

<sup>14</sup> In cases where the interview was conducted via phone or teleconference, the information sheet, including the informed consent with the conditions of participation in the research, was sent to the participant by email beforehand and oral consent was sought at the beginning of the interview. The consultant performing the interview was responsible for ascertaining that the participant understood the conditions of the research and consented to them, which the consultant then acknowledged via signature on the information sheet.

as a Romani mentor facilitating communication between Romani defendants and criminal courts. The interviews were facilitated by local organisations working with the Romani community (five by *Konexe*, two by *Romodrom*, and one by *Rubikon*). Four interviewees were women and four were men. Romani defendants currently serving prison sentences or detained on remand could not be accessed due to restrictions introduced to address the COVID-19 situation.

Defence lawyers interviewed for this study were all attorneys practicing in the Czech Republic. Five defence lawyers contacted the consultant following the information about the research being published on the website of the Czech Bar Association,<sup>15</sup> and three lawyers were selected by the consultant for their experience with working with the Romani community. Four interviewees were women, and four were men. Two lawyers specialised in representing victims of hate crime. One interview was performed in the form of a group interview with two respondents.

Seven interviews with prosecutors were facilitated by the Prosecutor's General Office. Five were from the district prosecution service and two were from the regional prosecution service. Three respondents were women, and four were men. Three interviews were conducted in person, with the remaining four conducted by phone. The interviewed prosecutors were all experienced prosecutors (with 8 to 34 years' experience). Two prosecutors were specialised in juvenile cases and children below the age of criminal responsibility, two were specialised in hate crimes and hate speech, two in international cooperation in criminal matters, and one in property-related crimes and extremism.

The five judges interviewed for this study came from five different courts located in localities with higher presence of Romani populations. The interviews were facilitated by the Ministry of Justice. The courts were selected by the consultant in cooperation with the ERRC, and the judges to be interviewed were selected by the President of each court. All interviewed judges worked in criminal law sections and tried criminal cases on daily basis. They had between 2 and 18 years' experience. Four judges worked at the district courts (first-instance courts) and one at the regional court (appellate court). Three judges were women and two were men. The consultant also attended part of a court hearing with a Romani defendant at one of the district courts.

<sup>15</sup> See: <https://www.cak.cz/scripts/detail.php?id=22827>.

## Roma in the Czech Republic

There are no accurate statistics on the number of Roma in the Czech Republic. According to the 2021 census, only 21,691 people in the Czech Republic claimed to be of Romani origin.<sup>16</sup> However, the Government estimates that the real number is about 240,000 people, or about 2.2% of the population of the Czech Republic.<sup>17</sup>

Despite the lack of accurate ethnic data, research has shown that Roma face significant social and economic disadvantages. In 2011, the UN Development Programme carried out research on housing conditions of Romani communities in 12 European Countries including the Czech Republic.<sup>18</sup> According to the research, 14% of Romani households were estimated to live in insecure housing conditions compared to 3% of non-Romani households. Almost half of Romani respondents feared eviction. The employment rate of Roma in the Czech Republic was 31%.

According to the Second European Union Minorities and Discrimination Survey<sup>19</sup> (EU MIDIS II) by the EU Fundamental Rights Agency, 58% of Roma in the Czech Republic are at risk of poverty – almost six times higher than that of the general population. Only 34% of Romani children attended pre-school education, compared to 86% of non-Roma. However, 98% of Roma attended school during compulsory school age. 30% of Romani children in the Czech Republic went to classrooms where everyone or most of the pupils were Roma. Overall, 21% of Romani respondents were estimated to live in poor-quality housing.

As explained below, however, the challenges faced by Roma are not limited to social and economic challenges. It is evident that Roma in the Czech Republic are subject to widespread, deeply-engrained societal discrimination that is endorsed and perpetuated by the media and influential public figures.

<sup>16</sup> romea.cz: Czech census sees 65 % rise in number of people declaring Romani nationality, 13.01.2022. Available at: <http://www.romea.cz/en/news/czech/czech-census-sees-63-rise-in-number-of-people-declaring-romani-nationality>.

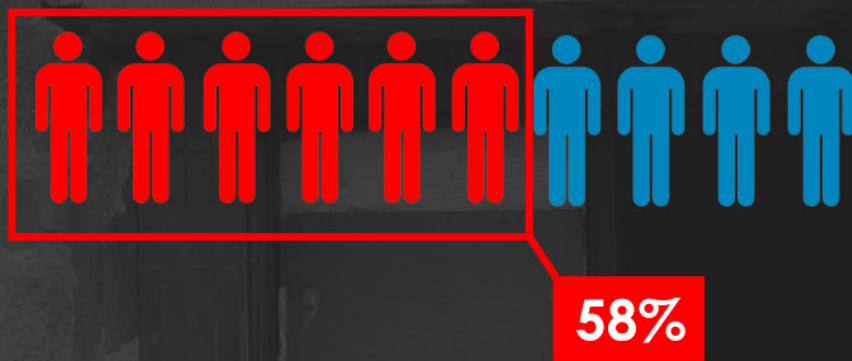
<sup>17</sup> Vláda ČR: Zpráva o stavu romské menšiny v České republice za rok 2018, p. 4. Available at: <https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Zprava-o-stavu-romske-mensiny.pdf>.

<sup>18</sup> Perić, Tatjana. (2012). The Housing Situation of Roma Communities: Regional Roma Survey 2011. Roma Inclusion Working Papers. Bratislava: United Nations Development Programme. Available at: <https://www1.undp.org/content/dam/rbec/docs/The-housing-situation-of-Roma-communities.pdf>.

<sup>19</sup> EU Agency for Fundamental Rights: Second European Union Minorities and Discrimination Survey Roma - Selected findings. Available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2016-eu-minorities-survey-roma-selected-findings\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-eu-minorities-survey-roma-selected-findings_en.pdf).



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## Public Perceptions of Roma

Research has consistently shown that the majority of the Czech public have negative opinions of Romani communities.

The latest annual survey conducted by the Czech Public Opinion Research Centre (Centrum pro výzkum veřejného mínění (‘CVVM’)) on public attitudes towards ethnic minorities showed that only 1% of the respondents viewed Roma as ‘likeable’.<sup>20</sup> Overall, 71% of the respondents expressed that Roma are either ‘rather’ or ‘very’ unlikeable, making Roma the least ‘liked’ ethnic group in this survey. Another survey, conducted online in 2020 found that 63% of respondents thought that Romani people were treated more favourably than non-Roma in the Czech Republic.<sup>21</sup>

In a different survey conducted in 2019, CVVM<sup>22</sup> found that 72% of respondents thought that coexistence with Roma is bad, and almost a quarter (24%) of them as very bad. Since 2013, this negative assessment has weakened by fifteen percentage points. However, it remains still very high. The stereotypical view of the Romani population has weakened in the area of employment and vice versa strengthened when obtaining housing. Another survey by this institution on inclusive education found that 30% of the population do not want Romani children to be educated in mainstream schools.<sup>23</sup>

Negative attitudes towards Roma have resulted in incidents of abuse and harassment. According to the report of the Czech Ministry of Interior on expressions of extremism and prejudicial hatred in the Czech Republic, Roma are targeted most frequently by perpetrators of hate crimes. In 2019, there were 43 racially motivated hate crimes perpetrated against Roma, an increase from 36 in 2018.<sup>24</sup>

These findings are corroborated by studies conducted at the EU level. In 2015, the Eurobarometer (Discrimination in the EU in 2015) survey<sup>25</sup> found that 75% of Czech respondents

20 Centrum pro výzkum veřejného mínění: Vztah české veřejnosti k národnostním skupinám žijícím v ČR – březen 2020, March 2020. Available at: <https://cvvm.soc.cas.cz/cz/tiskove-zpravy/ostatni/vztahy-a-zivotni-postoje/5203-vztah-ceske-verejnosti-k-narodnostnim-skupinam-zijicim-v-cr-brezen-2020>.

21 romea.cz, *More than 60 % of Czechs active online believe Romani people are favored over non-Roma in the Czech Republic*, 11 September 2020. Available at: <http://www.romea.cz/en/news/czech/more-than-60-of-czechs-active-online-believe-romani-people-are-favored-over-non-roma-in-the-czech-republic-2>.

22 Centrum pro výzkum veřejného mínění: Romové a soužití s nimi očima české veřejnosti – duben 2019, April 2019. Available at: [https://cvvm.soc.cas.cz/media/com\\_form2content/documents/c2/a4924/f9/ov190517.pdf](https://cvvm.soc.cas.cz/media/com_form2content/documents/c2/a4924/f9/ov190517.pdf).

23 See: <https://cvvm.soc.cas.cz/cz/tiskove-zpravy/ostatni/ostatni-ruzne/5297-verejnost-o-specialnich-skolach-a-inkluzivnim-vzdelavani-zari-2020>.

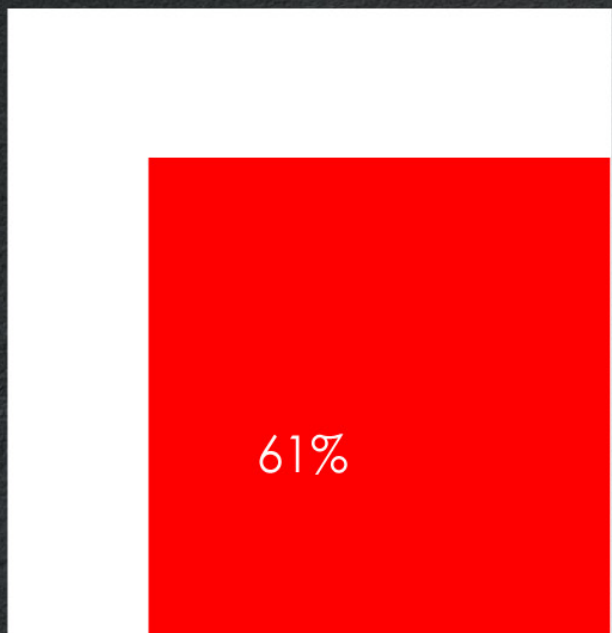
24 Ministerstvo vnitra ČR, *ZPRÁVA O PROJEVECH EXTREMISMU A PŘEDSUDEČNÉ NENÁVISTI NA ÚZEMÍ ČESKÉ REPUBLIKY V ROCE 2019*, p. 26. Available at: <https://www.mvcr.cz/soubor/zprava-o-projevech-extremismu-a-predsudecne-nenavisti-na-uzemi-ceske-republiky-v-roce-2019-pdf.aspx>.

25 European Commission, *Eurobarometer (Discrimination in the EU in 2015)*, 2015. Available at: [https://ec.europa.eu/info/sites/info/files/factsheet\\_eurobarometer\\_fundamental\\_rights\\_2015\\_en.pdf](https://ec.europa.eu/info/sites/info/files/factsheet_eurobarometer_fundamental_rights_2015_en.pdf).





Negative attitudes towards Roma have resulted in incidents of abuse and harassment.



In 2019, 61% of Romani respondents claimed to have experienced discrimination in the last five years

In 2019, there were **43** racially motivated hate crimes perpetrated against Roma, an increase from **36** in 2018.



would not feel comfortable if any of their children fell in love with a Romani person, while 52% would not feel comfortable having a Romani person as a colleague. 61% of Romani respondents of the EU MIDIS II survey in 2019<sup>26</sup> claimed to have experienced discrimination in the last five years, and 32% of them within the last year. Most of them were discriminated against in the last five years in the field of housing (65%) and when looking for a job (61%). Overall, 66% of respondents were harassed because of their ethnic origin.

It is also especially concerning that there is clear evidence of public perceptions that link Roma with criminality. According to the research carried out by the Institute for Criminology and Social Prevention (Institut pro kriminologii a sociální prevenci) there is a general perception amongst the public that Roma are more likely to commit criminal offences. Overall, 69% of those respondents who believed that certain groups are more likely to commit a crime, designated Roma to be such a group.<sup>27</sup> When requested to provide a concrete example of how to improve prevention against crime, some of the respondents proposed actions or measures aimed specifically against Romani communities.<sup>28</sup>

<sup>26</sup> Second European Union Minorities and Discrimination Survey: Summary of main results – CZ, 2020. Available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-eu-midis-ii-summary-results-country-sheet-czechia\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-eu-midis-ii-summary-results-country-sheet-czechia_en.pdf).

<sup>27</sup> Jakub Holas, *Institut pro kriminologii a sociální prevenci: Bezpečí, kriminalita a prevence*, 2019, p. 68. Available at: <http://www.ok.cz/iksp/docs/459.pdf>.

<sup>28</sup> *Ibid.*, p. 53.

## Public Portrayals of Roma

The prevalence of negative attitudes towards Roma are unsurprising, given the pervasiveness of anti-Roma hate speech in public by the media and by influential political figures.

Recent examples of anti-Roma content by the media include:

- *Parlamentní listy*, and other media outlets suspected of having ties with the Russian government have been accused of spreading hoaxes and disinformation and they have been criticised as being racist and anti-Roma;<sup>29</sup>
- The Czech daily newspaper *Mladá Fronta Dnes* and its website *iDnes* have produced a series of articles<sup>30</sup> based on stereotypes related to Romani communities. The articles discussed a project in the town of Přerov whose goal was to employ people who had been out of work for a long time;
- Another Czech newspaper, *Právo*, published several misleading stories about Romani communities. These were criticised by the former head of the Agency for Social Inclusion Martin Šimáček;<sup>31</sup> and
- *Třída 8.A* (Class 8.A), a TV series, was criticised by several NGOs as being full of stereotypes and prejudices.<sup>32</sup>

There have also been many cases of discriminatory remarks or hate speech on the internet and social media. For example, Radek Banga, a Romani singer, was attacked on social media due to his ethnicity. The first instance court did not recognise that he had been a victim of a hate crime. However, the Czech Constitutional Court overturned the decision.<sup>33</sup> There have also been various hoaxes published on the internet relating to Romani communities. They include false and misleading rumours that Roma receive free entry to swimming pools, receive reimbursement of their taxi rides,<sup>34</sup> and that they do not have to pay for medication.<sup>35</sup>

29 romea.cz, *Czech-language disinformation websites spread pro-Kremlin propaganda, are anti-Romani and racist*, 31 July 2016. Available at: <http://www.romea.cz/en/news/czech-language-disinformation-websites-spread-pro-kremlin-propaganda-are-anti-romani-and-racist>.

30 e.g. iDnes.cz, *S problémy v přerovských ghettech budou bojovat i tři Romové a „gadžo“*, 30 April 2015. Available at: [https://www.idnes.cz/olomouc/zpravy/prerov-ghetta-kriminalita-romove-asistenci-prevence-kriminality.A150429\\_2159277\\_olomouc-zpravy\\_stk](https://www.idnes.cz/olomouc/zpravy/prerov-ghetta-kriminalita-romove-asistenci-prevence-kriminality.A150429_2159277_olomouc-zpravy_stk), or Idness.cz, *Přerov chce víc romských asistentů, řeší nepokoje i školní docházku*, 14 October 2015. Available at: [https://www.idnes.cz/olomouc/zpravy/prerov-chce-vic-romskych-asistentu.A151013\\_2198252\\_olomouc-zpravy\\_stk](https://www.idnes.cz/olomouc/zpravy/prerov-chce-vic-romskych-asistentu.A151013_2198252_olomouc-zpravy_stk).

31 Martin Šimáček, *Co (ne)přijí média o Romech aneb Co odmítl otisknout deník Právo*, 24 April 2012. Available at: <http://blog.aktualne.cz/blogy/martin-simacek.php?archive=2012-04&blogid=340>.

32 Lidovky.cz, *Omluvte se romským žákům, seriál Třída 8. A jim ublížil, vyzývají neziskovky ČT*, 29 July 2015. Available at: [https://www.lidovky.cz/domov/omluve-se-romskym-zakum-serial-mensine-ublizil-vyzvaji-neziskovky-ct.A150729\\_113118\\_in\\_domov\\_sk](https://www.lidovky.cz/domov/omluve-se-romskym-zakum-serial-mensine-ublizil-vyzvaji-neziskovky-ct.A150729_113118_in_domov_sk).

33 Vláda ČR: *Zpráva o stavu romské menšiny v České republice za rok 2018*, p. 7. Available at: <https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Zprava-o-stavu-romske-mensiny.pdf>.

34 romea.cz, *Czech racists spread their annual summertime lies about free entry to swimming pools for Romani people*, 3 July 2019. Available at: <http://www.romea.cz/en/news/czech/czech-racists-spread-their-annual-summertime-lies-about-free-entry-to-swimming-pools-for-romani-people>.

35 See: <https://www.hoax.cz/hoax/sok-v-lekarne---kdo-nemusi-platit-za-leky/>.

In politics, expressions of anti-Roma views are not limited to fringe extremist parties. There have been recent incidences of other political parties and certain political candidates targeting minorities, including Roma, as a means of gaining political points and votes from people with racial prejudices:

- In 2017, the site of Lety, a former concentration camp, was bought by the state in order to create a memorial.<sup>36</sup> Tomio Okamura, the leader of the Freedom and Direct Democracy Movement (SPD), and Miloslav Rozner, an MP from the same party, made statements contesting that Lety had ever been a concentration camp and that no-one was ever killed there. They were prosecuted, but the investigations were later terminated.<sup>37</sup> The views expressed by Okamura and Rozner were echoed by the current Prime Minister Andrej Babiš, who was the Minister of Finance and the Deputy Prime Minister in 2016. He stated that Lety was for people who “*did not want to work*”. Later, he apologised for his remarks.<sup>38</sup> On 25 April 2022, a Czech court sentenced Rozner to six months in prison, conditionally suspended for one year, for this statement.<sup>39</sup>
- The current President, Miloš Zeman, publicly made an unfounded statement that 90% of Roma are unemployed ‘unadaptables’.<sup>40</sup> This statement prompted many Roma to send photos from their workplaces to him.<sup>41</sup>
- Jiří Maria Sieber, who ran in the Senate elections for the Order of the Nation (Řád národa) movement, posted a hoax on Facebook claiming that Roma sell light bulbs in markets, which are given to them from the social welfare authorities, for profit.<sup>42</sup> Not long before that, he posted another hoax claiming that Roma are given new washing machines from the welfare authorities, which they then sell.<sup>43</sup>

<sup>36</sup> errc.org, *GENOCIDE AND THE PIG FARM: END IN SIGHT TO THE LETY CONTROVERSY*, 15 August 2017. Available at: <http://www.errc.org/news/genocide-and-the-pig-farm-end-in-sight-to-the-lety-controversy>.

<sup>37</sup> romea.cz, *Czech Police do not find politicians' remarks about Romani genocide site to have been criminal*, 16 October 2018. Available at: <http://www.romea.cz/en/news/czech/czech-police-do-not-find-politicians-remarks-about-romani-genocide-site-to-have-been-criminal>.

<sup>38</sup> Radio prague, *International: Finance Minister apologises for comments about Romanies and Lety camp*, 09 February 2016. Available at: <https://english.radio.cz/finance-minister-apologises-comments-about-romanies-and-lety-camp-8215427>.

<sup>39</sup> romea.cz, *Czech ex-lawmaker gets six months, suspended for one year, for his remark about the WWII-era concentration camp for Roma at Lety u Písku*, 30 April 2022. Available at: <http://www.romea.cz/en/news/czech/czech-ex-lawmaker-gets-six-months-suspended-for-one-year-for-his-remark-about-the-wwii-era-concentration-camp-for-roma-at>.

<sup>40</sup> reuters.com, *Czech president defends assertion that most Roma don't work*, 7 October 2018. Available at: <https://www.reuters.com/article/us-czech-roma-idUSKCN1MH0Q5>.

<sup>41</sup> romea.c, *European Roma flood Facebook with hundreds of photos of themselves at work, tell Czech President to stop insulting them*, 3 October 2018. Available at: <http://www.romea.cz/en/news/czech/european-roma-flood-facebook-with-hundreds-of-photos-of-themselves-at-work-tell-czech-president-to-stop-insulting-them>.

<sup>42</sup> romea.cz, *Czech Republic: Anti-Romani politician spreads hoax that Roma are bilking the state - through lightbulbs*, 19 September 2016. Available at: <http://www.romea.cz/en/news/czech/czech-republic-anti-romani-politician-spreads-hoax-that-roma-are-bilking-the-state-through-lightbulbs>.

<sup>43</sup> romea.cz, *Czech Republic: Politician spreads hoax that Roma get washing machines for free*, 06 August 2016. Available at: <http://www.romea.cz/en/news/czech/czech-republic-politician-spreads-hoax-that-roma-get-washing-machines-for-free>.

- During local elections in 2018, one of the candidates from a group called ‘Open Town Hall – Most’ posted an image of the group’s campaign flyer on its Facebook page, which read *“Poison alone is not enough for these pests?”* further adding *“Zero tolerance for unadaptables.”*<sup>44</sup> The head of the same group, Karel Novotný, is a former Deputy Industry and Trade Minister who had to leave the Czech Social Democratic Party (ČSSD) after posting on Facebook that *“Gypsies are like jellyfish - poisonous and useless?”*<sup>45</sup>
- In 2016, the Civic Democratic Party (ODS), during elections in Ústecký Region, tried to mobilise voters with a video clip which featured a slogan: *“Hey, gadje (non-Roma), why do you have time to sit down? Get to work so we’ll have enough money for welfare?”* The party had previously used a similar slogan back in 2008.<sup>46</sup>
- In 2012, Otto Chaloupka, an MP for the Public Affairs party, alleged that Roma are a burden to society. He said: *“What is problematic is that they cost a lot of money and don’t contribute anything, and that’s how it is with them from one generation to the next and they are making no effort to change that. They cost us hundreds of millions of crowns and what do we get for it? Physical attacks, robberies, shoplifting, etc.”* He was given a suspended prison sentence for this statement.<sup>47</sup>

<sup>44</sup> romea.cz, *Czech local election campaign slogan: “Poison alone is not strong enough for these pests” - meaning Romani people*, 7 September 2018. Available at: <http://www.romea.cz/en/news/czech/czech-local-election-campaign-slogan-poison-alone-is-not-strong-enough-for-these-pests-meaning-romani-people>.

<sup>45</sup> romea.cz, *Czech Deputy Trade Minister’s pay is docked after posting to Facebook that “Gypsies are like jellyfish - poisonous and useless”*, 15 September 2017. Available at: <http://www.romea.cz/en/news/czech/czech-deputy-trade-minister-s-pay-is-docked-after-posting-to-facebook-that-gypsies-are-like-jellyfish-poisonous-and-useless>.

<sup>46</sup> romea.cz, *Czech party revives anti-Romani slogan - “Gadje, get to work” - in Ústecký Region, and wins*, 9 October 2016. Available at: <http://www.romea.cz/en/news/czech/czech-party-revives-anti-romani-slogan-gadje-get-to-work-in-ustecky-region-and-wins>.

<sup>47</sup> romea.cz, *Czech MP Chaloupka (VV) makes xenophobic remarks about Roma*, 17 January 2012. Available at: <http://www.romea.cz/en/news/czech/czech-mp-chaloupka-vv-makes-xenophobic-remarks-about-roma>.



## Government initiatives to tackle anti-Roma discrimination

Successive governments have adopted strategies and plans to tackle socio-economic disadvantages faced by Roma, and since 1997 the Government Council for Roma Minority Affairs has advised the Czech government on issues relating to Roma inclusion.<sup>48</sup>

These initiatives have produced mixed results. The Roma Integration Concept for 2010–2013<sup>49</sup> included proposals for measures to tackle various social challenges faced by Roma, including education, employment, indebtedness, housing, and health. However, the concept was criticised for the absence of budget for individual measures and indicators of their impact, a weak mandate of the implementing body, lack of data, and poor engagement with private or non-profit stakeholders.<sup>50</sup>

In 2014, the Czech government adopted its Strategy for Roma Inclusion until 2020 (Strategie romské integrace do roku 2020), known as the National Roma Integration Strategy (NRIS).<sup>51</sup> The aim of this strategy is to reverse the negative trends regarding the socio-economic status of Roma in the Czech Republic by 2020, especially in the fields of education, employment, housing, and social affairs; to tackle discrimination; and to encourage the development of Romani culture and language.<sup>52</sup> In May 2021, the Czech Government adopted the Strategy of Equality, Inclusion and Participation of Roma until 2030. The main fields include emancipation, antigypsyism, education, housing, employment, and healthcare.<sup>53</sup>

NGOs submitted monitoring reports to the European Commission suggesting that the NRIS had had little positive impact on Roma inclusion, and criticised the strategy for being too complex and difficult to implement.<sup>54</sup> On one hand, the European Commission recognised

48 Available at: <https://www.vlada.cz/en/ppov/zalezitosti-romske-komunity/the-council-for-roma-community-affairs--50634/>.

49 Available at: [https://ec.europa.eu/info/sites/info/files/roma\\_czech\\_republic\\_strategy\\_en.pdf](https://ec.europa.eu/info/sites/info/files/roma_czech_republic_strategy_en.pdf).

50 Open Society Foundations, *Review of EU Framework National Roma Integration Strategies (NRIS)*, 2012. Available at: <https://www.opensocietyfoundations.org/uploads/81782e4a-184d-4514-9591-330c5f07f28f/roma-integration-strategies-20120221.pdf>.

51 Czech version available at: [https://ec.europa.eu/info/sites/info/files/roma\\_czech\\_republic\\_strategy2\\_cs.pdf](https://ec.europa.eu/info/sites/info/files/roma_czech_republic_strategy2_cs.pdf).

52 *Ibid.*, p. 21.

53 romea.cz, *Czech Govt approves crucial Strategy on including Romani people, Commissioner for Romani Affairs to be created*, 2021. Available at: <http://www.romea.cz/en/news/czech/czech-govt-approves-crucial-strategy-on-including-romani-people-commissioner-for-romani-affairs-to-be-created>.

54 For a more detailed evaluation of the Strategy by NGOs please see the following reports: IQ Roma servis, Liga lidských práv, Otevřená společnost, Romea, Romodrom, Slovo 21, *Civil society monitoring report on implementation of the national Roma integration strategies in Czech Republic Focusing on structural and horizontal preconditions for successful implementation of the strategy*, February 2018. Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-1-czech-republic-2017-eprint-fin.pdf>; Slovo 21, Romodrom, Otevřená společnost, IQ Roma Servis, Romano Jasnica, Romea, *Civil society monitoring report on implementation of the national Roma integration strategy in the Czech Republic Assessing the progress in four key policy areas of the strategy*, November 2018, Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-2-czech-republic-2018-eprint-fin-2.pdf>; IQ Roma Servis, Otevřená společnost, Romano Jasnica, Romea, Romodrom, Slovo 21, *Civil society monitoring report on implementation of the national Roma integration strategy in the Czech Republic Identifying blind spots in Roma inclusion policy*, November 2019. Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-3-czech-republic-2019-eprint-fin.pdf>.

that certain improvements were made, including the development of kindergarten capacities, introduction of obligatory pre-school education, and the introduction of national health programmes.<sup>55</sup> However, it also reported on challenges, including problems with access to legal protection and rights awareness, lack of legislation on social housing, and insufficient knowledge of health professionals on issues particularly affecting Romani people.

Since 2009, the role of the Czech Ombudsperson (officially, the public defender of rights) has included that of the national equality body, working to tackle discrimination on the basis, *inter alia*, of race and ethnicity.<sup>56</sup> However, there has been inconsistent support for Roma rights from Ombudspersons in recent years. The former Ombudsperson, Anna Šabatová, was regarded highly for her significant work on cases related to violations of rights of Roma in the Czech Republic. The office under her leadership is considered to have played a pivotal role by devoting major efforts to raising awareness about the unlawful discrimination Roma are faced with, which has led to an increased volume and quality of case-law on anti-Roma discrimination.<sup>57</sup>

However, the current Ombudsperson, Stanislav Křeček, has been criticised for downplaying the seriousness of anti-Roma discrimination. He claimed that discrimination against Romani people in the Czech Republic is just a “marginal” problem and that no special treatment should be given to them.<sup>58</sup> Before he was elected, he had stated that he would not deal with discrimination against Roma because this issue should instead be addressed by courts.<sup>59</sup>

<sup>55</sup> Available at: [https://ec.europa.eu/info/sites/info/files/swd2019-320-final\\_report\\_on\\_the\\_implementation\\_of\\_national\\_roma\\_integration\\_strategies\\_en.pdf](https://ec.europa.eu/info/sites/info/files/swd2019-320-final_report_on_the_implementation_of_national_roma_integration_strategies_en.pdf).

<sup>56</sup> See: <https://www.ochrance.cz/en/pusobnost/rovne-zachazeni-a-diskriminace/>.

<sup>57</sup> European network of legal experts in gender equality and non-discrimination, *Roma and the enforcement of anti-discrimination law*, 2017, p. 13. Available at: <https://ec.europa.eu/newsroom/just/redirection/document/47560>.

<sup>58</sup> romea.cz, *Czech Public Defender of Rights says he is against “special treatment” for Romani people*, 20 July 2020. Available at: <http://www.romea.cz/en/news/czech/czech-public-defender-of-rights-says-he-is-against-special-treatment-for-romani-people>.

<sup>59</sup> romea.cz, *Czech President’s nominee for ombudsman says he would not deal with discrimination against Roma if chosen because that’s what the courts are for*, 17 January 2020. Available at: <http://www.romea.cz/en/news/czech/czech-president-apos-s-nominee-for-ombudsman-says-he-would-not-deal-with-discrimination-against-roma-if-chosen-because-that>.

## Representation of Roma in the criminal justice system

There is very little reliable ethnic data in the Czech Republic, and there are no statistics that estimate the proportion of Roma in the criminal justice system. Individuals interviewed for this study were not able to provide accurate estimates of the proportion of criminal defendants that come from Romani communities, but many were of the view that Roma are over-represented in the criminal justice system.

All lawyers, and most prosecutors, interviewed for this research seemed to believe that Roma are overrepresented in the criminal justice system. Lawyers' estimates of the proportion of Romani defendants in the criminal justice system ranged between 20% to 50%, whereas prosecutors' estimates ranged between 5% and 50%. Prosecutors thought that the proportion of Romani defendants depended on the proportion of the Romani population in the given locality, and on the type of criminal offence. For example, one respondent estimated that almost half of individuals accused of small thefts were Roma, whereas for other crimes, they represented about 20% to 30% of defendants. There were some judges who also provided estimates, which ranged between 30% to over a half of all defendants, but they argued that this proportion corresponded to the demographic composition in the given locality.

Not all of the Romani interviewees felt able to confirm whether Roma are overrepresented in the criminal justice system, but some believed that Roma made up a disproportionately large number of people in prison.

*"In prison 'B' here, most of the inmates are young Roma men."*  
(Interview 26, Romani Interviewee)

This was consistent with the accounts of various defence lawyers, who believed that the majority of people in prison are Roma.

*"When I visit the prison, as far as I can see, the majority of the inmates are Roma."* (Interview 1, Defence Lawyer)

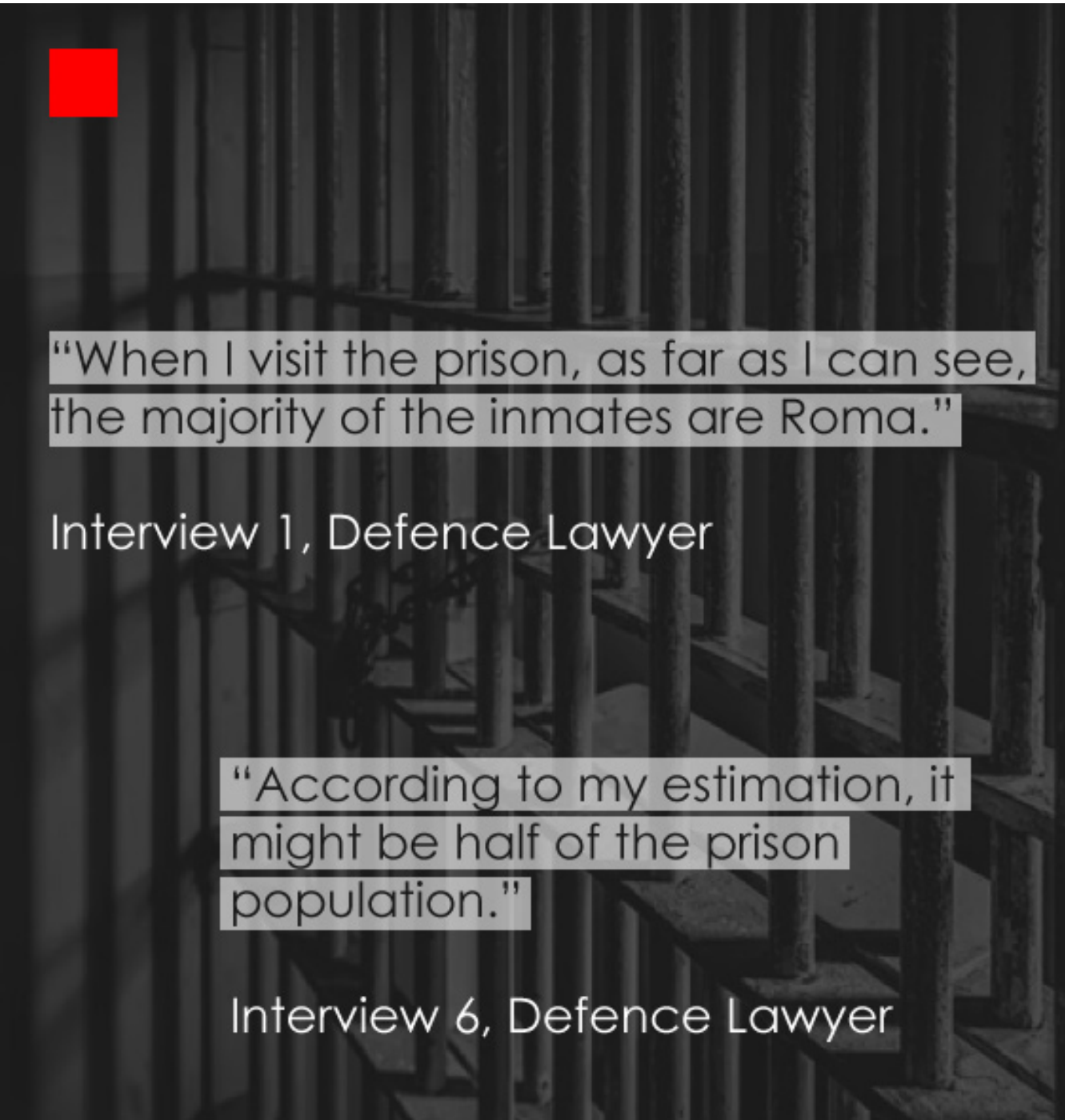

*"According to my estimation, it might be half of the prison population."*  
(Interview 6, Defence Lawyer)

There was some suggestion that there is an especially high proportion of Romani children in the criminal justice system. One prosecutor estimated that the proportion of Romani children below the age of criminal responsibility within her caseload at 35%, 20% for juveniles, but only 10% for adults. She explained that the main reasons for such overrepresentation of Romani children and juveniles were social challenges (poverty, education, housing) and weaker educational influence from the family.

Most of the respondents agreed that they encountered Romani defendants when trying less serious property-related crimes, such as thefts, robberies, but sometimes also disorderly conduct.



A few mentioned the offence of obstruction of justice in connection with driving without a licence or despite having a driving ban. Family-related offences were also mentioned, such as failure to send children to school or failure to pay child support.



"When I visit the prison, as far as I can see, the majority of the inmates are Roma."

Interview 1, Defence Lawyer

"According to my estimation, it might be half of the prison population."

Interview 6, Defence Lawyer

## Causes of overrepresentation

Interviewees offered different opinions on the possible causes of Romani overrepresentation in the Czech criminal justice system.

There was a general perception amongst Romani interviewees that the criminal justice system is unfair, and most expressed some level of distrust in the system.

*“The courts are not fair, but it is the same for us as for the ‘gadje’ (non-Roma).”* (Interview 27, Romani Interviewee)

*“When boys get into a fight, only we (Roma) go to prison.”* (Interview 16, Romani Interviewee)

Most lawyers acknowledged that discrimination against the Romani community is a serious challenge. However, there were varying views about the impact of such discrimination on the criminal justice system. Four of the lawyers, including those who worked with the Romani community more closely, described strong bias and discrimination against Roma within the criminal justice system, and three of them spoke directly of “institutional racism”.

Those who mentioned institutional racism described a system where the odds are stacked against Romani defendants or victims of crimes due to deeply rooted prejudice and stereotypes.

*“The system is extremely resistant (to changes) and in its core, systematically racist.”* (Interview 15, Defence Lawyer)

Some lawyers pointed out that prejudices and stereotypes against Roma are present at all levels of the criminal justice system:

*“There is a perception within the criminal justice system that only Roma people commit crimes, that it is getting worse, that they commit serious criminal offences, which is not true. There is a perception that if Roma are present in the locality, there will be a lot of work for the authorities to do”.* (Interview 2, Defence Lawyer)

*“The fight against prejudice is present at all levels of criminal justice system, including for example at the Ministry of Justice when you ask for monetary assistance for victims of crimes. They deny these requests with such a reasoning that we are ashamed to read it to the clients (...) The Ministry wrote for example that the petitioner is not looking for work and he should support himself (...) they would never write this to a non-Roma victim.”* (Interview 15, Defence Lawyer)



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## Interview 2, Defence Lawyer

However, there were some lawyers (about half of those interviewed) who denied the existence of bias or discrimination against Roma (or other groups) in the criminal justice system. They denied the possibility of bias because the law is equally applicable to everyone.

This tendency to deny the existence of anti-Roma discrimination was consistent with the views held by the majority of prosecutors and judges interviewed for this research. Among the prosecutors, five of the seven who were interviewed categorically denied any discrimination against Romani defendants in the criminal justice system. All the judges denied that there was any discrimination against Roma in the criminal justice system.

According to one prosecutor, the overrepresentation of Roma within the criminal justice system might be connected with the ‘less sophisticated’ nature of their criminal activities, which may lead to the situation that these crimes are easily uncovered (Interview 12, Prosecutor).



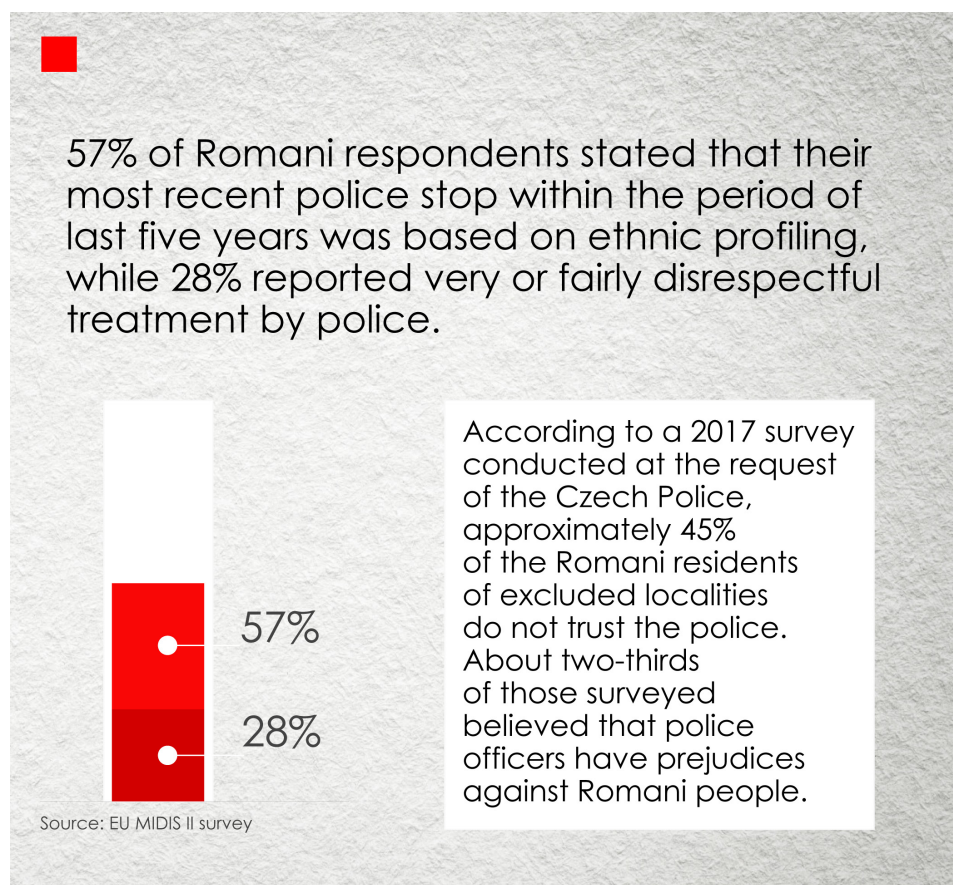


“The fight against prejudice is present at all levels of criminal justice system, including for example at the Ministry of Justice when you ask for monetary assistance for victims of crimes. They deny these requests with such a reasoning that we are ashamed to read it to the clients (...) The Ministry wrote for example that the petitioner is not looking for work and he should support himself (...) they would never write this to a non-Roma victim.”

Interview 15, Defence Lawyer

## Policing

Although there has been very little research on anti-Roma discrimination in the criminal justice system, the limited data that does exist provides some insight into policing practices in the country. According to the EU MIDIS II survey, 57% of Romani respondents stated that their most recent police stop within the period of last five years was based on ethnic profiling, while 28% reported very or fairly disrespectful treatment by police. According to a 2017 survey conducted at the request of the Czech Police, approximately 45% of the Romani residents of excluded localities do not trust the police. About two-thirds of those surveyed believed that police officers have prejudices against Romani people.<sup>60</sup>



There have been various reports of discriminatory, and sometimes abusive, practices by the police. In 2016, police officers were accused of abuse of power for using coercive measures

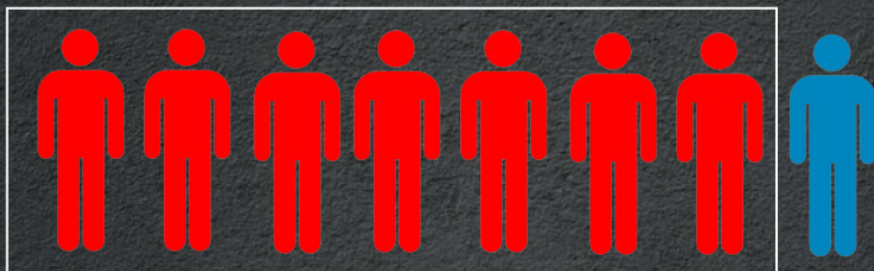
<sup>60</sup> romea.cz, *Czech survey finds 45 % of Romani ghetto residents don't trust police, 42 % do*, 26 April 2017. Available at: <http://www.romea.cz/en/news/czech/czech-survey-finds-45-of-romani-ghetto-residents-don-t-trust-police-42-do>.



against Romani workers who were harvesting technical hemp. The court has acquitted them.<sup>61</sup> In 2018, two police officers who used ill-treatment to force a Romani man to confess to a crime he did not commit were prosecuted by the General Inspectorate of Security Forces.<sup>62</sup> In 2019, an off-duty police officer from the Karlovy Vary Regional Police Directorate assaulted an 11-year-old Romani boy whom he saw smoking.<sup>63</sup>

Reports of discrimination and abusive use of power were corroborated in the interviews. In particular, it was apparent that it was common for Roma to be stopped by the police. Seven of the eight Romani interviewees had been stopped by the police in a public space or in a vehicle in the last year.

Seven of the eight Romani interviewees had been stopped by the police in a public space or in a vehicle in the last year.



<sup>61</sup> romea.cz, *Czech court acquits police officer, says use of force against Romani harvester was legal, state to appeal*, 17 June 2018. Available at: <http://www.romea.cz/en/news/czech-court-acquits-police-officer-says-use-of-force-against-romani-harvester-was-legal-state-to-appeal>.

<sup>62</sup> romea.cz, *Czech Inspector-General prosecuting two police officers for torturing Romani man into a false confession*, 18 September 2018. Available at: <http://www.romea.cz/en/news/czech/czech-inspector-general-prosecuting-two-police-officers-for-torturing-romani-man-into-a-false-confession>.

<sup>63</sup> romea.cz, *Czech off-duty police officer assaults Romani children for smoking*, 16 August 2019. Available at: <http://www.romea.cz/en/news/czech/czech-off-duty-police-officer-assaults-romani-children-for-smoking>.

*“It used to happen to me more often before, like I was stopped every other day.”* (Interview 23, Romani Interviewee)

*“They stop me to check my documents at least once in ten days recently. They see me standing at the corner with a bag and they think I am a dealer or something.”* (Interview 26, Romani Interviewee)

Most of the Romani respondents agreed that police might be using ethnic profiling against Roma.

*“It happens all the time. They have nothing against ‘gadje’ (non-Roma) and then they meet a Roma and stop him.”* (Interview 24, Romani Interviewee)

*“It happened to me several times in the evening that police controlled my documents, they were probably searching for some perpetrator and I resembled him.”* (Interview 25, Romani Interviewee)

There was some evidence of over-policing of areas with higher concentrations of Roma. Most of the Romani respondents were of the opinion that police patrols are more often present in Romani localities.

*“They used to stop me all the time when I was living in P. (Roma segregated locality). Police used to go there in order to catch young Roma boys and question them about drugs.”* (Interview 23, Romani Interviewee)

*“Yes, they are here every day, they search for somebody, they control us.”* (Interview 24, Romani Interviewee)

*“They watch to see if we do something.”* (Interview 27, Romani Interviewee)

One respondent thought that the approach of the traffic police differs according to the locality.

*“They are more present in the north. They stop older cars that could be Roma’s. Some Roma rather don’t drive to avoid encounter with the police.”* (Interview 16, Romani Interviewee)

Interviewees also reported incidences of open and obvious anti-Roma discrimination by the police. Three of the Romani respondents claimed to have experienced or witnessed *discriminatory or racist remarks* against Roma from police officers (both municipal and state police). Four of the Romani interviewees stated that they heard or experienced police officers *being on a first-name terms* towards Romani persons without knowing them, but this happened only occasionally.

Three of the Romani respondents described serious levels of intimidation and violence by the police.

*"Boys usually get few slaps (from the police officers)." (Interview 16, Romani Interviewee)*

*"There was an incident two months ago where a Roma boy took down his facemask in front of the supermarket because he was eating, and the police officer immediately grabbed him 'under the neck' so hard that he was bleeding from his mouth." (Interview 23, Romani Interviewee)*

*"You will never win over them, not people like us." (Interview 23, Romani Interviewee)*

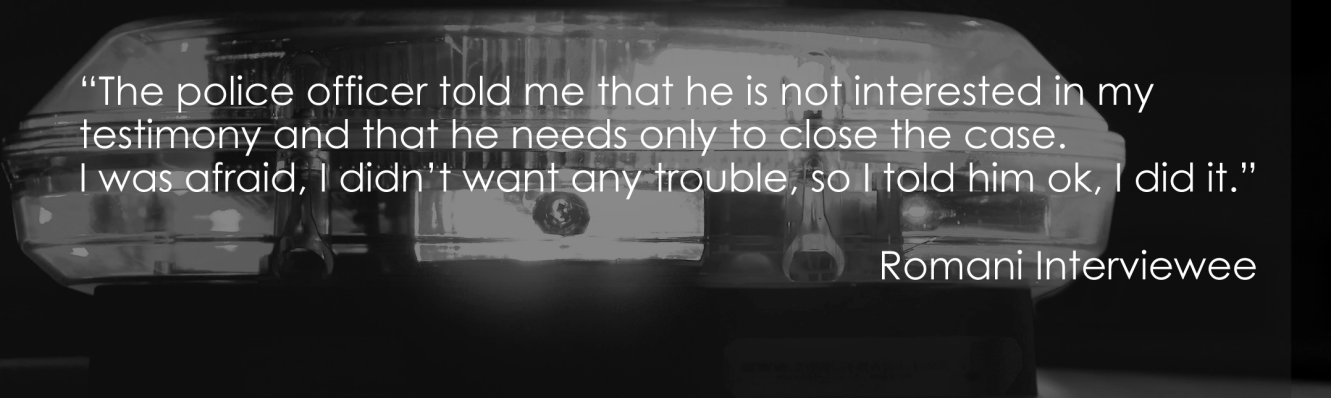
*"When the police came for me to take me for questioning, they put handcuffs on me. I think it was because I am a Roma." (Interview 23, Romani Interviewee)*

One Romani respondent mentioned that the level of intimidation and harassment was such that he once ended up admitting guilt despite not having committed the crime.

*"The police officer told me that he is not interested in my testimony and that he needs only to close the case. I was afraid, I didn't want any trouble, so I told him ok, I did it." (Interview 23, Romani Interviewee)*



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Romani Interviewee



Anti-Roma attitudes in the police were also evident from the ways the police responded to crimes committed against Roma.<sup>64</sup> One Romani respondent described the local police as consistently indifferent to her repeated complaints about threats from a family member.

*“If we were not Roma, police would take my complaints seriously. Because we are Roma, they think it is a family problem.”* (Interview 21, Romani Interviewee)

Illustrative of the more lenient approach of the police towards investigated crimes against Roma victims is an incident in 2016 when local police failed to protect a Romani man who was attacked by non-Roma in a restaurant and died of the injuries. The investigation is still ongoing and the family of the victim finds the process extremely unfair.<sup>65</sup>

Accounts given by Roma regarding interactions with the police were largely consistent with the experiences of lawyers, several of whom recalled incidences of disrespectful, discriminatory, and sometimes abusive treatment of Romani defendants and victims.

One lawyer mentioned that police activities were based on negative stereotypes and that these stereotypes may influence the decision which persons and which crimes are investigated and ultimately uncovered.

*“When there is child abuse and the perpetrator is a poor Roma person, it is easier to push for conviction than when the perpetrator is a white teacher.”* (Interview 2, Defence Lawyer)

Another relevant factor may be local connections, as police officers get to know the local people and if they are aware that a certain person has a driving ban they are more likely to stop that person.

Two of the lawyers interviewed described systemic prejudicial behaviour of police officers towards Roma, even when they happen to be in the position of victims of crimes. They noticed notable differences in the attitudes of police officers in the way they handled and investigated criminal complaints against Romani and non-Romani victims. They noted that police officers were more likely to be empathetic towards non-Romani complainants, whereas they often treat Romani victims without basic decency.

*When you come to the police station and they tell you – ‘What do you want with these ‘gypsies’?’ – you know from the very beginning that cooperation would be very problematic.”* (Interview 15, Defence Lawyer - speaking about victims of crimes)

<sup>64</sup> For example see: romea.cz, *Out-of-town youth assault Romani child and then other Roma in Sokolov - Czech Police defused the conflict and are investigating, local Roma not happy with their response*. 25 July 2022. Available at: <http://www.romea.cz/en/news/czech/out-of-town-youth-assault-romani-child-and-then-other-roma-in-sokolov-czech-police-defused-the-conflict-and-are>.

<sup>65</sup> romea.cz, *Žatec*. Available at: <http://www.romea.cz/cz/stitek/zatec>.

*“Of course, there are some wonderful police officers, prosecutors and judges, but it is the system as a whole that is simply wrong. (Roma people) a priori are not trusted, it is presumed a priori that they have caused their misfortune themselves, (...) their criminal record is a priori counted against them, (...)”* (Interview 15, Defence Lawyer - speaking about victims of crimes)

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Interview 15, Defence Lawyer - speaking about victims of crimes

There was some evidence of unjustified and abusive use of force by the police, and it was apparent that such incidents were not properly investigated. One lawyer also mentioned a case where an off-duty police officer slapped two 12-year-old Romani boys for smoking on the street. The complaint against the police officer was dismissed, whereas one of the Romani boys was sent with his parents to social services for smoking and being rude to adults. The lawyers also mentioned an older case from 2012-2013 where a Romani family was stopped by the traffic police. After a verbal exchange, they were physically assaulted by police officers, before being handcuffed and arrested. Despite having video recordings of the incident the complaints against the police officers were dismissed, but the three Roma who were attacked by the police officers were convicted for assaulting public officials. The defendants chose not to appeal against the conviction because they had little confidence that they would receive justice at the higher courts.

There was far less agreement among prosecutors and judges that Roma experienced discrimination from the police. However, some prosecutors were able to provide examples of anti-Roma attitudes. One mentioned that he had heard police officers being on first-name terms with persons of Romani ethnic origin outside the court room, but that this cordiality never continued in the court room.

*“They might have known each other from a previous encounter, but it still seemed as though (the police officer) was asserting his superiority.”*  
(Interview 13, Prosecutor)

None of the prosecutors interviewed for this research claimed prior knowledge of ethnic profiling. After the definition was explained, three of them admitted that there might be some ethnic profiling by the police. According to one respondent, although police might use ethnic profiling to a certain extent, the impact of such profiling is limited because the police usually investigate crimes based on the criminal complaints of victims (or other persons).

## Prosecutors

There have been some reports of discriminatory views expressed by criminal justice decision-makers. These include those made by JUDr. Zdeňka Galková, a public prosecutor, who is reported to have used a racist website as a source of evidence, defended the use of anti-Semitic speeches, and made unfounded criticisms of research by Amnesty International on discrimination against Romani children.<sup>66</sup> Despite this, most prosecutors denied that there was any discrimination against Roma in the prosecution service. Most of the interviewed prosecutors claimed that they were not looking at ethnicity when prosecuting the crimes and that ethnicity of perpetrators played no role within their work.

However, one respondent accepted that attitudes of people working in the prosecution service reflect discriminatory attitudes prevalent in society. These attitudes are sometimes clearly expressed by people in the prosecution service, such as in the form of stereotypical jokes about Roma. Despite acknowledging the existence of such attitudes, this respondent still claimed that discriminatory views were not reflected in the decision-making process.

Despite denials of anti-Roma discrimination in the prosecution service, it was clear from the interviews that some prosecutors held harmful stereotypical views of Roma. A few mentioned that Romani defendants tend to lie as part of their strategy.

*“They are such ‘fairy tale tellers’, and this may influence the way the criminal justice system approaches them.” (Interview 17, Prosecutor)*

Another respondent stated that Romani defendants are generally very emotional. Two respondents mentioned that the typical defence strategy of Romani defendants is to accuse police of having forced them to testify or that the police are biased against them.

There was limited criticism of anti-Roma discrimination from Romani interviewees and lawyers that was specifically directed at prosecutors, but one lawyer suggested that Romani defendants are sometimes charged with more serious offences than their non-Roma counterparts for similar acts. For example, Romani defendants were more likely to be charged with robbery, rather than theft.

<sup>66</sup> romea.cz, *Czech online daily wants public prosecutor disciplined for anti-Romani prejudice*, 19 April 2016. Available at: <http://www.romea.cz/en/news/czech/czech-online-daily-wants-public-prosecutor-disciplined-for-anti-romani-prejudice>.

## Judges

There was outright denial by all judges interviewed for this research that racist or discriminatory attitudes had any impact on their work. They claimed that ethnicity plays no role in their decisions, and that Romani defendants were no more likely to be perceived by judges as guilty than others because the principle of the ‘presumption of innocence’ prevents them from taking such views.

*“Justice is blind towards race.”* (Interview 11, Judge)

*“We do not look at ethnicity during the court trial.”* (Interview 8, Judge)

One judge admitted that older judges might trust Romani defendants less than others, but he attributed this to their ‘experience’, rather than discrimination or bias.

Romani interviewees who had been in conflict with the criminal justice system described both positive and negative experiences with judges, depending on the court and/or the individual judge. Those who had had negative experiences gave accounts of rushed hearings where they felt as though there was little consideration for their individual circumstances, and some suspected that their case had been decided beforehand and that they had no chance of influencing the outcome of their cases in court.

*“The judge at the first instance court was great, he took everything in the account, explained everything. The judges at the appellate court, however, had their decision prepared beforehand.”* (Interview 21, Romani Interviewee)

*“The judge didn’t want to know why I couldn’t pay child support. It all took 5 to 10 minutes.”* (Interview 22, Romani Interviewee)

Some detected implicit or silent bias from the judges, noting sighs or looks from judges or a generally hostile environment in the court room:

*“You should have seen those outrageous looks.”* (Interview 16, Romani Interviewee)

*“It was very unpleasant. Nobody believed us.”* (Interview 21, Romani Interviewee)

One participant described verbal communication between him (as a witness) and a judge as follows:

*“They summoned me once for a questioning before the court in relation to a case. I had no idea what the case was about... But the judge when he saw me entering the court room, he sighed and when I refused to speak. He told me – ‘If you are from here, you know what the case is about. We will meet again; this is not going to end well for you.’ – I had no idea why; I had seen him for first time.”* (Interview 23, Romani Interviewee)

Most of the interviewed lawyers described judges’ attitudes towards Romani defendants as professional, and sometimes educational or paternalistic. However, a minority of those interviewed suspected that some judges might have internal or even open bias against Romani people:

*“You can see it from the face of the judge when he/she enters the court room.”* (Interviews 1 and 15, Defence Lawyers)

*“I cannot say it for everybody but from among of those I met – be it police officers, prosecutors or judges - a lot of them were prejudicial.”* (Interview 15, Defence Lawyer)

In a few cases, lawyers mentioned negative experiences with some judges, such as interrupting the defendant, talking too fast, the use of formal language, and refusing requests for confidential client-lawyer discussions (Interview 1, Defence Lawyer). Some judges, on the other hand, were described as being professional and diligent in explaining criminal procedure to defendants, and making sure they understand or using simpler language to make sure the defendant understands (Interviews 1 and 6, Defence Lawyers).

*“I also have prejudices, for example I am entering the court room and I am afraid that the judge will act like a racist. I am building in my prejudices or fears in the case. But it is not always the case, I also have experience with very correct and professional judges.”* (Interview 2, Defence Lawyer)

Four of the respondents suspected that stereotypical perceptions about Romani people may have an influence on judges’ decisions. Four of the lawyers also agreed that judges are more likely to consider Romani defendants guilty than non-Roma.

*“I think the principle ‘in dubio pro reo’ is simply not applied in these cases.”* (Interview 1, Defence Lawyer)



## Lawyers and legal representation

It was apparent from interviews with Romani respondents that a significant proportion of Romani defendants had difficulties accessing legal assistance. Most Romani interviewees stated that they had no defence lawyer in their criminal proceedings, either because they did not know how to obtain legal assistance or could not afford it. Others complained about the ineffectiveness of lawyers appointed on legal aid.

*“I had no defence lawyer in the court proceedings, but the other defendants had one. I had not asked for one because I didn’t know how.”*  
(Interview 23, Romani Interviewee)

*“My partner got an ex officio defence lawyer, but we were not happy with her, she did nothing, she was not interested in the case. We decided to find and pay our own defence lawyer.”* (Interview 21, Romani Interviewee)

*“I was there alone; I didn’t know how to defend myself.”* (Interview 22, Romani Interviewee)

The lack of legal assistance also had an impact on the fairness of criminal proceedings. Some respondents recalled that they did not understand criminal procedures properly, which made it much harder to defend themselves.


*“I couldn’t understand some parts of the process and when I asked, the judge explained but he was not forthcoming to do it.”* (Interview 23, Romani Interviewee)

*Some Roma are totally lost in the system; they are reluctant to engage with the authorities to solve their problems. In general Roma pull the shorter end before the authorities because they do not understand the system.”* (Interview 16, Romani Interviewee)

One Romani respondent stated that her partner could not file an appeal in his criminal case because there was no money left to cover the legal representation.

Lawyers interviewed for this research largely agreed that Romani defendants experienced difficulties accessing effective legal assistance.

Four of the lawyers emphasised that legal aid and legal representation are especially crucial for Romani defendants because in general they have limited knowledge about the criminal justice system, and because of the likelihood that they will experience discrimination.



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## Interview 16, Romani Interviewee

*“There is an enormous need of free legal advice or representation of Romani defendants, or more generally, underprivileged defendants. A lot of our clients already have a criminal record and if you look at these files more closely, you can see that if they had had normal legal defence, they would not have been prosecuted at all, they would have received a less harsh sentence, or they would have been prosecuted for a different criminal offence. For example, there are a lot of young Roma men, around 30 years old, who have criminal record for violent crimes committed when they were under 18 years old. These were various (pub, street) fights for which they received conditional prison sentences.” (Interview 15, Defence Lawyer)*

However, one lawyer worryingly suggested that courts often refused requests for free legal defence<sup>67</sup> to Romani defendants. Criminal courts often found ‘excuses’ to refuse legal aid to Romani defendants, such as where the defendant is young and healthy and be ‘expected’ to earn enough money to pay the legal costs for criminal defence privately.

<sup>67</sup> Section 33 (2) of the Criminal Procedure Code. Free legal defence is a different institute than mandatory legal representation which, in fact, is not free, because legal costs are later enforced against defendants as a debt towards the state.



There were also concerns about the quality of legal assistance, especially amongst state-appointed lawyers. While half of the lawyers taking part in this study thought that defence lawyers provided the same level of assistance and support to all clients irrespective of whether they were state-appointed or engaged privately, others were more critical and recalled cases where Roma were given sub-standard legal assistance.

*“A lot of ex officio attorneys are oblivious to how the case will end, and they do not fight for their clients. And what this the crucial problem is that nobody trusts (Roma) people.”* (Interview 15, Defence Lawyer)

*“I have experience with prejudicial behaviour of defence lawyers in Roma cases. They give up on the case, Roma defendants just have no chance. There is also a link to poverty: the poorer the defendant, the lesser chance of success. It is all interconnected.”* (Interview 2, Defence Lawyer)

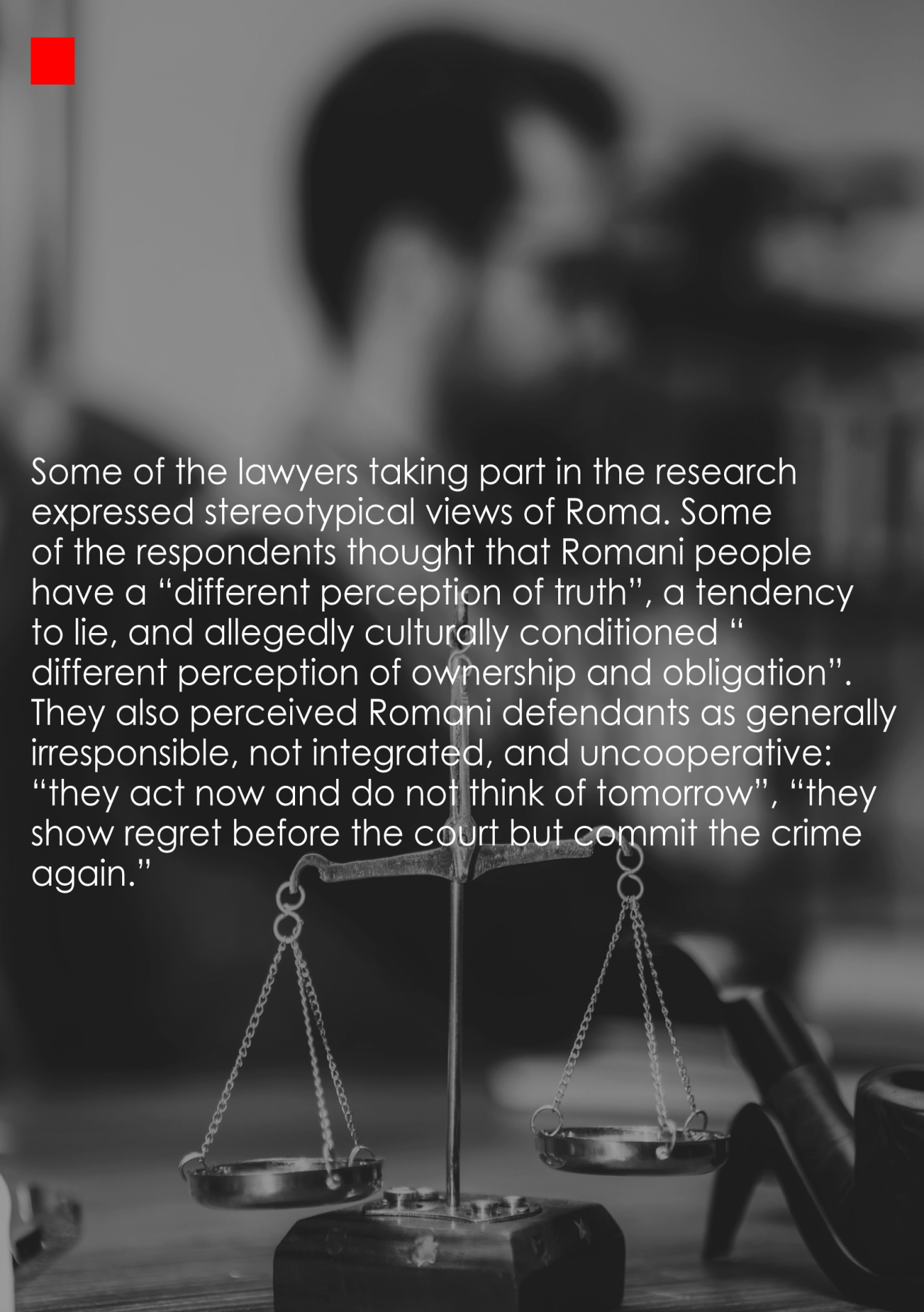
One lawyer also mentioned that it is difficult to build trust with Romani clients if one is appointed as their *ex officio* lawyer.

*“They take me as a part of the system. It is harder to build trust with Roma defendants. I think it is because of their experience with other ex officio lawyers.”* (Interview 2, Defence Lawyer)

Interviews with defence lawyers also suggested that the ineffectiveness of legal assistance might also be due to discriminatory attitudes of the lawyers themselves. Some of the lawyers taking part in the research expressed stereotypical views of Roma. Some of the respondents thought that Romani people have a “different perception of truth”, a tendency to lie, and allegedly culturally conditioned “different perception of ownership and obligation”. They also perceived Romani defendants as generally irresponsible, not integrated, and uncooperative: “they act now and do not think of tomorrow”, “they show regret before the court but commit the crime again.”

These do not seem to be isolated examples, but a reflection of a wider culture of anti-Roma discrimination in the legal profession. One lawyer highlighted an extremely offensive cartoon published in the Bulletin of the Bar Association in 2006 which demonstrated the levels of prejudice among lawyers. The cartoon depicted a lawyer in his office with a Romani family comprised of a mother holding two babies and five children standing around the lawyer’s table. The depiction says: “I have nothing to pay with, Sir. But I can leave you one of my children... please choose.”

Discriminatory attitudes by some lawyers were also detected by other criminal justice professionals. One prosecutor recalled a case where a defence lawyer refused to represent a Romani defendant simply because of their ethnicity.



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## Criminal justice outcomes

The absence of ethnically disaggregated criminal justice data in the Czech Republic makes it difficult to assess whether societal discrimination against Roma has any impact on criminal justice outcomes. However, interviews with Romani people, defence lawyers, and criminal justice decision-makers indicated that there was a common perception that there are disparate criminal justice outcomes which are caused both by prejudicial attitudes, as well as laws and policies that disproportionately impact Roma.

### Pre-trial detention

Interviewees were unable to confirm Romani defendants were more likely to be detained pre-trial, but there was some acknowledgement, especially by certain defence lawyers, prosecutors, and judges, that socio-economic factors, such as a lack of stable address or unemployment, might lead to a disproportionate number of Roma in pre-trial detention. Continuation or repeating of crimes were also mentioned among the factors contributing to likelihood of a person being taken to pre-trial detention.

According to others, Romani defendants are perceived as less trustworthy which may play a role in decisions regarding pre-trial detention. According to one respondent, *“the authorities are less reluctant to interfere with rights of Roma persons than non-Roma persons when comes to deprivation of liberty”* (Interview 2, Defence Lawyer). However, in some cases anti-Roma prejudice seemed to favour pre-trial release. One defence lawyer mentioned a case where a judge refused to order a pre-trial detention for a Romani defendant who threatened a family with a knife saying that *“in some ethnic communities such behaviour is normal”*.

### Sentencing

There was a common perception amongst interviewees, and in particular the Romani respondents and defence lawyers, that Romani defendants receive harsher sentences. Although several respondents appeared to believe that this was due to direct discrimination, others blamed sentencing laws and socio-economic factors that lead to disparate sentencing outcomes.

Some defence lawyers expressed that Romani defendants receive harsher sentences due to prejudicial attitudes, and even provided examples of clearly discriminatory sentencing decisions.

*“People often say that Roma are not being punished for their crimes. From my experience, it is exactly the opposite, they are punished very harshly.”* (Interview 1, Defence Lawyer)

*“... he received an unconditional prison sentence for theft despite being prosecuted for the first time. I think it must have been some kind of prejudice behind it...”* (Interview 2, Defence Lawyer)

*“In my experience, prosecutors always push for a conviction, regardless of the circumstances. They take any other result as failure.”* (Interview 2, Defence Lawyer)

Case study:

One respondent described a case where a Romani couple got into a fight with a group of neo-Nazis. The Romani man was prosecuted for supposedly having hit a woman with his fist two to four times (the woman only suffered a small bruise on her lip), and three neo-Nazis were prosecuted for having attacked his girlfriend. The judge trying the Romani man rejected the argument that had the defendant really hit the woman as alleged she would have suffered more serious injuries, and refused to order an expert examination in this regard. The Romani man was convicted for attempt to cause bodily harm and disorderly conduct and received an 18-months conditional prison sentence. The three neo-Nazi defendants were acquitted of both charges; the disorderly conduct and causing actual bodily harm.

However, there was also some suggestion from lawyers that the over-incarceration of Romani defendants was not only due to prejudicial attitudes of decision-makers, but also because of sentencing laws that disproportionately affect Roma. Lawyers and judges expressed concerns about sentencing laws for repeated thefts. According to the Criminal Code, if a person is convicted of theft within the preceding three years (irrespective of the seriousness of the crime), that person can be sentenced to between six months and three years in prison.<sup>68</sup> This has created situations where a person can go to prison for having stolen a loaf of bread from a supermarket.<sup>69</sup>

Almost all defence lawyers and judges perceived this legislation as unnecessarily strict and unfair, because it effectively criminalises poverty. One respondent described this legislation as a “provision for Gypsies” but then corrected the statement by saying that it is rather a provision for the poor, “provision for Jean-Val-Jeans”.


*“It was a populist demand to criminalise Roma, criminalise the poor.”* (Interview 2, Defence Lawyer)

*“This is simply evil. It is a carousel that will never end.”* (Interview 15, Defence Lawyer)

*“We are very often dealing with Article 205(2) of the Criminal Code which means repeated thefts. The legislative setting is unfortunate.”* (Interview 10, Judge)

<sup>68</sup> Section 205 (2) of the Criminal Code.

<sup>69</sup> See for example a report published by the police: <https://www.policie.cz/clanek/ukradl-cervene-papricky-a-dva-rohliky.aspx>.



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This challenge was exacerbated during the COVID-19 pandemic when the maximum penalty for repeated thefts went up to eight years in prison.<sup>70</sup> Judges and lawyers expressed concerns that repeated thefts committed in the COVID-19 state of emergency had resulted in excessively lengthy sentences. One respondent mentioned a recent case of a Romani defendant who was tried for stealing basic food items such as flour or oil, who would have lost his job even if he would have been given an unconditional sentence. Another respondent mentioned a case where a Romani girl ended up facing a criminal penalty of 2 to 8 years in prison for stealing an item of clothing from a shop during the state of emergency.

Interviews also highlighted the risk that Romani defendants are less likely to receive non-custodial sentences. A number of the interviewed judges acknowledged that alternative sentences, such as house arrest and financial penalty, are not often applied in cases of Romani defendants because of the economic hardships that many of them already face. However, it was also hinted that Roma were sometimes given custodial sentences due to the prejudicial assumption that they could not be trusted. One prosecutor stated that prosecutors often use so called “diversions” to criminal prosecution (these are most typically discontinuation of criminal prosecution upon specific conditions for future conduct) but when comes to Romani defendants, “this is problematic” because they lack motivation to fulfil the conditions.

<sup>70</sup> See a case published recently by the mainstream media: <https://www.novinky.cz/krimi/clanek/muz-v-brne-ukradl-5-housek-dostal-15-roku-vezeni-40329864>.



While most Romani interviewees were unable to confirm whether Roma receive harsher sentences, a few gave accounts of the serious impact that prison sentences had both on Romani prisoners and their families. Three Romani respondents had experience of a relative serving a prison sentence. They mostly mentioned disruption of family relations, the long duration and futility of the prison sentence, restriction of visits during the pandemic, and unwillingness of the prison guards to listen to their requests. Two of the Romani respondent's relatives had access to work in the prison, however the third respondent's relative had problems with access to work due to his health condition.

*“My dad is currently serving prison sentence. I know he is not a saint, but he did what he must to feed the family. He is sick, he suffers from diabetes and high blood pressure, but he needs to work. He couldn't sit for 23 hours a day; it is bad for his psychological health. He even got a paper from the doctor saying he needs to work. He gave it to the prison guards but hasn't heard back since. It is already one month, I called there, and they promised me to look into it.”* (Interview 23, Romani Interviewee)

*“My partner is in prison already for three and half years for not paying child support. I have six children; we asked the judge repeatedly for early release or at least a release for a few days but all in vain. Nothing is honest here.”* (Interview 26, Romani Interviewee)

*“My partner is in prison; he works and everything, but they have a bad director. Now when the visits are restricted, there is Skype but only now we finally got the date. But how should I explain it to the kids, they get older, they forget.”* (Interview 26, Romani Interviewee)

*“My partner had to go to prison last year. It is far, we are trying to get him transferred so he can see his granddaughter. He is taking it very hard.”* (Interview 21, Romani Interviewee)

## Chaining of criminal orders

Several lawyers and judges expressed concerns about the “chaining” of criminal orders, and how they lead to the unfair or unnecessary imprisonment of Roma. Criminal orders are court decisions issued in a simplified procedure without a public court hearing.<sup>71</sup> By issuing a criminal order, the court can impose a conditional prison sentence of up to one year, or a range of other penalties such as community service, financial penalty, or house arrest. These sentences can be activated if the defendant reoffends. Where a defendant is subject to several conditional sentences, all of these sentences could be activated at the same time. This may lead to several years of prison sentence for rather minor but repeated criminal activities (such as thefts or not paying child support).

<sup>71</sup> Section 314e et seq. of the Criminal Procedure Code.

Lawyers explained that defendants do not always keep track of the previous criminal orders. According to some, Romani defendants do not perceive penalty issued by a criminal order as “criminal penalty” because there is no court hearing (“they just receive a paper and they do not know what it means”). Often, they do not file an appeal against a criminal order because an appeal would require them to attend a trial.

Some lawyers rated this practice positively because it “gives defendants a chance by not sending them to prison”. However other lawyers, expressed concerns that the system prioritises the interests of cost efficiency over the rights of defendants.

*“In the first phase there may be some criminal orders, they will get for example conditional prison sentence, they do not appeal against it, then there is repeated criminal activity and they will get unconditional prison sentence. (...) It is very chaotic, sometimes it is difficult even for me as a lawyer to keep track of it.”* (Interview 1, Defence Lawyer)

*“Everything breaks with the first unconditional prison sentence.”* (Interview 5, Defence Lawyer)

Judges also expressed concerns about the chaining of the criminal orders. According one respondent, some courts, in particular in big towns, issue court orders routinely and defendants do not keep track of their criminal record.

## Possible solutions and promising practices

There appear to be very few examples of nationwide initiatives or programmes that are designed to address anti-Roma discrimination, or to improve the Romani communities' trust in the criminal justice system. The few that do exist seem to be focused on the police, and they did not appear to prioritise the elimination of discrimination.

### Victims of hate crimes

One promising development concerns victims of hate crimes. On 15 December 2021, Klára Kalibová, the director of the In IUSTITIA organisation<sup>72</sup>, and Tomáš Lerch, Prague Regional Police<sup>73</sup> Director, signed an agreement to cooperate for the benefit of victims of hate crimes. Thanks to this agreement, victims of such crimes will be able to access the aid available to them from professionals more quickly. When the police encounter a victim of a hate crime, they will offer them In IUSTITIA's counseling services and, with the victim's consent, provide the victim's contact information to the counseling center. The agreement is the first of its kind to be reached between the hate crime victim counseling center and the police. Similar agreements are customarily concluded, for example, to benefit the victims of domestic abuse or sexual violence.<sup>74</sup>

### Police specialisation

There have been some initiatives to improve community relations between the police and Romani communities in the Czech Republic, but it is unclear whether these are designed to eliminate discriminatory treatment of Romani suspects and defendants. In 2009 the Czech Government created special units within the municipal police, called 'assistants of crime prevention' (asistent prevence kriminality). The aim of having these units is to increase security in socially excluded localities and their surroundings, eliminate risks to social harm, prevent attacks motivated by extremism, and to promote non-repressive police conduct.<sup>75</sup> The position of 'contact officer for minorities' (styčný důstojník pro menšiny) units was also created for each Regional Police Department.<sup>76</sup> More recently, the Czech Ministry of Interior adopted the "Strategy for work of the police in relation to minorities until 2020".<sup>77</sup>

<sup>72</sup> More information available at: <https://in-ius.cz/>.

<sup>73</sup> More information available at: <https://www.policie.cz/clanek/policie-cr-en-english-about-us.aspx>.

<sup>74</sup> romea.cz, *Czech NGO signs agreement with police to cooperate for the benefit of bias crime victims*, 15 December 2021. Available at: <http://www.romea.cz/en/news/czech/czech-ngo-signs-agreement-with-police-to-cooperate-for-the-benefit-of-bias-crime-victims>.

<sup>75</sup> More information available at: <https://www.mvcr.cz/clanek/informace-o-projektu-asistent-prevence-kriminality.aspx>.

<sup>76</sup> More information available at: <https://www.mvcr.cz/clanek/preventivni-aktivity-policie-cr-v-kontextu-problematiky-socialni-exkluze.aspx>.

<sup>77</sup> Ministerstvo vnitra ČR, *Strategie pro práci Policie ČR ve vztahu k menšinám do roku*, 2020. Available at: <https://www.mvcr.cz/clanek/strategie-pro-praci-policie-cr-ve-vztahu-k-mensinam-do-roku-2020.aspx>.

## Training

Interviews suggested that while anti-discrimination training was available for some criminal justice professionals, and although these were not widespread, most agreed that such trainings would be helpful.

One lawyer and three prosecutors stated that they had received trainings on discrimination, including training that was specific to Roma. None of the judges had any experience of such trainings. Lawyers similarly expressed concern about the lack of training of police officers, and noted:

*“There were very few (pilot) trainings and currently there are no trainings within the preparation of the police officers on non-discrimination and sensitivity.”* (Interview 15, Defence Lawyer)

## Ethnic Data

There were differing views about the benefits and risks of the collections of ethnic data amongst all categories of interviewees.

Two of the Romani interviewees stated that they would have concerns about collection of ethnic data in the criminal justice system. (Interview 27, Romani Interviewee) On the contrary, another two respondents would not have concerns about collection of ethnic data. *“I don’t have concerns. Only ‘gadje’ (non-Roma) people think that we have exceptions. We have no exceptions.”* (Interview 26, Romani Interviewee)

Five of the lawyers had concerns about collecting data on the ethnicity. The reasons for these concerns were different: one respondent pointed to the risks of abuse by the authorities, and according to another the collection of such data would be considered offensive. Two respondents pointed out that, in their view, the Czech authorities were unprepared to collect ethnic data (lack of training, methodology, prejudice within the system). Three of the respondents stated that they would welcome the collection of ethnic data in the criminal justice system.

Four of the interviewed prosecutors would be interested in the collection of ethnic data within the criminal justice system which may, according to two respondents, help to dismantle the stereotypes that most crimes are committed by Roma. Three respondents believed the collection of ethnic data to be unnecessary.

All judges expressed concerns about the collection of ethnic data (due to possible abuse, or practical concerns such as methodology and how the data would be collected in practice). Two respondents, however, thought it would be interesting to collect such data as it may help to dismantle the societal myth that there is higher criminality among the Romani population. On the other hand, two respondents thought that the collection of ethnic data in the criminal justice system would have no added value.

## Recommendations from Romani Interviewees

The Romani interviewees expressed various views on possible solutions to anti-Roma discrimination in the criminal justice system. Some respondents were optimistic and believed there were ways to change attitudes and tackle prejudice.

*“I see the solution in smart people, trainings and filing complaints.”*  
(Interview 23, Romani Interviewee)

Concrete suggestions included increase of legal assistance, Romani mentors or assistants within the criminal justice system, long-term projects supporting Romani defendants, and different and more targeted penalties:

*“Lawyers would help us for sure. We don’t know the system.”* (Interview 21, Romani Interviewee)

*“The projects are always only for a short term and nobody asks what will happen after they end.”* (Interview 16, Romani Interviewee)

*“Roma assistants or mentors will help, also at the probation service. They will be able to explain to defendants how the system works; the defendants will then have a greater trust in the authorities.”* (Interview 16, Romani Interviewee)

*“I would give them different penalties; I would give them work.”* (Interview 16, Romani Interviewee)

On the other hand, some respondents could not see solutions to the challenge:

*“It is not possible to solve this. If you get a sentence and you must serve it. It is your problem.”* (Interview 26, Romani Interviewee)

*“We could paint ourselves white.”* (Interview 25, Romani Interviewee)



## Conclusion

This research report offers further evidence that Roma in the Czech Republic are more likely to be ethnically profiled and drawn into the criminal justice system than non-Roma. Research conducted in by ERRC and its partners in four countries shows that, once drawn in, Roma are less likely to receive adequate legal representation, and more likely to be held in pre-trial detention and to receive custodial sentences than their non-Roma counterparts.<sup>78</sup> This latest report provide stark and sobering confirmation that despite all the protestations by prosecutors and denials by judges, racial bias skews outcomes for Roma in the Czech criminal justice system.

The depth of this bias was made clear by some lawyers taking part in the research, who openly expressed stereotypically racist notions that Roma – who they perceive as generally impulsive, irresponsible, and unintegrated and uncooperative – have a ‘different perception of truth’ and a tendency to lie; and that they possess culturally-conditioned perceptions of ownership and obligation that are at odds with the majority society, and are thus likely to re-offend. Such attitudes reflect the pervasiveness of antigypsyism in a society where Roma are labelled as ‘indaptables’. The research findings shine a light on how racist bias is engrained and routinised in the criminal justice system, a system where there is precious little justice to be had for Roma.

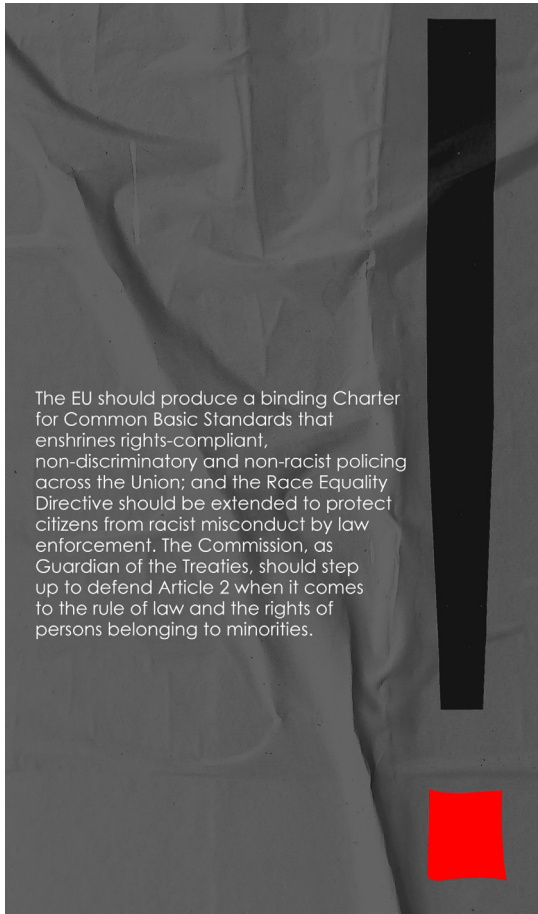
Despite decades of recommendations on how to eradicate racial bias in justice and policing, the prospects of meaningful criminal justice reform remain as remote as ever in the Czech Republic and other EU member states with substantial Romani populations. Official denial of racism from national authorities and constant deflection by EU institutions has stymied any serious attempts to root out systemic discrimination against Roma within the criminal justice systems of Europe.

The explicit recognition by the European Commission in its new Roma inclusion framework, that antigypsyism is rooted in public institutions, and that anti-Roma racism is systemic rather than a mere aggregate of the cumulative prejudices of flawed individuals, is as welcome as it is belated.<sup>79</sup> **While the primary responsibility for policing and dispensing justice lies within individual member states**, the evidence in this report suggests that in the Czech Republic there is a clear need for EU oversight to take the necessary action and reforms to deliver anti-racist justice. Action above and beyond current efforts is necessary at EU level to make access to justice a reality for Roma in the Czech Republic and across Europe:

- The EU should produce a binding Charter for Common Basic Standards that enshrines rights-compliant, non-discriminatory and non-racist policing across the Union; and the Race Equality Directive should be extended to protect citizens from rac-

<sup>78</sup> Czech Republic, Slovakia, Serbia, and North Macedonia.

<sup>79</sup> European Commission, *The new EU Roma strategic framework for equality, inclusion and participation (full package)*, Brussels, 7 October 2020. Available at: [https://ec.europa.eu/info/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package\\_en](https://ec.europa.eu/info/publications/new-eu-roma-strategic-framework-equality-inclusion-and-participation-full-package_en).



The EU should produce a binding Charter for Common Basic Standards that enshrines rights-compliant, non-discriminatory and non-racist policing across the Union; and the Race Equality Directive should be extended to protect citizens from racist misconduct by law enforcement. The Commission, as Guardian of the Treaties, should step up to defend Article 2 when it comes to the rule of law and the rights of persons belonging to minorities.

ist misconduct by law enforcement. The Commission, as Guardian of the Treaties, should step up to defend Article 2 when it comes to the rule of law and the rights of persons belonging to minorities.<sup>80</sup>

■ With regards to ethnic profiling, the language contained in the recommendation to Member States from the EU Action Plan Against Racism about ‘the common and legitimate use of profiling’ is ambiguous, and open to being interpreted as ‘just carry on with business as usual’. A more forthright message should be sent to governments, one draws on ECRI’s General Policy Recommendation No. 11, “*that racial profiling constitutes a specific form of racial discrimination and must be expressly prohibited by law.*”

Among the many recommendations to national authorities, the following are key to ensuring access to justice for Roma and merit repeating yet again:

- Complaints concerning should be handled by independent mechanisms, with sufficient powers and resources to effectively investigate allegations of discriminatory behaviour by criminal justice professionals and police officers, and to sanction offenders. Such mechanisms must be easily accessible to all complainants, irrespective of their financial means, and they should not have prohibitively high evidentiary thresholds for initiating investigations.
- Sanctions against offenders must match the severity of their actions and be designed to prevent similar incidences by the individual in the future. State authorities should place law enforcement under a statutory obligation to promote equality and prevent racial discrimination in carrying out their functions; and victims who register complaints must be protected from intimidation and reprisal actions by police officers.

<sup>80</sup> Article 2 of the Treaty of the European Union states that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Available at: [https://lexpacency.org/eu/TEU/ART\\_2/](https://lexpacency.org/eu/TEU/ART_2/) [https://](https://lexpacency.org/eu/TEU/ART_2/)

