

CZECH REPUBLIC. ACT ON RIGHTS OF MEMBERS OF NATIONAL MINORITIES AND AMENDMENT OF SOME ACTS (10 JULY 2001)

PREAMBLE

The Parliament of the Czech Republic as the parliament of a democratic and legal state considering the right of national and ethnic identity as a part of human rights;

respecting the identity of members of national minorities as individuals and a group representing itself especially by its own culture, traditions and language;

considering the creation of a multicultural society and attempting to facilitate the harmonious coexistence of national minorities with the majority population;

guaranteeing members of national minorities the right of their active participation in cultural, social and economic life and public affairs, especially those which concern national minorities;

protecting rights of members of national minorities in accordance with international conventions on human rights and fundamental freedoms by which the Czech Republic is bound, with the Constitution and Charter of Rights and Freedoms

decided by resolution on this Act of the Czech Republic:

PART 1 RIGHTS OF MEMBERS OF NATIONAL MINORITIES

CHAPTER I INTRODUCTORY PROVISIONS

§ 1

Subject of amendment

(1) This act regulates rights of members of national minorities and responsibilities of ministries, other administrative authorities and bodies of regional self-government units (hereafter „public administration bodies“) in relation to them.

(2) The provisions of special legal regulations which regulate rights of members of national minorities are not prejudiced by this act.

§ 2

Definition of basic concepts

(1) A national minority is a community of citizens of the Czech Republic who live on the territory of the present Czech Republic and as a rule differ from other citizens by their common ethnic origin, language, culture and traditions; they represent a minority of citizens and at the same time they show their will to be considered a national minority for the purpose of common efforts to preserve and develop their own identity, language and

culture and at the same time express and preserve interests of their community which has been formed during history.

(2) The member of a national minority is a citizen of the Czech Republic who professes other than Czech ethnic origin and wishes to be considered a member of a national minority in common with the others who profess the same ethnic origin.

CHAPTER II RIGHTS OF MEMBERS OF NATIONAL MINORITIES

§ 3

Exercise of rights of members of national minorities

(1) Members of national minorities individually or in common with other members of a national minority are guaranteed to be able to exercise their rights determined by this act, special legal regulations or international conventions on human rights and fundamental freedoms by which the Czech Republic is bound.

(2) Exercise of rights of national minorities must not be restricted or ruled out.

§ 4

Free choice of membership of a national minority

(1) The membership of a national minority must not cause loss to anyone.

(2) The public administration bodies do not keep records of members of national minorities. Procuring, processing and using personal data concerning the membership of a national minority comply with provisions of special legal regulations. The data on professing ethnic origin procured by these bodies during the census or according to another special act that enables the determination of the membership of a national minority must not be used for any other purpose than that for which they have been collected and stored and after statistical processing they must be destroyed.

§ 5

Right of association of members of a national minority

Members of a national minority can associate in national associations and political parties and movements under conditions and in a way determined by special legal regulations.

§ 6

Right of participation in dealing with matters concerning a national minority

(1) Members of a national minority have the right to their active participation in cultural, social and economic life and public affairs, especially those concerning national minorities whose members they are, and this at the level of community, region and state as a whole.

(2) Members of a national minority exercise their right according to paragraph 1 especially by means of committees for national minorities established according to special legal regulations and the government's Council for National Minorities (thereafter „the Council“).

(3) The government establishes the Council as its consultative and initiative body for matters concerning national minorities and their members. At the head of it is a member of the government.

(4) Members of the Council are representatives of national minorities and public authorities; at least half of them must be representatives of national minorities nominated by associations of members of national minorities.

(5) The Council is competent to

a) arrange for the preparation of governmental measures concerning the rights of members of national minorities in the Czech Republic;

b) express opinions on motions for bills, governmental regulations and measures concerning the rights of members of national minorities before their submission to the government;

c) prepare for the government overall reports on the situation of national minorities on the territory of the Czech Republic;

d) prepare for the government, ministries or other administrative authorities recommendations for satisfying the needs of members of national minorities especially in the field of the education system, culture and media, using their mother tongue, and social and cultural life;

e) cooperate with local self-government bodies in the practical application of state policy relating to national minorities;

f) propose the distribution of finances expended from the Budget for the support of activities of members of national minorities.

(6) Details concerning the composition of the Council and the way of nomination of its members and its activities are determined in rules of the Council sanctioned by the government.

§ 7

Right of using name and surname in the language of a national minority

Members of national minorities have the right to use their name and surname in the language of their national minority under conditions determined by a special legal regulation.

§ 8

Right of multilingual names and denominations

(1) Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right to have the name of a community in which they live, the names of its parts, streets and public places as well as the functions of buildings of public authorities and electoral rooms posted in the language of the national minority as well as in the Czech language.

(2) Conditions for exercise of this right according to paragraph 1 and the way of denomination of multilingual names are determined in a special legal regulation.

§ 9

Right of using the language of a national minority in official documentation and discourse and hearing before a court

Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have right to use the language of a national minority in official documentation and discourse and hearing before a court. Conditions for exercise of this right are determined in special legal regulations.

§ 10

Right of using the language of a national minority during elections

Under conditions determined by special legal regulations members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right to publicise the notice of the term and place of elections and other information for voters in the language of national minorities.

§ 11

Right of education in the language of a national minority

(1) Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right of upbringing and education in their mother tongue at schools, pre-school and school institutions under conditions determined by special legal regulations.

(2) Members of national minorities according to paragraph 1 are allowed under conditions determined by special legal regulations to establish

a) private schools using the language of a national minority as the teaching language or teaching the language of a national minority as a school subject;

b) private pre-school and school institutions.

§ 12

Right of the development of culture of members of national minorities

(1) Members of national minorities have the right to maintain and develop their language, culture and traditions and the right to respect for them.

(2) The state creates preconditions for maintaining and developing culture, traditions and languages of members of national minorities living traditionally and for a long time on the territory of the Czech Republic; it supports especially such programmes which are specialised in theatres, museums, galleries, libraries, documentation and other activities of members of national minorities. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined in a government decree.

§ 13

Right of spreading and receiving information in the language of a national minority

(1) Members of national minorities have the right to spread and receive information in their language.

(2) For the purpose of maintaining and developing culture, traditions and languages the state supports publishing periodical and non-periodical printed matter and radio and television broadcasting in the languages of national minorities living traditionally and for a

long time on the territory of the Czech Republic. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined by a government decree.

(3) Creating and disseminating radio and television broadcasting related to members of national minorities and implemented by legitimate operators are determined by special legal regulations.

PART II

The amendment of the Act on Misdemeanours

§ 14

The Act N. 200/1990 Coll. on misdemeanours as amended by the Act N. 337/1992 Coll., the Act N. 344/1992 Coll., the Act 359/1992 Coll., the Act N. 67/1993 Coll., the Act N. 290/1993 Coll., the Act N.134/1994 Coll., the Act N. 82/1995 Coll., the Act N. 237/1995 Coll., the Act N. 279/1995 Coll., the Act N. 289/1995 Coll., the Act N. 112/1998 Coll., the Act N. 168/1999 Coll., the Act N. 360/1999 Coll., the Act 29/2000 Coll., the Act N. 121/2000 Coll., the Act N. 132/2000 Coll., the Act N. 151/2000 Coll., the Act 258/2000 Coll., the Act N. 361/2000 Coll., the Act 370/2000 Coll., the Judgement of the Constitutional Court N. 52/2001 Coll., the Act N. 164/2001 Coll., the Act N. 254/2001 Coll., the Act N. 265/2001 Coll. and the Act N. 274/2001 Coll. is amended as follows:

1. In § 49 at the end of paragraph 1 the full stop is replaced by a comma and the subparagraphs d) and e) are amended; their wording is as follows:

"d) restricts or precludes a member of a national minority from the exercise of rights of members of national minorities;

e) causes loss to another person for his membership of a national minority or ethnic origin, race, colour, sex, sexual orientation, language, religion, political or other views, membership or activity in political parties or movements, trade unions or other associations, social origin, property, birth, health condition, marriage or family status."

2. In § 49 paragraph 2 after words „1 000 crowns“ the conjunction „and“ is replaced by a comma and at the end of the text the words „and for a misdemeanours according to the paragraph 1 d) and e) the penalty to the level of 5 000 crowns“ are added.

PART III

The amendment of the Act on Communities

§ 15

The Act N. 128/2000 Coll. on communities (local government) is amended as follows:

1. In § 29 paragraph 2 the figure „20“ is replaced by the figure „10“ and the figure „50“ is replaced by the figure „40“.

2. In § 117 paragraph 3 in the first sentence the figure „15“ is replaced by the figure „10“; at the end of the second sentence the full stop is replaced by a semicolon and the text „but

members of national minorities must always represent at least the half of all members of the committee“ is added.

PART IV
The amendment of the Act on Regions

§ 16

In § 72 paragraph 2 of the Act N. 129/2000 Coll. on regions (regional government) the figure „10“ is replaced by the figure „5“ and the words „the same ethnic origin other than Czech“ are replaced by the words „the ethnic origin other than Czech“; at the end of the second sentence the full stop is replaced by a semicolon and the text „but members of national minorities must always represent at least the half of all members of the committee“ is added.

PART V
The amendment of the Act on Capital Prague

§ 17

In § 78 paragraph 2 of the Act N. 131/2000 Coll. on capital Prague in the first sentence the figure „15“ is replaced by the figure „5“; at the end of the second sentence the full stop is replaced by a semicolon and the text „but members of national minorities must always represent at least the half of all members of the committee“ is added.

PART VI
The amendment of the Act on Elections to Community Councils

§ 18

In § 31 of the Act N. 152/1994 Coll. on elections to community councils and amendment of some other acts paragraph 3 is amended; its wording including footnote N. 10a) is as follows:

”(3) In a community where the committee for national minorities is being established according to a special act 10a), the by-law according to paragraphs 1 and 2 will be issued also in the language of respective national minority.

PART VII
The amendment of the Act on Elections to Regional Councils

§ 19

In § 27 of the Act N. 130/200 Coll. on elections to regional councils and amendment of some acts paragraph 3 is amended; its wording including footnote N.18a is as follows:

”(3) In a region where the committee for national minorities is being established according to a special act 18a), the notice according to paragraphs 1 and 2 will be issued also in the language of respective national minority.

PART VIII
Coming into effect

§ 20

This act comes into effect on the date of its promulgation.

Klaus, in his own hand
Havel, in his own hand
PP Špidla, in his own hand

[Quelle: http://www.vlada.cz/1250/eng/vrk/rady/rnr/dokumenty/menszakon_en.doc]