



Recommendation 1338 (1997)¹

Obligations and commitments of the Czech Republic as a member state

Parliamentary Assembly

1. The Assembly reaffirms its purpose, through the setting up of a special committee, to strengthen its means of inquiry into the observance by member states of the Council of Europe of "the principles of the rule of law and the enjoyment by all persons within [their] jurisdiction of human rights and fundamental freedoms" (Article 3 of the Statute, Article 1 of the European Convention on Human Rights).
2. The Czech Republic became an independent state in 1993, on dissolution of the Czech and Slovak Federal Republic. It joined the Council of Europe on 30 June 1993, pursuant to Assembly [Opinion No. 174](#) (29 June 1993) and to Committee of Ministers Resolution (93) 32.
3. In observance of its commitment under paragraph 7 of Assembly [Opinion No. 174](#), the Czech Republic became party to the European Convention on Human Rights and its protocols, with effect from 1 January 1993. The Czech Republic has also ratified Council of Europe conventions on suppression of terrorism, on extradition and for the prevention of torture. With the ratification of these instruments, the legal system of the Czech Republic is in alignment with international standards.
4. The Czech Republic has signed the European Social Charter and the Framework Convention for the Protection of National Minorities. The principles are thus established for alignment with international standards of its legislation and policy in these areas.
5. The Czech Republic has shown its commitment to democracy. Since elections in June 1996, the functioning of the Chamber of Deputies following changes in the balance of political forces has confirmed the stability of the democratic process. With elections to the senate in November 1996, the formation of the Czech Parliament was completed according to its constitution.
6. The following were the principal issues for dialogue with the Czech authorities under the monitoring procedure, notably with the Czech parliamentary delegation and in the course of the rapporteurs' visit on 27 and 28 August 1997:
 - 6.1. conformity with Council of Europe principles of the texts and of the implementation of the citizenship law (notably in regard to acquisition of citizenship), and of provisions for the expulsion of non-citizens further to the dissolution of the Czech and Slovak Federal Republic;
 - 6.2. full implementation of the constitution: establishment of the Supreme Administrative Court and the "higher units" of territorial self-government;
 - 6.3. minorities: notably, measures to reduce discrimination against the Roma/Gypsy community;
 - 6.4. legal status of religious groups (membership threshold for registration with the Ministry of Culture);
 - 6.5. lustration law: replacement by a law on the civil service.

1. Assembly debate on 22 September 1997 (25th Sitting) (see [Doc. 7898](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: Mr Jurgens and Mr Sinka). Text adopted by the Assembly on 22 September 1997 (25th Sitting).



7. The Assembly notes that:

7.1. the citizenship law has been amended in order to facilitate the acquisition of Czech citizenship by those who automatically became Slovak citizens at the time of the dissolution of the Czech and Slovak Federal Republic but who were registered as permanent residents in the territory of the Czech Republic and have not cancelled this registration since, and also in order to reduce cases of statelessness;

7.2. in order to help persons applying for citizenship, co-operation has been developed with the Slovak Republic, with the Office of the United Nations High Commissioner for Refugees and with non-governmental organisations: however, some problems still remain which call for a more flexible approach in applying the law and for stricter central government supervision of the attitudes and actions of local officials;

7.3. amendments to the criminal code in regard to expulsion are now before the Czech Parliament: new legislation in regard to aliens is being prepared;

7.4. legislation is being prepared to establish the Supreme Administrative Court (the functions of which are currently being exercised in accordance with the constitution by the Constitutional Court), and the "higher units" of territorial self-government;

7.5. policies and programmes are being developed against racism, xenophobia and anti-Semitism which are intended to counter, in particular, discrimination against the Roma/Gypsy minority, notably in the light of the report drawn up on the situation in the Czech Republic by the European Commission against Racism and Intolerance (ECRI), and also in anticipation of the Czech Republic's ratification of the Framework Convention for the Protection of National Minorities (including its control mechanism);

7.6. a new law has been prepared to reduce the membership threshold for registration of religious groups;

7.7. the lustration law has, however, been extended until the year 2000 and is expected to remain in force until a law on the civil service has been fully prepared and adopted.

8. The Assembly welcomes the progress which has thus been made by the Czech Republic to consolidate the rule of law, to promote respect for human rights, to bring both law and policy into line with the principles of the Council of Europe, and to establish good relations with neighbouring countries - while recalling paragraph 9 of its [Opinion No. 174](#) on the request for accession, whereby the Czech Republic committed itself to solve by means of dialogue and negotiation the outstanding questions in its relations with other member states.

9. The Assembly considers the current monitoring procedure, opened in June 1995 under its Order No. 508, as closed. It will pursue its dialogue with the Czech authorities for the issues referred to in paragraph 7, or those arising from the obligations of the Czech Republic as a member state of the Council of Europe, with a view to reopening the monitoring procedure in accordance with its [Resolution 1115](#), if further clarification or enhanced co-operation should seem desirable.

10. The Assembly recommends that the Committee of Ministers:

10.1. address, under its monitoring procedure, the question of the implementation of the citizenship law in the Czech Republic in accordance with Council of Europe principles, notably in regard to former CSFR citizens;

10.2. ensure the necessary allocation of resources to the European Commission on Racism and Intolerance (ECRI), so that proposals concerning the situation in the Czech Republic can be effectively implemented;

10.3. transmit this recommendation to the European Committee on Legal Co-operation, for consideration in the context of follow-up action on Assembly [Recommendation 1322 \(1997\)](#) on the civil service in an enlarged Europe, notably for the preparation of a European code on rights and duties of public officials.