

THE GOVERNMENT OF THE CZECH REPUBLIC

Supplement
to the Government Resolution
Nr. 1034 from 10 October 2001
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THE CHARTER of the Council of the Government for National Minorities

Article 1

Introductory provision

1) The Council of the Government for National Minorities (hereafter „the Council“) is a permanent and initiative body of the government for issues concerning national minorities and their members.

2) The Council is established in accordance with Act 273/2001 Coll. on the rights of the members of national minorities and the amendment of some acts (hereafter „the Act“) and with a government resolution adopted on October the 10th 2001 No 1034 on establishment of the Council.

Article 2

The competence of the Council

1) Within the framework of its competence the Council monitors the observance of the Constitution of the Czech Republic, the Charter of Rights and Freedoms, international conventions on human rights and freedoms binding for the Czech Republic, acts and other procedural rules which relate to the members of national minorities. The competence of the Council is defined by virtue of the law, government decree, charter and government resolutions.

2) The Council

- a) monitors the national performance of international obligations of the Czech Republic with respect to the members of national minorities, especially the obligations resulting from the Framework Convention on the Protection of National Minorities and other international conventions on human rights and freedoms binding for the Czech Republic,
- b) ensures the preparation of governmental measures concerning the rights of members of national minorities in the Czech Republic,
- c) expresses its opinion with respect to bills, proposals of governmental directives and measures concerning the rights of members of national minorities before their sub-mission to the government,
- d) prepares for the government, ministries or other administrative authorities recommendations for satisfying needs of members of national minorities, especially in the fields of education, culture and media, use of mother tongue and social and cultural life,
- e) prepares for the government comprehensive reports on the situation of national minorities on the territory of the Czech Republic in the period of the previous calendar year by 31 May every year,
- f) co-operates with the bodies of territorial self-government units in the implementation of national policy relating to nationalities,
- g) proposes the distribution of finances expended from the Budget for the support of activities of the members of national minorities.

3) The Council in co-operation with

- a) ministers proposes through the Chairman of the Council the amounts for every budget year within the proposal of the Budget as separate items of subsidies for the activities of national minorities, especially within the budgets of the Ministry of Culture, Ministry of Education, Youth and Sports and Ministry of Labour and Social Affairs,

- b) the Ministry of Foreign Affairs ensures the elaboration of standpoints concerning the performance of international obligations of the Czech Republic with respect to the rights of the members of national minorities,
- c) central bodies of the state administration, its administrative offices, bodies of territorial self-government units and non-governmental non-profit organisations participates in the implementation of national policy relating to members of national minorities,
- d) central bodies of the state administration by means of the Chairman of the Council in co-operation with ministers of individual sectors which provide subsidies from the Budget submits the comprehensive report on the position of national minorities on the territory of the Czech Republic in the period of previous calendar year in accordance with the paragraph 2 e), and this by 31 May every year; in this context the representatives of structural components of the state will provide the Council in advance with all the information on the distribution of finances from the Budget in the form of subsidies for the support of activities of national minorities in the respective calendar year, and this without prejudice to the provisions of special legislation regulations,¹
- e) respective central bodies of the state administration proposes competitive selection procedures (the subjects and terms of competitions) concerning the subsidies for the projects of activities of national minorities,
- f) respective central bodies of the state administration participates in the co-ordination of competitive procedures concerning the subsidies for the projects of activities of national minorities.

Article 3

The composition of the Council

1) The Council has 31 members, i.e. the Chairman, the Deputy Chairperson (deputy chairpersons) and the members. At least, the half of a total number of members of the Council consists of representatives of national minorities, who were nominated by the associations of members of national minorities.

2) The members of the Council are

- a) the representatives of national minorities (19 members), one to three members per minority in proportion to the total number of members of a minority and its historical and contemporary position; specifically, there are representatives of these minorities:
 - (i) Bulgarian (1)
 - (ii) Croatian (1)
 - (iii) Hungarian (1)
 - (iv) German (2)
 - (v) Polish (2)
 - (vi) Roma (3)
 - (vii) Ruthenian (1)
 - (viii) Russian (1)
 - (ix) Greek (1)
 - (x) Slovak (3)
 - (xi) Serbian (1)
 - (xii) Ukrainian (1)
- b) the representatives of the bodies of public authority (12 members including the chairman of the Council); specifically, there are representatives of:

¹ The Act 101/2000 Coll. on the protection of personal data and the amendment of some acts; the Act 227/2000 Coll. on the electronic signature and the amendment of some other signatures (the Electronic Signature Act); the Act 148/1998 Coll. on the protection of classified information and the amendment of some other acts, as amended.

- (i) Ministry of Finance, Ministry of Culture, Ministry of Education, Youth and Sports, Ministry of Labour and Social Affairs, Ministry of the Interior, Ministry of Justice and Ministry of Foreign Affairs, on the level of deputy ministers,
- (ii) the Deputy of the member of the government – the chairman of the Council or representative authorised by him/her,
- (iii) the representative of the Office of the President;
- (iv) the representative of the Office of the Public Defender of Rights;
- (v) the Government Commissioner for Human Rights.

3) The Chairman of the Council is appointed and dismissed from office by the government upon the proposal of the Prime Minister. The Chairman of the Council is a member of the government, usually the Deputy Prime Minister.

4) The members of the Council are appointed and dismissed from office by the government upon the proposal of the Chairman of the Council:

- a) in case of the representatives of national minorities upon the proposal of the association of the members of national minorities which submits to him the proposal for the nomination of its candidates or their dismissal from office,
- b) in case of the representatives of ministries, upon the proposal of a member of the government who is authorised to govern a ministry; the reason of the dismissal from office of a member of the Council could be inter alia the termination of his/her employment/service relationship in respective sector,
- c) in case of the representative of the Office of the President upon the proposal of the chief of the Office of the President; the reason of the dismissal from office of a member of the Council could be inter alia the termination of his/her employment/service relationship,
- d) in case of the representative of the Office of the Public Defender of Rights upon the proposal of the public defender of rights; the reason of the dismissal from office of a member of the Council could be inter alia the termination of his/her employment/service relationship.

5) The Deputy Chairman of the Council is appointed and dismissed from office by the chairman of the Council after discussing the issue in the Council. The first deputy chairman is a representative of a public authority and the second is a representative of the national minorities.

6) The membership in the Council terminates by the resignation of a member from office or by his death. Immediately after his resignation from office the chairman of the Council informs the institution from which the resigning member was nominated; at the same time in accordance with the paragraph 4 a-d) he asks this institution to submit a proposal for a candidate for the unoccupied post of a member of the Council.

7) The term of office of a member of the Council coincides with the term of office of the government,

- a) in case of a member representing national minorities(see Art. 3 par. 2 letter a) the number of continuous nominations is limited for two successive terms of office,
- b) in case of a member representing the public administration (see Art. 3 par. 4 letters b, c d) the number of continuous nominations is not limited, if the national minorities agenda is connected with the respective function.

8) the provision of Art. 3 par. 7 is not used, if – during the election period of the Chamber of Deputies of the Parliament of the Czech Republic – the new government is appointed, and the member of it, executed the function of the Chairperson of the Council on the instant ago, has been appointed as a Chairperson of the Council. In this case, the term of office of members of the Council works on without any change.

9) Membership of the Council is non-transferable.

Article 4

The Chairman of the Council

1) The Chairman of the Council heads the Council and is responsible for its activity to the government.

2) The Chairman of the Council calls and heads meetings of the Council. Meetings of the Council are held as required, at least once every three months. Upon the proposal of 1/3 of the members of the Council the Chairman of the Council calls an extraordinary meeting to be held within three weeks from the filing of a proposal.

3) The Chairman of the Council namely

a) heads the meetings of the Council,

b) appoints Deputy Chairmen from the members of the Council,

c) submits the materials of the Council to the government for consideration,

d) signs opinions, recommendations and other materials of the Council,

e) submits to the members of the Council the action plan of the Council for approval and proposals of the materials of the Council for consideration,

f) appoints and dismisses from office chairmen and deputy chairmen of committees, chiefs of working groups and the secretary of the Council,

g) decides invitations of guests to the meetings of the Council,

h) consents to invite experts as permanent co-operators of the committees and working groups of the Council.

4) Being absent, the chairman of the Council is represented by the authorised Deputy Chairman in the scope of his competence.

Article 5

The members of the Council

1) The members of the Council are obliged to take part in meetings of the Council, committees and working groups to which they are assigned.

2) The members of the Council have the right to submit proposals to the Council and take part in any meeting of committees and working groups.

3) The members of the Council have the right to propose amendments to the agenda of the Council.

4) The absence of a Council member in a meeting of the Council must be justified beforehand in writing by means of the Secretariat of the Council. An absent member of the Council can also send his opinion on individual items of the agenda of the Council. Council members must be informed about the above condition. The written opinion of an absent member of the Council cannot be considered a vote.

5) On the basis of the written application of a member of the Council approved by the chairman of the Council an authorised representative can take part in a meeting of the Council as a guest. A member of the Council authorises him to put forward his opinion. The authorised representative does not have the right to vote.

Article 6

The Committees of the Council

1) In case of need the Council establishes permanent committees (hereafter „the committee“). It is possible to ask external co-operators to work in a committee.

2) The Council decides upon the establishment, dissolution and composition of committees upon a proposal of the Chairman of the Council. The chairman of the committee must be a member of the Council.

3) The chairman of a committee is responsible for its activity.

4) When fulfilling the tasks, the chairman of the committee co-operates with the secretariat of the Council.

5) The Council established namely these committees:

- a) the committee for subsidy policy,
- b) the committee for co-operation with the bodies of self-governments.

6) The committees namely

- a) fulfil the tasks imposed by the Council or the Chairman of the Council,
- b) prepare source materials for the meetings of the Council on respective issues,
- c) co-operate with the bodies of self-governments at the level of municipalities, regions or the capital city of Prague,
- d) elaborate the proposals of partial and systematic measures in the field of national policy towards national minorities for meetings of the Council,
- e) submit standpoints and proposals of resolutions concerning respective issues.

7) Every committee must have its charter approved by the Council. The charter of the committee announces inter alia whether meetings of the committee comply with the agenda of the Council or the agenda of the committee.

Article 7

Temporary working groups

1) In case of need the Council can establish temporary working groups. The working groups are established in order to fulfil actual tasks in the range of powers of one or both committees or partial issues in the range of powers of the Council. The working groups do not have their own charters.

2) The Council decides upon the establishment, dissolution and composition of a working group upon the proposal of the Chairman of the Council or the executive director of the Secretariat of the Council.

3) The head of a working group must be a member of the Council. It is possible to ask external co-operators to work in a working group.

4) The head of a working group is responsible for its activity.

5) When fulfilling the tasks, the head of a working group co-operates with the Secretariat of the Council.

Article 8

External co-operation

1) The Council can ask employees of the state administration or experts (hereafter „the experts“), who can aid by their knowledge and experience in fulfilling respective tasks, for unrepeatable or long-term co-operation.

2) By the decision of the chairman of the Council the experts can take part in the meetings of the Council as guests.

Article 9

The Secretariat of the Council

1) The activities of the Council, its committees and working groups are serviced by the Secretariat of the Council which is a structural component of the Office of the Government.

2) The Secretariat specifically

- a) creates proposals of national policies and legal framework concerning the rights of persons belonging to national minorities,

- b) elaborates expert materials for preparation of international notes, statements and reports on performing international obligations, which stand for the Czech Republic in respect of national minority policy, which are via the Ministry of Foreign Affairs transferred to the diplomatic missions of the Czech Republic,
- c) monitors situation of the national minority rights, considering mainly the international obligations,
- d) secures the administration and organisation of the activity of the Council, its committees and temporary working groups,
- e) collects source materials and information necessary for the activity of the Council,
- f) elaborates on source materials of specialists for the meetings of the Council on the basis of instructions of the Chairman of the Council,
- g) updates publicised information on the activity of the Council and its members,
- h) co-operates with the national minorities members associations.

3) The executive manager of the Secretariat of the Council is responsible for fulfilling the tasks of the secretariat of the Council and directs its activity. The executive manager of the secretariat of the Council is appointed and dismissed from office by the head of the Office of the Government upon the proposal of the chairman of the Council.

4) The executive manager of the Secretariat specifically

- a) proposes the agenda of the Council, is responsible for the preparation of materials for the meetings of the Council and secures the organisation of the meetings and other sessions which relate to fulfilling the tasks of the Council,
- b) directs the activity of the Secretariat of the Council in accordance with instructions of the Chairman of the Council; the executive director of the Secretariat takes part in the meetings of the Council with an advisory vote.

5) The executive manager of the Secretariat of the Council can propose to the Chairman of the Council the establishment of the office of a secretary and determines the scope of his powers. The Secretary of the Council is appointed and dismissed from office by the Chairman of the Council upon the proposal of the executive director of the Secretariat.

6) The Secretariat ensures the publicising of the comprehensive reports of the Council approved by the government and their relating to the position of national minorities on the territory of the Czech Republic and updating information on the Council and its activity including the list of subsidies provided from the Budget for the activities of national minorities in the previous budgetary year on the web site of the Council at the server of the Office of the Government.

Article 10

Costs for activity and remuneration

1) Costs for the activity of the Council and its bodies are expended from the budget of the Office of the Government. The meetings of the Council, its committees and temporary working groups are held usually in premises provided by the Office of the Government.

2) The members of the Council can claim the remuneration of provable travel costs expended on the activity of the Council, committees or temporary working groups in accordance with valid legislation regulations. Business trips are to be approved by the executive manager of the Secretariat of the Council.

3) Members of the Council cannot claim to wages for the discharge of their office as members of the Council, committees or temporary working groups.

4) In accordance with valid legislation regulations the remuneration appertains to the members of the Council who are not employees of the state or public administration for work which they perform for the Council provably to order (i.e. as a service) or on the basis of the agreement on work out of employment (for example the agreement to complete a job or the

agreement to perform work). The amount of remuneration is proposed by the Chairman of the Council and approved by the chief of the Office of the Government.

5) Upon a proposal of the Chairman of the Council the remuneration of travel costs and/or performed work appertains even to an expert who co-operates with the Council.

Article 11

The rules of procedure

1) The rules of procedure of the Council govern the meetings of the Council and usually the meetings of its committees and temporary working groups. The rules of procedure of the Council, their amendments and addenda are approved by the Council.

2) The committees of the Council can have their separate rules of procedure. The rules of procedure of the committees are approved by the Council.

3) The working groups usually act informally and decide consensually. In case of need they act reasonably in accordance with the rules of procedure of the Council or the committee in which they operate. When establishing a working group, the chairman decides the rules of procedure which it will obey.

Article 12

Final provisions

1) This charter, rules of procedure and all regulations which rule the activity of the Council, its committees and temporary working groups relate reasonably also to the external co-operators of the Council.

2) This charter is accessible to the public on the www page of the Council, the server of the Office of the Government and in the seat of the Office of the Government. The complete valid text of the charter is always publicised on the www page of the Council.

3) The amendments and addenda of this charter are to be approved by the government.

4) This charter comes into effect on 15 June 2005.