

R. Petráš, H. Petrův, H. Ch. Scheu (eds.):

Minorities and Law in the Czech Republic [Menšiny a právo v České republice],
Auditorium, Prague, 2009, 507 p.

Minorities have been present in the Czech Republic for several centuries (e.g. Germans since the 13th century). However, they became a topic of discussions in professional periodicals only after 1989, although even then relatively sporadically. The book at hand, i.e. *Minorities and Law in the Czech Republic*, is therefore indeed an important feat in Czech research. Nevertheless it can certainly also serve as a source of information for researchers in other countries. In this respect, it is a pity that it is written in the Czech and Slovak languages, which may not be comprehensible for a majority of foreign researchers; nonetheless, the results of the research can surely also be shared in other ways.

Minorities and Law in the Czech Republic is a work compiled from the papers of fifteen authors, each of whom provided one or more contributions. Some of the persons involved deal with theoretical aspects of the subject of minorities, while others focus on practical issues, and this is also reflected in their papers. The book is therefore a compilation of papers written by a number of authors, which all differ substantially in their contents – this might appear a little unsystematic at first sight. However, when we look closer, we can find that the papers are systematically arranged in eight main blocks, which are logically linked and internally structured. In principle, the editors proceed from general topics to specific ones and in historical order.

The initial papers (block 1) deal with the definition of a minority in the Czech and international laws and thus delimit the further scope of the book. In 2001, the Czech Republic adopted a law that grants rights to the members of minorities – it thus acknowledges their existence and gives them certain rights. The law perceives minorities as national minorities, i.e. minorities that consist of citizens of the Czech Republic who – in terms of the law – “*differ in their ethnical origin, language, culture and traditions, constitute a minority in the population and, at the same time, manifest their will to be considered a national minority for the purpose of joint efforts to maintain and develop their own independence, language and culture and, simultaneously, to express and protect the interests of their community that has developed historically*” (see Sec. 2 of Act No. 273/2001 Coll.). At the same time, in order to be perceived as a minority, the given citizens of the Czech Republic must avow this and show interest in being considered to have other than Czech nationality. The Jewish minority is not considered to be a minority in this sense, since they do not consider themselves to be a national minority, but rather a religious community, although being strongly perceived as a minority by society. The specificities of Czech developments in forming minorities are discussed in a very interesting way, from a historical viewpoint, by René Petráš (block 2), who emphasizes the unusual situation in the Czech Republic, where the

largest minority, i.e. Slovak, speaks a language that is quite easily comprehensible to the majority and, given (or in spite of?) the decades of “living together in one state”, there are also no political issues connected with this minority. Petráš also considers that there is no risk of international or border conflicts with the Polish minority. He believes that the situation could change in connection with immigration. Nevertheless, in my opinion which is based on the current laws, no such development is likely – at least not in the near future. The national legislation postulates that a minority is a historically formed minority of citizens of the Czech Republic. Apart from the currently acknowledged minorities, this condition has yet to be fulfilled by any of the groups of new immigrants. The only community that could *de facto* be considered a new minority is the Vietnamese; however, the number of citizens with Vietnamese origins is not high (a great many Vietnamese nationals residing in the Czech Republic retain Vietnamese citizenship and, since the Czech Republic does not allow dual citizenship, Czech citizens of Vietnamese nationality are quite rare). Indeed, acceptance of this community as a specific minority is also rejected by Andrej Sulitka in the part dealing with the current position of national minorities (block 3). Thus, at the present time, the minorities in the Czech Republic include only the traditional Bulgarian, Croatian, Hungarian, German, Polish, Romani, Ruthenian, Russian, Greek, Slovak, Serbian and Ukrainian minorities, which have been granted membership in the Government Council for National Minorities. Blocks 2 and 3 put the subject at hand in a historical context. René Petráš systematically guides the reader through the history of protection of minorities in the Czech Republic up to 1989 (with inclusion of a specific paper on the Romani minority written by Nina Pavelčíková), followed by a paper drafted by Andrej Sulitka, dealing with the regulation of national minorities in the Czech Republic after 1989. For a long time, Sulitka worked in the secretariat of the Government Council for National Minorities. Consequently, his paper provides a picture of the Government’s concept of this issue, which is also presented in detail in the annual reports on the situation of national minorities. Specific rights of minorities are dealt with in block 5 (the constitutional regulation of their position and also the right to use their language in official matters or in election matters, the right to education in the minority’s language, etc.), which was drafted by Helena Petrův and Josef Vedral.

Block 5, focusing on specific minorities, is very interesting. This is a set of papers that deal with the Slovak and Romani minorities and also focus on the specific position of the Jewish community, which nevertheless is not a minority in the legal sense (authors Olga Šrajeroová, Nina Pavelčíková and Blanka Soukupová). These papers are interesting for the readers also in that they illustrate the differences amongst the mentioned groups of inhabitants and thus provide an example of the specific features distinguishing a minority, in addition to a different tongue. The Czech majority society is unified, to a considerable degree, through its language. This aspect can be perceived, for example, in the fact that the sole integration measure that is being applied in relation to immigrants consists in the test of (solely) *basic*

knowledge of Czech. The integration measure is applied in obtaining the residence status after five years of stay and then in the process of application for citizenship. It is thus interesting to read about the cultural specificities of Romanians or their traditional customary law, as well as about revival of the Jewish identity in already assimilated Czechs in the 1989-2005 period.

The extensive contribution by Harald Christian Scheu, dealing with the general topic of universal and regional protection of minorities, then returns to theoretical aspects, although it is placed in the middle of the publication (blocks 6 and 7). Scheu provides detailed information on the universal and regional mechanisms of protection of minorities, including the approach to this aspect in EU law.

According to the authors, the relatively fragmented block focusing on the aspects of minorities in other countries (block 8) was included in the book for comparison with the strategies employed in other States. The regulation in the e.g. Baltic States is thus elaborated (Helena Nosková). These countries have a strong Russian minority, which can indeed play, given the recent developments on the Russian-Georgian border, a potentially problematic role in the mutual relations between the Baltic countries and Russia. Considerable attention is also paid to the United States of America (Helena Petrův), which however conceive the aspect of minorities quite differently; their strategy of equality is inspiring, but difficult to employ in the Czech environment (see the difficulties connected with the adoption of the “Antidiscrimination Act” or resistance to affirmative action), Slovakia (Mahulena Hofmannová, Klaudia Marczyová) and Switzerland (again René Petráš).

The publication also includes papers from conferences that were organized in relation to the given topic by the co-authors of the book. These include, amongst others, a paper dealing with the subject of restitution of the Jewish property after WWII (Jan Kuklík) and the aspects of the right to self-determination of nations within the context of the topic being considered (Josef Mrázek).

The publication as a whole is a benefit for research into the legal regulation of the aspects of minorities, not only in the Czech laws, but also in regional legislation and universal international law. The fact that it sometimes deviates from the basic line (e.g. block 8 which does not always go deep enough in the contemplated comparison of conceptions) in no way affects the quality of the book. It is true that some of the papers are more elaborate in professional terms, while others find greater basis in practice. The certain imbalance is the price paid for the variety of the papers, which, on the other hand and as mentioned above, allows inclusion of topics that have yet to be further analyzed in the given context.

Věra Honusková¹

¹ Mgr. *Věra Honusková* is a senior lecturer at the International Law Department, Law Faculty of Charles University in Prague. Her main research areas are Refugee Law, Migration Law, Human Rights, and Gender Issues.