

**REFUGEE STATUS APPEALS AUTHORITY**  
**NEW ZEALAND**

**REFUGEE APPEAL NO. 71336/99**

**AT AUCKLAND**

**Before:** E M Aitken (Chairperson)  
J M Baddeley (Member)

**Counsel for Appellant:** J McBride  
(Shieff England)

**Date of Hearing:** 7 September 1999

**Date of Decision:** 4 May 2000

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**DECISION**

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This is an appeal against the decision of a refugee status officer of the New Zealand Immigration Service declining the grant of refugee status to the appellant, a national of the Czech Republic.

**THE APPELLANT'S CASE**

The appellant was born to Romani parents in Czechoslovakia in 1961. His mother is dead and his father is retired living in B in the Czech Republic. His siblings all live in the same region. The appellant's father receives a small pension from the government which meets rental on his apartment with a small amount left over for meeting some necessities of life.

The appellant has four siblings. None of them are currently in employment. His oldest brother has become disabled following an illness and receives a government pension. He was in regular employment until the revolution in 1989 but thereafter was only able to obtain odd jobs until his illness prevented him from working at all. The appellant's other brother was also in regular employment in the building trade until the 1989 revolution. Thereafter he has been able to obtain work sporadically on various buildings sites and is currently unemployed. One of the appellant's sisters is divorced and responsible for the upbringing of her three children. She has not been able to find employment for some time. The appellant's younger sister has been more successful. Until 1999 she was in permanent full time employment as a waitress. She is described as being lighter skinned than the appellant and carefully dyes her hair blond on a regular basis. She believes that her employer was unaware that she was Roma until she was visited by her brother in law early 1999. He is dark skinned and more easily identifiable as Roma. As a result of that visit her employer asked her whether she herself was Roma and she answered him honestly. Shortly thereafter he told her that she was no longer able to work for him using as the reason a marked downturn in business. The appellant's sister was unaware of such a downturn and was left in no doubt that she has been dismissed because of her race.

The appellant left school at the age of 15. His years at school were marked with regular verbal abuse and exclusion by other non-Roma classmates. Despite complaints from his mother, neither the bullying nor abuse abated before he left.

Upon leaving school the appellant entered a three year apprenticeship in the building trade, following in the footsteps of his father. The course comprised both study and practical experience. However the appellant was unfortunate to be assigned a supervisor who constantly undermined his ability, and, on occasion, attempted to destroy his work. The appellant finally left the course after completing less than one year because he could not continue to work in such an environment.

Thereafter his father taught him the skills of the building trade and the appellant was able to find work. Prior to the 1989 revolution, he had no difficulty in obtaining work although there was a fairly constant level of verbal abuse whilst on the job in some places and in public places generally. Notwithstanding that, the appellant had no fears for his own personal safety during those years. He continued to work for his father for six to seven years and thereafter commenced work for a friend

who trained him as a bricklayer. The appellant was then employed by his friend who ran a state owned construction business.

In 1993 or 1994 the business was privatised. A significant contract was secured by the company which required all the employees (approximately 70 – 80 people) to work together on one site. Prior to that time, the appellant's friend had effectively separated his employees into groups, the appellant regularly working with the four to five other Roma employees. On securing the large contract, and the requirement that all employees work in one group, the appellant's employer was faced with objections by most (but not all) of his non-Roma employees. The upshot of it was that a significant number refused to work with Roma on the new project and the appellant was advised by his friend that he had no alternative but to dismiss the appellant and the five other Roma employees or risk losing the majority of his employees and the contract.

Upon being dismissed from that position in about 1993 or early 1994, the appellant was, for the first time, without employment. Whilst entitled to a state benefit he found this to be small and insufficient to meet the needs of himself, his wife and their two children. He made significant efforts to look for employment through the local newspaper but these were unsuccessful despite applying for approximately four to five jobs per day for three to four months after his dismissal.

The appellant described an incident which illustrated the reality for him of trying to obtain work at that time. On one occasion he contacted an employer by telephone to be told that there were job vacancies on a building site. When he got there he was told by the prospective employer that all the positions had been filled. Not believing that, the appellant went to a nearby telephone box and telephoned the same employer enquiring about work. He was not surprised to be told by that employer that there were vacancies. When he pointed out that he was in fact the person who had just come to the building site, the prospective employer was indifferent to his protests of racism and unfair treatment. The appellant firmly believes it was only because he is Roma that this employer, and many others, refused to give him a job.

After about three or four months, the appellant believed he had no alternative but to register with the employment agency, particularly as he and his family had almost run out of the savings that they had been living on. His benefit was 50% of the average wage. He continued to seek work both on his own and using the

assistance of the employment office, but he was not in full time paid employment from about 1994 until he left Czech Republic to come to New Zealand in July 1998. While he was able to obtain casual work from time to time, this was never longer than periods of one to two days. The appellant did not limit his quest for work to his home town. He travelled within a radius of approximately 50 kilometres from that area in an effort to find employment but was unsuccessful.

As to his personal circumstances, the appellant married in 1984. His wife is also Roma. They have two children, a daughter born in 1986 and a son born at the end of 1987. The appellant's wife's family all live in Slovakia. After her marriage the appellant's wife obtained work as a cleaner in a shop, a position she had until she was made redundant in 1991. Her next job was in a store owned by the state, cleaning and stocking shelves. It was privatised five months after she started and shortly thereafter the new owner set up a meeting with his staff at which they were asked to provide their qualifications. When the appellant's wife told him she had no qualifications she was dismissed from with notwithstanding she was primarily employed to clean the premises. The appellant's wife was subsequently told (by the woman who had recommended her for the job in the first place) that the new owner had made it known to her that he did not want to employ Roma as he was afraid that no-one would patronise his shop if Roma worked there.

Like her husband, the appellant's wife registered with the state employment agency. Like her husband, she completed an application form which required her to state her racial background. In the appellant's wife's case, upon completing her application form, she was directed to a specific office in the employment agency building. When she went into that office she realised that the only other people in the office were Roma and that each of them was seeking work. From this the appellant and his wife became aware that even the state employment agency appeared to differentiate between Roma and non-Roma, or at the very least to have different channels through which they must seek employment. It was the appellant's wife's experience that, even in trying to obtain relatively menial cleaning work, she was always asked by prospective employers whether she was Roma. She was not successful in finding work. Out of desperation she approached Roma and non-Roma friends to seek their assistance in getting her employment but they were afraid to help her for fear of losing their jobs in the process. She was unable to obtain any other employment from the time she lost her job in 1992 until she left the Czech Republic.

The appellant's two children are, obviously, both Roma although different in appearance, their daughter (Martina) being fair-skinned with the blue eyes of her Slav great grandmother, but their son (Marek) being dark-skinned in a fashion similar to his father. Both the children attended different mainstream schools. Martina was able to progress through the school system without problem, a fact the appellant and his wife attribute to her not looking Roma to her classmates. However their son's experience has markedly different. From the beginning of his schooldays he was teased by other children and beaten up. He was ignored by teachers and marginalised in all his classes to the point where he quickly lost interest in learning. He had no one to play with at school and became lonely, miserable, and isolated. The appellant's wife spoke with the principal on one occasion and explained what she regarded as the problems her son was having at school to that principal. The principal appeared to acknowledge that Marek's teacher could have done more to influence the behaviour of other children but she was due for retirement and, as the school had been unable to obtain a replacement, he did not want to risk her early departure by sanctioning her for her conduct.

Because the children look different in appearance, and because the appellant's daughter Martina experienced no difficulties at school, the family made a conscious decision that the two children not associate with each other on their way to and from school thereby hoping to delay or prevent other children from realising Martina was Roma. The siblings therefore did not walk to school together and the appellant and his wife kept away from their daughter's classes and teachers so that they would not be readily identified as her parents.

Neither of the appellant's children can speak Roma as he and his wife chose not to teach them the language. They did this because they believed that if the children had been brought up speaking Roma that would have affected the way they speak Czech and again would have marked them out as Roma.

The appellant, his wife and children were subjected to regular verbal abuse from time to time. The appellant would be abused because he is obviously identifiable as Roma. In his wife's case, however, the abuse took a different form. Because of her lighter skin she was not always immediately identified as Roma but would be abused when in the company of her son on the basis that she must have had a relationship with a Gypsy to have produced a Gypsy child. Notwithstanding this regular verbal abuse, and the constant discrimination against the family in trying to

obtain work and in trying to get their children educated, the appellant told the Authority that he and his wife were able to maintain a relatively normal family life until some time in 1995 when he was the victim of the first of what would be four physical attacks on him. On this first occasion, he was making his way to the dentist when he was confronted by a group of four to five skinheads. Whilst he managed to defend himself initially he was then surrounded by them and beaten up. He fell to the ground and pretended to be unconscious until they ran off. He was then helped to his feet by an old man and made his way to the dentist. He had cuts on his face, his hands, and his lip and was bleeding profusely. His dentist however treated him for the injuries, such treatment including stitches to his face.

This attack had a considerable psychological effect on the appellant and his family. Thereafter he and his wife rarely took their children out in public. They feared that they would be inviting trouble if they did so and the appellant took it upon himself to do the shopping and run any necessary errands for the family. In particular, they resolved that they would not use public transport at all and were able to travel about by car, until their car broke down and they were unable to afford to fix it.

The family had in fact only rarely used public transport for some time prior to that incident because they were fearful of doing so. This fear arose because of the regular abuse of Roma using public transport either from passengers or drivers. On occasions the appellant's wife had seen people thrown off public transport and seen drivers refuse to let Roma travel on public transport. Private transport did not always provide total protection from abuse. In 1997, when sitting at traffic lights in their car, a group of skinheads approached the family, smashed the windscreen and the driver's window and started abusing the appellant and his family. Fortunately the lights changed and the appellant was able to get away from the group but the family were very frightened by the experience and grateful that they were in their own private transport for fear that, had they not been, their fate would have been worse.

About three or four months after the first physical attack on the appellant, he and his cousin were having a drink at a hotel when they noticed a group of skinheads sitting some tables away. The appellant was later approached by two of that group who started abusing him and telling him he had no business to be drinking in a public place and that he did not belong there. When they started physically attacking him, the appellant fought back until one of them pulled a knife on him

and cut him on the forearm. The appellant described the knife essentially as a flick knife with a 15 cm. long blade. His arm began to bleed profusely and the attackers ran away. Thereafter his cousin sought assistance for him and took him to a doctor who again stitched his arm before sending him home.

The appellant candidly told the Authority both in his statement and orally that fights between Roma and Czechs were common. In the area of B in which he lived, there was a group of skinheads who had its headquarters near his neighbourhood and that group would often go round the public places looking for Roma and essentially picking fights with them. This affected both the appellant's desire and his ability to go to various public places and in particular to take his children to things like cinemas, concerts, restaurants and public swimming pools. The appellant told the Authority that he had long since ceased trying to gain entrance to most cinemas public pools and other "public" places. After the 1989 revolution, most of these places were privatised and consequently many owners refused entry to Roma. Although subsequently laws were passed to prevent such discrimination, the appellant told the Authority that private owners turned a blind eye to the laws, preferring to pay the fines that were only sporadically imposed rather than to admit Roma as the latter option was more likely to cost more because of its negative impact on other patrons. As a result the appellant feared that they would regularly be the victim of both verbal and physical abuse in such public places and, although he conceded that there were similar public places which were essentially patronised only by Roma, he was fearful of taking his family to those as they could be an obvious target for racial attack.

Some months after the second attack on the appellant, his son was playing outside the family home for a short period on his own while his wife had gone shopping. When she arrived home she found her son to be bleeding, speechless and crying hysterically. A neighbour was eventually able to tell her that she had seen Marek confronted by another (non-Gypsy) boy in the neighbourhood who had eventually grabbed the appellant's son by his hair and slammed his face into the outside step on the appellant's property. His front teeth were eventually pulled out as a result of the incident (albeit they were only his first teeth) but the appellant's son was quite significantly traumatised by the incident. Although the appellant and his wife confronted the parents of the boy who had attacked their child, they claimed that they were not responsible for their son's behaviour and that in fact it was just "playing."

The following year (1996) the family's apartment was vandalised with graffiti encouraging the appellant and his wife to leave the country. This coincided with a mass migration of Roma from the Czech Republic to, in particular, Canada.

Towards the end of 1997, as a result of the above mentioned verbal and physical abuse of the appellant and his family, and his and his wife's inability to obtain any steady employment, they decided that they may be better able to provide for their children and live in a state of relative peace if they were to move away from B to a smaller town where they thought the attitude of local inhabitants may be less hostile and work more abundant. Prior to their move, the family had lived in an apartment which had originally been designated by the state to the appellant's grandmother and effectively inherited by him on her death. Under the property laws regarding such state-owned but designated homes, the appellant was able to exchange his apartment in B for a home in I.

As stated the appellant thought his family would be safer in a smaller town primarily because he did not believe there would be as many skinheads there and accordingly he felt there would be a greater sense of freedom and tolerance amongst local residents. Unfortunately that was not his family's experience.

Neither the appellant nor his wife had any greater success in obtaining permanent employment or even regular part time employment in the village of I. It was also a more difficult place for their children to live primarily because there was only one school. Because of this the children were instructed not to speak to each other at school, not to walk to or from school together and effectively to pretend that they were not brother and sister. For their own part, the appellant's parents never went to school to speak with Martina's teachers for fear that they would be identified as her parents causing her to suffer the same treatment from both teachers and pupils as their son had experienced in B.

Not long after the family had moved into their new home in I a stone wrapped in paper with a swastika emblazoned on it was thrown through the window of their home and graffiti written on the walls of their house. Notwithstanding that the appellant and his wife remained committed to their new home and continued with their searches for employment.

Around this time, the appellant's wife attended a meeting in the town square in I, having noticed a large crowd gathering. When she got close enough to see, she



recognised the crowd had gathered to hear Miroslav Sladek, someone whom both the appellant and his wife knew to be the self-styled leader of a large group of skinheads within the regions of B and I. He had appeared on television in the past citing such slogans as “the only good Gypsy is a dead Gypsy.” On this occasion, the appellant’s wife saw him giving out pamphlets and signing autographs. She did not stay long enough to see what he was talking about as soon as she recognised the reason for the crowd, she left. Such significant and obvious support for this skinhead leader gave the appellant and his wife further cause for concern as to their safety.

In about April 1998, being unsuccessful in his quest for work, the appellant went back to B to ask an acquaintance if he could offer him a job. Shortly after leaving the bus stop he was again approached by a group of skinheads who started verbally abusing him and, when he answered back, started to assault him. Although the appellant hit back, he was overcome by the sheer numbers of them although fortunately they dispersed quickly as there were a reasonable number of people on the street. The appellant sustained only minor injuries and did not report the incident to the authorities.

In fact the appellant reported none of these three incidents to the authorities. When asked why, he told the Authority that he did not believe that the police would assist him and, if they were even interested in investigating his claims of assault, at the very least he would have had to provide a witness. As he was unable to do that, he simply chose not to report the incidents. He had also heard that there were skinheads amongst the police officers themselves.

It was in the following month, May 1998, when the appellant was with his son that he was the victim of a more serious assault. By that time the appellant’s car had broken down and he was unable to afford to fix it. He was therefore obliged to travel on public transport despite his concerns in that regard. On this occasion his son had travelled to B with him and they were walking from the bus stop to an apartment building where their friends lived. They were surrounded by a group of four to five skinheads one of whom had a baseball bat. Initially the appellant’s son was kicked and punched in the head at which point the appellant took on the boy’s assailant thereby enabling his son to run for help. In the meantime the appellant was hit over his head with a baseball bat, became dizzy and may have lost consciousness for a short period of time. He was kicked in the shoulders and back by his assailants at least one of whom was wearing steel-capped boots. The appellant believes that the only reason the attack stopped was because his son

had gone for help and approximately 20 other Roma ran towards the appellant to assist him. This was not however before the appellant's ID card fell onto the footpath. When it was picked up by one of the skinheads he commented to the appellant words to the effect that he would find the appellant's house, burn it and kill him.

After this incident the appellant saw a doctor. He had bruising and swelling to the back of his head and a depression on the back of his skull about 10 cm in diameter. The medical report evidencing his consultation with his doctor was produced at the hearing.

The appellant was considerably shaken by this incident and took very seriously the threat by the skinheads that they would track him to his home and burn it. He suffered significant anxiety and returned to the same doctor in early July 1998 seeking medication to alleviate his stress and to assist him in sleeping. He told the Authority that he was afraid to go to sleep in case skinheads came and attacked the house. On this second visit his doctor gave the appellant a copy of the medical records evidencing the assault and urged him to report the incident to the police.

For the first time, the appellant sought protection from the police, taking the medical evidence to the local police in I. However when he tried to report the incident he was told that, as it had happened in B, he would have to go to B to report the incident there. A few days later the appellant sought to do just that only to be told that he had to report the attack at the police station nearest to where he lived. When he explained that he had been given the contrary advice by the police in I this made no difference. The police in B refused to accept his claim, noting also that he had no witness to prove it. The appellant did not pursue the matter after that time.

Instead he and his wife resolved that they were now at real risk of a further violent and even fatal attack by this particular group of skinheads. They believed the skinheads knew where they lived and that it was only a matter of time before they came after them. They therefore left their home in I and moved in with friends in B, selling their house in I the following month. It was at this time that the appellant returned to the doctor for help in dealing with his trauma and inability to sleep. As noted earlier, the appellant produced a copy of the medical certificate given to him by this doctor which relevantly records:

“1 July 1998: skinheads threatening to kill them. Traumatized, scared, and shaking, scared to even leave flat. Gave him sedatives and reported it to the police.”

The appellant told the Authority that he did not believe there was anywhere else he could move to within the Czech Republic. In his view, there was nowhere else that was safe nor anywhere else where he was more likely to get a job from which to support his family. He believed he was being constantly watched by skinheads whenever he was on the street and that his family was at constant risk of being assaulted or worse. For her part, the appellant's wife maintained that, although at first glance she may not appear to be Roma, and therefore more likely than her husband to obtain work, she was not ashamed of her heritage and, if asked, will always admit to being Roma. She said that she was always asked by any prospective employer and regularly by the state employment agency officials if she was Roma. She confirmed to the Authority that she had not worked since early 1992 when she completed her five months stint in the shop. This is notwithstanding long term and regular efforts to obtain employment through newspapers, friends and the government employment agency.

Having sold their home, the couple had enough money to obtain passports and airfares for themselves and their two children, and resolved to leave the Czech Republic. They now believe that if they were to return to the Czech Republic they would have no entitlement to a state house, and would therefore be forced to obtain accommodation through the private sector unless they could stay with family members. They believe that they would be subjected to discrimination in obtaining accommodation, and in the work force thereby preventing them from obtaining any permanent or even regular employment. Their children would be further discriminated against in the school system and that, in all aspects of their lives, they would be subject to verbal and physical abuse on account of their race. It is their claim that discrimination in every significant aspect of their lives amounts to persecution and they seek protection from such persecution under the Refugee Convention.

## **THE ISSUES**

The Inclusion Clause in Article 1A(2) of the Refugee Convention relevantly provides that a refugee is a person who:-

"... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside

the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it."

In terms of *Refugee Appeal No. 70074/96* (17 September 1996), the principal issues are:

1. Objectively, on the facts as found, is there a real chance of the appellant being persecuted if returned to the country of nationality?
2. If the answer is yes, is there a Convention reason for that persecution?

### **ASSESSMENT OF THE APPELLANT'S CASE**

The Authority has no hesitation in concluding that the appellant and his wife are honest and credible witnesses and their account is accepted in its entirety. The Authority is assisted in its finding in this regard by the independent evidence adduced by the appellant in support of his claim and the clear and helpful manner in which counsel presented the case before it.

It is the appellant's case that the accumulation of acts of discrimination against him and his family in the Czech Republic amounted to persecution and that, if returned, they can expect the same treatment. With this submission the Authority concurs. Our reasons follow.

The appellant's evidence and fears accord with country information available to the Authority and which has been succinctly summarised previously by this Authority in *Refugee Appeal No. 71253/99* (8 July 1999) in the following terms:

"The discrimination experienced by Roma in the Czech Republic, particularly since the collapse of the Communist regime in November 1989 is well documented. See Human Rights Watch/Helsinki: Czech Republic, Roma in the Czech Republic, Foreigners in their own Land, Volume 8 No. 11(D) (June 1996) DIRB: Response to Information Request No. CZE26377.EX (21 March 1997). UNHCR: Guidelines Relating to the Eligibility of Czech Roma Asylum Seekers, (10 February 1998). United States Department of State Country Reports on Human Rights Practices for 1997: Czech Republic 1058 (March 1998) and also for 1998 (April 1999), page 1226.

In summary there can be no doubt that Roma in the Czech Republic are subject to widespread discrimination in such areas as education, housing and employment while anti-Roma prejudice is widespread throughout Czech society. Racial insults and violence towards Roma by skinheads and other disaffected elements are particularly nasty manifestations of an historically entrenched prejudice which

receives encouragement from extremist political groups such as the Republican Party under its leader Miroslav Sládek. Roma regularly complain of the absence of effective protection particularly from the police and other local authorities....

The appellants' experiences in this regard are confirmed by the United States Department of State Country Report on Human Rights Practices (April 1999) at page 1231 - 1236. Section 5 details extensively with the position of Roma and highlights that efforts by NGO's, individuals and the Federal authorities to improve conditions for Roma have had only minimal impact due to the attitudes or intransigence of local authorities who continue to remain impervious to change. One of the more notorious examples of current local authority attitudes to Roma, which received international condemnation, occurred in the city of Usti Nad Lamben, where city authorities in May 1998 announced their intention to construct a 15-foot high wall to separate a primarily Roma apartment complex from other neighbours. This step was said "to be necessary to separate 'decent people' from the 'problematic community'". The Report refers to various successful convictions for racially motivated crime during 1998, although notes that in a number of cases involving the killing of Roma, prosecutors failed to attribute racial motivation to the crime, or sentences imposed were surprisingly light. Tension between Roma and law enforcement personnel during 1998 are reported to have escalated to the point where there were a number of Romany instigated assaults on local police officers, in one case resulting in several Roma being arrested and charged with racially motivated crime."

Two points can relevantly be made in respect of this passage: the city authorities in Usti Nad Lansen recently announced their decision to halt the building of the "ghetto-like" wall to separate Roma from the community and have dismantled it (see *Time*, December 6 1999, pp 12). However the fact that the decision was made in the first place remains demonstrative of the attitude of many in the Czech Republic. Secondly, the Authority simply notes that it was in fact Miroslav Sladek the Republican Party leader, who visited the village of I when the appellant and his wife lived there.

Since the delivery of *Refugee Appeal No. 71253/99* (on 7 July 1999) the UNHCR has issued *Guidelines relating to the eligibility of Czech Roma asylum seekers update*: December 1999 Geneva: UNHCR 10 February 2000. The detailed paper documents continued discrimination against Roma in the area of housing, employment and access to education. It relevantly notes that "although the unemployment rate in the Czech Republic is approximately 7%, the unemployment rate among Roma is quite high, with estimates reaching 70%, and in some areas, 90%." With many migrants now taking over the market in the area of labouring and unskilled work "many Roma therefore rely on state benefits and live at or below the poverty line".

The report also confirms that widespread anti-Roma feeling exists among the ethnic Czech population, with such popular attitudes being mirrored in the political context.

Against this background the Authority finds that the appellant in fact suffered breaches of a significant number of his human rights, specifically his right to freedom of movement, his right to work, his right to privacy and security of his home and person. We also find that his right to life was threatened. The climate in which he lived, the discrimination which he experienced and the actual assaults he suffered, have resulted in a feeling of fear and insecurity that pervaded all aspects of his life and the life of his family for many years preceding their flight to New Zealand. The appellant's children were directly affected by this climate; specifically, they were denied the opportunity to learn their own language for fear of it identifying them as Roma and were required to spend the first years of their lives attending separate schools, effectively pretending that they had no relationship to each other.

In short, the appellant's own evidence and the objective country information before the Authority satisfy it that he has suffered both a sustained and systemic violation of his core human rights such that his past experiences when viewed cumulatively can be fairly said to amount to persecution.

In reaching this conclusion the Authority notes, relevantly, that it was in B, the appellant's home city, where the Patriotic Front was founded, a branch of the skinhead movement expounding "an extreme form of Czech national socialism, anti-Semitism and neo-Nazism". This group has approximately 5,000 members and ten branches across the Czech Republic. It is regarded by some as the most significant neo-Nazi organisation in the country (see DIRB: *Responses to information requests: Czech Republic*: CZE 28659 E. 16 January 1998, herein after referred to "the DIRB response"). The DIRB response also notes that such groups are widespread and this and other country information makes it quite clear that they are not limited to the city of B.

On the basis of extensive country information before it the Authority is satisfied that the appellant can expect to receive similar treatment to that experienced in the past if he is returned to the Czech Republic. In other words, he can expect to experience severe discrimination in seeking employment, in the level of and

access to education by his children, and in obtaining housing. He can also expect further threats to his life and liberty particularly from the various skinhead groups.

The appellant's own experience of being unable to access effective legal remedies to the breaches of his human rights is consistent with country information. Notwithstanding the fact that from senior government officials right up to the President, Vaclav Havel, have espoused greater tolerance towards the Roma community and that the government and some NGOs have taken some active steps to combat the systemic discrimination, such actions have had little or no significant effect on the lives of the Roma community in the Czech Republic and the Authority is left with the view that the State would be unable, and, in part unwilling, to provide adequate protection to the appellant and his family.

In all the circumstances the Authority is satisfied that there is a real chance that the appellant will be persecuted if he is returned to the Czech Republic and issue one is answered in the affirmative. As there is no doubt the appellant is at risk of persecution because of his race, we also answer issue two in the affirmative.

**CONCLUSION**

For the above reasons the Authority is satisfied that the appellant is a refugee within the meaning of the Article 1A(2) of the Refugee Convention. Refugee status is granted and this appeal is accordingly allowed.

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E M Aitken  
Member