

Czech Republic's Review in the Working Group,
Wednesday 16 April 2008, 9am – 12pm
Analytical summary

The Troika

The members of the troika were France, South Africa and Nicaragua. France took the floor and asked questions, mentioning being part of the troika. The two other States did not take the floor.

Presentation by Czech Republic

Composition of the delegation: H.E. Mr. Vit Schorm, Government Commissioner for Representation before the European Court for Human Rights, Ministry of Justice, Ms. Zuzana Kaprova, Ms. Lucie Otahalova, Ms. Barbora Holusova, Ms. Jana Kolackova, Mr. Pavel Pokorny, Mr. Jean Kaminek.
Presentation by: H.E. Mr. Vit Schorm

Czech Republic is democratic State governed by the rule of law. The aim of the Government is to ensure the protection of Human Rights (HR) for all, focusing on vulnerable groups. The elaboration of the national report has taken into account the participation and the consultation of the civil society. The Government will maintain regular contact with it in the follow-up phase of the process. The delegation underlines the several achievements made. However, the Czech Republic's statement shows itself open to critics and questions and expresses some of the difficulties it has to front. The first mentioned concerns the education of the minorities groups, especially Roma: the integration of this population into the mainstream schools needs to be step-by-step and by special programs. The delegation is also aware of the serious nature of crime committed on racial or ethnic grounds and monitors the situation by annual reports.

Czech Republic mentions the following achievements:

- Ratification of the OPCAT in 2006.
- Ratification of the European Charter for Regional or Minority Languages in 2006.
- Signature of the Convention on the Rights for Persons with Disabilities, and also the OP.
- Support the Convention for the Protection of All persons from Enforced Disappearance. The ratification is in debate.
- An Ombudsman: Public Defender of Rights, created in 2001 in order to protect the fundamental rights and liberties with action of administrative authorities.
- The Antidiscrimination Act, which should come into effect this year if adopted by the Parliament as scheduled, in order to remedy the lack of regulation of equal treatment and protection from discrimination.
- Establishment of a governmental Agency for Elimination of Social Exclusion in Roma Localities in January 2008.
- Creation by the Government of the Council for Roma Community Affairs, a standard advisory and initiative body of the Government for this issue.
- National Strategies of Combating Trafficking in Human Beings have been prepared since 2003.
- National Plan on Combating Commercial Sexual Abuse of Children, to strengthened protection of children's rights, including child pornography.
- Act on Public Health Care, amended in 2007.
- Adoption of a new legislation in the field of domestic violence in 2006, which introduces preventive measures.
- Act on Registered Partnership, in 2006.

Interactive Dialogue

Number of States that took the floor

21 States took the floor, **17 member-States** (Russian Federation, Canada, Slovenia, Azerbaijan, Cuba, Pakistan, Malaysia, China, Netherlands, the United Kingdom, France, Mexico, Brazil, Ukraine, Bangladesh, Romania, Bosnia and Herzegovina) and **4 Observer States** (Algeria, Australia, Iran, United States of America).

All States which took the floor asked questions or recommendations.

Main questions and issues raised by States and answered by Czech Republic

Detention and Rendition

Cuba wants to have more information on the secret flights made by the CIA, in order transfer prisoners from Guantanamo, and also the potential secret prisons in the country.

Ukraine asks the State to elaborate more on the monitoring of prison personal.

Czech Republic answers that official inquiries have been opened to determine if this kind of prisons exist. It insists on the fact that no single secret flight has taken place since 2006. The delegation underlines that Czech Republic respects the CAT in this regard.

Concerning the control of prison personal, the State indicates that this task is endorsed by the Ombudsman, and also by the European Committee for prevention on torture.

Minorities

Russia recommends Czech Republic to take efforts to protect minorities, including Roma, insisting on the importance to integrate them in the society.

Algeria recommends the State to develop and strengthened protection for Roma.

Canada recommends, referring to the comments made by the CEDAW on the discrimination against Roma including children violated by the police, further measures to take these recommendations into account.

Cuba wonders which measures are taken for Roma, including in the fields of education and unemployment.

Netherlands recommends further efforts on the ground to ensure the right of minorities, including Roma.

Brazil recommends Czech Republic to take measures for the institutionalization of the Roma conditions.

Bangladesh wonders what steps are made for the minorities' discrimination, taking the example of specific education and housing institutions.

Romania recommends the State to continue efforts to fight against discrimination against Roma, especially for education and health.

Bosnia and Herzegovina wonders which governmental measures are taken for fighting the social exclusion of the Roma.

The delegation admits that the Roma children and their education are a complex issue, arguing that extensive attention has been made. The State focuses especially on inclusive education in order to minimize the failure in education. In 2005, a new model of education has been created, the access being covered by the governmental budget: the Roma children are now ready for school performances. The integration of Roma is completed by a project for the secondary school. The implementation of this new strategy of an inclusive school is very important for Czech Republic.

The government has in mind the sensitivity of the society. It is fully concentrated on the mainstream education, but children have the choice to take others alternatives. Czech Republic argues that the goal is the mainstream education but it is aware that it's important it should be smooth.

A law protects also the children in a situation of risk. The State argues that the placement of these children in specialized centers is only the last solution, admitting that the situation has to be improved.

Torture

Azerbaijan asks, regarding to the new competence of the police, how the principle of impartiality and independence are respected.

UK wants more details on the ratification of the OPCAT.

Czech Republic points out that a new draft of Police Act has been created in January 2008 in order to define the new tasks of police. It is now pending in the Parliament and its effectiveness is planned in January 2009.

Women's conditions

Algeria recommends the State to adhere to CEDAW.

Slovenia recommends the integration of gender perspective in the following of the review.

Iran asks which measures are taken in order to eliminate discrimination against women, in particular in education and health. It recommends also the State to strengthen the values of the family.

The delegation underlines the fact that Czech Republic has set up an advisory body in 2001. The government has developed a budgetary for equal distribution for men and women. It stress that there's no discrimination in employment: new guidelines are prepared for equal payment.

Rights of the child

UK recommends Czech Republic to improve the situation of children for education.

Iran wonders which measures to develop an effective system of investigation for children violence, including Roma.

The delegation insists on the creation of special programs which focus on children in risk, including a system of free assistance.

National Human Rights Institution

Australia wants to know if a NHRI is planned.

Canada recommends the State to create a NHRI.

Czech Republic argues that there's already a set of advisory bodies for the government, including complaints of victims.

Migrant workers

Algeria recommends the State to adhere to the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families.

Mexico encourages the sign of this convention.

Ukraine wonders which mechanisms protect the working migrants.

Czech Republic only mentions the fact that there's no discrimination in the labor market.

Recommendations made by States to Czech Republic

1. To take all measures to prevent any kind of reappearance of Nazism and not to let any such acts unpunished (Russian Federation);
2. To develop appropriate training and awareness-raising measures towards the Roma, ethnic minorities and other marginalized groups and to create a justice system complying with international standards and ensuring that the perpetrators can be brought to justice (Algeria, Russian Federation);

3. To provide adequate protection for human rights defenders and marginalized groups against racially motivated violence (Algeria);
4. To enact anti-discrimination legislation in the field of access to private and public housing (Algeria);
5. To acknowledge the harm done to the victims of sterilization, in particular Roma, and to bring perpetrators to justice and provide reparations to the victims (Algeria, Russian Federation);
6. To adhere to the recommendation by CEDAW to closely monitor the effective implementation of the new legal framework in the Employment Act and Labour Code, provide anti-discrimination provisions for the advancement of women and minorities and ensure that the private sector fully abides by anti-discrimination laws (Algeria);
7. To adhere to the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families (Algeria, Mexico);
8. To increase training in international human rights law for the judiciary and measures to strengthen its independence (Canada);
9. To take further measures to follow upon the recommendations of the Human Rights Committee and CEDAW related to anti-discrimination legislation (Canada);
10. To provide greater support for foster care as an alternative to institutionalization of children (Canada);
11. To establish a national human rights institution in accordance with the Paris Principles (Canada);
12. To ratify the Rome Statute of the International Criminal Court (Canada, Slovenia, France);
13. To integrate a gender perspective in the follow-up process to the review (Slovenia);
14. To consider using the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity as a guide to assist Czech human rights policies (Slovenia);
15. To adopt effective measures such as the establishment of a institution or specific mechanism tasked to monitor the situation of Roma, including the compilation of disaggregated data on education, health, employment and housing, which should be an independent body empowered to receive complaints about excessive use of force and ill-treatment against Roma by the Czech police (Cuba);
16. To adopt all measures to comply with its obligations under CERD, in particular to prohibit and punish organization of and participation in neo-Nazi demonstrations (Cuba);
17. To undertake urgent investigation on the allegation of secret flights of the CIA and take measures to prevent the use of its airports for such purposes (Cuba);
18. To abolish the practice of caged beds in all health-care and social care facilities (Cuba);
19. To take concrete measures to implement ICESCR and carry out a constructive dialogue with the CESCR (China);
20. To complete the drafting of the anti-discrimination act as soon as possible to ensure that Roma will not be discriminated in the field of employment, health care, education, housing and the administration of justice (China);
21. To provide a follow-up report about the strengthening of the efforts and actions taken on the ground to ensure the rights of minorities, and specifically Roma (the Netherlands);
22. To consider additional steps to improve conditions for children from vulnerable backgrounds (United Kingdom);
23. To sign and ratify the International Convention on the Protection of All Persons from Enforced Disappearance (France);

24. In the implementation of public policy for Roma, to take into account ethnic and cultural diversity and the specificities, needs, life styles and identity of the beneficiaries, and to consider the possibility of establishing bilingual compensatory school programmes for Roma children (Mexico);
25. To ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (Mexico);
26. To take all necessary measures to promote and strengthen the foundation of family and its values in society (Iran);
27. To give consideration to the establishment and application of criteria for the information and consent of women prior to sterilization (Brazil);
28. To promote the institutionalization of the agency for social inclusion of Roma communities (Brazil);
29. To take a comprehensive approach to combating trafficking in women and girls involving source, transit and destination countries (Bangladesh);
30. To take appropriate and effective measures to fight discrimination and violence against Roma and ensure their equal access to education, housing, health care and employment (Algeria, Romania).

Speaking Time

Total time of the review: 2 hours 2 min.

Czech Republic: Presentation: 19 min.

Interactive dialogue: 26 min + 17 min.

Concluding remarks: 3 min

Disclaimer: this summary is by no means exhaustive as it is just an indication of the discussion that took place during the review and should therefore not be quoted as an official document of the UPR process.