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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review

Czech Republic *

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its first session from 7 to 18 April 2008. The review of the Czech Republic was held at the 15th meeting on 16 April 2008. The delegation of the Czech Republic was headed by H.E. Mr. Vit Schorm, Government Agent before the European Court for Human Rights, Ministry of Justice. For the composition of the delegation, see appendix below. At its 17th meeting held on 18 April 2008, the Working Group adopted the present report on the Czech Republic.

2. On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Czech Republic: France, South Africa and Nicaragua.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of the Czech Republic:

(a) A national report submitted made in accordance with paragraph 15 (a) (A/HRC/WG.6/1/CZE/1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/1/CZE/2);

(c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/1/CZE/3).

4. A list of questions prepared in advance by Cuba, Denmark, Finland, France, Italy, the Netherlands, the Russian Federation, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to the Czech Republic through the troika. These questions are available on the extranet of the UPR.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the 15th meeting, on 16 April 2008, Mr. Vit Schorm, Government Agent before the European Court for Human Rights, Ministry of Justice, introduced the national report by welcoming the opportunity offered to his delegation to discuss with the members of the Council the Government's work to protect and promote the human rights of everyone within the jurisdiction of the Czech Republic. He reaffirmed the will of the Czech Republic to cooperate with the international community to face new challenges, to increase its knowledge and to improve subsequently the situation at the national level, and affirmed its full commitment to the success of the UPR and to its added value to existing mechanisms, which it should complement but not duplicate.

6. As a member of the Human Rights Council during its first year of existence, the Czech Republic announced that it has fulfilled all voluntary pledges and commitments it made when entering the Council. Firstly, the Czech Republic ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 2006. The functions of the national preventive mechanism in terms of the Optional Protocol are performed by the Public Defender of Rights. The Czech Republic also ratified the European Charter for Regional or Minority Languages in 2006. It signed the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto in 2007 and the Government established an

inter-ministerial working group to coordinate the preparation of the ratification of these two instruments. Finally, the Czech Republic supported the adoption of the International Convention on the Protection of All Persons from Enforced Disappearance. Amendments to national legislation that are necessary for its signature and ratification are currently under discussions.

7. The Czech delegation thanked Cuba, Denmark, Finland, France, Italy, the Netherlands, the Russian Federation, Sweden and the United Kingdom for their questions submitted in advance to the delegation. The protection of human rights in the Czech Republic is guaranteed by international conventions of the United Nations and the Council of Europe and by its own constitutional order. Apart from the resolution of individual cases by the judiciary, the Minister for Human Rights created in 2007 deals with the issue of human rights, along with a Government Commissioner for Human Rights, established 10 years ago. The new Minister is responsible for developing and implementing human rights policies. The Commissioner submits an annual report to the Government on the state of human rights which is then forwarded to Parliament and finally published on the Internet.

8. In addition, a Public Defender of Rights (Ombudsman) was established in 2001. Since 2006 he has been conducting systematic visits to detention centres. The Ombudsman may also open inquiries on his own initiative. The powers of the Ombudsman will soon be expanded by virtue of a new anti-discrimination act, which has been approved by the Chamber of Deputies and is currently under review by the Senate. If approved, it should come into effect this year.

9. The Czech Republic also reminded of its need to take a proactive approach regarding the Roma community. In January 2008, the Governmental Agency for Elimination of Social Exclusion in Roma Localities was established to combat negative effects linked to exclusion. The Agency should assist in Roma integration, acting as an intermediary between all parties involved in the Roma inclusion policy, and it operates in 12 selected localities with the aim to transform Roma “ghettoes”.

10. Ten years ago, the Government established the Council for Roma Community Affairs, which is a standing advisory and initiative body of the Government. The Council secures the cooperation of individual Government departments implementing measures and tasks resulting from resolutions taken by the Government and international instruments. In the last 10 years, two key documents have been regularly updated, the Concept of Roma Integration and the report on state of Roma communities.

11. Regarding the education of Roma children, a new concept of education for disadvantaged populations is currently under consideration, based on an inclusive philosophy for children currently educated in separate programmes, and a step-by-step integration process into mainstream schools.

12. Since 1997 the Ministry of Interior has submitted annual reports on racial and ethnically motivated crimes. The statistics show a relatively stable or a slightly decreasing trend. The Government also believes it is crucial for social cohesion to ensure that members of minorities are present in the police force. In 2006, the Government conducted the first part of an information campaign geared towards recruiting members of ethnic minorities for positions in the police.

13. Since 2003, the Czech Republic has been on a regular basis preparing national strategies for combating trafficking in human beings. A programme on support and protection of victims of trafficking offers them assistance including emergency psychosocial or health care, accommodation and support for integration, which may in the case of foreigners include change of their residence

status or voluntary return to their country of origin secured in cooperation with the International Organization for Migration in Prague.

14. Since 2000, the Czech Republic has been preparing on a regular basis the National Plan on Combating Commercial Sexual Abuse of Children. The amendment of 2007 to the Criminal Code criminalized possession of child pornography. The amendment introduced stricter punishment for associated crimes.

15. The prohibition of the use of so-called cage beds is an important step in the treatment of mentally disabled people both in health-care and social care facilities. In social care facilities net beds were also removed. Other restrictive measures are permitted only in extreme cases, and the Government is monitoring the gradual reduction of their use. In November 2007, the Government approved the proposal made by the Governmental Council for Human Rights on measures restricting the movement of persons in social care facilities.

16. In 2007 the Act on Public Health was amended to widen existing entitlements of patients to examine their own medical record in order that they can now also make copies of them. It further stressed the importance of patients' informed consent. This practice is one of the Government's measures to prevent malpractice related to sterilization.

17. In 2006, a new law was adopted regarding domestic violence. This law introduced a new concept under which a police officer has the authority to banish the violent person from the common household for a period of 10 days.

18. The Czech Republic also places much emphasis on the rights of all minorities, including homosexuals. In 2006 it passed the Act on Registered Partnership allowing the recognition of legal relation of same-sex couples by the State.

19. The Czech Republic, like other European countries, is now increasingly becoming the new home for immigrants. The implementation of the Concept of Integration of Foreigners, prepared in 1999, is reviewed on an annual basis. The Ministry of Labour and Social Affairs is responsible for coordinating the integration of foreigners.

B. Interactive dialogue and responses by the State under review

20. During the ensuing interactive dialogue, statements were made by 21 delegations.

21. The Russian Federation indicated that it much appreciated the contribution of the Czech Republic in the institution-building process of the Human Rights Council, in particular in enhancing the effectiveness of the special procedures system. The Russian Federation commended the Czech Republic on the achievements in protecting all categories of rights of their citizens, and thanked the delegation for the answers provided to the questions put in advance. It stated that, taking into account the significant number of minorities living in the Czech Republic, the Government would be well advised to look into additional measures in view of ensuring the full exercise by these peoples of their rights and their integration in the society. The Russian Federation recommended that the Czech Republic take all measures to prevent any kind of reappearance of Nazism and not to let any such activities go unpunished, referring, inter alia, to demonstrations. Roma should be protected and any kind of racial discrimination against them should be eliminated. The Russian Federation stated that the effective functioning of the agency dealing with the situation of Roma. It also called upon the Government to carry out investigations regarding some cases noted by treaty bodies, NGOs and the Ombudsman related to alleged sterilization of Roma women in order to eliminate this kind of inhuman practice.

22. Algeria noted that in paragraphs 10 to 13 of the stakeholders' summary report, the Roma, foreign nationals and members of other marginalized groups have been subject to ill-treatment by private individuals, police authorities and State actors. These groups are subject to racist acts and violence by racist movements, vigilante groups and to hostile police attitudes, which are not adequately investigated. Algeria recommended that the Czech Republic 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. It also recommended that the Czech authorities provide adequate protection for human rights defenders and marginalized groups against racially motivated violence. Algeria recommended, with respect to continuing discrimination concerning housing and the enjoyment of decent standards of living elaborated in paragraphs 31 to 34 of the summary, to enact anti-discrimination legislation in the field of access to private and public housing, as noted in paragraphs 30 to 34 of the compilation report. Algeria noted that paragraph 20 of the compilation reported that a high proportion of Roma women have been subjected to coerced sterilization. Paragraph 23 of the compilation noted concern expressed by CEDAW about violence against women. In this respect, Algeria recommended that the Czech Republic acknowledge the harm done to the victims of sterilization, in particular Roma, bring perpetrators to justice and provide reparations to the victims. Furthermore, it urged the Czech Republic to establish clear mandatory criteria for the informed consent of women prior to sterilization. It also recommended that the Czech Republic adhere to the recommendation made 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. Finally, Algeria recommended that the Czech Republic adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

23. Australia noted its interest in hearing about the Czech Republic's views, approach and support for national human rights institutions. In particular, Australia asked if the Czech Republic has a national human rights institution in accordance with the Paris Principles and if it has plans to establish one.

24. Canada commended the Czech Republic's commitment to rebuilding a democratic legal order and undertaking the process of bringing its legislation into harmony with its international obligations. However, ensuring that international human rights standards are implemented at the national level is a difficult task for all States and in this vein, Canada recommended increased training in international human rights law for the judiciary and measures to strengthen its independence. Canada noted that the Human Rights Committee, CESCR and CRC expressed concern that no specific legislation has been enacted to outlaw discrimination against Roma. They were concerned that despite the adoption of relevant programmes, discrimination against Roma continues to persist in practice, including in the areas of labour, access to employment, health care, education and housing. Canada noted that CERD, CRC, CAT and the Human Rights Committee expressed concern about information according to which Roma are subject to ill-treatment by police officers. CAT expressed concern at the alleged reluctance on the part of the police to investigate such acts of violence against Roma. The Human Rights Committee recommended the enactment of comprehensive anti-discrimination legislation, provision of legal aid for victims and the institution of effective monitoring mechanisms. Also, CEDAW recommended undertaking effective measures to eliminate the multiple forms of discrimination against Roma women and girls and to enhance respect for their human rights through effective measures, including temporary special measures. In this regard, Canada requested an update on the implementation of these recommendations and recommended further follow-up measures. Canada also noted CRC reports of arbitrary removal of children from care of their biological parents and their remand into State or alternative care.

Allegedly Roma children have been disproportionately impacted by this policy. Canada requested further clarification on this issue, and recommended that the Czech Republic provide greater support for foster care as an alternative to institutionalization of children. Canada also recommended the ratification of the Rome Statute and the establishment of a national human rights institution in accordance with the Paris Principles.

25. Slovenia thanked the Government for preparing a comprehensive report and also thanked OHCHR for the very useful and comprehensive compilations of relevant information. It noted that the Czech Republic is still not a party to the Rome Statute of the International Criminal Court. Slovenia asked, and recommended, what obstacles there were to the ratification of this important international instrument, and if the Czech Republic intended to ratify it in the near future. Slovenia commended the Czech Republic on the adoption of the national action plan entitled “Priorities and procedures of the Government in promoting equality of women and men”, and enquired about the concrete results of this action plan. Slovenia recommended the full integration of a gender perspective in the follow-up of the review process and that the Czech Republic 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.

26. Azerbaijan welcomed the creation of the post of Government Minister for Human Rights and National Minorities and commended efforts aimed at initiating and coordinating Government action in monitoring the state of human rights in the Czech Republic by means of its Commissioner for Human Rights. It noted that the Czech Republic is a party to six out of the seven core international human rights treaties. It noted the recommendation made by the Committee against Torture to establish an independent complaint system to undertake investigations into offences committed by Czech police personnel. It further noted that new legislation placed crimes committed by police personnel within the competence of the Police Inspection in the Ministry of Interior. The delegation enquired how the Government will address the Committee against Torture recommendation with full respect for impartiality and independence given the composition of the Inspection, which is made up of the same police. Azerbaijan also requested a detailed answer on whether a special supervisory body of the Chamber of Deputies of Parliament that is meant to monitor the Police Inspection has the authority to influence the outcome of inspections. Azerbaijan finally asked if relevant authorities in the Czech Republic considered changing the current definition of rape in the light of definitions of rape in international tribunals and as recommended by CEDAW.

27. While thanking the delegation for responses provided to questions, Cuba formulated the following additional questions and recommendations: (a) what measures the Government has taken to eliminate discrimination, in particular racial segregation in education, and ill-treatment against Roma. Cuba recommended the adoption of effective measures such as the establishment of a specific institution tasked to monitor the situation of Roma, including the elaboration of disaggregated data on education, employment and housing. This institution should be an independent body empowered to receive complaints about excessive use of force and ill-treatment against Roma conducted by Czech police; (b) what measures have been adopted to reinforce the action of the Government against neo-Nazi demonstrations and comply with article 4 of CERD. Cuba recommended that the Czech Republic adopt all measures to comply with its obligations under CERD, in particular to prohibit and punish the organization of and participation in neo-Nazi demonstrations; (c) on the issue of secret flights of the CIA, has the Czech Republic undertaken investigations into these allegations? In such case, what are the results of these investigations? What measures have been taken to prevent the use of the Czech airports for such purposes? Cuba recommended the realization of an investigation into these allegations and the adoption of measures to prevent the use of Czech airports for such purposes; (d) on the issue of cage beds, the

Czech Republic was asked if it intends to continue the practice of using cage beds or net beds. Cuba recommended the abolition of this practice in all health-care and social care facilities.

28. Pakistan commended the Czech Republic on its commitment and contribution to the work of the Human Rights Council in general and the revised system of special procedures in particular. Pakistan stated that the fulfilment of its voluntary pledges within one year, a standing invitation to all thematic special procedures and compliance with obligations arising from core human rights instruments as well as recommendations of treaty bodies point to the commitment to the goal of promoting and protecting human rights. Pakistan asked for a specific approximation of the time frame and details of interim measures to comply with treaty body recommendations on the consideration and approval of the anti-discrimination act, specific medical services act, and the new police legislation. It asked the delegation to provide more details on the kind of claims that victims will be able to file with the Public Defender of Rights regarding discrimination and possible compensatory actions.

29. Malaysia welcomed, among others, the proposed amendment to the Criminal Code in relation to protecting children against sexual exploitation and the structured approach in fighting human trafficking. It noted that the Government stated that it paid particular attention to the recommendations of the Public Defender of Rights. It enquired about how a particular case was taken up by the Public Defender and whether an individual who had exhausted the judicial process could bring his/her case to the Public Defender.

30. China noted that in order to promote and protect human rights, the Czech Government has worked to improve the judicial system and human rights supervisory and advisory bodies. China welcomed the open dialogue of the Czech Republic with treaty bodies and supported the efforts of the Government to continue promoting the rights of minorities and improve their situation. At the same time, China noted with deep regret that the CESCR expressed the view that the Government did not fully implement the Covenant. The Human Rights Committee and several treaty bodies have also noted that Roma living in the Czech Republic have for long time suffered from various forms of discrimination. China recommended (a) that the Czech Republic take concrete measures to implement ICESCR and carry out constructive dialogue with the CESCR, and (b) in accordance with the recommendations of treaty bodies and the pledges made by the Czech Republic, the drafting of the anti-discrimination act be completed as soon as possible to ensure that Roma are not discriminated against in the areas of employment, health care, education, housing and the administration of justice, and in particular, should strive to improve the conditions of Roma women and children.

31. In responding to questions concerning education of Roma children, the Czech Republic stated that it was fully aware that changing the social situation within the Roma community was a complex issue. Extensive attention has been dedicated to making the school performances of the disadvantaged and at risk groups successful, including Roma. In January 2005, a new act on education came into force. This legal document based on democratic principles represents a modern tool for fulfilling educational needs of all within mainstream conditions. The access to rights is ensured by implementing a broad range of support provisions described in the Schools Act and covered by the national budget. For instance Roma, as a vulnerable group, are entitled to enter preparatory classes one year prior to starting regular compulsory education. The number of staff and teachers is increasing and they are provided with necessary training to be aware of how to deal with differences. Another programme aims at financially supporting Roma secondary schools students. Since 2005, all schools are obliged to start teaching with new curricula based on the concept of school for all. The Czech Republic is listening carefully to voices and evaluations criticizing the fact that most of the Roma children are placed in schools for children with learning

difficulties. Therefore, attention is paid to formulating a new education strategy that is at present under discussion. Concerning the issue of national human rights institutions, the current structure of national institutions is composed of a set of advisory bodies to the Government and the Public Defender of Rights who can be involved in the defence of rights of victims, and solving their complaints. The Czech Republic stated that the anti-discrimination act has already been adopted by the Chamber of Deputies and is pending before the Senate, and might be effective by the end of the year or in the beginning of next year. It will allow the Ombudsman also to issue recommendations with regard to discrimination. On the issue of the police, the Government has approved in January 2008 a draft of the police act which introduces a new position of the Inspection of the Police, as described in the national report. The draft is pending before Parliament and is supposed to become effective by January 2009. The discussion on an independent body for the investigation of crimes committed by police members is pending and the police is also facing the challenge of modernization. The Ministry of Interior, in cooperation with the Justice Ministry and the Ministry of Finance, is preparing a draft act of complex solution of the General Inspection issue, which will be submitted to the Government of the Czech Republic by the end of 2008. Regarding the regulation of rape, the criminal offence of rape is introduced in the Criminal Code. On the issue of sterilization, the Czech Republic stated that in 2007 the Ministry of Health issued a new medical record regulation which contents detailed rules on informed consent. In addition, a special form to be filled in prior to the sterilization was published in the bulletin of the Ministry of Health in December 2007. A new legislation concerning sterilization is under preparation and will probably be effective in January 2009, under which minorities and persons with incapacities will be given greater protection. In 2007, the Government Council of Human Rights has approved the recommendation to establish a working commission to examine the sterilization practice since 1966, which will present its results in December 2008. The Czech Republic also announced that in 2007, first perpetrators of this practice were brought to justice and compensations have been granted to victims. Furthermore, the Czech Republic explained that the legislation makes a difference between caged beds and net beds. The use of caged beds is forbidden both in social care and health-care facilities. The use of net beds is possible only in health-care facilities and is subject to detailed guidelines. On the issue of the removal of children from their families, the Czech Republic stated that this can only take place in exceptional circumstances and is subject to a court approval in each case and court review. The Government is continuing to strengthen its action for the protection of children. In 2006, the concept of care for children at risk was adopted. Moreover, the Act on social and legal protection of children was amended with a view to providing assistance to families whose children are placed in institutions. The Czech Republic stated that the ratification of the Rome Statute of the International Criminal Court was always tied to change in constitutional rules. Since its signature, the Statute has been presented three times to Parliament without being approved. In January 2008, the Government presented another proposal which is pending before Parliament. Concerning the issue of rendition, the Czech Republic, after investigation conducted by the Council of Europe, was in the position to affirm that there were no secret flights or detention facilities within its territory. The Czech Republic ensured the Human Rights Council of its compliance with the CAT and the ICCPR and reaffirmed its commitment to respect the prohibition of torture and the promotion of the rule of law.

32. The Netherlands appreciated the answers to written questions concerning the new anti-discrimination law, and commended the Czech Republic on this new law and noted that the process of its adoption was ongoing. The Netherlands recommended, with regard to continuing discrimination against Roma, particularly with regard to access to education, that the Czech Republic 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 the Roma.

33. The United Kingdom thanked the delegation for the information provided on a question asked in advance about the treatment of persons belonging to the Roma minority in relation to a number of economic, social, and cultural rights and noted that this continues to be a challenge. It welcomed initiatives aimed at care and educational institutions and at improving access to education. It also welcomed improvements to child pornography legislation aimed at protecting children from abuse, and efforts to combat human trafficking. The United Kingdom also thanked the delegation for information regarding the ratification of the Optional Protocol to the Convention against Torture. It welcomed information on improvement of conditions in child-care facilities, including discouraging the use of restraints such as caged beds and recommended that the delegation consider additional steps to improve conditions for children from vulnerable backgrounds.

34. France, as member of the troika, welcomed the transparency and spirit of cooperation demonstrated by the Czech Republic in the preparation of this meeting and commended the Government for the positive results achieved in the field of human rights since 1989-1990. France endorsed the concern of Slovenia, Canada and Denmark on the ratification of the Rome Statute and recommended its ratification by the Czech Republic. France also recommended and encouraged the signing and ratification of the Convention on the Protection of All Persons from Enforced Disappearance.

35. Mexico expressed its gratitude for the methodology used for the preparation of the report and hoped that the UPR process will help the Czech Republic in overcoming the challenges faced in the promotion and protection of human rights. Mexico asked for more information on the measures that have been identified to tackle the issue of discrimination and racial segregation, and in particular discrimination against minorities, including Roma. Mexico was interested to know what safeguards have been taken to ensure the implementation of integration of Roma policies in the field of education, housing, employment and health. Mexico recommended that in the implementation of public policy for Roma, ethnic and cultural diversity and the specificities, needs, lifestyles and identity of the beneficiaries be taken into account, and to consider the possibility of establishing bilingual compensatory school programmes for Roma children. Mexico recommended to consider the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

36. The Islamic Republic of Iran noted that there are some causes for serious concern in the field of human rights and fundamental freedoms in the Czech Republic, in particular regarding cases of discrimination against women, domestic violence, ill-treatment and abuses against children in the family and various forms of discrimination and violence against the Roma community. In this regard, Iran asked to what extent the Government has taken necessary measures to eliminate different forms of discrimination against women particularly in the field of employment, health and education. It also enquired about the concrete measures taken by the Government to develop an effective system of investigation as recommended by the CRC. Iran recommended that the Czech Republic take all necessary measures to promote and strengthen the foundation of family and its values in society in order to address the persisting challenges of domestic violence and abuse of children.

37. Brazil noted that the Government provided an inventory of developments, good practices, as well as obstacles to the full implementation of human rights in the country. Among the good practices, Brazil highlighted that the commitments made by the Czech Republic when presenting its candidature to the Human Rights Council in 2006 had been fulfilled by June 2007, such as the ratification of the Optional Protocol to the Convention against Torture and of the European Charter for Regional or Minority Languages. Brazil also noted the creation of the post of a Government

Minister for Human Rights and National Minorities in January 2007. It congratulated the Czech Republic for the fact that most of the recommendations made by the Public Defender of Rights for the period 2001-2006 were already reflected in legislation. Brazil asked about practical measures taken by the Czech Republic to promote and monitor the right to equal treatment and to assist victims of discrimination, including legal aid, and how the Government was planning on assessing its results. Brazil recommended that the Czech Republic give consideration to the establishment and application of criteria for the information and consent of women prior to sterilization. It also recommended that the Czech Republic take the necessary measures to promote the institutionalization of the Agency for Social Inclusion of Roma communities.

38. The United States of America thanked the Czech Republic for its sincere engagement in the whole UPR process and stated that its commitment to furthering the protection of human rights should serve as an example for others. Noting that a number of factors seemed poised to undermine the rule of law in the Czech Republic, including a lack of resources for law enforcement and training for judges, as well as high level political intervention in these areas, the United States asked for more information on what was being done to address the law enforcement and corruption issues.

39. Ukraine welcomed the fulfilment of the voluntary pledges and commitments, as well as activities aimed at the implementation of treaty body recommendations. In this regard, it noted the new legislation on the police was to be considered by the Government in the near future. It enquired if the delegation could elaborate about the existing mechanisms of supervision over the actions of prison personnel and whether this mechanism was functioning effectively. Ukraine also asked which legislation regulated the rights of working migrants and whether the provisions of the Employment Act of 2004 were extended to this category of workers.

40. Bangladesh thanked the Czech Republic for its contribution during the institution-building stage of the Human Rights Council. It noted with appreciation positive developments which have taken place, essentially in compliance with the recommendations made by treaty bodies, particularly the recent enactment of the Anti-discrimination Act. Bangladesh recalled continued concerns expressed by various treaty bodies regarding the human rights situation of Roma communities. It requested further information on the scope and coverage of the Act and about steps it foresees to remedy social segregation of minorities, for example, existing separate educational institutions, housing, health services, for Roma communities. Bangladesh finally commended the Czech Republic on introducing the National Strategy on Combating Trafficking in Human Beings and noted appreciation for the Czech-German-Polish working group addressing this issue. It recommended that the Government take a comprehensive approach to combating trafficking in women and girls involving the source, transit and destination countries.

41. Romania appreciated the constructive approach of the Czech authorities with regard to the implementation at the national level of its international human rights commitments. It acknowledged the efforts undertaken to increase efforts in preventing and combating trafficking in human beings. It asked the delegation to share some successes of the programme and how the delegation would assess the impact of the previous national strategies in this respect and what were the expectations for the 2008-2011 National Strategy. It also enquired how the Czech Republic intended to ensure the implementation of the outcome of the review and what the role of the relevant stakeholders will be in this respect. Romania recommended that the Government take appropriate and effective measures to fight discrimination and violence against Roma and ensure their equal access to education, housing, health care, and employment.

42. Bosnia and Herzegovina recalled the active engagement of the Czech Republic in the reform process from the Commission on Human Rights to the Human Rights Council and during the first phase of the Council's work. It noted with satisfaction that all voluntary pledges and commitments

made by the Czech Republic on presenting its candidature in 2006 had been fulfilled. It noted that the Government made additional efforts and took necessary measures as preconditions to eliminate discrimination against groups of minorities, in particular Roma. It also noted that the Government approved a pilot project to establish an agency for social inclusion of Roma communities, including funding and staffing arrangements. Bosnia and Herzegovina enquired about positive steps and efforts to assess the situation of Roma in the field of education. It also asked about additional efforts to provide protection to children living on the street and to ensure their access to education and health services, placing greater emphasis on alternatives to institutionalization.

43. In reply to questions put forward by various delegations, the Czech Republic elaborated on the independence of the judiciary and affirmed that there were some questions raised concerning the independence of the Chair of the Supreme Court. When the question was put to the Constitutional Court it ruled in favour of the Chair of the Supreme Court. Otherwise there are no concrete problems on this issue. Concerning control of prison personnel, the Czech Republic stated that there were internal control mechanisms in place able to redress human rights violations, including controls by the authorities and the Ombudsman. The Czech Republic recalled that it has submitted a report to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Responding to questions on the need for special education and the future of segregated schools, the Czech Republic noted that education strategies were elaborated to create mainstreamed, inclusive curricula and to provide children with special needs the option to be placed in small groups. Current research shows increased success of Roma children. Despite current achievements, and in order to ensure a successful integration, implementation must respect the sensitivity of Czech culture changes in the educational system. On gender issues, the Czech Republic reiterated that equal access to education without discrimination is a fundamental part the legal system. However, it noted that challenges remain and hoped that it will shortly be able to provide data on the progress of Roma enrolment. Reporting concrete results related to gender budgeting at local and regional levels, the Czech Republic reported that it also has an advisory body on gender equality working to mainstream gender action plans and ministry focal points. The Agency for the Protection from Social Exclusion in Roma communities has begun work in the fields of education, including early care and preschools, employment, housing, and will increase investment in social services and soft integration programmes. Addressing the concerns on corruption in the judiciary, the Czech Republic replied that crimes were introduced to the judiciary under supervision of prosecutors and that preventive activities such as training on ethics was provided to prosecutors and judges. Regarding human trafficking, the Minister of the Interior is, since 2003, responsible for creating and, within the inter-ministerial cooperation, for fulfilling national strategies on combating trafficking. The Ministry of the Interior cooperates with NGOs and within the national referral mechanism, NGOs can also be financially supported (e.g. providing hotlines, legal and social counselling etc.). In January 2008, the updated National Strategy on combating trafficking in human beings in compliance with the Palermo Protocol was approved. Since 2004, a support programme offering free assistance for victims and stipulating cooperation with destination and source countries exists within the national referral mechanism. The Penal Code criminalizes possession of child pornography and child trafficking. Responding to concerns about labour discrimination, the Czech Republic replied that equal rights were provided to all, including legally employed migrant workers. It stated that female participation in labour has been marked by inequalities in regard to remuneration and that efforts are being made in that regard. In response to concerns about the respect for the rights of the child, the Czech Republic replied that the Office of the Ombudsman, by virtue of law, is tasked with providing methodological assistance to victims, making recommendations and carrying out investigations. The Code of Civil Procedure has been modified and approved by the Constitutional Court to shift the burden of proof in anti-discrimination cases to favour victims of discrimination.

II. CONCLUSIONS AND/OR RECOMMENDATIONS

44. In the course of the discussion, the following recommendations were made to the Czech Republic:

- 1. To take all measures to prevent any kind of reappearance of Nazism and not to let any such acts go 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, Mexico);**
- 7. To adhere to (Algeria) or to consider the ratification of (Mexico) the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families;**
- 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 up on 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 an 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, lifestyles and identity of the beneficiaries, and to consider the possibility of establishing bilingual compensatory school programmes for Roma children (Mexico);**
- 25. To consider the ratification of 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 (Islamic Republic of 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).**
- 45. The response of the Czech Republic to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eighth session.**
- 46. All conclusions and/or recommendations contained in this report reflect the position of the submitting State(s) and/or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of the Czech Republic was headed by H.E. Mr. Vit Schorm, Government Agent before the European Court for Human Rights, Ministry of Justice, and composed of:

H.E. Tomas HUSAK, Ambassador, Permanent Representative of the Czech Republic to the United Nations Office at Geneva;

Ms. Lucie OTHALOVA, Office of the Minister for Human Rights;

Ms. Jana KOLACKOVA, Office of the Minister for Human Rights,

Ms. Barbora HOLUSOVA, Department of Crime Prevention, Ministry of Interior;

Mr. Pavel POKORNY, Department of European Union and International Cooperation, Ministry of Labour and Social Affairs;

Ms. Zuzana KAPROVA, Department of Prevention, Special Education, and Institutional Care, Ministry of Education, Youth and Sports;

Ms. Veronika STROMSIKOVA, Counsellor, Permanent Mission of the Czech Republic to the United Nations Office at Geneva;

Mr. Jan KAMINEK, Department of Human Rights, Ministry of Foreign Affairs;

Ms. Petra ALI DOLAKOVA, Third Secretary, Permanent Mission of the Czech Republic to the United Nations Office at Geneva.
