

Human Rights Council, 22nd Session

**Item 6 – Universal Periodic Review
Adoption of the Outcome of the Universal Periodic Review of the Czech
Republic (13 March 2013)**

Statement of the delegation of the Czech Republic

Mr President,
Distinguished delegates,

On behalf of the Czech Republic I would like to express our sincere appreciation to all delegations taking part in the second review of the Czech Republic for their useful comments and recommendations. We would especially like to thank the members of our troika – Chile, Malaysia and Mauritania – for facilitating the review process as well as the Secretariat for its work and active support. Finally allow me to express our gratitude to NGOs, NHRI's and other civil society stakeholders that are sources of invaluable and indispensable information for reviews and we welcome today the opportunity to hear their views and observations on our review.

The UPR mechanism has already proved to be an efficient mechanism to the promotion and protection of human rights as it allows for an open and critical exchange of opinions on human rights in every country. We are glad to see its steady development and are keen to contribute to its success.

During the interactive dialogue, the Czech Republic received 136 recommendations. We carefully considered all the recommendations, which were thoroughly discussed by the Government and its ministries and were also the subject of an expert meeting organised by the Government Commissioner for Human Rights last December on the occasion of the Human Rights Day. During this event, representatives of the civil society including the members of the Government Council for Human Rights and its committees were discussing all the recommendations and related topics, commenting on the situation in problematic areas, expressing their views and proposing their solutions, especially with regard to efficient implementation of the recommendations. The outcome of the discussions was presented at the webpage of the Government Commissioner for Human Rights and will be used by her office

and by our human rights advisory bodies in their future work. These bodies, as well as the Commissioner herself, will closely monitor the implementation of all the recommendations.

After a careful analysis the Government of the Czech Republic decided to accept 129 recommendations and not to accept seven recommendations. Detailed position of the Czech Republic is explained in our written response in the addendum to the Working Group's report.

The Czech Republic recognises that many recommendations address important issues of the protection of human rights and draw attention to various problematic areas, which are not new to the Czech Government and the civil society. We would like to underline that many of the recommendations have already been addressed by the existing national strategies and consequently are fully or partially implemented. This is the case for example with regard to recommendations in the area of social integration of the Roma minority, inclusive education, fight against human trafficking, rights of the child, gender equality or inclusion of foreigners. All such recommendations enjoy the support of the Czech Republic. Other recommendations will be included in our present or future national strategies as an important source of inspiration and also these recommendations have been accepted. Many recommendations will also be implemented continuously as a part of the general human rights policy of the Czech Republic, such as the recommendations concerning the ratification of international treaties or the human rights protection framework.

Out of 136 recommendations seven recommendations do not enjoy our support because their implementation is not envisaged by the Czech Republic. The reason is mostly the long-term negative position of the Czech Republic on these issues, such as the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the connected ILO Convention n°189. The ratification of the ILO Convention n°169 concerning Indigenous and Tribal Peoples in Independent Countries is at the moment not relevant for the Czech Republic. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights as an individual complaint mechanism is a new phenomenon in the legal system of the Czech Republic, which still has to be analysed to see its effectiveness and potential benefits. The Czech Republic always acts with high responsibility when accepting and entering into international obligations. The Czech Republic always carefully analyses the concordance of the national legal order with the international treaty and its general impact on it before it enters the obligation and ratifies the treaty. The analysis of the most important treaties, of which the Czech Republic is not a party, is

progressively ongoing and the Czech Republic continues to consider its accession to these treaties.

Another issue, where the Czech Republic does not support the recommendations, is the abolition of corporal punishment of children in all settings. The Czech Republic highly values the rights of the child and all the connected obligations stemming from the Convention on the Rights of the Child, including the protection of the best interest of the child and the protection from violence. Any kind of violence against children has to be fought and eliminated. The Czech Republic has accepted the recommendations aimed at fighting violence against children including trafficking, sexual exploitation and domestic violence. All children shall be treated with respect to their rights and human dignity. The Czech law prohibits corporal punishment of children in all public institutions as schools and child-care facilities. Parents or foster parents may only use such upbringing methods that are appropriate, should respect the child's dignity and not endanger his or her development. Excessive corporal or other punishment in the family is therefore prohibited and sanctioned by law. However, non-excessive corporal punishment is at present not negatively perceived in the Czech society. For this reason, its sudden general prohibition would very hardly be effectively enforceable at the moment and a recommendation with such aim could not be effectively implemented. Contrary to a strict legal action with dubious results, the Czech government takes the way of soft law, education and public enlightenment by organising various campaigns on the topic of violence against children and their protection. In this way, we hope to increase the sensitivity of the general public to corporal punishment of children and to promote alternate methods of positive parenting without violence. Based on the results of these activities, we will again reconsider, if and when the corporal punishment of children in the family can be completely prohibited.

The Czech Republic does not accept the recommendation concerning the alleged involvement of the Czech Republic in the CIA rendition flights program. The Czech Republic made thorough investigation of its involvement in this program already at the request of the Secretary General of the Council of Europe in 2006. This investigation revealed no involvement of Czech public officials in acts amounting to breaches of the prohibition of torture or cruel, inhuman or degrading treatment or punishment or any other international obligation of the Czech Republic. With regard to the Special Procedures of the Human Rights Council, the Czech Republic issued a standing invitation in 2000 and since then it is fully

prepared to cooperate with them and to provide any necessary support and assistance to their work should they decide to visit the country and perform an inquiry. The necessity of this step is left completely at their discretion.

Thank you.