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### **COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Czech Republic**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedure, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR) other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. The information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most of the documents used as reference are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have also been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty, and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/ reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	22 Feb 1993	None	Individual complaints (art. 14): Yes
ICESCR	22 Feb 1993	None	-
ICCPR	22 Feb. 1993	None	Inter-State complaints (art. 41): Yes
ICCPR-OP 1	22 Feb. 1993	None	-
ICCPR-OP 2	15 June 2004	None	-
CEDAW	22 Feb. 1993	None	-
OP-CEDAW	26 Feb. 2001	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	22 Feb. 1993	None	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
OP-CAT	10 July 2006	None	-
CRC	22 Feb. 1993	Yes (article 7 (1))	-
CRC-OP-AC	30 Nov. 2001	Yes (article 3 (2))	-
<i>Core treaties to which the Czech Republic is not a party:</i> CRC-OP-SC (signature only, 2005), ICRMW, CPD (signature only, 2007), OPCC (signature only, 2007), CED.			
<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>		
Convention on the Prevention and Punishment of the Crime of Genocide	Yes		
Rome Statute of the International Criminal Court	No		
Palermo Protocol <sup>3</sup>	No		
Refugees and stateless persons <sup>4</sup>	Yes		
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup>	Yes, except Protocol III		
ILO fundamental conventions <sup>6</sup>	Yes		
UNESCO Convention against Discrimination in Education	Yes		

1. The Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC) recommended that the Czech Republic ratify ICRMW, the Rome Statute of the International Criminal Court and CRC-OP-SC. CEDAW further encouraged the Czech Republic to ratify the United Nations Convention against Transnational Organized Crime and the Palermo Protocol.<sup>7</sup>

### B. Constitutional and legislative framework

2. While welcoming legislative reforms undertaken regarding economic, social and cultural rights, the Committee on Economic, Social and Cultural Rights (CESCR) regretted that the Covenant has not been given full effect in the Czech Republic's legal order and urged it to take appropriate steps so that the rights covered by the Covenant may be directly invoked before the courts.<sup>8</sup>

3. CRC noted that many positive steps have been taken to bring legislation into conformity with the Convention, but remained concerned at the lengthy process of legislative reform necessary to make the laws fully compatible with the Convention.<sup>9</sup>

4. The Human Rights Committee (HR Committee), CESCR and CRC expressed concern that no specific legislation has been enacted to outlaw discrimination against the 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.<sup>10</sup> CESCR urged the Czech Republic to take all necessary measures to eliminate discrimination against groups of minorities, in particular Roma.<sup>11</sup> While CRC recommended that the Czech Republic continue and strengthen its legislative efforts to fully integrate the right to non-discrimination concerning children, the HR Committee recommended that it enact comprehensive anti-discrimination legislation, provide legal aid for victims and institute effective monitoring mechanisms.<sup>12</sup> CEDAW recommended that the Czech Republic take 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.<sup>13</sup>

5. In 2004, the Committee against Torture (CAT), as also highlighted by UNHCR, welcomed the amendments to the Residence of Aliens Act, effective 1 January 2004, establishing an independent judicial second instance body to review asylum cases.<sup>14</sup>

### **C. Institutional and human rights structure**

6. CAT welcomed the adoption of the Act on the Ombudsman broadening the powers of the Public Defender of Rights to act as the National Preventive Mechanism, as envisaged by OP-CAT.<sup>15</sup>

7. While CESCR welcomed the establishment of the Council for Human Rights of the Government in 1998 and the Office of the Public Defender of Rights in 1999, it was concerned about the absence of an independent national human rights institution in accordance with the Paris Principles of 1991.<sup>16</sup> The Committee strongly recommended that the Czech Republic create such an institution, to deal with the protection and promotion of all human rights, including economic, social and cultural rights.<sup>17</sup> CRC recommended that the Czech Republic establish an independent body to monitor the implementation of the Convention, including the investigation of individual complaints by children in a child-sensitive manner.<sup>18</sup>

### **D. Policy measures**

8. CRC welcomed the adoption in July 2000 of the National Plan to Fight Commercial Sexual Abuse of Children and the establishment in spring of 2002 of a trilateral Czech-German-Polish working group to address, inter alia, trafficking in human beings. Also, CAT welcomed the introduction in 2003 of the National Strategy on Combating Trafficking in Human Beings.<sup>19</sup>

9. CEDAW commended the Czech Republic for the adoption of its national action plan entitled “Priorities and procedures of the Government in promoting equality of women and men”.<sup>20</sup>

10. In 2006, CRC, as highlighted by UNHCR, recommended that the Czech Republic develop systematic awareness-raising, education and training on the provisions of CRC-OP-AC for all relevant professional groups working with asylum-seeking, refugee and migrant children from countries affected by armed conflict, e.g. teachers, medical professionals, lawyers, judges and military personnel.<sup>21</sup> CRC also recommended, as highlighted by UNHCR, that the Czech Republic adopt and implement a policy that adequately takes into account the needs of refugee, asylum-seeking and migrant children from countries affected by conflict. In particular, the Committee recommended that the Czech Republic provide specific accommodation facilities designed for children.<sup>22</sup>

11. Treaty bodies requested the Czech Republic to raise awareness about human rights and to provide systematic training and education on the rights, principles and provisions of the international human rights treaties.<sup>23</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

Treaty body <sup>24</sup>	Latest report submitted and considered	Latest concluding observations	Follow-up response	Reporting status
CERD	2006	Mar. 2007	Due Mar. 2008	Eighth and ninth reports due in 2010
CESCR	2000	May 2002	-	Second report due in 2007
HR Committee	2006	July 2007	Due Aug. 2008	Third report due in 2011
CEDAW	2004	Aug. 2006	-	Fourth and fifth reports due in 2009
CAT	2002	May 2004	Received Apr. 2005. <sup>25</sup> Further clarification requested, received Jan. 2008	Fourth and fifth reports due in 2009
CRC	2000	Jan. 2003	-	Third and fourth reports due in 2008
CRC-OP-AC	2005	June 2006	-	Third and fourth periodic reports due in 2008

12. Five treaty bodies welcomed the frank, open and constructive dialogue established with the Czech delegation. They also welcomed the written responses to the list of issues.<sup>26</sup>

13. CRC regretted that some of its recommendations in the previous concluding observations have been insufficiently addressed, *inter alia*, the reservation to article 7 (1) of the Convention; development of a comprehensive policy on children; development of awareness-raising campaigns aimed at reducing discriminatory practices against the Roma population; comprehensive reform of the system of juvenile justice.<sup>27</sup>

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (19-30 September 1999). <sup>28</sup>
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	None
<i>Facilitation/cooperation during missions</i>	-
<i>Follow-up to visits</i>	None

<i>Responses to letters of allegation and urgent appeals</i>	Between 1 January 2004 and 31 December 2007, a total of four communications were sent to the Czech Republic. Two individuals were covered by these communications, including one woman. During the same period, the Czech Republic replied to two communications (50 per cent).
<i>Responses to questionnaires on thematic issues<sup>29</sup></i>	The Czech Republic responded to 3 of the 12 questionnaires sent by special procedures mandate holders since 1 January 2004, <sup>30</sup> within the deadlines. <sup>31</sup>

### **3. Cooperation with the Office of the High Commissioner for Human Rights**

14. In recent years, the Czech Republic has regularly made voluntary contributions to support the work of the Office.<sup>32</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

15. The 2004 Czech Republic progress report on the Millennium Development Goals contains an overview of the legislative framework guaranteeing equal treatment for women and provides information on relevant provisions in the Czech Labour Code and the 2002 Law No. 312/2002, effective 1 January 2003.<sup>33</sup> While CEDAW commended the Czech Republic on a number of recent laws, it remained concerned that there is no general anti-discrimination law that contains a definition of discrimination against women in line with article 1 of the Convention. It was also concerned that the adoption of a number of laws that are critical to ensure women's full enjoyment of their human rights is still pending. CEDAW recommended that a definition of discrimination against women be included in the appropriate domestic legislation and that procedures for the effective implementation, monitoring and enforcement of such a law be put in place. It also strongly encouraged the Czech Republic to take prompt action on pending laws<sup>34</sup> and to strengthen its efforts at overcoming persistent and deep-rooted stereotypes that are discriminatory of women.<sup>35</sup>

16. CERD noted the decrease in the number of neo-Nazi concerts known to the police since 2004, as well as efforts undertaken by the Czech Republic to establish guidelines for the police to prevent their organization. It remained deeply concerned, however, by information according to which action taken by the public authorities to prevent and prosecute the organization of, and participation in, such concerts is neither systematic nor sufficient. CERD urged the Czech Republic to ensure that the organization of, and participation in, racist concerts are prevented, prosecuted and punished accordingly.<sup>36</sup>

17. The HR Committee expressed its concern at the Czech Republic's restrictive interpretation of, and failure to fulfil its obligations under ICCPR-OP1 and ICCPR itself. The Czech Republic has had difficulties in implementing the Committee's Views, including in numerous cases under the Act concerning the restitution of property or compensation to persons who were forced to flee from the Czech Republic and adopted the nationality of the country of refuge. The Committee urged the Czech Republic to implement all of its Views in order to restore the property of the persons concerned, or otherwise compensate them.<sup>37</sup>

### **2. Right to life, liberty and security of the person**

18. The HR Committee was concerned about allegations, albeit unsubstantiated, that Czech airports had been used as transit points for rendition flights of persons to countries where they risk being subjected to torture or ill-treatment, and noted that the Czech Republic denied knowledge of

such incidents. The Committee recommended that the Czech Republic investigate allegations related to incidents of transit through Czech airports of such flights and establish an inspection system to ensure that its airports are not used for such purposes.<sup>38</sup>

19. CERD, CRC, CAT and the HR Committee were concerned about information according to which Roma (in particular children, according to CERD) are subject to ill-treatment by police officers. CERD was further concerned that they are placed in detention and coerced into confessing to minor crimes. CAT expressed concern at the alleged reluctance on the part of the police to investigate such acts of violence against the Roma. CRC recommended that the Czech Republic enact legislation to adequately protect minorities from racially motivated attacks. CAT further recommended that the Czech Republic strengthen existing efforts to reduce occurrences of ill-treatment by the police and other public officials. CERD, the HR Committee, CAT and CRC strongly recommended that the Czech Republic ensure that allegations of police ill-treatment and misconduct towards persons belonging to minority groups, in particular the Roma, are promptly and impartially investigated and prosecuted, that victims are granted compensation and that training is provided to the police force with regard to the criminal nature of the excessive use of force.<sup>39</sup>

20. CERD, the HR Committee, CEDAW and CAT noted with concern that women, including a high proportion of Roma women, have been subjected to coerced sterilization. The HR Committee and CEDAW further noted with concern that the relevant recommendations of the Ombudsman's report of 2005 have not been implemented. CERD welcomed the inquiries undertaken by the Public Defender of Rights on this matter, but remained concerned, as did the HR Committee, CEDAW and CAT, that to date, the Czech Republic has not taken sufficient and prompt action to establish responsibilities and provide reparation to the victims. CERD recommended that the Czech Republic take strong action, without further delay, to acknowledge the harm done to the victims and recognize the particular situation of Roma women in this regard and that it take all necessary steps to facilitate victims' access to justice and reparation. Similar recommendations were made by CEDAW. CERD, the HR Committee and CEDAW urged the Czech Republic to establish clear and compulsory criteria for the informed consent of women prior to sterilization and ensure that criteria and procedures to be followed are well known to practitioners and the public. CEDAW further recommended that the Czech Republic implement the recommendations of the Ombudsman's report of 2005 and provide mandatory training on patients' human rights to medical professionals and social workers.<sup>40</sup>

21. CAT was concerned about the conditions of the detention centres for foreigners in the process of being removed, which are comparable to those in prisons. The Committee recommended that the Czech Republic review the strict regime of detention for illegal immigrants with a view to its repeal. CAT was also concerned about the investigations into the excessive use of force by the police following the demonstrations in Prague in September 2000. The Committee recommended that the Czech Republic review the independence and effectiveness of the investigations into complaints of excessive use of force, with a view to bringing those responsible to justice and providing compensation to the victims. CAT was further concerned about the system under which inmates are required to cover a portion of the expenses related to their imprisonment and recommended that the Czech Republic reconsider this system, with a view to abolishing it completely.<sup>41</sup>

22. The HR Committee expressed concern about the persistence of the use of enclosed restraint beds (cages/net beds) as a means of restraining psychiatric patients, and the Czech Republic's expressed intention not to discontinue the use of net beds entirely. The HR Committee recalled that

this practice is considered inhuman and degrading treatment of patients confined in psychiatric and related institutions and recommended that the Czech Republic take firm measures to abolish completely the use of these beds in psychiatric and related institutions.<sup>42</sup>

23. CEDAW was concerned about the low number of convictions and of sentences for perpetrators of violence against women, as well as the current definition of rape. CEDAW called upon the Czech Republic to ensure that all women victims of violence have access to immediate means of redress and protection. CEDAW also called on the Czech Republic to ensure that the criminal definition of rape penalizes any sexual act committed against a non-consenting person, including in the absence of resistance.<sup>43</sup>

24. CRC noted the efforts of the Czech Republic to increase the protection of children from various forms of abuse and neglect, including sexual abuse. However, the Committee was concerned at the ill-treatment and abuse committed against children in the family, the school and other institutions as well as by public officials in the streets and in places of detention. CRC requested that the Czech Republic develop an effective system for the reporting and investigation of cases of domestic violence and ill-treatment and abuse of children. Also, it recommended that the Czech Republic adopt and implement measures to prevent and address cases of child abuse and neglect, enact legislation explicitly prohibiting corporal punishment and contribute to changing attitudes and implement training programmes to promote respect for children in general and Roma children in particular.<sup>44</sup>

25. While the HR Committee, CEDAW and CRC acknowledged the efforts of the Czech Republic to address and combat the trafficking and commercial sexual exploitation of women and children, they remained concerned about this phenomenon and the lack of a coordinated system of response. All three committees recommended that the Czech Republic continue to reinforce its measures to combat this phenomenon; CEDAW also encouraged the Czech Republic to implement outstanding recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography.<sup>45</sup>

### **3. Administration of justice and the rule of law**

26. The Special Rapporteur on the independence of judges and lawyers drew attention to the dismissal of the President of the Supreme Court by the President of the Republic.<sup>46</sup> One of the reasons cited for her dismissal was that she did not fulfil her duty to unify the decisions of the Supreme Court, as she took decisions independently from the other Supreme Court judges.<sup>47</sup> The dismissed judge filed a complaint before the Constitutional Court against her dismissal. The Court ruled that in dismissing her, the President of the Czech Republic had violated the independence of the judiciary.<sup>48</sup>

### **4. Freedom of expression**

27. The Special Rapporteur on freedom of opinion and expression raised concerns about an assault on the editor-in-chief of the weekly *Respekt*, which had published several articles about a criminal gang operating in Most and Litvinov, in northern Bohemia, and the failure of the police to take action against the gang.<sup>49</sup> In its reply to the Special Rapporteur, the Government explained that one of the assailants has been tracked down and charged with complicity in an assault causing bodily harm,<sup>50</sup> that the second attacker has not been apprehended and that the motive for the assault has never been established.<sup>51</sup>

## **5. Right to work and to just and favourable conditions of work**

28. CEDAW and CESCR remained concerned about the consistent wage gap between women and men. CEDAW was also concerned about the concentration of women in certain employment sectors, as well as the low representation of women in managerial and decision-making positions. CEDAW requested the Czech Republic to closely monitor the effective implementation of the new legal framework in the Employment Act and Labour Code and to ensure compliance with the anti-discrimination provisions. CEDAW also recommended that the Czech Republic take measures to ensure that the private sector fully abides by the anti-discrimination provisions in these laws.<sup>52</sup>

29. CERD and CESCR were concerned that unemployment among Roma continues to be particularly high. CERD and the HR Committee were concerned that discrimination against Roma persists in the area of labour. While CERD and CESCR recommended that the Czech Republic adopt more effective strategies to promote the employment of Roma and to ensure that they are not discriminated against in the enjoyment of their right to work, the HR Committee recommended providing additional training to Roma to equip them for suitable employment and to promote employment opportunities.<sup>53</sup>

## **6. Right to social security and to an adequate standard of living**

30. CRC was concerned that there is a growing number of children living on the street in urban areas and noted that the primary response to the situation of these children is institutionalization. The Committee recommended that the Czech Republic make additional efforts to provide protection to children living on the street and to ensure their access to education and health services, and to assist children in leaving the street, placing greater emphasis on alternatives to institutionalization.<sup>54</sup>

31. CRC welcomed information on the national plan to equalize opportunities for citizens with medical disabilities and was encouraged by the growing number of children with disabilities who are integrated into mainstream education. However, CRC, together with CESCR, was concerned that the institutionalization of children with disabilities remains high and that measures to ensure a decent life for persons with disabilities, including the mentally ill, are inadequate. CRC recommended that the Czech Republic implement measures to provide an alternative to the institutionalization of disabled children.<sup>55</sup>

32. CERD and the HR Committee were concerned about information according to which Roma people are particularly vulnerable to evictions and segregation in housing. CERD regretted that the Czech Republic has not taken sufficient action to tackle this issue and that domestic regulations do not clearly prohibit racial discrimination in the enjoyment of the right to housing. CERD urged the Czech Republic to adopt all necessary steps to ensure the right to housing to all without discrimination and to ensure that domestic legislation clearly prohibits racial discrimination in the enjoyment of the right to housing, and protects vulnerable persons, including Roma, from evictions. The HR Committee also recommended that the Czech Republic prevent unjustified evictions and dismantle segregation of Roma communities in housing.<sup>56</sup> CESCR urged the Czech Republic to take effective measures to address the problems of the rise in rents, forced evictions and homelessness.<sup>57</sup>

33. According to the independent expert on minority issues, the Special Rapporteur on adequate housing, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the right to education, reportedly, 90 per cent of the municipalities where socially excluded communities are found do not have any concept or strategy for the integration of Roma.<sup>58</sup> It is alleged that these communities result from racial discrimination and deliberate segregation policies within some municipalities.<sup>59</sup> Furthermore,

Special Rapporteurs received reports that landlords often take advantage of Roma tenants' limited legal awareness. Private owners present new leases to the tenants and demand they be signed without allowing the tenants to consult lawyers; they also raise rents and evict tenants.

Municipalities do not instruct the tenants about their right not to sign a new lease that change their rental conditions. Open-ended leases are also frequently changed to fixed-term leases without the tenants' clear knowledge or agreement. In this context, the Justice Ministry reportedly announced on 22 June 2007 that it will propose amendments to the Civil Code which would make it possible for landlords to evict tenants at will after a two-year notice. The bill would take effect after 2011, when rents are expected to be completely deregulated. Because of widespread discrimination against them, Roma communities would be particularly affected by these further changes in the legislation.<sup>60</sup>

34. The Czech Republic does not have a poverty reduction strategy in place but does adhere to the Paris Declaration on Aid Effectiveness.<sup>61</sup> The Czech Republic submitted reports on the Millennium Development Goals in 2004.<sup>62</sup>

## **7. Right to education and to participate in the cultural life of the community**

35. CERD was deeply concerned by consistent information according to which the Roma suffer racial segregation in the field of education. While the HR Committee acknowledged the elimination of the category of "special schools", it remained concerned that a disproportionately large number of Roma children attend classes with distinct curricula which appear to lack sensitivity for the cultural identity of, and specific difficulties faced by, Roma children. Both CERD and the HR Committee were concerned at reports that a disproportionately large number of Roma children are being removed from their families and placed in State institutions or foster care. Both committees requested the Czech Republic to increase its efforts to assess the situation of the Roma in the field of education and to develop effective programmes specifically aimed at putting an end to the segregation of Roma in this area.<sup>63</sup>

36. The independent expert on minority issues, the Special Rapporteur on adequate housing, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the right to education<sup>64</sup> referred to allegations that Roma children do not receive the same standard of education as other pupils. According to the information received, they have separate classes in regular schools, they attend schools known for the poor quality of the education provided, and more than half of Romani children attend schools for children with disabilities (*zvláštní pomocná škola*), now renamed ordinary basic schools (*základní škola*). In addition, Romani children are allegedly excluded from certain advantages available only to Czech and European Union citizens, for example free educational services such as counselling and accommodation facilities.

## **8. Minorities and indigenous peoples**

37. The ILO Committee of Experts on the Application of Conventions and Recommendations raised concerns in 2006 that only a small part of the Roma community wished to reveal their ethnic origin in the 2001 census, which may be an indication of continuing mistrust among the different parts of the population and of intolerance and discrimination still experienced by the Roma. The Committee urged the Czech Republic to put in place and apply appropriate methods to assess the progress made in the realization of objectives and targets set concerning the social integration of the Roma, and to provide the Committee with the results of such assessments.<sup>65</sup>

## **9. Refugees and asylum-seekers**

38. In 2003, CRC recommended, as highlighted by UNHCR, that the Czech Republic:  
(a) guarantee special protection and care to all child asylum-seekers with respect to their special needs, including those in the 15-18 age group; (b) avoid any form of detention of asylum-seekers under 18 years of age; (c) facilitate access of children to legal and psychological assistance, including by enabling contact with NGOs offering such assistance; (d) pursue implementation of the new foster care modalities foreseen in the 2002 legislation.<sup>66</sup>

## **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

39. CRC noted with appreciation the Czech Republic's declaration made upon ratification of CRC-OP-AC that the minimum age of voluntary recruitment into the armed forces of the Czech Republic was 18 years.<sup>67</sup>

40. CERD welcomed the adoption of the new Employment Act of 2004, which prohibits direct and indirect discrimination in the enjoyment of the right to work, in particular on the grounds of race or ethnic origin, nationality, citizenship, descent, language, and religion or belief. The Committee also welcomed the assurances provided by the Czech Republic that, under the Act, basic education will be provided to all regardless of citizenship and legality of residence.<sup>68</sup>

## **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

### **A. Pledges by the State**

41. According to the voluntary pledge submitted in 2006 in support of its candidacy for membership in the Human Rights Council, the Czech Republic decided to work for the promotion and protection of human rights during its membership of the Council through voluntary commitments such as ratification of OP-CAT.<sup>69</sup>

### **B. Specific recommendations for follow-up**

42. CERD recommended that the Czech Republic provide information within one year (by 2 March 2008) on the way it has followed up on the Committee's recommendations concerning the adoption of a general anti-discrimination law, the rights of women subjected to coerced sterilization, the situation of the Roma in the field of education, and the barriers preventing victims of racial discrimination from bringing cases before the courts.<sup>70</sup>

43. The HR Committee recommended that the Czech Republic submit within one year (by 1 August 2008) information on the follow-up given to its recommendations related to the eradication of all forms of police ill-treatment, medically unnecessary psychiatric confinement, and discrimination against Roma.<sup>71</sup>

44. CAT recommended that the Czech Republic provide within one year (by 5 May 2005) information on its responses to the Committee's recommendations concerning the comprehensive anti-discrimination legislation, the establishment of an independent complaints system, the arrangements whereby prisoners are required to cover a portion of their expenses, and the review of the investigations into complaints of excessive use of force in September 2000 and of the strict regime of detention for illegal immigrants.<sup>72</sup> The Czech Republic provided in due time substantial information and statistics on these matters.<sup>73</sup> On 16 May 2006, the Committee's Rapporteur on follow-up of conclusions and recommendations sent a letter to the Government requesting

additional information.<sup>74</sup> Detailed information on legislative and other measures to give effect to the recommendations was received on 14 January 2008 and is being analysed by the Rapporteur.

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A

*Notes*

<sup>1</sup> Unless indicated otherwise, the status of ratifications of the instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Protection of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Protection of Persons with Disabilities
CED	Convention on the Protection of Persons from Enforced Disappearance

<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at: <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

<sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>7</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/CZE/CO/7), para. 22; concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/CZE/CO/3), paras. 35 and 38; concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.201), paras. 38 and 62, and CRC/C/OPAC/CZE/CO/1, para. 7.

<sup>8</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.76), paras. 4, 8 and 25.

<sup>9</sup> CRC/C/15/Add.201, para. 10.

<sup>10</sup> CCPR/C/CZE/CO/2, para. 16; E/C.12/1/Add.76, paras. 12 and 29; CRC/C/15/Add.201, paras. 28, 29, 67 and 68.

<sup>11</sup> E/C.12/1/Add.76, paras. 12 and 29.

<sup>12</sup> CRC/C/15/Add.201, paras. 28, 29, 67 and 68; CCPR/C/CZE/CO/2, para. 16.

<sup>13</sup> CEDAW/C/CZE/CO/3, paras. 21 and 22.

<sup>14</sup> UNHCR submission to UPR on the Czech Republic, p. 2, available at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/CZ/UNHCR\\_CZE\\_UPR\\_S1\\_2008\\_UnitedNationsHighCommissionforRefugees\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/CZ/UNHCR_CZE_UPR_S1_2008_UnitedNationsHighCommissionforRefugees_uprsubmission.pdf), citing the concluding observations of the Committee against Torture (CAT/C/CR/32/2), paras. 4 (a) and 5 (j).

<sup>15</sup> Ibid., para. 4 (g).

<sup>16</sup> Principles relating to the status of national institutions for the promotion and protection of human rights, General Assembly resolution 48/134, annex.

<sup>17</sup> E/C.12/1/Add.76, paras. 5, 9 and 26.

<sup>18</sup> CRC/C/15/Add.201, paras. 12, 13, 16 and 17.

<sup>19</sup> Ibid., para. 60; CAT/C/CR/32/2, para. 4 (f).

<sup>20</sup> CEDAW/C/CZE/CO/3, para. 4.

<sup>21</sup> UNHCR, submission to UPR on the Czech Republic , p. 1, citing CRC/C/OPAC/CZE/CO/1, para. 11.

<sup>22</sup> Ibid., para. 17.

<sup>23</sup> E/C.12/1/Add.76, para. 45; CRC/C/15/Add.201, paras. 22 and 23; CEDAW/C/CZE/CO/3, paras. 7 and 8; CCPR/C/CZE/CO/2, para. 19.

<sup>24</sup> The following abbreviations have been used in this document:

CERD - Committee on the Elimination of Racial Discrimination;

CESCR - Committee on Economic, Social and Cultural Rights;

HR Committee - Human Rights Committee;

CEDAW - Committee on the Elimination of Discrimination against Women;

CAT - Committee against Torture,

CRC - Committee on the Rights of the Child.

<sup>25</sup> CAT/C/CR/32/2/RESP/1.

<sup>26</sup> CERD/C/CZE/CO/7, para. 2; CEDAW/C/CZE/CO/3, paras. 2 and 3; CRC/C/OPAC/CZE/CO/1, para. 2; CAT/C/CR/32/2, para. 2; E/C.12/1/Add.76, paras. 2 and 3.

<sup>27</sup> CRC/C/15/Add.201, para. 6.

<sup>28</sup> E/CN.4/2000/16/Add.1.

<sup>29</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

<sup>30</sup> See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006;

(ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006;

(iii) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006;

(iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005;

(v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007;

(vi) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005;

(vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005;

(viii) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005;

(ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006;

(x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004;

(xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003;

(xii) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

<sup>31</sup> Joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation (E/CN.4/2006/62, para. 24 and E/CN.4/2006/67, para. 22); questionnaire on child pornography on the Internet (E/CN.4/2005/78, para. 4); and questionnaire on the prevention of child sexual exploitation (E/CN.4/2004/9, para. 4).

<sup>32</sup> OHCHR, *Annual Report 2004*, *Annual Report 2005* and *Annual Report 2006*; see <http://www.ohchr.org>.

<sup>33</sup> *Millennium Development Goals: Reducing Poverty and Social Exclusion: Czech Republic Millennium Development Goals Report*, 2004, p. 28, available at [http://mdgr.undp.sk/documents/mdg\\_czech\\_gb.pdf](http://mdgr.undp.sk/documents/mdg_czech_gb.pdf).

<sup>34</sup> CEDAW/C/CZE/CO/3, paras. 5, 9 and 10.

<sup>35</sup> Ibid., paras. 13 and 14.

<sup>36</sup> CERD/C/CZE/CO/7, para. 10.

<sup>37</sup> CCPR/C/CZE/CO/2, para. 7.

<sup>38</sup> Ibid., para. 8.

<sup>39</sup> CERD/C/CZE/CO/7, para. 11; CCPR/C/CZE/CO/2, para. 9; CAT/C/CR/32/2, paras. 5 (a) and 6 (b), (c); CRC/C/15/Add.201, paras. 39 and 41.

<sup>40</sup> CERD/C/CZE/CO/7, para. 14; CCPR/C/CZE/CO/2, para. 10; CEDAW/C/CZE/CO/3, paras. 23 and 24; CAT/C/CR/32/2, paras. 5 (k) and 6 (n).

<sup>41</sup> CAT/C/CR/32/2, paras. 5 (g), 5 (h), 5 (j), 6 (i), 6 (k) and 6 (m).

<sup>42</sup> CCPR/C/CZE/CO/2, para. 13.

<sup>43</sup> CEDAW/C/CZE/CO/3, paras. 5, 15 and 16.

<sup>44</sup> CRC/C/15/Add.201, paras. 39 and 41.

<sup>45</sup> CCPR/C/CZE/CO/2, para. 12; CEDAW/C/CZE/CO/3, paras. 17 and 18; CRC/C/15/Add.201, paras. 61 and 62.

<sup>46</sup> A/HRC/4/25/Add.1, para. 114.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> E/CN.4/2005/64/Add.1, para. 281.

<sup>50</sup> Ibid., para 282.

<sup>51</sup> Ibid.

<sup>52</sup> CEDAW/C/CZE/CO/3, paras. 25 and 26; E/C.12/1/Add.76, paras. 16 and 35.

<sup>53</sup> CERD/C/CZE/CO/7, para. 15; CCPR/C/CZE/CO/2, para. 16; E/C.12/1/Add.76, paras. 14 and 33.

<sup>54</sup> CRC/C/15/Add.201, paras. 63 and 64.

<sup>55</sup> Ibid., paras. 47 and 48; E/C.12/1/Add.76, paras. 20, 39 and 40.

<sup>56</sup> CERD/C/CZE/CO/7, para. 16; CCPR/C/CZE/CO/2, para. 16.

<sup>57</sup> E/C.12/1/Add.76, paras. 19 and 38.

<sup>58</sup> See A/HRC/7/16/Add.1, paras. 45 and 46 and A/HRC/7/19/Add.1, paras. 26-31.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> *Paris Declaration on Aid Effectiveness*, High Level Forum, Paris, February 28-March 2, 2005, website [www.aidharmonization.org](http://www.aidharmonization.org).

<sup>62</sup> Czech Republic Millennium Development Goals Report, op. cit.

<sup>63</sup> CERD/C/CZE/CO/7, para. 17 and CCPR/C/CZE/CO/2, para. 17.

<sup>64</sup> See A/HRC/7/16/Add.1, paras. 45 and 46 and A/HRC/7/19/Add.1, paras. 26-31.

<sup>65</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2006, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111): Czech Republic, doc. No. 062006CZE111.

<sup>66</sup> UNHCR submission to UPR on the Czech Republic, p. 3, citing CRC/C/15/Add.201, para. 57.

<sup>67</sup> CRC/C/OPAC/CZE/CO/1, para. 4.

<sup>68</sup> CERD/C/CZE/CO/7, paras. 4 and 5.

<sup>69</sup> Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by the Czech Republic in support of its candidature for membership in the Human Rights Council, as contained in the note verbale dated 27 March 2006 from the Permanent Mission of the Czech Republic to the United Nations addressed to the President of the General Assembly (hereafter “note verbale”), available at <http://www.un.org/ga/60/elect/hrc/czechrep.pdf>.

<sup>70</sup> CERD/C/CZE/CO/7, para. 27.

<sup>71</sup> CCPR/C/CZE/CO/2, para. 21.

<sup>72</sup> CAT/C/CR/32/2, para. 6 (o).

<sup>73</sup> CAT/C/CR/32/2/RESP/1.

<sup>74</sup> CAT/C/CZE/CO/3/Add.1/LFP.