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Report of the Working Group on the Universal Periodic Review*

Czech Republic

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. In this document, the Czech Republic submits its responses to the recommendations made during the Universal Periodic Review on 22 October 2012. The recommendations are structured according to the areas concerned and in some cases are accompanied by a short comment on the position of the Czech Republic. In connection therewith, references are made to the National Report of the Czech Republic for the second cycle of the Universal Periodic Review (“the National Report”, A/HRC/WG.6/14/CZE/1) and the Report of the Working Group on the Universal Periodic Review regarding the review of the Czech Republic (“the Working Group Report”, A/HRC/22/3).

I. All the recommendations enjoy the support of the Czech Republic with the exception of recommendations No. 1, 7, 15, 16, 89, 90, and 136. The reasons for the Czech Republic's position are as follows:

A. International commitments (Recommendations No. 1, 7, 15, and 16)

2. The recommendation No. 1 on the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights does not enjoy the support of the Czech Republic because the Czech Republic is not prepared to become its signatory at the present time. Notwithstanding, the Czech Republic is strongly convinced of the indivisibility of civil and political as well as economic, social, and cultural rights. In 2012, the Czech Republic ratified the Additional Protocol to the European Social Charter providing for a system of collective complaints. An assessment will now be carried out of the effectiveness of this system of complaints in the national system protecting and safeguarding economic, social, and cultural rights under the Czech law. If this protection proves insufficient in the future, the Czech Republic will consider the ratification of the Optional Protocol.

3. Neither the Recommendation No. 7 regarding the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families does enjoy the support of the Czech Republic. In this respect, the Czech Republic refers to its consistent position regarding this Convention.¹ The recommendations No. 15 and 16 regarding Conventions of the International Labour Organisation (ILO) No. 169 and 189 do not enjoy the support of the Czech Republic for similar reasons. The ILO Convention No. 189 concerning Decent Work for Domestic Workers concerns similar issues as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and in this area the Czech Republic considers its national legislation sufficient for the protection of the rights of domestic workers. Similarly, the Czech Republic has no plans at this time to ratify the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries because no such population, within the meaning of the Convention, is present in the territory of the Czech Republic. If the conditions change, the Czech Republic is prepared to reconsider the ratification of both the above conventions. Conversely, the Czech Republic is making preparations to ratify the Palermo Protocols shortly.

B. Children's rights (Recommendations No. 89 and 90)

4. The Recommendations No. 89 and 90 regarding the prohibition of corporal punishment of children in all settings do not enjoy the support of the Czech Republic. As regards this issue, the Czech Republic considers violence against children entirely unacceptable and is committed to combating this phenomenon in all settings using all

means and methods. At present, corporal punishment of children is prohibited in all public institutions, such as schools and child-care facilities. In all these settings, children have the right to be treated in a manner that respects their rights and human dignity. In the family, parents are only allowed to use upbringing methods that do not endanger children's dignity or their physical, mental, or emotional development and are appropriate for the situation. Inappropriate corporal punishment and other forms of punishment in the family are therefore prohibited, and parents who administer such punishment may be penalised and, in severe cases, face criminal prosecution. In such a case, a child may be placed in institutional care. The same applies to foster family care. Moreover, the Czech government takes action to educate the population regarding violence against children by organising campaigns aimed at improving the protection of children from violence and at increasing public sensitivity to this issue, including alternate methods of positive parenting and violence-free upbringing.

C. Rights of persons in detention (Recommendation No. 136)

5. The Czech Republic states that the suspected involvement in secret CIA programs has been investigated in detail, and the conclusion has been made that the suspicions are unsubstantiated.² There has been no further development since that time. The Czech Republic is prepared to cooperate fully with the Special Procedures of the Human Rights Council to which a standing invitation was issued in 2000. In view of its assessment of the situation, however, the Czech Republic will neither itself initiate their visit nor conduct any further investigations. For this reason, the above recommendation does not enjoy the support of the Czech Republic

II. The remaining recommendations enjoy the support of the Czech Republic with following comments in their regard:

A. International commitments (Recommendations No. 2–6, 8–14, 17–22, 29)

6. The adoption of legislation concerning the criminal liability of legal entities would allow the Czech Republic to proceed with the ratification of numerous international conventions on human rights protection and, this way, fulfil the purpose of the relevant recommendations.³ The Czech Republic will gradually ratify these conventions in the forthcoming years.⁴ Furthermore, the Czech Republic continues to prepare the ratification of the Optional Protocol to the Convention of the Rights of Persons with the Disabilities and will continue to consider carefully the ratification of the Third Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure and the International Convention for the Protection of All Persons from Enforced Disappearance.

B. Fight against discrimination (Recommendations No. 23–24, 57, 59, 71, 73, 76, 122–125)

7. The Czech Republic enforces consistently all anti-discrimination laws, including the Anti-Discrimination Act⁵ and will further develop measures aimed at combating discrimination.

C. Children's rights (Recommendations No. 25, 32, 34 – 39, 85 – 88, 91)

8. The Czech Republic will continue to fulfil the National Strategy for the Protection of Children's Rights⁶; in doing so, the Czech Republic will take into account recommendations made during expert discussions at both the national and international levels. Special attention will be paid to the upbringing of children in the family setting and to material and methodological support provided to families for this purpose.

D. Human trafficking (Recommendations No. 25, 83–87)

9. The combating of human trafficking continues to be a priority for the Czech Republic.⁷ The Czech Republic will focus on the correlation between human trafficking and social exclusion, on the protection of victims, including foreign nationals, and on the prosecution of offenders and the organisation of training for public authorities regarding the detection of human trafficking. Soliciting sexual conduct with a minor and child trafficking have been codified in the Czech law as criminal offences since a long time ago. The relevant legal provisions allow prosecuting these criminal offences with regard to any child sexual abuse, including child prostitution, up to the victim's age of 18 years. Moreover, the Czech law contains a definition of child pornography and child abuse for the production of pornography, where both the production and possession of child pornography are criminal offences. All juvenile victims receive special protection and are treated with particular care.

E. Institutional framework for human rights protection (Recommendations No. 27–31)

10. The Czech Republic described its national system of human rights protection in the National Report.⁸ At present, the Czech Republic is preparing to analyse the functioning of this system in relation to the Paris Principles; if applicable, the outcome of the analysis will be used as a basis for improving the human rights protection system.

F. Integration of the Roma Minority (Recommendations No. 33, 42, 44, 93, 105, 121–123, 127, 129–135)

11. The improvement of the social status of the Roma and other ethnic minorities continues to be one of the Czech Republic's key priorities.⁹ The Czech Republic will continue to pay close attention to ensuring the comprehensive development of all minorities in its territory and their integration in such areas as employment, housing, healthcare, social services, education, and others as well as their protection from all forms of discrimination. The Anti-Discrimination Act already protects the rights of members of ethnic minorities. As regards this issue, the key role is played by the Government Council for Roma Minority Affairs and the Government Commissioner for Human Rights and the Human Rights Section at the Office of the Government. These authorities prepare and co-ordinate all measures implemented by the government in this area and monitor their fulfilment and impact on the Roma minority.

G. Gender equality (Recommendations No. 34, 42–47, 88)

12. The Czech Republic regards gender equality as one of its priorities¹⁰ and will continue to take steps to promote the equal status of women and men in all spheres of social life. Focus will mainly concentrate on supporting gender equality on the labour market,

balancing the proportion of men and women in management positions, harmonizing private and professional life particularly through encouraging flexible forms of work and the development of preschool child care services, combating gender-based discrimination, and preventing domestic violence, human trafficking, and other forms of gender-related violence.

H. Fight against racism (Recommendations No. 40, 42, 48–72, 126, 128)

13. The Czech Republic has been combating all forms of racism based on government strategies for a long time.¹¹ Czech authorities investigate and prosecute racially motivated criminal offences; offenders receive strict penalties. On their part, victims are paid appropriate attention during the prosecution process. Extremist organisations, including political parties, face the threat of disbandment, as evidenced by the case of the Workers' Party in 2010.¹² The Czech Republic will continue to improve measures in this area, including prevention, training for public authorities, monitoring, and public education; all actions will be co-ordinated based on comprehensive strategies.

I. Rights of persons in detention (Recommendations No. 41, 77–79)

14. Since 2000, all Special Procedures of the Human Rights Council have been extended a standing invitation to visit the Czech Republic, and Czech authorities are prepared to cooperate fully with them in the fulfilment of their missions. Moreover, the Czech Republic has mechanisms for the independent processing of complaints concerning suspicions of torture and inhuman or degrading treatment or punishment, all considered a criminal offence under the Czech law. Criminal offences committed by law enforcement authorities are investigated by the General Inspection of Security Forces¹³, a recently established institution that oversees the objectivity of the investigation process. Furthermore, the treatment of detained persons is monitored by the ombudsman.¹⁴ The victims of criminal offences that fall into this category have the right to claim compensation before courts similarly as the victims of other criminal offences.

J. Inclusive education (Recommendations No. 73, 95–115)

15. Inclusive education for Roma children was discussed both in the National Report¹⁵ and during the interactive dialogue¹⁶. The Czech Republic plans to monitor the number of Roma students who receive education outside mainstream educational facilities. The Czech School Inspectorate will monitor pedagogical and psychological counselling, and diagnostic instruments will be reviewed to ensure that the diagnostic methodology is neutral from the cultural viewpoint. Students suffering from a medical handicap or social disadvantage will no longer be placed in classes for students with a low degree of mental retardation, not even for temporary diagnostic purposes. Non-governmental organizations will take part in inclusive education. The issue of equal opportunities will be one of the central topics of new education development strategies.

K. Rights of sexual minorities (Recommendations No. 74–75)

16. Registered partnership for persons of the same sex has been codified in the Czech law since 2006 and in many respects has the same status as marriage. The Czech Republic will continue to pay appropriate attention to the rights of sexual minorities and fight against discrimination based on sexual orientation.¹⁷

L. Illegal sterilisation (Recommendations No. 80–82, 94)

17. The new Medical Services Act requires that all patients be provided under all circumstances with exhaustive healthcare-related information to allow them to make an independent and informed decision regarding the approval of treatment. In serious cases, such as sterilisation, the law requires that the patient must be provided with sufficient time to consider the consequences of the relevant decision.

M. Rights of foreign nationals (Recommendations No. 92–93, 115–120)

18. The Czech Republic pays increasing attention to the issue of foreign nationals residing in its territory, ensuring that Czech national legislation is consistent with the country's international commitments. In doing so, focus is concentrated on all foreign nationals residing in the Czech Republic legally, illegally, or as refugees seeking international protection. Numerous recommendations made have been implemented into practice by laws currently in force. Every foreign national may ask for a court review of a deportation order, where a court must deliver a decision within 60 days. Moreover asylum seekers are only detained for a time necessary for identification purposes and for verification that they do not pose security risk. Like in other situations, in this case, foreign nationals are entitled to judicial protection, where a court must deliver a decision regarding detention within a matter of days. Neither minor seekers of international protection nor families with children are detained.¹⁸

N. Fight against corruption (Recommendations No. 26)

19. Fight against corruption continues to be one of the priorities of the current government in line with the Strategy of the Fight against Corruption whose fulfilment is monitored on a continual basis.

Notes

- ¹ See the National Report, p. 12.
 - ² See the National Report, p. 17.
 - ³ See the National Report, p. 4, and the Working Group Report, pp. 3 and 9.
 - ⁴ The treaties concerned are the Optional Protocol to the Convention on the Rights of the Child concerning the trafficking of children, child prostitution, and child pornography, the Convention against Transnational Organised Crime and its optional protocols, including the so-called Palermo Protocols, the Council of Europe Convention on Action against Trafficking in Human Beings, and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.
 - ⁵ See the National Report, pp. 10–11, and the Working Group Report, pp. 3 and 9.
 - ⁶ See the National Report, pp. 13–15 and 19, and the Working Group Report, pp. 4 and 13.
 - ⁷ See the National Report, pp. 18–19, and the Working Group Report, pp. 3 and 8–9.
 - ⁸ See the National Report, pp. 15–16.
 - ⁹ See the National Report, pp. 6–10 and 19, and the Working Group Report, p. 12.
 - ¹⁰ See the National Report, p. 16, and the Working Group Report, p. 13.
 - ¹¹ See the Working Group Report, pp. 12–13.
 - ¹² See the National Report, p. 4.
 - ¹³ See the National Report, p. 9.
 - ¹⁴ See the National Report, p. 15.
 - ¹⁵ See the National Report, pp. 8–9 and 19.
 - ¹⁶ See the Working Group Report, p. 8.
 - ¹⁷ See the National Report, p. 16.
 - ¹⁸ See the National Report, p. 3.
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