

## **Response of the Czech Republic to the recommendations included in the draft report of the Working Group on the Universal Periodic Review (A/HRC/WG.6/1/L.15)**

The responses of the Czech Republic are clustered according to the relevant topic. Where appropriate, a reference is made to the National Report (A/HRC/WG.6/1CZE/1) or to the responses given during the interactive dialogue (Draft Report of the Working Group on the Universal Periodic Review, A/HRC/WG.6/1/L.15).

### **I. The rights of ethnic minorities, especially Roma minority; Agency for Social Inclusion of Roma Communities (Recommendations No. 2, 15, 21, 24, 28 and 30)**

The Government of the Czech Republic is aware of the need to continue its efforts to ensure the rights of minorities, especially Roma. For more than 10 years, the Council of the Government for Roma Community Affairs, a permanent advisory body, has been in place. The Council assists in the integration of the Roma community into society, namely by preparing proposals aimed at setting and implementing the Government policy and by facilitating the inter-ministerial cooperation in this field. A Roma Integration Policy Concept is being updated annually, the elimination of all forms of discrimination against individuals and groups defined by their race, colour of skin, nationality or language being one of its main priorities. A focused attention is being paid to the reduction of unemployment, improvement of housing situation, health and prevention of the social exclusion in Roma communities (see page 10 of the National Report).

In January 2008, the Government established the Agency for Social Inclusion of Roma Communities (see p. 9 of the National Report) which will provide a comprehensive assistance to self-governments and their partner organizations in socially excluded Roma locations.

The Government supports the development of Roma culture and the teaching of and printing books in Roma language. The inclusion of the Roma community is one of the priorities of the education system (see page 18 of the National Report).

A new bill regulating the powers of Police was approved by the Government in February 2008, bringing new elements of independency into the system of dealing with complaints against the police. Moreover, a bill on General Inspection of Security Forces is to be drafted by the end of 2008. The General Inspection should be an independent institution, dealing with complaints against security forces, including the police.

### **II. Provisions against discrimination and the Antidiscrimination Bill (Recommendations No. 4, 6, 9 and 20)**

See page 11 of the National Report. The bill is now pending before the Parliament.

### **III. Inclusion of gender perspective in the follow-up process to the review (Recommendation No. 13)**

In 1998, the Government approved the National Action Plan in Promotion of Gender Equality based on the Beijing Platform for Action. The implementation, evaluation and updating of measures is conducted on an annual basis.

In 2001, to enforce the promotion of gender mainstreaming, the Government instructed all ministries to prepare their own Gender Equality Action Plans and to set up professional gender focal points.

In 2004, in agreement with CEDAW and the Beijing Platform the Government has developed an informative methodology of gender budgeting. The manual “Gender Budgeting”, providing guidance on fair distribution of public money between women and men, is available to all authorities, especially on the local and regional levels.

In 2008, two new committees of the Government Council for Equal Opportunities for Women and Men were established: Committee for Equal Opportunities in Work and Family Life and Committee for Prevention of Domestic Violence.

#### **IV. Yogyakarta Principles (Recommendation No. 14)**

In 2007, the Government Council for Human Rights set up a Working Group for the issues of sexual minorities. An Analysis of the State of Lesbian, Gay, Bisexual and Transgender Minority was prepared. The analysis contains a number of recommendations for the Government, most of them being in line with the Yogyakarta Principles. Currently, a Committee for the issues of sexual minorities is being set up under the Government Council for Human Rights. The committee will work on the implementation of both recommendations stemming from the analysis and from the Yogyakarta Principles.

#### **V. Sterilisation of women (Recommendations No. 5 and 27)**

Under the Health Act of 1966 and the Health Ministry guideline, sterilization cannot be performed without the informed consent of the person concerned. Since there were individual, isolated cases in the past in which the established procedure was not complied with (50 such cases were identified by the Ombudsman), additional measures have been taken to improve the effects of the existing legal safeguards against sterilizations based on uninformed consent (see page 12 of the National Report).

Detailed rules on sterilization will become part of a new Specific Medical Services Bill, which is under preparation and is expected to come into force in 2009. Under the Bill, sterilization may be carried out only due to health reasons and with a written consent of the patient. A patient who is unable to give consent with the operation can undergo the sterilization for health reasons only with a written consent of the legal guardian, affirmative statement of an expert commission and full consent of the court.

In 2007, in a case where the sterilization procedure prescribed by law was not complied with, the Czech courts awarded financial compensation of 20.000 EUR and apology to the woman concerned.

The Government will be considering the proposal by the Government Council for Human Rights to establish an interdepartmental working commission to examine past sterilizations practices starting from 1 July 1966 (see page 12 of the National Report).

## **VI. Cage beds in health care and social care facilities (Recommendation No. 18)**

Social service facilities - placement of a social service client in a cage-bed or a net-bed has been banned by law since January 1, 2007 (see page 7 of the National Report).

In November 2007, the Government approved a motion of the Government Council for Human Rights, on the use of restraining means during the provision of social services, which should enhance the protection of human rights of social services clients. The Minister of Labour and Social Affairs was tasked to prepare amendments to the Act on Social Services and Rules of Civil Procedure in cooperation with the Minister of Justice. Social service clients should be provided protection identical to that enjoyed by voluntarily hospitalised patients of psychiatric facilities. It means that the client or his/her legal guardian should always have a possibility to file a suit, if he/she feels to be restrained illicitly.

The use of restraining means against social service clients is controlled by the inspections of social service quality, carried out by Regional Authorities or Ministry of Labour and Social Affairs. During the inspection, authorities follow the rules of administrative procedures and always work out a plan of inspections for a certain period of time. Besides the inspections predetermined in the inspection plan, these institutions also respond to inputs and complaints and carry out specialized inspections. If the provider does not follow the law, the registration as a social service can be withdrawn. The provider can be penalized with a fine amounting up to 10.000 EUR. Any person with a proposal or complaint can contact institutions authorized to carry out inspections. The complaint is always examined. In 2007, the Ministry of Labour and Social Affairs prepared a methodology on the implementation of inspections.

Health care facilities - the use of restraining means is currently regulated by internal guidelines, not by law. The Government Council for Human Rights responded to this situation in October 2007 by adopting a motion on a legal regulation of the use of restraining means in health care facilities. The motion was approved by the Government in March 2008. It requests the Ministry of Health to provide for the use of restraining means in the Act on Health Care Services. The new legal regulation should follow the Council's recommendations and contain a set of detailed rules.

## **VII. The implementation of ICESCR and cooperation with CESCR (Recommendation No. 19)**

The International Covenant on the Economic Social and Cultural Rights is a part of the Czech legal order, its implementation is monitored by the Government Human Rights Council (see page 6 of the National Report). The Government remains committed to an open and constructive dialogue with the Committee of Economic, Social and Cultural Rights (see page 8 of the National Report).

## **VIII. Nazism and extremism (Recommendations No. 1, 3 and 16)**

The recommendations are being implemented in the framework of the government anti-extremism policy, which includes medium- and long-term provisions (both of repressive and preventive nature) against extremism, neonacism, racism, antisemitism and xenophobia.

All activities leading to violence against groups of people and individuals, as well as incitement of hatred against nation, ethnic group, race or belief, and supporting of movements leading to suppressing the rights and freedoms of people are criminal offences under Czech law.

The Czech Republic appreciates the contribution of human rights defenders to the protection of human rights and actively supports effective measures to improve their protection and promote their activities worldwide. The Government remains committed to maintain an environment conducive to the work of human rights defenders, enabling individuals, groups and associations to freely carry out activities to promote and strive for the protection of human rights. The Government Human Rights Council, where an open dialogue between the Government and civil society representatives takes place, is one of the examples of such an environment.

### **IX. Trafficking in human beings (Recommendation No. 29)**

The recommendation is being implemented: Since 2003, a National Strategy of Fight against Trafficking in Human Beings has been in force (see page 17 of the National Report). The strategy is being updated every two years and implements a number of measures in the field of repression, prevention and care for the victims of trafficking, according to the UN Palermo Protocol and other relevant international agreements and recommendations.

### **X. International human rights instruments (Recommendations No. 7, 12, 23 and 25)**

The Parliament is currently considering the Government proposal to ratify the Rome Statute of the International Criminal Court (see page 10 of the draft Report).

In 2008, inter-departmental consultations will be taking place, with a view to preparing a proposal to sign the International Convention on the Protection of All Persons from Enforced Disappearance.

In 2008, the Ministry of Labour and Social Affairs will present to the Government a proposal to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

Presently, the signature of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990 which, to date, has been ratified by only 37 states, is not being considered. It is to be noted that the rights of migrant workers and their families are comprehensively protected under existing national legislation and the Czech Republic's international commitments.

### **XI. International human rights law training for the judiciary (Recommendation No. 8)**

The Judicial Academy organizes a number of seminars dealing with international human rights law. Seminars focus on human rights in general, prohibition of discrimination, equal rights of women and men, right to life, prohibition of capital punishment, torture, forced labour, regulation of remand proceedings and reasons for remand, issues related to asylum and expulsion, special approach to young people, right of appeal, freedom of expression,

thought and religion, protection of the family and children, trafficking in human beings, protection of privacy and extremism. Seminars are attended by judges and public prosecutors; some are open to members of other legal professions. International human rights law issues are also covered by seminars for judges and public prosecutors with up to three years' experience and seminars for legal and court trainees, which are held at least twice a year.

## **XII. Rights of children, family (Recommendations No. 10, 22 and 26)**

The Government's current activities and plans in the area of the protection of children conform to the recommendations (see pages 18 and 19 of the National Report).

This year, the impact of measures adopted in accordance with the Government Concept of Care for Children at Risk and Children Living outside Their Own Family for the period of 2006-2008, will be evaluated and an updated complex guidelines on the assistance provided to families at risk will be prepared by the expert working group under the auspices of the Ministry of Labour and Social Affairs.

In March 2008, the Government took note of the "Analysis of the responsibilities of various public institutions in the field of the protection of children" and tasked the Ministry of Labour and Social Affairs to prepare a proposal of necessary measures for transformation of this system, which will be submitted to the Government by the end of 2008. The transformation's long-term objective is the strengthening of the prevention and social assistance provided to families at risk as well as the improvement of conditions for the foster care in order to prevent the need for institutionalisation of children.

The Government is aware of the need to enable parents to combine their work and family life. A new system of three-speed drawdown of parental allowance was introduced in January 2008. Parents are entitled to choose from 3 options of drawdown of parental allowance according to their reconciliation strategy. The system thus allows families to choose the length of personal childcare freely and to share responsibilities for childcare within the family.

## **XIII. National human rights institution in accordance with the Paris Principles (Recommendation No. 11)**

The compliance with Paris Principles was taken into consideration when a structure of national human rights institutions was being set up. Key role is played by advisory bodies to the Government, courts, labour offices, labour inspectorates and NGOs (see page 5 of the National Report). The advisory bodies prepare conceptual documents for the Government and contribute through their activities to the increased level of human rights protection. Once the Antidiscrimination Bill is effective, the ombudsman will facilitate legal help to victims of discrimination.

## **XIV. Investigation of the secret flights (Recommendation No. 17)**

For response to this recommendation, see page 10 of the draft Report.