

Good afternoon,

My name is Irena Hulova and I represent Amnesty International Czech Republic. Amnesty is a non-government organization focused on human rights and has been operating just over 30 years in the Czech Republic.

We cover a broad range of topics in our work but today I will focus on three areas. Those are the national human right institution, women's rights and the rights of LGBTI+ persons.

(We have not been part of any national consultations.)

During the last universal periodic review the Czech Republic supported a recommendation made by several states to establish a national human rights institution in line with the Paris Principles.

Despite that there has been almost no progress in this area and as a result there is still no national human rights institution, which would fulfill the Paris Principles. The Government's own permanent advisory body for human rights called in 2019 for the NHRI to be established by the end of 2020.

Thus, we still only have the ombudsperson office. That is not sufficient, mainly, because of its narrow breadth of its current human rights mandate. For example, the rule of law, the independence of the judiciary and the media environment and human rights education are outside of its scope

We therefore recommend that the Czech Republic should strengthen the position of Ombudsperson to take up the role of National Human Rights Institution according to Paris Principles.

Women face a number of difficulties in the Czech Republic. According to research up to 12 000 women are raped every year in the Czech Republic. Only 5 % of those cases are reported to the police. Domestic abuse is even more widely spread with every 3rd woman experiencing some form of domestic abuse during her lifetime.

In spite of those numbers, the Czech Republic has failed to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence. The Czech Republic supported six recommendations to do so during the last UPR.

Reporting, investigating and prosecuting of rape cases is made harder, or in many cases impossible, due to the current definition of rape in the Criminal Code. The definition is based on the presence of violence rather than the lack of consent and not aligned with human rights law and standards.

In 2021, the Government approved a new Strategy for Equality of Men and Women. It would be an important step towards gender equality if implemented correctly, but the

implementation is subject to political will and so far, there has been little effort to address this issue.

We recommend that the Czech Republic ratifies the Council of Europe Convention on preventing and combating violence against women and domestic violence. Secondly, fully implements the Strategy for Equality of Men and Women, including by ensuring that it is adequately resourced. Lastly, changes the legal definition of rape within the criminal code to be based on a lack of consent, rather than use of force or threat.

Despite supporting a recommendation in the previous review to continue working on closing the gaps that still exist between the rights enjoyed by same-sex couples, compared with couples of opposite sexes, Czech civil law does not allow same sex couples to marry, nor does it allow them to enter a civil union with equal rights.

Furthermore, the Czech criminal law does not sufficiently protect LGBTI+ people. That is because it does not explicitly recognize sexual orientation and gender identity (unlike race, religion, nationality, ethnicity) as a valid basis for hate crimes. In practice, hate crimes based on victim's gender or sexuality are treated as less severe.

Sterilization is still required as a necessary step in gender affirmation despite the ruling of the European Court of Human Rights, which found it as a breach of human rights, and despite the decision of European Committee of Social rights, which found it violated the right to health.

We recommend that the Czech Republic extends the right of marriage to same-sex couples by amending the Civil Code. Secondly, that it amends the criminal and anti-discriminational law to reduce criminal offences as well as prejudice and discrimination based on sexual orientation and gender identity.

And lastly, that it abolishes the requirement of sterilization in the process of legal gender recognition.