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Czechia

* The present document is being issued without formal editing.



I. Process for the preparation of the report at the national level

1. Czechia considers the Universal Periodic Review an important component of its active approach to protecting human rights. The implementation of the third cycle recommendations were discussed and monitored by the human rights government advisory bodies described below together with the Human Rights Commissioner and her expert team in the Office of the Government, which also prepared the national report. The text of the report drew on information from both government bodies and NGO's. The report was discussed and commented by those bodies and then approved by the government.

II. Implementation of recommendations from the previous review

2. In the third cycle of the Universal Periodic Review, Czechia received 201 recommendations, accepted 177 and noted 24. Most of the accepted recommendations have been or are being implemented, together with some of the noted ones. The information on implementing of the recommendations is thematically clustered in sections. More details on the implementation of each recommendation are given in the attached table. The report also builds on the midterm report from 2020.

A. International obligations (recommendations 115.1–22, 36, 37)

3. Czechia ratified the CRC-OP-SC already in 2013. It also ratified the CRPD-OP in 2021. Czechia analysed the implementation of the CESCOP and the impact of ratifying the CESCOP-OP, and subsequently postponed the decision on ratification till 2025, after having reassessed the fulfilment of its obligations. Necessary legislative changes to ratify the Istanbul Convention were adopted in 2019, however, political consensus for the ratification is still sought. There are no current plans for the ratification of the CMW, same as ILO Convention 169 concerning Indigenous and Tribal Peoples, the Convention 189 on Domestic Workers, or the Treaty on the Prohibition of Nuclear Weapons, as these topics are addressed in other international obligations.

4. Already in 1998, Czechia appointed a Government Human Rights Commissioner and established the Government Council for Human Rights as a permanent advisory body for human rights issues. Other advisory bodies deal with the Roma minority, gender equality or the rights of persons with disabilities. In all of those bodies, state administration representatives and experts from the civil society and the target groups cooperate in human rights protection. The Human Rights Commissioner is their vice-chair; the Commissioner coordinates their work and communicates their outputs to the government. One of the Commissioner's tasks is reporting to the UN treaty bodies and monitoring and coordinating the implementation of their recommendations. Czechia will continue to develop those mechanisms. Czechia focuses on the professional qualities, moral reputation and integrity of its candidates for membership into the treaty bodies or other UN bodies. The candidates are assessed by state authorities and the Minister of Foreign Affairs decides on their nomination.

5. The share of ODA in the GNI was 0.13% in 2020 despite a real resource increase. Czechia strives to increase ODA in the long term but, with the growing GNI, it will not be able to raise its share to reach 0.33% of GNI by 2030. Further growth of ODA depends on the political will and the developments in the Czech economy.

B. Institutional framework of human rights protection (recommendations 115.23–32, 34)

6. The ombudsperson largely plays the role of the Czech NHRI. A special Law on Public Defender of Rights regulates his or her competency and powers. The ombudsperson is elected for 6 years by the Chamber of Deputies, to which they account for the independent and impartial performance of his or her function. The ombudsperson has his or her own budget

and office for performing tasks. The budget is over CZK 158 million in 2022 and it maintains 154 employees with 105 experts.

7. The ombudsperson acts either based on complaints or based on his or her own initiative. He or she may enter offices of authorities, conduct investigations, ask for documents and pose questions. The ombudsperson can ask to correct errors or misconduct. In case of non-cooperation, the ombudsperson can notify the superior authority, the government or the public. The ombudsperson can recommend issuing, amending or appealing legislation or changing government policies and/or administrative procedures. The ombudsperson conducts research, organises conferences and awareness-raising events and publishes opinions and manuals. He or she informs the Chamber of Deputies about his or her work and publishes all information about their activities online.

8. With his or her competencies, the ombudsperson already fulfils the vast majority of the Paris Principles. His or her basic powers, focused on good governance in public administration, are complemented with competencies in protection against ill-treatment and discrimination and in oversight of the EU citizens' rights and the implementation of the CRPD. All of this enables the ombudsperson to deal with many human rights issues. The ombudsperson cooperates with the government and the Parliament and submits to both recommendations on human rights protection. He or she also comments on government regulations and policies proposals in terms of human rights. The ombudsperson cooperates with experts and civil society representatives. Based on this experience, the government plans to modify the ombudsperson's mandate in the near future to enable his or her official accreditation as an NHRI, including establishing a representative for children's rights.

C. Combating discrimination (recommendations 115.33, 35, 45, 46, 47, 49)

9. The Antidiscrimination Act regulates equal treatment and protection against discrimination due to race, ethnicity, gender, sexual orientation, age, disability, religion, faith or world view. The scope of the grounds for discrimination fully complies with the EU law and there are no plans for expansion. Apart from the Antidiscrimination Act, other Czech laws regulating specific areas (e.g. labour law) prohibit discrimination on other grounds in line with Czech international obligations. The Charter of Fundamental Rights and Freedoms, being part of the Czech Constitution, prohibits discrimination of access to fundamental rights and freedoms based on the common international list of grounds listed in the annexed table.

10. The law provides several protection options for discrimination victims. Victims can seek a judicial decision ordering the halt of discrimination, the removal of its consequences and that the victim receives reasonable satisfaction, including monetary compensation for non-pecuniary damages. The anti-discrimination court fee was reduced to CZK 1000 in 2017 to improve access to court. Since 2018, the system of free legal assistance enables impecunious applicants to request legal advice or legal service by an attorney. The fee for the request is CZK 100 with the possibility of exemptions. Legal assistance is provided in judicial and administrative proceedings and proceedings before the Constitutional Court. The victim of discrimination may also address inspection bodies to investigate the case and can impose fines. Controls on equal treatment and non-discrimination are part of their annual work programmes.

11. The ombudsperson as the national equality body provides methodological assistance to discrimination victims, conducts research and issues discrimination reports and recommendations. The ombudsperson analyses discrimination cases, provides assistance to victims how to defend their rights and publishes information and instructions for defence with recommendations and opinions on their website. He or she also organises training for public administration, cooperates with attorneys in legal assistance to discrimination victims, conducts a dialogue with providers of goods and service and spreads information on rights and duties of all actors. For example, the ombudsperson participates in the education of judges in the Judicial Academy which runs their own antidiscrimination courses for judicial personnel or cooperates with international partners.

D. Sustainable development (recommendation 115.38)

12. In 2017, the government adopted the **Strategic Framework Czech Republic 2030, defining long-term sustainable development priorities** for the next decade to improve the quality of life of Czech population, based directly on the Sustainable Development Goals and contributing to their implementation. The document has been prepared among a wide social participation involving all the affected groups. In 2018, an implementation plan was approved, containing specific measures to achieve all the goals and monitoring indicators. In 2022, the government approved the second implementation plan until 2025, dealing with areas omitted by other government strategies.

13. The emphasis on respecting and fulfilling human rights is one of the basic principles of sustainable development. In the Strategic Framework, goals are focused on gender equality, access to dignified work, inclusive education, combating discrimination and social exclusion, and public participation in designing public policies including NGOs.

E. Business and human rights (recommendation 115.39)

14. In 2017, Czechia adopted its first national action plan for business and human rights, containing tasks for public bodies and recommendations for businesses how to prevent human rights violations and address their consequences. The recommendations for businesses include commitment to avoid human rights violations, creating internal verification mechanisms, preventing human rights risks and establishing procedures to address them and remove their consequences. In these activities, businesses should be transparent and cooperate with social partners and civil society. The upcoming EU sustainability regulations cover enterprises' compliance with human rights with the intention to impose an obligation on large companies to identify and respond to risks of human rights violation in their own activities, subsidiaries or value chains.

15. The action plan also deals with the responsibilities of businesses for their conduct at home and abroad. This responsibility is regulated by the Criminal Code, the Act on the criminal liability of legal persons and the Act on misdemeanours. The territorial scope of the Czech criminal law applies also to crimes committed by Czech entities abroad and crimes committed by anyone abroad that could benefit a Czech legal person. In Czechia, proceedings can be brought for misdemeanours committed outside Czechia that violate legal obligations applicable outside Czechia, including the obligation to respect human rights. The criminal law instruments are considered sufficient.

F. Roma integration (recommendations 115.40, 42, 46, 56, 60, 81, 98–100, 166–179)

16. In 2021, the government approved a new Strategy of Roma Equality, Inclusion and Participation 2021-2030. It aimed at reversing the negative trends in the situation of Roma in Czechia, mainly in education, housing, employment and health. The Strategy also aimed at progressing in eliminating the disparities between a substantial part of the Roma and the majority population, ensuring effective protection of the Roma against discrimination and anti-Gypsyism, and encouraging the Roma emancipation and development of their culture and language. The Strategy is funded from the state budget, regional and municipal budgets and EU funds.

17. The Agency for Social Inclusion continues – until 2019 falling under the Office of the Government and since 2020 under the Ministry of Regional Development – continues its work to better connect with local inclusion. The mission of the Agency is expert support for cooperating municipalities, especially in housing, employment, indebtedness, social services, family support, health, security, community work and participation. Cooperation with the Agency can help municipalities secure financial support for social inclusion from EU funds. The Agency also comprehensively monitors social exclusion and estimates its development and subsequently recommends legislative and policy measures to the government. The

Ministry of Labour and Social Affairs also focuses on social inclusion. The goal of the Roma strategy is to reduce the number of excluded locations by 20% before 2030.

18. The Strategy promotes employment and entrepreneurship of the Roma. The existing pro-employment policy instruments shall be modernised to better suit the Roma population, mainly women and young Roma. The support will focus on persons at risk of losing their job and on persons disadvantaged by insufficient education. Special attention will be paid to Roma mothers with children. The tools will include socially responsible public procurement and support for social entrepreneurship. To date, various projects have supported nearly 22,000 persons including over 14,500 young people up to 30 years of age.

19. The strategy aims to strengthen the access of the Roma to standard housing. One of the basic tools will be the adoption of the Act on housing support for low-income and discriminated groups including Roma, which will be submitted to the government in 2023; it will take effect in 2025. The Czech Housing Policy Concept 2021+ deals with housing accessibility by creating a legal framework with sufficient financing and by increasing the offer and quality of rental housing. Support will be directed to housing contact points, social real estate agencies, social apartment cooperatives or municipal guarantee funds supporting the payment of rents together with measures improving energy efficiency of buildings in excluded localities. Ideally, every development project should include a share of social flats to prevent housing segregation. The Ministry of Regional Development prepares investment programmes for the construction and refurbishment of flats with transparent and non-discrimination allocation rules. Social housing together with support for retaining housing is also supported with EU funds. The Ministry of Labour and Social Affairs has implemented a project on social housing in cooperation with 16 municipalities and 12 NGOs. By the end of 2020, accommodation of 2,633 persons in 705 flats was supported. The Agency for Social Inclusion cooperates with several municipalities in developing their housing systems for households at risk. Tools are set improving access to housing support for Roma and preventing their backsliding into sub-standard housing, whose number should fall below 10%. However, all activities depend on municipalities' motivation to address housing in their territory and to accommodate households at risk in standard housing.

20. One of the goals of the Strategy is to reduce health inequalities of the Roma by supporting equal access to and local accessibility of health services. A key tool is raising awareness of the importance of health care to prevent health deterioration. Since 2018, the State Public Health Institute has implemented a project supporting the health of persons at risk of poverty and social exclusion, which established regional Health Support Centres. Their coordinators organise regular meetings with regional coordinators for Roma issues, directors of regional public health institutes, representatives of physicians, regional and municipal health and social departments, NGO's and other actors. Each centre includes health support mediators, numbering over 50 in 2020 and most of them Roma. Apart from the regional capitals, the mediators worked in about 82 municipalities with socially excluded localities. In addition to group health support activities, the mediators provided personalised assistance and advice on various health issues. Health professionals will be educated in providing health care with cultural and social sensitivity.

21. In education, the aim of the Strategy is to eliminate discrimination and segregation of the Roma in education by methodological guidance for schools and for municipalities funding the schools and defining their districts. In cooperation with the Ministry of Education, Youth and Sports and the Agency for Social Inclusion, schools shall receive tools preventing discrimination and dealing with it on the spot. The whole system will be monitored by the Czech School Inspectorate. The Ministry will also regularly collect data and analyse Roma education on the ground, in line with modern principles of data protection and with special focus on schools and classes with over-representation of Roma pupils. The aim is to reduce their number to a half and the number of discriminated Roma pupils below 10%. The equal access to education for Roma is also supported by the compulsory pre-school education for children from 5 years of age, launched in 2017. Roma are supported in pre-school education both by community work and reimbursement of kindergarten fees or school meals to double the number of Roma children in pre-school education to exceed 80%. Within primary education, focus is on accessible career guidance promoting further education and preventing early school leaving. In secondary and higher education, scholarships and subsidy

schemes provide financial support. Together with counselling by schools and NGOs, these aim to reduce the early school drop-out rate of Roma to 15% as well as increase their completion of secondary education to 80% and of higher education to at least 10%. Financial support is also important for leisure activities of Roma children provided by municipalities, schools or NGOs.

22. A very positive step is the governmental buyout of the piggery at the site of the World War II “gypsy camp” in Lety u Písku in 2018. Since 2018, the Museum of Romani Culture is the official manager of the memorial in Lety. In 2018 and 2019, the premises were cleaned, and archaeological research and an architectural contest were conducted. The winning design was announced in 2020 and the demolition of the piggery started in the summer of 2022 to be completed by the end of the year. Subsequently, the memorial shall be completed by 2025. The site of the Moravian WWII gypsy camp in Hodonín u Kunštátu was also reconstructed and a new memorial opened there in 2020. A new activity is the branch of the Museum of Romani Culture in Prague, called the Roma and Sinti Centre, to be opened next year. All of these institutions organise exhibitions, training or school lectures and commemorate all significant dates in Roma history.

G. Combating racism and hate (recommendations 115.40–42, 44, 45, 47, 48, 50–52, 54–56, 58, 59, 61–81, 92, 93, 167, 168)

23. The Czech law continues punishing hate speech and hate crime. The Criminal Code covers crimes like dangerous threats, dangerous persecution, defamation of a nation, a race, ethnic or other group of people, and inciting hatred against group of persons. It also covers suppression of their rights and freedoms as well as establishing, supporting and promoting a movement aimed at suppressing human rights and freedoms or expressing sympathy for such a movement. From 2022, a crime punishes propagation of a work promoting such movements. Violent attacks may be prosecuted as violence against a group of people or individuals, or as racially motivated criminal offences like murder, physical harm, torture or other inhumane and cruel treatment. This also includes deprivation and restriction of personal liberty or abduction, allowing the imposition of a higher penalty. Motivation from hatred is taken into account e.g. in the crime of a public official abusing powers. Hate motivation is also a general aggravating circumstance allowing the imposition of a higher sentence. These principles are applied by the judiciary. According to the Supreme Public Prosecutor’s Office, the number of persons prosecuted for hate crimes has slightly decreased recently.

24. All crime victims can claim compensation in criminal proceedings. The court can order a convicted offender to compensate the damage or injury caused by the crime. Since 2018, funds from property penalties can also be used to satisfy the victims’ claims. The Victims of Crime Act requires public authorities to treat victims with courtesy and respect their dignity. The victims have the right to comprehensive information about their rights and obligations, professional psychological, legal or other assistance, protection of privacy and against secondary victimization and financial assistance under set conditions. Assistance is provided free of charge to especially vulnerable victims, including victims of a crime motivated by their national, racial, ethnic, religious, class or other belonging at an increased risk of secondary victimization. Assistance providers offer legal information, crisis assistance and psychosocial or other counselling. The Ministry of Justice supports their activities with subsidies. Regional Probation and Mediation Service centres provide legal information and restorative programs.

25. In 2021, the government adopted the Policy Concept of Combating Extremism and Prejudiced Hatred 2021–2026, which follows up on the previous annual policy concepts. The Policy Concept focuses on protecting crime victims and building and strengthening the resilience of democratic society. The Action Plan for 2021–2022 contains 38 measures implemented in cooperation with the public administration, academic institutions and NGO’s. The measures intend to do the following: strengthen protection of victims of prejudiced hatred; strengthen the capacities of law enforcement bodies to prevent and detect radicalisation and reintegrate radicalised persons, to protect the integrity of public authorities and security forces; raise awareness and educate as well as to successfully integrate

minorities into the majority society. Radicalisation and social reintegration of offenders is in the focus of the Probation and Mediation Service.

26. Czech Police and public prosecutors specialise in hate crimes. The Police has specialists in the Criminal Police and Investigation Service trained in the detection and assessment of hate crimes. Police officers and public prosecutors can use a set of procedures for investigating hate crimes with specific steps in the most frequent situations. A methodological tool on hate speech online and offline has been prepared. At all levels of the public prosecution system, public prosecutors specialise in hate crimes. Internal instructions require public prosecutors to pay increased attention to identifying the perpetrator's motive when overseeing hate crime cases. The lower public prosecutor offices must inform the Supreme Public Prosecutor's Office of new hate crimes to allow for its subsequent control and guidance.

27. Judges, public prosecutors and Police officers have been trained in detecting and prosecuting hate crimes. The Ministry of the Interior in cooperation with the Police Praesidium organises annual trainings for serving Police officers on current challenges in public order and security, regularly attended by around 130 persons. A meeting of Police minority liaison officers with regional coordinators for Roma affairs is held annually. An annual interactive self-experience training on intercultural competences is aimed at developing competences in approaching minorities. Ad hoc courses exist for specific needs of particular Police units. The Judicial Academy holds courses, training and seminars for judges, public prosecutors and auxiliary judicial staff, focusing on hate, racism and xenophobia and other topics like cybercrime, the rights and interrogation of particularly vulnerable crime victims, Roma studies, radicalisation etc., attended by hundreds of persons annually. In 2018, the Supreme Public Prosecutor's Office, the Judicial Academy and the OSCE-ODIHR concluded a memorandum on the implementation of the "Programme of Training for Public Prosecutors in Hate Crimes". The start of the training activities was delayed by the COVID-19 pandemic. One seminar was held in October 2021, another three are planned for 2022.

28. School education at all levels is based on mutual respect, tolerance, solidarity and the dignity of all learners. These principles are integrated in the framework of educational programmes for each education level and subsequently in school educational programmes. In the current revision of framework educational programmes, emphasis will be placed on civic and human rights education together with media education. Attention will continue to be placed on primary prevention at schools with financial support for training and preventive programmes of schools and NGO's. The Ministry of Education, Youth and Sport publishes on its website methodological documents on the prevention of racism and xenophobia. In the government campaign Place for Everyone, these topics are included in the Media Workshop activity, opening a space for pupils to discuss otherness, tolerance and their own prejudices. The Agency for Social Inclusion plans to train teachers in using the activity and to issue methodological materials for class discussions. Under activity We Can Talk, the Agency will provide tools for non-violent communication, recognising and evaluating one's emotions, detecting conflict sources and renewing broken relationships according to the principles of restorative justice with subsequent training for teachers and other pedagogical staff. The media campaign Hate Free continues on the internet and social media with nearly 7,000 members, 300 hate free zones across the country, 73,000 fans and 77,000 followers on Facebook.

H. Rights of LGBT+ people (recommendation 115.43)

29. Same-sex partnership in Czechia has, in many respects, the same or similar position as the opposite-sex marriage, mainly in the regulation of the inter-partner relationships, their acts and the inheritance or obligation law. However, differences persist mainly in family law or social security. The forms of concluding the marriage and the partnership remain different, although they are approximated. In 2016, the Constitutional Court lifted the ban on adoption for registered partners, which enabled the partners to apply for single-parent adoption of a child. The Constitutional Court also supported the recognition of parenthood of registered partners established abroad. The government will support the adjustment of legal conditions

for registered partners in the Civil Code and elsewhere. In the current parliamentary term, a group of deputies submitted a proposal introducing same-sex marriage equal to opposite-sex marriage for the second time but the discussion has not been concluded yet.

I. Rights of persons restricted in liberty (recommendations 115.82–87)

30. In 2016, the government approved the Prison Policy Concept until 2025. Its goals include ensuring a safe environment in prisons and creating conditions for humane treatment of prisoners. The Policy Concept aims to enable accommodation in cells and in bedrooms intended for fewer persons and to improve accommodation standards. The minimum floor area in cells will be enlarged from 2024 due to necessary technical and organisational measures. Prisons conditions have systematically improved recently. Prison units are being refurbished and expanded and the cell equipment is gradually being renewed. The prisons expenditure also regularly increases. Changes in the criminal policy shall support alternative punishments to relieve prison overcrowding.

31. Prisons comply with legal hygienic norms. Prisoners receive regular meals under conditions and in values corresponding to health requirements. Their cultural and religious traditions concerning nurture and other areas are taken into consideration at an extent enabled by the prison operation. Prison chaplains work in all prisons. Prisoners attend treatment programmes newly adapted to the needs of specific groups (e.g.: women, minors) or situations (e.g.: indebtedness, substance abuse, domestic violence). The employment of prisoners in and outside of prisons is reinforced. Penal and post-penal care together with reintegration of prisoners remain in focus. In the Jiřice prison, a so-called open prison was established according to foreign models in 2017, where prisoners are prepared for their life post-release in an open environment close to normality. This concept will be developed in other prisons too.

32. Surgical castrations are carried out pursuant to the Act on Specific Health Services, containing many guarantees protecting the rights of patients. A fundamental condition of the surgery is the patient's voluntary request based on their own free decision. Other conditions are being at least 21 years old, a medically proven paraphilic disorder, the perpetration of a sexual offence, a medically proven high likelihood of repeating such offence and a failure or medical impossibility of treatment alternatives. The castration applications are always assessed by an expert committee that will obtain at least two independent expert opinions and invite the patient to its meeting, inform them of the surgery's nature, its permanent effects and possible risks and verifies the patient's full understanding and lack of any compulsion. The committee must approve the surgery unanimously. The Act excludes castration of persons serving a prison sentence or in custody. Castration cannot be made to patients with limited legal capacity. Patients in protective treatment or security detention can undergo castration only in especially justified cases, with the consent of the expert committee as well as the court. Such patients must be informed by the committee that castration does not entitle them for release. From 2012 till 2019, the committee discussed nine applications, approved 3 and rejected the rest.

J. Human trafficking (recommendations 115.88–91, 130)

33. The fight against human trafficking is governed by the National Strategy for Combating Trafficking in Human Beings 2020-2023. The Strategy defined four priorities: combating trafficking in children, enhancing the identification of victims, prevention and assistance to victims of human trafficking and national and international cooperation in combating human trafficking. The Czech Police will be trained in identifying the victims and working with vulnerable victims, accompanied by special awareness-raising materials. A guidance in identification and assistance to child victims for public authorities will be now introduced in practice together with accompanying training. An information document will be drawn up for employers and employees about their rights and obligations in preventing labour exploitation. Police officers for minorities are involved in the prevention and detection of human trafficking in socially excluded localities and minority settings. Czechia has also

participated in international initiatives including the commitment to end forced labour, modern slavery, human trafficking and the worst forms of child labour in the world by 2030.

34. The Ministry of the Interior in cooperation with public institutions, NGOs and international partners organises regular training on human trafficking. Police specialists are continuously trained in human trafficking by the National Anti-Organised Crime Centre. Training includes inspectors in the labour inspectorates, consular staff at Czech embassies, social workers, and staff of child-protection authorities. The Judicial Academy holds seminars for judges and public prosecutors on human trafficking, using tools of the Council of Europe.

35. The Programme Supporting and Protecting Victims of Trafficking in Human Beings continues its operation, offering the victims accommodation and other services and motivating them to cooperate with law enforcement authorities. The Programme has helped more than 280 persons. Foreign victims of human trafficking contributing to crime detection and collaborating with law enforcement authorities can receive a long-term residence permit for protection. The Programme includes voluntary returns to the country of origin through IOM Prague at the public expense. Victims of human trafficking are particularly vulnerable victims pursuant to the Crime Victims Act and they have the rights specified above. Victims not speaking Czech receive information in a language they understand.

K. Gender equality (recommendations 115.95–97, 126–143)

36. In 2021, Czechia adopted the Government Strategy for Gender Equality 2021-2030. Among other things, the Strategy deals with equal representation in decision-making positions, on the labour market and in business, work-life balance, combating gender-based violence and gender stereotypes.

37. Family support creating conditions that reconcile work and family life remains a government priority. In 2017, the government approved the Family Policy Concept, focusing on the importance and stability of families and supporting accessible housing, pre-school education and childcare, flexible forms of work, and an earlier return to the labour market. Paternal postnatal care allowance was introduced in 2018 for 9 and since 2022 for 14 days after child birth. A long-term caregiver benefit for up to 90 days was introduced for those providing long-term care to their relatives. From 2018, children from the age of three have legally guaranteed places in kindergartens. In 2021, systemic financing of care services for pre-school children from national budget was introduced. The parental allowance was also increased and modified to allow for more drawing flexibility. Since 2021, law allows for a shared workplace, and since 2022 for part-time support for parents of children under 10, caregivers, people over 55 and other target groups. A new family policy strategy is currently being prepared.

38. Reconciliation is closely related to equal remuneration. The gender pay gap is closing the fastest in the EU at present. In its project 22% TO EQUALITY, the Ministry of Labour and Social Affairs focuses on equal remuneration by raising awareness among employers, employees and other key actors. The project outputs include analyses of pay gaps, opinion polls, methodological instructions for employers and employees, model collective agreements provisions, a salary online calculator, and the LOGIB software allowing organisations to test their salary policy. Methodologies allow for checking equal pay by the State Labour Inspection and for promoting equal pay by the Labour Office. The upcoming Action Plan for Equal Pay will propose specific measures to reduce the gender pay gap.

39. Another important topic of the strategy is equal gender representation in politics and decision-making positions. A methodological guideline for public administration will be prepared to support diversity in public service. A legal obligation has been introduced for companies publicly listed on the stock exchange to include in their annual reports information on gender representation in their management and on gender diversity support. Gender audits in companies are also encouraged. A gender equality manual has been drawn up for political parties and movements. The government is now preparing legislation on equal gender representation on election lists. Some political entities apply quotas voluntarily.

40. Systematic and effective removal of gender stereotypes and prejudices in all sectors and at all social levels is a priority. In employment, career advisors, work mediators and other employees of the Labour Office are trained to avoid gender stereotypes when offering job opportunities. The understanding and application of gender equality in society remains, according to the Education Act, one of the main education goals. The fight against gender stereotypes will be strengthened in the revisions of framework educational programmes. Stereotypes are also addressed in the government campaign *That's Equality!*, which is run on the government website with a Facebook profile of 3,600 fans and 4,000 followers, and in promotional materials.

41. The fight against domestic and gender-based violence continues to be one of the main government priorities. The Action Plan on Prevention of Domestic and Gender-based Violence 2019-2022 deals with prevention, victim protection and access to justice. The main priorities include regional available specialised services for persons at risk of violence and their children like shelters, crisis beds, telephone assistance or therapeutic programmes for the violent persons. The Action Plan contributes to enhancing the training, methodological guidance and mutual cooperation of the assisting professions like social workers, child-protection authorities, healthcare workers, police officers, judges or public prosecutors. It also contains violence prevention through awareness-raising activities and education in schools, realised by specific government projects.

42. Domestic and gender-based violence continues to be punished as a criminal offence of abuse of a person living in a common dwelling. Abuse also includes the following: (grievous) bodily harm, human trafficking, deprivation or restriction of personal liberty, oppression, rape, sexual coercion, dangerous menace or stalking. The Police can expel the abusing or threatening person from the common dwelling for a maximum of 10 days. Subsequently, the victim can ask the court for a preliminary measure banning the aggressor from the common dwelling and the surrounding area and forbidding any contact with the victim set by a court within 48 hours. Such measure lasts for 1 month and can be extended up to 6 months. Similarly, according to the Civil Code, the victim can ask the court to expel the aggressor from the common dwelling for a period not exceeding 6 months, with the possibility of repetition. Contact with the victim or entry of the dwelling can be prohibited also in criminal proceedings. The Act on Minor Offences makes it possible to require the violent persons to undergo therapy to manage their behaviour. Since 2021, particularly vulnerable victims also include victims of rape, abuse of a trusted person and abuse of a person living in a common dwelling, without an individual assessment of their increased vulnerability. They can continue to use the hotline for assisting the victims of crime and domestic violence, operated by the NGO "Bílý kruh bezpečí".

43. The rights of patients are regulated by the Health Services Act in line with international standards including the Convention on Human Rights and Biomedicine. A precondition of any medical intervention is the patient's free and informed consent unless in emergency situations like saving life. The patient has the right to be respected, treated with dignity, consideration and respect for privacy and has the right to receive health services at the appropriate scientific level and in the least restrictive environment while ensuring quality and safety. The patient also has the right to choose the health service provider, to request another medical opinion and decide on the presence during the medical intervention. The patient must be informed about the following: cause of the illness, its stage and expected development, the purpose, nature, expected benefit and possible consequences and risks of the proposed medical services, other options, their suitability, benefits and risks, further treatment needed and limitations and recommendations for their lifestyle with respect to their health condition. Health professionals are adequately trained in these principles. All of this applies, of course, to gynaecological and obstetric care.

44. The Strategy, together with the Family Policy Concept, aim to improve obstetric and post-partum care by increasing the privacy of women in labour, respecting their wishes expressed in their labour and delivery plans, or reducing unnecessary medical interventions while preserving the current high standard of obstetric and neonatal care. In 2018, one of the maternity hospitals in Prague established the first childbirth assistance centre enabling the labour and delivery to be supervised by a midwife based on a physician's decision. In line

with the WHO standards, Czechia is now preparing a new Concept of care for mother and child in pregnancy, during and after childbirth.

L. The rights of persons with disabilities (recommendations 115.95, 104, 107, 108, 163–165)

45. In 2014, the New Civil Code cancelled full deprivation of legal capacity and maintained only its partial limitation as the last resort if the situation cannot be solved otherwise. It introduced support measures like prior declaration, assistance in decision-making, representation by a household member and guardianship without limitation of legal capacity to assist persons with disabilities in everyday life without limiting their legal capacity. The new system is now being introduced into practice together with training judges, judicial, health and social workers and other actors. The Ministry of Justice monitors the use of the new tools and the degree of limitations of various rights of persons with limited legal capacity (the right to vote, to marry, and parental responsibility). Further measures will be considered based on longer-term experience from practice.

46. Persons with disabilities have the same voting right as all other persons. However, the court can limit their legal capacity to exercise their suffrage. The court assesses whether the person is able to understand the meaning, purpose and consequences of the elections, and must duly justify any limitation. The government is now preparing a new act that would enable to limit only the passive suffrage while active suffrage could not be limited. The laws provide various measures facilitating the suffrage for persons with disabilities. If the voter cannot come to the voting site for health or similar reasons, they can cast their vote at home into a portable ballot box. This box can be also used if barriers block access to the voting site. If the voter cannot read or write or mark the voting ballot due to a physical disability, they can be assisted by another voter. Information on elections is published also in accessible formats and is spread by disability organisations among their members. There are plans to publish information on barrier-free access to voting sites in the election administration information system in the future.

47. The Act on Specific Health Services considers the free and informed consent of the patient as the precondition for carrying out the sterilisation. A patient with limited legal capacity can be sterilised only for serious medical reasons. The patient's guardian gives consent to sterilization, but the patient must be fully involved in the consent process and their opinion is taken into account adequately to their intellectual maturity. The sterilization authorization is given by an independent expert committee, which always invites the patient to the meeting and comprehensibly informs them about the nature of the medical intervention, its permanent consequences and possible risks. If the committee grants consent with the intervention, it must also be approved by a court. Sterilisations of persons with limited legal capacity are thus subject to those strengthened guarantees to prevent illegal interference with their rights. Czechia has no information about extensive violations of those rules in the past.

48. Discrimination based on disability is prohibited in access to employment and profession and in employment and service relationships and all their aspects, including remuneration. In Czechia, persons with disabilities are provided with increased protection in the labour market. They are entitled to personalised support including advice, retraining, employment mediation, suitable job conditions and assistance in retaining or changing it. Self-employment is supported similarly. Employers are obliged to employ at least one person with disabilities per 25 employees. Otherwise, they must either buy products or services from employers employing more than 50% of employees with disabilities or entrepreneurs with disabilities or pay a sum to the state budget. If employers have more than 50% of employees with disabilities, they can obtain reimbursement of up to 75% of their wages and other costs. The government also increasingly contributes to hiring persons with disabilities or to the operation costs of their employment. The employers of persons with disabilities can also obtain income tax credit.

M. Rights of the child (recommendations 115.40, 42, 46, 144, 60–148, 150–152, 154–162)

49. In 2020, the government approved the National Strategy to Protect Children's Rights 2021-2029, intended to protect the rights of all children in Czechia under the cooperation of public administration, experts and NGO's. The Strategy is based on the CRC and follows from other strategic documents covering social inclusion, healthcare, education, security or family policy. The aim is to create a system of support for children and families at risk so each child has equal opportunities for a quality life. The Strategy has five sub-goals: an unified support system, a safe family environment, levelling disadvantages, child participation and improved quality of life. An action plan for the period 2021-2024 was adopted to implement the Strategy.

50. Current legislation already prioritizes substitute family care before institutional care for children that cannot grow up in their own family. The court can order to remove a child from their family only as the last resort. A child can be placed in institutional care only for a necessary period of time. Every 3 months, the child's situation is reassessed by the child-protection authority and every 6 months by the court, if the return to the family or the placement in substitute family care is possible. Child protection authorities are obliged to evaluate the child's situation and draw up an individual child protection plan or organise case conferences. Institutional care for children under 4 years of age is gradually restricted and from 2025 fully banned, with the exception of health reasons or sibling groups.

51. One of the main goals of the Strategy is to expand and professionalise substitute family care. Remuneration of foster parents has increased and their professional training has changed. Foster parents are accompanied by child-protection authorities and can use supportive or respite services. They have obligatory annual training in childcare for a minimum of 24 hours. The Ministry of Labour and Social Affairs is now preparing a new policy of substitute family care. Moreover, it is developing networks of supportive multi-disciplinary services for families with vulnerable children and for foster families. As a result, the number of children placed in institutional care is decreasing while the number of children in substitute family care and the interest in foster care are growing. In the future, the whole child protection system is to be reformed, focusing on prevention, services supporting children and accessible assistance to their families.

52. Families with children with disabilities can use a whole range of social services like personal assistance provided to persons in their natural social environment, and caregiving, accompanying or reading services. Parents caring for children with disabilities can also use respite services, outpatient centres or day care or week care centres. In all those services, children receive the necessary assistance and care and their abilities and skills are professionally developed. Homes for children with disabilities provide long-term accommodation with related care and therapy services. Residential services are partly paid by parents but the fees are legally limited. On the contrary, early care supporting parents in caring for their child is provided by free training, activation, therapy and counselling. The government seeks to shift the care from institutions to communities and to support family-based living.

53. Czechia continues to consider violence against children absolutely unacceptable in all environments including the family. Both physical and psychological punishments are prohibited in schools and social or health care facilities. Parents can use disciplinary parenting tools only in an appropriate form and intensity and must not threaten the child's health or development or affect their human dignity. In the near future, this prohibition shall specify that corporal punishment, mental hardship and other humiliating measures are affecting human dignity of the child. Accompanying education and awareness campaigns on positive parenting and support services for parents and children will follow.

54. The Czech Criminal Code already prosecutes child prostitution as the crime of human trafficking which includes the use of a child for sexual intercourse or other forms of sexual abuse or harassment. Sexual exploitation of children can be further qualified as crimes of sexual abuse, seduction for sexual intercourse, sexual coercion or rape. It is also criminal to produce or otherwise handle child pornography, to exploit a child for the production of

pornography or to participate in a pornographic presentation of a child. Child pornography is defined as a photographic, video, computer, electronic or other work of pornography displaying or otherwise exploiting a child. Prostitution is defined in case-law as a sexual intercourse with other persons in the form of coitus or other sexual stimulation of the sexual drive of another person by physical contact for payment.

55. Child victims of crimes are particularly vulnerable victims with rights described above. In investigating crimes, the Police focus on the needs of children according to international standards. The Ministry of the Interior supported the establishment of 77 special interrogation rooms at the regional police directorates to carry out procedural steps with child victims and witnesses, and more are being built. Specialists in working with children ensure the protection of child victims and witnesses of crimes against secondary victimisation and continuously expand their competences. Cooperation is also developing between the Czech Police, child-protection authorities, courts, public prosecutors, child psychologists, psychiatrists, experts in healthcare, schools, childcare facilities and other relevant actors. Preventive activities include lectures for primary and secondary schools, pedagogical staff of pre-school facilities and health professionals of children's hospitals.

56. The ombudsperson's competencies and activities also cover the rights of the child. The above-mentioned reforms include a consideration of establishing a special representative who would act as a NHRI for children to support the protection of children's rights.

N. Inclusive education (recommendations 115.110–125, 178, 179)

57. Inclusive education and reducing inequalities in access to education with maximum development of the potential of all children, pupils and students are among the priorities of the government's Education Policy Strategy 2030+. The Action Plan for Inclusive Education 2019-2020 has also been adopted. Its measures include improving and unifying the counselling services in schools and educational counselling centres and enhancing the special pedagogy skills in undergraduate training and further professional development of teachers. The basic framework of inclusive education is laid down in the Decree on Education of Pupils with Special Educational Needs and Gifted Pupils. Its amendments in the reporting period were aimed at streamlining and higher effectiveness of the system without jeopardising the level of support for individual pupils.

58. In primary education, the priority continues to be including pupils with various special needs based on their health condition, cultural or social background etc. to the highest possible extent in the mainstream education with adequate support measures. Placing such pupils in special education is possible only if the given support is not sufficient, the educational counselling centre recommends it and parents give informed consent. In the 2019/20 school year, the education of pupils with a light mental disability was terminated according to a special annex to the Framework Education Programme for Primary Education. This programme now allows to modify the education outputs within mainstream education, e.g. by setting up an individual education plan. Since the 2016/17 school year, the Ministry of Education, Youth and Sports has made qualified estimates of the number of Roma pupils in all primary schools and so monitors the implementation of the changes in practice. The Ombudsperson also monitors annually the progress in inclusive education. The inclusion of Roma pupils in mainstream education continues to grow and now ranges around 90%.

59. The Ministry of Education, Youth and Sports together with the National Pedagogical Institute organises training for teachers on inclusive education and supports professional development of pedagogical counsellors in including Roma pupils in mainstream education. It also supports new diagnostic tools for assessing their educational needs. An information package on inclusive education and changes in education of pupils with special educational needs has been prepared. In 2017-18, all regional capitals hosted information seminars focused on inclusive education, training thousands of headmasters of nursery and primary schools and the staff of educational counselling centres. All materials on inclusive education are continuously published on the Ministry's website. The education and training of teachers will cover also culturally and socially sensitive approaches necessary for educating minorities. The same support will exist for teacher assistants and the staff of pedagogical and

psychological counselling centres. The position of teacher assistants, social pedagogues and social workers in education will be specified in legislation and methodologies, standardised and supported with systemic financing within the education system.

O. Unlawful sterilisation (recommendations 115.101–109)

60. Although Czechia only noted the recommendations on establishing a special compensation mechanism, it adopted in 2021 an Act on Providing Compensation to Unlawfully Sterilised Persons effective from 1 January 2022. The Act specifies the conditions of providing a one-off sum of CZK 300 000 to persons illegally sterilised between 1 July 1966 and 31 March 2012. A sterilisation is illegal without a free and informed consent. The claim must be filed at the Ministry of Health till the end of 2024. The request for compensation must describe the facts of the case like the health facility, the date and circumstances of the intervention. The request is decided by the Ministry of Health in an administrative proceeding and the decision may be subject of judicial review. The Act also bans the shredding or other destruction of the necessary medical records for 10 years. Until 25 July 2022, the Ministry of Health registered 325 compensation requests, of which 65 were approved, 75 were rejected and the others suspended based on the failure to prove the illegality of the sterilisation due to the absence of medical documentation. With this special mechanism, no amendments are currently planned to the general limitation period that would, due to the principle of legal certainty, not apply to previous cases anyway. However, the existence of the mechanism does not prevent a court action for compensation of illegal sterilisations.

61. The rules for sterilisations also apply to persons with full legal capacity. According to the Act on specific health services, a sterilisation can be made only based on a written request or with a written consent of the patient. Before intervention, the physician must provide written information to the patient about its nature, permanent consequences and possible risks. The record of providing the information is signed by the physician, the patient and a witness, and it is included in their medical records. A model of the informed consent was published in the Journal of the Ministry of Health and healthcare facilities use it directly or a basis for their own text. It has been translated to the Roma language. A minimum gap of 7 days between providing the information and granting the consent with sterilisation for medical reasons and 14 days for sterilisation for non-medical reasons is required in order to give the patient time to consider all the circumstances. The final consent must be given by the patient immediately before the operation. The Ministry of Health also supports the raising of public awareness of patients' rights and the training of physicians in this area.

P. Rights of foreign nationals (recommendations 115.180–201)

62. According to the Charter of Fundamental Rights and Freedoms, foreigners can exercise all fundamental rights, unless granted only to citizens. The Charter enables a different regulation of some economic, social and cultural rights. Foreigners can be employed with a residence and work permit. Beneficiaries of international protection as well as foreigners with permanent residence or temporary protection granted to refugees from Ukraine do not need an employment permit. Applicants for international protection are not entitled to work in Czechia for the first 6 months since the start of the proceedings. Subsequently, they can apply for an employment permit and can legally seek employment.

63. Working foreigners are fully protected from labour exploitation and forced labour which can be assessed as human trafficking. Less severe cases of labour exploitation can violate labour-law regulations and employers can be fined by labour inspectorates. Labour inspectorates cooperate with law enforcement authorities and the Foreigners Police in protection against labour exploitation, investigation of cases and punishment of perpetrators.

64. Foreigners legally residing in Czechia have social insurance similar to Czech citizens. If they carry out remunerated activities, they participate in the insurance systems under the same conditions (e.g. insurance periods) and can receive allowances under the same conditions as Czech citizens. Foreigners from states with bilateral social security agreements

can have the insurance periods from the home countries taken into account. At present, Czechia has 21 such agreements concluded, covering most of the significant migration source countries.

65. Access to healthcare is tied to participation in the public health insurance or to a commercial health insurance except for emergency care provided in any case. Public health insurance includes persons employed in Czechia, foreigners with permanent residence and international protection holders and applicants. Foreigners with other residence permits must have a commercial health insurance arrangement when staying in Czechia. Since 2021, insurance companies have been legally obliged to provide health insurance covering comprehensive health care including care related to pregnancy and childbirth. The public health insurance also covers all new-born children within the first 60 days of their stay to allow them to fill an application for permanent residence with subsequent public health insurance coverage. The access of children to public health insurance shall be further simplified in the future.

66. The legislation on international protection and its practice fully comply with the Geneva Convention, EU law and other Czech international obligations, including the non-refoulement principle. Foreigners may apply for international protection either immediately upon entering the territory at an international airport or in reception centres, at alien police service centres, in detention facilities during the first 7 days or at other places specified by law, without any obstacles. A foreigner applying for international protection cannot be expelled until the end of the proceedings. Family reunification for international protection holders is possible through asylum or subsidiary protection for family reunification including the arrival of family members in Czechia. Recently, the Act on the Residence of Foreigners regulates the position of stateless persons.

67. According to the law, asylum applicants must stay in the reception centre for a period necessary for their identification and security or health risk screening. International protection applicants are not automatically restricted in their liberty, and certainly not in prisons. If their liberty shall be restricted, a detention decision must be issued with the right to judicial review within days. Juvenile asylum applicants or families with children are never detained. After the first identification, the applicant is transferred to an open centre where they can stay voluntarily with their family members while their application is being processed. During the stay, the applicant is entitled to accommodation, board, basic hygienic means, free healthcare, child education and psychological, social and other necessary services, including free legal assistance. The facilities are adapted to accommodating families with children. If the applicants have financial resources, they shall contribute to the boarding and accommodation costs. However, they must retain the subsistence minimum for themselves and for their dependent family members. The Ministry of the Interior and the administration of the asylum facilities must identify and meet any specific needs of vulnerable persons.

68. Persons staying in Czechia illegally can be detained under legal conditions. At first, public authorities have a statutory obligation to assess alternative measures like compulsory reporting to the Police or residence control. Detention is always used as the last resort and the real number of detained persons is quite low. The typical detention period must not exceed 180 days and can be extended up to 545 days only for foreigners who deliberately thwart their banishment, which practically does not occur. Throughout the period of detention, the Police must examine the persistence of its grounds and terminate the detention if they cease to exist. The Police must also instruct the foreigner on the possibility of judicial review of the detention at regular intervals. If the court finds the detention unlawful, the foreigner must be immediately released. The foreigner is also obliged to pay the costs of accommodation and board in the facility at a set amount. Alternatively, the costs may be also paid by their illegal employer.

69. An unaccompanied juvenile foreigner may be detained only if they pose a reasonably expected threat to public security or seriously disturb public order and, at the same time, it is consistent with the best interest of the child. In practice, unaccompanied minors are almost never detained. Children accompanying their parents are not detained but stay in the facility together with them only if care for them cannot be ensured outside the facility. The maximum period of detaining families and unaccompanied minors is 90 days with no extension

possibility. The detention takes place in a special facility intended only for families with children and women which has been substantially modified in recent years to suit their needs as much as possible. Security elements have been minimalised and the facility has been modified to be family- and child-friendly. It provides leisure activities and free legal assistance, medical care, social counselling etc. by professional civil staff. Necessary funding is regularly invested in the accommodation in all asylum and detention facilities which are regularly visited and checked by the Ombudsperson and international organisations. In general, Czechia makes best efforts to avoid detention of families with children and to carry it out in satisfactory conditions in line with international standards.

70. Based on the government's position, Czechia does not take part in the resettlement and relocation scheme of the EU.

III. Status of implementation of voluntary pledges of Czechia

71. Czechia sat on the Human Rights Council immediately after its establishment in 2006–2007 and then in 2011–2014 and 2019–2021. Czechia was newly elected in partial elections in May 2022 with a term until the end of 2023. In its candidacy, Czechia assumed many voluntary pledges and has performed them ever since. During its membership in the Council and in other periods, Czechia took an active part in the Council's work. For instance, Czechia proposed and supported main resolutions as well as special rapporteurs and other Council mechanisms. Over the previous UPR cycles, Czechia made 1,260 recommendations. Czechia gives particular support to NGOs and civil society in the Council's work and to human rights protection at both national and international levels. Czechia cooperates with treaty bodies in the due performance of its international obligations. Also, Czechia financially supports the OHCHR and other UN mechanisms, like UNICEF, UN WOMEN, UNDP or UNPBC, and takes part in their work. Annually, Czechia spends about 70 million CZK on projects promoting human rights and democracy in third countries. Czechia has been fulfilling most of the other pledges by implementing the recommendations above.

IV. Other human rights issues in Czechia in the period 2018–2022

72. The most important human rights issues in Czechia in the indicated period were described above under the implementation of the recommendations. Among others, mandatory operations disabling reproduction continue to be a condition for legal gender recognition. The Commissioner for Human Rights, public authorities and experts are creating new rules in line with human rights standards.

73. In recent years, Czechia went through the COVID-19 pandemic that, apart from economic and social impacts, brought about significant restrictions on the freedom of movement and residence, the freedom of assembly, the right to private and family life, the right to conduct business, the right to education and other rights. Some restrictions were then cancelled by courts. The current government learned lessons and intends to apply only necessary restrictions as little as possible and in line with human rights protection in the future.

74. This year, the greatest challenge is the war in Ukraine and the arrival of Ukrainian refugees. Based on EU law, Ukrainian refugees can obtain temporary protection in Czechia together with access to the labour market, healthcare, social support and education. The government seeks, at all levels, to identify ways to successfully adapt the refugees to the Czech society and provide them with a sufficient protection of their rights.