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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-second session**  
23 January–3 February 2023

## **Summary of stakeholders' submissions on Czechia\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.<sup>1</sup> It is a summary of 9 stakeholders' submissions<sup>2</sup> for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations<sup>3</sup> and cooperation with human rights mechanisms**

2. Amnesty International (AI) stated that Czechia had not yet taken the action necessary to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). It stated that the Istanbul Convention had become a target of misinformation, which the Government had failed to address. It recommended that Czechia ratify, and implement into domestic law, the Istanbul Convention.<sup>4</sup>

3. The Czech Helsinki Committee (CHC) recommended that the Government prioritize, without delay, ending violence against women and ratify and effectively implement the Istanbul Convention, despite existing religious and political opposition. It recommended that the Government fight against the backlash in society about the main purpose of the Convention and debunk false beliefs.<sup>5</sup>

4. The International Campaign to Abolish Nuclear Weapons (ICAN) recommended that Czechia sign and ratify the Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.<sup>6</sup>

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\* The present document is being issued without formal editing.



## **B. National human rights framework**

### **1. Constitutional and legislative framework**

5. The European Commission against Racism and Intolerance of the Council of Europe (CoE-ECRI) recommended that the authorities amend the Criminal Code in order to include sexual orientation, gender identity and sex characteristics expressly in the list of enumerated grounds in Sections 355 and 356.<sup>7</sup>

6. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe (CoE-CPT) regretted that, once the court approved the involuntary placement of a person in a social care establishment, no regular automatic reviews of the lawfulness of such placement were provided for by law. It recommended that the relevant legislation be amended accordingly.<sup>8</sup>

### **2. Institutional infrastructure and policy measures**

7. AI stated that there was no national human rights institution in Czechia, despite long-standing calls for the expansion of the capacities and responsibilities of the Ombudsperson in line with the Paris Principles. AI recommended that the Government strengthen the position of the Ombudsperson to take up the role of national human rights institution in compliance with the Paris Principles.<sup>9</sup>

8. The Public Defender of Rights (the Public Defender) stated that Czechia had not yet established a national human rights institution, despite the increasing criticism from the international community. The Public Defender partly performed some of the tasks of a national human rights institution, but it did not have a broad human rights mandate within the meaning of the Paris Principles. Many human rights areas remained without systematic monitoring by an independent institution.<sup>10</sup>

9. CHC stated that Czechia lacked an umbrella institution to protect and promote children rights. It recommended that the Government set up, without delay, a Children's Ombudsman Office and provide it with a separate budget to ensure its autonomy and effective functioning.<sup>11</sup>

10. The Public Defender stated that it was necessary to establish a specialized and independent institution that would deal with children's rights systematically, communicate with children about their world view, and promote their rights on a systemic level.<sup>12</sup>

## **C. Promotion and protection of human rights**

### **1. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### *Equality and non-discrimination*

11. CHC stated that Roma people continued to experience discrimination in many areas of their daily life, such as education, employment, housing, and health. Czechia still had not properly addressed the inter-related problems of poverty, indebtedness, and dependency on social welfare benefits.<sup>13</sup>

12. CHC stated that Czechia did not collect comprehensive and gender-disaggregated data on the inclusion and integration of Roma in the areas of education, employment, housing, and health. The absence of such data made it difficult to properly evaluate the effectiveness of existing measures.<sup>14</sup>

13. CoE-ECRI stated that the general situation of Roma in the areas of education, employment, housing and health was still very problematic. De-facto segregation still occurred in schools and in the housing sector. In the areas of education and housing, a strong emphasis was placed on the role of the municipalities and as a result the situation was marked by a wide range of different attitudes and practices towards Roma inclusion across the country.<sup>15</sup>

14. CHC recommended that Czechia put an end to discriminatory practices against the Roma community, intensify efforts for social inclusion and provide equal access to employment, education, housing, and social care.<sup>16</sup>

15. CHC recommended that Czechia improve measures for Roma integration and inclusion by collecting comprehensive Roma-specific data in the areas of education, housing, employment, and health.<sup>17</sup>

16. AI recommended that the Government fully implement the Roma Equality, Inclusion and Participation Strategies (Roma integration strategy) 2021–2030, including by ensuring that it was adequately resourced.<sup>18</sup>

17. CoE-ECRI was concerned about racist and LGBTI-phobic hate speech. Hateful comments, in particular against Muslims, asylum-seekers and Roma, were insufficiently condemned by high-level politicians.<sup>19</sup>

18. CoE-ECRI stated that hatred against Muslims and certain groups of immigrants had become increasingly a feature of mainstream politics in the country.<sup>20</sup>

19. The Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) stated that hate crime recording and statistics did not sufficiently distinguish hate crimes from other crimes.<sup>21</sup>

20. CoE-ECRI recommended that the authorities intensify efforts of law enforcement agencies to combat racist and LGBTI-phobic hate speech, in particular by (i) reinstating the hate crime hotline; (ii) employing hate crime specific police community liaison officers to reach out to vulnerable groups; (iii) developing and implementing a diversity policy for the police in order to recruit more officers from minority backgrounds; and (iv) continuing and scaling-up the hate crime training for police officers, prosecutors and other law enforcement officials.<sup>22</sup>

21. CoE-ECRI recommended that the authorities roll-out further anti-hate campaigns for the general public, and that it strongly encourage all holders of public offices to abstain from using, and to condemn, racist and LGBTI-phobic hate speech.<sup>23</sup>

22. OSCE/ODIHR recommended that Czechia respond swiftly to hate crimes, including those motivated by gender or sex, publicly condemn any such acts and ensure that perpetrators are brought to justice. It recommended that Czechia ensure the availability of all necessary psychological, social and legal support for victims, including through close co-operation with civil society. It also recommended that Czechia build the capacity of law enforcement and the justice sector to recognize and effectively investigate hate crimes.<sup>24</sup>

23. CoE-ECRI recommended that the authorities support and cooperate with civil society organisations in order to actively monitor and report criminal as well as non-criminal forms of racist and anti-LGBTI hate speech.<sup>25</sup>

24. The Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe (CoE-ACFC) urged the authorities to intensify its efforts to combat stereotypes and prejudice against the minority groups most exposed to hate speech in society, including through minority-specific awareness-raising campaigns, as well as to publicly condemn and, in cases of criminal relevance, effectively prosecute and sanction all instances of hate speech and anti-minority rhetoric in public and political discourse.<sup>26</sup>

25. CoE-ACFC reiterated the need for the authorities to effectively promote intercultural dialogue in education, including in curricula, so as to make pupils aware of the situation of persons belonging to national minorities in Czech society of today and to foster mutual respect and understanding.<sup>27</sup>

*Right to life, liberty and security of person, and freedom from torture*

26. CoE-CPT recommended that police officers throughout Czechia be reminded that any form of ill-treatment of detained persons was unprofessional and illegal and would be punished accordingly.<sup>28</sup>

27. The Public Defender stated that the legal regulation of duty of confidentiality of health care providers and health professionals needed to be changed so that that duty would not be an obstacle to reporting suspected ill-treatment.<sup>29</sup>

28. The Public Defender stated that police officers or members of the Prison Service may be present during medical examination of a detainee, contrary to international standards.<sup>30</sup>

29. CoE-CPT called upon the authorities to ensure that all medical examinations of persons in police custody took place out of the hearing and, unless the doctor concerned expressly requested otherwise in a given case, out of the sight of police officers.<sup>31</sup>

30. CoE-CPT recommended that solitary confinement be abolished in respect of juvenile prisoners and that the maximum period of solitary confinement as a punishment for adult prisoners be limited to 14 days and preferably less.<sup>32</sup>

31. CoE-CPT reiterated its recommendation that the authorities ensure that all detained persons (including foreign nationals) effectively benefitted from the right of notification of custody from the very outset of their deprivation of liberty.<sup>33</sup>

32. The Public Defender stated that prisons had long been overcrowded. Changes described in the Prison Concept and generally desirable changes in penal policy had been manifesting slowly in practice. It also drew attention to the unsustainable trend of an increasing number of persons in pre-trial detention.<sup>34</sup>

33. CHC recommended that Czechia adopt practical measures to facilitate family visits and parenting abilities of women in detention.<sup>35</sup>

34. CHC recommended that Czechia assess the adequacy of prison staffing arrangements and ensure sufficient prisoner-staff ratios, pay levels and working conditions.<sup>36</sup>

35. The Public Defender stated that during visits to psychiatric institutions, the Defender often encountered inadequate departments where patients were detained in undignified or endangering conditions.<sup>37</sup>

36. CoE-CPT reiterated its view that the use of net-beds in psychiatric establishments was not acceptable and urged the authorities to implement without further delay the CPT's long-standing recommendation to withdraw from service all net-beds in psychiatric hospitals in the country.<sup>38</sup>

37. AI stated that corporal punishment of children remained legal. The Government did little to combat its use and to promote alternatives and non-violent parenting styles. It recommended that the Government comply with the recommendations made by the Committee on the Rights of the Child to explicitly prohibit corporal punishment in law, in all forms and settings, and promote positive, non-violent and participatory forms of child-rearing and discipline.<sup>39</sup>

#### *Administration of justice, including impunity, and the rule of law*

38. CoE-CPT reiterated its recommendation that a fully-fledged and properly funded system of free legal aid was put in place for all detained criminal suspects who were not in a position to pay for a lawyer.<sup>40</sup>

39. AI stated that the Czech criminal law did not explicitly recognize sexual orientation and gender identity as a valid basis for hate crimes. In practice, hate crimes based on the victim's gender or sexuality were treated as less severe in comparison to offences related to race or religion.<sup>41</sup>

40. AI recommended that the Government change the legal definition of rape within the criminal code to be based on a lack of consent, rather than use of force or threat.<sup>42</sup>

41. The Public Defender recommended the introduction of an education system in anti-discrimination law for judges and lawyers.<sup>43</sup>

#### *Right to participate in public and political life*

42. OSCE/ODIHR stated that it had deployed an Election Expert Team to Czechia to observe the October 2021 parliamentary elections. The Team had recommended that Czechia

make comprehensive efforts to promote women's effective participation and decision-making in public and political life. It had also recommended that special measures to increase the number of women in elected positions be considered.<sup>44</sup>

43. CoE-ACFC called on the authorities to ensure the effective participation of representatives of national minorities in public affairs at local level by establishing Committees for National Minorities in municipalities and regions where a sufficient number of persons belonging to national minorities resided and to review, in consultation with representatives of the national minorities, the functioning of such committees.<sup>45</sup>

*Right to marriage and family life*

44. AI recommended that the Government facilitate family reunification for refugees and migrants and provide them with social security.<sup>46</sup>

*Prohibition of all forms of slavery, including trafficking in persons*

45. The European Centre for Law and Justice (ECLJ) stated that Czechia served as both a transit and destination country for human trafficking, but that traffickers most often used Czechia to transition victims from one country to another, mainly to other countries within Europe. The most common forms of human trafficking within Czechia involved trafficking for sexual exploitation as well as labour.<sup>47</sup>

46. ECLJ was encouraged by the work that Czechia had done to combat human trafficking including through the prompt implementation of a new National Strategy which focused on victim identification and protection. It encouraged Czechia to continue its work to combat human trafficking and provide aid for victims.<sup>48</sup>

47. The CoE Group of Experts on Action against Trafficking in Human Beings of the Council of Europe (CoE-GRETA) considered that the authorities should continue strengthening prevention of human trafficking through targeted social and economic empowerment measures for vulnerable groups and persons, in particular the Roma community and migrant workers.<sup>49</sup>

48. CoE-GRETA urged the authorities to disconnect the identification of victims of human trafficking from the initiation of criminal proceedings and to put in place a formalised victim identification procedure which defined the roles and responsibilities of all relevant stakeholders and promoted a multi-agency approach by involving specialised NGOs, labour inspectors, social workers, child protection specialists and health-care staff. GRETA also asked the authorities to pay increased attention to the proactive detection of victims of trafficking amongst asylum seekers and persons placed in administrative detention pending removal.<sup>50</sup>

49. CoE-GRETA asked the authorities to provide specialised assistance for child victims of trafficking, taking into account their specific circumstances and the best interests of the child.<sup>51</sup>

50. CoE-GRETA urged the authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking, including by reviewing the criminal and civil procedures regarding compensation and ensuring that all persons trafficked in, to or from Czechia, regardless of nationality and residential status, were eligible for financial assistance from the state.<sup>52</sup>

*Right to work and to just and favourable conditions of work*

51. CoE-ECRI had received complaints that Roma were frequently employed by businesses only for the duration of the wage subsidies, essentially using them as cheap labour without providing an opportunity for long-term employment.<sup>53</sup>

*Right to social security*

52. The European Committee of Social Rights of the Council of Europe (CoE-ECSR) stated that the minimum level of pension benefit was manifestly inadequate.<sup>54</sup>

53. CoE-ECSR stated that the right to social assistance to all persons in need was not guaranteed as it could be withdrawn as penalty for having refused a job offer or not registering with an employment office.<sup>55</sup>

54. CoE-ECSR stated that the level of social assistance was manifestly inadequate.<sup>56</sup>

55. CoE-ECSR stated that family benefits were not of an adequate level for a significant number of families.<sup>57</sup>

56. The Public Defender stated that the availability of social services for children with disabilities and their families was problematic. Long waiting times were caused by inflexible and inefficient system of planning and financing social services and, in some cases, the lack of support from the regions.<sup>58</sup>

#### *Right to an adequate standard of living*

57. CoE-ECRI stated that there was no social housing law and that initiatives in that area were left to each local authority.<sup>59</sup>

58. The Public Defender stated that municipal housing was often unavailable or too small for families with multiple children. It stated that it had repeatedly stressed that the adoption of the Social Housing Act was necessary to address housing needs.<sup>60</sup>

59. CoE-ECSR stated that housing conditions of Roma families were not adequate.<sup>61</sup>

60. CoE-ECRI was concerned about the implications of the so-called “benefit-free zones” that some local authorities had applied in recent years, following legal provisions enabling municipalities to designate areas as ineligible for certain forms of housing support. That measure particularly affected Roma, who were often disproportionately dependent on housing benefits.<sup>62</sup>

61. CoE-ACFC reiterated that the placement of Roma in housing units outside the main residential areas increased the isolation of the Roma and contributed to the stigmatisation of that minority.<sup>63</sup>

62. CoE-ACFC noted with regret that only a limited number of Roma had moved from “residential hostels” to adequate social housing and that, despite some progress, many Roma still lived in substandard living conditions and suffered discrimination in the housing market.<sup>64</sup>

63. CoE-ACFC stated that the authorities should continue to take steps to improve the living conditions of the Roma and to decrease their segregation in marginalised communities, which was also a precondition for improving prospects for employment and access to mainstream education.<sup>65</sup>

64. CoE-ACFC called on the authorities to intensify its efforts to prevent and combat all forms of inequality affecting the Roma in access to housing.<sup>66</sup>

#### *Right to health*

65. The Public Defender stated that the situation in psychiatry, especially pedopsychiatry, had long been unsatisfactory. This concerned all forms of care, outpatient, community, and inpatient. There was insufficient personnel and other capacities. The increasing number of pediatric patients, including in the context of the COVID-19 pandemic, deepened the problem. The availability of community-based services offering children help and care in their natural environment was low.<sup>67</sup>

66. The Public Defender stated that children of foreigners staying in Czechia for more than 90 days were not part of the public health insurance system, unless they had permanent residence.<sup>68</sup>

67. CoE-ECRI strongly recommended that the authorities ensure access to adequate health care cover for those categories of foreigners residing legally in the country who so far were not covered by the public health care system.<sup>69</sup>

*Right to education*

68. CoE-ECRI was concerned that the levels to which schools applied inclusive education and conveyed its underlying principles and values depended very much on the local school administration.<sup>70</sup>

69. The Public Defender stated that a high number of Roma children were still educated according to the minimum recommended standards for children with mild intellectual disabilities. Moreover, the majority of those children were educated in schools or classes separated from children in mainstream schools or classes. The Defender appreciated the introduction of a compulsory final year of pre-school education, however, many children did not participate in it for various reasons.<sup>71</sup>

70. CHC stated that deeply engrained prejudices continued to exist within the Czech educational system. Roma children were segregated into separate “special schools” and classes and were disproportionately more often classified as “disabled” than non-Roma children.<sup>72</sup>

71. CoE-ACFC stated that the proportion of Roma pupils educated in mainstream education was increasing only slowly. It recommended that the authorities comprehensively assess, in co-operation with representatives of the Roma minority, which adjustment measures should be taken to ensure that the reform reached the objective of inclusive education.<sup>73</sup>

72. CoE-ACFC stated that Roma representatives had pointed to the problem related to the segregation of Roma pupils in education due to them living in segregated housing areas.<sup>74</sup>

73. CoE-ACFC stated that Roma representatives had pointed out that during the Covid-19 pandemic, many Roma families had had difficulties following remote education due to a lack of internet access and computers and that in many cases Roma associations rather than the authorities had had to solve these problems.<sup>75</sup>

74. CoE-ACFC reiterated that Roma pupils should not be separated from other non-Roma pupils in a discriminatory manner and that any segregation based on ethnic affiliation must be avoided. Segregated education, often of lower standard than that offered to other pupils, was one of the most extreme examples of the precarious position of Roma parents and pupils.<sup>76</sup>

75. AI stated that Roma students continued to be more likely to be sent and accepted by schools with already a high percentage of Roma students. They were usually being rejected by non-Roma majority schools, ostensibly due to capacity reasons. Roma-majority schools were usually in isolated secluded locations, with insufficient funding and lacking in quality of education. It recommended that the Government ensure that segregation in school was effectively ended through monitoring and redress.<sup>77</sup>

76. CHC recommended that Czechia ensure that all forms of segregation and discrimination affecting Roma children in schools were ended. It recommended that Czechia collect comprehensive data in the education sector on the enrolment, attendance, and attainments of Roma children.<sup>78</sup>

77. Broken Chalk (BC) recommended that Czechia fight the widespread segregation in the educational sphere.<sup>79</sup>

78. CoE-ECRI recommended that the authorities ensure that all forms of de-facto segregation affecting Roma children in schools were ended.<sup>80</sup>

79. The Council of Europe (CoE) noted that the Council of Europe Commissioner for Human Rights had noted that measures taken to improve the inclusion of Roma children in mainstream education had not provided the breakthrough necessary to solve the deep-rooted inequalities that underlied discrimination against Roma children in education. She had emphasised the need for broader measures that looked more widely at a whole range of issues including the impact of institutionalised anti-Gypsyism, poverty, social exclusion and territorial segregation, the protection of Roma children from hostility and violence, resistance to inclusion from professionals and the public at large, and the inclusion in the school curriculum of human rights, non-discrimination and awareness of Roma history and culture.<sup>81</sup>

80. CoE-ACFC called on the authorities to continuously evaluate the effects of the education reform, including whether the assessments by school counselling facilities reflected the educational needs of Roma pupils in a correct way and whether the aim of inclusive teaching of Roma with non-Roma pupils was reached.<sup>82</sup>

81. CoE-ECRI recommended that the authorities provide additional training for teachers on issues of inclusive education, human rights and tolerance, and work more closely with local school authorities and administrators to ensure that such training was rolled out evenly across the country.<sup>83</sup>

82. CoE-ECRI recommended that the authorities systematically collect data on the educational outcomes, including drop-out rates, of migrant children.<sup>84</sup>

#### *Cultural rights*

83. CoE-ACFC reiterated that the funding available for the cultural activities of national minorities should be adequate to ensure the preservation of their cultural and linguistic identity. Particular attention had to be paid to the actual needs in the field of culture of persons belonging to the numerically smaller minorities.<sup>85</sup>

#### *Business and human rights*

84. CoE-ECRI stated that with regard to alleged discrimination in the private sector, the Public Defender could only request a statement from the relevant private entities who were, however, not obliged to co-operate and respond to the request or to provide evidence.<sup>86</sup>

## **2. Rights of specific persons or groups**

### *Women*

85. CHC stated that there had been many unreported and unprosecuted cases of domestic and sexual violence against women because of the lack of support for victims and trainings for police officers, security personnel and the judiciary on the topic.<sup>87</sup>

86. CHC urged Czechia to intensify its efforts to prevent and prosecute acts of domestic and sexual violence and assist women who were victims of such violence.<sup>88</sup>

87. CHC recommended that Czechia undertake regular and systematic training of the police, security personnel and the judiciary to ensure that they carried out their functions with gender sensitivity.<sup>89</sup>

88. CHC stated that patriarchal attitudes persisted in Czech society, such as discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society.<sup>90</sup>

89. CHC recommended that Czechia strengthen its efforts to address persistent and deep-rooted gender stereotypes that perpetuated discrimination against women via targeted awareness-raising and education initiatives.<sup>91</sup>

90. CHC stated that there was still an underrepresentation of women in political, economic, and public life.<sup>92</sup>

91. CHC recommended that Czechia set specific goals, targets, and time frames to increase the representation of women, including Roma women, in legislative assemblies, the government and the public administration.<sup>93</sup>

92. AI stated that on 13 August 2021, the Government had passed a law providing for reparations for Roma women who had been forced or coerced into forced sterilization procedures in the past.<sup>94</sup>

93. CHC stated that the steps to recognize and compensate the survivors of unlawful sterilizations were essential. However, important limitations remained. Czech citizens who had been illegally sterilized on the Slovak territory of the former Czechoslovakia would not be able to get compensation.<sup>95</sup>



94. AI recommended that the Government fully implement the Strategy for Equality of Men and Women (2021–2030), including by ensuring that it was adequately resourced.<sup>96</sup>

#### *Children*

95. AI stated that the Government had passed a law on 8 October 2021 ending the practice of putting children under the age of three, whose parents or relatives could not care for them, into institutional care.<sup>97</sup>

#### *Persons with disabilities*

96. The Public Defender stated that there was still no strategy on the deinstitutionalization of social services and that it should include clear objectives and the implementation deadline for the gradual abolition of institutional care for people with disabilities and its replacement by community-based services.<sup>98</sup>

97. The Public Defender stated that courts continued to favor restriction of legal capacity over other support measures for persons with disabilities. The restriction of legal capacity often resulted in interference with fundamental rights, such as the right to vote, to marry or to work.<sup>99</sup>

98. CoE noted that the Council of Europe Commissioner for Human Rights had called on the Government to implement reforms that would lead to a resolutely inclusive education system.<sup>100</sup>

#### *Minorities*

99. CoE-ACFC stated that there was a need to increase awareness in mainstream education (curricula, teacher training and teaching materials) to overcome deep-rooted historical prejudices against some minorities, in close co-operation with the representatives of the national minorities concerned.<sup>101</sup>

100. CHC stated that there was no Roma represented in the Parliament and noted a very low number of Roma women in governmental bodies both at regional and local levels.<sup>102</sup>

101. CoE-ACFC called on the authorities to facilitate the oral and written use of minority languages in contacts with administrative authorities for persons belonging to all national minorities, notably through practical measures enabling administrative authorities to use such languages and by raising awareness of this right among the national minorities.<sup>103</sup>

#### *Lesbian, gay, bisexual, transgender and intersex persons*

102. AI stated that LGBTI persons were still facing prejudice and discrimination, which often resulted in gender-based violence.<sup>104</sup>

103. AI stated that Czech civil law did not allow same sex couples to marry or enter a civil union with equal rights. Same sex couples in civil unions were not allowed to adopt children as a couple, they did not receive a pension in case of their spouse's death, nor were they allowed to own shared estate.<sup>105</sup>

104. AI recommended that the Government amend the Civil Code to extend the right of marriage to same-sex couples.<sup>106</sup>

105. CoE-ECRI was concerned that in order for transgender persons to officially change their names and gender, they had to undergo gender reassignment and sterilisation.<sup>107</sup>

106. AI recommended that the Government abolish the requirement of sterilization in the process of legal gender recognition.<sup>108</sup>

107. CoE-ECRI strongly encouraged the relevant health authorities to remind all health care workers to treat transgender persons, and LGBTI-persons more broadly, with the necessary dignity and respect for their gender identity, sexual orientation and sex characteristics.<sup>109</sup>

*Migrants, refugees and asylum-seekers*

108. JS1 stated that despite calls for action by NGOs and various United Nations treaty bodies' recommendations, Czechia continued to detain children and families in the closed immigration detention centre in Bělá-Jezová. Most families affected by detention were asylum-seeking families. Conditions of detention of these families had been reported to be similar to prison and the Public Defender had found in several instances that the detention of children constituted inhuman and degrading treatment.<sup>110</sup>

109. JS1 recommended that Czechia end the detention of children and families, especially in closed immigration detention centres, and introduce feasible and accessible alternatives to detention, including non-custodial accommodation for migrant families with children.<sup>111</sup>

110. AI recommended that the Government provide the necessary protection to refugees and asylum seekers, preserve their dignity and guarantee their access to legal aid.<sup>112</sup>

111. AI stated that in response to the war in Ukraine, the Government had assisted people fleeing the conflict. However, there were serious concerns about racism and the failure to provide all those seeking safety the protection and support they needed, in particular Roma people.<sup>113</sup>

112. JS1 stated that there had been reports of discrimination against Romani people from Ukraine in entering the registration centre in Prague, accessing housing or obtaining temporary protection.<sup>114</sup>

113. CHC stated that according to human rights and Roma organisations, a few hundred Roma people from Ukraine were not receiving the same protection as the rest of the refugees and had a harder time to find accommodation or work. Romani women and their children who had fled the war in Ukraine had to live for weeks around the main railway station in Brno, Czechia. They had subsequently been relocated to a strip of land and were living there in catastrophic conditions.<sup>115</sup>

114. CHC recommended that Czechia ensure equal treatment of all refugees, including Roma. It recommended that Czechia stop subjecting Roma people to lengthy procedures on dual citizenship.<sup>116</sup>

115. CHC recommended that Czechia ensure the equal enjoyment of the right of housing without discrimination for all refugees coming from Ukraine, including Roma.<sup>117</sup>

*Stateless persons*

116. JS1 stated that no government figures were available on the stateless population as a whole, so estimates were likely an underrepresentation. Stateless persons living without residence status in Czechia were mainly invisible in the data.<sup>118</sup>

117. JS1 stated that Czech legislation had no legal provision reflecting the definition of a stateless person pursuant to article 1 of the 1954 Convention. It stated that Czechia did not have a dedicated statelessness determination procedure. Only limited rights were granted as a consequence of statelessness determination. There were also gaps in the legal framework to protect stateless people from arbitrary immigration detention.<sup>119</sup>

118. JS1 stated that on 2 August 2021, an amendment to the Act on Residence of Foreign Nationals had entered into force, moving the possibility to determine statelessness under the provisions of the Asylum Act to the Immigration Act. The new procedure was very unclear. There were no provisions to regulate the status of stateless applicants, nor procedural safeguards, and the right to remain on the territory was not guaranteed. The framework also meant that recognition of statelessness in Czechia did not lead to any status or residence rights.<sup>120</sup>

119. JS1 recommended that Czechia establish a clear and predictable statelessness determination procedure in law that guaranteed basic procedural rights and safeguards during the procedure such as the right to remain on the territory, identification of applicants, access to healthcare, work permits, the right to an effective remedy, and led to a statelessness status and rights in line with the Convention Relating to the Status of Stateless Persons of 1954.<sup>121</sup>

120. JS1 recommended that Czechia provide recognised stateless persons with a right to residence with a route to permanent residence and naturalisation, in line with guidance of the United Nations High Commissioner for Refugees.<sup>122</sup>

121. JS1 recommended that Czechia introduce a full safeguard in nationality law, policy, and practice to ensure that children born in the country had their nationality status determined, irrespective of the actions or status of their parents, to guarantee the child's right to a nationality and ensure that stateless children born in Czechia acquired a nationality.<sup>123</sup>

## Notes

<sup>1</sup> See A/HRC/37/4, A/HRC/37/4/Add. 1, and A/HRC/37/2.

<sup>2</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

### *Civil society*

#### *Individual submissions:*

AI	Amnesty International, London (United Kingdom);
BC	Broken Chalk, Amsterdam (the Netherlands);
CHC	Czech Helsinki Committee, Prague (Czechia);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);

#### *Joint submissions:*

JS1	Joint submission 1 submitted by: Organization for Aid to Refugees, Prague (Czechia); European Network on Statelessness, London (United Kingdom); Institute on Statelessness and Inclusion, Eindhoven (the Netherlands).
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#### *National human rights institution:*

The Public Defender	Public Defender of Rights, Prague (Czechia).
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#### *Regional intergovernmental organizations:*

CoE	The Council of Europe, Strasbourg (France); Attachments: <b>ACFC</b> – The Advisory Committee on the Framework Convention for the Protection of National Minorities, Fifth Opinion on the Czech Republic, ACFC/OP/V(2021)3, 6 October 2021; <b>CPT</b> – European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CPT/Inf (2019) 23 – Part; <b>ECRI</b> – European Commission against Racism and Intolerance, Report on the Czech Republic (sixth monitoring cycle), 8 December 2020; <b>ECSR</b> – European Committee of Social Rights, the Czech Republic and the European Social Charter, Factsheet – the Czech Republic, March 2022; <b>GRETA</b> – Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Czech Republic, First evaluation round, GRETA(2020)01, 11 February 2020.
OSCE/ODIHR	Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, Warsaw (Poland).

<sup>3</sup> The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women

OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

- 4 AI, paras. 2 and 19.  
5 CHC, para. 4.  
6 JS1, p. 1.  
7 CoE-ECRI, para. 32.  
8 CoE-CPT, p. 5.  
9 AI, paras. 7 and 20.  
10 Public Defender, para. 33.  
11 CHC, paras. 16 and 18.  
12 Public Defender, para. 35.  
13 CHC, para. 19.  
14 Ibid., para. 20.  
15 CoE-ECRI, p. 7.  
16 CHC, para. 22.  
17 Ibid., para. 23.  
18 AI, para. 22.  
19 CoE-ECRI, p. 7.  
20 Ibid., para. 24.  
21 OSCE/ODIHR, para. 15.  
22 CoE-ECRI, para. 38.  
23 Ibid., p. 8.  
24 OSCE/ODIHR, para. 18.  
25 CoE-ECRI, para. 22.  
26 CoE-ACFC, para. 19.  
27 Ibid., para. 86.  
28 CoE-CPT, p. 1.  
29 Public Defender, para. 6.  
30 Ibid., para. 5.  
31 CoE-CPT, p. 1.  
32 Ibid., p. 2.  
33 Ibid., p. 1.  
34 Public Defender, para. 3.  
35 CHC, para. 29.  
36 Ibid., para. 27.  
37 Public Defender, para. 9.  
38 CoE-CPT, p. 4.  
39 AI, paras. 5 and 21.  
40 Ibid., p. 1.  
41 Ibid., para. 8.  
42 Ibid., para. 25.  
43 Public Defender, para. 29.  
44 OSCE/ODIHR, paras. 5–6.  
45 CoE-ACFC, para. 168.  
46 AI, para. 30.  
47 ECLJ, para. 8.  
48 Ibid., para. 13.  
49 CoE-GRETA, p. 7.

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- 50 Ibid., p. 7.  
51 Ibid., p. 8.  
52 Ibid., p. 8.  
53 CoE-ECRI, para. 86.  
54 CoE-ECSR, p. 5.  
55 Ibid., p. 5.  
56 Ibid., p. 5.  
57 Ibid., p. 6.  
58 Public Defender, para. 18.  
59 CoE-ECRI, para. 88.  
60 Public Defender, para. 30.  
61 CoE-ECSR, p. 6.  
62 CoE-ECRI, para. 89.  
63 CoE-ACFC, para. 171.  
64 Ibid., para. 172.  
65 Ibid., para. 172.  
66 Ibid., para. 34.  
67 Public Defender, paras. 22 and 25.  
68 Ibid., para. 11.  
69 CoE-ECRI, para. 72.  
70 Ibid., p. 7.  
71 Public Defender, para. 31.  
72 CHC, para. 19.  
73 CoE-ACFC, para. 13.  
74 Ibid., para. 136.  
75 Ibid., para. 137.  
76 Ibid., para. 138.  
77 AI, paras. 6 and 23.  
78 CHC, para. 24.  
79 BC, paras. 6 and 17.  
80 CoE-ECRI, p. 8.  
81 CoE, p. 3.  
82 CoE-ACFC, para. 142.  
83 CoE-ECRI, p. 8.  
84 Ibid., para. 64.  
85 CoE-ACFC, para. 75.  
86 CoE-ECRI, para. 2.  
87 CHC, para. 9.  
88 Ibid., para. 13.  
89 Ibid., para. 13.  
90 Ibid., para. 11.  
91 Ibid., para. 14.  
92 Ibid., para. 12.  
93 Ibid., para. 15.  
94 AI, para. 1.  
95 CHC, para. 7.  
96 AI, para. 24.  
97 Ibid., para. 3.  
98 Public Defender, para. 14.  
99 Ibid., para. 15.  
100 CoE, p. 2.  
101 CoE-ACFC, para. 7.  
102 CHC, para. 12.  
103 CoE-ACFC, para. 116.  
104 AI, para. 15.  
105 Ibid., para. 9.  
106 Ibid., para. 26.  
107 CoE-ECRI, p. 7.  
108 Ibid., para. 28.  
109 Ibid., para. 13.  
110 JS1, para. 37.  
111 Ibid., para. 47.

- <sup>112</sup> AI, para. 29.  
<sup>113</sup> Ibid., para. 18.  
<sup>114</sup> JS1, para. 46.  
<sup>115</sup> CHC, paras. 34–35.  
<sup>116</sup> Ibid., paras. 37–38.  
<sup>117</sup> Ibid., para. 39.  
<sup>118</sup> JS1, para. 18.  
<sup>119</sup> Ibid., paras. 19 and 22.  
<sup>120</sup> Ibid., paras. 24–25 and 27.  
<sup>121</sup> Ibid., para. 47.  
<sup>122</sup> Ibid., para. 47.  
<sup>123</sup> Ibid., para. 47.
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