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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Czechia

Addendum

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

* The present document is being issued without formal editing.



1. Czechia submits its comments on the recommendations presented during its Universal Periodic Review (the "UPR") on January 23, 2023. Czechia reviewed all 242 recommendations in accordance with the rules of the UPR. The Czech position on individual recommendations is shown in the following table together with short comments and justifications. References are made to the Czech national report¹ and to the report of the Working group on UPR from the review² or to other documents from previous UPR cycles.³

2. First of all, Czechia wants to thank for all the given recommendations. Their text has been thoroughly reviewed at national level, taking into account all relevant circumstances. Czech authorities have always tried to approach the recommendations as favourably as possible.

3. By supporting the recommendation, Czechia shows its attention for the issue in question and acknowledges its importance from the human rights perspective. In the following years, Czechia will try to achieve the maximum possible progress in their solution and thus move towards their fulfilment. However, Czechia is also aware of the challenges that may affect their implementation and the obstacles to be overcome. Therefore, Czechia understands its commitment primarily as an effort to overcome these obstacles and challenges.

4. By noting a recommendation, Czechia follows its long-term negative position on some issues, reflects the political priorities of the current government or does not perceive the situation as problematic from the human rights perspective. Czechia even perceives some recommendations as an abuse of the UPR process.

5. Out of 242 recommendations, Czechia thus supports 207 and notes 31, while four recommendations are partially supported and partially noted. Czechia presents its position on individual recommendations in the following table which contains more detailed information about its position and at the same time defines its concept of implementation of some recommendations:

<i>No. of recommendation</i>	<i>Czech position</i>	<i>Commentary</i>
133.1	Noted	Czechia refers to its constant position on the CRMW. ⁴
133.2	Noted/Supported	See comment to Rec. No. 133.1. Conversely, Czechia supports the ratification of the Istanbul Convention with further comments below.
133.3	Noted	See comment to Rec. No. 133.1.
133.4	Noted	See comment to Rec. No. 133.1.
133.5	Noted	See comment to Rec. No. 133.1.
133.6	Noted	See comment to Rec. No. 133.1.
133.7	Noted	In 2025, Czechia will again analyse its fulfilment of the CESCR and will then decide on the ratification of the OP-CESCR. Therefore, Czechia does not want to prejudge its decision and notes the recommendation at the moment.
133.8	Noted	See comment to Rec. No. 133.7.
133.9	Noted	See comment to Rec. No. 133.7.
133.10	Noted	See comment to Rec. No. 133.7.
133.11	Noted	National analysis shows a low number of domestic workers in Czechia. Ratification of the convention would also require extensive modifications of Czech law. ⁵ Therefore, Czechia does not pursue its ratification at the moment.
133.12	Noted	See comment to Rec. No. 133.11.

<i>No. of recommendation</i>	<i>Czech position</i>	<i>Commentary</i>
133.13	Supported	The government is now preparing the proposal for the ratification of the Istanbul Convention, which will then be submitted to both chambers of the Parliament, which must give their consent to the ratification.
133.14	Supported	See comment to Rec. No. 133.13.
133.15	Supported	See comment to Rec. No. 133.13.
133.16	Supported	See comment to Rec. No. 133.13.
133.17	Supported	See comment to Rec. No. 133.13.
133.18	Supported	See comment to Rec. No. 133.13.
133.19	Supported	See comment to Rec. No. 133.13.
133.20	Supported	See comment to Rec. No. 133.13.
133.21	Supported	See comment to Rec. No. 133.13.
133.22	Supported	See comment to Rec. No. 133.13.
133.23	Supported	See comment to Rec. No. 133.13.
133.24	Supported	See comment to Rec. No. 133.13.
133.25	Supported	See comment to Rec. No. 133.13.
133.26	Noted	The condition for the criminalisation of defamation in Czech law is the intentional communication of false information able to damage someone's reputation or cause them other serious harm. Defamation is therefore not an unaware communication of false information or the communication of true damaging information. A value judgment whose truth cannot be evaluated or proven cannot constitute defamation. The court must always evaluate the social danger of the act and impose appropriate sanctions. Imprisonment is thus imposed only in a minimum of cases. Czechia considers this legislation to be in accordance with its international obligations.
133.27	Supported	
133.28	Supported	
133.29	Supported	
133.30	Supported	
133.31	Supported	
133.32	Supported	
133.33	Supported	
133.34	Supported	
133.35	Supported	
133.36	Supported	
133.37	Supported	
133.38	Supported	

<i>No. of recommendation</i>	<i>Czech position</i>	<i>Commentary</i>
133.39	Supported	
133.40	Supported	
133.41	Supported	
133.42	Supported	
133.43	Supported	
133.44	Supported	
133.45	Supported	
133.46	Supported	
133.47	Supported	
133.48	Supported	
133.49	Supported	
133.50	Supported	
133.51	Supported	
133.52	Supported	
133.53	Supported	
133.54	Supported	
133.55	Supported	
133.56	Supported	
133.57	Supported	
133.58	Supported	
133.59	Supported	
133.60	Supported	
133.61	Supported	
133.62	Supported	
133.63	Supported	
133.64	Supported	Czechia already has a regulation for access to free legal aid for persons whose income and property circumstances justify it.
133.65	Supported	
133.66	Supported	Czechia wants to emphasize that psychiatric care has personal, technical and professional standards obligatory for the provider. In recent years, the reform of psychiatric care has focused on the development of community care and improving the quality in psychiatric hospitals according to their transformation plans. This process will continue in collaboration with psychiatric hospitals, experts, people with mental health issues, carers and other relevant actors.

<i>No. of recommendation</i>	<i>Czech position</i>	<i>Commentary</i>
133.67	Supported	Czechia already emphasizes the independence of the judiciary as one of the basic attributes of its democratic functioning.
133.68	Supported	
133.69	Supported	
133.70	Supported	
133.71	Supported	
133.72	Supported	
133.73	Supported	
133.74	Supported	
133.75	Supported	
133.76	Supported	
133.77	Supported	
133.78	Supported	
133.79	Supported	
133.80	Supported	
133.81	Noted/Supported	<p>Czechia considers violence, human trafficking, sexual and labour exploitation to be inadmissible and punishable by criminal law. Support and protection of its victims is also a priority. In addition, Czechia does not believe this to be an increasing phenomenon and therefore notes this part of the recommendation.</p> <p>On the contrary, it supports it in the part on corporal punishment.</p>
133.82	Supported	
133.83	Supported	
133.84	Supported	
133.85	Supported	
133.86	Supported	
133.87	Supported	
133.88	Supported	
133.89	Supported	
133.90	Supported	
133.91	Supported	
133.92	Supported	
133.93	Supported	
133.94	Supported	All persons staying in Czech territory have access to necessary health care, which cannot be denied to them. In most cases, this care is covered by public health insurance.

<i>No. of recommendation</i>	<i>Czech position</i>	<i>Commentary</i>
		Persons who are not included in the public health insurance have a legal obligation to take out commercial insurance. However, this does not prevent anyone from accessing necessary health care.
133.95	Supported	
133.96	Supported	
133.97	Supported	
133.98	Supported	
133.99	Supported	
133.100	Supported	
133.101	Supported	
133.102	Supported	
133.103	Supported	
133.104	Supported	
133.105	Supported	The regulation of the obligations of companies in the protection of human rights is being prepared at EU level and its final form will therefore depend on this legislation.
133.106	Supported	
133.107	Supported	
133.108	Supported	
133.109	Supported	
133.110	Supported	
133.111	Supported	
133.112	Supported	
133.113	Supported	
133.114	Supported	
133.115	Supported	
133.116	Supported	
133.117	Supported	
133.118	Supported	
133.119	Supported	
133.120	Supported	
133.121	Supported	
133.122	Supported	
133.123	Supported	
133.124	Supported	

<i>No. of recommendation</i>	<i>Czech position</i>	<i>Commentary</i>
133.125	Supported	
133.126	Supported	
133.127	Supported	
133.128	Supported	
133.129	Supported	
133.130	Supported	
133.131	Supported	
133.132	Supported	
133.133	Supported	
133.134	Supported	
133.135	Supported	
133.136	Supported	Czechia is currently discussing how to strengthen the protection of women against sexual violence, including rape. However, the specific form of the solution has not yet been chosen, including the role of consent in the criminalisation.
133.137	Supported	See comment to Rec. No. 133.136.
133.138	Supported	See comment to Rec. No. 133.136.
133.139	Supported	See comment to Rec. No. 133.136.
133.140	Supported	See comment to Rec. No. 133.136.
133.141	Supported	See comment to Rec. No. 133.136.
133.142	Supported	See comment to Rec. No. 133.136.
133.143	Supported	See comment to Rec. No. 133.136.
133.144	Supported	See comment to Rec. No. 133.136.
133.145	Supported	See comment to Rec. No. 133.136.
133.146	Supported	See comment to Rec. No. 133.136.
133.147	Noted/Supported	<p>Czechia states that the disciplinary penalty of solitary confinement can be imposed on juveniles between the ages of 15 and 18 for a maximum of 5 days in custody and 10 days during imprisonment in accordance with the principle of proportionality in proceedings where they can fully defend their rights. Medical and other experts supervise the juvenile during the confinement. Under these conditions, Czechia wishes to preserve it and therefore notes the recommendation.</p> <p>On the contrary, any kind of ill-treatment is absolutely prohibited in Czech prisons, and therefore Czechia supports the recommendation in this extent.</p>
133.148	Supported	Czechia plans to emphasize in its law that corporal and psychological punishments affect the human dignity of the child. The specific form of regulation is being discussed as

<i>No. of recommendation</i>	<i>Czech position</i>	<i>Commentary</i>
		well as the accompanying awareness and educational measures.
133.149	Supported	See comment to Rec. No. 133.148.
133.150	Supported	See comment to Rec. No. 133.148.
133.151	Supported	See comment to Rec. No. 133.148.
133.152	Supported	
133.153	Supported	See comment to Rec. No. 133.148.
133.154	Supported	
133.155	Supported	
133.156	Supported	
133.157	Supported	
133.158	Supported	
133.159	Supported	
133.160	Supported	
133.161	Supported	
133.162	Supported	
133.163	Supported	
133.164	Supported	
133.165	Supported	Czech law only allows for partial limitation of legal capacity as a last resort, if the situation cannot be resolved by supporting measures such as a preliminary declaration, decision-making assistance, representation by a household member and guardianship without the limitation of legal capacity. ⁶ Their implementation will be further supported together with the education of judges and other actors.
133.166	Supported	
133.167	Supported	
133.168	Supported	
133.169	Supported	
133.170	Supported	
133.171	Supported	
133.172	Supported	
133.173	Supported	Czechia is currently working on the implementation of the Roma Integration Strategy. Compensation is provided to victims of illegal sterilizations in accordance with the Compensation Act, administrative regulations and relevant jurisprudence. The Ministry of Health, together with NGO's, is trying to support applicants and ensure the smooth progress of compensation proceedings in accordance with the aim of the Act.

<i>No. of recommendation</i>	<i>Czech position</i>	<i>Commentary</i>
133.174	Supported	
133.175	Supported	
133.176	Supported	
133.177	Supported	
133.178	Supported	
133.179	Supported	
133.180	Supported	
133.181	Supported	
133.182	Supported	
133.183	Supported	See comment to Rec. No. 133.173.
133.184	Supported	
133.185	Supported	
133.186	Supported	
133.187	Supported	
133.188	Supported	
133.189	Supported	
133.190	Supported	
133.191	Supported	
133.192	Supported	
133.193	Supported	
133.194	Supported	Discrimination based on nationality is prohibited by the Charter of Fundamental Rights and Freedoms, the Anti-Discrimination Act and other regulations. Therefore, no one can be excluded from the enjoyment of their rights solely on the basis of their nationality and they have means of redress at their disposal. However, this does not mean that Czechia cannot set the conditions for the entry and stay of foreigners on its territory and exclude certain nations from it completely, especially due to war of aggression in violation of international law.
133.195	Supported	Some provisions of the Czech Criminal Code contain an open list of prejudicial motives, which can also include motivations not explicitly mentioned, such as sexual orientation and gender identity. Czechia is currently analysing its criminal law to see if all forms of prejudicial crimes are sufficiently covered and is discussing how to specifically expand the regulation and what motivations to include in it.
133.196	Supported	See comment to Rec. No. 133.195.
133.197	Supported	See comment to Rec. No. 133.195.
133.198	Supported	See comment to Rec. No. 133.195.

<i>No. of recommendation</i>	<i>Czech position</i>	<i>Commentary</i>
133.199	Supported	See comment to Rec. No. 133.195.
133.200	Noted/Supported	<p>According to the government program statement, Czechia will try to adjust the legal position of registered partners vis-à-vis spouses in accordance with recommendations No. 133.204, 133.205, 133.207 and 133.212. Czechia therefore notes the recommendations regarding the introduction of same-sex marriage.</p> <p>Czechia will also, according to its international obligations, aim to eliminate the condition of sterilization for legal gender recognition in accordance with recommendations No. 133.200, 133.216, 133.218 and 133.219 and therefore supports the recommendation to this extent. On the contrary, at the moment, Czechia only notes recommendations aimed at legal gender recognition based on self-determination.</p>
133.201	Noted	See comment to Rec. No. 133.200.
133.202	Noted	See comment to Rec. No. 133.200.
133.203	Noted	See comment to Rec. No. 133.200.
133.204	Supported	
133.205	Supported	
133.206	Noted	See comment to Rec. No. 133.200.
133.207	Supported	
133.208	Noted	See comment to Rec. No. 133.200.
133.209	Noted	See comment to Rec. No. 133.200.
133.210	Noted	See comment to Rec. No. 133.200.
133.211	Noted	See comment to Rec. No. 133.200.
133.212	Supported	
133.213	Supported	
133.214	Noted	See comment to Rec. No. 133.200.
133.215	Noted	See comment to Rec. No. 133.200.
133.216	Supported	
133.217	Noted	See comment to Rec. No. 133.200.
133.218	Supported	
133.219	Supported	
133.220	Noted	Czechia does not participate in the Global Compact for Safe, Orderly and Regular Migration.
133.221	Noted	Czech law excludes the detention of vulnerable asylum seekers, including families with children. Foreigners can be detained if they are staying illegally in Czechia and are to be deported. Detention is always the last resort if no alternatives can be imposed. Thanks to this, the number of detained persons, especially unaccompanied minors, is

<i>No. of recommendation</i>	<i>Czech position</i>	<i>Commentary</i>
		relatively low. Children stay in facilities together with their detained parents, only if their care cannot be provided outside, and the facility is fully adapted to their needs. Czechia is trying to avoid the detention of families with children and, if inevitable, to place them in conditions that meet international standards. ⁷
133.222	Noted	See comment to Rec. No. 133.221.
133.223	Noted	See comment to Rec. No. 133.221.
133.224	Supported	
133.225	Supported	Czechia plans to extend the public health insurance to all new-born children whose parents reside legally in the territory, for a period of min. 2 months until their residence application is processed.
133.226	Supported	
133.227	Supported	
133.228	Supported	
133.229	Supported	
133.230	Supported	
133.231	Supported	
133.232	Supported	
133.233	Supported	
133.234	Supported	
133.235	Supported	
133.236	Supported	
133.237	Supported	
133.238	Supported	
133.239	Noted	Czech law allows to grant Czech citizenship to children born on Czech territory to stateless parents with a residence permit for at least 90 days. Czechia also allows the acquisition of citizenship for any child whose at least one parent is a Czech citizen, children found on Czech territory, if they do not acquire another citizenship, or children in Czech substitute family care
133.240	Noted	Czechia opposes this recommendation. Unilateral coercive measures in the form of international sanctions are applied only to stop a war of aggression against another sovereign state and its support. On the contrary, such a procedure is fully in accordance with the UN Charter and international law. Therefore, Czechia will continue with these activities in the future.
133.241	Noted	Czechia opposes this recommendation. Supporting human rights defenders, especially in countries whose government does not follow the principles of democracy and the rule of law, is fully in line with the UN Charter and international

<i>No. of recommendation</i>	<i>Czech position</i>	<i>Commentary</i>
		law. Therefore, Czechia will continue with these activities in the future.
133.242	Noted	See comment to Rec. No. 133.240.

6. Czechia also commits to report about the implementation of supported recommendations and overcoming related challenges in the middle of the period before the next UPR cycle.

Notes

¹ A/HRC/WG.6/42/CZE/1.

² A/HRC/53/4.

³ A/HRC/37/4/Add. 1.

⁴ See A/HRC/WG.6/28/CZE/1, par. 4 a A/HRC/37/4, par. 6.

⁵ See also the Czech interim report for the 3rd UPR cycle, p. 2.

⁶ See A/HRC/37/4/Add.1, par. 8 a A/HRC/53/4, par. 45.

⁷ See also A/HRC/37/4/Add.1, par. 10.