

## Universal Periodic Review (42<sup>nd</sup> session)

### Contribution of UNESCO

#### Czech Republic

#### I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Ratified on 26/03/1993	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification on 26 March 1993			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 18 February 2009 Committee Member (2010-2014 ; 2020-2024)			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification on 12 August 2010 Committee Member (2015-2019)			Right to take part in cultural life

#### II. Promotion and protection of human rights on the ground

##### A. Education

1. The Charter of Basic Rights and Freedoms of the Czech Republic of 1992<sup>1</sup> which is part of the constitutional order (Article 3 of the Constitution of the Czech Republic of 1992<sup>2</sup>) enshrines the right to education for all in article 33(1) and guarantees non-discrimination in its article 3(1).
2. The Act No. 561 on Pre-school, Basic, Secondary, Tertiary and Other Education (Education Act) of 2004<sup>3</sup> further adds in its article 36 that primary and lower secondary education are compulsory from the age of six for a period of nine years. It also guarantees in article 2 free basic and secondary education.

## **B. Freedom of opinion and expression**

### Constitutional and legislative framework:

3. Freedom of expression is guaranteed as a fundamental right in Article 17 of the Charter of Fundamental Rights and Basic Freedoms<sup>4</sup> that forms part of the constitutional order of the Czech Republic. The same article protects the right to information and obliges public authorities to provide information with respect to their activities. It also envisages grounds for restricting freedom of expression, notably to protect “the rights and freedoms of others, the security of the State, public security, public health, and morals.”
4. A number of restrictions on freedom of expression are classified under Criminal Law (Criminal Code of the Czech Republic, 2009). For instance, it is a criminal offense to prepare or incite publicly “offensive war [...] or otherwise [support] the war propaganda”, including committing such an act “by the press, film, radio, television, publicly accessible computer networks, or other similarly effective means” (section 407), which carries a penalty of two to ten years’ imprisonment. Denial of genocides or other crimes against humanity, with specific reference to crimes committed by “Nazi and Communists” regimes (section 405) is criminalized with imprisonment

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<http://www.unesco.org/education/edurights/media/docs/22892d9fa3196b0eb03dff5baa1792670d6255a.pdf>

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<http://www.unesco.org/education/edurights/media/docs/0795c94fb46449c228ab2734dd3ff5bd2b70417d.pdf>

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<http://www.unesco.org/education/edurights/media/docs/2e03dca81b7b05c9ed6a9f62aeb8a07b8108cfe3.pdf>

<sup>4</sup> Charter of Fundamental Rights and Basic Freedoms

([https://www.usoud.cz/fileadmin/user\\_upload/ustavni\\_soud/www/Pravni\\_uprava/AJ/Listina\\_English\\_version.pdf](https://www.usoud.cz/fileadmin/user_upload/ustavni_soud/www/Pravni_uprava/AJ/Listina_English_version.pdf))

from six months to three years.<sup>5</sup> Section 352(3) of the Criminal Code refers to Violence Against Groups of People and Individuals, criminalizing threats of death, bodily harm or causing extensive damage issued by press, film, radio, television, publicly accessible computer network or any other similarly effective manner (imprisonment from six months to three years). Section 355 of the Criminal Code provides for imprisonment of up to two years for defamation of a nation, race, ethnicity or other group of people, while section 356 criminalizes instigation of hatred towards a group of people (both carry sentences of up to two years' imprisonment). Section 357 states that “whoever intentionally causes a threat of serious concernment of at least a portion of population of a certain area by spreading alarming news that is untrue, shall be sentenced to imprisonment for up to two years or to prohibition of activity”. Section 357(2) makes specific reference to mass communication media. Defamation is criminalized by section 184 (up to one year imprisonment) and false accusation of a criminal act is criminalized by section 345 (imprisonment up to two years).

5. The Criminal Code (Section 184) establishes defamation as a criminal offence punishable with imprisonment of up to two years, or the prohibition of activity for anyone who commits an act of defamation in press, film, radio, television, publicly accessible computer network, or in another similar manner.
6. The Freedom of Information Act<sup>67</sup>, adopted in 1999, developed the constitutionally guaranteed right to access information.

#### Implementation of the law:

7. The Council for Radio and Television Broadcasting (RRTV)<sup>8</sup> is the authority responsible for the regulation of broadcasting (radio and television broadcasting and on-demand audiovisual media services) in the Czech Republic, pursuant to Act No.

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<sup>5</sup> Criminal Code of the Czech Republic

([https://www.legislationline.org/download/id/6370/file/Czech%20Republic\\_CC\\_2009\\_am2011\\_en.pdf](https://www.legislationline.org/download/id/6370/file/Czech%20Republic_CC_2009_am2011_en.pdf))

<sup>6</sup> <https://www.rti-rating.org/wp-content/uploads/Czech-Republic.pdf>

<sup>7</sup> Information published according to Act No. 106/1999 Coll., on Free Access to Information | Government of the Czech Republic (vlada.cz)

<sup>8</sup> <https://www.rrtv.cz/en/>

132/2010 Coll.<sup>9</sup> Its functions and responsibilities are outlined in the Broadcasting Act 2001.<sup>10</sup> The RRTV's main tasks are to oversee compliance with legal regulations in the field of broadcasting, to grant, amend and withdraw licenses, to impose sanctions, and monitor the content of radio and television broadcasting. The Czech Television Council consists of 15 members elected and repealed by the Chamber of Deputies. The members should represent major regional, political, social and cultural opinions and ideas. The Council members are elected for a period of six years with two thirds of the members elected each two years. Members may be reelected.<sup>11</sup>

8. Broadcasting companies have an obligation to disclose their ownership structure to the Council as a part of the licensing conditions. However, this obligation does not apply to the rest of the media landscape, which lacks effective transparency mechanisms for media ownership. There is no robust transparency mechanism for the allocation of public advertising to media outlets.
9. The Czech Syndicate of Journalists is the only self-regulatory media organization in the country, with a Journalists' Code of Ethics adopted in 1998. However, the Code is not effectively enforced among its members as the association lacks sanctioning powers in case of press code breaches. Many media have instead developed their internal codes of ethics or conduct.

#### Safety of journalists:

10. As of 18 May 2022, and since UNESCO began to systematically monitor killings of journalists in 2006, the Organization has not recorded any killings of journalists in the Czech Republic.<sup>12</sup>

### **III. Review and specific recommendations**

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<sup>9</sup> [https://www.rrtv.cz/en/static/documents/act-132-2010/132\\_2010-EN.pdf](https://www.rrtv.cz/en/static/documents/act-132-2010/132_2010-EN.pdf). See also ACT No. 231/2001 (<https://www.rrtv.cz/en/static/documents/act-231-2001/Act-on-RTV-broadcasting-reflecting-AVMSD.pdf>).

<sup>10</sup> [https://www.rrtv.cz/en/static/documents/act-132-2010/132\\_2010-EN.pdf](https://www.rrtv.cz/en/static/documents/act-132-2010/132_2010-EN.pdf)

<sup>11</sup> Act of the Czech National Council of 7 November 1991 on Czech Television, accessible at <https://www.ceskatelevize.cz/english/act-on-czech-television/>

<sup>12</sup> UNESCO Observatory of Killed Journalists - Czechia (<https://en.unesco.org/themes/safety-journalists/observatory/country/223691>)

## A. Education

### Legislative, regulatory and policy framework:

- The Long-term Plan for Education and Development of the Education System of the Czech Republic for the period 2019-2023 was approved by Government Resolution No. 489 of July 2019 and covers all education, except higher education.<sup>13</sup> The strategic goals are: more financial means for teachers' quality of work; revision of the curriculum as well as support the implementation of innovated framework education programmes (FEPs) in schools; and finally improving the management of schools and school facilities.
- The Action Plan for Inclusive Education for the period 2019-2020 includes measures on information, data and open communication with experts, the public, other stakeholders, and on involving schools, pedagogues and pupils. Other priorities include: "the position and role of social pedagogues in schools; analysis and supportive measures in pre-schools and basic schools with a high population of Roma minority pupils; the pre-and post-graduate education of pedagogues targeted on inclusive education".<sup>14</sup>
- The Strategy of Education Policy of the Czech Republic until 2030+<sup>15</sup> includes two objectives: 1) "To focus education more on acquiring the competencies needed for active civic, professional and personal life"; and 2) "To reduce inequalities in the access to quality education and enable the maximum development in children's, pupils' and students' potential".<sup>16</sup>
- The Strategic Plan of the Ministry for Higher Education for the period from 2021<sup>17</sup> includes the following six priority objectives:
  - "develop competencies directly relevant to life and practice in the 21st century;
  - improve the availability and relevance of flexible forms of education;
  - increase the efficiency and quality of doctoral studies;

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<sup>13</sup> [https://eacea.ec.europa.eu/national-policies/eurydice/content/fundamental-principles-and-national-policies-21\\_en#Long-term\\_plan](https://eacea.ec.europa.eu/national-policies/eurydice/content/fundamental-principles-and-national-policies-21_en#Long-term_plan)

<sup>14</sup> [https://www.european-agency.org/sites/default/files/cpra\\_czech\\_republic\\_grid.pdf](https://www.european-agency.org/sites/default/files/cpra_czech_republic_grid.pdf)

<sup>15</sup> <https://www.msmt.cz/vzdelavani/skolstvi-v-cr/strategie-2030>

<sup>16</sup> [https://eacea.ec.europa.eu/national-policies/eurydice/content/ongoing-reforms-and-policy-developments-17\\_en#14\\_0\\_1\\_Overall\\_national\\_education\\_strategy\\_and\\_key\\_objectives](https://eacea.ec.europa.eu/national-policies/eurydice/content/ongoing-reforms-and-policy-developments-17_en#14_0_1_Overall_national_education_strategy_and_key_objectives)

<sup>17</sup> <https://www.msmt.cz/vzdelavani/vysoke-skolstvi/strategicky-zamer-ministerstva-pro-oblast-vs-na-období-od>

- strengthen strategic management and effective use of research and development capacities at higher education institutions;
  - build capacity for strategic management of higher education;
  - reduce the administrative burden on higher education institutions staff so that they can fully devote themselves to their mission”.<sup>18</sup>
- The Strategy for the internationalization of higher education for the period from 2021 “formulates goals and measures to strengthen the international dimension of higher education institution activities”.<sup>19</sup>

### Pre-primary education

11. The Education 2030 Framework for Action requires States to introduce at least one year of free and compulsory pre-primary education. Subject to certain conditions, pre-primary education is compulsory according to article 34(1) of the Act No. 561. In the national report submitted for the 10<sup>th</sup> consultation on the Convention against Discrimination in Education, it was specified that “Education in a kindergarten established by the State, region, municipality or association of municipalities is provided to the child free of charge from the beginning of the school year following the day when the child reaches the age of five. It is provided free of charge even in the case of granting a postponement of compulsory school attendance”.<sup>20</sup> Furthermore, the report stipulates that the share of five-year-olds in pre-primary education has been around 97 % since 2017. However, no legal provision has been identified providing that it is also free, which would offer greater guarantees.

### Corporal punishment

12. No legal provision has been identified that explicitly prohibits corporal punishment in education. Head teachers are given an obligation to issue School Rules of Order and Internal Rules of Order (according to section 30 of Act No. 561) which protect against some violence, but this is insufficient to be considered as a full protection from all

<sup>18</sup> [https://eacea.ec.europa.eu/national-policies/eurydice/content/ongoing-reforms-and-policy-developments-17\\_en](https://eacea.ec.europa.eu/national-policies/eurydice/content/ongoing-reforms-and-policy-developments-17_en)

<sup>19</sup> [https://eacea.ec.europa.eu/national-policies/eurydice/content/ongoing-reforms-and-policy-developments-17\\_en](https://eacea.ec.europa.eu/national-policies/eurydice/content/ongoing-reforms-and-policy-developments-17_en)

<sup>20</sup> [http://www.unesco.org/education/edurights/media/resources/file/Czechia-10th\\_Consultation\\_report.pdf](http://www.unesco.org/education/edurights/media/resources/file/Czechia-10th_Consultation_report.pdf)

forms of violence.

### Roma population

13. In several previous UPR Recommendations (N°115.112-115.114, N°115.116, N°115.117, N°115.119, N°115.124 and N°115.125) concerns around the Roma population were raised. Roma children represent an important group of students and the Czech Republic has introduced several developmental programmes such as ‘The support of Roma pupils at upper-secondary schools’, ‘The support of Roma community integration’ and ‘Schools with a full-day programme’, and a network of preparatory classes has been developed.<sup>21</sup> A special training programme was also elaborated for pedagogical assistants from the Roma community to serve as school-family liaisons.

### COVID-19 and digital education

14. UNESCO’s Initiative on the [Evolving Right to Education](#) highlighted the need to ensure digital skills and digital inclusion. In response to the COVID-19 crisis, the Ministry of Education, Youth and Sports (MEYS) provided 1,3 billion CZK to primary schools to equip them with digital technologies, enabling the connection of more children to the online learning process.<sup>22</sup> MEYS also developed the methodology for distance learning and, during the spring of 2020, the National Pedagogical Institute provided teachers with methodological support, mainly by webinars. The Strategy of education policy of the Czech Republic until 2030+ also aims at supporting digital education and prevention of digital gap.<sup>23</sup>

### Specific recommendations:

15. The Czech Republic should be encouraged to:
- Explicitly specify in the law the free nature of pre-primary education to ensure higher protection is accorded to this level of education.

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<sup>21</sup> [https://www.european-agency.org/sites/default/files/cpra\\_czech\\_republic\\_grid.pdf](https://www.european-agency.org/sites/default/files/cpra_czech_republic_grid.pdf)

<sup>22</sup> [http://www.unesco.org/education/edurights/media/resources/file/Czechia-10th\\_Consultation\\_report.pdf](http://www.unesco.org/education/edurights/media/resources/file/Czechia-10th_Consultation_report.pdf)

<sup>23</sup> [http://www.unesco.org/education/edurights/media/resources/file/Czechia-10th\\_Consultation\\_report.pdf](http://www.unesco.org/education/edurights/media/resources/file/Czechia-10th_Consultation_report.pdf)

- Proscribe all forms of violence, including corporal punishment, in education settings in the law.
- Continue efforts to ensure Roma children can fully realize their right to education in an inclusive environment.
- Continue to enhance the digital inclusion of learners and teachers while ensuring their protection and privacy online.
- Continue to submit regularly comprehensive national reports for the periodic consultations on UNESCO’s education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- Share with UNESCO any relevant information to update its country profile on the online monitoring tools: UNESCO’s Observatory on the Right to Education<sup>24</sup> and HerAtlas: Monitoring the right to education for girls and women.<sup>25</sup>

## **B. Freedom of opinion and expression**

16. The Czech Republic is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.<sup>26</sup>
17. The Czech Republic is recommended to encourage the adherence and the respect for the existing media self-regulatory body, including the Code of Ethics, among media professionals.
18. The Czech Republic is recommended to ensure that legislation criminalizing “alarming news that is untrue” and false accusation of a criminal act does not affect the ability of journalists and human rights defenders to carry out their valuable work or create a chilling effect on media or civil society as a whole.
19. The Czech Republic is further advised to establish mechanisms for transparency of ownership of all types of media and a robust transparency system of state advertising to media outlets.

## **C. Cultural Rights**

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<sup>24</sup> <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

<sup>25</sup> <https://en.unesco.org/education/girls-women-rights>

<sup>26</sup> See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

20. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), **The Czech Republic** is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, **The Czech Republic** is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations as well as of vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**D. Freedom of scientific research and the right to benefit from scientific progress and its applications**

21. The Czech Republic did not submit its National Report on the implementation of the *Recommendation on Science and Scientific Researchers* (2017) for the consultation period from 2017 to 2020. Therefore the Czech Republic is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers; protection for human rights of human subjects of research, as well as the science society interface. Furthermore, The Czech Republic is encouraged to expand input on issues covered by the 2017 Recommendation in its national report to the UPR to allow further discussions thereon

at the Human Rights Council and the formulation of specific recommendations. Within this framework, the Czech Republic is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto. Finally, the Czech Republic is invited to provide information about government's action to promote non-traditional career choices for girls in technical schools and in scientific research and to recruit women at the senior levels of academic institutions.<sup>27</sup>

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<sup>27</sup>CEDAW/C/CZE/CO/6, para. 25