



General Assembly

Distr.: General
13 August 2012

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Fourteenth session
Geneva, 22 October – 5 November 2012

**Compilation prepared by the Office of the High
Commissioner for Human Rights in accordance with
paragraph 5 of the annex to Human Rights Council
resolution 16/2**

Czech Republic

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	CERD (1993) ICESCR (1993) ICCPR (1993) ICCPR-OP2 (2004) CEDAW (1993) CAT (1993) OP-CAT (2006) CRC (1993) OP-CRC-AC (2001) OP-CRC-SC (signature only, 2005)	CRPD (2009)	ICRMW CPED
<i>Reservations, declarations and/or understandings</i>	CRC (Declaration, art. 7(1))		
<i>Complaint procedures³</i>	ICERD art. 14 (2000) ICCPR-OP 1 art. 1 (1993) ICCPR art. 41 (1991) CAT arts. 20, 21 and 22 (1996) OP-CEDAW arts. 1 and 8 (2001) OP-CRPD arts. 1 and 6 (signature only, 2007)		OP-ICESCR arts. 1, 10 and 11 OP-CRC-IC arts. 5, 12 and 13 CPED arts. 30, 31, 32 and 33 ICRMW arts. 76 and 77

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide	Rome Statute of the International Criminal Court	Palermo Protocol ⁷
	Convention on refugees and stateless persons ⁴		ILO Convention No. 169 concerning indigenous and tribal peoples ⁸
	Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵		ILO Convention No. 189 concerning decent work for domestic workers ⁹
	ILO fundamental conventions ⁶		
	UNESCO Convention against Discrimination in Education		

1. The Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Elimination of Racial Discrimination (CERD) noted with satisfaction the ratification by the Czech Republic of CRPD in 2009, as also welcomed by the Committee against Torture (CAT),¹⁰ and the Rome Statute of the International Criminal Court,¹¹ as welcomed by the Office of the United Nations High Commissioner for Refugees (UNHCR).¹² CEDAW, CERD and the Committee on the Rights of the Child (CRC) encouraged the Czech Republic to consider ratifying ICRMW and CPED.¹³ In 2011, CRC urged the State to ratify OP-CRC-SC, ICRMW and OP-CRPD.¹⁴ The Committee against Torture (CAT) invited the State party to ratify ICRMW, CED, OP-ICESCR and OP-CRC-SC.¹⁵
2. CRC recommended that the Czech Republic consider withdrawing its reservation to article 7, paragraph 1, of the Convention on the Rights of the Child.¹⁶ In 2010, CEDAW reiterated its recommendation that the Czech Republic consider ratifying the Convention against Transnational Organized Crime and its Protocol, and OP-CRC-SC.¹⁷
3. UNHCR recommended that the Czech Republic lift its reservations to the 1954 Convention relating to the Status of Stateless Persons, in particular with regard to articles 27 and 28 (identity and travel documents) and amend relevant legislation accordingly.¹⁸

B. Constitutional and legislative framework

4. CEDAW reiterated the concerns that the Convention had not been given the central position as a legally binding human rights instrument. It remained concerned that the Convention provisions had not been invoked in court proceedings.¹⁹
5. CEDAW welcomed the adoption and implementation of the Anti-Discrimination Act prohibiting discrimination on grounds of sex and sexual orientation,²⁰ as also welcomed by UNHCR.²¹ In 2011, CERD welcomed legislative and institutional steps taken by the Czech Republic, including the amendments of the Rules of Civil Procedure; the Penal Code; the Labour Code; and the Civic Associations Act; adoption of a National Action Plan in the context of the Decade of Roma Inclusion 2005-2015; the Strategy for the Work of the Czech Police Force in Relation to Minorities; the National Action Plan for Social Inclusion, and the establishment of the Agency for Social Inclusion in Roma localities; Supreme Administrative Court decision of 2010 dissolving the Workers Party for its advocacy of neo-Nazi ideology and expressions of opposition to immigrants and minorities; extension of

the Concept of Roma integration for the period 2010–2013; and awareness-raising activities organized on Roma culture and history.²² CRC also welcomed similar legislative, institutional and policy measures.²³

6. While welcoming the fact that the Czech Republic intends to revise and simplify the Alien Act, UNHCR noted concerns that, if adopted, the legislation will mandate that any alien in proceedings for administrative expulsion, including asylum seekers, children older than 16 years and families with children will be placed in detention. UNHCR recommended that consideration be given to its suggestion to revise the provisions of the proposed legislative changes on detention, and to ensure that asylum seekers, including minors older than 16 years and families with children, will not be detained in the future.²⁴

7. UNHCR expressed concern regarding the draft Citizenship Act of the Czech Republic, in particular on the provision that a child born in Czech territory acquires Czech citizenship at birth if one of the parents holds a Czech residence permit for a period longer than 90 days.²⁵ UNHCR also expressed concern that the draft Act differentiates in the conditions for acquisition of nationality between stateless children in general and those who are placed in institutional, foster or another form of alternative care.²⁶

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions

<i>National human rights institution^{27, 28}</i>	<i>Status during previous cycle</i>	<i>Status during present cycle</i>
Public Defender of Rights of Czech Republic	No accreditation status	No accreditation status

8. CERD and CRC²⁹ recommended establishing an independent national human rights institution in line with the Paris Principles.³⁰ CRC called upon the Czech Republic to establish an effective mechanism for coordinating the implementation of child rights policy amongst all the relevant bodies and institutions.³¹

9. CEDAW was concerned about the reportedly limited powers of the Ombudsman; weak inspection mandate of the Gender Equality Unit under the Government Commissioner for Human Rights; and lack of power of the Government Council for Equal Opportunities for Women and Men.³²

10. CAT noted ongoing extensive efforts of the State to revise its legislation in areas of relevance to the Convention, including the Amendment of the Ombudsman Act, granting the Ombudsman the power to act as the national preventive mechanism in compliance with the Optional Protocol to the Convention, which entered into force on 1 January 2006.³³

11. CRC was concerned that a comprehensive national plan of implementation had yet to be developed and that the Czech Republic's sectorial approach to the Convention led to fragmentation of its implementation.³⁴

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2007	2010	August 2011	Tenth and eleventh reports due in 2014
CESCR	May 2002	2010	--	Second report pending consideration
HR Committee	July 2007	2011	--	Third report pending consideration
CEDAW	August 2006	2009	October 2010	Sixth report due in 2014
CAT	May 2004	2010	May 2012	Sixth report due 2016
CRC	January 2003	2008	June 2011	Fifth and sixth reports due in 2018 Initial OPAC report reviewed 2006
CRPD	--	2011	--	Initial report pending consideration

12. In the framework of the early-warning procedure, in 2008, CERD noted that the Roma community, particularly in Novy Jicin, faced forced eviction and homelessness.³⁵

2. Responses to specific follow-up requests by treaty bodies

<i>Concluding observations</i>			
<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
HR Committee	2008	Police misconduct, psychiatric institutions and discrimination against Roma.	2008 and 2010
CERD	2012	Self-governance and devolved powers, school segregation of Romani, sterilization of Romani.	--
CEDAW	2012	Violence against women and sterilizations.	--
CAT	2013	Ensuring or strengthening legal safeguards for persons detained; conducting prompt, impartial and effective investigations; prosecuting suspects and sanctioning perpetrators of torture and ill-treatment	--

<i>Views</i>		
<i>Treaty body</i>	<i>Number of views</i>	<i>Status</i>
CCPR	15 ³⁶	Dialogue ongoing

B. Cooperation with special procedures³⁷

	<i>Status during previous cycle</i>	<i>Current status [headings normally bottom of cell]</i>
<i>Standing invitation</i>	Yes	Yes
<i>Visits undertaken</i>	Special Rapporteur on racism (19-30 September 1999)	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, six communications were sent and five replies were received in connection with these communications	

13. Special-procedures mandate holders have sent communications with regard to deportation, racism, trafficking in persons, increasing tension between Roma and non-Roma, and secrete detention.

C. Cooperation with the Office of the High Commissioner for Human Rights

14. The Czech Republic contributed financially to OHCHR in 2009, 2010, and 2011.

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

15. CEDAW noted the low number of lawsuits for sex discrimination filed in the Czech Republic's courts and that women often preferred out-of-court settlements and the difficulty of providing proof of incidents of sex discrimination.³⁸

16. CEDAW called on the Czech Republic to strengthen the temporary special measures in areas in which women are underrepresented or disadvantaged and recommended including a specific provision in its Constitution or other appropriate legislation which unequivocally state that temporary special measures aimed at accelerating substantive equality of women and men shall not be considered discriminatory.³⁹

17. CEDAW reiterated its recommendation to address persistent and deep-rooted gender stereotypes that perpetuated discrimination against women.⁴⁰

18. CERD recommended unifying and consolidating the prohibited grounds of discrimination and standardizing remedies for racial discrimination to facilitate access to justice for victims of racial discrimination.⁴¹

19. CERD noted with regret the Czech Republic's decision not to develop a national action plan against racism in line with the Durban Declaration and Programme of Action.⁴²

20. CRC urged the Czech Republic to effectively adopt a comprehensive national action plan on the prevention of racism, racial discrimination, xenophobia and intolerance.⁴³

21. CERD was concerned by manifestations of hatred, hate crime, racist and xenophobic discourse, including by senior political figures, and by reports of a number of incidents of incitement to hatred and acts of violence. It urged the Czech Republic to ensure that hate crime and violence, racist and xenophobic discourse are investigated and that perpetrators are prosecuted.⁴⁴

22. CAT recommended introducing the definition of statelessness into legislation; establishing procedures and mechanisms for the determination of the status of statelessness. UNHCR recommended that stateless persons be provided with identification documents.⁴⁵

B. Right to life, liberty and security of the person

23. CAT was concerned that the new Criminal Code only established the crime of torture and other inhuman and cruel treatment but did not define torture in line with the Convention.⁴⁶ CAT further recommended ensuring that victims of torture and ill-treatment were entitled to and provided with redress and adequate compensation, including rehabilitation, in conformity with article 14 of the Convention.⁴⁷

24. CAT recommended that the General Inspection of Security Forces promptly, impartially and effectively investigate all allegations of torture and ill-treatment by law enforcement officials and prison staff, prosecute the perpetrators of such acts and provide redress, including compensation to the victims.⁴⁸

25. CERD remained concerned about the sterilization of Roma women without their free and informed consent.⁴⁹ CAT expressed a similar concern.⁵⁰ CEDAW urged the Czech Republic to adopt legislative changes clearly defining the requirements of free, prior and informed consent with regard to sterilizations; review the three-year time limit in the statute of limitations for bringing compensation claims in cases of coercive or non-consensual sterilizations in order to extend it; consider establishing an *ex gratia* compensation procedure for victims of coercive or non-consensual sterilizations whose claims had lapsed; provide all victims with assistance to access their medical records; and investigate and punish illegal past practices of coercive or non-consensual sterilizations.⁵¹

26. CEDAW remained concerned about the underreporting of domestic violence and rape; low prosecution and conviction rates; lenient sentences; limited access to legal aid for victims of domestic or sexual violence claiming only "immaterial" damage; lack of victim assistance and protection; and that the definition of rape in the new Criminal Code might not cover any sexual act committed against a non-consenting person, including in the absence of active resistance.⁵²

27. CAT was concerned, *inter alia*, about the increase in overcrowding in detention facilities which led to increased inter-prisoner violence; about the number of suicides and their causes and about the absence of information concerning alleged incommunicado detention.⁵³

28. The Special Rapporteur on trafficking in persons, especially women and children, was informed that in 2010 the Criminal Code was amended so that a duty to report applied to the crime of human trafficking and the crime of depriving personal freedom. The duty to report allegedly prevented NGOs and other service providers assisting trafficked persons from building a relationship of trust and confidence with trafficked persons. Further, it allegedly discouraged certain communities such as a migrant community from reporting

possible cases of human trafficking to NGOs, as they may wish to avoid contact with the law enforcement authorities for reasons related to their immigrant status.⁵⁴

29. CEDAW recommended adoption and implementation of a standardized policy for all relevant governmental bodies to identify victims of trafficking in human beings, and review of the Programme of Support and Protection of Human Trafficking Victims. CEDAW called on the Czech Republic to ensure that perpetrators were brought to justice. CEDAW recommended designing and implementing preventive measures specifically targeting Roma and migrant women and girls, as also noted by CERD.⁵⁵ CAT made similar recommendations.⁵⁶

30. CRC recommended that the Czech Republic strengthen psychosocial support to child victims of sexual abuse.⁵⁷

31. CRC encouraged the Czech Republic to eliminate all forms of violence against children; and ensure the implementation of the recommendations of the United Nations study on violence against children.⁵⁸

32. CRC urged the Czech Republic to address the widespread tolerance of corporal punishment with a view to encouraging the use of alternative disciplinary measures in accordance with the inherent dignity of the child and to ensure that corporal punishment was prohibited in all settings, including the family.⁵⁹ CAT was also concerned about the widespread tolerance of corporal punishment and the absence of legislation explicitly prohibiting it.⁶⁰

33. CAT was concerned about the continued use of surgical castration for detained sex offenders.⁶¹

C. Administration of justice, including impunity, and the rule of law

34. The Independent Expert on minority issues was concerned that in July, August and September 2011, several racially motivated actions, including demonstrations, unauthorized marches and rallies, had been undertaken against Roma by ethnic Czechs in the towns of Rumburk, Varnsdorf, Novy Bor and Sluknov. These allegedly included arson attacks against Romani people living in Býchory and Krtý. According to the information received following two incidents in August, there was a wave of demonstrations against “Romani crime” in North Bohemia. Incidents included ethnic Czechs brutally beating up a Romani man, local authorities in the region reportedly making public statements thereby worsening public sentiment about Roma, local residents and right-wing extremists undertaking unauthorized anti-Roma marches, shouting anti-Romani racist slogans, calling for violence against the Roma, destroying fences around two Romani houses, non-Romani neighbours threatening one Romani family with murder and targeting local residential hotels with Romani tenants.⁶²

35. CERD reiterated its previous recommendations that the Czech Republic should ensure that racially motivated acts of violence against Roma were investigated and that perpetrators did not remain unpunished. It encouraged the recruitment of members of Roma communities by the police.⁶³

36. CRC was concerned that children under the age of 15 could be placed, even for petty offences, in institutional care prior to legal proceedings, without the guarantees associated with standard criminal proceedings. CRC regretted that children were not always held separately from adults and under acceptable conditions.⁶⁴

D. Right to privacy, marriage and family life

37. CEDAW noted with concern the lack of legal recognition of de facto unions and its potential adverse impact on women's acquisition of rights during and on their entitlements upon dissolution of such unions.⁶⁵

38. CRC was concerned at the widespread attitude of accepting institutionalized care as a primary alternative to the family environment.⁶⁶

39. CRC was also concerned about the absence of a clear, consistent and objectively determined set of criteria for assessing a child's suitability for adoption.⁶⁷

40. CRC strongly urged the Czech Republic to end the "Baby Box" programme as soon as possible and expeditiously to strengthen and promote alternatives. CRC urged it to address the root causes which led to the abandonment of infants, including the provision of family planning and adequate counselling and social support for unplanned pregnancies and the prevention of risk pregnancies.⁶⁸

41. CRC remained concerned about the situation of stateless minor applicants in the Czech Republic whose applications for nationality had been pending for a prolonged period of time. CRC was concerned that insufficient measures had been undertaken to ensure that all children had the right to know and be cared for by their parents.⁶⁹

E. Freedom of expression and right to participate in public and political life

42. CEDAW reiterated its recommendation that the Czech Republic increase the representation of women, including Roma women, in legislative assemblies, the Government and the public administration, especially at senior levels.⁷⁰

43. CERD regretted that article 4 (b) of the Convention was not adequately covered by the Czech Republic's legislation, which referred to persons only but did not prohibit organizations and other propaganda activities inciting racial discrimination.⁷¹

44. CRC reiterated its recommendation to introduce a comprehensive legal provision establishing the right of the child to participate that would be applicable to courts, administrative bodies, institutions, schools, child-care institutions and families in matters affecting children, and guarantee the right to appeal against the decisions.⁷²

F. Right to work and to just and favourable conditions of work

45. CEDAW was concerned about the low employment rate of women; horizontal and vertical segregation in the labour market; the wide gender wage gap; disadvantaged position in the labour market of women facing multiple forms of discrimination, including Roma women and refugee and migrant women; and limited capacity of the central and regional labour inspection offices to combat sex discrimination.⁷³

46. CEDAW recommended: ensuring that migrant women retain their legal status when taking maternity and parental leave; investigating abusive labour practices against migrant women; and that all migrant women and their children be covered by health insurance and have access to affordable health-care services, irrespective of their residence status and employment.⁷⁴

47. UNHCR stated that due to language difficulties and problems with recognition of foreign diplomas, many recognized refugees failed to obtain jobs in their field of expertise and remained unemployed for years after being granted asylum.⁷⁵

48. The ILO Committee of Experts on the Application of Conventions and Recommendations requested the Czech Republic to take the necessary measures to include in the Labour Code a provision listing the prohibited grounds of discrimination. It also asked the Czech Republic to take appropriate measures to foster awareness of all the legal provisions on discrimination.⁷⁶

G. Right to social security and to an adequate standard of living

49. CRC recommended ensuring that families in vulnerable socio-economic situations be provided with the necessary financial resources and social support.⁷⁷

50. CRC noted that the Czech Republic did not have legislation providing for social housing, which was a major factor contributing to the social exclusion and/or placement into care of children. CRC noted that while it had a system of social benefits, these did not provide an adequate solution for the large numbers of families with children lacking adequate housing.⁷⁸

51. CERD remained concerned at the possibly limited effectiveness of the Government's response to some of the decisions and acts of local and regional authorities taken while exercising devolved powers, especially where such acts had involved evictions or other limitations of the rights of vulnerable groups, the organization of local minority committees or the allocation of resources and housing including to the Roma community.⁷⁹ CERD reiterated its concern "about information according to which Roma people are vulnerable to evictions and segregation in housing".⁸⁰

52. CERD recommended that the Czech Republic develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing, and that it promote the employment of Roma in the public administration and institutions and in private companies.⁸¹

53. UNHCR also noted that the lack of subsidized housing offered by the Government under its State Integration Programme remained a challenge for recognized refugees.⁸²

H. Right to health

54. CEDAW took note of the interference with women's reproductive health choices in hospitals; a rapid increase in the Caesarean section rate; separation of newborns from their mothers for up to several hours without health-related reasons; refusal to release the mother and child from hospital before 72 hours after childbirth; and patronizing attitudes of doctors which impeded the exercise by mothers of their freedom of choice. It noted women's limited options for delivering their babies outside hospitals.⁸³

55. CRC was concerned that children of foreign nationals were precluded from access to public health insurance; were required to obtain private health insurance at significantly higher costs; and that those who had severe illnesses were often rejected by private health insurance providers and could not access health services and care.⁸⁴

56. CRC recommended stepping up efforts in adolescent-sex and reproductive-health education; improving the accessibility of contraception to reduce the number of teenage pregnancies; developing child-friendly programmes to assist teenage mothers and their children; and addressing the high rates of suicide amongst adolescents.⁸⁵

I. Right to education

57. CEDAW noted with concern the segregation of many Roma girls in schools for pupils with mild mental disabilities. CEDAW urged the Czech Republic to reinforce its programmes to include Roma girls in mainstream education. CEDAW recommended reducing school dropout and absenteeism of Roma girls and educating teachers to counter persistent prejudices against Roma and negative gender stereotypes, and on gender equality policies.⁸⁶

58. CRC remained deeply concerned about segregation of children of Roma origin through the slow operationalization of effective reform measures to facilitate inclusion and integration; low rates of actual implementation of culturally sensitive or adapted tests for determining the academic/intellectual abilities of children from ethnic minorities; continued placement of Roma children in separate classes and the teaching of Roma children with a reduced syllabus formerly used for special schools; absence of financial support for children from socially or financially disadvantaged situations, resulting in the tendency for such children to be categorized as having “disabilities” in order to receive additional financial resources designated for children with disabilities; and lack of genuine informed consent in the process leading to a child’s placement in the Framework Education Programme for Children with Light Mental Disabilities.⁸⁷

59. CERD expressed its concern regarding the persistent segregation of Roma children in education; that the practice of linking social disadvantage and ethnicity with disability for the purposes of school-class allocation had continued; and that some amendments to regulatory decrees which took effect in September 2011 might reinforce discrimination against Roma children in education.⁸⁸ CRC urged the Czech Republic to eliminate all forms of segregation of children of Roma origin, especially the discriminatory practices against them in the education system, and to provide essential services and housing.⁸⁹

60. CAT was also concerned about the placement of Roma children in educational facilities for children with slight mental disabilities or with a reduced syllabus formerly used for special schools, which compromises their subsequent educational development. CAT recalled that the special protection of certain minorities or marginalized individuals or groups especially at risk is part of the State party’s obligations under the Convention.⁹⁰

J. Cultural rights

61. UNHCR noted that language training guaranteed by the Asylum Act had not been provided for nearly two years although it was renewed as of 2011.⁹¹

K. Persons with disabilities

62. CRC recommended that the Czech Republic effectively provide mainstream education for children with disabilities; amend its legislation to prohibit schools from refusing children on the grounds of insufficient material resources; provide socio-economic support to children with disabilities regardless of their age; and promote and facilitate care for children with disabilities in a family environment.⁹²

63. CAT recommended that the Czech Republic allocate appropriate funding for the implementation of the national plan on the transformation of psychiatric, health, social and other services for adults and children with intellectual or psychosocial disabilities to ensure a speedy process of deinstitutionalization to more community-based services and/or affordable housing, and establish close supervision and monitoring by judicial organs of any placement in institutions of persons with intellectual or psychosocial disabilities, with appropriate legal safeguards and visit by independent monitoring bodies.⁹³

L. Minorities

64. CERD expressed its concern about the discrimination experienced by minority and non-citizen women on the basis of both their ethnicity and gender.⁹⁴

65. CAT was seriously concerned about the reports concerning the continued marginalization of and discrimination against the members of the Roma minority. This has included some incidents in the recent past of three deaths, anti-Roma rallies as well as arson attacks against Roma homes. CAT was also concerned about the lack of prompt, impartial and effective investigations and prosecutions regarding such incidents.⁹⁵

66. CERD recommended that the Czech Republic include in its overall strategy the issue of overrepresentation of Roma children in State care institutions by addressing the root causes of this phenomenon and that it organize training and education for associated professionals and personnel on Roma rights.⁹⁶

M. Migrants, refugees and asylum seekers

67. CERD was concerned by exploitation of migrant workers and ill-treatment of foreigners – mainly asylum seekers – in detention centres.⁹⁷ UNHCR encouraged the Czech Republic to create adequate reception conditions and to ensure the freedom of movement of asylum seekers. UNHCR also recommended that the Czech Republic extend the list and types of alternatives to detention as per the UNHCR-OHCHR recommendations during the Global Roundtable on Alternatives to Detention of Asylum Seekers, Refugees, Migrants and Stateless Persons, held on 11-12 May 2011. UNHCR further recommended that the Government consider removing the costs for transportation to, and basic services at the detention facilities.⁹⁸

68. UNHCR welcomed the commitment of the Czech Republic to engage in the formalized resettlement programme, including cooperation with UNHCR noting that the Czech Republic has been willing to consider individual cases, including families, for emergency resettlement on an ad hoc basis.⁹⁹

69. CRC remained seriously concerned about the continuing practice of detaining asylum seekers, including children. CRC was concerned at the situation of detained asylum-seeking families and guardians with minors at the specialized detention centre in Bela-Jezova which did not meet the required standard for asylum-seeking children's well-being and their best interests.¹⁰⁰

70. CRC was deeply concerned that refugees faced serious challenges in exercising their right to education in the Czech Republic. CRC was concerned that children below the age of 16 were excluded from language training and that such training for those residing outside State-run refugee facilities had been discontinued and that non-Czech-speaking children were often placed in classes which did not correspond to their age, intellectual development or needs; and refugee children were often similarly subject to segregation.¹⁰¹

71. CAT was concerned about the continuous practice of detention of asylum-seekers, including families with children and minors accompanied by a legal guardian; the restrictions in the freedom of movement of asylum seekers in closed reception centres; and the regime and material conditions of detention in centres for foreign nationals awaiting deportation recommending implementing alternatives to detention of asylum seekers, including unconditional release, in particular of families with children and asylum-seeking adults who are responsible for children.¹⁰²

72. UNHCR noted that no statelessness-determination procedure had yet been established in the Czech Republic.¹⁰³

N. Human rights and counter-terrorism

73. CAT was concerned that the Czech Republic accepted diplomatic assurances in relation to extraditions of persons from its territory to States where those persons would be in danger of being subjected to torture.¹⁰⁴ It was also concerned about the invocation of the Convention on International Civil Aviation as a reason for not requesting to search civilian aircraft, which may have been used for rendition purposes and may have resulted in torture.

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation from the previous cycle (A/HRC/WG.6/1/CZE/2).

² The following abbreviations have been used for this document:

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;
CPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ Individual complaints: ICERD, art. 14, CAT, art. 22, ICRMW, art. 77, and CPED, art. 31; Inquiry procedure: OP-CEDAW, arts. 8 and 9; CAT, art. 20; OP-CRPD, arts. 6 and 7; Inter-State complaints: ICCPR, art. 41, ICRMW, art. 76, and CPED, art. 32.

⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications,

- see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁶ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁸ International Labour Organization Convention No.169, concerning Indigenous and Tribal Peoples in Independent Countries.
- ⁹ International Labour Organization Convention No.189 concerning Decent Work for Domestic Workers.
- ¹⁰ CAT/C/CZE/CO/4-5, para. 4. The Czech Republic received the following recommendation in the 2008 UPR: “To consider the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (Mexico)”, paras. 44.25, A/HRC/8/33.
- ¹¹ CEDAW/C/CZE/CO/5, paras. 5-6 and CERD/C/CZE/CO/8-9, para. 4.
- ¹² UNHCR, p. 2.
- ¹³ CEDAW/C/CZE/CO/5, para. 48 and CERD/C/CZE/CO8-9, para. 24.
- ¹⁴ CRC/C/CZE/CO/3-4, . para. 71.
- ¹⁵ CAT/C/CZE/CO/4, . para. 24.
- ¹⁶ CRC/C/CZE/CO/3-4, .paras. 8-9.
- ¹⁷ CEDAW/C/CZE/CO/5, paras 24-25.
- ¹⁸ UNHCR, p. 5.
- ¹⁹ CEDAW/C/CZE/CO/5, paras. 12-13.
- ²⁰ CEDAW/C/CZE/CO/5, para. 7.
- ²¹ UNHCR, p. 2.
- ²² CERD/C/CZE/CO/8-9, para. 3.
- ²³ CRC/C/CZE/CO/3-4, para. 4.
- ²⁴ UNHCR, pp. 2-3.
- ²⁵ UNHCR, p. 3.
- ²⁶ *Ibid.*, p. 3.
- ²⁷ According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (Fully in compliance with each of the Paris Principles), B: Non-Voting Member (Not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (Not in compliance with the Paris Principles).
- ²⁸ For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/20/10, annex.
- ²⁹ CRC/C/CZE/CO/3-4, paras. 16-17.
- ³⁰ CERD/C/CZE/CO/8-9, para. 9.
- ³¹ CRC/C/CZE/CO/3-4, paras. 12-13.
- ³² CEDAW/C/CZE/CO/5, paras. 16-17.
- ³³ CAT/C/CZE/CO/4, para. 5.
- ³⁴ CRC/C/CZE/CO/3-4, paras. 14-15.
- ³⁵ Letter dated 15 August 2008 from CERD to the permanent Mission of the Czech Republic in Geneva.
- ³⁶ CCPR/C/92/D/1488/2006; CCPR/C/92/D/1484/2006; CCPR/C/93/D/1485/2006; CCPR/C/93/D/1448/2006; CCPR/C/93/D/1497/2006; CCPR/C/95/D/1508/2006; CCPR/C/95/D/1479/2006; CCPR/C/96/D/1574/2007; CCPR/C/99/D/1615/2007; CCPR/C/99/D/1491/2006; CCPR/C/99/D/1742/2007; CCPR/C/100/D/1581/2007; CCPR/C/102/D/1586/2007; CCPR/C/103/D/1563/2007; and CCPR/C/103/D/1847/2008.

- ³⁷ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ³⁸ CEDAW/C/CZE/CO/5, paras. 14-15.
- ³⁹ Ibid., paras. 18-19.
- ⁴⁰ CEDAW/C/CZE/CO/5, paras. 20-21.
- ⁴¹ CERD/C/CZE/CO/8-9, para. 7.
- ⁴² Ibid., para. 23.
- ⁴³ CRC/C/CZE/CO/3-4, paras. 30-31.
- ⁴⁴ CERD/C/CZE/CO/8-9, 30 August 2011, para. 16.
- ⁴⁵ CAT/C/CZE/CO/4, May 2012, para. 19.
- ⁴⁶ Ibid., para. 7.
- ⁴⁷ Ibid., para. 13.
- ⁴⁸ Ibid., para. 15.
- ⁴⁹ CERD/C/CZE/CO/8-9, para. 19.
- ⁵⁰ CAT/C/CZE/CO/4, para. 12.
- ⁵¹ CEDAW/C/CZE/CO/5, paras. 34-35.
- ⁵² CEDAW/C/CZE/CO/5, paras. 22-23.
- ⁵³ CAT/C/CZE/CO/4, paras. 9 and 10.
- ⁵⁴ A/HRC/18/51, p. 18.
- ⁵⁵ CEDAW/C/CZE/CO/5, paras 24-25, and CERD/C/CZE/CO/8-9, para. 21.
- ⁵⁶ CAT/C/CZE/CO/4, May 2012, para. 16.
- ⁵⁷ CRC/C/CZE/CO/3-4, paras. 67-68.
- ⁵⁸ Ibid., paras. 41-42.
- ⁵⁹ Ibid., paras. 39-40.
- ⁶⁰ CAT/C/CZE/CO/4, para. 22.
- ⁶¹ Ibid., para. 20.
- ⁶² A/HRC/19/44, p. 81.
- ⁶³ CERD/C/CZE/CO/8-9, para. 17.
- ⁶⁴ CRC/C/CZE/CO/3-4, paras. 69-70.
- ⁶⁵ CEDAW/C/CZE/CO/5, paras 40-41.
- ⁶⁶ CRC/C/CZE/CO/3-4, paras. 45-46.
- ⁶⁷ Ibid., paras. 47-48.
- ⁶⁸ Ibid., paras. 49-50.
- ⁶⁹ Ibid., paras. 37-38.
- ⁷⁰ CEDAW/C/CZE/CO/5, paras 26-27.
- ⁷¹ CERD/C/CZE/CO/8-9, para. 15.
- ⁷² CRC/C/CZE/CO/3-4, paras. 34-36.
- ⁷³ CEDAW/C/CZE/CO/5, paras 30-31.
- ⁷⁴ Ibid., paras 32-33.
- ⁷⁵ UNHCR, p. 5.
- ⁷⁶ 2012 Report of the ILO Committee of Experts on the Application of Conventions and Recommendations, p. 499.
- ⁷⁷ CRC/C/CZE/CO/3-4, paras. 43-44.
- ⁷⁸ Ibid., paras. 59-60.
- ⁷⁹ CERD/C/CZE/CO/8-9, 30 August 2011, para. 11.
- ⁸⁰ Letter dated 15 August 2008 from CERD to the permanent Mission of the Czech Republic in Geneva.
- ⁸¹ CERD/C/CZE/CO/8-9, para. 14.
- ⁸² UNHCR, p. 5.
- ⁸³ CEDAW/C/CZE/CO/5, paras 36-37.
- ⁸⁴ CRC/C/CZE/CO/3-4, paras. 53-54.
- ⁸⁵ Ibid., paras. 57-58.
- ⁸⁶ CEDAW/C/CZE/CO/5, paras 28-29.
- ⁸⁷ CRC/C/CZE/CO/3-4, paras. 61-62.
- ⁸⁸ CERD/C/CZE/CO/8-9, para. 12.
- ⁸⁹ CRC/C/CZE/CO/3-4, paras. 30-31.
- ⁹⁰ CAT/C/CZE/CO/4, para. 14.

- ⁹¹ UNHCR, p. 5.
⁹² CRC/C/CZE/CO/3-4, paras. 51-52.
⁹³ CAT/C/CZE/CO/4, para. 21.
⁹⁴ CERD/C/CZE/CO/8-9, para. 18.
⁹⁵ CAT/C/CZE/CO/4, para. 11.
⁹⁶ CERD/C/CZE/CO/8-9, para. 13.
⁹⁷ CERD/C/CZE/CO/8-9, para. 20.
⁹⁸ UNHCR, p. 6.
⁹⁹ Ibid., p. 2.
¹⁰⁰ CRC/C/CZE/CO/3-4, paras. 63-64.
¹⁰¹ Ibid., paras. 65-66.
¹⁰² CAT/C/CZE/CO/4, para. 17.
¹⁰³ UNHCR, p. 1.
¹⁰⁴ CAT/C/CZE/CO/4, para. 8
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