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HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Czech Republic

Addendum

**Comments by the Czech Republic on the concluding observations of
the Human Rights Committee (CCPR/C/CZE/CO/2)***

[18 August 2008]

1. On 25 July 2007, following the examination of the second periodic report (CCPR/C/CZE/2) on the performance of the International Covenant on Civil and Political Rights (hereinafter the “Report” and the “Covenant”), the Human Rights Committee (hereinafter the “Committee”) adopted the concluding observations (CCPR/C/CZE/CO/2). In paragraph 21 the Committee called upon the Czech Republic to provide within one year information on the follow-up given to the observations of the Committee, contained in paragraphs 9, 14 and 16. The response of the Czech Republic is to be found in the following three sections.

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

I. OBSERVATION CONTAINED IN PARAGRAPH 9

“9. The Committee regrets the persistent reports of the police misconduct, particularly against Roma and other vulnerable groups, especially at the time of arrest and detention, and the fact that the State party has failed to establish an independent body with authority to receive and investigate all complaints of excessive use of force and other abuses of powers by the police, as recommended in the Committee’s previous concluding observations. The Committee notes that this omission could contribute to de facto impunity for police officers involved in human rights violations (arts. 2, 7, 9 and 26).

The State party should take firm measures to eradicate all forms of police ill-treatment, and in particular:

(a) Establish a mechanism for the investigation of complaints concerning actions of law enforcement officials which is completely independent from the Ministry of the Interior, as recommended by the Governmental Council for Human Rights in 2006;

(b) Initiate disciplinary and criminal proceedings against alleged perpetrators, and grant compensation for victims; and

(c) Provide training to the police force with regard to the criminal nature of the excessive use of force.”

Response

2. The Ministry of the Interior and the Police of the Czech Republic are working on improving the effectiveness of the proactive work of the police in relation to minorities. On 9 April 2008, the National Strategy for the work of the police of the Czech Republic in relation to minorities for the period 2008-2012¹ was accepted; it represents fundamental conceptual materials establishing principles of police work in relation to minorities. The Strategy follows on the conceptual materials which have existed in the Czech Republic since 2003.² The Strategy enforces principles of modern police work in an ethnically and nationally diversified society and designates specific tasks to the sector of the Interior in the given area. Mainly it concentrates on the training of police officers, a thorough implementation of anti-discrimination procedures in police work and crime prevention within minority communities; it also lays emphasis on the cooperation of the police with local government and non-governmental sectors. The result of the systematic work of the police with minorities should be a professional approach of police officers to members of minorities adhering to the principles of community policing,

¹ By the resolution of the Government of the Czech Republic No 384.

² By the resolution of the Government of the Czech Republic No 384.

maximum police awareness of the minority's background, mutual trust between the police and members of minorities, successful implementation of law and justice into the specific environment of social exclusion and, last but not least, police contribution to the integration of members of minorities into the society.

3. The Strategy imposes on the regional administration of the police the obligation to establish posts of liaison officers for working with minorities and their work groups. The objective of this systemic arrangement is to facilitate police contact and communication with minorities and their closed communities. The liaison officer is a specialized officer for the work regarding issues of police work in relation to minorities: he/she fulfils the role of an intermediary between the police and minority groups and offers the minority members aid in dealing with specific issues, which fall under the jurisdiction of the Police. The liaison officer also regularly monitors the structures of minority groups within a given locality and participates in the prevention of and fight against crime.

4. Since 2003, the service of a police assistant for work in socially excluded localities has been used in the Czech Republic on a local level. This service is a type of social work enabling the residents of socially excluded localities to contact and communicate with the police. The police assistant's clients are usually the victims and witnesses of latent criminality (usury, pandering, drugs distribution, human trafficking, youth crime, etc.), which is identified by the police only with great difficulties, because of the unwillingness of victims and witnesses to cooperate. The role of the assistant is to improve relationships between the police and the inhabitants of these enclaves and to contribute to the creation of such conditions, which would enable the people living in the area of socially excluded localities easier access to the services and help of the police. The service of a police assistant is guided by the principles of so-called community policing and it is based on partnership and close collaboration with the police and the service provider, who employs the police assistants.

Regarding subparagraph (a)

5. In 2007 the Government adopted the "Comprehensive report on the effectiveness of legal regulations dealing with complaints", prepared by the Ministry of the Interior. The report concluded that it is not necessary to amend the current legal regulation. However, the proposal of the methodology of dealing more effectively with complaints was prepared on the basis of the legal regulation, with the aim to ensure harmonization of the execution of the settlement of the complaint.

6. From September 2007 to February 2008, the pilot operation of the anti-corruption telephone line 199 took place. The pilot project was formed on the basis of an agreement between the Ministry of the Interior and Transparency International - Czech Republic, a non-governmental organization, which operated the telephone line. The objective of the transfer of the telephone line to a company independent of the State was to achieve a more effective

recourse of corruptive activity within the authorities, self-administration and in the private sector. Altogether 727 clients³ took advantage of the telephone line during the operation of the pilot project.

Regarding subparagraph (b)

7. Criminal or disciplinary liability is always concluded in each proven case of unlawful behaviour of a police officer. It is possible to commence particular proceedings only when the identified evidence suggests that the offender is a specific person. Should a specific person feel that damage has been done to him/her, even by supposed unlawful conduct of an officer or an employee of the police, he/she has the option to claim compensation from the Ministry of the Interior at any time.

Regarding subparagraph (c)

8. Legal and ethical aspects of official interventions are the priority of basic professional training, which all police officers must undertake as mandatory following their engagement in service.⁴

9. All education programmes of the police of the Czech Republic are in connection with the reform of the police thoroughly analysed, with the aim to ensure the following:

(a) To systematically support the education of police officers and office holders regarding customer service principles;

(b) To analyse and in case of need also to innovate the contents of school educational programmes, so that when implemented the practical and interactive approach is preferred;

(c) To propose a system in internal evaluation of education, the respondents of which will also be members of the general public.

All measures are directed towards the police work being a public service, based on strict compliance with legal and ethical standards. Compliance with these standards is also a part of the training of police officers implemented within the framework of a department during the entire duration of the service.

³ As the majority of clients do not use the line only once, the operators of the 199 line dealt with approximately 1,600 relevant telephone calls during the pilot period. The structure of the areas, which the caller finds in his case as affected by corruption, is stabilized. Most frequent points of issue are from the private sector, ownership rights issues, court proceedings, procedures of the police of the Czech Republic and building issues.

⁴ Innovated basic professional training will commence on 1 June 2008.

10. On 25 February 2008, the Government passed the bill on the Police of the Czech Republic. The draft law is currently being discussed by the Chamber of Deputies of the Parliament. The regulation amends the position of the Inspection of the Minister of the Interior, the direct personal connection between the Minister of the Interior and the Director of the Inspection being abolished (the Director will be newly appointed by the Government on the proposal of the Minister of the Interior following a discussion by the relevant committee of the Chamber of Deputies) and at the same time the inspection from the side of the Chamber of Deputies is established (submission of report on activity). Currently, however, the Inspection continues to be included in the framework of the organizational structure of the Minister of the Interior, so that it can continue to use the infrastructure of the sector in the area of informatics, analytics, economic provisions and technical services of specialized departments or expert police work departments (i.e. telephone tapping, surveillance).

11. The Government proposal brings new elements of independence into the system of investigating criminal activity of police officers, despite that the law was, in the part regarding the inspection of the police, passed by the Government as temporary. The Government charged the Minister of the Interior, the Minister of Finance and the Minister of Justice to submit to the Government by 31 December 2008 a bill on Inspectorate-General of security forces. The Inspectorate-General should be an independent inspection body standing outside the Ministry sectors, which would examine all members of security forces. A body drafted in this way could comply with the requirements of transparency and independency of investigating, which was formulated at the suggestion of the Government Council of the Czech Republic for Human Rights for the establishment of an independent body for investigation of violating actions of the members of armed security forces from 2006.

II. OBSERVATION CONTAINED IN PARAGRAPH 14

“14. The Committee expresses concern that confinement in psychiatric hospitals can be based on mere ‘signs of mental illness’. It regrets that court reviews of admissions to psychiatric institutions do not sufficiently ensure respect for the views of the patient and that guardianship is sometimes assigned to attorneys who do not meet the patient (arts. 9 and 16).

The State party should ensure that no medically unnecessary psychiatric confinement takes place, that all persons without full legal capacity are placed under guardianship that genuinely represents and defends the wishes and interest of those persons, and that an effective judicial review of the lawfulness of the admission and detention of such person in health institutions takes place in each case.”

Response

12. A new law on health services is currently being prepared, which will amend conditions, the fulfilment of which will mean involuntary hospitalization of a person if: (i) the person shows signs of mental illness or intoxication and (ii) endangers directly and seriously him/herself or other persons. In comparison with the current legal regulation, there will be considerable increase in strictness of the condition of danger: while it was so far sufficient for a person to endanger him/herself or other persons, the amendment will require such danger to be direct and serious.

13. The current regulation of the proceedings on expressing permissibility for admittance into a health institution (detention proceedings) requires the court to interview the patient. As procedural guardians, who are appointed by court to official duty, do not always perform their roles responsibly, the Government Council of the Czech Republic for Human Rights accepted in February 2008 an incentive to ensure legal aid, by which it proposes the establishment of a Low-Threshold Centre for Legal Aid. The provision of legal aid to involuntarily hospitalized persons should be one of the activities of the Centre.

14. Regarding the issues of guardianship, the Czech Republic is preparing in connection with the new legal regulation of the Civil Code an amendment of the regulation on guardianship. The current legal regulation, which was established in the 1960s and which is based on the concept of so-called “substitute decision-making”, will be replaced with a new legal regulation based on the principles of so-called “supported decision-making”.

III. OBSERVATION CONTAINED IN PARAGRAPH 16

16. “The Committee regrets that the State party has not so far adopted an anti-discrimination bill. It remains concerned that, despite the adoption of relevant programmes, discrimination against Roma continues to persist in practice, including in the areas of labour, access to employment, health care and education. The Committee is concerned at discrimination faced by Roma in access to housing, as well as the persistence of discriminatory evictions and the continued existence of de facto ‘ghettos’ (arts. 2, 26 and 27).

The State party should take effective measures to combat discrimination. In particular, it should:

- (a) Enact comprehensive anti-discrimination legislation that ensures effective protection for the victims of racial and related discrimination in all areas and related policies and programmes;**
- (b) Provide legal aid for victims of discrimination;**
- (c) Institute effective monitoring mechanisms and adopt indicators and benchmarks to determine whether relevant anti-discrimination goals have been reached;**
- (d) Provide additional training to Roma to equip them for suitable employment and to promote employment opportunities;**
- (e) Prevent unjustified evictions and dismantle segregation of Roma communities in housing;**
- (f) Conduct campaigns of public information to overcome prejudice against the Roma.”**

Response

Regarding subparagraphs (a)-(c)

15. The Czech Republic aspires to ensure protection to the victims of discrimination through the implementation of a special law. Specifically, the Government undertook in its statement of policy to adopt an anti-discrimination law, which should ensure the right of equal treatment and protection from discrimination within the intentions of the European Union regulations so that the prohibition of discrimination is effectively enforceable.
16. The Government passed the bill on equal treatment and on legal measures of protection from discrimination (Anti-discrimination Act) on 11 June 2007. By the day of elaboration of this statement, the bill was discussed by both Chambers of the Parliament of the Czech Republic, which expressed their agreement.
17. The bill amends the law on equal treatment and protection from discrimination for reasons of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The prohibition of discrimination will be set forth by the Act in a number of nominated spheres, which are: the right to employment and access to employment, access to vocational or entrepreneurial activity or other self-employed gainful activity, in the sphere of employment and other dependent activity including remuneration, membership and activities of trade unions, employee councils or other organizations of employers, membership and activities in professional associations including the benefits provided by such organizations to its members, in social security and social benefits, health care, education and access to goods and services which are provided to the public, including accommodation, and their provision. The Act further defines the titles which the victims of discrimination may claim.
18. The bill appoints the Ombudsman to secure equal treatment to the victims of discrimination: he should provide assistance in filing of motions to initiate proceedings on the grounds of discriminatory conduct, undertake research, publicize reports and issue recommendations in areas related to discrimination and ensure exchange of available information with competent European subjects.
19. Although as of this time there is no officially appointed public institution whose task is to protect the rights to equal treatment, the victims of discrimination do have a number of tools to seek protection, or ways of obtaining free legal aid, or obtaining legal aid on advantageous terms.
20. Protection from discriminating treatment is provided in the Czech Republic by general Courts (The Institute of Action for the Protection of Personal Rights in civil procedure). Criminal sanction of treatment connected with racial hatred or ethnic intolerance is ensured by relevant provisions of the Code of Criminal Procedure (Act No. 141/1961 Coll.) and the Criminal Act (Act No. 140/1961 Coll.). The protection from various forms of discrimination, especially on the conceptual level and in formulating policies, falls under the competence of three advisory Government bodies - the Government Council of the Czech Republic for Human Rights, the

Government Council for National Minorities and the Council for Roma Community Affairs. The issues of the fight against extremism and racially motivated criminal offences fall under the competence of a special interdepartmental body, which is the Commission for combating extremism, racism and xenophobia. The Commission is an advisory body of the Ministry of the Interior.

21. The Czech Trade Inspection is an inspection body, which monitors the adherence to terms laid down by special legal regulations or by other binding measures for the operation or provision of activities consisting in sale or supply of goods and products or in providing services, including the observation of the prohibition of discrimination.

22. In the subject of employment issues, inspection activity is on the basis of the employment law in the competence of the Ministry of Labour and Social Affairs, the Labour offices and Labour Inspectorates. Within the framework of inspection activities the Labour offices focus mainly on the observation of the prohibition of discrimination in access to employment.

23. Legal advice for victims of discrimination is also provided by a number of non-governmental organizations. Particular laws are further in place in the legal order of the Czech Republic, in accordance with which the victims of discrimination can also be represented by civic associations. In accordance with the Code of Civil Procedure (Act No. 99/1963 Coll.), Code of Administrative Procedure (Act No. 150/2002 Coll.), and the Consumer Protection Act (Act No. 634/1992 Coll.), the participant in proceedings regarding protection from discrimination can be represented by associations established in accordance with the Act on Association of Citizens (Act No. 83/1990 Coll.), providing the protection from discrimination falls under the activities determined by the regulations. The Consumer Protection law (Act No. 634/1992 Coll.) allows such associations to file motions to initiate court proceedings to restrain unlawful activities in the matters of protection of consumer rights and to be a participant in such proceedings.

Regarding subparagraphs (d)-(f)

24. For further positioning on the labour market, it is necessary to have gained a certain level of education. Therefore it is made possible for everyone who has not achieved a basic education to complete it through courses of basic education. Basic education courses can be offered by a primary school or a secondary school as a daytime study or distance learning in accordance with the framework education programme for basic education. In 2007, altogether 35 courses took place all over the Czech Republic and 344 students attended. The courses providing basic education fulfil the requirements of the Strategy of Lifelong Studying, the main objective of which is to suggest a universal system of evaluating the education gained outside the education framework and to enable those interested in the recognition of this education to inspect their knowledge by transparent and objective methods. The purpose of this is to create a background which motivates to take part in further education, especially for people with low qualifications, or people with the need to quickly and effectively change, improve or expand their qualification.

25. Currently a so-called curriculum reform⁵ is under way in the Czech Republic. Education is based on the principles of equal approach and bearing in mind the educational needs of an individual. Education of pupils with social disadvantage is contained in the framework education programmes.

26. Funding programmes for the support of integration of the Roma community and for the support of Roma secondary school pupils are announced every year. For example the project “Centres for integration of minorities” aims at working with mothers and preschool children, at preparation for starting school, specification of educational needs at the start of schooling in relation with individual pupils’ needs and with the context of their cultural differences and their current social situation. Concerning the mothers, the care is orientated at the support and improvement of their parenting and social skills. The character of working with family, with mothers requires apart from professional competence the ability of workers to gain the trust of people in the communities, with which they work. Within one year of operation, the Centres for integration of minorities have already provided regular group care in 22 places in the Czech Republic. Other activities, which are usually one-offs, are introduced irregularly, mainly during school holidays and they provide to children and their families effective ways of spending free time complemented with educational activities.

27. In 2005, the Government adopted the Concept (Project) on Timely Care for Children from Socio-culturally Disadvantaged Backgrounds (hereinafter the “Concept”). The Ministry of Education, Youth and Sports in line with this Concept:

(a) Coordinates activities of individual institutions, which care for children, and with the aim to create joined social and psychological-pedagogical diagnosis of problems of children from at-risk backgrounds, including socially and socioculturally disadvantaged backgrounds and to carry out joint programmes and measures, which will influence the parents of these children to take on greater responsibility for the development of their children;

(b) Implements programmes and measures in the area of basic and further education of pedagogical workers, who work in preschool education of children from socioculturally disadvantaged backgrounds;

(c) Executes programmes and measures aimed at increasing the number of children from socioculturally disadvantaged backgrounds, who will be finishing their preschool education in nursery schools or in reception classes of primary schools for children from socioculturally disadvantaged backgrounds;

⁵ Curriculum reform covers a number of activities and projects, from methodical support and further education of teachers for research purposes, pre-graduation preparation of pedagogical workers, free time activities and projects supported by the State and by European Structural Funds.

(d) Implements programmes aimed at pilot auditing of projects on early care for children from socioculturally disadvantaged backgrounds with the specialization on the establishment of centres for early care in nursery schools or primary schools, which are establishing primary school reception classes;

(e) Organizes residence courses for parents and children from socioculturally disadvantaged backgrounds from the age of three years up to the beginning of school attendance.

28. The objective of the Concept is primarily to increase the number of Roma pupils in the mainstream schooling and to improve their school achievements. Programmes and measures for timely care should be provided in such a way that they contribute to the enhancement of the developmental level of a child and that they provide opportunities for children from majority society and children from socioculturally different backgrounds spending time together. For example primary school reception classes for children from socioculturally disadvantaged backgrounds are used for the realization of the Concept. It is apparent from available statistics that their numbers are increasing.⁶

29. The Ministry of Education, Youth and Sports considers repressing prejudice towards Roma and generally dealing with social problems in education as one of their priorities. Therefore a new group for the area of social programmes in schooling was created. This group organizes and utilizes all activities of the Ministry and of organizations governed by the Ministry regarding the stated issues and it should contribute to total and effective solutions of these issues.

30. The framework of education programmes influences not only children, pupils and students but also their parents. The cooperation with parents and families is one of the tasks of each school and school institution. Public opinion is also largely affected by the present network of teacher's assistants for children with social disadvantages, often from Roma communities.⁷

31. Field work emphasizes full social work with a client directly inside the community. A social worker analyses the social situation of a family and with appropriate means using methods of social work contributes to the elimination of unwanted factors, which obstruct their integration into society. The most common issues the field workers face are accommodation, truancy, gambling, unemployment and drug addiction. However in the area of increasing employability of residents of socially excluded localities, the workers are currently not very successful.

⁶ The number of primary school reception classes was 164 in 2007/08. One hundred and one classes out of that were established in mainstream schools and 48 in primary schools for children with special educational needs. A total number of 1,929 children attended these primary school reception classes. Therefore in comparison with last school year the number of reception classes and the number of children increased significantly. The number of primary school reception classes in the year 2006/07 was 146. One hundred and two of these classes were established in mainstream schools, 44 in special schools and 1,713 children attended.

⁷ Currently a total number of approximately 360 teacher assistants work in individual schools at all key stages in the Czech Republic.

32. In January 2008 the Government established an agency which will provide complete aid to local governments and their partner organizations in socially excluded Roma localities. The objective of the agency is to exploit the opportunity, which is offered by the new programming period of utilization from the European Union Structural Funds in the years 2007-2013 and to establish the necessary personnel and institutional foundation for the implementation of programmes and projects, which will fundamentally improve socio-economic conditions of Roma, will enhance their lifestyle and improve their access to the labour market and to majority education.

33. The Chamber of the Council of the Government of the Czech Republic for Roma Community Affairs, apart from other things, focuses on the elimination of prejudice and stereotypes towards the Roma community. In connection with the work of the Agency for prevention of social exclusion it contributes to change public opinion and create public support with the fulfilment of elimination of social exclusion strategy.

34. The education of police officers includes information on cultural and religious specifications of members of varied minority communities in the Czech Republic and on the role of the police in multicultural society.

35. The Secondary Police School of the Ministry of the Interior in Holesov will implement a project "Police for All" in the school year 2008/09, which will provide education for pupils from national minorities leaving year 9 of primary schools in the educational programme Performance of Security and Legal Activities. The main objective of the project is to provide members of national minorities with upper secondary education at the Police School of the Ministry of the Interior. School leavers from the lines of national minorities can enter (following the due acceptance procedure) into service of the police of the Czech Republic. The police will gain members from national minorities into their line-up thanks to this project and the Secondary Police School will contribute to the increase of competitiveness of minorities in the labour market.⁸

⁸ In April 2008, 12 of 51 applicants for the project "Police for All" were accepted and a further 6 on appeal (which is altogether 18 applicants, consisting of 7 Ukrainian, 2 Polish, 1 Slovak, 4 Roma, 1 Vietnamese, 1 Cuban, 1 Moldavian and 1 Kazakh national).