

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 28th Session

CZECH REPUBLIC

I. BACKGROUND INFORMATION

The Czech Republic succeeded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*) in 1993. The *1954 Convention relating to the Status of Stateless Persons (1954 Convention)* was acceded to, with reservations¹, in 2004 and the *1961 Convention on the Reduction of Statelessness (1961 Convention)* in 2001. The *1997 European Convention on Nationality* was ratified in 2004.

The asylum process in the Czech Republic is governed by the provisions of the *Act No. 325/1999 Coll. on Asylum (Asylum Act)*, as amended, the *Act No. 273/2008 Coll. on the Police of the Czech Republic*, as amended, and the *Act No. 326/1999 Coll. on the Residence of Foreigners on the Territory of the Czech Republic (Aliens Act)*, as amended. The Czech legislation is generally in line with the European Union (EU) asylum laws.² It also provides for political asylum derived from the *Czech Charter of Fundamental Rights and Freedoms*, and asylum based on family reunification and humanitarian grounds.

All applications for international protection are adjudicated at first instance level by the Department for Asylum and Migration Policy of the Ministry of the Interior (DAMP). UNHCR is not formally involved in the Refugee Status Determination (RSD) process, but has access to the case files upon written consent by the applicants. The appeal procedure is conducted before administrative courts.

Reception conditions and RSD procedures in the Czech Republic have continued to improve and maintain a relatively high standard since 1993, when the current asylum system was introduced. However, refugees' and asylum-seekers' access to the Czech territory through Schengen borders at international airports has recently deteriorated. Cases of indirect *refoulement* occurred where persons identified as refugees were denied access to the territory.³ Moreover, certain challenges regarding the RSD process remain, such as procedural delays and the lack of an internal quality control mechanism (e.g. peer-review). In

¹ Declarations and reservations were made in regard to Articles 23, 24, 27 and 28 of the *1954 Convention*.

² The requirement under the recast EU *asylum acquis* of full and *ex nunc* judicial review of both facts and points of law of a contested first-instance decision have not been transposed nationally. Moreover, the Czech system of administrative justice is based on the cassation principle and the review in points of law, which is at odds with Article 46 (3) of the *Directive 2013/32/EU of the European Parliament and of the Council of Europe 26 June 2013 on common procedures for granting and withdrawing international protection* (recast).

³ According to statistics of the Directorate of the Alien Police, for the period of January–September 2016, 38 persons were identified as a refugee (Convention). Available at: <http://www.mvcr.cz/clanek/kody-statu.aspx>.

1994, the Czech Republic introduced its State Integration Programme, which offers integration services mainly in the areas of language instruction, housing and employment.

In 2015, the Czech Republic registered 1,525 asylum applications, mainly from Ukraine, Syria, Cuba and Viet Nam. During the same period, 71 persons were granted asylum and 399 received subsidiary protection, constituting a 30.8 per cent recognition rate. As of the end of 2015, the Czech Republic counted 3,644 beneficiaries of international protection (1,973 refugees and 1,671 persons having received subsidiary protection). According to the most recent public census (2011) there were 1,502 stateless persons in the Czech Republic.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 94.83: “Continue efforts to eliminate human trafficking and promote the protection of victims (Costa Rica)”, and no. 94.86: “Provide capacity-building to law enforcement officials on the identification of child victims of commercial sexual exploitation and on measures to protect children from commercial sexual exploitation (Lichtenstein).”⁴

UNHCR commends the Czech Republic for its continued efforts to eradicate trafficking in persons in the country since its review during the 2nd UPR cycle. At the international level, the Czech Republic has acceded to the *UN Convention against Transnational Organized Crime* in 2013 and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* in 2014. In 2016, the Czech Republic signed the Council of Europe’s *Convention on Action against Trafficking in Human Beings*.

At the national level, following the adoption of the *National Strategy to Combat Trafficking in Human Beings in the Czech Republic for the period 2012–2015*, a new *National Strategy for 2016–2019*⁵ has been developed. Both strategies provide for a comprehensive framework for actions that the Government and the civil society should undertake to combat trafficking in persons. Priority areas include combating labour exploitation, prosecuting perpetrators and combating trafficking in children.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Capacity building for the elimination of trafficking in persons

Linked to 2nd cycle UPR recommendation no. 94.83: “Continue efforts to eliminate human trafficking and promote the protection of victims (Costa Rica)”, and no. 94.86: “Provide capacity-building to law enforcement officials on the identification of child victims of

⁴ All recommendations made to the Czech Republic during its 2nd cycle UPR can be found in: “Report of the Working Group on the Universal Periodic Review of Czech Republic” (26 December 2012), A/HRC/22/3, available at: <http://ohchr.org/EN/HRBodies/UPR/Pages/CZSession14.aspx>.

⁵ Ministry of the Interior, Department for Security Policy and Prevention of Criminality, *National Strategy to Combat Trafficking in Human Beings in the Czech Republic for the Period 2016 – 2019*, Prague 2016, available in Czech at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx>.

commercial sexual exploitation and on measures to protect children from commercial sexual exploitation (Lichtenstein).”

Despite the efforts of the Czech Republic to eliminate trafficking in persons, UNHCR notes that the Ministry of the Interior’s latest annual report⁶ on the matter underlines several gaps in the country’s protection system. These include a lack of capacity to identify victims and to investigate and prosecute relevant crimes. Similarly, there is insufficient capacity building among relevant stakeholders, including staff at refugee facilities and the Alien Police. UNHCR is further concerned about the reported increase in trafficking of children for sexual exploitation, including cases of children residing at the Facility for Children of Foreign Nationals. Finally, UNHCR notes that while support to victims is generally available, access to it depends on the decision of the investigating authorities.⁷

Recommendations:

UNHCR recommends that the Government of the Czech Republic:

- a) Further strengthen cooperation and capacity building among all stakeholders, including social workers in facilities for migrants and asylum-seekers, the Alien Police and the judiciary; and
- b) Formulate standard operating procedures to the identification and protection of victims of trafficking in need of international protection, regardless of their legal status.

Issue 2: Combating racial discrimination and xenophobia

Linked to 2nd cycle UPR recommendation no. 94.52: “Adopt a comprehensive national action plan on the prevention of racism, racial discrimination, xenophobia and intolerance as recommended by the Committee on the Rights of the Child (Algeria)” and no. 94.56: “Ban organizations that incite hatred, racism, racial discrimination and xenophobia” (Cuba).”

Despite several initiatives aimed to prevent or redress racial discrimination and intolerance⁸, UNHCR has noted with concern the sharp increase in manifestations of hatred targeted against foreigners, including refugees. Moreover, since 2014 hate speech has been increasingly directed towards Muslims. These attitudes and actions may significantly impair refugees’ ability to integrate into society and fully enjoy their rights.

The rising trend of intolerance is well-reflected by the increasing popularity of anti-Islam and immigration movements and local parties holding anti-migrant demonstrations across the country. Furthermore, numerous statements of high-level public officials have contributed to the public discussion being framed in terms of terrorism and security concerns.

Recommendations:

UNHCR recommends that the Government of the Czech Republic:

⁶ Ministry of the Interior, *Report on the State of Trafficking in Human Beings in the Czech Republic for 2015*, Prague, 2016, available in Czech at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx>.

⁷ The number of identified victims of trafficking is decreasing while those of trafficking for labour exploitation is increasing. Source: Organization for Security and Co-operation in Europe (OSCE), *Report by OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova, following her official visit to the Czech Republic, 26-27 November 2015 and 21 January 2016*, 22 July 2016, paras. 18, 21, and 22, available at: <http://www.osce.org/secretariat/256021>.

⁸ E.g. the 2013 “Hate Free” campaign, aimed at sensitizing children and youth, coordinated by the Government Commissioner for Human Rights and the Agency for Social Inclusion, see: <http://www.hatefree.cz/>.

- a) Develop and undertake comprehensive awareness-raising campaigns to promote a better understanding of the situation of asylum-seekers and refugees and to tackle prejudice, stigmatizing and discrimination suffered by those groups; and
- b) Ensure the investigation, prosecution and punishment of any act of discrimination or violence motivated by the victim's national or ethnic identity.

Issue 3: Detention policies, especially detention of children

Linked to 2nd cycle UPR recommendation no. 94.120: “Consider the recommendation of UNHCR to review legal provisions of the proposed amendments on detention to ensure that asylum seekers, including adolescents and children, and families with children are not detained (Uzbekistan).”

Regarding deprivation of liberty, the Czech legislation generally provides for all procedural safeguards in line with international standards. Alternatives to detention are available for immigration detention, according to the *Aliens Act*,⁹ and for the detention of asylum-seekers, according to the *Asylum Act*.¹⁰ While asylum-seeking children cannot be detained under any circumstances, vulnerable asylum-seekers may be detained following repeated and serious breaches of obligations imposed by an alternative measure.¹¹

The Czech Republic usually does not detain asylum-seekers and uses detention mainly for the purposes of administrative expulsion. However, alternative measures have rarely been applied in practice¹² and the routine detention of people apprehended in transit, awaiting transfers to the Member State responsible for processing their application for international protection under the *Dublin III Regulation*,¹³ including vulnerable persons such as families with children and pregnant women raise concerns. In this respect, UNHCR notes that the national legal criterion of “serious risk of absconding”¹⁴ is at odds with the general rule that persons subject to the Dublin procedure should not be detained.¹⁵

Families with children are held at the detention centre in *Bela-Jezova*, which has not been adapted to the specific needs of children.¹⁶ UNHCR wishes to emphasize that the detention of asylum-seekers should only be used as a measure of last resort, and for as short as possible. Moreover, the best interests of the child, either if they are with their family, unaccompanied or separated, remains of paramount importance. This requires the Government to consider all

⁹ Sections 123b and 123c of the *Aliens Act* establish three alternative measures to detention: financial guarantee (bail), designation of an address with regular controls, and regular reporting obligation.

¹⁰ Section 47 of the *Asylum Act* establishes two alternative measures to detention: the obligation to stay at open accommodation centres for asylum-seekers or regular reporting with the Ministry of the Interior.

¹¹ Section 46a (3) of the *Asylum Act*.

¹² According to information provided by the Ministry of the Interior, bail has been applied in two cases since its introduction in 2011. Regarding alternatives under the *Asylum Act*, the option to stay at accommodation centres has never been applied since its introduction in December 2015.

¹³ European Union: Council of the European Union, *Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)*, 29 June 2013, OJ L. 180/31-180/59; 29.6.2013, available at: <http://www.refworld.org/docid/51d298f04.html>.

¹⁴ Section 129 (4) of the *Aliens Act*.

¹⁵ Article 28 (1) of the *Dublin III Regulation*.

¹⁶ Main findings of the Czech Office of the Ombudsman and the full report on the systematic visits conducted in 2015 are available at: <http://www.ochrance.cz/en/news/press-releases-2015/czech-ombudsman-criticises-conditions-in-refugee-facility/>.

possible alternatives, including unconditional release, prior to detention. In addition, women with specific needs, such as pregnant women and nursing mothers, should not be detained.

Recommendations:

UNHCR recommends that the Government of the Czech Republic:

- a) End the detention of all children, whether accompanied, unaccompanied or separated;
- b) Implement, without delay, alternatives to detention in law and in practice, and ensure that detention is only applied as a measure of last resort, following the examination of alternatives, and for the shortest appropriate period of time possible; and
- c) Ensure that a vulnerability assessment and a best interests of the child assessment is made prior to any decision on detention.

Issue 4: Statelessness

Linked to 2nd cycle UPR recommendation no. 94.116: “Develop and adopt legislation in the area of protection of the rights of migrants, refugees, asylum seekers and stateless persons in accordance with relevant international standards (Belarus).”

Despite the Czech Republic’s accession to both the *1954 Convention* and the *1961 Convention*, UNHCR raises its concern regarding the lack of mechanisms to identify and grant protection status to stateless persons.¹⁷ While the transposition amendment to the *Asylum Act*¹⁸ stipulates that the DAMP shall decide on applications lodged under the *1954 Convention*, no clear statelessness determination procedures have been identified under the *Asylum Act*. It therefore remains unclear how applications of stateless persons who do not have an asylum claim will be processed. UNHCR believes that a dedicated statelessness determination procedure is an essential means of ensuring that stateless persons are guaranteed the rights conferred upon them by the *1954 Convention*.

Recommendations:

UNHCR recommends that the Government of Czech Republic:

- a) Establish a designated statelessness determination procedure to identify and protect stateless persons on the territory of the Czech Republic.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
March 2017**

¹⁷ According to the *UNHCR Handbook on Protection of Stateless Persons*: “[...] there is an implicit responsibility for States to identify stateless persons in order to accord them appropriate standards of treatment under the Convention.”, para. 8, UNHCR 2014, available at: <http://www.refworld.org/docid/53b676aa4.html>.

¹⁸ *Law No. 314/2015 Coll.*, amending the *Asylum Act* and other laws, enacted on 11 November 2015.

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

CZECH REPUBLIC

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Czech Republic. Please note that no relevant reports by UN Special Procedures mandate holders have been conducted since the 2nd UPR cycle.

I. Universal Periodic Review (Second Cycle – 2012)

Recommendation ¹⁹	Recommending State/s	Position ²⁰
Refugees and asylum-seekers		
94.116. Develop and adopt legislation in the area of protection of the rights of migrants, refugees, asylum seekers and stateless persons in accordance with relevant international standards	Belarus	Supported ²¹
94.119. Establish guidelines on the procedure to be followed to ensure that foreigners with no legal residency can request judicial review of the administrative expulsion orders	Mexico	Supported
94.120. Consider the recommendation of UNHCR to review legal provisions of the proposed amendments on detention to ensure that asylum seekers, including adolescents and children, and families with children are not detained	Uzbekistan	Supported
Non-discrimination		
94.23. Effectively implement the 2009 anti-discrimination law, especially regarding the treatment of complaints about discrimination	France	Supported ²²

¹⁹ All recommendations made to the Czech Republic during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Czech Republic" (26 December 2012), A/HRC/22/3, available at: <http://ohchr.org/EN/HRBodies/UPR/Pages/CZSession14.aspx>.

²⁰ The Czech Republic's views and replies can be found in: *Addendum* (1 March 2013), A/HRC/22/3/Add.1, available at: <http://ohchr.org/EN/HRBodies/UPR/Pages/CZSession14.aspx>.

²¹ *Addendum*: "18. The Czech Republic pays increasing attention to the issue of foreign nationals residing in its territory, ensuring that Czech national legislation is consistent with the country's international commitments. In doing so, focus is concentrated on all foreign nationals residing in the Czech Republic legally, illegally, or as refugees seeking international protection. Numerous recommendations made have been implemented into practice by laws currently in force. Every foreign national may ask for a court review of a deportation order, where a court must deliver a decision within 60 days. Moreover asylum seekers are only detained for a time necessary for identification purposes and for verification that they do not pose security risk. Like in other situations, in this case, foreign nationals are entitled to judicial protection, where a court must deliver a decision regarding detention within a matter of days. Neither minor seekers of international protection nor families with children are detained (94.115-120)."

²² *Addendum*: "7. The Czech Republic enforces consistently all anti-discrimination laws, including the Anti-Discrimination Act⁵ and will further develop measures aimed at combating discrimination (94.23-24)."

94.24. Take steps to eliminate discriminatory practices in housing and employment to fully comply with the 2009 Anti-Discrimination Act	USA	Supported
94.42. Implement measures to give effect to the existing legislation on the elimination of discrimination, particularly in the area of gender and ethnic minorities and eradicate all forms of violence due to discrimination	Costa Rice	Supported
94.52. Adopt a comprehensive national action plan on the prevention of racism, racial discrimination, xenophobia and intolerance as recommended by the Committee on the Rights of the Child	Algeria	Supported ²³
94.74. Take necessary measures aimed at eliminating all discriminatory treatment on the basis of sexual orientation or gender identity	Argentina	Supported ²⁴
Torture		
94.41. Issue, as a matter of priority, an invitation for the Special Rapporteurs on torture, human trafficking, migrants, and for the Independent Expert on the minority issues	Belarus	Supported ²⁵
Roma		
94.73. Stop and redress the violation of Roma children's rights to education and freedom from discrimination in policy, law and practice to ensure that anti-discrimination policies can be effectively implemented in practice	Iran	Supported ²⁶
94.106. Promote the integration of Roma children in the educational system under the same conditions as the other children	Spain	Supported
94.109. Reinforce its programmes to include Roma girls in the	Bangladesh	Supported

²³ **Addendum:** "13. The Czech Republic has been combating all forms of racism based on government strategies for a long time.11 Czech authorities investigate and prosecute racially motivated criminal offences; offenders receive strict penalties. On their part, victims are paid appropriate attention during the prosecution process. Extremist organisations, including political parties, face the threat of disbandment, as evidenced by the case of the Workers' Party in 2010.12 The Czech Republic will continue to improve measures in this area, including prevention, training for public authorities, monitoring, and public education; all actions will be co-ordinated based on comprehensive strategies (94.48-72)."

²⁴ **Addendum:** "16. Registered partnership for persons of the same sex has been codified in the Czech law since 2006 and in many respects has the same status as marriage. The Czech Republic will continue to pay appropriate attention to the rights of sexual minorities and fight against discrimination based on sexual orientation (94.74-75).

²⁵ **Addendum:** "14. Since 2000, all Special Procedures of the Human Rights Council have been extended a standing invitation to visit the Czech Republic, and Czech authorities are prepared to cooperate fully with them in the fulfilment of their missions. Moreover, the Czech Republic has mechanisms for the independent processing of complaints concerning suspicions of torture and inhuman or degrading treatment or punishment, all considered a criminal offence under the Czech law. Criminal offences committed by law enforcement authorities are investigated by the General Inspection of Security Forces¹³, a recently established institution that oversees the objectivity of the investigation process. Furthermore, the treatment of detained persons is monitored by the ombudsman.¹⁴ The victims of criminal offences that fall into this category have the right to claim compensation before courts similarly as the victims of other criminal offences (94.41)."

²⁶ **Addendum:** "15. Inclusive education for Roma children was discussed both in the National Report¹⁵ and during the interactive dialogue¹⁶. The Czech Republic plans to monitor the number of Roma students who receive education outside mainstream educational facilities. The Czech School Inspectorate will monitor pedagogical and psychological counselling, and diagnostic instruments will be reviewed to ensure that the diagnostic methodology is neutral from the cultural viewpoint. Students suffering from a medical handicap or social disadvantage will no longer be placed in classes for students with a low degree of mental retardation, not even for temporary diagnostic purposes. Non-governmental organizations will take part in inclusive education. The issue of equal opportunities will be one of the central topics of new education development strategies (94.73, 95-115)."

mainstream education		
Right to education		
94.115. Continue its efforts to provide minority and migrant boys and girls the best possible access to the general education that benefits all citizens of the country	Paraguay	Supported
Trafficking in persons		
94.83. Continue efforts to eliminate human trafficking and promote the protection of victims	Costa Rica	Supported ²⁷
94.84. Ensure that all victims of trafficking regardless of their migration status have access to and benefit from programmes that provide support, rehabilitation and assistance	Mexico	Supported
94.86. Provide capacity-building to law enforcement officials on the identification of child victims of commercial sexual exploitation and on measures to protect children from commercial sexual exploitation	Lichtenstein	Supported

II. Treaty Bodies

Human Rights Committee

Concluding Observations, (22 August 2013 2014), [CCPR/C/CZE/CO/3](#)

Combating discrimination against the Roma people

8. The Committee is concerned that, despite the State party's efforts to combat extremism and the existing legal framework against incitement to racial hatred, an Anti-Roma climate remains prevalent among the Czech population. The Committee is also concerned about the use of discriminatory remarks against the Roma by politicians and in the media and at the extremist demonstrations, marches and attacks directed against members of the Roma community (arts. 2, 19, 20 and 27).

The State party should redouble its efforts to combat all forms of intolerance against the Roma, by, *inter alia*:

- (a) Establishing clear benchmarks and allocating sufficient resources to awareness-raising campaigns against racism that promote the respect for human rights and tolerance for diversity, in schools among the youth but also throughout the media and in the political arena;**
- (b) Actively engaging in nurturing respect for the Roma culture and history through symbolic acts, such as removing the pig farm located on a World War II Roma concentration camp in Lety;**

²⁷ *Addendum*: “9. The combating of human trafficking continues to be a priority for the Czech Republic.⁷ The Czech Republic will focus on the correlation between human trafficking and social exclusion, on the protection of victims, including foreign nationals, and on the prosecution of offenders and the organisation of training for public authorities regarding the detection of human trafficking. Soliciting sexual conduct with a minor and child trafficking have been codified in the Czech law as criminal offences since a long time ago. The relevant legal provisions allow prosecuting these criminal offences with regard to any child sexual abuse, including child prostitution, up to the victim's age of 18 years. Moreover, the Czech law contains a definition of child pornography and child abuse for the production of pornography, where both the production and possession of child pornography are criminal offences. All juvenile victims receive special protection and are treated with particular care (94.83-87).”

- (c) Increasing its efforts to ensure that judges, prosecutors and police officials are trained to be able to detect hate and racially motivated crimes;**
- (d) Taking all necessary steps to prevent racist attacks and to ensure that their alleged perpetrators are thoroughly investigated and prosecuted and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.**

Integration of the Roma people

9. While noting the adoption of various programmes to improve the situation of the Roma community, including the Strategy for Combating Social Exclusion 2011-2015 and the 2010 Roma Integration Concept, the Committee recalls its previous recommendation (CCPR/C/CZE/CO/2, para.16) and notes with concern that Roma continue to suffer from discrimination, widespread unemployment, insufficient access to subsidized municipal housing, forced evictions and territorial segregation (arts. 2, 26 and 27).

The State party should establish a consolidated strategy with concrete goals, indicators and adequate budgetary allocations that contains enforceable measures to promote access by Roma to various opportunities and services at regional and municipal levels, including, where appropriate, through temporary special measures particularly designed to improve the availability of social housing and jobs. The State party should frequently monitor the implementation of the strategy at all levels and take additional steps to increase the representation of Roma in civil service and public life.

Education of Roma children

10. The Committee recalls its previous recommendation (CCPR/C/CZE/CO/2, para.17) and reiterates its concern that Roma children continue to be overrepresented in schools for pupils with mild mental disabilities or "practical elementary schools". The Committee is further concerned at the continuing reports of placement of Roma children in Roma-only classes or classes with a limited curriculum in mainstream schools. (arts. 26 and 27).

The State party should take immediate steps to eradicate the segregation of Roma children in its education system, by ensuring that the placement in schools and classes is carried out according to clear and objective criteria that are not adversely influenced by the child's ethnic group or socially disadvantaged condition. Furthermore, the State party should take concrete steps to ensure that decisions for the placement of all children, including Roma children, in special needs classes may not be made without an independent, culturally-sensitive medical evaluation nor based solely on the capacity of the child.

Forced sterilization

11. While welcoming the adoption of the Law on specific healthcare services, in force since 2012, defining the requirement of free, prior and informed consent with regard to sterilizations, the Committee remains concerned that no broad compensation mechanism has been established for victims who were forcibly sterilized and that only three victims have received compensation to date. Moreover, the Committee notes with concern that all the criminal proceedings initiated against alleged perpetrators of forced sterilization were discontinued or statute - barred (arts. 2, 3, 7 and 26).

The State party should:

- (a) Consider establishing a compensation mechanism for victims that were forcibly sterilized in the past and whose claims have lapsed;**

- (b) Ensure free legal assistance and advice to victims that were forcibly sterilised, so that they could consider lodging claims before the courts;**
- (c) Initiate criminal proceedings against possible perpetrators of coercive sterilization;**
- (d) Monitor the implementation of the Law on specific healthcare services to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women, who seek sterilization at health facilities.**

Human trafficking

16. While noting the various programmes implemented by the State party to combat trafficking in human beings and to support victims through the Programme of Support and Protection of Victims of Human Trafficking, the Committee is concerned at the persistence in the State party of this phenomenon (art. 8).

The State party should:

- (a) Continue its efforts to raise awareness and to combat trafficking in persons, including at the regional level and in cooperation with neighbouring countries;**
- (b) Compile statistical data on the victims of trafficking, which should be disaggregated by gender, age, ethnicity and country of origin, with a view to address the root causes of this phenomenon and assess the efficiency of the programmes and strategies that are presently carried out;**
- (c) Ensure that all individuals responsible for trafficking in persons are prosecuted and punished commensurate with the crimes committed.**

Detention of foreign minors

17. The Committee recalls its previous concluding observations (CCPR/C/CZE/CO/2, para. 15) and notes with concern that foreign minors awaiting deportation could be detained for up to 90 days in detention centres. The Committee is further concerned that foreigners may be detained for grounds that are not narrowly defined, such as failure to observe their duties during their stay, and that consideration of existing alternatives to administrative detention does not seem to be applied systematically. Finally, the Committee notes that, according to the Asylum Act, asylum-seekers may be placed in reception centres for up to 120 days, sometimes in inadequate facilities, such as in the Prague Vaclav Havel airport (arts. 9, 10, 13 and 24).

The State party should:

- (a) Reduce the maximum legal period of detention for minor foreign awaiting deportation and, in any event, ensure that detention of children is permitted only as a measure of last resort and for the shortest appropriate period;**
- (b) Take measures to ensure that the detention of foreigners is always justified as reasonable, necessary and proportionate in light of their individual circumstances, that detention should be resorted to for the shortest appropriate period and only if the existing alternatives to administrative detention have been duly considered and were deemed not appropriate;**
- (c) Ensure that the holding of asylum-seekers in reception centres is applied only as a measure of last resort for the shortest appropriate period, after due consideration of less invasive means.**
- (d) Ensure that the physical conditions in all immigration detention and reception centres are in conformity with international standards.**

Committee on Economic, Social and Cultural Rights

Concluding Observations, (23 June 2014), [E/C.12/CZE/CO/2](#)

Non-discrimination

8. The Committee notes with concern that, while the Charter on Fundamental Rights and Freedoms prohibits discrimination on a broad range of grounds, the implementing law, the Anti-Discrimination Act 198/2009 Coll. of 23 April 2008, is more restrictive. The Committee is also concerned about the low number of cases of discrimination reported, which may be a consequence of this discrepancy (art. 2, para. 2).

The Committee recommends that the State party amend the Anti-Discrimination Act with a view to:

- (a) Expanding the grounds of discrimination explicitly prohibited by the Act, in line with article 2, paragraph 2, of the Covenant, and taking into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights;**
- (b) Incorporating the Covenant rights not currently covered by the Anti-Discrimination Act, such as the right to strike or the right to enjoy the benefits of scientific progress and its applications;**
- (c) Providing for other remedies to victims of discrimination, such as administrative remedies, which are accessible, affordable, timely and effective.**

The Committee also recommends that the State party increase public awareness of the prohibition of discrimination and of avenues of redress.

Discrimination against Roma

9. The Committee is concerned that the Roma continue to experience widespread discrimination in the areas of employment, education, health and housing, among others, despite the numerous plans and strategies implemented by the State party. The Committee also regrets that lack of reliable information on the situation of Roma communities in the State party. Moreover, the Committee is concerned at the findings of a survey conducted by the Institute of Sociology of the Academy of Sciences that the co-existence between the Roma and non-Roma population is perceived by most respondents as "bad" (art. 2, para. 2).

The Committee recommends that the State party adopt a human rights-based approach in addressing discrimination against the Roma, including by:

- (a) Collecting information on the situation of the Roma, on the basis of self-identification;**
- (b) Clearly defining responsibilities and allocating adequate resources, including from the public budget, for the implementation of action plans and strategies, and assessing, on a regular basis, the effectiveness of measures taken;**
- (c) Replicating successful inclusion initiatives in other parts of the country;**
- (d) Taking steps to address Roma mistrust of public institutions, including by raising awareness of their economic, social and cultural rights and by involving Roma representatives in the formulation of solutions;**
- (e) Addressing negative prejudices and stereotypes, which are among the underlying causes of the systemic discrimination experienced by the Roma, and racial discrimination in areas such as employment and housing.**

Discrimination against migrants

10. While noting the measures taken by the State party to combat racially motivated crimes and extremism, the Committee is concerned at discrimination-based offences committed against migrants in several areas, in particular:

- (a) Employment, where they are often refused a written contract and are paid below the minimum wage;
- (b) Exercise of their trade union rights, where they have reportedly not been able to demand the protection of their economic and social interests;
- (c) Housing, where owners are reluctant to rent apartments to migrants, who are also often charged rents above market prices for substandard housing (art. 2, para. 2).

The Committee recommends that the State party:

- (a) Raise awareness of the illegal nature of all acts of discrimination and of remedies available to migrants who are victims of discrimination;**
- (b) Take effective measures to enforce its anti-discrimination legislation in employment, including by monitoring working conditions in sectors where migrants are vulnerable to violation of their labour rights;**
- (c) Take steps to ensure that migrant workers can effectively exercise their right to participate in trade union activities and to obtain trade union protection in case of abuse and violation of their rights;**
- (d) Investigate allegations of any form of discrimination regarding access to housing, including rent levels and housing conditions.**

Health insurance for migrants

15. The Committee is concerned that migrants who do not hold a permanent residence permit, including dependents of migrants with permanent residence status, are not eligible to participate in the State party's contributory health insurance scheme. The Committee is further concerned at reports that migrants have been refused enrolment in private health insurance schemes or asked to pay prohibitive premiums, in contravention of the provisions of the Covenant and the State party's Anti-Discrimination Act (art. 9).

The Committee recommends that the State party open its contributory health insurance scheme to everyone without discrimination. The Committee also urges the State party to ensure that private insurance providers do not deny access to schemes operated by them nor impose unreasonable eligibility conditions, with a view to ensuring the right to equal, adequate, affordable and accessible health care to all. The Committee recommends that the State party investigate complaints of violations of the right to health insurance and impose penalties where appropriate.

Education for Roma children

20. The Committee is deeply concerned that Roma pupils are still disproportionately placed in "practical schools", despite the issuance of the Methodological Recommendation for Ensuring Equal Opportunities in Education of Socially Disadvantaged Children. The Committee is also concerned at the high drop-out rates of Roma students at the various levels of education (arts. 13 and 2, para. 2).

The Committee urges the State party to take steps to:

- (a) Abolish procedures that lead to the segregation of Roma pupils;**

- (b) **Immediately discontinue the practice of placement, including temporary diagnostic stays, of pupils without disabilities in practical schools and the transfer of Roma pupils with inconclusive diagnoses from practical schools to mainstream schools;**
- (c) **Phase out practical schools, as provided for in the National Action Plan for Inclusive Education;**
- (d) **Provide support to mainstream schools for the education of socially disadvantaged pupils and Roma pupils from practical schools, and promote their retention in school, including by recruiting school personnel from among Roma communities.**

The Committee recommends that the State party allocate an adequate budget, define clear responsibilities and a timeline, and secure the participation of Roma parents, associations and local communities in the implementation of these activities.

Committee on the Elimination of Racial Discrimination

Concluding Observations, (25 September 2015), [CERD/C/CZE/CO/10-11](#)

Racial hatred, racist hate speeches and racially motivated violence

13. The Committee is concerned at the continuing racial hatred and racially motivated violence against Roma. The Committee is particularly concerned at:

- (a) The spreading of prejudice and stereotypes about refugees and asylumseekers among the general public, particularly young people, through websites and social media as well as increased attacks via emails or on social networks on people who are defending the rights of foreign nationals, including NGO activists;
- (b) The increase in expression of Islamophobia in the State party by anti-Muslim groups such as “Islám v České republice nechceme!” (“No to Islam in the Czech Republic!”), which is openly supported by some politicians, including Members of Parliament, as well as increased racially motivated violence against Muslim communities; and
- (c) The media’s excessive highlighting of ethnic origin and the nationality of non-citizens in their reporting of criminal offences. (arts. 2, 4, 6 and 7).

14. **In light of its General Recommendation No. 35 on Combating racist hate speech (2013), the Committee recommends that the State party:**

- (a) **Firmly condemn hate speech by public officials and politicians, effectively investigate racist hate speech and racially motivated violence and prosecute perpetrators, where appropriate;**
- (b) **Carry out awareness raising of the public on respect for diversity and elimination of racial discrimination; and**
- (c) **Adopt appropriate legislation for the media in line with international standards to promote informed, ethical and objective media and to encourage the public and private media to adopt codes of professional ethics and/or press codes that incorporate respect for the principles of the Convention and human rights standards.**

Trafficking in human beings

23. The Committee regrets the lack of information on the current situation concerning trafficking, including regarding the number of victims identified and of perpetrators convicted in recent years, as well as the lack of updated information on the implementation of measures undertaken, including the National Strategy for Combating Trafficking in Human Beings 2012-2015 (arts. 2 and 5).

24. **The Committee recommends that the State party step up its efforts to combat trafficking in persons and to improve data collection on human trafficking, including statistics on the victims of trafficking, disaggregated by gender, age, ethnicity and country of origin and provide information on court cases and remedies provided to the victims in its next periodic report.**

Refugees and asylum-seekers

25. The Committee is concerned that asylum-seekers, including unaccompanied minors and families with children, are detained upon their arrival in the State party for an extensive period of time under poor living conditions and that the alternative arrangements to detention are not applied, despite being provided in legislation. It is also concerned that the State party continues to issue expulsion orders to asylum-seekers arriving with invalid travel documentation prior to registering their asylum application (arts. 2 and 5).

26. **The Committee recommends that the State party duly consider alternatives to detention of asylum-seekers and use detention as a last resort and for the shortest appropriate period, avoid detention of asylum-seekers under 18 years of age, ensure the conditions of all immigration detention and reception centres to be in conformity with international standards, and end the practice of issuing expulsion orders prior to registering asylum applications.**

The stateless

27. The Committee is concerned that children born to stateless parents and children born to a foreign mother and a Czech father out of wedlock are at high risk of being stateless and that there is a lack of information on the status of the stateless in the State party (art. 5).

28. **The Committee recommends that the State party take all necessary measures to ensure that stateless children born in the Czech Republic obtain citizenship of the State party and collect data on the stateless in the State party.**

Concluding Observations, (14 September 2011), [CERD/C/CZE/CO/8-9](#)

11. The Committee remains 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 (arts. 2 and 5).

The Committee recommends that the State party take effective measures to ensure that the principle of self-governance and devolution of powers does not impede implementation of its international human rights obligations of promoting rights of groups vulnerable to racial discrimination, particularly their economic, social and cultural rights.

12. The Committee expresses its concern regarding the persistent segregation of Romani children in education as confirmed by the decision of the European Court of Human Rights of 2007 and the 2010 report of the Czech School Inspection Authority. The Committee is concerned with reports that the practice of linking social disadvantage and ethnicity with

disability for the purposes of school-class allocation has continued, not removed by recent regulations. Furthermore, some amendments to regulatory decrees which take effect in September 2011 may reinforce discrimination against Romani children in education and that practical changes which will benefit Romani children under the Government National Action Plan for Inclusive Education are only envisaged from 2014 onwards (arts. 3 and 5).

In line with its previous concluding observations and general recommendation No. 27 (2000) on discrimination against Roma, the Committee urges the State party to eliminate any discrimination or racial harassment of Romani students and prevent and avoid the segregation of Romani students, while keeping open the possibility for bilingual or mother-tongue tuition.

The Committee recommends that the State party take concrete steps to ensure effective de-segregation of Romani children and students and to ensure that they are not deprived of their rights to education of any type or at any level. The Committee also recommends that the State party undertake full consultation with Roma stakeholders with regard to education and in order to promote awareness of Roma rights and enhance their capacities to address the discrimination they experience including in education and by school authorities.

13. The Committee is concerned by the results of a study conducted by the European Roma Rights Centre and a group of non-governmental organizations which show that, in 22 childcare institutions in the five regions of the State party included in the study, 40.6 per cent of children were Roma. While acknowledging the overarching need for adequate protection of children, the Committee is conscious that the overrepresentation of Romani children in State care institutions may reveal a disregard of Roma rights (arts. 2 and 5).

The Committee recommends that the State party include in its overall strategy the issue of overrepresentation of Romani children in State care institutions by addressing the root causes of this phenomenon, including poverty of Roma parents and limited resources of child protection authorities. The Committee also recommends that the State party organize further training and education for associated professionals and personnel on Roma rights.

14. Despite the State party's efforts, the Committee is concerned by the existence of socially excluded localities populated by Roma and persistent discrimination against Roma regarding access to adequate housing and employment (arts. 3 and 5).

The Committee recommends that the State party develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing and take special measures to promote the employment of Roma in the public administration and institutions, as well as in private companies. The Committee thus recommends that the State party strengthen its strategy and plans in these areas and allocate sufficient resources to the Agency for Social Inclusion of Roma Communities.

20. The Committee is concerned by reports of exploitation of migrant workers and ill-treatment of foreigners – mainly asylum-seekers – in detention centres. The Committee also notes the absence of information on their access to citizenship (art. 5).

The Committee calls on the State party to include in the next periodic report information on the situation of non-citizens, particularly their work conditions, and on

the situation of foreigners in detention centres. The Committee welcomes the legislation under preparation regarding access to citizenship in line with the Convention and requests the State party to provide it with updated information on its adoption and implementation.

Committee on the Elimination of Discrimination against Women

Concluding Observations, (14 March 2016), [CEDAW/C/CZE/CO/6](#)

Violence against women

18. The Committee notes the steps taken by the State party towards ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). It remains concerned, however, at the risk of further delays in the ratification process. The Committee is also concerned about:

- (a) Reports that capacity-building programmes on gender-based violence, including domestic violence, for the police and for professionals working with victims of such violence do not reflect gender sensitivity;
- (b) The inadequate funding system for victim services;
- (c) The heavy dependence of such services on regional co-funding, which has a negative effect on their long-term stability and sustainability.

19. The Committee recommends that the State party take measures to accelerate the process of ratification of the Istanbul Convention. In accordance with its general recommendation No. 19 (1992) on violence against women, the Committee urges the State party to intensify its efforts to prevent and prosecute acts of domestic and sexual violence and assist women who are victims of such violence. In that regard, the State party should:

- (a) Undertake regular and systematic training of the police, security personnel and the judiciary to ensure that they carry out their functions with gender sensitivity;**
- (b) Ensure transparent evaluations of its capacity-building programmes on gender-based violence, including domestic violence, to ensure that they are fully in line with the Convention;**
- (c) Increase the allocation of human, technical and financial resources for the provision of specialist services for victims of gender-based violence in a long-term, sustainable manner;**
- (d) Ensure that resources for its victim support services are allocated adequately and sustainably and progressively fund such services through the regular budget of the State party instead of external funding sources.**

Trafficking and exploitation of prostitution

20. The Committee notes as positive that the State party has begun consideration of draft legislation on regulating prostitution, but notes with concern: (a) The low number of prosecutions and convictions of perpetrators of trafficking in women and girls; (b) The vulnerability of Roma and migrant women and girls to becoming victims of trafficking for purposes of sexual exploitation and forced labour; (c) The inadequacy of long-term support for victims of forced prostitution and the lack of exit programmes for women wishing to leave prostitution; (d) The absence of specific measures for the implementation of the European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality.

21. The Committee calls upon the State party to combat trafficking in women and girls, including at the regional level and in cooperation with neighbouring countries. In that regard, the State party should:

(a) Ensure that perpetrators of offences relating to trafficking in women and girls, especially for purposes of forced prostitution and forced labour, are prosecuted and adequately punished; compile statistical data on victims of CEDAW/C/CZE/CO/6 6/12 16-03705 trafficking disaggregated by gender, age, ethnicity and country of origin; and assess the efficiency of the programmes and strategies that have been implemented;

(b) Adopt preventive measures specifically targeted at Roma and migrant women and girls and provide free legal aid to victims of trafficking;

(c) Allocate sufficient human, technical and financial resources to ensure the provision of adequate medical, psychosocial and legal support, as well as rehabilitation and reintegration programmes for women wishing to leave prostitution, and extend those measures to victims of forced prostitution;

(d) Develop policies in accordance with the European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality.

Social exclusion of disadvantaged groups of women

36. The Committee notes the establishment of a grant programme to provide support to civil society actors working on discrimination against women, including disadvantaged women. The Committee nevertheless reiterates its concern about the marginalized situation of some disadvantaged groups of women, in particular Roma women, migrant women and women with disabilities, who face intersecting forms of discrimination in all areas of political, economic and social life, including participation in decision-making, education, employment and health.

37. The Committee reiterates its recommendation that the State party gather disaggregated data on the situation of women facing intersecting forms of discrimination, such as Roma women, migrant women and women with disabilities; take effective measures to eliminate such discrimination; put in place specific targets, indicators, implementation time frames, monitoring mechanisms and sanctions; and allocate adequate resources to achieve such measures in order to accelerate the realization of the substantive equality of such disadvantaged groups of women, in particular in the areas of political and public life, education, employment and health.

Asylum-seeking, refugee or irregular migrant women

38. The Committee notes with concern that the State party's measures to address the recent increases in the number of asylum seekers, refugees and irregular migrants have not been in compliance with international humanitarian and human rights law. The Committee is particularly concerned that many asylum-seeking, refugee or irregular migrant women, including pregnant women, nursing mothers and mothers with children, are deprived of their liberty in immigration detention in the State party.

39. The Committee urges the State party to respect the fundamental rights of migrants, asylum seekers and refugees, recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. The Committee urges the State party to immediately cease the detention of asylum-seeking, refugee or irregular migrant women and their children and to

implement less coercive alternative measures. The Committee recommends that the State party adopt an inclusive and non-selective approach in upholding the principle of non-refoulement and that it take a gender-sensitive approach to the ongoing refugee inflows and to asylum claims, including in procedural matters, in line with the rights covered in the Convention and the Committee's general recommendation No. 32.

Committee against Torture

Concluding Observations, (13 July 2012), [CAT/C/CZE/CO/4-5](#)

Treatment of the Roma minority

11. The Committee is seriously concerned about 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. The Committee is also concerned about the lack of prompt, impartial and effective investigations and prosecutions regarding such incidents (arts. 2, 12, 13 and 16).

The State party should:

(a) **Ensure the protection of Roma citizens and their property through enhanced monitoring and preventive measures. All acts of anti-Roma violence and discrimination should be thoroughly and effectively investigated, the perpetrators brought to justice and redress and compensation provided to the victims. Law enforcement officials should receive training on combating crimes against minorities and members of the Roma community should be recruited into the police force. The Committee recommends that statistics be compiled regarding crimes with an extremist overtone, and on the outcomes of investigations, prosecutions and remedial measures taken in relation to such crimes;**

(b) **Publicly condemn verbal and physical attacks against Roma, prohibit and prevent the advocacy of hate speech and organize awareness-raising and information campaigns promoting tolerance and respect for diversity. The Act on Equal Treatment and Legal Means of Protection against Discrimination (the Anti-discrimination Act) should be translated into the Roma language.**

12. The Committee is concerned about reports of sterilization of Roma women without free and informed consent, the destruction of medical records on involuntary sterilizations and the difficulties of victims to obtain redress. (arts. 2, 14 and 16)

The Committee recommends that the State party investigate promptly, impartially and effectively all allegations of involuntary sterilization of Roma women, extend the time limit for filing complaints, prosecute and punish the perpetrators and provide victims with fair and adequate redress. Medical personnel conducting sterilizations without free, full and informed consent could be held criminally liable and medical records concerning possible involuntary sterilization should not be destroyed within the time frame prescribed by law. Medical personnel should be trained on appropriate means of how to obtain free and informed consent from women undergoing sterilization and all written materials relating to sterilization should be translated into the Roma language.

Roma children

14. The Committee is 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 (arts. 2, 10, 12, 13 and 16).

In light of its general comment No. 2 (2007) on implementation of article 2 by States parties, the Committee recalls 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. In this respect, the State party should ensure that Roma children are admitted to mainstream education, unless a proper assessment concludes that the child has a mental disability and that the child's legal guardian has requested placement in a special school. Standardized testing should be adapted to the social, cultural and linguistic specificities of minorities and educators and school personnel should receive training in principles of non-discrimination.

Trafficking in persons

16. The Committee is concerned that not all victims of trafficking receive sufficient protection, access to health care and counselling, shelters and redress, including compensation and rehabilitation since only the victims of trafficking who cooperate with the authorities benefit from a special regime (arts. 10, 12, 13, 14 and 16).

The Committee recommends that the State party enhance the investigation of all types of trafficking, prosecute the perpetrators and provide all victims of trafficking, including those trafficked for sexual and labour exploitation, with equal protection, access to health care and counselling, shelters and redress, including compensation and rehabilitation. Efforts should be made to raise awareness of and train law enforcement personnel, judges and prosecutors in measures to combat trafficking in persons and to improve the identification of victims of trafficking.

Detention of asylum seekers and other non-citizens

17. The Committee is concerned about the continuous practice of detention of asylum seekers, including families with children and minors accompanied by a legal guardian; the restrictions on 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 (arts. 3 and 11).

The Committee recommends that the State party implement alternatives to detention of asylum seekers, including unconditional release, in particular of families with children and asylum seeking adults who are responsible for children; that asylum seekers enjoy freedom of movement in closed reception centres, with adequate reception conditions; that the State party review the duration of restrictions on freedom of movement of asylum seekers in closed reception centres and that it review the regime and material conditions in centres for foreign nationals awaiting deportation in order to ensure that they are in conformity with the principle of non-refoulement set out in article 3 of the Convention and in the 1951 Convention on the Status of Refugees

Stateless persons

19. While noting that the State party has ratified the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, The

Committee is concerned about the particularly vulnerable situation of stateless persons, in particular persons without valid documents and permanent residence in the State party; about the absence of a definition of statelessness, of a central database of stateless persons and of a legal framework, and of a procedure or mechanisms to determine their status; and about the possible discrimination between different categories of stateless persons under the new Citizenship Act (arts. 3 and 16).

The Committee recommends that the State party introduce the definition of statelessness in its legislation, establish procedures and mechanisms for the determination of the status of statelessness and create a central database on stateless persons in its territory. In order to avoid discrimination among different categories of stateless persons, the State party should review the provisions in the draft Citizenship Act relating to acquisition of nationality by children who would otherwise be stateless or who are born out of wedlock to foreign stateless mothers. In addition, the Committee recommends that stateless persons be provided with identification documents.

Data collection

23. The Committee regrets the absence of comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions of cases of torture and ill treatment by law enforcement, security, and prison personnel, including in relation to involuntary sterilization, surgical castration, involuntary treatment and placement in social institutions, including the use of restraints, and violent attacks against ethnic minorities, in particular Roma, trafficking and domestic and sexual violence.

The State party should compile statistical data relevant to the monitoring of the implementation of the Convention at the national level, in such areas as data on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment, in relation to involuntary sterilization, surgical castration, involuntary treatment and placement in social institutions, the use of restraints, and violent attacks against ethnic minorities, in particular Roma, trafficking and domestic and sexual violence, as well as on means of redress, including compensation and rehabilitation, provided to the victims.