



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/CZE/CO/2
9 August 2007

Original: ENGLISH

**Human Rights Committee
Ninetieth session
Geneva, 9 to 27 July 2007**

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

Concluding observations of the Human Rights Committee

Czech Republic

1. The Committee considered the second periodic report submitted by the Czech Republic (CCPR/C/CZE/2) at its 2464th and 2465th meetings (CCPR/C/SR.2464 and 2465), held on 16 and 17 July 2007, and adopted at its 2478th meeting (CCPR/C/SR.2480), held on 25 July 2007, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report, which contains detailed legal and factual information and helpfully makes reference to previous concluding observations. It also welcomes the written responses to the list of issues, which facilitated the dialogue with the Committee. The Committee appreciates the attendance of a delegation composed of experts in various fields relevant to the Covenant, and the seriousness of its oral and written replies.

B. Positive aspects

3. The Committee notes that the Czech Republic, in 2006, acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which should ensure better observance of article 7 of the Covenant.

4. The Committee welcomes the amendment to the Constitution adopted in 2002 by which primacy was accorded to all international treaties approved by the Parliament.
5. The Committee notes the progress made in combating domestic violence, including through the adoption of Act No. 91/2004, which criminalizes “cruelty to a person living in a shared dwelling”, and Act No. 135/2006, which introduced a new institution to protect victims.
6. The Committee welcomes the adoption of regulations on police cells, issued by the Police President under No. 42/2007.

C. Principal subjects of concern and recommendations

7. The Committee expresses its concern at the State party’s restrictive interpretation of, and failure to fulfil its obligations under the Optional Protocol to the Covenant and the Covenant itself. The State party has advanced difficulties in implementing the Committee’s Views, including in numerous cases, under Act No. 87/91 of 1991, concerning the restitution of property or compensation to persons who were forced to flee from the State party and adopted the nationality of the country of refuge. The Committee recalls that, by acceding to the Optional Protocol, the State party recognized the Committee’s competence to receive and examine complaints from individuals under the State party’s jurisdiction.

The Committee urges the State party to implement all of its Views, including those under Act No. 87/91 of 1991, in order to restore the property of persons concerned, or otherwise compensate them.

8. The Committee is concerned about allegations, albeit unsubstantiated, that Czech airports have been used as transit points for rendition flights of persons to countries where they risk being subjected to torture or ill-treatment, and notes that the State party denies knowledge of such incidents. (arts. 2, 7 and 14)

The State party should investigate allegations related to incidents of transit through Czech airports of such flights and establish an inspection system to ensure that its airports are not used for such purposes.

9. The Committee regrets the persistent reports of 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 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.**

10. The Committee notes with concern that Roma and other women have been subjected to sterilization without their consent, and that the relevant recommendations of the Ombudsman's report of 2005 have not been implemented. In particular, the Committee regrets the latitude given to doctors in this regard, and the fact that no criminal proceedings have been initiated against perpetrators. The Committee is also concerned that no compensation mechanism has been established and that victims have not received any compensation. (arts. 2, 3, 7 and 26)

The State party should:

- a) Implement the recommendations of the Ombudsman's report of 2005;**
- b) Provide mandatory training on patients' human rights to medical professionals and social workers;**
- c) Grant compensation and provide assistance to victims, including legal assistance to those who intend lodging a claim before the courts;**
- d) Initiate criminal proceedings against alleged perpetrators;**
- e) Ensure fully informed consent in all proposed cases of sterilization and take the necessary measures to prevent involuntary or coercive sterilization in the future, including written consent forms printed in the Roma language, and explanation of the nature of the proposed medical procedure by a person competent in the patient's language.**

11. The Committee notes with concern that no significant progress has been made with respect to the low participation of women in political life. The Committee recalls that general awareness of women's rights is not sufficient to guarantee the equal rights of men and women under the Covenant. (arts. 3, 25 and 26)

The State party should take firm, positive and coordinated measures under articles 3 and 26 to increase the participation of women in the public sector.

12. While the Committee acknowledges the efforts of the State party to address and combat the trafficking and commercial sexual exploitation of women and children, the Committee remains concerned about this phenomenon and the lack of a coordinated system of response. (arts. 3, 8, 24 and 26)

The State party should continue to reinforce its measures to combat trafficking and commercial sexual exploitation of women and children, by establishing a coordinated system of response, and by prosecuting and punishing perpetrators. Prevention and rehabilitation programmes for the victims should also be established.

13. The Committee expresses concern about the persistence of the use of enclosed restraint beds (cages/net beds) as a means to restrain psychiatric patients, and the State party's expressed intention not to discontinue the use of net beds entirely. The Committee recalls that this practice is considered an inhuman and degrading treatment of patients confined in psychiatric and related institutions. (arts. 7, 9 and 10)

The State party should take firm measures to abolish completely the use of enclosed restraint beds in psychiatric and related institutions. It should establish inspection systems which take into account the United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care. The State party should ensure that the dignity and human rights of every patient confined in psychiatric and related institutions is respected.

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.

15. The Committee notes with concern that, according to Section 125 of the Foreigners Act, a foreigner awaiting deportation who is under the age of 18 may be detained for up to 90 days. (arts. 10 and 24)

The State party should reduce the period of detention for foreigners awaiting deportation who are under the age of 18, bearing in mind its obligation under article 24 of the Covenant to take measures for the protection of children without discrimination.

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.**

17. While acknowledging the elimination of the category of “special schools”, the Committee remains concerned that a disproportionately large number of Roma children attend classes with distinct curricula, which appears to lack sensitivity for the cultural identity of, and specific difficulties faced by, Roma children. The Committee is also concerned at reports that a disproportionately high number of Roma children are removed from their families and placed in social care institutions. (arts. 24, 26 and 27)

The State party should carry out an assessment of the specific educational needs of the Roma, taking account of their cultural identity, and develop programs aimed at ending the segregation of Roma in schools. The State party should further ensure that Roma children are not deprived of their right to family life.

18. The Committee is concerned about reports that non-citizens living in the State party suffer from discrimination, face a wide range of difficulties with regard to their integration into Czech society, and frequently lack information about their rights. (art. 26)

The State party should establish mechanisms to remove obstacles to the practical enjoyment of the rights guaranteed by the Covenant to non-citizens living in the Czech Republic. It should take effective measures to promote equality of non-citizens and citizens under the Covenant, including by providing non-citizens with information, in a language that they understand, on the rights and services which they are entitled to enjoy.

19. The Committee regrets that the State party lacks a framework and programme to promote knowledge of the Covenant and the Optional Protocol among its population. (art.2)

The State party should consider adopting a comprehensive plan of action for human rights education including elements, of training activities for public officials, teachers, judges, lawyers and police officers on the rights protected under the Covenant and the Optional Protocol.

20. The Committee sets 1 August 2011 as the date for the submission of the third periodic report of the Czech Republic. It requests that the State party’s second periodic report and the present concluding observations be disseminated to the general public as well as to the judicial,

legislative and administrative authorities. Hard copies of those documents should be distributed to universities, public libraries, the Parliamentary library, and all other relevant places. It also requests that the third periodic report and these concluding observations be distributed to civil society and to non-governmental organizations operating in the country. It would be desirable to distribute a summary of the report and the concluding observations to the Roma community, in the Roma language.

21. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should submit within one year information on the follow-up given to the Committee's recommendations in paragraphs 9, 14 and 16 above. The Committee requests the State party to include in its next periodic report information on its remaining recommendations and on the implementation of the Covenant as a whole.
