



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Excerpts of Concluding Observations and Recommendations from UN Treaty Monitoring Bodies

Universal Periodic Review:

CZECH REPUBLIC

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations and the Human Rights Council's Special Procedure Reports, relating to issues of interest and persons of concern to UNHCR with regards to the Czech Republic.

1. Treaty Body Reports

CERD/C/CZE/CO/8-9

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, 79th Session

2 September 2011

15. While welcoming the decision of the Supreme Court to dissolve the Workers Party for its advocacy of neo-Nazi ideology and expressions of opposition to immigrants and minorities, the Committee regrets that article 4 (b) of the Convention is not adequately covered by the State party's legislation as it refers to persons only but does not prohibit organizations and other propaganda activities inciting racial discrimination (art. 4).

The Committee recommends that the State party include prohibition of racist propaganda, organizations and activities in its legislation and recognize participation in such organizations or activities as an offence punishable by law. In view of its General Recommendation No. 7 (1985) on the implementation of article 4 and No. 15 (1993) on article 4 of the Convention, the Committee is of the view that article 4 (b) places a burden upon States parties to be vigilant in proceeding against organizations promoting racial discrimination which have to be declared illegal and prohibited.

20. The Committee is concerned by reports of exploitation of migrant workers and reports of 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 as well as 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.

21. The Committee takes note of the information regarding cases of trafficking of human beings mainly affecting Roma and foreign women (art. 5 and 6).

The Committee recommends that the State party adopt a strategy to combat trafficking for both labour market and sexual exploitation, particularly those targeting Romani and foreign women and to include measures taken in this regard as well as results achieved in the next periodic report.

CRC/C/CZE/CO/3-4

COMMITTEE ON THE RIGHTS OF THE CHILD, 57th Session

17 June 2011

Name and nationality

37. The Committee notes the measures undertaken by the State party to guarantee the right of the child to acquire nationality at birth, however, the Committee remains concerned about the situation of stateless minor applicants in the Czech Republic whose applications for nationality have been pending for a prolonged period of time. Furthermore, while noting that articles 740 and 786 of the State party's new draft Civil Code establish the right of the child to deny the paternity of his or her registered father and access his or her adoption file upon obtaining the age of maturity, the Committee is concerned that insufficient measures have been undertaken to ensure that all children have the right to know and be cared for by their parents.

38. The Committee urges the State party to undertake all necessary measures to ensure the expeditious granting of nationality to all children born in its territory. In doing so, the Committee recalls the provisions of the 1961 Convention on the Reduction of Statelessness which state that the outcome of an application for citizenship, legal residence or similar status by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State party where the child would otherwise be stateless. The Committee also urges the State party to undertake all measures necessary for ensuring that all children have the right, from birth and to the greatest extent possible, to know and be cared for by their parents.

Family environment

43. While welcoming the State party's amendment (Act No. 427/2010) to the Act on the Residence of Foreign Nationals (Act No. 326/1999), which facilitates family reunification for foreign nationals who have been granted asylum or subsidiary protection, and while noting as positive the increasing assistance provided to families in vulnerable socio-economic situations since the amendment (Act No 134/2006) to the State party's Act on Social and Legal Protection of Children (Act No 359/1999 Coll.), the Committee remains concerned that the level of socio-economic support to families is low, and that the assistance provided for families in situations of particular vulnerability is insufficient. While acknowledging the efforts made by the State party to ensure the early mother-child bonding by providing long maternity leave of up to four years in duration, the Committee expresses its concern that preparation for parenthood and services provided to families with small children are lacking.

44. **The Committee recommends that the State party undertake measures to ensure that families in vulnerable socio-economic situations are provided with the financial resources and social support necessary so that all parents may realise their primary responsibility for their children in order for all children to enjoy the fulfilment of their rights to the greatest extent possible. The Committee further recommends that the State party provides the necessary services for parents and young children, especially those in deprived circumstances, to avoid developmental delays in children in situations of vulnerability. In doing so, the Committee draws the attention of the State party to the Communication from the European Commission on Early Childhood Education and Care: Providing all our children with the best start for the world of tomorrow (COM (2011) 66).**

Asylum-seeking and refugee children

63. The Committee welcomes the latest amendment to the Act on the Residence of Foreign Nationals (Act No. 326/1999 Coll.), and the improvements it makes to the situation regarding the possible detention of asylum-seeking children. The Committee also welcomes the establishment of a specialized foster facility for providing care to separated children seeking international protection run by the Ministry of Education, However, the Committee remains seriously concerned about the continuing practice of detaining asylum-seekers, including children. While noting the State party's ongoing efforts to improve the situation, the Committee is concerned at the situation of detained asylum-seeking families and guardians with minors at the specialized detention centre in Bela-Jezova which does not meet the required standard for asylum-seeking children's well-being and their best interests.

64. **The Committee reiterates its previous recommendation (CRC/C/15/Add.201) to the State party to avoid any form of detention of asylum-seekers under 18 years of age. The Committee further recommends that the State party consider all possible alternatives, including unconditional release, prior to detention and emphasizes that this should not be limited to unaccompanied or separated minors, but extended to all cases involving children. In doing so, the Committee draws attention to UNHCR's Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers (26 February 1999).**

65. The Committee is deeply concerned that refugees face serious challenges in exercising their right to education in the Czech Republic. While noting that the State Integration Program, as defined by the Asylum Act (No. 325/1999 Coll.) guarantees access to language training to all beneficiaries of international protection, the Committee is concerned that children below the age of 16 are excluded from the language training and that such training for those residing outside state-run refugee facilities has been discontinued. The Committee is further concerned that non-Czech-speaking children are often placed in classes not correspondent with their age, intellectual development or needs. Reiterating the above-mentioned concern on the segregated system of special education, the Committee is also concerned that refugee children are often similarly subject to such segregation. In instances where such placement into special education has occurred, the Committee is concerned that refugee students and their parents were not fully informed of this and its implications.

66. **The Committee recommends that the State party allocate the necessary financial, technical and human resources to provide special language programs for refugee or asylum-seeking children to prepare them for full-time entry into**

the general educational system of the country. In doing so, the Committee further highlights the importance of taking into account the age, educational development and needs of the children concerned. The Committee also recalls the State party's Schools Act No. 561/2004, pursuant to which, schools are required to provide supplementary assistance to refugee children according to the Individual Education Plans, in order to prevent early drop out and meet specific educational needs.

CEDAW/C/CZE/CO/5

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, 47th Session

22 October 2010

Trafficking and exploitation of prostitution

24. The Committee notes the efforts by the State party to combat trafficking in women and girls, especially for purposes of sexual and economic exploitation, including forced labour, through legislative, policy and institutional measures. Such measures include the adoption of a National Strategy to Combat Trafficking in Human Beings for the period 2008-2011, the Programme of Support and Protection of Human Trafficking Victims, and efforts to regulate the criminal responsibility of legal entities for conduct punishable under international treaties on trafficking in human beings. However, the Committee is concerned about gaps in the systematic identification of victims of trafficking, the exclusion from the Support and Protection Programme of victims who are unable or unwilling to cooperate with the prosecution authorities, and the potential negative impact on the timely identification of and assistance to victims of the inclusion of trafficking in the new Criminal Code in the list of crimes which must be reported by everyone, including NGO workers. The Committee is also concerned about the low number of criminal convictions for trafficking in women and girls, as well as about the vulnerability of Roma and migrant women and girls to become victims of trafficking, especially for purposes of forced prostitution and forced labour. It notes with concern that the State party has still not ratified the Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

25. **The Committee recommends that the State party adopt and implement a standardized policy for all relevant governmental bodies to identify victims of trafficking in human beings; provide regular training to officials dealing with trafficked persons on the identification of and assistance to victims and on the referral to the asylum system of those potentially in need of international protection; review the Programme of Support and Protection of Human Trafficking Victims to ensure that victims receive the necessary assistance and protection irrespective of their cooperation with the prosecution authorities; and consider exempting workers of organizations assisting victims of trafficking from the notification duty under the new Criminal Code. It calls on the State party to ensure that perpetrators of crimes related to trafficking, especially for purposes of forced prostitution and forced labour are brought to justice, that sufficient shelters are available for victims of trafficking, and that NGOs working with victims of all forms of trafficking receive adequate funding, including from the**

State party's budget, whenever the task of assisting and catering for the needs of trafficking victims de facto has been delegated to them. The Committee also recommends that the State party design and implement preventive measures specifically targeted at Roma and migrant women and girls, including awareness-raising campaigns on trafficking, forced prostitution and forced labour for those working with Roma communities, and strengthen cooperation with countries of origin and destination. The Committee reiterates its recommendation that the State party consider, as a matter of priority, ratifying the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Committee also recommends that the State party take into account the Recommended Principles on Human Rights and Human Trafficking of the United Nations Office of the High Commissioner for Human Rights (E/2002/68/Add.1) in the design of policies to combat trafficking in human beings, especially women and girls.

Employment

30. The Committee is concerned about the low employment rate of women, horizontal and vertical segregation in the labour market, where women are concentrated in traditionally female dominated employment sectors and in the informal sector and are underrepresented in managerial and decision-making positions, the wide gender wage gap, and the lack of childcare and pre-school facilities for children aged 0 to 6, as well as of flexible work arrangements which would enable women and men to balance work and family life and facilitate their return to the labour market after taking parental leave. The Committee is also concerned about the weak position in the labour market of women facing multiple forms of discrimination such as Roma women and refugee and migrant women, as well as about the limited capacity of the central and regional labour inspection offices to combat sex discrimination.

31. The Committee calls on the State party to intensify its efforts and to adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, aimed at achieving de facto equal opportunities for men and women, including Roma women, in the labour market. It recommends that the State party include concrete policies, targets and indicators in the Government Priorities and Procedures for Promoting Equal Opportunities for Women and Men to reduce horizontal and vertical segregation in the labour market; adopt a long-term strategy and improve cooperation with the local authorities responsible for childcare facilities; remove administrative barriers and introduce incentives for the creation of non-commercial childcare facilities and mini-kindergartens; review the wage structures in female-dominated professions; raise awareness among employers on the importance of flexible work arrangements for women's re-entry into the labour market; reconsider introducing special paternity leave to encourage fathers to participate in childcare; strengthen the capacity of the central and regional labour inspection offices; and provide in its next periodic report information on the number of cases of wage and other forms of gender discrimination detected by labour inspectors. The Committee also recommends that the State party closely monitor the situation of women working in the informal sector.

32. The Committee is concerned that migrant women risk losing their legal status in the State party when going on maternity and parental leave, as their residence permit depends on an ongoing employment contract, which further increases their risk of being exposed to abusive employment practices. It is also concerned that Act No. 326/1999 on the Residence of Foreign Nationals may exclude migrant women without permanent residence or employment, as well as their children, from access to public health insurance and health care services.

33. The Committee recommends that the State party ensure that migrant women retain their legal status when taking maternity and parental leave, i.e. by extending the duration of their work permit for the period of parental leave, that the central and regional labour inspection offices investigate abusive labour practices against migrant women and labour offices provide job counselling and re-qualification to them prior to obtaining permanent residence, and that all migrant women and their children are covered by health insurance and have access to affordable health care services, irrespective of their residence status and employment.

Economic and social benefits

38. The Committee notes the lack of information in relation to article 13, such as information on the coverage and benefits of the contributory and non-contributory social security schemes, as well as on the extent of poverty in the State party, having specific regard to the situation of women, including Roma women, migrant women and women with disabilities.

39. The Committee requests the State party to provide detailed information, including gender-specific data disaggregated by age, rural/urban area, ethnic background and health and disability status, on the coverage and benefits of contributory and non-contributory social security schemes, including on possible gaps, as well as on the extent of poverty in the State party, having specific regard to the situation of women, including Roma women, migrant women and women with disabilities.

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