



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the second periodic report of the Czech Republic*

I. General information

1. In view of the 2002 amendment to article 10 of the Constitution according to which international treaties have priority over domestic laws, please provide information on cases, if any, in which the Covenant has been invoked in, or applied by, courts.
2. Please indicate the measures taken to strengthen the State party's national human rights institution to bring it into full compliance with the principles relating to the status of national institutions (Paris Principles) and to seek its accreditation by the International Coordinating Committee on National Human Rights Institutions for the Promotion and Protection of Human Rights. Please also indicate whether it has a mandate on economic, social and cultural rights.

II. Issues relating to general provisions of the Covenant (arts. 1-5)

Article 2, paragraph 2 – Non-discrimination

3. Please explain why there are few cases of discrimination reported by the Labour Office, cases of sexual harassment. Please also provide information on the effectiveness of anti-discrimination measures, including updated statistical data on cases of violations of the prohibition of discrimination, in relation to the enjoyment of economic, social and cultural rights, other than in employment.
4. Please provide updated information on the impact of measures taken to prevent and combat racism, xenophobia and racially motivated violence as well as to investigate and punish racially motivated crimes with appropriate penalties.
5. With regard to addressing social exclusion of the Roma, please explain to what extent the changes introduced in the area of housing, promotion of employment and education, as recommended by the 2005 analysis mentioned in paragraphs 64 and 66 of the

* Adopted by the pre-sessional working group at its fifty-second session (2-6 December).



State report, as well as the implementation of the 2010 Roma Integration Concept have brought about progress in the integration of Roma and in their enjoyment of economic, social and cultural rights.

6. Please provide information on the impact of the implementation of the 2006-2009 National Plan for the Support and Integration of Persons with Disabilities and subsequent plans, including with respect to social exclusion and negative prejudice about persons with disabilities. Please also indicate whether the State party's legislation provides for the obligation of granting reasonable accommodation to persons with disabilities. Furthermore, please provide information on measures taken to produce reliable statistical data on the enjoyment of economic, social and cultural rights by persons with disabilities.

Article 3 – Equal rights of men and women

7. Please provide information, including statistical data, on the application of the temporary provision aimed at ensuring equal access of men and women to employment opportunities and vocational training.

8. Please inform the Committee about the impact of the measures taken to address the low representation of women in high decision-making positions (horizontal gender segregation), their concentration in some sectors of the economy and types of employment (vertical gender segregation) in the State party.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 – The right to work

9. Please provide information, including updated statistical data, disaggregated by year, region, sex as well as age; disability and long-term unemployed, on the impact of the State party's employment policy on unemployment situations, in particular in disadvantaged regions such as Northern, Central and Southern Moravia and North-West Bohemia. Please also provide statistical data on the percentage of job seekers placed by public labour offices and employment agencies.

10. Please provide information on the amendments to the Labour Code adopted in 2012 and describe to what extent the increased "flexibility of labour relations" that has been introduced safeguards employees' right to protection from unfair dismissal.

11. Please explain how the application of the principle of "suitable employment" has affected the Covenant rights of unemployed persons. Please also provide information on the impact on this principle on access to unemployment benefits.

Article 7 – The right to just and favourable conditions of work

12. Please indicate to what extent the system in place for setting the level of the minimum wage takes account of the requirement to provide a decent living for workers and their families. Please also provide information on the application of the provisions of the 2007 Labour Code on the regular valorization of the minimum wage. Please further provide updated information on the levels of the minimum wage and the subsistence minimum over the past five years.

Article 8 – Trade union rights

13. Please indicate whether the State party envisages relaxing the legislative requirements for the holding of strike ballots in disputes on the conclusion of collective agreements.

Article 9 – The right to social security

14. Please indicate whether the State party has implemented an austerity programme and provide information on changes, if any, to social security benefits introduced during the period of economic and financial crisis. Please also indicate to what extent measures adopted take into consideration the criteria indicated in the letter from the Chairperson of the Committee dated 16 May 2012 addressed to States parties, namely on their nature which should be temporary, necessary and proportionate, comprehensive and non-discriminatory, and respecting the social protection floor.

Article 11 – The right to an adequate standard of living

15. Please provide information on the impact of the implementation of the 2011-2015 Strategy for Combating Social Exclusion on the enjoyment of the right to an adequate standard of living by the most disadvantaged and marginalized groups.

16. Please clarify the conditions under which a person may be subject to forced eviction without being provided with alternative housing, bearing in mind the Committee's general comment No. 7 (1997) on the right to adequate housing: forced evictions.

17. Please provide information on the findings of the "mapping of homelessness situation" and services provided to the homeless in the State party, as mentioned in paragraph 99 of the State report. Please also provide information on the measures taken to reduce the vulnerability of retirees with disabilities, former psychiatric patients and former convicts, to homelessness.

Article 12 – The right to physical and mental health

18. Please provide information on measures taken to ensure access to adequate mental health treatment and care, including through community-based settings, as well as periodic review and effective judicial control of confinement, as requested by the Committee in paragraph 41 of the previous concluding observations.

19. Please provide information on the impact of measures taken by the State party to combat drug use and to provide drug users with access to treatment services.

Articles 13 and 14 – The right to education

20. Please clarify whether compulsory school attendance also applies to children in an irregular situation.

21. Please explain why the State party's "racially neutral" education system continues to lead to overrepresentation of Roma children in certain programmes and classes, a concern raised by the Committee in 2002 in paragraph 23 of the concluding observations.¹

Article 15 – Cultural rights

22. Please clarify what is meant by "culturally disadvantaged environment", mentioned in paragraph 89 of the State report, and to what extent it impacts negatively on the rights of minorities and ethnic groups. Please also provide information on the measures taken to address this "cultural disadvantage".

23. Please provide information as to what extent the implementation of the 273/2001 Act on the Rights of Members of National Minorities has protected cultural diversity, promoted awareness of the cultural heritage of national minorities in the State party, and created favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.²

¹ Amnesty International and the European Roma Rights Centre, *Five more years of injustice* (November 2012), pp. 1-2: "... Romani children continue to be over-represented in schools and classes designed for children with mild mental disabilities. ... There are shortcomings in the Czech educational system that obstruct the inclusion of Romani children in integrated mainstream education. To date, the government has failed to end racial segregation in Czech schools or effectively implement its own, more inclusive education policies, such as the National Action Plan for Inclusive Education (NAPIE) and the Strategy for Combating Social Exclusion for 2011-2015."

² No information in the State report.