

Council of Europe contribution for the 42nd UPR session (Jan-Feb 2023) regarding Czech Republic

Contents

<i>Prevention of torture (CPT).....</i>	<i>2</i>
<i>Council of Europe Commissioner for Human Rights.....</i>	<i>2</i>
<i>Fight against racism and intolerance (ECRI).....</i>	<i>4</i>
<i>Protection of minorities.....</i>	<i>4</i>
<i>Framework Convention for the Protection of National Minorities.....</i>	<i>4</i>
<i>European Charter for Regional or Minority Languages.....</i>	<i>5</i>
<i>Action against trafficking in human beings (GRETA).....</i>	<i>6</i>
<i>Preventing and combating violence against women and domestic violence (GREVIO).....</i>	<i>6</i>
<i>Protection of children against sexual abuse (Lanzarote Convention).....</i>	<i>7</i>
<i>Fight against corruption (GRECO).....</i>	<i>8</i>
<i>Execution of judgments and decisions of the European Court of Human Rights.....</i>	<i>9</i>
<i>Statistical data.....</i>	<i>9</i>
<i>Main cases / groups of cases under the Committee of Ministers' supervision.....</i>	<i>9</i>
<i>Important cases closed recently.....</i>	<i>10</i>
<i>Social and Economic Rights (ECSR).....</i>	<i>10</i>

Prevention of torture (CPT)

The 'European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment' organises country visits in order to visit places of detention to assess how persons deprived of their liberty are treated. After each visit, the CPT sends a detailed report to the State concerned. This report includes the CPT's findings, and its recommendations, comments and requests for information.

The CPT's report on the 2018 periodic visit to the Czech Republic:



**CPT_Inf_2019_23_Czech
h Republic.pdf**

During the visit, the Committee's delegation assessed the treatment and safeguards afforded to persons deprived of their liberty by the police and examined the situation in several prisons and in a psychiatric hospital, as well as in a social care home. Particular attention was paid during the visit to the measures taken by the authorities to implement the recommendations made by the Committee after previous visits.

Executive summary:



**CPT_Inf_2019_23_Czech
h Republic_Executive :**

Government response:



**CPT_Inf_2019_34_Czech
h Republic_Governme**

Council of Europe Commissioner for Human Rights

The Commissioner for Human Rights is an independent and impartial non-judicial institution established by Council of Europe to promote awareness of and respect for human rights in the 47 Council of Europe member States.

The rights of Roma people

Inclusive education

In December 2018, the Commissioner wrote a [letter](#) to the Prime Minister and Minister of Education, Youth and Sports in relation to proposed changes to Decree 27/2016 Coll. on the education of pupils with special education needs. She expressed her concern that these changes could have a negative impact on the right of all children, including Roma children and children with disabilities, to inclusive education. In view of the long-standing issues around segregation in the Czech education system, she called on the government to ensure changes to the Decree would not jeopardise the right to inclusive education and to implement reforms that would lead to a resolutely inclusive education system. The Prime Minister's reply can be found [here](#).



**HR_Commissioner_C
zech_Rep_Letter_Prini**



**HR_Commissioner_C
zech_Rep_Answer_Prini**

In November 2020, the Commissioner published her [submission](#) to the Committee of Ministers of the Council of Europe, in the context of its supervision of the execution of the judgment of the European Court of Human Rights of 2007 in the case of D.H. and Others v. the Czech Republic, relating to violations of the prohibition of discrimination in conjunction with the right to education due to Roma children being assigned to special education on account of their origin. In her detailed submission, the Commissioner noted that measures taken to improve the inclusion of Roma children in mainstream education have not provided the breakthrough necessary to solve the deep-rooted inequalities that underlie discrimination against Roma children in education. She emphasised the need for broader measures that look more widely at a whole range of issues including the impact of institutionalised anti-Gypsyism, poverty, social exclusion and territorial segregation, the protection of Roma children from hostility and violence, resistance to inclusion from professionals and the public at large, and the inclusion in the school curriculum of human rights, non-discrimination and awareness of Roma history and culture.



**HR_Commissioner_C
zech_Rep_Rule9.pdf**

Forced sterilisations

In September 2020, the Commissioner wrote a [letter](#) to the Chamber of Deputies in relation to a bill on compensation for victims of forced and coercive sterilisations. She called on deputies to ensure the consideration of the bill would extend beyond a first reading and that a fair and adequate mechanism for compensation would be established quickly.



**HR_Commissioner_Cz
zech_Republic_Speaker**

In July 2021, the Commissioner followed this up with a [letter](#) to the Czech Senate, expressing her support for the proposal for a one-off compensation for victims of unlawful sterilisation, which would allow the victims to experience a measure of justice and move forward.



**HR_Commissioner_C
zech_Republic_Preside**

The Senate adopted the bill providing for a compensation mechanism later that same month.

Asylum and migration

In March 2022, the Commissioner's Office carried out missions to Council of Europe member states sharing a border with Ukraine to assess the protection and reception of people fleeing Ukraine. While not a neighbouring country, this also included a visit to the Czech Republic, as an important host state of people fleeing Ukraine. On the basis of these missions, the Commissioner [called](#) on all Council of Europe member states to step up their role to coordinate and support the efforts of the main hosting countries. She also stressed the need for medium and long-term measures to ensure adequate protection and reception in host countries, and to ensure that special attention would be paid, and more proactive assistance accorded to, specific groups of people fleeing Ukraine, such as (potential) victims of trafficking in human beings, unaccompanied and separated children, Roma, people of African descent, LGBTI people, older persons and persons with disabilities.

Fight against racism and intolerance (ECRI)

The European Commission against Racism and Intolerance ([ECRI](#)) is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as "race", national/ethnic origin, skin colour, citizenship, religion, language, sexual orientation, gender identity and sex characteristics. It prepares reports and issues recommendations to member States, in which its findings, along with recommendations are published. These reports are drawn up after a contact visit to the country in question and a confidential dialogue with the national authorities. The country monitoring takes place in monitoring cycles of approximately five years. ECRI also adopts conclusions on the implementation of its priority recommendations (interim follow-up process).

Sixth report on the Czech Republic (adopted on 1 October 2020 / published on 8 December 2020)



**ECRI_Czech Rep. 6th
monitoring cycle.pdf**

Protection of minorities

Framework Convention for the Protection of National Minorities

The monitoring procedure for this convention requires each state party to submit a report within one year following the entry into force of the Framework Convention and additional reports every five subsequent years. State reports are examined by the [Advisory Committee](#), a body composed of 18 independent experts responsible for adopting country-specific opinions. These opinions, on which States Parties have an opportunity to comment, are meant to advise the Committee of Ministers in the preparation of its resolutions, containing conclusions and recommendations to the State concerned.

The Advisory Committee on the Framework Convention adopted its [5th Opinion](#) on the Czech Republic on 31 May 2021.



FCNM_Czech
Republic_5th opinion.pdf

The [CM/ResCMN\(2021\)18](#) on the implementation of the Framework Convention for the Protection of National Minorities by the Czech Republic was adopted by the Committee of Ministers on 8 December 2021 at the 1420th meeting of the Ministers' Deputies



FCNM_Resolution_Re
sCMN2021_18_Czech

European Charter for Regional or Minority Languages

The [Charter's monitoring procedure](#) is based on state reports, as each State Party is required to present its first report within the year following the entry into force of the Charter with respect to the Party concerned. Since the entry into force, in July 2019, of the reform of the monitoring mechanism, the subsequent reports are presented at five-yearly intervals. A committee of independent experts examines the state's periodical report and addresses an evaluation report to the Committee of Ministers, including proposals for recommendations.

The Committee of Experts adopted its [fourth evaluation report](#) on the Czech Republic on 23 November 2018.



ECRML_4th_report_Cz
ech Republic.pdf

The Committee of Ministers adopted Recommendation [CM/RecChL\(2019\)3](#) on the application of the European Charter for Regional or Minority Languages by the Czech Republic on 19 June 2019 at the 1350th meeting of the Ministers' Deputies.



ECRML_Recommenda
tion_CM_RecChL_2019

The [evaluation](#) by the Committee of Experts of the implementation of the recommendations for immediate action contained in the Committee of Experts' fourth evaluation report on the Czech Republic was adopted on 2 July 2020. The Committee of Ministers [took note](#) of it on 23 September 2020, at the 1384th meeting of the Ministers' Deputies.



MIN_LANG_2020_7_C
zech Republic.pdf



ECRML_CM_1384th_C
M_meeting_Czech Rep

Action against trafficking in human beings (GRETA)

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008, following its 10th ratification. While building on existing international instruments, the Convention goes beyond the minimum standards agreed upon in them and strengthens the protection afforded to victims.

The Convention has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

The main added value of the Convention is its human rights perspective and focus on victim protection. Its Preamble defines trafficking in human beings as a violation of human rights and an offence to the dignity and integrity of the human being. The Convention provides for a series of rights for victims of trafficking, in particular the right to be identified as a victim, to be protected and assisted, to be given a recovery and reflection period of at least 30 days, to be granted a renewable residence permit, and to receive compensation for the damages suffered.

Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

GRETA evaluation report (1st evaluation round):



GRETA_2020_01_Czech
h Republic.pdf

[Press release](#)

Preventing and combating violence against women and domestic violence (GREVIO)

The Council of Europe Convention on preventing and combating violence against women and Domestic violence ([Istanbul Convention](#), CETS No. 210) is the most far-reaching international treaty to tackle this serious violation of human rights. It aims at zero tolerance for such violence and is a major step forward in making Europe and beyond safer. Preventing violence, protecting victims and prosecuting the perpetrators are the cornerstones of the convention. It also seeks to change the hearts and minds of individuals by calling on all members of society, in particular men and boys, to change their attitudes. In essence, it is a renewed call for greater equality between women and men, because violence against women is deeply rooted in the inequality between women and men in society and is perpetuated by a culture of intolerance and denial.

Czech Republic has signed, but not yet ratified, the Convention.

Protection of children against sexual abuse (Lanzarote Convention)

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as “[the Lanzarote Convention](#)”, requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

The “Lanzarote Committee” (i.e. the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) is the body established to monitor whether Parties effectively implement the Lanzarote Convention. To do so, the Committee evaluates the information which has been provided by the national authorities and other sources in their replies to questionnaires developed by the Committee itself. This monitoring procedure is divided by rounds, each round concerning a theme. At the end of each round, the Lanzarote Committee adopts “implementation reports” which contain its evaluation of the situation (“monitoring findings”). To assess whether Parties have acted upon its monitoring findings, the Lanzarote Committee carries out compliance procedures. To date (2022) this has been done with respect to monitoring findings concerning the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse. Compliance procedures to assess measures taken with respect to the Committee’s monitoring findings concerning the protection of children against sexual abuse in the circle of trust should be launched before the end of 2022.

The Czech Republic ratified the Lanzarote Convention on 2 May 2016 and it entered into force in its respect on 01 September 2016.

The Czech Republic was assessed under the urgent monitoring round on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse” and on the second monitoring round on “Protecting children against sexual exploitation and sexual abuse: Addressing the challenges raised by child self-generated sexual images and/or videos.

Urgent monitoring round: Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse

To respond to the urgent migrant and refugee situation in Europe, the Lanzarote Committee decided in 2016 to address the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse through an urgent monitoring round. This resulted in a [special report](#) published in March 2017. The information submitted by the Czech Republic in the context of this round is accessible [here](#).



Lanzarote



Lanzarote

Committee_Special reCommittee_T-ES_2016

To follow-up on the Special report and its monitoring findings, the Committee carried out a compliance procedure to assess the conformity of Parties with the recommendations urging them to act (the “urge” recommendations), as well as those considering that they should act (the “consider” recommendations).

Following the compliance procedure, the recommendations still requiring the Czech Republic to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows:



**Lanzarote
Convention_Czech Rep**

2nd thematic monitoring round: Protecting children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): Addressing the challenges raised by child self-generated sexual images and/or videos.

This was carried out between October 2017 and March 2022 and was dedicated to “Protecting children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”, with a focus on “Addressing the challenges raised by child self-generated sexual images and/or videos”. It led to the adoption of an [implementation report](#) in March 2022.



**Lanzarote
Committee_T-ES_2022**

The information submitted by the Czech Republic in the context of the 2nd monitoring round is available [here](#).



**Lanzarote
committee_T-ES_2017**

The recommendations requiring the Czech Republic to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows (editing of the recommendations to be verified with the final version of the implementation report):



**Lanzarote
Convention_Czech Rep**

Fight against corruption (GRECO)

The 'Group of States against Corruption' (GRECO) monitors all its 50 members through a peer review evaluation procedure within thematic evaluation rounds. The evaluation reports contain recommendations aimed at furthering the necessary legislative, institutional and practical reforms. Subsequently, the implementation of those recommendations is examined in the framework of a “compliance procedure”, assessing whether they have been implemented satisfactorily, partly or have not been implemented 18 months after the adoption of the evaluation report. GRECO has also an Ad hoc procedure for situations requiring urgent action.

The Czech Republic was evaluated in 2015 under the Fourth Evaluation Round on “Prevention of corruption in respect of members of parliament, judges and prosecutors”. The corresponding [4th Round Evaluation Report](#) was adopted by GRECO Plenary and made public in 2016. GRECO’s [4th Round Compliance Report](#), assessing the implementation of the recommendations, was made public in 2019. Subsequently, the 4th Round Interim Compliance Report was published in 2020. During the 88th GRECO Plenary Meeting (20-22 September 2021), the Second Interim Compliance Report was adopted and it is now awaiting publication.



**GRECO_4th
evaluation_Czech Rep**



**GRECO_4th
Evaluation_Czech Rep**

Concerning the Third Evaluation Round on “Incriminations and Transparency of Party Funding”, the publication of the [3rd Round Second Compliance Report](#) in 2018 terminated the compliance procedure in respect of the Czech Republic.



**GRECO_3rd
Evaluation_Czech Rep**

Execution of judgments and decisions of the European Court of Human Rights

Statistical data

On 31 December 2021, there were 6 cases (4 cases on 31 December 2020) against the Czech Republic pending before the Committee of Ministers for supervision of their execution. Among these cases, 2 cases were “leading cases” evidencing different problems (the same number as on 31 December 2020). As of 31 December 2021, only 1 of these cases (the same number as on 31 December 2020) was examined by the Committee of Ministers under the enhanced supervision procedure (see below).

In 2021, the Committee of Ministers was concerned only with 4 new repetitive cases and with no new leading cases. The overall amount of just satisfaction awarded was 24.610 € (23.669 € awarded in 2020). In 2021, the supervision over execution of 2 repetitive cases against the Czech Republic was closed by the adoption of final resolution (the same number of cases was closed in 2020).

Main cases / groups of cases under the Committee of Ministers’ supervision

Enhanced procedure

Discrimination in the enjoyment by the applicants of their right to education, due to their much higher likelihood, because of their Roma origin, of being assessed as pupils with “mild mental disabilities” and thus assigned to special schools (violation of Article 14 in conjunction with Article 2 of Protocol No. 1).

D.H. AND OTHERS v. THE CZECH REPUBLIC



**CASE OF D.H. AND
OTHERS v. THE CZECH**

Standard procedure

Repeated remittals of criminal case against the applicant by the High Court to first-instance court for new examination, between 2004 and 2009, based on the criticism of the first-instance courts’ assessment of evidence and credibility of witness, an approach at odds with domestic law, until guilty verdict was obtained on fifth occasion (violation of Article 6 of the Convention).

TEMPEL v. THE CZECH REPUBLIC



**CASE OF TEMPEL v.
THE CZECH REPUBLIC**

Country factsheet Czech Republic:

[Czech Republic \(coe.int\)](https://www.coe.int/czech-republic)

2021 Annual Report:



**Supervision of the
execution of judgments**

Important cases closed recently

No important cases against Czech Republic have recently been closed

Social and Economic Rights (ECSR)

The European Committee of Social Rights (ECSR) monitors compliance with the [European Social Charter](#) under two procedures: the national periodic reporting system and the collective complaints procedure. Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.



**ESC_Country
Sheet_Czech Republic**