



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE:KF/fup-118

7 December 2016

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 5, 8, and 11 of the concluding observations on the report submitted by Czech Republic ([CCPR/C/CZE/CO/3](#)), adopted at the 108th session in July 2013.

At its 113th session, held in March-April 2015, the Committee evaluated the information provided by the State party and requested additional information on the implementation of the recommendations selected for the follow-up procedure.

On 12 January 2016, the Committee received the reply of the State party. At its 117th session, held in July 2016, the Committee evaluated that information. The Committee considered that three out of the four recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. The assessment of the Committee and the additional information requested from the State party are reflected in the Report on follow-up to concluding observations ([CCPR/C/117/2](#)). I hereby attach, for ease of reference, a copy of the advanced unedited version of the relevant section of the said report.

During its 118th session held in October-November 2016, the Committee noted that the additional information requested from the State party has not yet been provided and decided to send a reminder to the State party. The Committee would appreciate receiving the information requested by **7 March 2017**.

The State party is kindly requested, when submitting its reply to the Committee, not to reiterate information that has already been provided to the Committee.

The reply should be sent in Microsoft Word electronic version to the Secretariat of the Human Rights Committee (Kate Fox: kfox@ohchr.org and ccpr@ohchr.org). In accordance with the Note by the Human Rights Committee on the procedure for follow-up to concluding observations (see [CCPR/C/108/2](#)), the follow-up report should not exceed a maximum of 3,500 words.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

H.E. Mr. Jan Kára
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Fax: 0 22 740 36 62
Email: mission.geneva@embassy.mzv.cz



Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, reading "Sarah H. Cleveland".

Sarah Cleveland
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

Assessment of replies

Reply/action satisfactory

A Response largely satisfactory

Reply/action partially satisfactory

B1 Substantive action taken, but additional information required

B2 Initial action taken, but additional information and measures required

Reply/action not satisfactory

C1 Response received but actions taken do not implement the recommendation

C2 Response received but not relevant to the recommendation

No cooperation with the Committee

D1 No response received within the deadline, or no reply to a specific question in the report

D2 No response received after reminder(s)

The measures taken are contrary to the Committee's recommendations

E Response indicates that the measures taken are contrary to the Committee's recommendations

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Concluding observations:	CCPR/C/CZE/CO/3 , 24 July 2013
Follow-up paragraphs:	5, 8, 11 and 13(a)
First reply:	3 November 2014
Committee's evaluation:	Additional information required on paragraphs 5[B2], 8[A][B2][A][B2], 11[B2][C1][B2][C1] and 13(a)[A]
Second reply:	12 January 2016
Committee's evaluation:	Additional information required on paragraphs 5[B2], 8[A][B2][A][B2] and 11[B1][C1][C1][B1]

Paragraph 5:

The State party should either provide the Public Defender of Rights with a consolidated mandate to more fully promote and protect all human rights, or achieve that aim by other means, with a view to establishing a national human rights institution with a broad human rights mandate and providing it with adequate financial and human resources, in line with the Paris Principles (General Assembly resolution 48/134, annex).

Follow-up question:

[B2]: Additional information should be provided regarding the status of the implementation of the amendment to the Law on the Public Defender of Rights and if the amendment is in line with

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the Paris Principles. The Committee also requires further information on the financial and human resources situation of the Public Defender of Rights.

Summary of State party's reply:

The State party repeated information from its Follow-Up Report (CCPR/C/CZE/CO/3/Add.1, paras. 2-8). The amendment to the Act on Public Defender of rights, currently being discussed in the Parliament, extends the powers of the Public Defender of Rights in full compliance with the Paris Principles.

In 2014, the Office had a budget of 107 million Czech Crowns. A similar budget was planned for 2015. In 2014, the Office employed 123 employees; in 2015, the Office employed about 130 employees.

Committee's evaluation:

[B2]: The Committee notes the information provided regarding the pending adoption of the amendment of the Law on the Public Defender of Rights and related to the funding and human resources situation of the Office. The Committee reiterates its request for updated information on the content of the amendment and the progress towards its adoption, and requests more information about the sufficiency of the budget and staffing.

Paragraph 8: 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 to promote 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;**
- (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.**

Follow-up question:

(a)[A]: The State party should provide additional information in its next periodic report on the impact of the Campaign against Racism and Hate Crimes and the project funded by the European Economic Area and Norway, set to take place from 2014 to 2016.

(b)[B2]: The State party should submit information on the progress of the strategy for Roma integration in nurturing respect for Roma history and culture, and on the steps taken to ensure the removal of the pig farm at Lety u Písku. The Committee reiterates its recommendations.

(c)[A]: The Committee welcomes the legislative and institutional steps taken by the State party to train judges, prosecutors, and police officials to detect hate and racially motivated crimes. The State party should provide further information regarding trainings carried out and its frequency.

(d)[B2]: The Committee takes note of the training on extremism and of the measures taken to detect extremist-related crimes, and of Act No. 45/2013 (the Act on Crime Victims) which entered into force in 2013, but requires updated statistics on investigations, prosecutions and sanctions imposed on perpetrators. It also requires additional information on the prevention of racist attacks and information on how victims of hate and racist-related crimes are adequately compensated. The Committee reiterates its recommendations regarding post-conviction

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sentencing and compensation for victims.

Summary of State party's reply:

(a)(b) In February 2015, the Government approved its Roma Integration Strategy until 2020. Its implementation is at the initial stages. There are four fundamental goals: preserving the cultural heritage of the Roma and supporting research, support of the use of the Roma language, preserving a permanent remembrance of victims of the Roma holocaust and securing a dignified homage to their memory, as well as creating conditions for impartial information on the Roma minority, culture and reality, traditions and opinions.

The State party repeated information on Roma integration found in its Follow-Up Report (CCPR/C/CZE/CO/3/Add.1, para. 14).

The Minister for Human Rights, Equal Opportunities and Legislation will encourage a dialogue with experts, Roma civil society and Roma holocaust survivors. Information about the Roma Holocaust will be publicized in collaboration with the Museum of Roma Culture and other NGOs. As stated in the Follow-Up Report (CCPR/C/CZE/CO/3/Add.1, para. 15), efforts will be made to remove the pig farm located close to the site in Lety u Písku.

(c) As already noted in the Follow-Up Report (CCPR/C/CZE/CO/3/Add.1, para. 16) the Judicial Academy provides training on extremism and racism. In 2014, the Judicial Academy organized 15 seminars on topics related to extremism; two of these dealt specifically with efforts to combat extremism. In 2015, two seminars on extremism were organized. In total, nine events were attended by 402 people. Other events are pending.

Police are also trained in combatting extremism (CCPR/C/CZE/CO/3/Add.1, para. 17). In 2014, 175 people were trained.

International human rights and humanitarian organizations, such as the OSCE are also collaborating on education.

(d) In 2014, over 51 million CZK was spent on 265 crime prevention projects in over 170 municipalities. The State party referred to two projects to increase security and maintain public order: the Crime Prevention Assistant (CCPR/C/CZE/Q/3/Add.1, para. 27) and the Janitor-Preventist projects. The State party has provided statistics of compensation for victims, however the statistics are not classified according to the types of crime and the State party informed that it is not possible to provide more detailed information.

Information about individual judgments and damage awards is not centrally recorded. The State party provided information of two cases in which the victims have received compensation.

Committee's evaluation:

(a)[A]: The Committee appreciates the information about measures taken previously provided by the State party, but regrets the absence of information on the impact of the Campaign against Racism and Hate Crimes and the project funded by the European Economic Area and Norway.

(b)[B2]: The Committee welcomes the plans provided by the State party to encourage Roma integration and appreciation for Roma history and culture. It requests information on the progress made towards their implementation and information about the financing of such plans. The Committee reiterates its recommendation that the pig farm at Lety u Písku be removed.

(c)[A]: The Committee appreciates efforts by the State party to train judges, prosecutors, and police officials to detect hate and racially motivated crimes.

(d)[B2]: The Committee welcomes the information provided by the State party, but regrets the inability of the State party to provide more detailed information, particularly with regard to investigations, prosecutions and sanctions imposed on perpetrators of extremist or hate crimes, and compensation provided to victims of such crimes. The Committee reiterates its

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recommendations.

Paragraph 11: The State party should:

- (a) Consider establishing a compensation mechanism for victims who were forcibly sterilized in the past and whose claims have lapsed;**
- (b) Ensure free legal assistance and advice to victims who were forcibly sterilized, so that they may 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 Health Care 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.**

Follow-up question:

(a)[B2]: The Committee requires information on the progress of the special law on compensation for victims of illegal sterilization.

(b)[C1]: It appears that no measure has been taken to ensure free legal assistance and advice to victims who were forcibly sterilized. The Committee requires information on the new comprehensive system of legal aid.

(c)[B2]: The Committee expresses concern at the lack of convictions resulting from the 58 criminal cases initiated against persons suspected of having carried out illegal sterilizations. The Committee requires updated statistics on the number of criminal cases initiated against persons suspected of having carried out illegal sterilizations and the number of convictions since August 2013. The Committee reiterates its recommendation.

(d)[C1]: The Committee requires information on concrete measures taken to ensure that procedures are followed in obtaining the full and informed consent of women. The Committee also requires information on the monitoring of sterilizations carried out, and the frequency of the monitoring.

Summary of State party's reply:

(a) The Government debated the bill on compensation of victims of unlawful sterilizations in September 2015 and ultimately rejected it. The principal remedial action for victims who were forcibly sterilized is an action for the protection of personal rights, whereby the victim can seek pecuniary and non-pecuniary damages. Receipt of pecuniary damages is subject to a statute of limitations of three years. Courts can allow a claim that is not timely if the claimant is not responsible for the elapsing of the limitation period. In 2011 and 2014, the Supreme Court allowed two cases to be resolved where unlawfully sterilized persons would have been damaged by the application of the statute of limitations.

(b) A new system of legal aid is still in process so it cannot be fully explained (CCPR/C/CZE/CO/3/Add.1, para. 31).

(c) All cases of unlawfully sterilized persons have been properly reviewed and the proceedings were closed upon a final judgment.

(d) The State party repeated information provided in the Follow-Up Report (CCPR/C/CZE/CO/3/Add.1, para. 31).

Since consent documents relating to sterilization must be kept in a patient's medical file, it is easy for authorities to monitor whether a doctor has fulfilled her duties to provide information and obtain consent.

Committee's evaluation:

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(a)[B1]: The Committee regrets that the bill on compensation for victims of unlawful sterilization has been rejected. It notes the information provided on remedies available to the victims, including information of two cases in which the statute of limitations has not been applied. The Committee requires information on the criteria used to apply the statute of limitations, as well as information on the number of fertilization cases in which non-application of the statute of limitations has been sought, and the number of cases in which the statute of limitation has not been applied.

(b)[C1]: The Committee notes that the State party is still in the process of creating a new system of legal aid. The Committee requires updates on any relevant developments and information regarding the anticipated timeframe for adoption of the new system.

(c)[C1]: The Committee notes the information provided by the State party and regrets that no measure has been taken to initiate criminal proceedings against possible perpetrators of coercive sterilization. The Committee reiterates its recommendations.

(d)[B1]: The Committee appreciates the information provided by the State party on procedures for ensuring informed consent prior to sterilizations, but requests additional information on how often, and according to what procedures, patient's medical files are checked to ensure that the relevant consent form is in the patient's file.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 26 July 2018
