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Summary record of the 8th meeting

Held at the Palais Wilson, Geneva, on Thursday, 17 February 2022, at 3 p.m.

Chair: Mr. Abdel-Moneim

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The meeting was called to order at 3.05 p.m.

Consideration of reports (*continued*)

(a) Consideration of reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Third periodic report of Czechia (E/C.12/CZE/3; E/C.12/CZE/Q/3; E/C.12/CZE/RQ/3)

1. *At the invitation of the Chair, the delegation of Czechia joined the meeting.*
2. **Ms. Baršová** (Czechia), speaking via video link, said that she wished to draw the Committee's attention to the most significant developments in the implementation of the Covenant since the submission of the State party report (E/C.12/CZE/3) in 2019. In line with the Committee's recommendations, Czechia had recently adopted a series of strategies for the implementation of Covenant rights. The Strategic Framework for Employment Policy until 2030 reflected crucial trends such as population ageing and the fourth industrial revolution and set goals to create an individualized, adaptable and effective employment policy.
3. The Social Inclusion Strategy 2021–2030 was based on respect for human rights, equal opportunities, social inclusion and social cohesion. It focused on combating poverty and social exclusion and promoted decent living conditions, access to employment, social services, family support, education, housing and health care, ensuring public order and tackling over-indebtedness and substance addiction.
4. The Health 2030 strategy set out three strategic goals: improving the health status of the population, optimizing the health-care system and supporting science and research. The main topics covered were the accessibility of quality primary care for every patient, prevention, health literacy and personal responsibility. The strategy also aimed at the integration of health and social care and accessible community services, which was the main goal of the National Action Plan for Mental Health 2020–2030.
5. The intention behind the Education Policy Strategy 2030+ was to modernize the education system. Content, teaching methods and forms of education would be adapted to enable people to acquire the knowledge and skills they would need in their personal, civic and professional lives. Education must take place in a safe, fair and stimulating environment for all. The aim was that the education system would provide quality education for all pupils, regardless of their personal characteristics or socioeconomic background, in order to develop the potential of each individual.
6. The State Cultural Policy provided a new strategic framework that established culture and creativity as an integral part of society. The Policy's main goals were to make culture widely available and accessible to everyone, support cultural heritage and develop live arts and the cultural and creative industries. An intersectional approach would link culture and creativity with business, regional development, social areas, the education system and health care.
7. The National Research, Development and Innovation Policy 2021+ sought to contribute to the country's prosperity and to build a knowledge-based economy. It focused on the governance and funding of research, development and innovation, the development of human resources, quality and international excellence, cooperation, and the country's innovative potential.
8. There were also specific strategies for vulnerable and marginalized groups. The objectives of the Strategy for Roma Equality, Inclusion and Participation 2021–2030 were to ensure equal treatment and equal opportunities for Roma people, with respect for their identity. The Gender Equality Strategy 2021–2030 set out measures to help reconcile work and private and family life, increase women's participation in decision-making, diminish the gender pay gap, improve access to services for victims of violence and promote education on combating gender stereotypes. The National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2021–2025 established goals for the realization of the rights of persons with disabilities and provided for their social integration in line with the Convention

on the Rights of Persons with Disabilities. The National Strategy for the Protection of Children's Rights aimed to create a system that would ensure the protection of all children's rights and needs, improve the quality of life of children and families and promote comprehensive child development and the participation of children in decision-making processes. The Strategic Framework for Preparing for an Ageing Society 2021–2025 provided for cooperation between the State, regions and municipalities and employers, civil society, academia and the media.

9. The Government was working intensively on the implementation of the Sustainable Development Goals. In 2017, it had adopted the country's Strategic Framework 2030, which established goals crucial to its long-term development. The ultimate aim was to create a sustainable environment where everyone could lead a life of quality and dignity. The individual strategies would contribute to the implementation of the Strategic Framework and to the sustainable social, economic and environmental development of Czechia.

10. In August 2021, the Constitutional Court had quashed the regulations on housing benefit-free zones. The minimum wage, pensions and certain social benefits, such as the parental allowance, had been increased regularly in recent years. Paternity leave had been extended to up to two weeks. Children under the age of 3 would no longer be placed in institutional care, and cage and net beds in psychiatric hospitals had been abolished.

11. The coronavirus disease (COVID-19) pandemic had had a negative impact on the exercise of many economic, social and cultural rights. Initially, in the absence of information and experience, strict measures for the protection of public health had been adopted. The Government had attempted to alleviate their adverse effects by facilitating applications for social support and introducing distanced education in schools, with technology and tutoring support, as well as supporting employers and employees and business owners whose premises were closed. Measures to support victims of domestic violence had also been put in place. From early 2021, the Government had focused on ensuring the wide availability of vaccines for all, with accessible testing and treatment. Broad recovery measures in the fields of education, digitization, employment and entrepreneurship and health care were set out in the National Recovery Plan and would be supported by European Union funds.

12. **Mr. Emuze** (Country Rapporteur) said that he would be interested to know whether the State party was considering ratifying the Optional Protocol to the Covenant. He would welcome details of the most common violations of economic, social and cultural rights claimed in the cases in which the Supreme Court and the Constitutional Court had invoked the Covenant, and their impact on disadvantaged and marginalized groups.

13. He would appreciate an update on the steps being taken to establish a national human rights institution that was in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles): would the mandate of the Public Defender of Rights (Ombudsperson) be extended and adapted or would a new institution be created?

14. He would like to hear about steps being taken to ensure the same level of protection for all victims of discrimination, regardless of the grounds for discrimination, given that, according to the Civil Procedure Code, the reversal of the burden of proof did not apply in all cases. He would also like to know about any legislative or other measures adopted to combat discrimination against the Roma in the areas of housing, health care, employment and education, the impact of the Roma Integration Strategy, and how the State party planned to address the high proportion of Roma persons residing in socially excluded localities, often in "residential hotels".

15. With regard to refugees and asylum seekers, he would be interested to hear how the State party planned to ensure that detention was used as a measure of last resort and to end the detention of children. He would welcome information on measures taken to ensure access to the national pension scheme for refugees and asylum seekers who did not currently meet the eligibility criteria to become beneficiaries. He would also like to know what steps were being taken to guarantee the economic, social and cultural rights of stateless persons and persons at risk of statelessness, to facilitate their access to citizenship, and to encourage parents to lodge citizenship applications on behalf of their stateless children. The delegation might also provide details on the number of stateless persons living in the State party,

including the methodology used for gathering such data, the status determination procedure and the number of stateless persons who had been through or were currently going through the procedure.

16. He would welcome an update on the status of the same-sex marriage bill and the proposed government strategy on equality and the elimination of barriers to a dignified life for lesbian, gay, bisexual, transgender and intersex persons in the State party for the period 2021–2026. He would also be grateful for information on the impact of the Action Plan on the Balanced Representation of Women and Men in Decision-making Positions for 2016–2018, the “+1” Strategy, and the Gender Equality in the Labour Market project.

The meeting was suspended at 3.35 p.m. and resumed at 3.40 p.m.

17. **Mr. Machačka** (Czechia), speaking via video link, said that the Covenant had been incorporated into domestic law and took precedence over national legislation. The courts had an obligation to apply the Covenant in cases involving economic, social and cultural rights, and that was done in practice, as was confirmed by the jurisprudence of the Constitutional Court. Czechia had assumed many obligations in the area of economic, social and cultural rights as a party to the Covenant, the European Social Charter and the Charter of Fundamental Rights of the European Union. Economic, social and cultural rights were also covered in the national Charter of Fundamental Rights and Freedoms. All of those instruments were complementary and were applied as appropriate by the courts. The Constitutional Court had applied the Covenant in cases related to housing and rent control in the early 2000s and again in its recent ruling abolishing benefit-free zones.

18. The Government was considering the possibility of the country becoming a party to the Optional Protocol. A review had been conducted in 2020 to determine the compatibility of national legislation with the Covenant. However, several areas where national law was not consonant with the Covenant had been discovered and it had been decided to postpone any discussion of the ratification of the Optional Protocol until 2025 to allow time for the necessary legislative amendments to be made.

19. With regard to the establishment of a national human rights institution, two possibilities were currently being studied: amending the mandate of the Office of the Public Defender of Rights or establishing an entirely new institution. The Office was already active in a number of areas related to human rights, including torture prevention, the protection of persons with disabilities and children’s rights and had the power to submit opinions in proceedings before the Constitutional Court.

20. The Government was aware that the national legislation governing the shifting of the burden of proof in cases of discrimination, which met the requirements of European law, had not yet been brought fully into line with the national legislation governing the prohibition of discrimination in general, which established a level of protection that went beyond European law. It planned to take steps to address that issue as part of a wider reform of civil procedure.

21. Under the previous administration, a comprehensive strategy on promoting and protecting the rights of lesbian, gay, bisexual, transgender and intersex persons had been prepared in consultation with civil society, academia and stakeholders, but had not been adopted. The strategy was based on European policy and incorporated the best practices of other countries in the region. The Government was deliberating whether to adopt that strategy or develop a new one.

22. Similarly, under the previous administration, a bill on same sex marriage had been submitted to the Chamber of Deputies but had ultimately not been adopted. The current Government had no plans to submit a similar bill; however, civil society organizations, with the support of some members of parliament, were lobbying for the discontinued bill to be resubmitted as a member’s bill. There were plans to reform the legislation governing civil partnerships, but they were still in the very early stages.

23. **Mr. Hennebel** said that he wished to know whether the Government had taken steps to implement the European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality; whether it had considered ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and

Domestic Violence; and whether the delegation could provide examples of decisions or rulings granting reparations to Roma women who had been the victims of forced sterilization.

24. **Ms. Shin** (Country Task Force), noting that the State party had strategies and action plans for the promotion of the economic, social and cultural rights of a number of vulnerable groups, said that it would be useful to know whether and how representatives of the groups in question had been consulted during the development of those strategies and action plans. He would also be interested to hear whether the Government had developed entirely new strategies for the period 2021–2030 or had updated existing strategies. Further information on the results achieved and challenges overcome during the first year of implementation of those strategies would also be welcome.

25. **Mr. Uprimny**, speaking via video link, said that, in the light of the Committee's statement on universal and equitable access to vaccines for COVID-19 (E/C.12/2020/2), he would be interested to learn about the State party's position on the waiver of intellectual property rights as a means of ensuring universal access to COVID-19 vaccines and the position that it defended in that regard within the European Union.

26. **Mr. Windfuhr** said that the State party should consider ratifying the Optional Protocol straight away rather than waiting until 2025. The application of the Committee's Views in future cases would help the Government to identify and fill any gaps in the law to ensure compliance with the Covenant.

27. **Ms. Baršová** (Czechia) said that the Government's approach to the adoption of strategies and action plans was harmonized with the European Union's planning periods. Thus, new strategies and action plans had been adopted at the start of the new decade. Such documents tended to contain a mixture of new measures and existing measures from previous strategies that had proven successful, and included both legislative and non-legislative measures. For example, the Gender Equality Strategy 2021–2030 provided for non-legislative measures, including the allocation of European Union funds to gender-equality initiatives, capacity-building activities for civil society organizations working in the area of gender equality, incentives to encourage employers to promote the reconciliation of work and family life, and measures to increase the availability of child care.

28. Recent gender-equality initiatives had resulted in some notable successes, such as in the parliamentary elections of 2021, when a record 25 per cent of the members elected to the Chamber of Deputies were women, thanks to the concerted efforts of local campaigners, supported by the Government, to encourage voters to rank female candidates highly on their ballot papers. In addition to the Gender Equality Strategy, the Government had developed specific action plans on ending gender-based violence, closing the gender pay gap and implementing Security Council resolution 1325 (2000) on women and peace and security.

29. Pursuant to a law adopted in 2021, a reparations mechanism had been established whereby the victims of forced sterilization could apply for compensation from the Government of up to 300,000 koruny. The establishment of the mechanism was the result of many years of discussion and activism, in which Roma women had played an indispensable role. According to recent studies, around half of the Roma population in the country lived in socially excluded areas. The Agency for Social Inclusion worked with local authorities in those areas to offer assistance to Roma persons in need, but had had only limited success. The Roma Integration Strategy up to 2020 had had mixed results, with some successes in the area of culture and remembrance of the Holocaust, but less success in areas such as employment. The new Strategy for Roma Equality, Inclusion and Participation 2021–2030 contained a mixture of new measures and successful measures from the previous strategy. It had been prepared in close consultation with representatives of the Roma community and was linked to the European Council Recommendation 2021/C 93/01 of 12 March 2021 on Roma equality, inclusion and participation.

30. **Ms. Chmelíčková** (Czechia), speaking via video link, said that the detention of migrants was a measure of last resort, both under the treaties to which the country was a party and under European Union legal provisions, which had to be transposed into national law. Consequently, the police had to assess available alternatives to detention before a detention order could be issued. Detention rates in recent years had ranged from 10 to 16 per cent.

31. The detention of children was prohibited under the Asylum Act. Under the Act on the Residence of Foreign Nationals, children whose parents were detained could be housed with them for limited periods of time in special facilities where no single men were placed. A new dedicated facility had been built in a wooded area, at a distance from airports and high traffic areas, and was fully equipped to accommodate children. Social workers and leisure time activity coordinators could organize activities for the children outside the facility. Some 10 children were placed with their parents in such facilities each year.

32. Eleven unaccompanied minors had arrived in Czechia in 2019 and 22 in 2020. Because of the situation in Afghanistan, the number of single males entering the country illegally and claiming to be minors had increased sharply in 2021. That year, 98 such males – all Afghans – had been determined to be adults. Many had been detained in view of their transfer to other European Union member States in which they were already registered. The tens of minors about whose age there was no doubt had not been detained, but had been placed directly in a special school.

33. There were some 500 stateless persons in Czechia: 400 had permanent residence, which gave them the same rights as Czech nationals, and 92 were under a temporary stay regime. The current statelessness determination procedure had been in place since August 2021. Proceedings were under way to determine the status of 11 individuals. Twenty-two of the 42 decisions handed down thus far had resulted in the granting of stateless status. On the basis of that status, individuals could be issued identity documents that were also valid for travel, and long-term national visas that gave them the same rights to health care, housing, education and employment as foreign nationals with long-term visas. Holders of such visas could apply for a residence permit after one year and for a permanent residence permit at a later point. Under the Citizenship Act, certain citizenship requirements, such as those relating to the length of stay, could be lifted for stateless persons. Access to citizenship was also simplified for children born stateless. Ministry of the Interior staff explained the available options to stateless persons when they applied for visa extensions or residence permits.

34. **Mr. Janeček** (Czechia), speaking via video link, said that the eligibility requirement for a retirement pension was a minimum of 15 years of contributions, in which case a pension could be paid from when the recipient was five years older than the mandatory retirement age. Under bilateral agreements in place, pension contributions made in other countries could be taken into account in determining pension eligibility. Individuals who were not eligible for retirement pensions could receive non-contributory benefits. For some benefits, there was no required length of residence, and for others the period was one year.

35. **Ms. Hlaváčová** (Czechia), speaking via video link, said that a compensation mechanism had been set up under the Ministry of Health in early 2022 to provide amounts of up to 300,000 koruny to women who had been sterilized without their informed consent between June 1966 and March 2012. Thus far, some 115 applications had been received and were being processed. Forced sterilization had been prohibited by law since 2012.

36. The Government's position on patent exemptions for COVID-19 vaccines and treatments was that of the European Union, under whose competence such questions fell. Czechia did, however, promote access to vaccines through its contributions to the COVID-19 Vaccine Global Access (COVAX) Facility.

37. **Ms. Baršová** (Czechia) said that the Government did not plan to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in the near future but would hold discussions on the matter.

38. **Ms. Lemus de Vásquez** (Country Task Force) said that she wished to learn about any measures that had been taken during the COVID-19 pandemic to protect workers' jobs and incomes, including the scope of the measures, the percentage of the workforce that they had applied to and whether they were still in force. She would welcome additional details on the Strategic Framework for Employment Policy until 2030, including its main objectives and scope. It would also be helpful to have disaggregated data on the impact that the State party's unemployment reduction measures had had on persons with disabilities, women with children, persons over 50 years of age, young Roma persons and young persons with migrant backgrounds.

39. She would be interested to learn whether the State party planned to collect data on the number of persons employed in the informal sector and take steps to safeguard their rights. She wished to know how many of the 181 fines imposed in 2019 for infringements of minimum wage regulations had been paid and how many such infringements and fines there had been in 2020 and 2021. It would be helpful to hear about the outcomes achieved by applying the State party's methodology to promote the principle of equal pay for equal work and whether any future measures had been developed on the basis of those outcomes. It would also be interesting to find out the results of the analysis undertaken of the labour practices of 15 employers using the Logib analytic tool and learn whether any action had been taken on the basis of the results.

40. She wished to know how the handbook for public authorities on the handling of sexual harassment in the workplace was being used in practice and whether there were any mechanisms for filing complaints or punishing perpetrators of such harassment. She would appreciate clarification of the State party's stance on the removal of the current restrictions on the right to strike. She wondered whether the Government was considering any initiatives to adapt pension requirements to the situation of refugees and asylum seekers, including by making the number of years of work required proportional to the number of years of residence, and whether it planned to enter into bilateral agreements on pensions with refugees' countries of origin. It would also be helpful to have information on any efforts to remove the restrictions on the legal capacity of persons with psychosocial or intellectual disabilities that interfered with their ability to gain access to social security regimes and on any steps taken to ensure that they received the reasonable accommodation required to gain access to social services.

The meeting rose at 4.50 p.m.