



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General  
10 June 2021

Original: English  
English, French and Spanish only

## Committee against Torture

### List of issues prior to submission of the seventh periodic report of Czechia\*

#### Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

##### Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations (para. 40),<sup>1</sup> the Committee requested the State party to provide information on follow-up to its recommendations on: strip-searches in detention centres, hate crimes against minority groups, including Roma and Muslims, and treatment of persons in psychiatric institutions (see paras. 15, 27 and 33, respectively). Noting that replies concerning the information sought by the Committee were received on 28 June 2019,<sup>2</sup> and with reference to the letter dated 6 December 2019 from the Committee’s Rapporteur for follow-up to concluding observations, the Committee considers that the recommendations included in paragraph 33 of the previous concluding observations have not yet been implemented. The recommendations contained in paragraphs 15 and 27 of the previous concluding observations are considered to have been partially implemented.

##### Articles 1 and 4

2. With reference to the Committee’s previous concluding observations (paras. 8–9),<sup>3</sup> please indicate whether the State party will consider amending its current definition of torture in section 149 of the Criminal Code to contain all the elements set out in article 1 of the Convention, in particular the purposes of torture and the acts committed at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. Please clarify whether statutes of limitations for criminal and civil proceedings are applicable to the crime of torture.

##### Article 2<sup>4</sup>

3. With reference to the Committee’s previous concluding observations (paras. 10–11), please indicate whether the State party has adopted legislative measures to put in place a

\* Adopted by the Committee at its seventieth session (26–28 April 2021).

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee (CAT/C/CZE/CO/6).

<sup>2</sup> CAT/C/CZE/CO/6/Add.1.

<sup>3</sup> See also CAT/C/CZE/CO/4-5, para. 7.

<sup>4</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee’s general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligation to prevent torture and other cruel, inhuman and degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent



properly funded system of free legal aid for those who do not have sufficient means to pay for legal representation, and to ensure that detained persons have prompt and confidential access to a qualified and independent lawyer, or to free legal aid, from the very outset of deprivation of liberty, including during any police questioning. Please clarify whether the State party has taken any legislative steps to ensure that juveniles in conflict with the law do not have to pay the costs for their legal defence, even if convicted of a criminal offence, and to guarantee child suspects below the age of criminal responsibility free legal representation from the moment of police questioning. Please also provide information on any new measures taken by the State party during the reporting period to ensure that detainees enjoy in practice all fundamental legal safeguards from the outset of their deprivation of liberty. In particular, please indicate the steps taken and the procedures in place to ensure that all detainees: (a) are informed of the charges against them and about their rights, both orally and in writing, in a language that they understand, and certify that they have understood the information provided to them; (b) are authorized to promptly contact a family member or any other person of their choice; and (c) have all periods of deprivation of liberty accurately recorded immediately after arrest in a register at the place of detention and in a central register of persons deprived of liberty.

4. Bearing in mind the Committee's previous concluding observations (paras. 12–13), please specify the measures taken to ensure, in practice, that all detainees have the right to request and receive a comprehensive medical examination, conducted by independent medical staff, or a doctor of their own choosing, from the outset of the deprivation of liberty, and also promptly upon admission to a detention centre. Please indicate whether the State party has taken steps to ensure that the medical examinations are conducted out of the hearing and sight of prison guards and police officers, unless the doctor concerned explicitly requests otherwise, and without the detained person being handcuffed. Please also indicate whether the State party has taken the measures necessary to ensure that: (a) the record of the medical examination contains a full account of objective medical findings, an account of statements made by the detained person that are relevant to the medical examination (including on his or her state of health and any allegations of ill-treatment) and the doctor's observations evaluating those statements, indicating the consistency between any allegations made and the objective medical findings; and (b) the results of every examination are made available to the detained person and, upon request, to his or her lawyer. Please clarify whether the State party has amended the Health-Care Services Act (No. 372/2011) to include a provision stipulating that health-care professionals are requested to report suspected cases of torture and ill-treatment to the relevant authorities. Please also indicate whether the State party has adopted guidelines for health-care professionals regarding the procedure for reporting signs of torture and ill-treatment without risk of reprisal.

5. Further to the Committee's previous concluding observations (paras. 36–37), please indicate whether the State party has taken the legislative measures necessary to amend the Act on the Public Defender of Rights, with a view to strengthening its mandate and consolidating it as a fully fledged national human rights institution, fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>5</sup> Please also provide updated information on the measures adopted to ensure that the Public Defender has sufficient financial and human resources to carry out its mandate as a national preventive mechanism in an effective and independent manner and is allowed unimpeded access to all places of deprivation of liberty, including to police escort vehicles used during return procedures. Please provide statistical data, disaggregated by year and by age group (minor or adult), sex and ethnic origin or nationality of the victim, on the number of complaints of torture and ill-treatment received by the Public Defender since 2018 and on the outcomes of those complaints. Please also provide information on the steps taken by the State party since 2018 to act upon the recommendations of the Public Defender of Rights, particularly those related to psychiatric institutions, as recommended previously by the Committee (para. 33 (d)). Please indicate whether the State party has considered: (a) allowing non-governmental organizations to regularly monitor all

---

torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

<sup>5</sup> See also CCPR/C/CZE/CO/4, paras. 7–8; and CERD/C/CZE/CO/12-13, paras. 9–10.

places of detention to complement the monitoring undertaken by the Public Defender of Rights as the national preventive mechanism, as recommended by the Committee in its previous concluding observations (para. 19 (g)); and (b) extending the supervisory role of the public prosecution service to the facilities for the detention of undocumented migrants, reception centres for asylum seekers and the closed wards in psychiatric hospitals, so that victims can address their complaints directly to the prosecutors.

6. Please provide information on the measures taken by the State party to combat all forms of violence against women and girls, including any allegations of involuntary sterilization of Roma women, particularly with regard to cases that involve the actions or omissions of State authorities or others that engage the State party's international responsibility in accordance with the Convention.<sup>6</sup> Please also provide updated information on the protection and support services available to victims of all forms of violence against women. Please include statistical data, disaggregated by the age group (minor or adult) and ethnicity or nationality of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences recorded in cases of gender-based violence, including trafficking in persons<sup>7</sup> and involuntary sterilization of Roma women, since the consideration of the previous periodic report. Please indicate the number of cases in which aggravating circumstances were applied on the ground that there was a state of emergency due to the coronavirus disease (COVID-19) crisis, and the number of cases in which a perpetrator was expelled with an order for quarantine or isolation from the household in cases of immediate danger to the health and life of the victim.

### Article 3

7. With reference to the Committee's previous concluding observations (paras. 20 and 21 (c) and (d)), please explain the measures taken by the State party to ensure that persons facing deportation, return or extradition are informed of their rights to seek asylum or subsidiary protection, to appeal a deportation or extradition decision and to access free legal assistance and information about the asylum process in a language they understand. Please explain how the State party guarantees effective access to the asylum procedure and to free legal assistance and interpretation services, especially when people face denial of entry to the territory and subsequent removal, including at all reception and detention centres, and whether civil society organizations providing legal assistance can have free access to those centres. In light of decision 2299/19 of 2 April 2020 of the Constitutional Court, please indicate the measures taken by the State party to ensure that persons subject to extradition procedures have their international protection needs individually assessed against the risk of being subjected, upon return, to torture or inhuman or degrading treatment or punishment before a final decision is taken. Please also clarify whether asylum seekers facing transfer to another State member of the European Union under the Dublin system may also challenge their detention or the decision to transfer them to another State member of the European Union. Please also clarify whether the State party has acted on the recommendation of the Supreme Administrative Court and developed and implemented a standard operating procedure for the early and proactive identification and protection of persons in vulnerable situations, including victims of torture and ill-treatment, gender-based violence or trafficking,<sup>8</sup> regardless of their legal or migratory status, notably at the Prague airport transit zone, and to ensure that their specific needs are taken into consideration and addressed in a timely manner, including by providing access to medical services.

8. Please provide statistical information for the period under review, disaggregated by year and the sex, country of origin or nationality and age group (minor or adult) of the victim, on: (a) the number of asylum applications registered; (b) the number of applications for asylum or other forms of subsidiary protection approved and the number of asylum seekers whose applications were granted because they had been tortured or ran the risk of being tortured if returned; (c) the number of persons who were returned, extradited or expelled, indicating the grounds on which they were returned, extradited or expelled and providing a

<sup>6</sup> CCPR/C/CZE/CO/4, paras. 20–21.

<sup>7</sup> See also CCPR/C/CZE/CO/4, paras. 30–31; and CERD/C/CZE/CO/12-13, paras. 29–30.

<sup>8</sup> See also CCPR/C/CZE/CO/4, paras. 30–31; and CERD/C/CZE/CO/12-13, paras. 29–30.

list of the countries of destination; and (d) the number of appeals filed against expulsion decisions on the basis that the applicants could be in danger of being subjected to torture and ill-treatment in their countries of origin, and the results of those appeals.

9. Please indicate the number of returns, extraditions and expulsions carried out by the State party during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof, as well as any instances where the State party has offered such diplomatic assurances or guarantees, and measures that have been taken in such cases with regard to subsequent monitoring.

#### **Articles 5–9**

10. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please also indicate what measures have been taken by the State party during the period under review to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). In particular, please provide information on cases in which the State party has agreed to extradite a person for torture or related offences since 2018. Please also indicate whether the State party has rejected, for any reason, the request of a State party for the extradition of an individual suspected of having committed torture and whether it has started prosecution proceedings against such an individual as a result. If so, please provide information on the status and outcome of such proceedings. Please also inform the Committee of any extradition treaties concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please give details of the treaties or agreements on mutual legal and judicial assistance that the State party has entered into, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. If so, please provide examples.

#### **Article 10**

11. With reference to the Committee's previous concluding observations (paras. 38–39), please provide information on educational programmes developed by the State party since 2018 to ensure that all public officials, in particular law enforcement officials, prison staff and immigration and border control officers: (a) are fully aware of the provisions of the Convention and the absolute prohibition of torture, and know that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted; (b) treat persons in situations of vulnerability appropriately; (c) are aware of legislation and procedures to guarantee the principle of non-refoulement and of the arrangements for the identification of victims of torture, trafficking in persons<sup>9</sup> and gender-based violence among asylum seekers; and (d) are trained on non-coercive investigation techniques. Please indicate whether those training courses are mandatory or optional, how often they are run, how many officials have already completed them in relation to the total number of law enforcement and prison personnel and what measures have been taken to train the remaining officials. Please also indicate whether the State party has developed a methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill-treatment, in line with the relevant recommendation in the Committee's previous concluding observations (para. 39).

12. Please provide detailed information on the training programmes for medical professionals and other public officials involved in work with persons deprived of their liberty, such as law enforcement officials, prison staff, judges and prosecutors, on detecting and documenting the physical and psychological sequelae of torture, including whether the programmes contain specific training with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). Please indicate whether these training courses are mandatory or optional and how often they are run.

---

<sup>9</sup> See also CCPR/C/CZE/CO/4, paras. 30–31; and CERD/C/CZE/CO/12-13, paras. 29–30.

**Article 11**

13. Taking note of the Committee's previous concluding observations (paras. 18–19), please indicate the measures taken or envisaged to review the State party's penal system, in particular with regard to the high incarceration and recidivism rates. Please also describe the measures taken since 2018 to increase the use of alternatives to imprisonment, both before and after trial, particularly in relation to juveniles, with a view to decreasing the occupancy level of the prison system and increasing the living space per detained person. In this regard, please indicate how the rate of application of alternative measures has evolved annually since 2018. Please also provide statistical data since 2018, disaggregated by year and by the sex, age group (minor or adult) and ethnic origin or nationality of the detained person, on the capacity and occupancy rate of all places of detention and the number of pretrial detainees and convicted prisoners.

14. Please indicate what steps have been taken since 2018 to improve detention conditions, including with regard to exercise in the open air for persons held in police cells and hygiene and sanitation in all places of detention, and to provide a programme of educational and recreational activities, particularly for juvenile remand prisoners, prisoners segregated from the rest of the prison population and women prisoners. Please explain the measures taken to provide adequate health-care services free of charge, particularly psychiatric and psychological care and interpretation services during medical consultations or examinations, if needed. Please also indicate whether the State party will consider placing the prison health-care services under the responsibility of the Ministry of Health. Please indicate whether the State party has put an end to the policy of obliging all detainees to pay part of the costs of their incarceration, as recommended by the Committee in its previous concluding observations (para. 19 (d)).<sup>10</sup> Please provide information on the State party's efforts to meet the particular needs of juveniles in detention, ensuring that the latter are always separated from adult prisoners. Please also indicate whether the State party has considered repealing the measure of "protective care" of juveniles and children below the age of criminal responsibility, which is served in institutions with a closed regime for an undetermined duration. Please also indicate whether protocols are in place to meet the needs of other groups of prisoners, such as women, older persons, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons.

15. Bearing in mind the Committee's previous concluding observations (paras. 14–15), the State party's follow-up report,<sup>11</sup> the letter of the Rapporteur for follow-up to concluding observations and information indicating that routine strip-searches continue in some establishments, occasionally as an informal punishment, please explain the control measures taken, including disciplinary action, to ensure that police officers and prison staff comply in practice with the legal framework and the procedures regarding the conduct of strip-searches, so that they are based on an individual risk assessment. Please inform the Committee about the number of breaches recorded per year since 2018 and the sanctions imposed.

16. Please provide information on the legislative and other measures taken to reduce the maximum duration, in law and in practice, of solitary confinement, and to ensure that solitary confinement is not imposed on children in various types of facilities, including criminal detention facilities, health-care facilities and educational institutions, or on persons with psychosocial disabilities. Please also indicate whether the State party has taken measures to prohibit sequential disciplinary sentences resulting in an uninterrupted period of solitary confinement in excess of the maximum legal period. Please explain whether the State party has taken measures to avoid imposing a total prohibition of family contact as a disciplinary punishment. Please indicate also whether the State party has taken measures to review the role of health-care staff in relation to disciplinary matters, so that they are released from the duty of certifying that prisoners are fit to undergo punishment but are requested to monitor prisoners in solitary confinement on a daily basis.

17. With regard to the Committee's previous concluding observations (para. 19 (e)), please provide statistical data regarding deaths and attempted suicide in custody during the period under review, including in mental health institutions and police and immigration

<sup>10</sup> See also CAT/C/CZE/CO/4-5, para. 10.

<sup>11</sup> CAT/C/CZE/CO/6/Add.1, paras. 3–5.

detention centres, disaggregated by place of detention, the sex, age and ethnicity or nationality of the deceased or the person who attempted suicide, and the cause of death (violence between or against persons deprived of liberty, suicide, natural death or disease), together with information on the number of deaths attributed to assaults committed or tolerated by public officials, deaths due to the use of excessive force and deaths resulting from a lack of timely medical assistance and treatment. Please provide details on any cases in which administrative inquiries and/or criminal investigations have been launched to determine whether public officials bore any responsibility for those deaths or attempted killings or suicides, the results of those investigations and the measures taken to prevent similar cases from occurring in the future. Please indicate whether, in any of the cases, relatives of the deceased were awarded compensation. Explain the steps taken by the State party to ensure the identification, monitoring and protection of vulnerable detainees at risk of suicide, and to provide them with appropriate assistance, including psychiatric care and other preventive measures.

18. Bearing in mind the Committee's previous concluding observations (paras. 32–33), the State party's follow-up report<sup>12</sup> and the letter of the Rapporteur for follow-up to concluding observations, please update the Committee on the status of implementation of the deinstitutionalization of mental health care services and the promotion of community-based and peer-led support initiatives for persons with psychosocial or intellectual disabilities, including the promotion of non-coercive interventions. In this regard, please explain whether the State party has taken measures, including through awareness-raising and capacity-building initiatives, to address the increase in the application of court-ordered institutional forensic treatment and secure preventive detention as opposed to outpatient care measures. Please provide updated information on the status of the legislative reforms and clarify whether the current legislative framework: (a) abolishes the use of net beds in all psychiatric facilities;<sup>13</sup> (b) ensures that persons with psychosocial or intellectual disabilities are fully informed about psychiatric and medical treatment and restraints to be applied to them in psychiatric institutions, including chemical and physical restraints, and are given the opportunity to refuse them; and (c) prescribes any derogations to the principle of free and informed consent on the basis of exceptional circumstances as measures of last resort, for the shortest possible period of time and when absolutely necessary to protect the health or life of the person concerned, only if he or she is unable to give consent, and under independent review. Please also indicate whether the methodological guide for residential care providers: (a) specifies that every patient should be informed about the right to complain and to obtain free legal aid; (b) specifies the information that should be included in a dedicated restraint register; and (c) outlines internal and external reporting mechanisms, the procedure for debriefings, and complaints procedures. Please also provide statistical data since 2018 on: (a) the number of complaints of ill-treatment of persons with mental and psychosocial disabilities in psychiatric institutions, disaggregated by year, institution, and the sex, age group (minor or adult) and ethnic origin or nationality of the victim, and include information on the outcome of those complaints, including on prosecutions, convictions and sentences;<sup>14</sup> and (b) the use and duration of use of restraints (manual control, mechanical restraint, placement in a seclusion room, placement in a net bed and forcible administration of psychotropic medication) for the period under review, specifying the maximum and average duration of use of each of these restraints per year.

19. With regard to the Committee's previous concluding observations (paras. 20–21), please indicate the measures taken to provide non-custodial accommodation for migrant children and migrant families with children, such as care arrangements and community-based programmes,<sup>15</sup> and describe the type of establishment and regime applied to them, including the educational and recreational opportunities available. Please inform the Committee about the number of accompanied and unaccompanied children detained or accommodated in the immigration detention centres every year since 2018, disaggregated by age, gender, nationality and legal status of these children. Please explain the efforts made by the State

---

<sup>12</sup> CAT/C/CZE/CO/6/Add.1, paras. 16–26.

<sup>13</sup> See also CCPR/C/CZE/CO/4, paras. 26–27.

<sup>14</sup> Ibid.

<sup>15</sup> See also CCPR/C/CZE/CO/4, paras. 28–29; and CERD/C/CZE/CO/12-13, paras. 21–22.

party to implement alternatives to migration detention, as provided for in national legislation,<sup>16</sup> particularly with regard to vulnerable groups and during the closure of borders as a result of the COVID-19 pandemic, and to ensure that migration detention is applied as a measure of last resort, after alternative measures have been duly examined and exhausted, and for as short a period as possible. Provide annual data for the period under review on the percentage of cases in which alternatives to migration detention were applied, as compared with the percentage of cases in which migration detention was imposed, and the average duration and maximum duration of migration detention of undocumented immigrants. Please also indicate whether the State party: (a) has abolished the obligation of detained foreigners and asylum seekers in reception centres to pay for their food and accommodation; and (b) has reviewed the use of coercive measures during immigration detention, including the use of handcuffs, to ensure and monitor the necessity and proportionality of their use. Please explain the efforts carried out to improve material conditions in reception centres and detention facilities for undocumented migrants, including any plans to provide more communal housing and ensure privacy. Please also describe the reporting procedures for victims of ill-treatment in the reception and detention centres for migrants, including in the quarantine facilities, and indicate the number of complaints lodged since 2018 and the outcome of the investigations. In particular, please indicate the result of the investigation into the case of sexual abuse perpetrated in June 2020 in the quarantine area of the Bělá-Jezová reception/detention centre.

### Articles 12–13

20. With reference to the previous concluding observations (paras. 16–17), please provide information on the steps taken to strengthen the investigative capacity and the independence of the General Inspection of Security Forces, with a view to ensuring that all complaints of torture and ill-treatment, including any such allegations made by persons deprived of their liberty, are immediately referred to it and also to ensure that there is no hierarchical or institutional link or conflict of interest between the suspected perpetrators and the inspectors. Please also indicate whether public officials under criminal or disciplinary investigation for allegedly having committed acts of torture or ill-treatment are immediately suspended from their duties and remain so throughout the investigation, subject to the observance of the principle of presumption of innocence. Please describe how the State party guarantees the confidentiality and independence of, and follow-up by, the system for receiving complaints of torture and ill-treatment, including in cases where victims are deprived of their liberty, and indicate what mechanisms are in place to protect victims of torture and ill-treatment, members of their family, witnesses and investigators against any form of intimidation or reprisal arising as a consequence of complaints submitted. Please indicate whether complainants and victims are duly informed of the progress and results of their complaint, and what judicial remedies are available to them should a prosecutor decide not to pursue a case.

21. Please provide updated statistical data, disaggregated by the sex, age group (minor or adult) and ethnic origin or nationality of the victim and the service to which the accused person belongs, on complaints of actual or attempted acts of torture, ill-treatment and excessive use of force, as well as on complaints of complicity, participation or acquiescence in acts of torture, recorded by the State authorities during the reporting period. Please include information on investigations, disciplinary and criminal proceedings, decisions to stay proceedings, convictions and the criminal or disciplinary sanctions applied. Please indicate how many ex officio investigations have been opened into the above-mentioned offences.

### Article 14

22. Taking note of the Committee's previous concluding observations (paras. 30–31), please provide information on redress and compensation measures, including the means of rehabilitation ordered by the courts or other State bodies and actually provided to the victims of torture and/or ill-treatment or their families since the consideration of the previous periodic report, including victims of involuntary sterilization, surgical castration, ill-treatment in

<sup>16</sup> See also CCPR/C/CZE/CO/4, paras. 28–29.

psychiatric settings, attacks against minorities, trafficking and domestic and sexual violence. This should include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided. Please also provide information on any ongoing reparation programmes, including the treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

23. With reference to the preceding concluding observations (paras. 28–31), please indicate whether the State party has established, or plans to establish, an extrajudicial compensation mechanism through which victims of involuntary sterilization may have access to fair and adequate redress.<sup>17</sup> Please also inform the Committee whether the State party has considered extending or abolishing the time limit for filing claims under the State Liability Act and to eliminate the court fees introduced in 2017 for victims claiming compensation of damage caused by the State, in order to allow victims of torture and ill-treatment, including victims of involuntary sterilization, to obtain fair and adequate compensation.<sup>18</sup>

#### **Article 15**

24. Please provide information on the concrete measures taken to ensure respect, in practice, for the principle of inadmissibility of evidence obtained through torture or cruel, inhuman or degrading treatment. Please also provide examples of any cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment.

#### **Article 16**

25. Bearing in mind the Committee's previous concluding observations (paras. 14–15), the State party's follow-up report<sup>19</sup> and the letter of the Rapporteur for follow-up to concluding observations, please provide data on cases of racially motivated violence and hate crime against persons of minority communities or from a migrant background, including Roma, Jews, Muslims and migrants, that have occurred since 2018, disaggregated by type of motive or basis of discrimination, the sex, age group and ethnic origin or nationality of the victim, and whether the perpetrator was a public official.<sup>20</sup> Please provide information on the outcome of the investigations and prosecutions conducted in each case and the sentences and penalties imposed. Please also indicate the measures taken to address instances of threats, verbal abuse and racist or xenophobic remarks by the police during arrests, and indicate whether the State party has considered promoting the recruitment of persons belonging to minority groups in the police.<sup>21</sup> Please also provide updated information on measures taken to prevent hate crimes against migrants and migrant-assisting organizations, such as a hate-crime hotline, and measures to increase tolerance in society, in particular towards the Muslim minority.

26. With regard to the previous concluding observations (paras. 34–35), please indicate whether the State party has taken measures to review the policy of using surgical castration in the context of treatment of sex offenders, and to promote less aggressive treatments.<sup>22</sup> Please also inform the Committee about the legislative measures adopted or planned in order to repeal article 29 (1) of the Civil Code, which provides for the requirement of compulsory surgery and sterilization for transgender persons who wish to obtain legal recognition of their gender, in line with the decision adopted by the European Committee of Social Rights in 2018 in *Transgender Europe and ILGA-Europe v. Czech Republic*.<sup>23</sup>

27. In light of the previous concluding observations (paras. 22–23), please indicate whether the State party has introduced a definition of statelessness into domestic legislation,

---

<sup>17</sup> See also CCPR/C/CZE/CO/4, paras. 22–23; and CERD/C/CZE/CO/12-13, paras. 19–20.

<sup>18</sup> See also CCPR/C/CZE/CO/4, paras. 22–23; and CERD/C/CZE/CO/12-13, paras. 19–20.

<sup>19</sup> CAT/C/CZE/CO/6/Add.1, paras. 6–15.

<sup>20</sup> See also CCPR/C/CZE/CO/4, paras. 16–17; and CERD/C/CZE/CO/12-13, paras. 11–14.

<sup>21</sup> CERD/C/CZE/CO/12-13, para. 14.

<sup>22</sup> See also CCPR/C/CZE/CO/4, paras. 24–25.

<sup>23</sup> *Ibid.*, paras. 12–13.

and explain how the existing statelessness determination procedure functions.<sup>24</sup> Please provide information on the number of stateless persons who have completed such a procedure. Please also indicate whether the State party has taken steps to map out all stateless persons and persons at risk of statelessness in the country with a view to providing them with identification documents and creating a central database of stateless persons in its territory.<sup>25</sup> If so, please provide the Committee with the number of stateless persons residing in Czechia and indicate the methodology used for data gathering.

28. Please indicate whether the State party envisages amending its legislation to expressly prohibit corporal punishment in all settings, including the home. Please explain the efforts taken to encourage non-violent forms of discipline as alternatives to corporal punishment.<sup>26</sup> Please also indicate the progress made to deinstitutionalize early childhood care, including for children with disabilities and Roma children, and to promote non-institutional and family-like alternative forms of care, such as foster care or support for families at risk, in line with the decision adopted by the European Committee of Social Rights in 2020 in *European Roma Rights Centre (ERRC) and Mental Disability Advocacy Centre (MDAC) v. Czech Republic*. Please also indicate whether the State party is considering stopping the practice of placing children in closed regime facilities for “behavioural difficulties” upon the issuance of a child protection measure.

### **Other issues**

29. Given that the prohibition of torture is absolute and cannot be derogated from, including within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the COVID-19 pandemic to ensure that its policies and action comply with its obligations under the Convention. In addition, please specify the measures taken in relation to persons deprived of their liberty and in other situations of confinement, such as in homes for the elderly, hospitals or institutions for persons with mental and psychosocial disabilities.

### **General information on other measures and developments relating to the implementation of the Convention in the State party**

30. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous periodic report to implement the provisions of the Convention or the Committee’s recommendations. Such measures may include institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State party may consider relevant.

---

<sup>24</sup> Ibid., paras. 44–45; and CERD/C/CZE/CO/12-13, paras. 27–28.

<sup>25</sup> CERD/C/CZE/CO/12-13, paras. 27–28.

<sup>26</sup> See also CCPR/C/CZE/CO/4, paras. 42–43.