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**Consideration of reports submitted by States parties
under article 40 of the Covenant**

**List of issues in relation to the third periodic report of the
Czech Republic, adopted by the Committee at its 107th
session (11-28 March 2013)**

Addendum

Replies of the Czech Republic to the list of issues* **

[27 June 2013]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.

** Annexes can be consulted in the files of the Secretariat.

Reply to the issues raised in paragraph 1 of the list of issues (CCPR/C/CZE/Q/3)

1. From 1st January 2011, the mandate of the Ombudsman was extended. Next to his powers described in the report (CCPR/C/CZE/3, para. 11) the Ombudsman now monitors the detention of foreigners and the exercise of administrative expulsion, surrender of detained foreigners or their transit across the Czech Republic, and the expulsion of foreigners who were placed in pre-expulsion custody or are serving imprisonment sentences. The Ombudsman is not a body directly established according to the Paris Principles, but fulfils many functions similar to those institutions. The Government Commissioner for Human Rights as the main government body in the field of human rights continues to serve as well as the collective government advisory bodies focused on protection of human rights, the rights of the Roma minority, other national minorities, people with disabilities, the elderly or equal opportunities of women and men. These bodies provide a meeting platform for government representatives and experts from academic and civil sector to find solutions for actual problems. Together with independent courts and other public bodies these institutions provide a solution for complaints against violations of rights protected by the Covenant, as describes in the report (paras. 10-12).

Reply to the issues raised in paragraph 2 of the list of issues

2. The Czech Government is aware of its obligations under the Optional Protocol and reiterates that it recognizes the Committee's competence to receive and examine complaints from individuals under the Czech Republic's jurisdiction. The Government further reaffirms that the Views of the Committee adopted under the Optional Protocol are to be considered in good faith.

3. The Czech Government draws the Committee's attention to the relevant national implementation mechanism embedded into domestic legislation. The 2011 Act on Providing Cooperation for the Purposes of Proceedings before Certain International Courts and Other International Supervisory Bodies provides adequate means to implement judgments of the European Court of Human Rights and explicitly stipulates that all the provisions of this Act are by analogy applicable for the purposes of proceedings before the Committee. The Act, together with a related Government resolution, sets formalized channels of communication among relevant authorities, providing the Office of the Government Agent before the European Court of Human Rights and the UN Human Rights Committee with a coordination function in the implementation process of the Court's judgments and the Committee's views. In light of this coordination mandate, the Act stipulates that all public authorities including the judiciary are required to take without undue delay both individual and general measures to put an end to violations of the relevant international instrument found in individual cases. In this regard, the Government Agent recommends to the Minister of Justice, and through the latter to the Government, what steps should be taken following the finding of a violation, and then coordinates the implementation. The Act does not affect existing competences of executive, legislative and judicial branches.

4. The Office of the Government Agent has long-term and successful experience with the implementation of the Court's judgments against the Czech Republic, including amending national legislation, changing policies and practices of and raising awareness among relevant domestic authorities. This experience together with the above legislative framework can well contribute to an adequate implementation of the Committee's views at national level.

Reply to the issues raised in paragraph 3 of the list of issues

5. Since 1998, the Government annually adopts the Government's priorities and actions in enforcing equal opportunities for women and men. The document contains a set of measures given as tasks for the ministries to enforce equal opportunities for women and men and evaluates the fulfilment of past measures. It also contains a report on equal opportunities for women and men in the past year.

6. In the priorities for 2013, approved by the Government in May 2013, the Government imposed on its members e.g. to evaluate the impact of their conceptions and decisions on equal opportunities for women and men, to secure the activities of working groups for equal opportunities for women and men in the ministries, to monitor and support equal representation of women and men in government bodies and leading positions and in state enterprises or companies owned by the state, to take into account equal opportunities for women and men in their subsidy programs, to provide education in equal opportunities for women and men for all employees in cooperation with experts, to monitor and enquire in cases of sexual harassment in workplace and to include equal opportunities for women and men into their media policy. The Minister for Labour and Social Affairs as the member of Government entrusted with equal opportunities for women and men and the chairwoman of the Government Council for Equal Opportunities for Women and Men shall create a mid-term strategy for equal opportunities for women and men in the Czech Republic and establish regular education of ministerial coordinators for equal opportunities for women and men. The participation of women and men in core social activities shall be monitored and analysed.

7. The members of Government shall introduce, develop and support part-time jobs and inform their employees and job-candidates about these possibilities to enforce the equal position of women and men on the labour market and the coordination of employment, private and family life. They shall also keep statistics on the salaries of female and male employees and secure transparency in salaries. They shall individually or in cooperation aim at developing possibilities for child care for preschool children for their employees. The Minister for Labour and Social Affairs in cooperation with the Minister for Industry and Trade and the Minister for Education, Youth and Sports shall support child care services as kindergartens, child-care businesses or child care groups and the establishment and development of social services as care centres, daily stationeries or personal assistance.

8. Among other measures the Minister of Labour and Social Affairs shall support the offer of education, qualification and requalification for employment or undertaking for women with special regard to disadvantaged women like rural women, women from minorities including migrant women or single mothers. The requalification of women, who were for a longer time absent from the labour market or are over 50 years of age, shall also be supported as well as their active participation on the labour market. Suitable support for flexible employment shall be included in the pro-employment policy. The Minister of Interior shall adopt measures to prevent and eradicate gender-based violence and human trafficking in the migration policy and support projects aimed at solving risk situations in the life of migrant women. The Minister of Justice shall monitor the decisions of Czech courts in cases of gender-based discrimination and violence and publish them on the internet. The Minister of Education, Youth and Sports shall analyse the school system from the point of view of equal opportunities of women and men and, based on it, will point out problems and propose their solution as well as realise educational programs for present and future pedagogues on equal opportunities of women and men.

9. The mandate of the Committee on Equal Representation of Women and Men in Politics was extended by the equal representation in all decision positions including company management to support the higher representation of women in company

management. The employers' associations also performed some activities to support higher representation of women in corporate management. In 2011, the Confederation of Industry informed its members about examples of voluntary initiatives of companies in the field of diversity in corporate management and conducted an inquiry on best practices. The platform Business for the Society includes important employers interested in equal opportunities of women and men and the representation of women in decision positions.

10. In 2012, a bill on rules of selection of experts in management and supervisory boards of publicly owned companies was prepared. The bill includes general transparent and objective rules for filling these posts on the basis of expertise. The establishment of objective and transparent rules for filling decision posts is generally considered as a possible tool to support a higher representation of women in the decision process. The bill is still being debated by the Government.

11. The Committee on Equal Representation of Women and Men in Politics was established by the Council for Equal Opportunities for Women and Men in 2009 to submit measures for equal representation of women and men in politics. In 2012, its mandate was extended on all decisions positions in general, e.g. also in the business sector. The Committee is composed of government representatives, civil society experts, but also social partners and the most important political parties.

12. In 2010 the Committee proposed legislation to secure a minimum of 30% of candidates of each sex in the parliamentary and regional elections. The proposal was finally not submitted to the Government. The Committee continued to support the political participation of women and focused on education in this field. In 2012, it organized in cooperation with the secretariat of the Council and the NGO Forum 50% a seminar, "How to improve the participation of women in decision making processes?" The Committee also compiled a motion on the +1 strategy, which recommends to the Government and its ministries to implement a strategy to increase annually by one (1) person the unrepresented sex in management until the share of minimum 40% of women and men alike is attained. The aim is to create a more various and better functioning State administration and to diminish its vertical gender segregation. The motion was approved by the Council and will be now submitted to the Government.

Reply to the issues raised in paragraph 4 of the list of issues

13. The basic government document in the fight against gender stereotypes are the above mentioned Government's priorities and activities in enforcing equal opportunities for women and men. Next to the measures mentioned above the recent priorities include a task for the Minister for Education, Youth and Sports to support individual abilities and interests of children and adults for education in areas not typical for their gender. The Minister for Labour and Social Affairs shall continue to educate employment counsellors and intermediaries and other staff at the employment offices in the field of equal opportunities of women and men. In the past the Labour Minister with the Minister of Education, Youth and Sports had to adopt measures to tackle horizontal gender segregation on the labour market by strengthening the prestige and financial reward in the areas dominated by women by publicising the exchange of good practices, support of the choice of a "gender-untypical" profession, actively combat gender stereotypes etc. The Minister of Education, Youth and Sports had to continue the effort of tackling the stereotypes in the position of the woman in family, employment and the society in the framework educational programs.

14. In 2010, the Ministry of Labour and Social Affairs started the campaign: "How to do it, dad?" focused on fathers in charge of their children. The project strengthened the parental competencies of men and showed the advantages of parenthood for them. Its main aim was to increase the number of men active in parenting. The project continued in 2011

and in October 2011 was finished by a final international conference. The conference allowed also employers to present their approach to active fatherhood. The project ended successfully in 2011 and its conclusions are accessible at the webpage www.tatojaknato.cz. In the projects supported by the EEA/Norway grants there are plans for a public education campaign aimed not only at attract the public attention to discriminative gender stereotypes, but also the coordination of employment, private and family life and domestic and gender based violence.

Reply to the issues raised in paragraph 5 of the list of issues

15. The Government declared the fight against right-wing extremism and connected violence as its priority. The state's approach can be divided into two phases. The first is repression against persons and political representatives spreading hatred against minorities in cooperation of the Ministry of Interior, the Police and the intelligence services. Due to their coordinated approach, the neo-nazi scene is destructed, many of its members have been prosecuted and its present actions are weaker and more moderated. The court dissolution of the right-wing Worker's Party in 2010 was a major success. Many racist crimes as the arson attacks on Roma families in Vítkov in 2009 or Býchory in 2011 were successfully investigated and its perpetrators sanctioned. Detailed statistics are included in annex No. 1

16. The second phrase is devoted to prevention. In case of extremist assemblies or marches in socially excluded neighbourhoods the Police has to prevent clashes between the extremists and their opponents and also to protect the inhabitants of the neighbourhoods. The Ministry of the Interior issued methodical manuals how to secure public order and security during assemblies and marches and runs training courses for self-government officials and policemen. The commanders of police security measures have been trained on their effective and correct handling. Other education was aimed at police extremism specialists. Members of anti-conflict teams take part in a training including simulations of conflict situation lasting for several days. The Judicial Academy proposes courses for judges, public prosecutors and court personnel. The Criminal Police and Investigation Service was increased of several teams for detecting extremist groups and prosecuting their members as to provide an effective approach in fight against extremism. In the regional directorates working groups have been introduced composed of local specialists. Next to Praha and Brno, special public order units were created also in northern Bohemia and Moravia. The Police amended internal methodical orders connected to extremism. It also created a database of court decisions, norms, important cases, expert opinions, analysis and good practices for internal use. The new personnel policy system significantly reduces the possibility of extremist infiltration of security forces. The applicants for work in the Police, the Prison Service, the Army, the Customs Service and selected positions of the Fire-fighter Protection Force are checked in the police databases on extremism to avoid any possible infiltration.

17. In reaction to the anti-Roma rhetoric of right-wing extremists, the project "Dawn" of the Ministry of the Interior offers a positive alternative to steal the key themes from the neo-nazis. The project supports non-repressive methods of police work, the increase of security in social excluded neighbourhoods, the elimination of risk elements and the prevention of extremist attacks. The key factor is the inclusion of local inhabitants in the solution of their situation. The Ministry of Interior provides methodical guidance to the program and offers the municipalities with socially excluded neighbourhoods approved projects which they may combine and adjust to their local needs. The project had an important influence on the public security in the municipalities involved and helped to start the integration of socially excluded neighbourhoods. The marches of right-wing extremists

have diminished as well as the participation of demonstrators, criminal activity and connected disturbance of public order.

18. Extremist expressions by majority politicians on national as well as regional level have not been perceived, with exception of right-wing political subjects, which are marginal and do not enjoy significant political support. Their authors have been commonly criminally prosecuted. Some expressions against Roma not connected with right-wing ideology can be exceptionally perceived by local politicians. An integral part of the prevention of extremism is also the condemnation of any racist or extremist violence or encouragement to it as well as any hatred speech by any person. In the Government, this task is assigned to the Government Commissioner for Human Rights as the officer in-charge of human rights and minority protection. The Commissioner in her public speeches and statements condemns any kind of verbal or physical violence or intolerance also by politicians.

19. The Commissioner also leads a special working group for solving social conflicts. The working group is composed of representatives of the Ministries of Labour and Social Affairs, Education, Youth and Sports, for Regional Development, Interior, Industry and Trade and the Agency for Social Inclusion. The group prepared a Plan for common action in case of a social conflict with measures for all ministries to take. The plan sets monitoring of the situation on the spot and subsequent evaluation and proposing of relevant measures in cooperation of the central administration and local self-government. The measures include e.g. the offer of consultation and methodical support for the municipality, crime prevention measures as the liaison officer for minorities and the crime prevention coordinator, the support for financing free-time projects for youth, a pedagogical assistant or a school psychologist, the use of new pro-employment tools, the support of socio-legal child protection bodies, social services and field social work, the possibilities for use of structural funds or other financial sources for social housing, social business etc.

20. The Government prepares also a campaign against racism and hate-crime coordinated by the Government Commissioner for Human Rights and the Agency for Social Inclusion. The campaign is aimed mainly at children and young people and will use also modern communication technologies like the internet or social nets and communities. The aim is to create active communities of people fighting racism via a creative and educational way. The supporting activities will be centred at school education in problem areas and at education in public bodies. The campaign will also spread examples of good practices and will be accompanied by researches in connected topics. The campaign shall start in 2013.

Reply to the issues raised in paragraph 6 of the list of issues

21. According to the Charter of Fundamental Rights and Freedoms, everyone has the right to decide freely about his ethnicity and declare it. The primary identification of members of Roma minority comes from a free and explicit declaration of their ethnicity. For example, during the last census in 2011, 13,150 persons declared their Roma ethnicity, of whom 5,199 declared solely Roma ethnicity and 7,951 Roma and other ethnicity. The information on ethnicity is sensitive personal data so their collection and processing is subject to strict legal rules. They can be collected only with the express consent of the data subject. If the subject does not give his or her consent, the ethnicity can be monitored only through a qualified estimation based on anonymous surveys without the collection of personal data. The ethnicity is then assigned by other persons based on external signs without considering the opinion of the data subject. In this way, differences between the subjective and objective perception of ethnicity can appear. For example the situation of Roma in the education system has been monitored in this manner.

22. The Czech Republic is aware of the problems of Roma in finding employment. The research of the World Bank, the EU Fundamental Rights Agency and the UNDP from 2012 shows that in 2011, the unemployment rate of Roma living in socially excluded neighbourhoods was in the category between 15 and 64 years of age, 39% against 6% of non-Roma living in the same neighbourhoods. In this category, 43% of Roma men are employed, but only 19% of Roma women. By young Roma of 15 to 24 years of age the unemployment rate is 61%. 77% of young Roma do not have any prior work experience. Only 2% of Roma run their own business. For this reason, the labour offices focus on Roma job seekers as a disadvantaged group on the labour market. The Roma participate in pro-employment policy programs. Most of them conclude individual action plans which include job offers and a higher care aimed at their employment. The Roma participate also in requalification courses and public utility jobs and receive job counselling. Roma job seekers are also included in regional individual projects realized by regional labour offices and focused on the needs of the local labour market. The Roma are supported by increasing motivation, qualification and subsequent job seeking. The success rate of Roma job seekers on the labour market is about 20%. Detailed data are included in annex No. 2.

23. The Roma are a long-term vulnerable group on the housing market facing structural barriers and discrimination. The Roma households with lower income are provided with housing allowances to meet their housing costs. Due to data protection, the number of Roma receiving these allowances is not monitored. The renting of flats is left to their owners, mainly municipalities and private persons. The municipalities administer their flats as private owners and self-governing entities in order to provide for the satisfaction of the needs of their citizens, including housing. The Civil Code sets rules for leases of flats of all landlords including the conditions for termination of lease and eviction which are limited strictly by law and include for example the failure to pay the rent or the disturbance of housing peace. The lease cannot be terminated and the person evicted for other reasons than stipulated by the law. The access to housing is also subject to the prohibition of discrimination according to the Antidiscrimination Act, as well as construction and hygiene rules. The compliance of these rules is monitored by relevant public bodies and courts, where victims of their violations can apply. In detail, the rules on housing are described in the report itself (paras. 237-242).

24. The Czech Republic sees the need of a complex approach to social housing. The Government Housing Concept till 2020 imposes the development of a concept of social housing for people whose housing need is not accordingly satisfied, till the end of 2013. The concept will include legislation on access to social housing, housing allowances and the development of tools for satisfaction of the housing need of the person concerned. A special tool of social work shall be introduced to help the social integration of people at risk of losing their housing and homeless people so they can gain and maintain their housing.

25. At present, the municipalities can obtain finances from the state budget from the programs of housing support and countryside revitalization of the Ministry of regional development. Some programs include as condition the active participation of the local Roma community in the revitalization of the neighbourhood. Another possible source are EU structural funds. The municipalities wishing to participate must create an integration development plan with concrete measures aimed at the social integration of local population. In 2011, 20 municipalities used these finances for constructing flats and other related social inclusion activities. Other municipalities realise projects of three-stage housing in connection with social programs to stabilise the situation of socially excluded families and develop their housing competencies. Detailed data are provided in annex No. 3.

26. The support of housing of the Roma and their protection from eviction is provided also by social services of social prevention and social integration as field social work, social

rehabilitation, social counselling or shelters supported by state subsidies. The aim of social work is to help the Roma maintain their housing, strengthen their ability to solve housing problems and help them to find suitable housing. In 2011, 47 municipalities have been supported. 66 field social workers have been working with 13,154 clients, who received 39,386 interventions. The social workers succeeded in 71% in securing housing in the case of eviction possibility, in 62% in improving the construction situation of the flat and in 66% in solving housing debts. In this way, housing problems of clients can be solved or avoided by professional assistance. The results of the social work program are shown in annex. No. 3.

27. The number of Roma in public service is not recorded due to the data protection. The Roma are represented on many positions in the public administration, mainly in positions connected with Roma affairs and Roma integration. Three of the 14 regional Roma affairs coordinators are of Roma origin. Many of the 163 municipal Roma advisors are also Roma. In the Police, the Roma work, for example, as crime prevention assistants. Their task is to lower the number of crimes and infractions in their locality, secure law enforcement, prevent disputes and illegal activities and change the negative majority perception of the socially excluded Roma population. The assistant is mostly selected among the local Roma population as a person of authority and knowledge of the situation and is employed by the municipal police. Detailed information is included in annex No. 4. In the regions, there are also liaison officers for minorities, whose task is community policing, forming contacts with members of the minorities and create an atmosphere of mutual trust and cooperation. Since 2007, a project helps also the applicants for police work from minorities with the study of police schools. The project helped already more than 50 persons, of whom 14 already successfully graduated.

Reply to the issues raised in paragraph 7 of the list of issues

28. The research of the Czech School Inspection and the Ombudsman show that Roma children are still over-represented in special education. Although the number of these children has decreased from 35% in the 2009-2010 school year to 26,4% in the 2011-2012 school year, the Czech Republic takes steps to provide every child with the education in his or her best interest.

29. The National Action Plan on Inclusive Education (NAPIE) was not terminated due to insufficient funding. The NAPIE was never started as only his preparation phase has been organized, which defined the basis priority areas and ought to be developed in subsequent steps. Many measures have then been included in further strategic documents, action plans or realized in other projects. The key measures of the NAPIE will be included in the Strategy on the Development of the Educational System 2020. The topic of inclusive education is dealt with in the Action Plan for the execution of the judgement of the European Court for Human Rights in the case *D.H. and others v. the Czech Republic* that includes concrete steps to secure equal opportunities in education in accordance with the Charter of Fundamental Rights and Freedoms and international human rights law, which will be described below.

30. According to international treaties, especially the Convention on the Rights of Persons with Disabilities, the ongoing legislative and practical modernization of the special educational system is shifting from the diagnostic approach to the definition of individual needs of the pupil and methods to overcome the obstacles in education through adequate supportive measures to meet the educational needs of every child. Those will be provides in the present standard financing system and the child will be legally entitled to them. Next to the legal changes described in the report (paras. 249-250) the diagnostic stay of the pupil without disabilities in the class for pupils with disabilities will be abolished and the child

will be monitored in his or her original educational environment. All possibilities to include children without disabilities in classes for children with disabilities shall be also abolished. All children will be educated in the environment the most suitable and appropriate for them without the influence of ethnicity or social background. The recommendations of the counselling facilities will be subject to revision with regard to the child's best interests, which may be initiated anytime by the pupil, his or her legal representatives, the school or the socio-legal child protection body. Already at present the pupil or his or her legal representatives can appeal against the placement in special education to the regional authority.

31. Part of the changes include also the support of attendance of socially disadvantaged children in kindergartens, the increase of their capacities, the establishment of preparatory classes and the development of professional competencies of pedagogues for the work with pupils with different educational needs, so they can develop their abilities and successfully finish their school education. In the school year 2011-2012, 244 preparatory classes for 2 884 children have been established, where the parents pay no fees. The kindergarten directors have to create conditions for children with special educational needs according to their demands. The last year of the kindergarten is free of charge and low-income families can be excluded from paying the fees altogether. In the school year 2011-2012, 458 pedagogical assistants for socially disadvantaged pupils were also supported.

32. The presented changes are supported by the Ministry of Education, Youth and Sports with methodical guidance of teachers, school directors, psychologists and other pedagogical workers in counselling facilities. In the school year 2011-2012, 342 schools have participated in projects where school psychologists and special pedagogues help children with the integration into mainstream education. The diagnostic tools shall be revised to sufficiently reflect the cultural specifics of all children and ensure their equal educational opportunities and the pedagogues and counsellors will be educated in new methods and approaches. The diagnostics will be methodically guided and monitored by the Czech School Inspection and the Ministry of Education, Youth and Sports. The Framework educational program Basic Education according to the Annex for pupils with slight mental disability shall be revised. The evidence of all pupils educated in different programs shall be established and include also their ethnicity so as to avoid any possible indirect discrimination.

33. All measures shall be discussed with academic and civil society experts in the Permanent Forum on NGO's on equal opportunities in education which is an advisory body of the Ministry of Education, Youth and Sports. The forum includes all NGO's participating in the equal educational opportunities discourse, as well as representatives of pedagogues and other experts on education of pupils with special educational needs.

Reply to the issues raised in paragraph 8 of the list of issues

34. The status of the private pig farm partially located on the site of the formal concentration camp remains unchanged. Despite this, the Czech Republic has taken many steps to appropriately honour the memory of the camp victims and to provide public access to the site. The terrain has been adjusted, access paths prepared and a natural amphitheatre constructed. The Memorial of Roma holocaust in Lety was established on the site of the formal concentration camp and in its surroundings. The Memorial is administered by the Lidice Memorial, a memorial of a village destroyed by the Nazis for the killing of the Reichsprotector Reinhard Heydrich. Its aim is to preserve the memory of the suffering of the Roma interned in the camp and to care for the place of piety. The Memorial includes a permanent exposition with replica of formal barracks, an information centre and exhibition space. It also organises various lectures for schools and teachers on Roma holocaust,

celebrations and other events, including annual memorial days. In 2012, the Memorial has been visited by 11,963 people.

Reply to the issues raised in paragraph 9 of the list of issues

35. The new electoral law is intended to be a comprehensive regulation covering all elections held in the Czech Republic, i.e. elections to the European Parliament, Czech presidential elections, elections to both Houses of Parliament and to the councils of regions and municipalities. The common provisions of the law will set out the basic terms and institutes common to all the different types of elections, such as electoral principles, election dates, active and passive voting rights, the submission and registration process for lists of candidates, electoral bodies, political parties, electoral campaigns, the list of voters, the process of recording and securing votes cast and judicial protection. In suitable cases, the existing legislation will be adopted, while changes will be proposed when these contribute to a more efficient electoral process and a closer reflection of the will of the electorate.

36. The right to vote for persons with limited legal capacity, or those who have been deprived of their legal capacity, will be regulated in accordance with the jurisprudence of the Constitutional Court and the European Court of Human Rights. These persons will therefore have both active and passive voting rights. However, if their capacity to exercise their voting rights has been restricted by a court, they will not be able to exercise this right. Even the European Court of Human Rights has recognized that limiting voting rights relating to public affairs only to persons capable of making conscious and deliberate decisions and of properly assessing the consequences thereof is a legitimate goal. In 2010, the Constitutional Court ruled that ordinary courts shall carefully consider restricting legal capacity in relation to the voting right because of its significance in a democratic society, and duly justify any such restrictions. The courts' approach must always be proportionate to the situation and must always assess whether a given person is capable of understanding the meaning, purpose and consequences of the election and whether restricting his or her capacity to exercise voting rights is justified or not. The same approach shall be adopted in case of limiting legal capacity with regard to the exercise of any right. Persons with mental disabilities are not automatically limited or deprived of their legal capacity, but only on the basis of a judicial assessment of their capacities to act independently in legal matters with due regard to their rights and interests. From 2014, the new Civil Code will not allow for full deprivation of legal capacity and persons deprived of legal capacity are considered as having their legal capacity limited. If their situation is not reviewed by a court within 3 years, they will regain full legal capacity. A person may also any time request a court to restore his or her full legal capacity or modify any restrictions thereto, including the legal capacity in relation to the voting right.

37. The equal exercise of voting rights by people with disabilities is also ensured through the possibility of assistance in the voting act by other persons for voters, who are not able themselves to check the ballot and place it in the ballot box, or who cannot read or write. Voters who are unable to attend the polling station for health reasons may vote in any other place using a portable ballot box. However, the secrecy of the ballot must always be maintained and any influence by the electoral commission eliminated. This requirement will remain in the new Act. A new provision is that if the polling station does not have wheelchair access, a voter may apply to the electoral commission, even through another person, to vote outside the polling room in the building concerned. However municipalities should ensure that elections are held in barrier-free buildings.

Reply to the issues raised in paragraph 10 of the list of issues

38. The main measure to prevent involuntary sterilization of any person is the adoption of the new rules on sterilization in the Act on specific healthcare services, which came into effect on 1st April 2012, and which reinforces the rights of the patient. According to the law, sterilization may be performed for health reasons, or for other reasons. Sterilization for health reasons may only be performed on patients over the age of 18 provided they give their written consent. Sterilization for other reasons may only be performed on patients over the age of 21 on the basis of their written request, provided there are no serious health counter-indications. In case of minor patients and patients deprived of their legal capacity, a sterilization may only be performed for health reasons and on the basis of a written consent of their legal representative, a positive opinion by an independent expert commission and a court approval. According to the law, the commission must have at least 5 members, including a clinical psychologist and a lawyer. The patient is always invited to commission hearings, with his or her legal representative if required. When informing the patient, the commission is required to take into account his or her intellectual maturity.

39. Before performing a sterilization, the attending doctor is required to provide the patient with information regarding the nature of the medical procedure, its permanent consequences and possible risks. The provision of this information is recorded in the medical records and signed by the attending doctor, the patient and one or more witnesses. Between the submission of information and the provision of consent a period must be left for reflection. This period is at least 7 days in the case of a sterilization for health reasons and in the case of a sterilization for other reasons at least 14 days. The patient or his or her legal representative must again express the consent to the intervention immediately before its start. As modern medical science does not consider sterilization as an intervention necessary to preserve life or health, it cannot be performed for these purposes without the patient's consent and this consent must always be provided in compliance with the conditions set out above.

40. At the beginning of 2012, the Government Council for Human Rights, an advisory body to the Government in the area of human rights, adopted a proposal, which recommended the Government to compensate women who had been sterilized in violation of the law. The Council suggests that, following this proposal, the Government prepare a draft compensation mechanism. The Council's proposal is currently being consulted with different ministries. The Government has not yet approved the proposal, which is therefore not binding on it. The Government will then decide how to proceed in providing compensation for sterilized women. Apart from *ex gratia* compensation, the Council also proposes that the Government assist the sterilized women in enforcing claims that are not yet statute-barred in court. The Ministry of Justice shall publish recommendations on the possibility of access to free legal aid. Legal aid is currently provided at request for social reasons, either at the court itself in specific proceedings or from the Czech Bar Association. The bulk of criminal proceedings initiated on the basis of 58 cases examined by the Ombudsman were deferred under the Code of Criminal Procedure, because no offence was found to have been committed. In 4 cases, the reason was a statutory limitation of the criminal prosecution, i.e. the expiry of the period during which the prosecution can be initiated.

Reply to the issues raised in paragraph 11 of the list of issues

41. The main concept document for the fight against domestic violence is the National Action Plan for the Prevention of Domestic Violence for 2011–2014 approved by the Government in 2011. The plan was elaborated by the Government Council for Equal

Opportunities of Women and Men and its Committee for the Prevention of Domestic Violence. It contains measures and tasks for the ministries in six areas: support for persons at risk of domestic violence, children at risk of domestic violence, work with violators, their education and interdisciplinary cooperation, relation of the society towards domestic violence, analysis and research and legislation.

42. The primary legal means of protection against domestic and sexual violence is the banishment of perpetrators from the common dwelling, introduced in 2007. The Police can ban an abuser from remaining in a common dwelling and its immediate surroundings, or from establishing any contact with the victims of their violence for a period of 10 days. At the request of the victim, a court may then ban the abuser by an injunction for a period of one month, which can be extended up to a year if the victim initiates judicial proceedings (e.g. divorce or criminal proceeding). The number of persons banished is listed in annex No. 5.

43. The most serious forms of domestic violence can qualify as the crime of cruelty to persons living in a common dwelling, for which the offender may receive a sentence of up to four years in prison, and up to eight years in serious cases. In cases with a sexual subtext, this may also constitute the crime of rape or sexual coercion, where the offender risks a prison sentence of up to five or ten years. Statistics of these offences are also listed in annex No. 5.

44. Police officers who ban people from their home must be properly trained to assess incidents with indications of domestic violence. This training is carried out by police trainers, or domestic violence manuals, in the different regions. Additional training for police officers takes place in the form of extended training, which is organized by police trainers in individual regions in collaboration with representatives from intervention centres. During the period 2010 to 2011, the Police Presidium, together with the Ministry of Interior, prepared a training course for senior general police officers and a qualifying course for general police officers from local forces. Issues concerning domestic violence have been included in both courses, such as identifying behaviour with signs of domestic violence, assessing the risk of a subsequent attack, the procedure for banishing a perpetrator, cases with signs of domestic violence, etc. Since 2012, a new concept for basic professional training for all new police officers, regardless of their area of specialization, is being introduced, which will also include the ability to identify signs of domestic violence and to ban perpetrators from a common dwelling.

45. Persons at risk of domestic violence are offered immediate psychological and socio-legal assistance in intervention centres through interdisciplinary cooperation between the Government, municipalities and non-government organizations, which are involved in preventing domestic violence and assisting persons at risk. They can also use other social services, such as telephone help line, crisis assistance, shelters, social counselling and intervention centres, social services for families with children, etc. As of 31 December 2012, the social services register listed a total of 419 social services that identify victims of domestic violence as their target group. This number included 16 intervention centres and 17 shelters. The accommodation capacity for victims of domestic violence (including children) to 31 December 2012 totalled 3,446 beds. A total of 209 social services existed for child victims of domestic violence, of which 77 were shelters, 8 crisis assistance services providing accommodation with a capacity of 82 beds, 8 telephone crisis assistance providers and 6 low-threshold facilities for children and youth. In 2012, the Ministry of Labour and Social Affairs provided grants to ensure the provision of social service intervention centres amounting to CZK 7.8 million, and a further CZK 5.75 million for shelters.

46. The new Act on victims of crime, which came into force in 2013, is intended significantly to improve the rights of victims of domestic and sexual violence as

particularly vulnerable victims. Victims of these crimes will be entitled to fair and sensitive treatment and protection of their privacy against any danger and secondary victimization by law enforcement authorities, to free legal, social and psychological assistance, to information on their rights and on progress being made in their case, where they will be actively heard. Professional assistance will be provided by lawyers and NGO's registered with the Ministry of Justice. Victims of domestic and sexual violence are already entitled to financial assistance to bridge any worsening of their social situation as a result of the crime, or to the reimbursement of expenses relating to the provision of professional psychotherapy and physiotherapy or other professional services to remedy the injury done, which is retained in the new legislation.

Reply to the issues raised in paragraph 12 of the list of issues

47. The Act establishing the new General Inspection of the Security Forces came into force on 1st January 2012. Its task is to identify, detect and investigate criminal activities committed by officers and staff of the police force, the customs administration, the prison services and the General Inspection itself. Its task is also to test the reliability of the persons listed above, to monitor and evaluate information on illegal activities by officers, to propose measures to prevent such illegal activities and to issue methodological recommendations for the activities of individual security forces. Statistics on its activities are provided in annex No. 6.

48. The General Inspection of the Security Forces is only an investigating body and is not liable for the activities of the individual security forces. These remain under the responsibility of the relevant central administrative authorities. The compensation for injury caused by the illegal activities of officers of the Police, the Prison Service or another body can be obtained through compensation proceedings against the State for damage caused by official misconduct. Aggrieved parties may apply for compensation to the authority responsible for the security force in question and, if their request has not been dealt with to their satisfaction within 6 months, they may apply to the courts. Information on compensation paid for illegal police activities can be found in annex No. 6.

Reply to the issues raised in paragraph 13 of the list of issues

49. The main conceptual document in the area of fighting and preventing human trafficking is the National Strategy to Combat Human Trafficking, whose latest version, covering the period 2012–2015, was approved by the Government in April 2012. The Strategy is divided into four pillars: prevention, prosecution of offenders, support and protection of victims and the partnership between the Government and NGOs. Measures focus on evaluating legal instruments to combat human trafficking, the groups of its victims most at risk, on minimising the risk of abusing people during the implementation of public contracts, analysing the possibilities of providing help to people in difficult circumstances related to their work, on educating professional groups who may come into contact with victims of trafficking, evaluating the Programme for Support and Protection of Victims of Human Trafficking and the ratification of international conventions relating to the fight against human trafficking. The Ministry of Interior works together with other agencies and NGOs on the implementation of the Strategy. In terms of specific cases, law enforcement bodies have primarily focused on labour exploitation. In 2012, the first three convictions for human trafficking for this purpose came into effect. The first cases of human trafficking for domestic servitude were investigated. More detailed statistics are provided in annex No. 7.

50. In 2010, a project coordinated by the NGO La Strada "Detection of human trafficking for labour exploitation and forced labour", was launched in partnership with the

Ministry of Interior and the Judicial Academy, which is responsible for training judges and public prosecutors. The aim of the project is to facilitate the access to justice and services for victims of trafficking and exploitation. Victims of human trafficking have access to similar social services as the victims of domestic violence referred to above. However, in 2012 there were a total of 105 social service providers working with victims of human trafficking. Of these 49 provided professional social counselling, 12 telephone crisis assistance, 4 social rehabilitation, 11 carried out outreach programmes, 18 operated shelters, 4 low-threshold facilities for children and youth, 6 crisis assistance and 1 social services for families with children. The status of victims of human trafficking was also reinforced by the new Act on victims of crime mentioned above. The Act also sees victims of human trafficking as particularly vulnerable victims, who have the rights listed above. Victims who do not speak Czech will be given information in a language they understand. The status of victims and their rights in no way depend on their willingness to cooperate with the law enforcement bodies.

51. A special Programme for Support and Protection of Victims of Human Trafficking has been in operation since 2003. It offers assistance to victims of human trafficking and also encourages them to cooperate with the law enforcement bodies. Victims included in the programme are given a two-month period to recover and decide whether to participate in it and to cooperate. Law enforcement bodies and NGOs providing services for victims collaborate on the programme. The victims of human trafficking can obtain accommodation. Foreign victims of human trafficking or foreigners, who can contribute to the detection of illegal crossing of state borders, illegal stay in the country or other serious criminal activities, can obtain a long-term residence permit for protection, if they cooperate with the law enforcement bodies. A part of the Program is also a Program of voluntary returns which allows a secure and dignified return of the victim in his or her country of origin via the IOM Prague on state expenses. During the period 2008 to 2011, 19 persons have returned this way.

52. The preventive activity of the Police consists of educational activities in which the policemen dealing with human trafficking participate as students, but also lecturers. The policemen specialized in human trafficking give lectures or participate in seminars also outside the police e.g. in courses of the Judicial Academy or the MEPA.

53. It is illegal for public officers and members of law enforcement bodies to cooperate with criminal groups and any instances thereof are strictly prosecuted. The state administration's integrity and prevention of contacts with organized crime groups are ensured using human resources, legal and disciplinary measures. The most serious instances are made subject to criminal prosecution. There has been, for instance, a case in the past, when an Immigration Police member was convicted of bribery in connection with his activities related to residency agendas. The institutional reform of the Immigration Police, which resulted in the majority of its administrative agenda being transferred under the auspices of the Ministry of Interior as a civilian institution, has improved a number of concerns related to residency agendas. Increased attention is being given to the education of the involved employees in ethical issues, combating bribery and human trafficking issues; this education is also being provided to officials at embassies in the countries of origin.

Reply to the issues raised in paragraph 14 of the list of issues

54. The Healthcare Services Act regulates patients' rights including those cases when care may be provided without the consent of the patient or his or her legal representative and newly also cases of involuntary hospitalization. In any case, information is provided to the patient him or herself, to patients deprived of their legal capacity with due regard to their intellectual and cognitive abilities. The reason for an involuntary hospitalization is the

patient's health condition precluding him or her from expressing consent and requiring acute treatment, or a mental disorder or other condition causing serious and immediate hazard to the patient or his or her environs, which cannot be otherwise averted, or a court order on protective treatment, quarantine or mandatory examination. Patients with or without disabilities are treated in the same way and the reason for involuntary hospitalization is definitely not the limited legal capacity alone. Without prior consent, patients may be provided only with emergency care saving their life or health in cases when the patient's condition does not allow him or her to express such consent, or in cases when required care of a mental condition must be provided. Minors and patients deprived of their legal capacity are subject to the same regulation; however the reasons for their hospitalization may be hospitalization by a suspicion of their abuse or neglect. The new law has thus made the regulation concerning an interference with patients' rights more precise while imposing administrative recourse and sanctions for breaches thereof. Victims of any breach of law are entitled to pecuniary or non-pecuniary damages.

55. Any involuntary hospitalization and newly also any limitation of a patient in his or her freedom of movement or contact with the outside world must be notified by the healthcare provider to a court within 24 hours. The court will then assess the justification of the steps having been taken. The hospitalized patient has the right to be heard during the proceedings and to submit evidence. The court will hear the committed patient, the attending physician and other persons whom the patient may request, and shall pass the judgement on the legality of the hospitalization within 7 days. The hospitalized patients can appeal against the court decision, and the court shall decide on the appeal within 1 month. If the court approves the hospitalization, it shall then assess, on the basis of an independent expert evaluation, whether further commitment is required, and pass the judgement within 3 months, the decision being valid for a maximum of 1 year. The hospitalized person, his or her close persons, legal representatives or guardians have the right to request his or her release at any time. In 2012, there has been a change in the regulation, strengthening the rights of involuntarily hospitalized persons. The legal representatives and guardians are no longer allowed to give consent with the hospitalization. The hospitalized person also has the right to declare that his or her commitment has been illegal even after release, in order to claim compensation. The number of hospitalized persons is included in annex No. 8.

56. No legal aid clinic for persons with limited legal capacity has been established yet. The hospitalized person has the right to choose his or her own representative, and when he or she cannot make that choice, the court shall appoint an attorney to protect his or her interests. The New Civil Code also introduces some new forms of supported decision-making as the assistance to the proponent by a selected person, the representation by a member of the patient's household or the establishment of a confidant. Any person being limited in his or her legal capacity is also provided with a trustee protecting his or her interest. In other proceedings, persons with limited legal capacity are always provided with counsel, if they are not already represented by their own legal representative or selected counsel. Such persons may also request the court or the Czech Bar Association to appoint an attorney working pro bono or for reduced remuneration due to their social situation.

Reply to the issues raised in paragraph 15 of the list of issues

57. The provision of social services, including residential services, is principally subject to a free and informed consent of its beneficiary. If a person has not the full legal capacity, a contract may be concluded on his or her behalf by his or her legal representative or guardian. A person, who is according to a medical report not capable of acting on his or her own behalf and has not a legal representative, will be represented by the local municipal authority when concluding a contract on the provision of services. Any such agent is however always required to act in the best interest of the person in charge and any

fundamental decisions connected with his or her affairs must be approved by a court. The New Civil Code establishes a council of trustees as a new body overseeing the guardian's activities, which provides consent with committing the person in charge in an institution in cases, when his or her health condition do not manifestly require so. The person may also make use of the above mentioned assisted decision-making processes when concluding a contract on the provision of residential social services. Furthermore, a newly proposed bill on special court proceedings contains a regulation of a new proceeding seeking declaration of inadmissibility of the commitment in a social service facility, in which the court shall decide, on an expedited basis, whether limitation of personal liberty in such facility is admissible, and in case the contrary is proven, order release of the person. Also a new regulation will be prepared, making the rules for giving consent by persons with limited legal capacity to their commitment in residency social services more precise, ensuring enhanced protection of all their rights.

58. The Ministry of Labour and Social Service has been implementing a long-term project for "Transformation of Social Services" whose main objective is to support the transition of persons with mental disabilities from large institutions into residencies and services provided in a normal environment and to create a community-based social services network. Those persons are thus transferred from large facilities to flats or family homes in normal residential areas, where they can lead a normal life. Since the project begun, 450 persons with disabilities have left institutional facilities and moved to a normal environment.

59. The quality of social services is defined as a set of standards comprising measurable criteria. The standards address the qualitative nature of services provided and the manner how the conditions for provision of services are ensured, what is the nature of the relationship between clients and service providers, how the rights and dignity of the clients are protected and how the requirements of an individual provision of services are met, and how the clients are being socially integrated. The inspections are carried out by regional labour offices with the assistance of specialists. The quality of provided healthcare is also subject to control carried out by competent bodies, in this case primarily by regional authorities. The competent inspection authority may control the activities of healthcare providers, the fulfilment of their obligations and the observation of patients' rights. The law also enables the inspection body to review the fulfilment of any remedial measures and to impose sanctions if not satisfied. At present, the Ministry of Health is in the process of inspecting psychiatric facilities focusing on use of restrictive measures and involuntary hospitalizations. The inspections of health care and social care institutions as facilities housing persons restricted in their personal liberty are also carried out by the Ombudsman who is acting as the National preventive mechanism pursuant to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Ombudsman inspected up to date 12 psychiatric facilities, 6 long-term care institutions, 17 homes for the elderly and 25 homes for people with mental disabilities. The Ombudsman controls whether all applicable regulation is being followed, how are inmates treated and whether their fundamental rights are respected. The Ombudsman has the power to issue recommendations seeking improvement and the facility operators shall follow these.

Reply to the issues raised in paragraph 16 of the list of issues

60. The Czech Republic states that metal cage beds are not in use in the country. Prohibition on their use by healthcare services providers by a ministerial order has been in effect since 2004. In social services cage beds and net beds are excluded from permitted restrictive measures by the Act on social services since 2006. The Healthcare Services Act permits net beds as one of the restrictive measures and these net beds are used for the

protection of restless and deranged patients, specifically against falls and related complications. The number of these beds is being gradually reduced. The present number is shown in annex No. 8.

61. By law, restrictive measures may be used solely for the purpose of averting immediate danger to one's life, health or safety of the patient or other persons, and only for the time which is strictly necessary to provide such protection. Restrictive measure may be used only with the physician's consent. In acute cases demanding immediate solution, their use may be approved by another healthcare worker, but a physician must be notified without delay and confirm the justification for such restriction. Upon using the measure, the patient shall be provided with clear explanation why such measure is being used. The explanation must be provided bearing in mind his or her health and mental condition, and as the case may be, his or her legal representative shall be also notified of the use thereof without delay. The patient must remain under reasonable supervision during application of the restrictive measure and the patient's health shall be protected. Each use of the measure must be recorded in the patient's record of treatment along with the notification to the patient's legal representative if required, as well as in the records of the healthcare facility. Again, these measures apply to patients with or without disabilities alike. The wrongful use of restrictive measure may result in a sanction being imposed onto the healthcare service provider and the patient may seek compensation for pecuniary or non pecuniary damages.

Reply to the issues raised in paragraph 17 of the list of issues

62. The Czech Republic fully respects the rights of minor foreigners who are limited in their personal liberty during their detention for the purposes of their expulsion. They are being treated in manner ensuring that their dignity is maintained pursuant to Art. 10 of the Covenant and they are being provided with appropriate protection and care pursuant to Art. 24 of the Covenant. Unaccompanied minor foreigners may be placed into detention only if there is justified risk that they could endanger state security or seriously disturb public order. The detention must be as short as possible in order to ensure the expulsion and cannot exceed 90 days. Immediately after being placed in detention, the minor foreigner is provided with a guardian, who represents him or her and protects his or her rights and interest in subsequent proceedings.

63. The detention of unaccompanied minor foreigners is more of an exceptional measure. Usually, such foreigners are placed into special educational facilities, which meet their needs. The detention only serves for the purpose of their unification with their parents. Minor foreigners are provided with all due care, taking into account their religion, ethnicity, national background, family relations and health condition. Foreigners are provided with nurture 3x a day (minors 5x day), sanitary, health and social care, including psychological assistance. They may correspond with public and international bodies as well as private persons, engage in cultural or sports events, move within the confines of the facility and accept visits, including visits of their legal counsel and guardians. Mandatory school attendance is ensured via local schools. Children also may take part in leisure time activities appropriate to their age.

Reply to the issues raised in paragraph 18 of the list of issues

64. The reasons for placing a foreigner into detention is to ensure his or her expulsion pursuant to the law, and for reasons related to state security, serious disturbance of public order, or failure to observe his or her duties during the stay on the territory of the country. Detention is therefore not applied to all foreigners. Legal regulation pertaining to detention of foreigners for the purpose of their expulsion was amended as of 1st January 2011 in

order to implement the Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals. The extension of the time for which a foreigner may be placed in detention was adjusted pursuant to this directive. The regular detention may not exceed 180 days. An extension to 18 months, i.e. 545 days is now possible for those foreigners who are attempting to block the police efforts at expulsion by providing false information on their identity or making other intentional obstacles. This extension does not apply to unaccompanied minors or families with children. Foreigners will be placed into detention only in those cases, when it is not possible to effectively apply other special measures ensuring leaving the country, such as the reporting duty at a police station or a monetary deposit. Foreigners are entitled to request the court to review the justification of their detention at anytime. If the court finds the detention is not sufficiently justified, the foreigner must be released without delay. The police is required to inform foreigners of their rights and has the duty to review whether the detention remains justified. The treatment of foreigners must meet their human dignity pursuant to articles 9 and 10 of the Covenant.

65. The above-mentioned change of regulation made the detention proceeding subject to the Code of Administrative Procedure. Other changes include stricter conditions for detention of unaccompanied minor foreigners, who may be expelled only when the recipient state ensures the adoption of measures appropriate to their age, or shortening of the maximum time of detention for minors and families with children to 90 days. The decision on the detention is issued only for the necessary period of time and extended gradually as need may arise. Each extension may be made subject to court review, and the court must decide within 7 days.

66. No adults or minors are detained when applying for asylum. At the beginning of their stay in the Czech Republic, they are placed in reception centres, where their freedom of movement is limited only for a very short time. The purpose of this stay is to verify their identity and to carry out medical checks in order to exclude the possibility of transmission of serious or contagious ailments. The stay lasts only until identification papers and visa are produced, or until health risks or quarantine passes. After these primary checks are completed, the asylum seekers are transferred to residence facilities with free regime. In cases there are problems with the identification of the asylum seeker, or security concerns arise, the stay at the reception centre may be longer. The decision to remand the person in the reception centre may be subject of an appeal or petition to the court. The justification for this stay is also being reviewed by the deciding administrative body itself. The maximum stay in the reception centre is limited to 120 days.

67. Children and their needs are paid special attention in reception centres and later in residence facilities. Parents may place their children to the so-called child centres during the day, where the children can play and develop their abilities and skills in an adequate environment under the supervision of a trained staff. Children may use workshops where art and craft supplies are available. Children may participate in tours and trips under supervision of staff and pedagogues. These activities taking place in reception centres and residence facilities help them with the integration and understanding of the Czech culture and society. Reception centres and residence facilities have outdoor playgrounds with jungle gyms. All school age children attend local schools, or synchronising classes, so they can join the regular education cycle as soon as possible. Children are inoculated and provided with the identical standard of treatment as Czech children.

Reply to the issues raised in paragraph 19 of the list of issues

68. The Czech Republic is fully aware of the problems with the capacities of its prison system. For this reason it adopts legislative changes aimed at reducing the prison over-

population. The unconditional imprisonment and the upper sentence limits for some crimes were reduced. If a monetary sanction is not paid, it can be transformed, next to imprisonment, also into house arrest or public utility work. After having served the half of the sentence of imprisonment, the sentence can be transformed into house arrest for minor crimes. Perpetrators of minor crimes can be also released for good conduct before having served the half of the sentence. First-offenders not convicted for a serious crime can be conditionally released after having served one third of the sentence.

69. Those legislative measures are accompanied by the increase of accommodation capacities. The accommodation capacity of prisons without prison hospitals was 21 031 places at the end of 2012. Due to the decrease of the number of prisoners by 526 and the increase of the accommodation capacity by 754 places the over-population of prisons has diminished by 5.9% since 2011. At the end of 2012, there were 1,613 places missing. The over-population was also reduced by the amnesty of the President of the Republic on 1st January 2013, which produced a decrease of the proportion of prisoners to the population from 230 to 160 for 100,000 people. The financial support of 550 million CZK allowed the Prison Service to increase the number of employees by 391 persons: – 241 members and 150 civil employees. The Prison Service is at the moment carefully analysing the impact of the amnesty on the prison system from the material as well as personal point of view. The results of the analysis are not yet available, but it can be assumed that the decrease of prison population will have a positive impact on the conditions in prisons and will allow the equal use of accommodation capacities to follow the accommodation capacity of 4 square metres for each prisoner in all prisons. Also the living spaces for prisoners will be reconstructed and the hygienic conditions improved. Another important factor is the possibility to realise more free-time and educational activities for prisoners which will improve also the security in prisons and diminish possible risks. More information is included in annex No. 9.

70. The employment of prisoners is regulated by the law following international human rights law including the Covenant. Each prisoner is subject to the working obligation under two conditions. The first is his or her concrete work assignment. The second one is his health ability to work. A prisoner does not have to work if he or she is declared incapable for health reasons, either temporally or for the whole sentence period. Prisoners above 65 years of age or handicapped prisoners are also automatically exempted from the working obligation. On the other hand, a refusal to work by a prisoner with a working obligation is a serious breach of his or her duties and can be punished by a disciplinary sanction. The prisoner is usually placed separately from other prisoners during his or her work time and is not allowed to perform his or her activities of interest.

71. The prison has the obligation to assign prisoners to work following the set criteria, to reward them for their work and to create conditions for developing their job qualifications and education. The basic criterion for assigning a prisoner to work is his or her health condition to perform such work. Due regard shall be paid to his or her knowledge and expertise. The latter condition however cannot be met every-times as the prisons are limited by real work possibilities for prisoners. The work has in all cases to correspond to the prisoner's health condition. The prisoners are entitled to remuneration for their work. The law sets the basic amount and then divides the prisoners into three categories according to the work performed and their qualification. The prisons also create conditions to obtain and increase the qualification of prisoners in the prison education system which is an integral part of the treatment program.

72. The compensation of the imprisonment costs is imposed by a final court decision on the persons sentenced to imprisonment according to the law. The compensation serves for the partial covering of the imprisonment costs. This obligation is not imposed on prisoners, who are not able to work in prison, do not have any other income or money, juvenile prisoners or prisoners participating in educational or therapy programs above 21

hours/week. The costs are also not covered during the participation of the prisoner in court hearings as a witness or the injured party or hospitalization. The compensation amounts to 32% of the net work remuneration but cannot exceed 1,500 CZK per month. The same rules apply in cases of rents or other income received in prison, from which also 32% or maximum 1,500 CZK are reduced. In case all due compensation is not paid until the release, the prisoner can apply to the prison director for mitigation or a complete dispensation of the duty to cover the imprisonment costs for duly justified social reasons.

Reply to the issues raised in paragraph 20 of the list of issues

73. The Czech Republic combats sexual and other kind of abuse of children mainly through its criminalization. Those are crimes of child trafficking, consignment of a child in somebody else's care with the aim of adoption, rape, sexual abuse of a child, prostitution threatening the child's development, production and use of child pornography, abuse of a child for pornography production, sexual constraint, endangering the child's development and seduction of a child to sexual intercourse for remuneration. Other crimes will be introduced to implement international treaties as participation of a child in pornographic performances or solicitation of children for sexual purposes. Committing any crime against a child is a special aggravating circumstance which may result in imposing a stricter punishment. The prosecution of crimes against children was also improved by introducing criminal liability of legal persons by the end of 2011.

74. There is no specific crime of commercial sexual abuse of children or child prostitution but such acts are prosecuted by other mentioned crimes, mainly seduction to sexual intercourse, endangering the child's development or child trafficking. These crimes aim at the prosecution of the customers of child prostitution as well as persons profiting from it. As the Czech law forbids any sexual contact with a person under the age of 15, also consensual sex with such a person is criminal as his or her sexual abuse. Children between 15 and 18 years of age may engage in voluntary sexual intercourse and their protection is aimed at coerced sexual intercourse and connected activities of commercial sexual abuse punished as the above mentioned crimes. Due to better information among children and the ongoing preventive campaigns such acts are reported more often than in the past. For the reporting a special police help line exists. The Police runs also a special web page where any suspicious content on the internet can be announced which may be considered as criminal (e.g. child pornography). Detailed statistics are introduced in annex No. 10.

75. The Police focuses during the investigation of crimes on the situation and needs of the children at risk in accordance with international law and standards. The specialists on work with children at risk pay due regard to the highest possible protection of child victims and witnesses against secondary victimization caused by the criminal procedure (e.g. as prolonging the examination or harming the child with the witness experiences). Generally, the examination should be conducted at once in such an environment where the children will not feel endangered or traumatised. For this reason, since 2004, the Ministry of Interior supports the creation of special examination rooms at regional police directorates for procedural steps with child victims and witnesses. At present, there are 42 examination rooms in the Czech Republic and others are being built. The prohibition of publishing information about the child as well as the protection of his or her personal data is strictly followed. The specialists systematically develop their knowledge in the field of criminalist tactics, psychology, pedopsychology, pedagogy, social pedagogy etc. to deal with a child victim or witness to limit the impact of the committed crime. An important part of their work is also the prevention by lectures and seminars for schools. Consultations are also held in meetings on crime committed by children as well as against children with municipal authorities, socio-legal child protection bodies and social workers. The mutual cooperation

between the Police, the socio-legal child protection bodies, the courts, public prosecution offices, schools, child care facilities and other stakeholders is increasing.

76. Since 2013, a special institute of a social curator for children and youth was introduced focusing on the care for child perpetrators, victims or witnesses of crime or other illegal activity. The social curator includes a set of specialized measures aimed at removing, reducing and limiting disturbances in the physical, psychical and social development of the child. The curator is a specialized worker in the socio-legal child protection body with the obligation to cooperate with municipal authorities, schools, health care institutions, social security services, courts, the Probation and Mediation Service and other bodies involved. The municipal authorities serving as socio-legal child protection bodies have to secure that the post of the curator for children and youth is reserved for socio-legal protection and not mixed with other agenda. According to the personal standard, the municipal authority shall employ such a number of curators so each of them is not dealing with more than 40 cases at once. The curators also have to follow the standards of quality for their profession.

Reply to the issues raised in paragraph 21 of the list of issues

77. The Czech Republic considers violence against children as absolutely unacceptable and fights this phenomenon with all means in all settings. Although the present Family Act and the future Civil Code, to come into force on 1st January 2014, do not include an explicit ban on corporal punishment of children, the Czech Republic does not consider corporal punishment of children as an adequate means of education in the family or in other settings. The children have the right to protection of their personality and corporal integrity against unproportionate interferences. According to the Family Act the parents are obliged when exercising their parental authority to thoroughly protect the interests of the child and they may use only such proportionate education measures not to infringe the child's dignity or anyhow endanger his or her health, corporal, mental, emotional or moral development. Accordingly the new Civil Code allows the parents to use educational measures in a way appropriate to the circumstances not to endanger the health of the child or his development or to touch upon his or her human dignity. Corporal punishment can be, according to its kind and intensity, a reason to limit or remove the exercise of parental rights.

78. If the parent or another person in course of corporal punishment causes the child an unintentional bodily harm, minor injury or commits another kind of rude behaviour towards the child or threatens the child in this way, he or she can commit an administrative offence against civic cohabitation. In extreme cases the acts can meet the qualification of the crime of ill-treatment of a person in care, which means an ill-treatment of a person given into care with a higher degree of rudeness and ruthlessness and of a certain duration, which the victim may perceive as hard wrongdoing. It is not necessary that the action lasts for a longer period of time or is permanent, neither that the victim can prove bodily or other permanent harm. When causing negative health effects, the perpetrator can be prosecuted for bodily harm, which is harder punished when caused on a minor less than 15 years of age.

79. The procedural protection of children against violence in the family or outside it allows the court to place a child in case of a serious danger or disturbance in his or her development for the necessary period of time in a suitable environment or foster care. The law protects the child also against domestic violence as the perpetrator can be banished from the common dwelling. Both institutes are ordered by a court injunction as to shorten the decision period to 24, resp. 48 hours and most effectively protect the interests of the child. The appeal is then dealt with in 7 days.

80. In all public institutions as schools or institutional child care facilities children have the right to be treated with respect for their rights and human dignity. The School Act stipulates all activity of schools and educational facilities to be in line with the principle of mutual respect for the dignity of all participants. This principle is the basic frame of the educational influence of the school. The legal rules have to be followed by school orders and other internal rules. Corporal punishment is not listed among allowed educational measures and so cannot be used. The observance of the legal regulations is inspected by the Czech School Inspection, the Ministry of Education, Youth and Sports, the socio-legal child protection bodies or the Ombudsman.

81. Since 2012, the Czech Republic realises the National Strategy of Protection of the Rights of the Child and its subsequent Action Plan for the period 2012-2015. One of the basic aims and priorities is the support for positive parenting and the right of the child to education free from violence and without corporal punishment. This goal shall be attained by legislative measures as well as the development of services to support parental competencies and the realization of educational programs.

82. According to the Act on Socio-legal Child Protection a person, who uses unproportionate measures against a child with the aim to degrade his or her human dignity commits an infraction. The present construct is too narrow as it mandates that the infraction is committed with the aim to reduce the child's dignity. As of 1st January 2014, the protection of children against unproportionate corporal punishment will be extended as the new legal rule will only mandate the actual use of an unproportionate educational measure regardless of the motive of the perpetrator, for which he can receive a fine of up to 50,000 CZK. The infraction can be committed by anyone in charge of the child, like a parent or other person entrusted with his or her care as an employee in a school, educational facility, social care facility etc. In 2012, 24 persons were punished for committing an infraction by using unproportionate educational measures, of whom 15 were the child's parents, 5 were family members and 4 were other persons.

83. Another positive change is the regulation of the infraction procedure. The infraction of using unproportionate educational measures can at present be heard only on the motion of the child victim, his or her legal representative or guardian. If such a motion is not present, the infraction procedure cannot be opened. The new legal regulation allows starting the proceeding without a motion if the victim is under 15 years of age. This will allow a more efficient recourse against cases of excessive corporal punishment, when the harm is not such as to warrant a criminal procedure. The prohibition of corporal punishment and educational measures harming the child's dignity, health and corporal, emotional, mental or moral development is included in the bill on child care in a child group, which is a new type of child care for working parents.

84. The protection and education about the rights of the child is provided also by governmental campaigns. In 2009-2010, the Government Commissioner for Human Rights conducted a campaign against violence against children. The aim of the campaign was to increase the public awareness about the existence and forms of violence against children. The campaign was introduced by the web page www.stopnasilinadetech.cz with all the campaign materials. The main materials were the Spelling book on violence against children which dealt with the topic in the form of a cartoon. A Calendar on violence against children was created and distributed in schools and pedagogic-psychological clinics and used by the experts in the seminars of the campaign. A time-table was distributed in the first classes of all primary schools at the beginning of the school year. The pedagogic staff received also a brochure Interpersonal violence against children. Other publicly distributed brochures dealt with topics as positive parenting or security of the children on the internet. 12 seminars were organized around the Czech Republic with the participation of public officials, experts and NGO's. The topics were forms of violence against children,

possibilities of assistance for victims, forms of prevention and alternative parenting methods. The campaign included also TV and radio spots as well as billboards around the country with motives from the Spelling book.

85. Since 2011, the Government Commissioner for Human Rights cooperates with the Council of Europe in the campaign “Stop sexual violence against children”. The goal of the campaign is to draw public attention to the topic of sexual violence against children and to introduce to the public the materials of the Council of Europe on the topic, its understanding and its prevention. The main tool is the brochure KIKO and THE HAND, who opens the topic in a child-sensitive way with methodical guidelines for adults how to use the brochure with children. All materials are distributed to subjects working with children at risk and via public libraries also among the general public. They are also available on the web page www.tadysenedotykej.org. During the campaign also a preparatory seminar and a national conference was held, where the topic of sexual violence against children was introduced including its various forms and statistics about its frequency in the society, the means of prevention and protection have been discussed as well as a system of care and support for its victims and their families and a better awareness among the general public.

86. According to the National Strategy of Protection of the Rights of the Child the Government Commissioner for Human Rights together with the Minister of Labour and Social Affairs shall conduct an information and education campaign on positive parenting and education without corporal punishment. The aim of the campaign is to tackle the widespread tolerance towards corporal punishment via educational programs for the general public to support the use of alternative education methods in line with the child’s dignity.

Reply to the issues raised in paragraph 22 of the list of issues

87. The Penal Code sets the age for criminal responsibility on 15 years of age. A person under this age is not criminally liable. The persons between 15 and 18 years of age are considered by the law as juveniles. The criminal liability and the criminal prosecution of juveniles differ from the standard criminal law in many ways. A juvenile can be taken into custody only if the aim of the criminal procedure cannot be attained with other means and for a maximum period of 6 months. A juvenile has to be accommodated separately from adults in any case. As sanctions, no sentences are imposed, but only educational and protective measures such as supervision of a probation officer, participation in a probation program, educational obligations or limitations, protective education or treatment, all seeking the social integration of the juvenile and the prevention of further illegal activities. In extreme cases criminal measures such as public utility work, forfeiture of a thing, monetary sanction, prohibition to undertake certain activities, expulsion, prohibition of the attendance of sport, cultural or other social events, house arrest or imprisonment can be imposed. The rate of the sanction is always limited in comparison with adults, like the imprisonment can be imposed in half the limits for adults with a maximum of 5 years or 10 years in the most serious cases.

88. The law enforcement bodies are obliged to maximally respect the age and personal capacities of children and juveniles in the proceedings. For this reason they collaborate closely with the socio-legal child protection bodies. When conducting the investigation, the persons participating are to be treated in accordance with the importance and educational aim of the procedure and their personality must be respected. When dealing with children and juveniles, their age and mental maturity must be taken into account so as not to disturb their psychical and social stability and to limit any threat to their future development. Children and juveniles have the right to be treated according to their age, mental maturity and health. Their examination must be conducted in a thoughtful way respecting their

personality. The procedural acts should be conducted by a special police body, public prosecutor or judge, if it is not a case of urgency. The public prosecutor monitors the respectful treatment of children and juveniles. A special attention is paid to the protection of privacy of children and juveniles. The court hearing is generally closed to public and the attendance is limited to persons necessary for the conduct of the procedure and information about it can be published only without disclosing the identity of the child or juvenile. An important matter is a speedy investigation of the case.

89. The juveniles have the right to appropriate treatment in the proceedings and to be represented by an attorney since the first procedural step if it is not a matter of urgency and the attorney cannot be provided. If the juvenile or his or her legal representative do not choose an attorney themselves, he or she is appointed by the court. The attorney provides the juvenile with necessary legal advice to elucidate all necessary matters and resolve the affair according to the law. The law enforcement bodies are obliged to inform the juvenile and his or her legal representative about his or her procedural rights, e.g. to express his or her opinion on all matters which he or she is accused of and the evidence presented, not to give evidence him or herself in the proceeding, to present evidence in his or her favour, to consult the file, to make proposals and applications, to choose an attorney, to consult him or her in private and to be examined in his or her presence. The rights of the juvenile can be accordingly exercised by his or her legal representative. The attorney can participate in all actions in the criminal procedure. The law enforcement bodies have to inform the juvenile and his or her legal representative about the possibilities of a conditional waiver of prosecution or settlement.

90. If a child under 15 years of age commits an act with the signs of a crime, the juvenile court opens a civil procedure and, based on a pedagogic-psychological examination of the child, imposes measures necessary for his or her rehabilitation as educational obligations or limitations, a warning, participation in a therapeutic, a psychological or educational program in an educational facility or a monitoring by a probation officer. When committing a serious illegal act it is possible to impose protective education or protective treatment based on a previous examination of the child's mental state, if his or her stay in liberty creates a threat. The protective treatment is constantly monitored by the court and annually examined if still necessary. The motion for examination can be made anytime by the child him or herself, his or her legal representative, the public prosecutor or the socio-legal child protection body. In appropriate cases, the court will only hear the case or let it be heard by the public prosecutor without imposing any measure at all. In the proceedings the child has an attorney as his or her guardian and the court closely collaborates with the public prosecutor, the socio-legal child protection body and the child's legal representatives by respecting all the above mentioned rules of protection of the child's rights and interests and taking into account his or her specific position. The aim is the educational influence on the child, the prevention of his or her further illegal activities and a successful integration in the family and social setting. The privacy of children is respected in the same way as with juveniles.

91. The judges, public prosecutors, law enforcement officials and officials of the Probation and Mediation Service dealing with children and juveniles shall be selected from persons having a sufficient life experience and a special training for the treatment of children and juveniles. Similar conditions should be met by attorneys serving as representatives of juveniles and guardians of children in the procedure. The Ministry of Justice offers special courses of the Judicial Academy for judges, public prosecutors and officials of the Probation and Mediation Service in the field of child and juvenile justice. The Police bodies include specialists on juvenile affairs specially prepared in criminal law, family law and related legal areas, but also in special pedagogic and psychology of children and juveniles.

Reply to the issues raised in paragraph 23 of the list of issues

92. The anti-corruption help line 199 was in service from 19th September 2007 till 30th April 2012. From 19th September 2007 to 31st December 2010, the line was operated by the Transparency International CR and from January 2011 to 30th April 2012, by the civic association Oživení. The evaluation of effectiveness showed that on the average, 66% of the calls received were not in any connection with the anticorruption purpose of the help line. The remaining calls were connected with problems with the police, justice or local self-government, but not with corruption. The authors of these calls received a basic legal advice for further action. Only about 7% of the calls were really about corruption and also in these cases the authors received legal advice. On the basis of the information received by the help line, only 12 criminal complaints have been made to the law enforcement bodies during the whole service period of the help line. Detailed information can be found in annex No. 11. The annual reports of the subjects in charge of the help line also showed that the information obtained from other sources was far more relevant and due to this fact the help line project was ended. Some finances used for the help line were transferred to a subsidy program Prevention of corruption for NGO's active in the fight against corruption for activities as legal counselling, education or proposals of legislative changes in the Czech law.

Reply to the issues raised in paragraph 24 of the list of issues

93. The crime of defamation consists of communicating false information capable to considerably endanger the public esteem of a person, mainly harm him or her in the job relation, family relation or any other personal spheres. The sanction is up to 1 year imprisonment, in cases of media defamation up to 2 years or the prohibition of an activity. This crime protects the honour and good reputation of a person against defamation, which can seriously disturb his or her family and social life. Human dignity, personal honour and good reputation together with private and family life are protected by the Charter of Fundamental Rights and Freedoms and international treaties including the Covenant. These documents allow limiting the freedom of expression in a proportionate manner to protect the rights and freedoms of others.

94. The crime protects only single persons, not groups, institutions, public bodies, legal entities etc. The defamation of a public body exercising its powers or due to the exercise of these powers is not a crime. A communication of false information is a communication of information contrary to the reality. The basic condition of defamation is thus the communication of false information. Communication of true information, however capable to endanger the public honour of a person, is not to be considered defamation. Value judgements which are expressing personal opinions cannot be regarded as defaming in nature as their truth or falsity cannot be ascertained. False information must be also capable to considerably endanger the public esteem of a person. The defamation must consist of a deliberate action of the perpetrator, who knows and is consentient that the fact he or she is communicating about a person is false and capable to considerably endanger his or her public esteem. If on the other hand the perpetrator does not know that the communicated information is false and thinks it is true, he or she acts in error and does not commit defamation. The same applies if other conditions of defamation are not met. This interpretation is confirmed by the courts and extensive case law exists.

Reply to the issues raised in paragraph 25 of the list of issues

95. Already when the Covenant entered into force for the former Czechoslovakia in 1976, it has been published in the Collection of Laws which was and still is the official source of Czech law and must be generally accessible. All periodic reports, follow-up and other information for the Committee, its concluding observations and related information are published on the web page of the Government in the section of the Government Council for Human Rights (www.vlada.cz). When composing the report not only government bodies, but also the Ombudsman, supreme courts, members of the government advisory bodies and other NGO's cooperating with the Government Commissioner for Human Rights were consulted and could submit their views and opinions which have been used for the composition of the report.
