



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Information received from Czechia on follow-up to the  
concluding observations on its combined twelfth and  
thirteenth periodic reports\***

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\* The present document is being issued without formal editing.



## **I. Introduction**

1. Pursuant to the consideration of the twelfth and thirteenth periodic report of the Czech Republic on the fulfilment of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/CZE/12-13) (hereinafter referred to as the “Report” and the “Convention”) by the Committee for the Elimination of Racial Discrimination (hereinafter referred to as the “Committee”) on 16 and 19 August 2019, the Committee has adopted the final recommendations (CERD/C/CZE/CO/12-13). Within these recommendations, in Section 37, the Committee prompted the Czech Republic to provide information on the way in which it fulfilled the recommendations of the Committee contained in Sections 10, 16 (b) and 20 within one year. In the presented documents, the Czech Republic provides information on the implementation of those recommendations.

## **II. Follow-up information**

### **A. Follow-up information relating to paragraph 10 of the concluding observations (CERD/C/CZE/CO/12-13)**

2. The Czech Republic described the mandate of the Public Defender of Rights in its previous reports and statements.<sup>1</sup> In 2020, the Office of the Government conducted a study on the establishment of a National Human Rights Institution in line with the Paris Principles in the Czech Republic. The study analysed the institutional background in the Czech Republic and based on it offered possible solutions. One was the extension and adaptation of the mandate of the Public Defender of Rights, the other was the creation of a new institution. The Government has not yet decided on the way forward. It will be left to the new Government established after the election in October 2021.

3. The task of the Public Defender of Rights in discrimination matters is mainly systemic in conducting research and issuing studies and recommendations on equality and non-discrimination. He also provides methodological assistance to discrimination victims. The victims can turn to him for advice and he can analyse their case and recommend possible solutions. He cannot go to court himself or on their behalf nor represent them in the proceedings. In this manner, the competencies of the Defender are in line with the requirements of the EU anti-discrimination law. The Czech Republic does not plan to change it at present. In 2012, the Defender has signed a memorandum of cooperation with the Pro-bono Alliance associating attorneys who provide services free of charge to discrimination victims. Until now, the cooperation resulted in the representation in about 20 cases. The system of free legal counselling has also been improved since 2018 and allows to ask for legal advice or legal service free of charge or for reduced fees in discrimination and other cases.

### **B. Follow-up information relating to paragraph 16 (b) of the concluding observations**

4. The legal regulation of benefit-free zones has been assessed by the Constitutional Court in its decision on 31 August 2021. The Constitutional Court quashed the regulation due to unconstitutional limitation of the right to assistance in need. The regulation has an irrational aim to enforce public order in the benefit-free zones which cannot be the aim of assistance in need. The respect for public order and community living cannot be enforced via withdrawing social benefits in a general, undiscriminatory manner. The regulation could lead to negative consequences like homelessness, removal of children from families, loss of employment, criminal activities etc. In the end, it could rather enforce the phenomena it was

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<sup>1</sup> See CERD/C/CZE/10-11, para. 21, CERD/C/CZE/10-11/Add.1, paras. 1 and 2, and CERD/C/CZE/12-13, para. 19.

trying to prevent. The regulation will be abolished with the publication of the decision on the Collection of Laws.

**C. Follow-up information relating to paragraph 20 of the concluding observations**

5. In 2021, a special Act on the provision of a lump sum to persons sterilized in violation of the law has been adopted by the Parliament. The act foresees the provision of a lump sum of CZK 300,000 to a person illegally sterilized in the Czech Republic in the period from 1 July 1966 to 31 March 2012. An illegal sterilization according to the Act is a sterilization performed without a free and informed consent, e.g. under pressure, coercion or misinformation or an incentive of benefits. The claim has to be filled in three years after the entry into force of the Act by the Ministry of Health. The claimant has to indicate the date of the surgery, the hospital involved and the relevant circumstances and evidence supporting their claim. The claim is then assessed in an administrative procedure and the decision can be subject to judicial review free of charge. The Act also sets a term of 10 years since its entry into force when the necessary medical documentation shall not be shred or anyhow destroyed. The Act shall enter into force on 1 January 2022.

6. Concerning other issues raised in the recommendation, the Czech Republic refers to its previous reports and statements.<sup>2</sup>

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<sup>2</sup> See CERD/C/CZE/10-11, para. 84, CERD/C/CZE/10-11/Add.1, paras. 12–16 and CERD/C/CZE/12-13, paras. 65–67.