



International Covenant on Civil and Political Rights

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Human Rights Committee

Information received from Czechia on follow-up to the concluding observations on its fourth periodic report*

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I. Introduction

1. Pursuant to the consideration the fourth periodic report of the Czech Republic on the fulfilment of the International Covenant on Civil and Political Rights (CCPR/C/CZE/4) (hereinafter referred to as the “Report” and the “Covenant”) by the Human Rights Committee (hereinafter referred to as the “Committee”) on the 17th and the 18th October 2019, the Committee has adopted the final recommendations (CCPR/C/CZE/CO/4). Within these recommendations, in paragraph 49, the Committee prompted the Czech Republic to provide information on the way in which it fulfilled the recommendations of the Committee contained in paragraphs 17 (racial discrimination, hate speech and hate crimes), 27 (restraint in psychiatric institutions) and 29 (detention under the foreign nationals act) by 8 November 2021. In the presented documents, Czech Republic provides information on the implementation of those recommendations.

II. Follow-up information

A. Follow-up information relating to paragraph 17 of the concluding observations

2. The Czech Republic described its system of fight against hate speech a hate crime in general in its periodic report.¹ In 2021, the government adopted the new Concept on the fight against extremism and hatred for 2021-2026. The Concept focuses on three strategic goals: the protection of victims of crime in the work of law enforcement authorities by improving their cooperation and spreading information and awareness among the general public; the protection of democracy by strengthening the fight against disinformation, the detection of radicalism, the prevention of violence, the detection of extremists among the law enforcement and armed forces as well as among the public; and the enforcement of trust in democracy consisting of the reintegration of perpetrators and the prevention of recidivism, the integration of foreigners and education and awareness raising.

3. The Concept will be further elaborated upon by biannual action plans. The first action plan will cover the years 2021-2022. The prevention will focus on public information about hate crime and extremism, strategic communication against hatred and disinformation (including those by politicians), or the limitation of financing of disinformation channels. Hatred online will be tackled by cooperation with internet providers and platforms on national and international level as well as experts and academia. One measure is to improve the filling of criminal complaints online which may also reduce possible illegal online content.

4. Education will focus on tolerance, non-discrimination, media literacy and informatics. These subjects and topics together with the civic competencies will be further reinforced in the coming years in the general frameworks for school education. The Ministry of Education, Youth and Sports and its expert organisations will support the schools and teachers in the subsequent reforms of the school education programmes. Another important topic is the mediation and prevention of conflicts, bullying and radicalisation and the creation of a safe environment at schools. Schools will be assisted by experts on central and regional level to better tackle these phenomena.

5. The main tool of awareness raising continues to be the governmental anti-racism campaign Hate-free. Under its new name “Place for all-creating a space for mutual understanding”, it continues to spread tolerance, diversity, inclusion and participation via media content on its website² as well as on social networks (Facebook, Twitter, Instagram, Youtube). Accompanying activities include school mediation connected with the prevention of conflicts and exclusion³ and media workshops on media literacy, tolerance and mutual understanding. The state in cooperation with regional and local authorities continues with

¹ See CCPR/C/CZE/4, paras. 12–19.

² <https://www.hatefree.cz/>.

³ <https://www.mediaceveskole.cz/>.

integration activities for minorities like Roma, foreign nationals and others and supports their cultural, educational and cooperation activities according to complex national strategies.

6. The number of cases of hate crime has been included in the Annex no. 2 to the periodic report. Subsequent data are submitted below.

Number of hate crimes motivated by the affiliation of the victim with a certain ethnic, racial or other group or the propagation of national or racial hatred in 2018-2020 according to the types of crime

(Source: Ministry of Interior)

Crime	2018	2019	2020
Violence against an individual or a group of people	27	15	11
Defamation of nation, race, ethnic or other groups of people	23	17	13
Instigation of hatred towards a group of persons or of restriction of their rights and freedoms	23	19	11
Racially motivated murder	0	0	0
Racially motivated bodily harm	6	2	2
Racially motivated grievous bodily harm	1	0	1
Racially motivated extortion	0	0	0
Racially motivated damaging another person's property	0	0	0
Establishment, support and promotion of a movement seeking to suppress human rights and freedoms or expressions of sympathy for such a movement	52	37	15

Number of prosecuted and accused persons for crimes motivated by a racial, national or other hatred in 2018–2020

(Source: Supreme Prosecutor's Office)

Crime	State of process	2018	2019	2020
Violence against an individual or a group of people	Prosecuted	31	34	22
	Charged	29	33	20
Defamation of nation, race, ethnic or other groups of people	Prosecuted	26	22	22
	Charged	23	19	18
Instigation of hatred towards a group of persons or of restriction of their rights and freedoms	Prosecuted	27	20	20
	Charged	20	15	14
Racially motivated murder	Prosecuted	0	0	0
	Charged	0	0	0
Racially motivated bodily harm	Prosecuted	8	4	3
	Charged	8	4	3
Racially motivated grievous bodily harm	Prosecuted	1	1	2
	Charged	1	1	2
Racially motivated extortion	Prosecuted	3	0	0
	Charged	3	0	0
Racially motivated damaging another person's property	Prosecuted	2	0	1
	Charged	2	0	1
Establishment, support and promotion of a movement seeking to suppress human rights and freedoms	Prosecuted	6	0	2
	Charged	6	0	2
Expressions of sympathy for a movement seeking to suppress human rights and freedoms	Prosecuted	31	45	38
	Charged	28	42	35

Crime	State of process	2018	2019	2020
Denial, contestation, approval and justification of genocide	Prosecuted	9	9	3
	Charged	8	8	3

Number of convicted persons for racially motivated crimes in 2018–2020

(Source: Ministry of Justice)

Crime	2018	2019	2020
Violence against an individual or a group of people	10	13	13
Defamation of nation, race, ethnic or other groups of people	13	16	10
Instigation of hatred towards a group of persons or of restriction of their rights and freedoms	11	9	12
Racially motivated murder	0	0	0
Racially motivated bodily harm	1	6	5
Racially motivated grievous bodily harm	0	0	1
Racially motivated extortion	0	2	0
Racially motivated damaging another person's property	4	2	0
Establishment, support and promotion of a movement seeking to suppress human rights and freedoms		2	1
Racially motivated disorderly conduct	19	17	29
Racially motivated violence against a public official	1	1	2
Racially motivated dangerous threatening	3	2	4
Racially motivated theft	0	1	1
Racially motivated breaking and entering of a home	2	2	2
Expressions of sympathy for a movement seeking to suppress human rights and freedoms	25	16	39
Denial, contestation, approval and justification of genocide	6	2	7

7. The prosecution will focus on methodological guidance for law enforcement authorities, their cooperation, training and education in cooperation with national and international experts (e.g. OSCE-ODIHR) and civil society, better and more inter-connected data collection and statistical evidence, protection and support for the rights of victims of crime or research to gather more expertise. In connection, the prevention of infiltration and detection of radicals among security and armed forces as well as in prisons or other detention facilities will be also improved by rigorous check on applicants, monitoring and education with methodological guidance. These measures will be accompanied by probation and resocialisation programmes for offenders with special focus on youth. The Probation and Mediation Service will also provide support and counselling for victims of hate crime in its regional centres whose expertise will be reinforced by regular training. The state will cooperate with CSO's assisting victims and provide them with financially support.

B. Follow-up information relating to paragraph 27 of the concluding observations

8. Since 2022, the legal regulation on health services has been amended to abolish any kind of closed restraint beds which are not among the permitted restraint medical techniques.

9. The monitoring and reporting system on the use of restraints as well as the complaint system in healthcare services has been described in detail in the reports to other UN treaty bodies, especially the Committee against Torture.⁴ The Health Care Services Act allows the use of restraints only after a milder procedure has failed, if immediate threats to life, health

⁴ See CAT/C/CZE/6, pars 111 – 115.

or safety of the patient or other persons cannot be avoided. In each case, the least restraining means corresponding to its purpose must be selected. The provider of health services must record and justify each use of a restraint in the patient's medical documentation and also in an annual central register with numbers of cases on each type of restraint. In 2019, a new methodical guideline has been issued on the use and recording of restraints.

10. According to the Health Care Services Act, the patient can fill a complaint with the provider against which it is directed. If the complainant is not satisfied with the outcome, they may file a complaint with the competent administrative authority. In the case of ethical misconduct, it is also possible to contact the Czech Medical Chamber. Another option is to file a complaint with the health insurance company. All these bodies are independent of the provider of health services. An amendment of the Health Care Services Act is now in preparation to strengthen the rights of patients and complaint system and shall be submitted to the government by the end of 2022. Next to it, it is also possible to fill a court action for damages or even a criminal complaint.

C. Follow-up information relating to paragraph 29 of the concluding observations

11. The Act on Residence of Foreigners as well as the Asylum Act both explicitly set the rule for the detention of foreigners as the ultima ratio/last resort measure if necessary to achieve the fulfilment of the foreigner's duties and alternatives cannot be applied effectively. That means that alternatives to detention like depositing a financial guarantee, residence reporting or police checks in the place of residence have to be considered in all cases before detention. The authorities have to consider the situation of the foreigner, their personal attitude and previous behaviour as well as all other individual circumstances of the case – if the foreigner has sufficient finances for the deposit, if they have residence, family or other background in the Czech Republic, if they will cooperate with the authorities or if there is a threat of obstruction or absconding. All evaluation has to be included in the file and all measures have to be duly justified. The authorities use a Methodology for assessing the necessity of the detention of a foreigner containing references to national and international standards including the Covenant and its General Comment No. 35. The numbers of detention and alternatives are indicated below:

	2019	2020	2021
Number of expelled foreigners	7 505	6 106	6 007
Number of detentions	720	1 181	1 072
Number of alternatives	6 985	4 925	4 935

Note: Numbers of detentions are also influenced by transitory illegal migrations where the legal possibilities of alternatives are limited.

12. The detention of children and families is governed by even stricter rules of absolute necessity and exceptionality. All alternatives have to be duly considered by the authorities. The reasons to detain an unaccompanied minor may be only national security or serious threat to public order and the detention has to be in the best interest of the child according to the CRC. Their stay is limited by law to maximum 90 days, but the police shall prioritise these cases and also duly motivate every prolongation (up to 90 days). In cases of families, children are not detained, but stay with their parents in the new facility specially designed for their needs, if no other possibility of care is available (e.g. a relative living in the Czech Republic). The facility provides suitable accommodation, nutrition, health care, education and leisure activities appropriate to the age of the child and is designed in a child-friendly manner to the utmost extent possible with the maximum avoidance of limiting regime measures. Underage asylum seekers and their families cannot be detained at all. The numbers confirm also the exceptionality in practice:

Number of children in detention facilities

<i>Year</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
Male	7	22	15	32	112
Female	3	13	2	4	2
Total	10	35	17	36	74

Note: The higher number for 2021 is given by higher number of foreigners claiming to be minors. Finally, only 17 accompanied minors were placed in the facility.

13. The Act on the Residence of Foreigners also sets the legal presumption of minority in cases, where the age of the foreigner cannot be ascertained. So the benefit of doubt is being applied. The foreigner can be detained but their age has to be assessed in the shortest time possible. Subsequently, if the minority is proved, the minor foreigner has to be treated as such, e.g. in most cases released and transferred in to specialised educational facility operated by the Ministry of Education, Youth and Sports. If the foreigner is adult, the adult regime applies, but again with detention as the last resort. In each case, the jurisprudence of the Supreme Administrative Court prescribes rigorous procedural steps with separate decisions according to the circumstances assessing the need for detention in the shortest possible intervals. The age has to be assessed by fast and reliable methods, both forensic as well as social and psychologic. The Ministry of the Interior implemented a pilot project in cooperation with the Ombudsperson and the UNHCR which included child psychologists in age assessment of unaccompanied minors. The pilot phase revealed that the accessibility of the child psychologists is very limited and therefore a new project is being piloted in 2022 after consultations with the Ombudsperson and UNHCR, which foresees the services of social workers with the experience with minor foreigners in the facility.