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Summary record of the 3655th meeting

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Chair: Mr. Fathalla

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fourth periodic report of Czechia (CCPR/C/CZE/4 and CCPR/C/CZE/QPR/4)

1. *At the invitation of the Chair, the delegation of Czechia took places at the Committee table.*
2. **Ms. Baršová** (Czechia), introducing her country's fourth periodic report (CCPR/C/CZE/4), said that the institutional framework for human rights protection in the Czech Republic was based on independent courts and that measures were being taken to improve the effectiveness of the judiciary, including the reform of procedures for the selection and appointment of judges. An important actor was the Ombudsperson (Public Defender of Rights), who was empowered to receive individual complaints, inquire into infringements of the law and recommend improvement measures and remedies. The Ombudsperson also presented observations to the Government, the Parliament and the general public and organized meetings to raise awareness on various human rights topics. The Office of the Public Defender of Rights thus complied with most of the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Government was currently analysing its mandate with a view to identifying and filling possible lacunae.
3. Protection against discrimination was guaranteed by the Anti-Discrimination Act, the Charter of Fundamental Rights and Freedoms and other laws. International treaties took precedence over national law and could be directly applied by national courts. Some groups faced difficulties in securing equal access to their rights; the Government had therefore adopted strategies to improve their position in society. For example, the Government Strategy for Gender Equality in the Czech Republic 2014–2020 set priorities and envisaged actions to address gender imbalances in several areas. The Government was also attempting to heighten awareness of domestic and gender-based violence.
4. The Roma Integration Strategy 2015–2020 had been created to improve the situation of the Roma minority. Access by Roma to housing was supported through social benefits and subsidy programmes, while municipalities received funds for the construction of social housing, including for people facing social exclusion. In April 2019, the Government had introduced a new subsidy programme that would also allow for the construction of up to 2,000 housing units. Tenants enjoyed protection against illegal eviction and could seek judicial remedies if necessary.
5. Equal access to education for Roma children had been strengthened thanks to the reform of the inclusive education system. All pupils with special educational needs had undergone an assessment of those needs and were provided with support measures intended to integrate them into mainstream education. Teachers, counsellors and other staff had been trained in new teaching and assessment methods, and the special curriculum for the education of pupils with mild mental disability had been abolished. Since they were obliged to attend the final year of preschool, Roma children were better prepared for primary education. As a result of those measures, the number of Roma children outside mainstream education was steadily declining.
6. Institutional arrangements for Roma integration and participation were well developed. The Government Council for Roma Minority Affairs discussed topics related to Roma integration and major municipalities should employ Roma advisers. In recent years, the Agency for Social Inclusion had provided expert assistance to about 140 municipalities with socially excluded localities, partnering local actors to draw up social inclusion strategies. In 2018, the Government had placed the site of the Roma concentration camp in Lety – lately used as a pig farm – under the administration of the Museum of Roma Culture in Brno, with a view to building a dignified memorial to the Roma Holocaust. An archaeological excavation was under way and a tender had been launched for the architectural design of the memorial; the existing structures would be demolished during 2020.

7. The Government continued to prioritize the fight against racism and xenophobia. Criminal law allowed for the prosecution of hate speech and hate crime as specific crimes, and for the hate motive to be taken into account as an aggravating circumstance. Victims of hate crime were entitled to receive free counselling and legal assistance; they could also petition the court to order the perpetrator to pay damages or compensation. Public authorities worked together to detect and prosecute hate crimes and had recently focused intensively on the Internet and social networks. Education institutions continued to provide training for judges, prosecutors and police officers in order to address hate crimes more effectively.

8. In 2016, the Government had devised a concept for the improvement of its prison system, under which prisoners must be treated with dignity and abuses dealt with appropriately. Prisoners' rights could be restricted only when strictly necessary, in a proportionate manner and subject to strict control. Conditions of detention would be improved by renovating prisons and allowing for more privacy in cells, while treatment programmes enabled the effective social reintegration of released prisoners. More prisoners were working and would receive remuneration calculated according to the minimum wage. In 2017, one facility had been designated an open prison, to allow prisoners to prepare for life after release.

9. Psychiatric care was undergoing a major reform as institutions were replaced with outpatient centres staffed by multidisciplinary teams who provided health and social care services. Five such centres had already been established and a further 25 would follow by 2021. The Ministry of Health was introducing new care standards and supervising their implementation, and it was envisaged that all hospitals would receive recommendations for improvements in the provision of care. New methods and alternatives to the use of restraints were being applied.

10. The Government's migration policy strategy, adopted in 2015, endorsed legal migration and the international protection of refugees. Public authorities provided counselling and assistance to legal migrants to ensure their integration into society. Efforts to tackle illegal migration respected the rights of foreigners in accordance with the Government's international commitments, including the principle of non-refoulement. Detention was applied as a measure of last resort, especially in cases of unaccompanied minors or families with children, who were able to stay at a refurbished centre where they received all necessary services. Asylum seekers were placed in closed facilities only for initial identification, health checks and the start of their asylum procedure; they were then transferred to open centres equipped to provide services such as Czech language courses, legal and social counselling and leisure activities.

11. Child protection remained at the core of the Czech legal system. Law enforcement bodies treated children who were victims of abuse and violence with care and respect for their rights and interests and provided them with maximum protection against secondary victimization or other harm. Children who had committed illegal acts when below the age of criminal responsibility were duly represented in legal proceedings and could exercise all procedural rights.

12. **Mr. Shany** said that he appreciated the information provided on the State party's domestic infrastructure for implementing the Covenant, which appeared to be satisfactory. However, he would be grateful if the delegation could comment on concerns about the non-availability of funding for human rights advocacy, which limited the participation of civil society in efforts to implement the Covenant, and on reports that the majority of Czech non-governmental organizations (NGOs) had been unaware of the drafting of the report and therefore had not participated in consultations.

13. In respect of the Committee's previous recommendation that the Government should review and reconsider its position on the Views adopted by the Committee under the Optional Protocol to the Covenant, which dealt with nationality-based discrimination in the restitution of property, the Committee noted that the State party's position remained unchanged; namely, that implementing the Views "would run counter to the principle of legal certainty and the stability of ownership rights". Nevertheless, given that the Views explicitly mentioned the possibility of compensation in the event that restitution was not

possible, he called upon the State party to engage more seriously with the process of implementing the Views so as to bring all pending cases to a close.

14. Regarding the legal and institutional framework for the promotion and protection of human rights, the delegation should elaborate on the reason for the delay in establishing the Office of the Public Defender of Rights as a fully-fledged and accredited national human rights institution with stable powers. He wondered what obstacles had arisen in that process and what had been the nature of the amendment to the Ombudsperson Act that the Parliament had not adopted. He would be interested to know the current status of the Ministry of Human Rights, Equal Opportunities and Legislation, and especially whether the transfer of its functions to another department implied a reduced commitment to human rights. The State party was to be commended for its efforts to establish a memorial on the site of the former Roma concentration camp in Lety.

15. **Ms. Kran** said that she wished to know how the ongoing talks with the Office of the Public Defender of Rights would impact on the Ombudsperson's competencies and how the Government planned to ensure that the Office fully complied with the Paris Principles, given that the Parliament had not permitted the expansion of those competencies. Since the Ombudsperson had received a large number of complaints related to the rights of children, youth and families, she wished to know whether Czechia had plans to establish a children's ombudsperson.

16. The Committee would be grateful for information on the progress made, under the National Plan for the Support of Equal Opportunities for Persons with Disabilities 2015–2020, on: the elimination of all obstacles preventing the right to vote for persons with disabilities; the accessibility of all published election information to blind persons and persons with intellectual disabilities; and the allocation of resources to ensure that all voters with disabilities who were unable to travel to polling stations could vote in a timely and confidential manner. She asked if the State party might adopt a formal regulation with the effect that polling stations were set up only in accessible public buildings. Noting that the law still permitted restrictions of legal capacity in certain circumstances, she asked what steps had been taken to remove and prevent the undue application of such restrictions. What procedural safeguards were in place to ensure that persons with disabilities had quick access to a judicial review in the event of a decision that restricted their legal capacity?

17. Concerning the figures provided by the General Inspection of Security Forces on complaints of crimes committed by security forces, she asked what proportion of those complaints had resulted in investigations or prosecutions. What steps were being taken to ensure accountability and unbiased decision-making in cases in which members of the General Inspection were alleged to have committed an offence? She was interested to know how the General Inspection ensured its independence, in the light of a report that most of the former workers of the old police inspectorate were employed there. Having read that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had heard allegations of ill-treatment and verbal abuse by the police, she asked what was being done to put an end to such behaviour. The Committee would also appreciate information on the number of prison and police cells in which closed-circuit television cameras were being installed, the facilities concerned and the dates on which those systems would become operational. How did the checks carried out by police inspection departments prevent abuse and ensure accountability? What steps were being taken to ensure that strip searches were conducted only on the basis of a risk assessment, rather than routinely? The delegation should also explain how the continued use of grips mounted to benches inside and outside cells for the shackling of detained persons was in line with the Covenant and the recommendations of CPT.

18. **Ms. Brands Kehris** said that none of the lists of prohibited grounds for discrimination contained in the State party's national legislation, except for that set out in the Charter of Fundamental Rights and Freedoms, was open-ended, and that there were currently no plans to expand them. She would be grateful if the State party could explain how its approach in that regard was consistent with articles 2 and 26 of the Covenant. Moreover, examples of occasions when the Covenant had been applied directly by the Czech courts, in order to cover grounds for discrimination not listed in national legislation, would be welcome. The Ombudsperson had reported that the shifting of the burden of proof

in cases of alleged discrimination was applied inconsistently, resulting in relatively few cases being brought to the courts. She would be grateful for the State party's comments in that regard.

19. While she welcomed the State party's efforts to combat gender stereotyping and sexual harassment in the workplace, she would appreciate further information on the impact of the measures it had taken. It would be useful to have information on any up-to-date surveys or assessments carried out, as well as information regarding initiatives introduced to tackle sexual harassment in schools. She was also interested to know whether the guideline on a uniform approach to sexual harassment mentioned in the State party's report had been put into practice. She would be grateful if the State party could provide up-to-date figures of the number of women in decision-making positions, including senior positions in the Government and high-level courts, and comment on the apparent lack of progress in that area, despite the implementation of the Action Plan for the Balanced Representation of Women and Men in Decision-making Positions 2016–2018. What analyses had been carried out in that regard, what specific measures did the State party plan to take to improve the situation, and was there a follow-up action plan for 2019 and beyond? She was also interested to know why the State party had so far avoided taking special temporary measures. More information on the internal quotas reportedly introduced by political parties would be welcome.

20. It would be useful to have more specific information on the measures taken pursuant to the Action Plan for the Prevention of Domestic and Gender-based Violence 2015–2018 and their outcomes, especially with regard to the training of police officers, judges, prosecutors and social workers. She was particularly interested to know how many persons had received such training, whether it was regularly updated and provided on a continuous basis, and whether a relevant impact assessment had been conducted. Further information on the resources earmarked for the Action Plan would also be welcome, as would information on any follow-up plans, including details regarding their content and budget. While she appreciated the statistical information on violence against women provided by the State party in the sixth annex to its report, she would welcome an explanation of what was meant by the term "discovered cases" used therein. Moreover, it would be constructive to have further information on the outcomes of prosecutions and to receive updated figures for 2018 and 2019. Had the State party noticed any trends in the data it had collected and had it conducted any analyses to gauge the effectiveness of the measures it had taken? Lastly, she would appreciate an explanation of the State party's delayed ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), as well as information on any measures it had taken to counter the prejudiced views espoused by some public figures regarding the Convention.

21. **Mr. Zyberi** said that he would be grateful if the State party could provide up-to-date information on the measures it had taken to address the reportedly high levels of hate speech against Roma, asylum seekers, refugees and migrants, Muslims, Jews and lesbian, gay, bisexual, transgender and intersex persons – including by local politicians and officials in the media – as well as of physical attacks against members of minority groups. Information on recent steps taken to address the stereotyping of migrants would be welcome. He would also appreciate further information on the measures taken to increase the investigation and prosecution rate for hate crimes. The State party should provide relevant statistical data on the number of complaints registered, investigations initiated and prosecutions launched in that regard and their outcomes. He would further appreciate the State party's comments on the limited nature of the Criminal Code's list of grounds on which hate speech and crimes could be based and its potential impact on the viability of prosecution for hate crimes.

22. The Committee had received reports that municipal authorities were using so-called "housing benefit-free zones" to pressure Roma into moving into segregated areas. A complaint against the use of such zones had been brought before the Constitutional Court. He was interested to know whether any other municipal decisions on the declaration of housing benefit-free zones had been taken while the case was under consideration and when the Court was expected to issue a ruling on the case. Had any special measures been taken

to increase the participation of Roma persons in political life? Had any mainstream political parties put forward Roma candidates on their electoral lists or indicated their intention to do so in the near future? With regard to education, he would welcome up-to-date information on the steps taken by the State party to address the relatively high number of Roma children following the framework curriculum for children with mild mental disabilities. He would also welcome more specific information on measures taken to encourage the integration of the Roma community, with particular regard to the provision of social housing units to Roma families.

23. Lastly, it would be useful to have further information on any measures that the State party envisaged taking in order to provide the victims of forced sterilization with pecuniary and non-pecuniary compensation.

24. **Mr. Zimmermann** said that he wished to know whether there had been any further attempts to amend the Registered Partnership Act in respect of adoption rights. He would appreciate up-to-date information on the current status of the bill proposing to legalize marriage for same-sex couples. In view of the recent decision of the European Committee of Social Rights in the case of *Transgender Europe and ILGA-Europe v. the Czech Republic*, he wished to know whether the State party had plans to abolish the requirement that transgender persons seeking to change their legally recognized gender must obtain a psychological diagnosis and undergo forced sterilization.

The meeting was suspended at 4.05 p.m. and resumed at 4.30 p.m.

25. **Mr. Machačka** (Czechia) said that discussions regarding how best to bring the mandate of the Ombudsperson in line with the Paris Principles had been intensified and that a public debate on the topic had been organized in the Senate. The Anti-Discrimination Act was primarily intended to prohibit discrimination on grounds regulated by European Union law. Other pieces of legislation, such the implementing acts of International Labour Organization conventions, contained broader lists of prohibited grounds. Open-ended lists were perhaps more appropriate in international conventions rather than in national legislation, where prohibited grounds for discrimination should be clearly defined. In practice, Czech courts, particularly the Constitutional Court, often considered cases involving types of discrimination that were not covered by the Anti-Discrimination Act, in which it was asked to determine whether differential treatment was consistent with the Constitution. With regard to the burden of proof, the State party was taking steps, as part of the recodification of civil procedure rules, to address the inconsistency between the Anti-Discrimination Act and the Code of Civil Procedure. The bill on the legalization of same-sex marriage was still being debated in Parliament. The Government supported the bill, but it was up to members of Parliament to decide whether it should pass. The current rules governing legal gender recognition continued to require diagnosis and surgery. A case regarding the issue was currently pending before the Constitutional Court.

26. In order to foster the social acceptance of minorities, the Government was running the “Hate Free” anti-racism campaign, which was proving quite successful. The campaign’s Facebook page had some 66,000 followers and “hate-free zones” had been set up around the country.

27. With respect to illegal sterilization, in 2015 the Government had decided not to adopt a special bill on extrajudicial compensation. As a result, judicial compensation through the courts remained the primary means of compensation for victims. The issue was still being debated by civil society and some members of Parliament but a decision had not yet been taken.

28. Figures on the number of prosecutions brought as a result of the investigations of the General Inspection of Security Forces would be provided in writing.

29. **Ms. Baršová** (Czechia) said that the Ministry of Human Rights had not been abolished; in fact, it had never existed as a separate institution. Under the previous Government, a member of the cabinet had, indeed, served as Minister for Human Rights but had not been attached to a ministry. Under the current Government, that post had been abolished, but the staff who had worked for the previous minister had been retained and were now working directly under the Prime Minister and carrying out the same tasks as

before. Importantly, the government advisory bodies, which ensured the representation of civil society, such as the Human Rights Council, the Government Board for Persons with Disabilities and the Government Council for National Minorities, had been preserved. Although there was no longer a minister, a Government Commissioner for Human Rights had been appointed in April 2019.

30. The Government supported the activities of NGOs through the State budget, and there had been no change in policy in that regard. For example, it funded special programmes for persons with disabilities and Roma integration, as well as activities to promote the culture and languages of national minorities. While government funding had not decreased, it was true that some NGOs might be experiencing financial difficulties because expenses, such as wages, were increasing. NGOs could also access funding through other sources, such as the Norway Grants.

31. Updated statistics on violence against women would be provided in writing. The Czech Republic had signed the Istanbul Convention; its ratification by Parliament was awaited. In the meantime, the human rights unit under the Office of the Prime Minister and the Government Commissioner were working to raise awareness among the general public and members of Parliament of the importance of ratifying the Convention, although there continued to be resistance from some quarters that sought to preserve traditional values. A booklet had been published with the aim of dispelling misconceptions about the Istanbul Convention. Earlier that month, a successful international conference had been held in Prague with the participation of a range of experts who had shared their countries' experiences with the Convention.

32. When it came to the political representation of women, there were currently four women ministers in the Cabinet. It must be acknowledged that there had been some stagnation when it came to the participation of women in politics, with the exception of the local government level, where modest progress had been made in 2018. The reasons for the slow rate of progress in that area were complex. Some of the measures introduced, such as voluntary quotas for political parties, had not always had the desired effect of securing the election of more women. Some examples were provided in the State party report. It had been decided not to renew the Action Plan for the Balanced Representation of Women and Men in Decision-making Positions but to incorporate its objectives into the general action plan already approved for 2019–2020. So far as the judiciary was concerned, it was true that there continued to be more female than male judges overall, but the proportion of women judges was lower in the higher courts. For example, while women made up 65 per cent of judges in the district courts, they accounted for only 19 per cent in the Supreme Court and only 2 of the 15 judges of the Constitutional Court. Some 45 per cent of the presidents of district courts were women.

33. A booklet on gender-based violence had been produced by the Office of the Government in partnership with the Ombudsperson and would be distributed in due course. The third four-year Action Plan for the Prevention of Domestic and Gender-based Violence had been approved by the Government in May 2019. The Action Plan, which was available as a booklet, was relatively broad in scope and covered prevention, support for victims and access to justice. It acknowledged the need to improve the availability of services for victims and persons at risk of gender-based violence and the importance of international cooperation in that field. It also addressed the use of new technical devices, such as personal alarms that would alert the police in the event of danger, which could, in the future, help those most at risk and potentially save lives.

34. Work was under way on the new Concept for Roma Integration that would come into effect in 2020, and efforts were being made to involve Roma representatives in its drafting and monitoring. The Government had identified the education of Roma children as the key for the future, and some progress had already been made in that area. The outlook in other areas, such as housing, was unfortunately not so positive.

35. **Mr. Faltýn** (Czechia) said that amendments to the Education Act in 2016 had made the education of children with special educational needs in mainstream schools a priority and had introduced an entirely new system of support measures for all pupils who needed them owing to their culture or socioeconomic status. The support measures, which included

additional classes, teachers' assistants and learning aids, were funded by the State budget and provided only with the informed consent of the pupil or his or her legal representative. The budget for support measures was increased annually. A new authority had been established to assess and decide on cases of possible dissatisfaction with the provision of support measures. Under the 2016 amendments, the separate educational programme and curriculum for pupils with mild mental disabilities would be entirely abolished as of September 2020. In the meantime, all pupils being educated under the programme had been reassessed under a new diagnostic system with a view to being offered education in mainstream schools; only those who wished to complete the programme had remained in schools for children with mild mental disabilities. The number of Roma pupils educated under that curriculum had dropped from 2,631 in 2016 to 953 in 2018. Once the programme had been abolished, the basic curriculum for education in mainstream schools would apply to all children.

36. The amendments to the Education Act had also introduced compulsory preschool education for all children, including Roma children. As a result, the already high preschool enrolment rates had increased further, to 97.5 per cent in 2018. The remaining 2.5 per cent comprised mainly children staying abroad with their parents, who were not only Roma children. Each year, the Ministry of Education administered a special subsidy programme targeting vulnerable Roma learners, focusing on preschool preparation and early care, family and school cooperation, elementary school, and support for the transition to high school. A school meal programme was also in place for socially disadvantaged pupils, including Roma children. Since 2015, Roma community representatives had participated systematically in school inspections throughout the country.

37. **Ms. Klíma Lišuchová** (Czechia) said that the State party had provided information on its mechanism for implementing the Views of the Committee on several occasions since 2001. The mechanism had been complemented in 2015 by a collective advisory body composed of representatives of ministries, the Supreme Court, the Parliament, experts and NGOs. The Council of Europe considered the mechanism an example of good practice, although it obviously could not guarantee prompt and full execution of the judgments of the European Court of Human Rights or implementation of the Views of each treaty body, should technical or political difficulties arise. Concerning the possible ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Ministry of Justice had been tasked with proposing a mechanism for making financial awards if a treaty body found a violation and recommended payment of compensation. Representatives of the Ministry had asked the Petitions Unit of the Office of the United Nations High Commissioner for Human Rights to check whether mechanisms of that kind existed in other States; a positive response would encourage the Czech authorities to move forward with the idea.

38. Concerning the Committee's Views related to the process of property restitution after the fall of communism in 1989, the Government had addressed the matter in 2002, adopting a resolution in which it had set out, in general terms, the mechanism of implementation and had clearly refused to amend the legislation on restitution. Nonetheless, in cases in which there had been no clear legislative obstacle, the Views had been implemented. The competent authorities had been informed of the Committee's Views and could take them into account in their decisions. The delegation did not wish to repeat what had been said during the review of the State party's previous periodic report. The Committee's Views on individual communications were considered *bona fide* both by the mechanism of implementation and the Czech legal system as a whole. The Government had been regularly informed of the cases considered by Committee and the needs in terms of implementation, but it had maintained a constant position for more than 17 years, since it had decided that legislation on restitution should not be amended. Providing compensation for non-restituted property would have huge budgetary implications. In the absence of any new Views since the Committee's examination of the third periodic report, and given that the original Views had related in substance to events of a transitory nature, the delegation shared Mr. Shany's opinion that the time was ripe to close the matter. The discussion on implementation of those Views should not continue indefinitely.

39. Regarding the obstacle to compensation for earlier cases of illegal sterilization, namely the passage of time, according to the case law of the Supreme Court, whose position on the matter had changed in 2008, the right to compensation in respect of the protection of personality was also time-barred. However, the principle of conflict with good morals could be applied as a corrective in such cases, although, as very few proceedings had actually been conducted, it was not possible to draw any conclusions as to the efficacy of that approach. Furthermore, the concept of conflict with good morals could not be applied automatically in all cases, given the nature of the alleged interference with the physical integrity of the persons concerned.

40. **Mr. Lebl** (Czechia), responding to the questions on hate crimes and hate speech, said that the Criminal Code set out a number of relevant criminal offences, particularly violence against an individual or group of people, defamation of nation, race or ethnicity, and incitement to hatred towards a group of people. The most serious crimes of that nature could be punished as crimes against humanity. Racist motivation was covered directly in the relevant criminal offences alongside other grounds, such as religious or political prejudice. In some criminal offences, the grounds were contained in an exhaustive, closed list. The Ministry of Justice had proposed broadening the list of grounds in 2016 to include specifically sexual orientation or gender identity, but the proposal had been withdrawn following interinstitutional consultations, as the existing legislative framework had been considered sufficient by other authorities and practitioners. Hate or racist motivation was a general aggravating circumstance pertaining to all criminal offences, as well as a special aggravating circumstance justifying the imposition of a more severe punishment for several specific criminal offences.

41. Under the new Civil Code, no one could be completely deprived of his or her legal capacity to act; capacity could only be restricted by the court to a specific extent and for a set amount of time. New measures had been introduced for supported decision-making and guardianship of adults. Innovative planning tools for people with disabilities had also been incorporated into legislation. A person's legal capacity could be limited only under strict conditions: if the person concerned had a mental disorder that was not temporary, if there would be a risk of serious harm to the person if capacity was not restricted, or if less restrictive measures were not sufficient. Legal capacity could be restricted for a maximum of three years or, in cases where the incapacity was very unlikely to change, for up to five years. If the circumstances of the case changed, the court had an obligation, *ex officio*, to repeal or amend the decision and restore capacity. There were approximately 40,000 persons in the country with restricted legal capacity. In the previous five years, there had been around 10,000 decisions ordering guardianship without limitation of legal capacity and 250 decisions on supported decision-making. The Ministry of Justice endorsed the use of less restrictive measures and underlined that limitation of legal capacity was a measure of last resort.

42. **Ms. Chmelíčková** (Czechia) said that the Ministry of the Interior had taken various practical measures to monitor and combat prejudice against migrants and asylum seekers. It had set up a public relations unit that sought to address myths and fears about migration by disseminating reliable information in schools and universities and at cultural festivals. The Ministry also shared information on social media about the migration situation and the services available to asylum seekers. It organized open days and workshops for the general public at open accommodation centres for asylum seekers and it sought to monitor and counter the spread of false information about migration in the media. It had published child-friendly information on migration, as well as accessible information on the planned amendments to the Asylum Act.

43. **Ms. Dršková** (Czechia) said that the Ministry of the Interior was planning to propose a legal amendment that would remove all restrictions on the right to vote of persons with disabilities. The proposal would be submitted to the Government in the autumn of 2019. In cooperation with organizations of persons with disabilities and the Ombudsperson, the Ministry was preparing measures that would ensure access to elections for persons with disabilities, such as the distribution of easy-to-read election materials, the creation of accessible videos on voting procedures with Czech Sign Language interpreting and subtitles, and the establishment of barrier-free access to polling stations.

44. The vast majority of the detainees interviewed during the visit of members of CPT had made no allegations of ill-treatment by police officers; indeed, several detainees had made positive comments about the way in which they had been treated by the police. Police officers considered any ill-treatment of detainees to be unacceptable. Various protective measures had been introduced in recent years, including police guidelines stipulating that strip searches should be carried out only on the basis of an individual risk assessment. In accordance with guidelines that had come into effect in May 2019, body searches were conducted so that the examined person was undressed only to the waist up and then down. Persons were handcuffed to fixed objects very rarely, for short periods and in circumstances where they endangered their own life.

45. **Ms. Modlitbová** (Czechia) said that a total of 76 housing benefit-free zones had been declared. Of those, 17 had been declared in 2019. Around 30 municipalities were considering declaring zones of that kind in the near future. The Ministry of Labour and Social Affairs had been quite vocal about the negative impact of declaring such zones. Regional governments were also aware of the risks and had, in some cases, overruled decisions by municipal authorities on the subject. It was hard to say when the Constitutional Court would reach a final verdict on the case before it, given the complexity of the issue.

46. **Ms. Grabmüllerová** (Czechia) said that social housing was allocated on the basis of criteria such as income and health, irrespective of the applicant's ethnic origin. The State invested almost US\$ 1 billion into housing each year. Under a new social housing programme launched in 2019, the Government planned to build around 2,000 new rental apartments annually.

47. **Ms. Baršová** (Czechia), acknowledging the importance of boosting Roma participation in political life, said that progress in that area had been slow, despite the Government's efforts to raise awareness within the Roma community and to inform Roma persons of their rights.

48. **Mr. Shany** said that he would like to know whether the State party had defined a time frame for the establishment of its national human rights institution. Although the Committee's Views were not binding, the State party's obligations under the Covenant were, and the Committee was the body that had been charged with interpreting those obligations. The State party had recognized the competence of the Committee to receive and consider individual communications. Its repeated refusal to implement the Committee's Views did not sit well with its duty to fulfil its obligations under the Covenant in good faith. In order to resolve the situation, it could make *ex gratia* payments to the complainants concerned, as other States parties had done in similar situations in the past. The State party was free to determine the size of the payments, provided the complainants received adequate compensation.

49. With regard to arms exports, he would like the delegation to comment on reports that arms manufactured in Czechia had been found in countries with dubious human rights records; that the President had declared in May 2017 that there should be no restrictions on arms exports; and that arms had been exported from Czechia to Azerbaijan without the necessary permit, which suggested that the export control regime in place was not effective.

50. **Ms. Brands Kehris** said that it would be helpful if the delegation could provide some specific examples of case law that dealt with discrimination on grounds other than those mentioned in the Anti-discrimination Act. She would like to know what remedies were available to persons who had suffered discrimination on grounds other than those covered by the Act and whether the delegation could provide specific examples of remedies having been granted in such cases.

51. She would appreciate more information on the number of cases of violence against women that had led to conviction and the penalties that had been imposed in those cases. She wondered whether the statistics on rape in the sixth annex to the report included cases of marital rape and whether the law distinguished between rape and marital rape. Lastly, she would like to know whether the State party collected data on gender-based violence specifically, so as to be able to evaluate the impact of its measures to counter violence of that kind.

52. **Mr. Zyberi** said that he wished to know whether any measures had been taken to increase access to secondary school and higher education for Roma and whether there were any data available on the number of Roma in higher education. Given the negative impacts of housing benefit-free zones on Roma communities, he wondered whether it would be possible for the initiative to be suspended or for interim measures to be requested pending the Constitutional Court's decision on the case before it. Lastly, he would like to know what proportion of social housing had been allocated to Roma families.

53. **Ms. Kran** said that her question regarding the independence of the General Inspection of the Security Forces had not yet been answered.

54. **Mr. Machačka** (Czechia) said that, by the end of 2020, the Government hoped to have completed its analysis of the reforms that were needed in order to establish a national human rights institution that was in line with the Paris Principles.

55. **Ms. Klíma Lišuchová** (Czechia) said that her Government recognized that the Covenant was directly applicable as part of the legal order and accepted the Committee's Views. However, as matters currently stood, there was no political will to reopen discussions on the issue of property restitution, since the Government had made a final decision on the matter in 2002.

56. **Ms. Baršová** (Czechia) said that the statistics on rape in the annex to the report included cases of acquaintance rape. The majority of rapes in Czechia were perpetrated by a person who was known to the victim.

57. **Mr. Faltýn** (Czechia) said that the inclusive education reform did not extend to higher education, because universities in Czechia were autonomous and did not form part of the regional education system. The reform would take time to implement throughout the country because it required a change in mindset and in teaching practices. The effects of the reform, including its impact on the number of Roma persons entering higher education, would therefore not be visible for several years at least.

The meeting rose at 6 p.m.