



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Czech Republic and welcome your constructive engagement and that of your Government during the 28th session of the UPR Working Group in November 2017.

As the final outcome report on the review of the Czech Republic was recently adopted by the Human Rights Council at its 37th session, I am writing to follow up on a number of areas raised in two reports that my Office had prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 81 countries, the Czech Republic's presentation and responses, and the action taken by the Czech Republic to implement the 129 recommendations it accepted during the second UPR cycle. The areas cover a range of issues and are set out in full in the annex to this letter.

I would like to highlight two issues that were raised during the review of the Czech Republic and which I am particularly encouraged by, namely the adoption of the amendment to the School Act, providing for inclusive education for all pupils with special needs, including Roma children with social disadvantages and children with disabilities, as well as the adoption of a comprehensive Roma Integration Strategy for 2015–2020 aimed at bridging the gaps between Roma people and the rest of society in terms of education, employment, housing, health and social assistance.

I also encourage the Czech Republic to develop a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate the Czech Republic's preparations for the fourth cycle of the UPR. The development of the national human rights action plan should include consultations with all stakeholders, in particular the NHRI and civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities.

I also encourage the Czech Republic to make efforts to strengthen its national mechanism for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to the Czech Republic the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

H.E. Mr. Martin Stropnický
Minister of Foreign Affairs
Czech Republic

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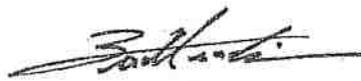
http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. I welcome the Czech Republic's submission of a mid-term report regarding the implementation of the recommendations made during the second cycle of the UPR and encourage it to submit a mid-term report for the third cycle of the review, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): "*The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.*"

I look forward to discussing with you ways in which my Office may assist the Czech Republic to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.



Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Considering the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- Pursuing efforts towards the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- Establishing appropriate procedures to implement the Views adopted by the Human Rights Committee under the Optional Protocol to the Covenant, in particular the numerous cases concerning restitution of property;

National human rights framework

- Establishing a national human rights institution with a broad human rights mandate and with adequate financial and human resources, in line with the Paris Principles;
- Considering the creation of a national Ombudsperson for children;

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and Non-Discrimination

- Amending the Anti-Discrimination Act with a view to expanding the grounds of discrimination explicitly prohibited by the Act;
- Strengthening the enforcement of the Anti-Discrimination Act and increasing efforts to combat all forms of discrimination, intolerance, racism, xenophobia and Islamophobia, including through strong condemnation of hate crimes and hate speech, effective investigation of racist hate speech and racially motivated violence, and prosecution of perpetrators;
- Ensuring appropriate support and reparation for victims of acts of discrimination;
- Considering the revision of the Criminal Code to include offences of incitement to violence and discrimination, public insults of racist nature and public expression with racist aim, as well as grounds of colour, language and sexual orientation or gender identity;

B. Civil and political rights

Right to life, liberty and security of person

- Considering amending the Civil Code and Health Care Act with a view to abolish the practice of sterilization of persons with disabilities without their free and informed consent;

- Stepping up efforts to abolish enclosed restraint beds in psychiatric and related institutions;
- Taking steps to abolish the option of performing surgical castration of sex offenders;
- Taking the necessary measures to speedily solve the issue of Lety u Písku by replacing the pig farm on the site of the former Roma concentration camp with a new memorial of the Roma holocaust;

Administration of justice, including impunity, and the rule of law

- Establishing an ex gratia compensation procedure, reviewing the three-year time limit in the statute of limitations for bringing compensation claims in cases of coercive or non-consensual sterilizations with a view to extending it, ensuring free legal assistance and advice to victims, and prosecuting and punishing those who illegally practised coercive or other non-consensual sterilizations;
- Stepping up efforts to ensuring that immigration detention is strictly a measure of last resort, and ending the detention of all children whether accompanied, unaccompanied or separated;
- Increasing efforts to raise awareness of anti-discrimination laws and complaint mechanisms among law enforcement and judicial officials, reducing court fees, and providing victims of discrimination with free legal aid to lodge their complaints before relevant authorities;
- Reconsidering the policy of obliging prisoners to pay their incarceration costs;

Fundamental freedoms and the right to participate in public and political life

- Taking effective measures to increase the participation of women in the political life and in decision-making positions;
- Amending relevant laws to ensure that persons with disabilities can enjoy the right to vote and stand for election;

Prohibition of all forms of slavery

- Taking further steps to combat trafficking in persons, to ensure accountability for perpetrators, and to identify and protect victims;

C. Economic, Social and Cultural Rights

Right to an adequate standard of living

- Taking steps to adopt a social housing law and adequate social housing policies with a special focus on Roma and clear measures to prevent segregation and to reduce the number of existing segregated areas;
- Reviewing the legislation and practices on evictions to ensure that adequate alternative housing is provided to individuals affected;

Right to health

- Accelerating the adoption of a law on the rights of patients, including the reproductive rights of women, and ensuring that relevant services and information on health care and reproductive rights are made accessible to all, including minority people and persons with disabilities;
- Considering expanding the Roma health assistants programme and continue training medical professionals in effective interaction with people from different cultural backgrounds;
- Undertaking the necessary legislative amendments to ensure that migrant residing in the Czech Republic have access to the contributory health insurance scheme without discrimination;

Right to education

- Ensuring the allocation of sufficient fund for the implementation of the amendment to the School Act and the Inclusive Education Action Plan for 2016-2018 and monitoring the impact of reforms aiming at the inclusion of Romani pupils in mainstream school, stepping up efforts to completely disassemble the special education system and ending all forms of segregation in the education system;
- Stepping up efforts to reduce the school dropout rate and absenteeism of Roma children and carrying out educational campaigns on countering persistent prejudices and negative stereotypes in respect of Roma;
- Continuing efforts in providing improved accessibility of schools and inclusivity at all levels of education for all children with disabilities;

D. Rights of specific persons or groups

Women

- Pursuing the implementation of the Strategy for Equality between Women and Men for 2014-2020 and the implementation of national plans for gender equality and redoubling efforts in the implementation of measures to reduce the gender pay gap;
- Continuing the efforts to prevent and address gender-based violence and ensure that cases are thoroughly investigated, perpetrators prosecuted and, if convicted, punished, and victims adequately compensated;

Children

- Undertaking further measures to discontinue the placement of children under three years in institutionalized care, fully ensure that the prohibition of separation of children from their families solely for social reasons or inadequate housing is fully enforced ;

Persons with disabilities

- Stepping up the process of deinstitutionalization of persons with disabilities and allocating sufficient resources to guarantee the fulfilment of their right to independent living and inclusion in the community;

Minorities and indigenous peoples

- Ensuring the effective implementation of the Roma Integration Strategy for 2015-2020, and continuing the efforts to combat discrimination against Roma and to bridge the gap between the Roma community and the rest of society, including in the field of education, health, housing and employment;

Migrants, refugees, and asylum seekers

- Stepping up efforts to tackle discrimination and stigmatization suffered by migrants, asylum-seekers and refugees and ensuring the investigation, prosecution and punishment of acts of discrimination or violence motivated by the victim's national or ethnic origin.