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16 May 2006

Mr. Ambassador,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the third periodic report of the Czech Republic by this Committee, held at its 32<sup>nd</sup> session on 4 and 5 May 2004.

At the end of this session, the Committee's Conclusions and Recommendations were transmitted to your Permanent Mission. In paragraph 6(o) of the Committee's Conclusions and Recommendations, pursuant to its rules of procedures, the Committee requested that the Czech Republic provide, within one year, information on its responses to the Committee's recommendations which are appended to this letter.

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective. Noting that a reply concerning the information sought by the Committee has been provided on April 25, 2005, I am writing to express appreciation for your responses on these matters and the substantial information and statistics provided, amounting to 18 pages.

From an analysis of the information provided to the Committee, I would be grateful for clarification of the following concerns and recommendations with regard to implementation of the Convention in the Czech Republic, and where sufficient information is not provided.

In regard to the concern about the anti-discrimination law, the response with regard to the Committee's recommendation 6(a) provides very useful additional information about the Czech Republic's efforts to combat racial intolerance and the range of protection against discrimination on various grounds or status that are included in the new law. However, there did not appear to be any information about whether the legislation included "all relevant grounds" covered specifically by the Convention against Torture, as mentioned in the recommendation. We would appreciate added information to clarify whether the legislation prohibits "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as ... for any reason based on discrimination of any kind..." by or at the instigation of, or with the consent or acquiescence of a public official or other person acting in an official capacity.

We also have questions with regard to recommendation 6(b), regarding an effective, reliable and independent complaint system and prompt and impartial investigations, into allegations, particularly regarding racially motivated violence, and any deaths that may have resulted. The information provided explains a range of measures to investigate alleged complaints against police and others. I would appreciate additional information as to the competence of these bodies to investigate charges of racially motivated violence and the procedures by which complaints alleging torture or ill-treatment can be received in practice. Have there been investigations into all allegations of ill-treatment or torture, including cases that resulted in deaths? Have any of the persons cited in the statistical tables attached to the reply for abuse of authority, violence against a

population group, or bodily harm been convicted of offences of torture or ill-treatment falling under the Convention? Have any of the cases cited been connected to racially-motivated violence?

Regarding recommendation 6(i) and the requirements of prisoners to pay for some of their expenses, we appreciate the assurances received about children under the age of 15, the elimination of interest fees, and the information in the footnote about persons who work and do not work. Can you clarify whether consideration has been given to "abolishing this requirement completely" for all prisoners, as specified in the recommendation?

Additionally, with regard to the complaints of excessive force in connection with the International Monetary Fund/World Bank demonstrations of September 2000 and recommendation 6(k), we appreciate the information provided. Can you clarify whether any police officials received a sanction related to torture or ill-treatment? Can you provide information on the measures taken to ensure the independence of these investigations?

Finally the information regarding recommendation 6(m) and the repeal of parts of the Aliens Act affecting undocumented alien children was much appreciated, together with the other information regarding placement of children with their families wherever possible.

Upon receipt of this additional information, the Committee will be able to assess whether further information is still needed. The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of the Czech Republic on the implementation of the Convention, and in this content, to receive additional follow-up on our enquiry.

Accept, Mr. Ambassador, the assurances of my highest consideration.



Felice Gaer  
Rapporteur for Follow-up on Conclusions and Recommendations  
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Conclusions and recommendations of the Committee against Torture**

**CZECH REPUBLIC**

*(Extracts)*

(...)

**D. Recommendations**

6. The Committee recommends that the State party:

(a) Exert additional efforts to combat racial intolerance and xenophobia and ensure that the comprehensive anti-discrimination legislation being discussed include all relevant grounds covered by the Convention;

(b) Take measures to establish an effective, reliable and independent complaint system to undertake prompt and impartial investigations into all allegations of ill-treatment or torture by the police or other public officials, including allegations of racially motivated violence by non-State actors, in particular any that have resulted in deaths, and to punish the offenders;

(...)

(i) Reconsider the arrangements whereby prisoners are required to cover a portion of their expenses, with a view to abolishing this requirement completely;

(...)

(k) Review the independence and effectiveness of the investigations into complaints of excessive use of force in connection with the International Monetary Fund/World Bank Meeting demonstrations of September 2000, with a view to bringing those responsible to justice and providing compensation to the victims;

(...)

(m) Review the strict regime of detention for illegal immigrants with a view to its repeal and ensure that all children held in these detention centres are removed with their parents to family reception centres;

(...)

(o) Provide, within one year, information on its responses to the Committee's recommendations contained in paragraphs (a), (b), (i), (k) and (m) above.