



REFERENCE: BH/fup-139

8 November 2023

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 17, 27 and 29 of the concluding observations on the report submitted by Czechia ([CCPR/C/CZE/CO/4](#)), adopted by the Committee at its 127th session in November 2019.

On 4 March 2022, the Committee received the reply of the State party. At its 139th session (9 October to 3 November 2023), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Addendum 2 (see [CCPR/C/139/2/Add.2](#)) to the Report on follow-up to concluding observations (see [CCPR/C/139/2](#)). I hereby include a copy of the Addendum 2 (advance unedited version).

The Committee considered that not all the recommendations selected for the follow-up procedure have been fully implemented and decided to request additional information on their implementation. Given that the State party accepted the simplified reporting procedure (LOIPR), the requests for additional information will be included, as appropriate, in the list of issues prior to submission of the fifth periodic report of the State party.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

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

Imeru YIGEZU

Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

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Report on follow-up to the concluding observations of the Human Rights Committee

Addendum

Evaluation of the information on follow-up to the concluding observations on Czechia

<i>Concluding observations (127th session):</i>	CCPR/C/CZE/CO/4 , 1 November 2019
<i>Follow-up paragraphs:</i>	17, 27 and 29
<i>Information received from State party:</i>	CCPR/C/CZE/FCO/4 , 4 March 2022
<i>Information received from stakeholders:</i>	Validity Foundation – Mental Disability Advocacy Centre, Platform for Transformation of Mental Health Care and Nevypust' duši , 17 July 2023
<i>Committee's evaluation:</i>	17 [B], 27 [B] and 29 [C] [B]

Paragraph 17: Racial discrimination, hate speech and hate crimes

The State party should redouble its efforts, through both law enforcement and awareness-raising activities, to combat racial discrimination, hate speech and incitement to discrimination or violence on racial, ethnic or religious grounds, in accordance with articles 19 and 20 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. It should, *inter alia*:

- (a) Take effective measures to prevent hate speech, particularly by politicians and high-level public officials, firmly and publicly condemn such speech and intensify efforts aimed at addressing online hate speech;
- (b) Strengthen awareness-raising efforts, and conduct campaigns aimed at promoting respect for human rights and tolerance for diversity and revisiting and eradicating stereotypical prejudices based on ethnicity or religion;
- (c) Investigate hate crimes thoroughly, prosecute suspected perpetrators where appropriate and, if they are convicted, punish them and provide victims with adequate remedies;
- (d) Ensure that adequate training continues to be provided to law enforcement officials, judges and prosecutors on addressing hate crimes and to media workers on promoting racial, ethnic and religious diversity.

Summary of the information received from the State party

(a), (b) and (d) In 2021, the Government adopted a new Concept on the fight against extremism and hatred for 2021–2026, focusing on three strategic goals: (i) protecting victims of crime through law enforcement cooperation and awareness-raising activities aimed at the general public; (ii) protecting democracy by fighting against disinformation, detecting radicalism, preventing violence and detecting extremists within law enforcement, armed forces and among the public; and (iii) enforcing trust in democracy through the reintegration of perpetrators and the prevention of recidivism, the integration of foreigners, and through education and awareness-raising. The Concept will be further developed in biannual action plans.

The government-led anti-racism campaign, "Place for all – creating a space for mutual understanding", continues to promote tolerance, diversity, inclusion and participation. In accordance with its national strategies, the State continues to promote the integration of



minorities, including Roma and foreign nationals. Prevention efforts will focus on public information about hate crimes and extremism, strategic communication against hatred and disinformation, including by politicians, and the limitation of financing of disinformation channels. Cooperation efforts will help tackle hatred online and focus will be placed on preventing and detecting radicalism among security and armed forces and in detention facilities.

Tolerance, non-discrimination, media literacy and informatics will be addressed through education, which 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 organizations will support schools and teachers in subsequent reforms of the school education programmes. Schools will be assisted by experts to improve the mediation and prevention of conflicts, address bullying and radicalization and to ensure a safe environment.

(c) The State party provides the number of cases of hate crimes from 2018 to 2020, including the number of persons prosecuted, accused and convicted. In cooperation with civil society and national and international experts, prosecution will be improved through the provision of methodological guidelines for law enforcement authorities, as well as training and education, and through the expansion of interconnected data collection and statistical evidence. Probation and resocialization programmes will be available for offenders, with a special focus on juvenile offenders. Staff of the Probation and Mediation Service, whose expertise will be reinforced by regular training, will also provide support and counselling for victims of hate crime in its regional centres. The State will cooperate with civil society organizations assisting victims and provide them with financial support.

Committee's evaluation

[B]

The Committee notes the information provided, including the number of hate crimes from 2018 to 2020, and welcomes the adoption of the new Concept on the fight against extremism and hatred for 2021–2026, with future biannual action plans to ensure its implementation. While noting the plans in place to increase the protection of victims, the prevention of hatred and extremism and the prosecution of hate crimes, the Committee regrets the lack of information regarding specific steps taken and activities carried out during the reporting period to combat racial discrimination, hate speech and incitement to discrimination or violence on racial, ethnic or religious grounds, such as specific training offered to law enforcement officers, judges, prosecutors and media workers, and the lack of information regarding any redress provided to victims of discrimination, hate speech and hate crimes. The Committee requests further information on concrete activities carried out during the reporting period and specific information on any redress provided to victims. It also requests additional information on the implementation of the new Concept, the adoption of the action plans, the activities carried out and their impact.

Paragraph 27: Restraint in psychiatric institutions

The Committee reiterates its recommendations¹ that the State party take immediate measures to abolish the use of enclosed restraint beds in psychiatric and related institutions, establish an independent monitoring and reporting system, and ensure that abuses are effectively investigated, prosecuted and sanctioned and that redress is provided to the victims and their families.

Summary of the information received from the State party

Since 2022, the legal regulation on health services has been amended to abolish any kind of closed restraint beds that are not among the permitted medical restraint techniques. The monitoring and reporting system on the use of restraints and the complaint system in

¹ [CCPR/C/CZE/CO/3](#), para. 14.



health-care services has been described in detail in reports to other treaty bodies, especially the Committee against Torture. The Health-Care Services Act provides for the use of restraints only after a milder procedure has failed, if immediate threats to the life, health 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 health service provider must record and justify each use of a restraint in the patient's medical record and in an annual central register, with the number of cases in each type of restraint. In 2019, new guidelines were issued on the use and recording of restraints. Pursuant to the Health-Care Services Act, patients can file a complaint with the provider. If complainants are not satisfied with the outcome, they can file a complaint with the competent administrative authority. In the case of ethical misconduct, complaints can also be filed with the Czech Medical Chamber or with the health insurance company, all of which are independent of the health-care provider. An amendment to the Act, currently being prepared to strengthen patients' rights and the complaint system, will be submitted to the Government by the end of 2022. It is also possible to file a court action for damages or even a criminal complaint.

Summary of the information received from stakeholders

Validity Foundation – Mental Disability Advocacy Centre, Platform for Transformation of Mental Health Care and Nevyypust' duši

The State party has made progress in abolishing some coercive practices in psychiatric and related institutions, such as the use of cage and net beds. Nevertheless, despite this ban and the introduction in 2019 of new guidelines on the use of restraints, the overall use of restraints has not notably decreased. In fact, in some institutions that previously relied on the use of netted cage beds, the use of other forms of restraints (e.g., pharmaceutical restraint, straps and isolation rooms) has increased, almost doubling in some instances. Some institutions have introduced new types of restraints, including strapping patients to chairs, or continue to use restraints in an unlawful or prolonged manner. Testimonies from persons with psychosocial disabilities point to the lack of improvement of their situations following the developments reported by the Government, indicating that they continue to be subjected to or are threatened with the use of harsh measures, such as strapping to beds, isolation or administration of psychotropic medication against their will.

In 2018 and 2019, the Ministry of Health piloted a human rights monitoring mechanism in 17 mental health institutions. Only a concise concluding report was drafted and published on the Ministry's website. Nevertheless, in 2022, a Czech human rights activist obtained the individual monitoring reports from the institutions. One report described the case of a patient who had been strapped to a bed continuously for almost 12 years. No official investigation has been conducted by the relevant authorities and the patient has not received any form of redress. No further efforts were made by the Government to enhance the capacity of any institution to conduct independent monitoring visits. Between 2019 and 2022, the Office of the Ombudsperson (which is also the national preventive mechanism) conducted preventive visits to psychiatric hospitals and psychiatric units. Ill-treatment relating to the use of restraints was found during five such visits. The regular complaint mechanism under the Health-Care Services Act has been deemed ineffective or inaccessible for the most vulnerable patients, including for individuals who are unable to bring official complaints themselves due to their disability and/or dependency, or who fear repercussions from health-care providers.

Committee's evaluation

[B]

While welcoming the amendment of the legal regulation on health services to abolish the use of closed restraint beds, the Committee is concerned by reports that the use of other forms of restraints has increased. It requests further information in this regard, including what steps the State party has taken to address the increase in the use of other forms of restraints. Furthermore, the Committee welcomes the information that an amendment of the Health-Care Services Act is in preparation and requests additional information in this



regard, including whether the amendment has been enacted or when it is envisaged, and whether it will address the concerns that the complaint mechanism is ineffective or inaccessible for particularly vulnerable patients. While noting the information on the complaint mechanisms, the Committee regrets the lack of information on investigations into cases of alleged abuse. It therefore requests statistical data on the number of complaints of abuses received during the reporting period and their outcomes, including the sanctions handed down to those responsible and the number and type of redress provided to victims and their families.

Paragraph 29: Detention under the foreign nationals act

The State party should:

- (a) Ensure that detention is applied as a measure of last resort only and is justified as reasonable, necessary and proportionate in the light of the individual's circumstances;**
- (b) Ensure effective implementation of alternatives to detention in practice;**
- (c) Move to end the detention of all children, including detention of children with their families;**
- (d) Revise relevant regulations to ensure that the benefit of the doubt in age assessment cases is afforded to young persons, in accordance with international standards.**

Summary of the information received from the State party

(a) and (b) The Act on the Residence of Foreign Nationals and the Asylum Act explicitly provide that detention of foreigners is a measure of last resort, to be used only if necessary to achieve the fulfilment of the foreigner's duties and if alternatives cannot be applied effectively. Alternatives to detention, such as providing a financial guarantee, residence reporting or police checks in the place of residence, are always considered before detention and individual circumstances are taken into account. All evaluations must be included in each case file and all measures duly justified. The methodology used by the authorities to assess the need to detain a foreigner contains references to national and international standards, including the Covenant and the Committee's general comment No. 35 (2014). Data on expulsions, detentions and alternatives provided for foreigners from 2019 to 2021 is included.

(c) The detention of children and families is governed by even stricter rules of absolute necessity and exceptionality. All alternatives must be duly considered by the authorities. Unaccompanied minors may be detained only for reasons of national security or serious threat to public order and the detention must be in their best interest. Their stay is limited by law to a maximum of 90 days and the authorities prioritize these cases; any prolongation up to 90 days is duly motivated. Children stay with their parents in the new facility specially designed for their needs, if no other possible care is available (e.g. care by a relative living in Czechia). The facility provides suitable accommodation, nutrition, health care, education and age-appropriate leisure activities and is designed in a child-friendly manner to the extent possible, avoiding limiting regime measures as far as possible. Child asylum-seekers and their families cannot be detained at all. Data on the number of children in detention facilities from 2017 to 2021 is provided.

(d) The Act on the Residence of Foreign Nationals establishes the legal presumption of minority in cases where the age of the foreigner cannot be ascertained, thereby affording the benefit of the doubt. Foreigners can be detained, but their age has to be assessed in the shortest time possible. Subsequently, if minority is proved, in most cases the minor is released and transferred to a specialized educational facility. If the foreigner is an adult, the adult regime applies, with detention as the last resort. The Ministry of the Interior implemented a pilot project in cooperation with the Office of the Ombudsperson and the Office of the United Nations High Commissioner for Refugees, which included child



psychologists in the age assessment of unaccompanied minors. As the pilot revealed that the availability of child psychologists is extremely limited, a new project is being piloted in 2022 involving the services of experienced social workers.

Committee's evaluation

[C]

(a), (b) and (c)

While noting the information provided on the rules in place for the detention of foreigners, including minors, and the application of alternatives to detention, the Committee regrets the lack of information on steps taken during the reporting period to ensure their application in practice. The Committee is concerned that, between 2019 and 2021, the number of detentions, including of children, increased and the number of alternatives to detention used greatly decreased. It reiterates its recommendations and requests further information, including statistical data, on the age assessment procedure and its processing time.

[B]: (d)

The Committee welcomes the information on the pilot project to include experienced social workers in the age assessment process and notes the information provided on the legal presumption of minority. However, the Committee is concerned by the lack of information on the steps taken during the reporting period in this regard and that unaccompanied children may continue to be detained as adults, pending the outcome of their age assessment. It reiterates its recommendation in this regard and requests additional information on the specific steps taken during the reporting period.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2026 (country review in 2027, in accordance with the predictable review cycle).
