



RESPECT
FOR THE NATURAL RIGHTS
OF HUMAN BEINGS

ALTERNATIVE REPORT OF THE CZECH HELSINKI COMMITTEE

FOR

**THE 4TH PERIODIC REVIEW OF IMPLEMENTATION
OF THE INTERNATIONAL COVENANT ON CIVIL AND
POLITICAL RIGHTS**

BY

THE CZECH REPUBLIC

For: THE HUMAN RIGHTS COMMITTEE

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Introduction

1. The Czech Helsinki Committee (CHC) hereby submits an alternative report to the United Nations Human Rights Committee commenting on the fourth periodic report of the Czech Republic. This alternative report reflects the opinion of the CHC, a Czech non-governmental organization created in 1990, which deals with conceptual and practical issues of implementation of a wide range of human rights including civil and political rights. In addition, the representatives of the CHC are also members of the governmental committees that deal with the rights of children and torture where the civil and political rights are at stake.
2. The CHC is concerned that the Czech Republic has done little to address the Committee's recommendations and that low progress has been made to fully comply with the International Covenant on Civil and Political Rights. Based on the recommendations made by the Human Rights Committee in its previous concluding observations, this alternative report puts forward the lack of implementation of these recommendations.

I. Constitutional and legal framework for the implementation of the Covenant (art. 2)

3. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 5 that **“the State party should either provide the Public Defender of Rights with a consolidated mandate to more fully promote and protect all human rights, or achieve that aim by other means, with a view to establishing a national human rights institution with a broad human rights mandate and providing it with adequate financial and human resources, in line with the Paris Principles (General Assembly resolution 48/134, annex).”**
4. However, no major progress was made with respect to this recommendation. The ombudsman’s competences have not been extended as the Ombudsperson Act was not adopted by Parliament.

II. Non-discrimination and gender equality (arts. 2, 3, 20 and 25-27)

A. Gender equality

5. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 7 that **“the State party should adopt concrete measures to increase the representation of women in decision-making positions in the public sector, and, where necessary, through appropriate temporary special measures to give effect to the provisions of the Covenant. It should also take steps to address the difficulties identified with regard to women’s access to key positions in the hierarchies of political parties, as mentioned in paragraph 22 of the State party’s third periodic report. The State party should take the necessary practical steps, including awareness-raising campaigns, to eradicate stereotypes regarding the position of women in society.”**
6. Despite all the measures taken by the State to reduce the gap between genders enunciated in the State report, the grants given to civil society organizations by the State to promote gender equality but also to help victims of violence have been lately reduced almost by half in 2019 and 2020 (from 4 mil CZK to 2 mil CZK).
7. There have been recently (2017- 2019) ongoing public attacks from some representatives of political parties towards NGOs protecting women stating that state finance should not be invested to “gender ideologies”, etc. Due to political pressure, cuts in state funding for projects to raise awareness about problems of women in society have been introduced.
8. It must be also noted that state funding for human rights as such including human rights advocacy, human rights monitoring is non-existent in the Czech Republic during last several years. Collection data and reporting on implementation of any human rights convention by the Czech Republic is thus limited by the lack of capacity and finance. That is why not many NGOs from the Czech Republic are participating in reporting to the UN monitoring system including the UPR in 2017.

B. Education

9. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 10 that **“the State party should take immediate steps to eradicate the segregation of Roma children in its education system, by ensuring that the placement in schools and classes is carried out according to clear and objective criteria that are not adversely influenced by the child’s ethnic group or socially disadvantaged condition. Furthermore, the State party should take concrete steps to ensure that decisions for the placement of all children, including Roma children, in special needs classes may not be made without an independent, culturally sensitive medical evaluation nor based solely on the capacity of the child.”**
10. Despite all the measures taken by the government, the access to education for Roma children have slowly improved but these measures are opposed by politicians and the public. Given that the racist attitudes of the majority public, mainstream media and politicians have been further strengthened after the 2015 migration events (which have not touched the Czech Republic at all), we consider a major shortcoming that the authorities have not attempted to adopt a national action plan to prevent racism, racial discrimination, xenophobia and intolerance since 2003. Extremism, which is being fought by the Government, is only a political label, is neither defined internationally nor in the Czech Republic's law. In addition, the objective 5.1 d)¹ of the Strategy of Roma Integration hasn't been fulfilled.

C. Rights of persons with disabilities

11. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 12 that **“the State party should ensure that it does not discriminate against persons with mental, intellectual or psychosocial disabilities by denying them the right to vote on bases that are disproportionate or that have no reasonable and objective relationship to their ability to vote, taking account of article 25 of the Covenant.”**
12. Not major progress has been done on this issue. Often persons with mental disabilities cannot vote due to restriction in their legal capacity. Due to difficult access to free legal aid, this cases cannot be challenged through litigation. This apply also to the cases of discrimination, which are difficult to bring to the court due to financial burden for victims and length of all proceedings. In case of loss, high amount of money could be paid to other party.
13. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 13 that **“the State party should:**
 - (a) **Review its policy of limiting the legal capacity of persons with mental disabilities and establish the necessity and proportionality of any measure on an individual basis, with effective procedural safeguards, ensuring in any event that all persons who have their legal capacity restricted will have prompt access to an effective judicial review of the decisions and free and effective legal representation in all proceedings regarding their legal capacity;**
 - (b) **Ensure that persons with mental disabilities or their legal representatives are able to exercise the right to effective remedy against violations of their rights, and seriously consider**

¹ *“The state will push for the reduction of the number of children of Roma origin in the system of institutional and protective education.”*

providing less restrictive alternatives to forcible confinement and treatment of persons with mental disabilities, as provided for in the National Plan on the transformation of psychiatric, health, social and other services for adults and children with intellectual or psychosocial disabilities;

(c) Ensure an effective and independent monitoring and reporting system of mental health and social care institutions, and ensure that abuses are effectively investigated and prosecuted and that compensation is provided to the victims and their families.’

14. Persons who have their legal capacity restricted still do not have access to an effective judicial review of the decisions and free and effective legal representation in all proceedings regarding their legal capacity. This can be documented by current cases we have.
15. Concerning the recommendation to establish an independent monitoring and reporting system in health care institutions, and ensure that abuses are effectively investigated and prosecuted and that redress is provided to the victims and their families, this was not implemented at all. More and more cases of neglect and abuse are reported by patients, but their investigation is not effective and patients are frightened to publicly report them. A new website with stories of abuse was established by one ex-user (www.neklid.net) in 2018 and first reactions from the hospital, which was mentioned on the website was a strong warning to stop publishing information, otherwise legal steps will be taken against publisher.
16. Also monitoring of rights of patients in social-care institutions is not sufficient. A growing number of cases of neglect and abuse in institutions for elderly has been reported to our organization in 2018 and 2019. They often come from private institutions who tend to isolate clients from family (relatives), convincing clients to sign legal documents so relatives cannot obtain information about their health. Public authorities including police are often not capable to respond or investigate impartially. The lack of places for elderly with serious health problems is limited which reduces the choices of relatives to zero, so they often opt for the nearest place to travel and visit the place.
17. Access to any free legal aid or advisory system for patient involuntarily hospitalised – including persons with protective treatment – is practically non-existent. Attorneys appointed by the court perform their representation mostly formally, often do not see the client nor give appeal if the court decides that the patient should stay at the hospital.
18. Many patients who are voluntarily in psychiatric hospitals, cannot freely go out of wards to the park or leave the hospital. Unless they have written permission from doctors in practice, there are deprived from personal liberty. The judicial review is not needed in case of voluntary hospitalization and patient who are not aware of their rights have difficulties to obtain any help from outside to inform the court that the regime on ward is for them should be as they would be there involuntarily.
19. Alarming is situation of children placed in psychiatric hospital. Often the consent for hospitalisation is given by their parents and so no judicial review is started. This involves all children even those who are 16 or 17 years old. It is the same situation for person with guardians, who are still often giving consent for the patient with no judicial review.

III. Right to life, violence against women, including domestic violence and prohibition of torture and cruel, inhuman or degrading treatment (arts. 3 and 6-7)

20. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 15 that **“the State party should adopt concrete measures to prevent and address gender-based violence in all its forms and manifestations. The State party should encourage the reporting of cases of domestic violence by victims. It should also ensure that such cases are thoroughly investigated, that perpetrators are prosecuted, and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.**
21. Istanbul Convention has not been yet ratified by the Czech Parliament due to heavy false campaign against it.

IV. Elimination of slavery and servitude (art. 8)

22. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 16 that **“the State party should:**
 - (a) **Continue its efforts to raise awareness and to combat trafficking in persons, including at the regional level and in cooperation with neighbouring countries;**
 - (b) **Compile statistical data on the victims of trafficking, which should be disaggregated by gender, age, ethnicity and country of origin, with a view to addressing the root causes of this phenomenon and assessing the efficiency of the programmes and strategies that are presently carried out;**
 - (c) **Ensure that all individuals responsible for trafficking in persons are prosecuted and receive punishment commensurate with the crimes committed.”**
23. Not major progress has been done in this issue.

V. Right to liberty and security of person, treatment of persons deprived of their liberty, fair trial and independence of the judiciary (arts. 7, 9-10, 14 and 24)

A. Surgical castration

24. The Czech Republic has not yet abolished the option of performing surgical castration on persons who have been convicted of committing less serious sexual crimes, even after repeated criticism from the CAT and CPT (latest 2018, 2019). Thanks to advocacy of NGOs and under pressure from international human rights bodies, in 2014 the legal conditions and the legislation governing the performance of such interventions were tightened, but surgical castration remains legally possible in the Czech Republic. Moreover, in 2017 legislation was changed in a way, that even person with no history of violent behavior (crime) can have such operation. Two cases of surgery were performed the last few years, despite the fact that generally it is considered by experts abroad to be

inhumane and outdated, constituting a serious intervention into the reproductive rights of persons suffering from sexual deviation that has a highly negative impact on their health as a result of undesirable side effects such as, for example, osteoporosis. Medication is not used widely as good alternative to surgical castration due to stereotypes, prejudice and high costs.

B. Forced Sterilisation

25. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 11 that **“the State party should:**
 - (a) Consider establishing a compensation mechanism for victims who were forcibly sterilized in the past and whose claims have lapsed;**
 - (b) Ensure free legal assistance and advice to victims who were forcibly sterilized, so that they may consider lodging claims before the courts;**
 - (c) Initiate criminal proceedings against possible perpetrators of coercive sterilization;**
 - (d) Monitor the implementation of the Law on Specific Health Care Services to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women, who seek sterilization at health facilities.”**
26. This recommendation has not been implemented at all despite of many efforts of civil society sector including victims.
27. No plan for investigating the cases of illegal sterilizations has been implemented by the Government whatsoever. Representatives of non-profit organizations on the Committee against Torture of the Czech Government Human Rights Council produced detailed materials in 2011 which, in addition to recommending that the Government financially compensate the victims, also required the establishment of an independent commission of experts to assess each individual case. That proposal was approved at the beginning of 2012 by the Czech Government Human Rights Council, but because of the fundamental disagreement of the Czech Health Ministry, the comprehensive material was never submitted to the Government.
28. Instead, in 2014 the new Czech Human Rights Minister began his own initiative of working on an absolutely new law to compensate persons sterilized without their informed consent, and for that purpose he also formed an inter-ministerial working group. The original ideas produced by that working group about the conditions for compensation and the procedure for compensation, including the requirement expressed by non-profit organizations that an independent expert commission be established, were ultimately not included in the bill to an extent guaranteeing that those who had been sterilized without their informed consent would not be in a disadvantaged position – in other words, such persons would have to document and prove their eligibility for compensation even in cases where their medical records have been destroyed, either because the legal deadline for preserving such records has expired and the records have been lawfully shredded, or because of neglect on the part of the health care facilities concerned. Instead of an independent commission, the Human Rights Minister’s bill designated that the Czech Health Ministry should be the body that would assess the eligibility of the claims filed by persons alleging they have been harmed by being sterilized without their informed consent. Of course, as is clear from the Health Ministry’s actions on this issue in response to the inquiry conducted by the Public Defender of Rights a decade ago, as well as from its statements since then, the Health Ministry is *a priori* not

inclined to meet the demands that these persons be compensated, out of concern that such a step would launch an avalanche of complaints from other groups of patients.

29. An extremely important and unresolved discrepancy, therefore, exists between experts in international human rights law, including the Human Rights Commissioner of the Council of Europe, who has communicated in letter of 6 October 2015 specifically with the Czech Government on this issue and the legal interpretation that has been communicated to the victims by the legal representatives of the Health Ministry. Those representatives have informed the victims that the harms they have suffered are, in the view of the Health Ministry, legally no different than any other medical malpractice or neglect (i.e., operating on the wrong body part, etc.).
30. The version of the compensation bill proposed by the Human Rights Minister was not ultimately adopted by the Czech Government in October 2015 because there was not enough political will to take such a step. The bill, including the proposed amount of compensation, was discussed in the media prior to its rejection, but none of the cabinet members who ultimately voted against it ever made their opposition to it publicly. The decision, therefore, came as a shock to the victims. Representatives of the nonprofit sector have now been challenged by the Government to first arrange for political support for such a move before the bill can be resubmitted to the Government.
31. The allegations of the Czech Government that the victims are able to seek compensation for their damages through court proceedings simply serve the Government's own purposes of avoiding paying compensations (and are a long shot for the victims at best). The state-guaranteed system of free legal aid is so complex and ineffective that it does not guarantee any victims who are ignorant of their rights equal access to justice through the courts. A second basic barrier to these particular victims exercising their rights through the courts is, unequivocally, the general three-year statute of limitations, the existence of which means that each lawsuit filed after the limitations have expired will not be accepted by the courts. The vast majority of the women reporting that were sterilized without their informed consent and suffered this ill-treatment more than three years ago. Some victims have died without receiving compensation.
32. While the provision of health care services has been legislated anew since 2013 by the Health Care Services Act and the Specific Health Care Services Act, during the period under review no basic activity or progress has been made by the state to significantly contribute to bolstering the positions of patients when it comes to making decisions about their own health and medical treatment, especially in the area of reproductive health.
33. Women and girls of all age categories generally, but especially women and girls living with mental disabilities and Romani women and girls, are insufficiently informed of their reproductive rights. In practice, an imperious, paternalistic approach persists on the part of doctors and/or health care staff towards clients who are either minors or women, especially those residing in social services facilities where, among other matters, efforts exist to introduce the same kind of birth control for all inmates across the board, irrespective of the individual health and/or needs of such patients, out of concern that adolescent girls growing up in institutional settings or women and girls with mental disorders might become pregnant. Moreover, societal pressure (political support) exists to regulate the number of children born to persons of Romani origin, ostensibly out of concern that such children will grow up in poverty.

34. **Recommendation: Without delay, arrange for women and girls of all age categories, and especially for women and girls living with mental or psychological disorders or women and girls of Romani origin, to receive accessible forms of information about their reproductive rights, including information about all other specific services essential to supporting their decision-making with regard to their reproductive rights.**

C. Prison conditions

35. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 18 that **“the State party should continue to take measures to improve prison conditions on a sustainable basis, including with regard to adequate health services and sanitary conditions, with a view to achieving full compliance with the requirements of article 10. In this regard, the State party should strive to achieve sufficient staffing levels to meet the ratio established in the Standard Prisoner Decree. The State party should ensure that prisoners are adequately supervised when working for private entities and that prisoners are equitably remunerated for their work. The State party should reconsider the policy of obliging prisoners to pay their incarceration costs.”**
36. According to the CHC experience, this recommendation hasn't been entirely fulfilled. The prison conditions need to be improved especially with regard to health services, sanitary conditions, overpopulation, ill-treatment of prisoners and the insufficient staffing levels. Indeed, many Czech prisons lack of doctors, notably during night shift and weekends, and doctors have to treat both inmates and prison staffs which creates a conflict of interest and puts pressure on doctors which impacts on the quality of the examinations.
37. All these shortcomings have also been highlighted in the last report of 2018² of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. For instance, concerning the ill-treatment of prisoners, the Committee highlighted that “the management of [prisons] deliver to custodial staff, including escort staff, the clear message that physical ill-treatment of inmates is not acceptable and will be punished accordingly. Further, custodial staff should be reminded that no more force than strictly necessary and proportionate should be used to bring an agitated and/or violent prisoner under control”. Also, during the Universal Periodic Review of Czech Republic in 2017/2018, many States – including France, Algeria, Spain and Australia – stated that the detention conditions must be improved.
38. The Czech Republic has long grappled with overcrowding in the prisons. This state of affairs is connected to an insufficient number of professional personnel to work with convicts so that the purpose of their punishment can be fulfilled, namely, that they can be rehabilitated, and it is one of the causes of the high percentage of persons who re-offend after release. Other negative factors contributing to recidivism are the high debts held by those released from prison, an absence of affordable housing, and a lack of specific services to facilitate those released from prison (and their families) with returning to society and being permanently included in it.

² Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT), Council of Europe, 4 July 2019 available from <https://rm.coe.int/168095aeb4>.

39. The amnesty announced by the President of the Czech Republic in 2013 briefly contributed to lowering the number of persons imprisoned, but currently the prisons are overcrowded again. The Czech Justice Ministry wants to solve this problem by building new prisons, but that solution, without other systemic changes, is not acceptable in the long run. The Czech Republic already belongs among those countries in the world where a disproportionately high number of persons is sentenced to prison. The state's activities to date to get the courts to award alternative punishments have gone unheeded, for many reasons. Even the conditional release of persons after serving 2/3 of their sentence has not yet been considered an unequivocal trend to follow by the courts, not even in cases where the convict is a woman caring for a minor child or children.
40. **Recommendation: Through a basic reassessment of the state's crime policy, including court decisions about the kind and length of sentencing, reduce the number of prison sentences awarded, especially for so-called petty crimes, such as failing to pay alimony or child support. In cases where it is appropriate, especially with regard to the needs of children whose parents have been convicted of crimes, the courts should primarily take advantage of alternative sentencing or the punishment of house arrest.**
41. During the period under review, the constantly-increasing, disproportionate indebtedness of persons during their imprisonment and after their release, to which nonprofit organizations have long drawn attention, has remained conceptually unaddressed by the state. The legally-established obligation of persons to pay for the costs of their imprisonment from the money earned during their employment in prison has also not been abolished. The amount of those costs may be restricted to a maximum of CZK 1 500 per month, but if we take into consideration the low compensation paid for the work of convicts generally, which is disproportionately and grossly low compared to the minimum wage (which in 2019 is CZK 15 000 monthly), then the obligation for convicts to cover the costs of their imprisonment, together with the deductions taken for them to pay off other costs connected with their criminal proceedings, leads to a situation in which convicts who work are not only unable to pay off their pre-existing debts, but on the contrary, are forced to allow them to grow.
42. Even when the convicts work for private businesses, their remuneration for their labor is inadequate and is incomparable to the amount of income that a regular employee would receive for the same work.
43. As part of savings enacted during the economic crisis (post 2008), the so-called social allowance in the amount of CZK 100 per month to which convicts were once entitled who did not have enough financial resources of their own and who were unable to work has now been abolished. For certain groups of convicts, this has led to a basic deterioration in the conditions in which they are serving their sentences, as they are unable to pay, for example, to communicate with their children or loved ones (by post or telephone, etc.) or to buy personal hygiene products in the amount and of the type corresponding to their individual needs.
44. The Committee against Torture of the Czech Government Human Rights Council, responding to these problems, has produced a comprehensive material on the situation in the prisons with proposals for measures to improve the situation, and the Council reviewed it in 2014. After many long negotiations, the material was submitted to the Government in 2016, which approved it, but some basic proposals, such as abolishing the obligation of convicts to pay the costs of serving their sentence in prison, or the costs of being in custody, or basically increasing and then regularly

valorizing the remuneration for convict labor, were not accepted by the Government. Last year finally increase of the remuneration was announced, but the level is still far below the minimum wage in CR.

D. Restraints and the reform of psychiatric care

45. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 14 that **“the State party should take immediate measures to abolish the use of enclosed restraint beds in psychiatric and related institutions. The State party should also ensure that any decision to use restraints or involuntary seclusion should be made after a thorough and professional medical assessment to determine the restraint strictly necessary to be applied to a patient and for the time strictly required. Furthermore, the State party should establish an independent monitoring and reporting system, and ensure that abuses are effectively investigated and prosecuted and that redress is provided to the victims and their families.”**
46. According to our experience, this recommendation hasn't been entirely fulfilled. Indeed, net-beds are currently used in psychiatric hospitals despite the numerous recommendations to prohibit them. For instance, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment asked in 2018³ “to withdraw from service all net-beds in psychiatric hospitals in the Czech Republic” but the Czech government still hasn't removed all net-beds.
47. In 2018, the Ministry of Health underwent an assessment of the quality of care and patient rights in all psychiatric hospitals managed by the Ministry of Health, including three EU-funded pediatric hospitals. The conclusions and findings with regard to children and respect for their fundamental rights, including the right to achieve the highest possible level of health and ensure the protection of human dignity, are extremely alarming.
48. Concerning children's psychiatric hospitals, the overall situation is not satisfactory at all because of the unavailability of adequate care, such as long waiting times and insufficient care capacities. The Government of the Czech Republic, in the context of psychiatric reform and the forthcoming Mental Health Action Plan (to be submitted to the Government in autumn 2019), should strive for a fundamental improvement of care conditions in children's psychiatric hospitals, in which pediatric patients do not always have adequate and safe treatment facilities, and at the same time, the government should provide accessible, community-based and personalized services in relation to children. Therefore, the psychiatric care reform should be extended to activities that will lead to the development of a community service network (health and social) for children and adolescents, and recommends the establishment of a special committee to deal with the issue of child and adolescent psychiatry reform.
49. Concerning the recommendation to establish an independent monitoring and reporting system, and ensure that abuses are effectively investigated and prosecuted and that redress is provided to the victims and their families this was not implemented at all. More and more cases of neglect and abuse are reported by patients, but their investigation is not effective and patients are frightened to publicly report them. A new website with stories of abuse was established by one ex-user (www.neklid.net) in 2018 and first reactions from the hospital, which was mentioned on the website

³ *Ibidem.*

was a strong warning to stop publishing information otherwise legal steps will be taken against the publisher.

50. Access to any free legal aid or advisory system for patient involuntarily hospitalised – including persons with protective treatment – is practically non-existent. Attorneys appointed by courts perform their representation mostly formally, often do not see the client nor give appeal if the court decides that patient should stay in hospital.
51. Many patients who are voluntarily in psychiatric hospitals, cannot freely go out of wards to the park or leave hospital. Unless they have written permission from doctors in practice there are deprived from personal liberty. The judicial review is not needed in case of voluntary hospitalization and patients who are not aware of their rights have difficulties to obtain any help from outside to inform court that the regime on ward is for them should be as they would be there involuntarily.
52. Alarming is the situation of children placed in psychiatric hospital. Often the consent for hospitalisation is given by their parents and so no judicial review is started. This involves all children even those who are 16 or 17 years old. The same is situation of person with guardians, who are still often giving consent for the patient with no judicial review.

E. Rights of refugees, migrants and stateless persons

53. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 17 that **“the State party should:**
 - (a) Reduce the maximum legal period of detention for foreign minors awaiting deportation and, in any event, ensure that detention of children is permitted only as a measure of last resort and for the shortest appropriate period;**
 - (b) Take measures to ensure that the detention of foreigners is always reasonable, necessary and proportionate in light of their individual circumstances, that detention is resorted to for the shortest appropriate period and only if the existing alternatives to administrative detention have been duly considered and deemed not appropriate;**
 - (c) Ensure that the holding of asylum-seekers in reception centres is applied only as a measure of last resort for the shortest appropriate period, after due consideration of less invasive means;**
 - (d) Ensure that the physical conditions in all immigration detention and reception centres are in conformity with international standards.”**
54. Not major progress has been done in this issue.

VI. Freedom of expression (art. 19)

55. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 21 that **“the State party should guarantee freedom of expression and freedom of the press, as enshrined in article 19 of the Covenant and developed at length in the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression. The State party should also consider decriminalizing defamation and should in any case restrict the application of**

criminal law to the most serious cases, bearing in mind that imprisonment is never an appropriate punishment in such cases.”

56. This recommendation has not been implemented because Czech legislation has not been changed, defamation is still criminalized under the Czech criminal code in Article 182.

VII. Rights of the child (art. 24)

57. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 19 that **“the State party should further strengthen its efforts to combat child abuse by improving mechanisms for its early detection, encouraging reporting of suspected and actual abuse and taking steps to ensure that all cases of abuse of children are effectively and promptly investigated, and that perpetrators are brought to justice. The State party should also take practical steps to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct more public information campaigns to raise awareness about its harmful effects.”**

58. This recommendation has not been implemented by the Czech Republic, the situation has not improved since 2009, when after the negative media campaign the Czech government withdrew a proposal to prohibit corporal punishment and tried instead a positive parenting campaign.

59. Moreover, to complement the action of the ombudsman Czech Republic must establish an Ombudsman for Children and Youth to monitor the implementation of the rights of the child and to protect these rights. Experts, representatives of children, the non-profit sector and social-legal protection workers have repeatedly leaned towards a separate body to protect the rights of the child. Such institution is necessary so children particularly in institution (psychiatric hospitals, children’s home, detention centers, etc.) have somewhere to go in order to ask for their rights to be protected.

60. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 20 that **“the State party should:**

(a) Ensure, as a minimum, that children under the age of 15 suspected of an unlawful act enjoy the same standard criminal procedural safeguards at all stages of criminal or juvenile proceedings, in particular the right to an appropriate defence;

(b) Consider, wherever appropriate, dealing with juveniles suspected of an unlawful act who are not held criminally responsible without resorting to formal trials or placing them in institutional care;

(c) Consider the desirability of training all professionals involved in the juvenile justice system in relevant international standards, including the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20).”

61. Not major progress has been done in this issue.

VIII. Drafting of the report

62. In its previous Concluding Observations, the Human Rights Committee stated in paragraph 22 that **“The Committee also requests the State party, when preparing its fourth periodic report, to broadly consult with civil society and non-governmental organizations.”**
63. Contrary to what the Committee requested, the Czech Republic did not consult broadly civil society and non-governmental organizations during the drafting period of the fourth periodic report. A majority of NGOs was not aware of the drafting of such report by the Czech Ministry of Justice.

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