

OPENING STATEMENT OF MR. VLADIMÍR GALUŠKA,
HEAD OF THE DELEGATION OF THE CZECH REPUBLIC
AT THE UNIVERSAL PERIODIC REVIEW

22 October 2012

Madam President,
Distinguished delegates,

I have the great honour to represent the Czech Republic at its second Universal Periodic Review. This mechanism has already proved to be an efficient arrangement to the promotion and protection of human rights as it allows for an open and critical exchange of opinions on human rights in every country. We are glad to see its steady development and are keen to contribute to its success, inter alia, by our efforts to implement the recommendations we received during the first cycle. My delegation is looking forward to discuss with all of you the human rights situation in the Czech Republic and we all are ready to elaborate - as time permits - on issues you will raise in your comments, questions and recommendations.

Introducing our national report, I would like to underline that the Government has maintained a transparent approach in its preparation. The work on the report was coordinated by the office of the Government Commissioner for Human Rights, Ms Monika Šimůnková. Ms Šimůnková is a key member of the government human rights advisory bodies that serve as a platform where authorities regularly meet with representatives of civil society and non-governmental organizations. The bodies discuss and eventually submit to the Government proposals on how to improve the human rights situation in the Czech Republic including the implementation of the recommendations from the first review. In preparing the national report we made extensive use of these arrangements and civil society and non-governmental organizations were regularly consulted and invited to submit their comments and suggestions on the draft national report.

The national report is divided into four parts according to the UPR guidelines. The first one describes its preparation and the second one highlights the major achievements in the field of human rights during the period under review. The third and the most comprehensive part describes the implementation of the recommendations addressed to the Czech Republic during

the first review. The fourth part draws attention to the most important plans and projects aimed at strengthening the realization of human rights on the ground.

As one of our major achievements I would like to particularly mention the adoption of the Antidiscrimination Act in 2009 which has strengthened the protection against discrimination in all major areas of social life. The Czech Republic also ratified several human rights instruments, such as the Rome Statute of the International Criminal Court, the Convention on the Rights of Persons with Disabilities and the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints. The adoption of the legislation concerning the criminal liability and punishment of legal entities for certain crimes will allow the Czech Republic to proceed with the ratification of other UN and Council of Europe conventions, such as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the UN Convention against Transnational Organized Crime, the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse or the Convention on Action against Trafficking in Human Beings. The new civil code reinforces the rights and freedoms of individuals in the legal system. National courts including the Constitutional Court have also made important decisions on the interpretation and protection of human rights.

Promotion and protection of human rights is a continuous challenge for every state and government. While taking steps to resolve all human rights challenges, the Czech Republic focuses its efforts on the issues that it considers most problematic, such as the integration of the Roma minority in all areas of social life. The Government has elaborated comprehensive strategies such as the Concept of Roma Integration and the recent Strategy for Combating Social Exclusion to integrate the Roma population and promote their rights and interests on the basis of equality with the majority society. Inclusive education of Roma children remains a special issue which is addressed by new legislation setting strict rules for placement of children in practical schools and the evaluation of their education, as well as the involvement of their parents and other relevant stakeholders. Another vulnerable group deserving special protection are children who are the target group of the new National Strategy for the Protection of the Rights of the Child with subsequent action plans designed to fully meet the obligations arising from the UN Convention on the Rights of the Child. Its main objective is to promote measures enabling the child to live in family setting with adequate assistance

services and state supervision. Similar strategies are developed to improve the life of elderly persons with disabilities and victims of human trafficking and other crimes.

My delegation would like to thank for the advance questions it has received. I will use this opportunity to answer them now, in some cases members of the delegation will elaborate on them in more detail later during the interactive dialogue.

Denmark, Norway and the UK have asked about issues connected with the attitude of the Czech population towards the Roma. The Czech Republic promotes equal treatment and respect towards the Roma population in all its policies. However legislation must go hand in hand with genuine respect in practice. For this reason the Czech Republic has, since 2006, supported public anti-racism campaigns of NGOs focused on fighting prejudice and stereotypes about the Roma and sensitizing public workers, teachers, schools and the general public to intolerance and extremism. A special event was the Gypsy Spirit Award in 2009 and 2010 given to people who contributed in various ways to the development of the Roma or Roma culture and identity. This award is aimed at breaking the existing stereotypes about the Roma among the general public. The Government Agency for Social Inclusion and the Commissioner for Human Rights are preparing a new three-year government anti-racism campaign starting in 2013. In response to the recent social challenges in northern Bohemia, the Commissioner was entrusted by the Government to establish in cooperation with the Agency and other government ministries a special working group for solving all future similar social conflicts and put an end to public violence. The working group should, for instance, prepare a joint plan of action for these situations. These steps must be integrated in a wider range of preventive measures based on the general Government Strategy for Combating Social Exclusion and its regional application strategies.

Mexico raised the question of employment of the Roma and minorities. Czech Labour offices pay special attention to all long-term unemployed persons including the Roma for whom they develop individual tailored action plans including employment counselling, retraining and qualification courses and public utility jobs or work for the community. More than half of Roma jobseekers have agreed to an individual action plan. Employability, employment and integration of the Roma are also one of the main priorities of NGOs' projects financed from European structural funds, which offer assistance for Roma jobseekers. However, due to personal data protection, the authorities are not allowed to collect data based on ethnicity.

Therefore, no exact data can be obtained on the number of the Roma covered by these measures and we have to work with estimates.

In response to Denmark's question about the representation of the Roma in public service, especially in security forces, the Czech Republic states that security forces are open to everyone regardless of race or ethnicity. The Czech Republic does not monitor the exact number of the Roma in public service due to data protection. There are various projects focusing on the employment of Roma in public service and taking advantage of their particular knowledge of local affairs. As an example I would like to mention crime prevention assistants who work in socially excluded neighbourhoods as liaison persons between the Police and public authorities and the neighbourhood inhabitants. The fact that the assistants are local people gives them a strong position in the community and helps build mutual trust, understanding and cooperation. The project is supported by the Ministry of the Interior. For the same reasons the Roma are often employed as teacher assistants, social workers and regional coordinators or local counsellors for Roma minority affairs.

The Netherlands asked about regional cooperation on Roma integration. The Czech Republic has a comprehensive network of bodies acting in this area. On the Government level, there is the Council for Roma Minority Affairs, a government advisory body composed of ministers, deputy ministers and representatives of the Roma minority on a parity level. The Council is the principal platform for the Government's cooperation with the Roma minority, who can express there their views on government policies, discuss their problems and needs and propose their own plans for solution. On the regional level, each region is obliged to appoint a coordinator for Roma minority affairs who coordinates regional policies concerning the Roma population, implements national integration documents and cooperates with municipalities on integration issues. Many municipalities also create the post of Roma counsellors who advise them on effective integration of their local Roma population. The counsellors also act as a communication link between the municipality and its Roma population and help promote mutual understanding and solve problems. The last pillar is the Government Agency for Social Inclusion which advises municipalities on social inclusion models and cooperates with them as well as with other relevant stakeholders in order to achieve effective community planning. In response to Mexico's question, I would like to mention that all measures concerning Roma integration are aimed at providing equal access to public and private services and equal opportunities in social life without any prejudice or discrimination.

Norway and the UK raised questions about the latest development in inclusive education of Roma children following the recent Ombudsman's report. I have already mentioned the legislative changes introduced by the Czech Republic last year, strictly requiring that every child must be educated according to his or her learning abilities and providing for consistent monitoring and support for his or her performance. An annual re-assessment of children educated in practical schools is aimed at placing every child in the education tailored to his or her needs. Even the temporary placements of socially disadvantaged children in practical schools as a last resort measure to improve their education chances will be abolished and individual integration in mainstream schools will be preferred. The methods and tests to assess children are being revised to be non-discriminatory and culturally neutral and to respond to the needs of every child regardless of his or her disability or disadvantage. The Czech Republic also plans to introduce monitoring of the ethnicity of children in practical schools to be able to evaluate the progress of integration of children with special needs into mainstream education.

The Netherlands' question on hate crime is closely connected with this issue. The Czech Republic has an elaborate framework for criminal prosecution of hate crime. Its various forms are subject to different provisions of the Criminal Code and the racial motive is an aggravating circumstance in relation to many crimes. Although in many cases the racial motive is difficult to prove, all crimes are duly investigated and prosecuted to bring the perpetrators to justice. The Police and Public Prosecutors have special units to deal with hate and race crimes and these crimes are also separately monitored by prosecution bodies.

As already mentioned, the Czech Republic is now introducing new comprehensive strategies to protect the rights of the child. I will further elaborate on these issues now in our response to the questions of Norway and Slovenia. A new bill on the social and legal protection of children has been prepared. Its main aim is to reduce the disproportionately high number of children in institutional care and to promote preventive work with families. As a rule, if the child cannot stay with his or her biological family, foster care by professional foster parents will be preferred. The time spent by the child in an institution will be reduced to 3 years and the youngest children will be completely excluded from institutional care. Standards of quality and new methodologies will be introduced for authorities providing social and legal protection of children, social workers and other persons working with children and families at

risk, including NGOs. Special attention will be given to foster parents who will provide professional family care for the children. The final voting on the bill will take place in the following days and the Government believes that, in the long run, the law should bring substantive progress and improve the situation of many children.

The Netherlands' question on gender equality perhaps calls for some brief overview of the system in place in the Czech Republic. The Antidiscrimination Act prohibits discrimination based on sex and gender. It also entrusts the Ombudsman with powers to help discrimination victims, to carry out surveys and to issue recommendations on fight against discrimination. The Gender Equality Unit under the Ministry of Labour and Social Affairs is an expert government department responsible for the gender equality policy. The Government Council for Equal Opportunities for Women and Men is a government advisory body composed of representatives of public bodies and civil experts that may evaluate government policies from the point of gender equality and propose policies in this field. However, the Council or the Unit do not have the mandate to help victims of gender discrimination. The victims may refer to special public control bodies which can impose sanctions, or to courts which can award compensation. In every discrimination case, the burden of proof is reversed which means that if the victim presents facts raising suspicion of discrimination, the perpetrator has to prove he did not act in a discriminatory manner. Gender discrimination occurs probably most frequently in the area of employment and remuneration which is monitored by the Labour Inspection Office. In 2011, the Labour Inspection Office received a total of 244 complaints of discrimination in employment relationships and 244 inspections were carried out. The Labour Inspection Office also provides counselling for employers and employees in the area of non-discrimination in employment and closely cooperates with the Ombudsman.

As regards the questions of Belarus concerning alleged participation in the CIA's illegal detention and transportation of prisoners, the Czech Republic states that all cases of persons transferred to another country through the territory of the Czech Republic, as well as all cases of extradition from the Czech Republic, are processed strictly in accordance with the applicable legislation which respects the Czech Republic's international human rights commitments and the case-law of the European Court of Human Rights. The transit is not permitted if there are reasonable grounds for believing that the criminal proceedings in the country of destination would be inconsistent with the Czech Republic's human rights commitments. This means that if requested to grant a stopover landing permission to a flight

carrying a person to a country where he or she might face torture or cruel, inhuman or degrading treatment or punishment, the Czech Republic would not grant the permission. The authorities of the Czech Republic have conducted a full and independent inquiry into the alleged secret CIA flights through the territory of the Czech Republic, which did not find any case of persons being carried in transit, or extradited from, the Czech territory to countries where they would face torture or other cruel and inhuman or degrading treatment or punishment. No public authority or official has been involved in such activity. The Czech Republic has also issued standing invitations to the holders of mandates of Special Procedures of the Human Rights Council and fully cooperates with them.

Spain asked about the conditions in Czech prisons. The Czech Republic is fully aware of its international obligation to provide adequate living conditions for prisoners. The Government introduces new legislation that will reduce the number of prisoners by imposing alternative sentences like house arrest with electronic monitoring or a possibility of earlier release for successfully reformed prisoners. The Czech Republic also supports the renovation of prison facilities and improvement of the living conditions of prisoners.

The second question of Spain was on integration of foreigners. The Government of the Czech Republic has developed a long-term policy concept on foreigners' integration into the life of Czech society. Foreigners can use a wide range of services provided by the state, regions, municipalities and NGO's to get information on conditions in the Czech Republic, their rights and obligations, find advice or assistance in problem situations and learn the Czech language. These projects are subsidized by the Government and by European funds. Special Foreign Nationals Integration Support Centres are opened in the regions with counselling and services for foreigners. Ministries also provide information booklets and web pages for foreigners about the life in Czech Republic in English or other foreign languages.

Slovenia also asked about special policies for women and elderly persons. The protection of women against violence, especially domestic violence, has a long tradition in the Czech Republic. The Government has adopted several action plans against domestic violence with measures aimed at victims of violence with a special regard to children, witnesses and also the perpetrators themselves. There are plans to develop the relevant services and further education of public bodies and social workers dealing with domestic violence, and to hold a media campaign for the general public in 2014. Domestic violence is addressed by comprehensive

criminal legislation. The rights of the victim will be supported by a future law on crime victims. Already at present, the victim can ask the court or the Police to banish the aggressor from the common residence and forbid him or her any contact with the victim for up to 12 months. Help to victims is provided by special intervention centres that cooperate with the competent public authorities. Awareness-raising among public authorities dealing with domestic violence, especially the Police, public prosecutors and judges, is also important.

Concerning elderly persons, the Czech Republic has adopted a National Programme to Prepare for Population Ageing, covering the years 2008 to 2012, which is aimed at creating a supportive, integrating and friendly environment for older people with full respect to their rights and dignity. Discrimination and violence against the elderly was one of the basic issues addressed by the programme. The solution lies in providing services for the elderly as well as education to people who deal with them, based on an elderly-sensitive approach, which will be also promoted by future strategies and action plans. All these topics are also debated in the Government Council for Elderly People and Population Ageing, which is another government human rights advisory body, where government representatives meet with civil society and NGOs and discuss the problems of elderly population. This year – being the European Year for Active Ageing and Solidarity between Generations - the Government is also organizing many awareness raising campaigns and activities.

To reply to Mexico's questions, the proposal for the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities is envisaged to be submitted to the Government by the end of 2012. The implementation of the Convention is being coordinated by the Ministry of Labour and Social Affairs. The establishment of the independent monitoring mechanism is now being discussed in the Government.

Madam President,

Distinguished delegates,

Allow me to thank you for your attention and we are ready to elaborate on these and other human rights issues during the interactive dialogue.