



**International covenant  
on civil and  
political rights**

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HUMAN RIGHTS COMMITTEE

Ninetieth session

SUMMARY RECORD OF THE 2465th MEETING

Held at the Palais Wilson, Geneva,  
on Tuesday, 17 July 2007, at 10 a.m.

Chairperson: Mr. RIVAS POSADA

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of the Czech Republic (continued) (CCPR/C/CZE/2; CCPR/C/CZE/Q/2 and Add.1; HRI/CORE/1/Add.71/Rev.2)

1. At the invitation of the Chairperson, the members of the delegation of the Czech Republic resumed their places at the Committee table.
2. Ms. WEDGWOOD said that the State party's unwillingness to restore property to non-citizens or non-residents who had gone into exile on grounds of principle stood in stark contrast with its reputation as a country of freethinkers. Given that those persons' exile was politically motivated, denying restitution of property posed problems with regard to both article 26 and article 19 of the Covenant. She wondered whether the State party had fully considered the implications of its property-restitution policy. It had argued that the citizenship and/or residence requirement for the restitution of property was partly in place to ensure that owners took better care of the property. It might be well advised to look to other States where interim property-holders were awarded compensation for improvements made to the property once the original owner regained possession, as an incentive to ensure proper maintenance.
3. She was particularly concerned over reports that special police teams carried out investigations into the background of property-restitution claimants, including those who had submitted communications to the Committee. Any form of implicit or explicit intimidation must be addressed. It appeared that there was no general prohibition of ownership of property by non-citizens or non-residents; if that was indeed the case, the restrictive requirements concerning property-restitution claimants were clearly discriminatory. While it would be understandable for the State party to impose a size limit to prevent unreasonable claims, a blanket refusal to restore property to non-citizens and non-residents was unacceptable.
4. While she appreciated that doctors might lack sensitivity vis-à-vis patients' rights, it was for the State party to ensure that practices such as coerced sterilization were eradicated. Effective remedial measures could include, for example, the translation of medical forms into Roma, the provision of a Roma interpreter to educate patients undergoing gynaecological procedures about the nature of the intervention, and training on patients' rights in medical schools. Furthermore, the performance of sterilization procedures without informed consent was an offence and should be prosecuted.
5. The continuing use of cage-beds and net-beds as a means of managing patients in a state of agitation in psychiatric hospitals was entirely unacceptable, not least because of its serious implications for the patients' physical and mental health. She urged the State party to take urgent measures to combat the practice.
6. Sir Nigel RODLEY said that, although the State party appeared to suggest that the Committee's concerns about discrimination under article 26 were unfounded, Czech legislation made a clear distinction on the basis of nationality by imposing citizenship-related restrictions on the accessibility of previously-owned property or compensation. Those distinctions were not

only unreasonable and disproportionate, but also preposterous, given that the persons concerned had been forced into exile by the State party and might have been obliged to take the nationality of their new place of residence. Thus far, the State party had failed to provide a credible explanation as to why article 26 had not been violated in those cases. The Des Fours Walderode case had been the subject of discussion between the then Prime Minister and the United Nations High Commissioner for Human Rights in 2002 and a possible solution had been identified; however, it appeared that no action had been taken in that regard.

7. The 90-day migration-related detention of foreign undocumented minors provided for in section 125 of the Foreigners Act of September 2005 seemed excessive. He asked what alternatives to detention existed and how many foreign undocumented minors had been detained. The same Act also provided for the detention of asylum-seekers under a strict regime for a 30-day renewable period. He enquired about the maximum period of detention under those circumstances and the exact nature of the regime.

8. The consequences of the undesirable attitudes of doctors towards patients ranged from coercive sterilization of women and so-called “voluntary” castration to the use of cage-beds, involuntary treatment and placement under guardianship of persons with mental health problems. The Committee had received a report of a case where an individual had been deprived of legal capacity in 2001 without any notification, and committed to the psychiatric hospital in Brno without his consent in 2005 following a quarrel with his wife. When he had objected to treatment, hospital staff had informed him that he had been deprived of his legal capacity and that his opinion on treatment was therefore irrelevant. He had been given injections as punishment and had been heavily medicated with haloperidol, which had harmed his eyesight. The real problem was not so much doctors’ antiquated attitude as the power given to them in the State party. The tolerance of involuntary treatment, involuntary sterilization and castration, forced hospitalization and the use of cage-beds, among other practices, posed serious problems in regard to several articles of the Covenant and must be addressed urgently.

9. Mr. SCHORM (Czech Republic) said that Ms. Fábryová (communication No. 765/1997) and the relatives of Mr. Brok (communication No. 774/1997) had received adequate compensation through a programme for the compensation of individuals to mitigate property injustices suffered by Holocaust victims, even if the amount might not be fully commensurate with the value of the lost property. However, given complainants’ aspirations, they were unlikely to be satisfied with the compensation awarded. In the cases of Pezoldova and Czernin (communications Nos. 757/1997 and 823/1998), there was a possibility of ex gratia compensation which, when compared with the standards for compensation set by the European Court of Human Rights, was merely symbolic. Proceedings concerning the case of Mr. Czernin had not been completed. Recently-enacted legislation provided for the payment of compensation for moral damage caused by excessively lengthy court proceedings, compensation for which Mr. Czernin was eligible.

10. He was unaware of any consultations between the previous Prime Minister and the United Nations High Commissioner for Human Rights concerning the case of Mr. Des Fours Walderode. The case remained pending and the late Mr. Walderode’s spouse could certainly obtain compensation if she exercised domestic remedies.

11. In response to Mr. Amor's concern about implementation of the Committee's concluding observations, he said that issues of priority as between international instruments and domestic legislation were resolved by the Constitutional Court. The mechanism established to implement the Committee's recommendations, although not fully developed, was consistent with international standards.

12. Property-restitution in his country was a complex and sensitive issue. Former citizens who had migrated to the United States were not disadvantaged in any particular way. It was undeniable that property-restitution had been very generous, the sole restriction being legal residence or citizenship. The Constitutional Court had found the citizenship requirement to be lawful. There was no legal obligation for the State to restore property. Although some might consider the restrictions discriminatory, in terms of legal residence and citizenship, they had not been introduced by the Government, but by parliament, and thus represented the popular will.

13. Mr. BUREŠ (Czech Republic) said that the Code of Criminal Procedure had been amended in 2001 to give the public prosecutor the power to investigate offences committed by police officers. The previous Government had considered that the new system was sufficiently independent and impartial. Steps had been taken since to establish a fully independent body to investigate allegations against police officers.

14. Follow-up to the removal of perpetrators of domestic violence from the shared home was ensured both by the police and by the so-called "intervention centres", which were social service centres and existed in all provinces. When executing a removal order, the police were required to notify the closest intervention centre and provide the victim with contact details of the centre or relevant NGOs. Intervention centres offered legal and psychological counselling for victims and child witnesses of domestic violence. Testimony given by child witnesses was heard in special interview rooms to minimize secondary victimization.

15. Information leaflets on the rights of detainees were currently being translated into 11 languages. The translations would be available as from 1 August 2007. Foreigners in detention must be informed of their rights in a language they could understand. Normally, interpreters were present during the interrogation of foreign detainees. Detainees had the right to submit complaints to Amnesty International, the Human Rights Committee or any other competent international body. Complaints lodged internally were handled by the supervising officer, who could either investigate the allegations himself or transfer the case to the district supervision and control unit. That unit was also responsible for monitoring the way in which complaints were handled by less senior supervising officers.

16. Foreigners subject to an administrative expulsion order could be detained for a maximum of 180 days.

17. With regard to question 9 of the list of issues, he said that the higher number of incidents relating to the detention of asylum-seekers in the centre in Poštorná was partly due to the fact that it was the only facility that was operational throughout the year. Also, while other facilities housed mainly families, the centre in Poštorná was for single men only. He drew attention to the categorization of incidents relating to asylum detentions that had been introduced in the 2007

statistics, as detailed in the written reply to question 9. Some 90 per cent of such incidents had been in the category of least serious violations, which involved breaches of the internal rules of the detention centre.

18. Given that the Prostitution Regulation Act had not entered into force (question 13), prostitution was not currently regulated under the legal system. There were, however, provisions that enabled the authorities to investigate and punish acts of procurement and trafficking in persons. The current provisions on trafficking were in accordance with the International Convention against Transnational Organized Crime, and included the prohibition of trafficking in persons from the Czech Republic abroad, vice versa and within the country, for purposes of work as well as sexual exploitation. Czech women who had been victims of trafficking were entitled to all social services and benefits. The Ministry of the Interior worked with the International Organization for Migration to repatriate Czech women who had been trafficked abroad and ensure that they were offered the services of NGOs. All persons who declared themselves victims of trafficking had the right to State assistance. There had been few cases of commercial sexual exploitation of children.

19. The information provided in paragraph 155 of the periodic report on the limitation of an aggressive person's freedom and detention related to aggressive physical behaviour that constituted an assault against another person, and not aggressive attitudes. An individual who attacked another person, whether a civilian or police officer, could be physically detained for a maximum of two hours.

20. Civilian authorities managed detention facilities for foreigners (question 9). The lenient regime in such facilities was similar to that in operation in centres for asylum-seekers, where detainees could move freely and speak to other detainees. Under the strict regime, movement around the facility was limited to one hour a day and detainees could not communicate with each other. Detainees could be placed under the strict regime for up to 30 days, and if during that period they displayed behaviour that merited an extension, the maximum extension was a further 30 days.

21. The number of unaccompanied children arriving in his country was declining. In 2004, a school had been set up for those children to provide them with education and other services. Every effort was made to repatriate them, unless they had been granted asylum.

22. Ms. OTÁHALOVÁ (Czech Republic) said that the 2006 annual report of the European Committee for the Prevention of Torture included a comprehensive opinion on means of restraint in psychiatric establishments for adults. In line with that report, the use of cage-beds was prohibited throughout the Czech Republic, and the use of net-beds was diminishing. Their use had been totally excluded in social-care institutions. The protection of patients' rights in psychiatric establishments and the rights of people with disabilities and mental disorders was a priority for the Minister for Human Rights and National Minorities.

23. The Government Commissioner for Human Rights was monitoring the case of Věra Musilová. According to the police investigation, no provisions of criminal law had been breached in her case. The ombudsman had, however, concluded that staff at the psychiatric institution where Ms. Musilová had died had been guilty of ill-treatment.

24. The Ministry of Health had issued guidelines on the use of cage-beds and net-beds, and human rights and medical authorities were encouraging debate on the introduction of statutory regulations for the use of restraints in health-care facilities. All psychiatric facilities had their own regulations on measures of restraint. Under the system of appeals in health-care facilities, patients had the right to file complaints to the directors of the psychiatric institutions. If that failed, complaints could be lodged with the Ministry of Health.

25. All measures that deprived patients of personal liberty, including involuntary placement in psychiatric institutions, were subject to court review. A major amendment to the Civil Procedure Code passed in 2005 had strengthened the protection afforded to persons who were deprived of their legal capacity and those placed in health-care institutions. In particular, the amendment allowed persons in those situations to influence the action taken, either personally or through their representatives. Under the amended legislation, courts were required to advise such persons of their rights, including the right to select a representative for the relevant proceedings. If the persons concerned did not select their own representative, the courts appointed lawyers to act as guardians. Courts were now obliged to hear independent experts in addition to patients' doctors, and patients could no longer be directly excluded from contact with the outside world. People placed in health-care institutions could request a new examination and decision regarding their release, even if they had been deprived of their legal capacity. Courts were required to inform the Public Prosecutor's Office of all proceedings they initiated concerning legal capacity, and verdicts on the admissibility of acceptance at or detention in a health-care institution. In addition, persons deprived of their legal capacity, whose previous application for restitution of that capacity had been rejected, had the right to submit a second application for restitution after one year. The maximum period during which a person could be placed in a health-care facility for examination under a court ruling had been reduced to six weeks.

26. Turning to the various findings by the ombudsman and the Ministry of Health advisory body on cases of forced sterilization (question 5), she explained that the advisory body had investigated the issue of ill-treatment from the medical standpoint. The ombudsman had assessed the action of the Ministry of Health, taking a broader approach from a historical and human rights standpoint. No criminal proceedings had been initiated, given that the police had found no violations of criminal law. On the issue of individual compensation, it was possible that the ombudsman had not taken account of the Supreme Court ruling that the rights violated had no statutory limitation. Regarding general compensation, several government bodies were discussing the possibility of establishing a fund to assist the victims of forced sterilization, which had never been legal in her country. Social workers and NGOs worked with Roma communities, providing assistance and information on many issues, including informed consent on sterilization and relevant legislation. Doctors received training in human rights issues as part of their medical studies. Given that the Roma community accounted for only 0.2 per cent of the population, sterilization consent forms had not been translated into the Roma language. Castration could be carried out only at the request, and with the informed consent, of the individual concerned, and with the approval of a committee composed of a lawyer and at least two doctors.

27. Mr. POKORNÝ (Czech Republic) said that his Government's efforts to achieve a gender balance in politics had focused on raising awareness among the electorate. No specific quotas or time frames had been set to increase women's participation in politics. A bill including financial incentives for political parties to introduce quotas for female candidates had been rejected owing to a lack of consensus on issues unrelated to gender equality.

28. By 2009, a national office for employment and social administration would be set up. One of its tasks would be to coordinate the activities of all public bodies responsible for the social and legal protection of children, strengthening the focus on preventive action, and ensuring better cooperation with the police and legal services on child abuse. Policy adopted in 2006 had defined areas of concern and priorities for the care of children at risk and children living outside their families. The Ministry of Labour and Social Affairs was following up on that policy by preparing guidelines for work with families at risk, information materials on prevention and resolution of family conflict, and counselling services for families.

29. Mr. HNÁTIK (Czech Republic), replying to the question on the possible involvement of the Czech Republic in the illegal transfer of so-called “high-value detainees”, quoted a letter the Czech Minister for Foreign Affairs had addressed to the Secretary-General of the Council of Europe. The letter clearly stated that the Government had no knowledge of any such involvement. The Council had deemed the responses to its questions satisfactory and exhaustive. Its final report on the matter included no specific reference to the involvement of his country in those activities and made no allegations against it.

30. Mr. KONÚPEK (Czech Republic), referring to question 2, said that, given the lack of newly-qualified judges wanting to work in northern Bohemia since 1991, a backlog of court cases had accumulated there. In order to resolve that problem, in June 2007 eight new judges had been appointed to that region and further measures were being taken to ensure that sufficient judges were posted there.

31. There were no statistics available on the duration of Supreme Court proceedings. Existing data indicated that about 50 per cent of Supreme Court cases were handled within 6 months, some 30 per cent within 6 to 12 months, about 15 per cent within 13 to 24 months, and the remaining 5 per cent in over 24 months.

32. There was currently no legal provision for the removal from office of court presidents and deputy presidents. In order to remedy that situation, the Government had proposed that the Minister of Justice should be given the authority to remove such officers if they were found to have been seriously remiss. It would remain possible to appeal such a decision before the Supreme Court.

33. Prison overcrowding had been particularly problematic between 1997 and 2000. A 2001 amendment to the Code of Criminal Procedure had set stricter rules for the imposition of pretrial detention and limited the duration of such detention, which had had the effect of reducing the total prison population. In 2003, the area allocated to each prisoner had been set at 4 square metres. The current level of prison overcrowding was 1.37 per cent.

34. Replying to Ms. Chanet’s question relating to paragraph 147 of the periodic report, he said that in 2004 the Constitutional Court had fully recognized the right of the accused to be heard during proceedings to determine whether he should remain in custody. In accordance with article 89 of the Constitution, enforceable rulings of the Court were binding on all bodies and persons. Any amendments to the legislation in force were not taken into consideration, and the courts and the public prosecutor were automatically required to follow the ratio decidendi of the Court’s ruling.

35. Turning to Mr. Bhagwati's questions regarding question 2 of the list of issues, he said that the procedures for the use of "criminal orders" (CCPR/C/CZE/Q/2/Add.1, p. 4) were set out in sections 314 (e) and (g) of the Code of Criminal Procedure. The judge could issue such orders in cases where the maximum penalty for the offence in question was five years' imprisonment. The facts alleged must be supported by sufficient evidence, and the convicted person had the right to appeal against the order within a period of eight days.

36. A mediation service had been set up in 2001, pursuant to Act No. 257/2000. The use of mediation was subject to the consent of the convicted person and the victim. Mediation officials must have a university degree and sit a special examination upon completion of a training course run by the Probation and Mediation Service.

37. The Constitution granted the right of appeal to individuals whose basic rights had allegedly been violated by the decision of another court - including the Supreme Court - or a government institution, provided that that decision was final and that no other remedies were available.

38. A Constitutional Court judge was appointed by the President of the Republic, with the approval of the Senate; and a Supreme Court judge - formerly appointed by the President of the Republic - was assigned to that Court by the Minister of Justice, in consultation with the president of the court to which the judge had been assigned thus far. In both cases, the judges must have a law degree and have at least 10 years' professional experience. The appointment procedures that applied to the Supreme Administrative Court were similar to those of the ordinary courts.

39. Mr. O'FLAHERTY said that, in view of time constraints, he would welcome any response to his comments in writing. On question 1, he wished to know why some of the cases he had mentioned had not been referred to by the delegation and wondered whether any information could be provided on the communications he had mentioned (Nos. 765/1997 and 774/1997). There appeared to be a misunderstanding of his question concerning compensation for victims under the provisions relating to Holocaust survivors. He had not questioned the adequacy of compensation; he had wanted to know whether the compensation would have been received in any case by the persons concerned since they had been Holocaust survivors, or whether they had benefited from the fact that the communication was before the Committee. Moreover, did they consider the compensation to constitute full redress?

40. Regarding the reference by the delegation to the complexity of adjudicating matters relating to compensation, he was at a loss to understand why certain amounts could not be offered to the persons concerned, to see whether they would be accepted or rejected.

41. Concerning the alleged use of Prague airport for transit in rendition cases, he took note of the response by the Government that it had no knowledge of any such cases. While he did not dispute the veracity of that response, he drew attention to the comments of the head of security analysis at the Institute of International Relations in Prague, indicating that the Czech intelligence service had had an idea about the type of flights operating through the airport. In any case, the existence of such serious allegations, which raised issues in relation to article 7 of the



Covenant inter alia, should prompt the State party to investigate the matter. He urged the authorities to consider the introduction of an inspection system at the airport, directed particularly at civilian flights, with a view to putting an end to such practices.

42. Turning to the issue of cage-beds and net-beds, he stressed that the definition of a cage-bed he had been using was a description provided by the European Committee for the Prevention of Torture: it referred generically to “cage/net beds”. With regard to cage-beds as defined by the State party, their prohibition, reiterated by the delegation, was commendable. Notwithstanding that, the existence of such beds was still reported in some facilities. Could the State party give an assurance that they had all been withdrawn? While the announced efforts to reduce the use of net-beds were also welcome, in the light of the overwhelming international condemnation of the practice, could the State party pledge to abolish net-beds, rather than reduce their number? He noted the delegation’s point that issues of restraint, in relation to net-beds in particular, were addressed on an institution-to-institution basis. However, what was needed was a national set of standards and a national system of inspection.

43. Sir Nigel RODLEY said he wished to correct his earlier suggestion that former Prime Minister Zeman had given an undertaking to Ms. Robinson, former High Commissioner for Human Rights. The annual report for 2002 showed that the Commissioner had asked the Prime Minister to ensure the implementation of the Committee’s Views, but did not mention any explicit commitment on his part.

44. In response to the reference made by the delegation to the nature of the debate and to political sensitivities, he recalled that the Committee’s task was to ensure implementation of the Covenant. Any branch of government, including the legislature and the courts - but not necessarily the executive, could engage the responsibility of the State party. While he realized the difficult political situation for the Czech Republic, the obligation nevertheless remained and a violation persisted until it was remedied.

45. Ms. PALM welcomed the information provided regarding sterilization. In the context of the ongoing discussion within the Government on compensation for victims, she sought confirmation from the State party that it would in the near future decide on general compensation to all victims of violations, irrespective of when they had been committed.

46. She was disappointed, however, at the delegation’s answer to the question concerning the participation of women in politics, especially in the light of the recommendations made by the Committee after consideration of the Czech Republic’s initial report. The State party had been advised to adopt measures to increase the level of participation of women in the public and private sectors, in order to fulfil its obligations under articles 3 and 26 of the Covenant. At the present meeting, however, the delegation had expressed its refusal to introduce quotas or interfere with political parties, preferring instead to raise general awareness of the issue. When levels of women’s participation were decreasing - as in the Czech Republic, the obligations under the Covenant called for positive action.

47. Ms. WEDGWOOD pointed out that the translation of a consent form into Roma would cost only US\$ 150. She urged the delegation to provide information, as requested, on the police investigative unit that targeted persons making property claims.

48. Ms. OTÁHALOVÁ (Czech Republic), replying to question 15 of the list of issues, said she was pleased to announce that an anti-discrimination bill pending before the Government had been approved in June 2007, and would be discussed in parliament in the autumn. The bill prohibited discrimination on grounds of race, ethnic origin, nationality, gender, sexual orientation, disability, religion and age. Its contents were very similar to those of the original bill described in the report, which had been rejected by parliament in 2006. The obligation to ensure equal treatment and protection against discrimination applied, inter alia, to: employment, membership of organizations, social security, health care, education and housing. The bill provided for the option of introducing affirmative action. The establishment of an institution providing legal assistance and guidance to victims of discrimination was under way.

49. Turning to question 19, she said that the Charter of Fundamental Rights clearly set forth the right of every individual to determine his or her nationality. Her Government was aware of the difficulties arising from the collection of data on national minorities and ethnic origin, as such information was considered sensitive. The authorities attached increasing importance to the matter by endeavouring to monitor the situation through quantitative and qualitative analyses. One such analysis, focusing on socially-excluded Roma communities, had been conducted in 2006. The investigation method nevertheless failed to provide information on Roma unaffected by integration problems. A sociological approach to data collection should perhaps be envisaged, to assess the situation in due conformity with the legislation in force.

50. As to question 17, the Government Council for Roma Community Affairs, which published an annual report, had been set up in 1997. In addition, her country had joined the Decade of Roma Inclusion 2005-2015, under whose auspices programmes were being delivered in a variety of areas. In the area of housing, for instance, social workers played an important role in assisting socially-excluded Roma in their everyday life. The Ministry of Regional Development funded a programme of support for the construction of subsidized flats, to which some 500 million koruny were allocated every year. The Ministry was also engaged in the issue of spatial segregation and funded programmes in that area. A number of initiatives were also organized by the Ministry of Health, including a project entitled "Health and social assistants in excluded localities", financed by the European Social Fund.

51. In addition, she drew attention to a cycle of seminars entitled "Political training for Roma women" that had been organized in 2006, with a view to encouraging female managers of Roma non-profit organizations and female Roma activists to contribute to the development of civil society and become more involved in local and national politics. A proposal had also been made to establish an agency for the prevention of social exclusion under the auspices of the Ministry of Human Rights and National Minorities; implementation was scheduled for 2008.

52. Mr. POKORNÝ (Czech Republic) said that equal access to employment, regardless of racial, ethnic or social origin, was enshrined in the new Employment Act adopted in 2004. Discrimination was also prohibited under the new Labour Act of January 2007. A new Labour Inspection Act, adopted in 2005, had reorganized national inspectorates, enhanced their competence and set fines of up to US\$ 20,000 for discriminatory treatment. The Employment Act promoted the right to work and access to employment through training courses and other measures, focusing on certain groups. Although target groups were defined in accordance with employment or educational status, in view of the difficulty of collecting information on the ethnicity of individuals many people of Roma ethnicity were included in those groups.

53. The National Employment Action Plan approved in 2004 presented the medium-term national employment policy and objectives, including measures to provide employment for disadvantaged persons and to improve the sustainability of the social protection system. The Operational Programme for Human Resources Development, implemented since 2004, aimed to develop an active employment policy for long-term job-seekers. Some US\$ 14 million had been allocated to that programme during the 2005-2006 biennium. Programmes supporting small- and medium-sized enterprises were also in place.

54. In reply to question 18, he emphasized that access to the social security system was not based on nationality but on economic activity or permanent residence in the Czech Republic. The social rights of migrants were secured through bilateral agreements with their respective countries. Labour legislation prohibited discrimination based on nationality, even though a valid work permit was of course required for employment - except in the case of foreign nationals granted permanent residence. As at the end of June 2007, more than 200,000 foreign citizens had been employed legally in the country. The status of foreign nationals was assessed and updated annually through the Concept for the Integration of Foreign Nationals, which helped to identify and remove legal and institutional obstacles. A comprehensive analysis of the status of long-term resident foreigners had been conducted in 2004-2005, under the auspices of the Ministry of Labour and Social Affairs. Its conclusions were utilized to update the Concept for the Integration of Foreign Nationals and to develop projects and publications in that area, such as the "Information booklet for foreign nationals in the Czech Republic", which was available in five languages.

55. Ms. KAPROVÁ (Czech Republic) said her Government believed that children would make progress at school only if they showed an interest in lifelong education and participated responsibly in civil society. Nevertheless, every pupil's educational needs must be met and parents' decisions concerning their children's education must be taken into account. Under the 2005 Schools Act, various measures had been taken to ensure that all pupils, including the socially disadvantaged, had access to the same quality of education. The measures included increasing the number of teachers, reducing class size and implementing individual education plans.

56. Roma children attended special schools or programmes only if their cognitive capacity required it or their parents desired it. The Government had never deliberately segregated Roma pupils or given them inferior education. Since special schools and programmes were relatively costly, it was not even in the Government's financial interest to increase the numbers of children attending them. In February 2006, in a case concerning the special schools, the European Court of Human Rights had ruled that Roma children were not the victims of discrimination in education. The case had been referred to the Court's Grand Chamber, which was due to deliver a statement in September 2007.

57. The authorities had taken a number of measures to integrate disadvantaged pupils, especially Roma pupils, and reduce the number of children receiving special education. As part of the 2007-2008 curricular reform, each school would develop a programme that met all pupils' needs. In 2006, under a scheme funded by the Ministry of Education, Youth and Sport, some 400 Roma teaching assistants had been employed in schools and more were being trained. All disadvantaged children were entitled to one year of preschool education free of charge.

In 2006, some 1,500 socially disadvantaged pupils had attended preparatory classes designed to prevent academic failure. Moreover, such children did not have to pay for meals, lodging and other school services.

58. The Ministry of Education, Youth and Sport had launched an early-intervention project for young children at risk based on interdisciplinary cooperation; in May 2005, new material had been approved for training professional staff. Special education programmes had been designed to help NGOs work on social integration in regions with large numbers of Roma. Over 3,000 socially disadvantaged Roma in secondary schools had been offered assistance with transport, housing and teaching materials. Furthermore, European Union resources had been earmarked for the integration of the Roma population.

59. Mr. BUREŠ (Czech Republic) said that the National Strategy for Police Work with National and Ethnic Minorities had four main pillars. First, liaison officers had been appointed within each regional police authority to monitor police relations with members of national and ethnic minorities, foreigners and the socially disadvantaged. Second, civilian assistants, sometimes belonging to the minority communities, were appointed in areas where members of minorities were numerous. Third, regional action plans for police work with minorities had been drafted. Fourth, incentives had been introduced to encourage members of the minorities to join the police force. It was difficult to measure the effectiveness of the strategy in reducing cases of ill-treatment by the police of members of national and ethnic minorities. There had, however, been three reported cases of ill-treatment by the police in 2005 and no reported cases in 2006.

60. The number of racially-motivated crimes had slightly declined: 253 cases, representing 0.07 per cent of all crimes reported in the Czech Republic, had been recorded in 2005, and 248 cases in 2006. Only one fifth of those cases had involved racially-motivated violence.

61. Mr. SHEARER commended the State party for the anti-discrimination bill described in the second periodic report. It contained ground-breaking provisions, such as those on “reputed reason”, and very positive aspects, including the prominent role to be played by civil society and the ombudsman. In view of the recent rejection by the Czech parliament of a similar bill, however, he wondered whether it was likely to be adopted. He asked what broad indication of support had been given by the political parties represented in parliament. Moreover, he wondered whether the Czech Government intended to implement General Policy Recommendation No. 2 of the European Commission against Racism and Intolerance on specialized bodies to combat racism, xenophobia, anti-Semitism and intolerance at national level.

62. Despite the measures taken by the Government, including the implementation of the National Strategy for Police Work with National and Ethnic Minorities, the Committee had continued to receive reports of police harassment of members of those minorities and foreigners. One NGO report referred to clear signs of police antagonism towards members of minorities, in particular Roma. He asked the delegation to inform the Committee of trends in the reports of such harassment and to provide detailed information on related prosecutions.

63. Czech legislation to promote the equality of non-citizens and citizens seemed to be complex and difficult to enforce. Information made available to the Committee suggested that

there were a number of cultural and linguistic barriers to its implementation with regard to housing, in particular. He asked what practical steps had been taken or were being considered to make information on housing rights more accessible in languages other than Czech. Practical measures to that end might include publishing leaflets in the main languages of non-citizens and creating advice bureaux for non-citizens.

64. He wished to know whether knowledge of the Czech language was a requirement for acquiring citizenship and whether dual nationality was recognized under the law.

65. Ms. MOTO asked what the Czech authorities were doing to ensure that programmes aimed at reducing unemployment in Roma communities were effective. She welcomed the fact that the courts were dealing with cases of anti-Roma discrimination by employers.

66. She asked the delegation to comment on reports that the official tests used to determine whether schoolchildren were mentally disabled were biased against Roma children, in that they did not take cultural differences into account. It had been reported that those responsible for school management were financially motivated to classify Roma children as mentally disabled rather than socially disadvantaged; she asked the delegation to comment. If reports that many Roma children were placed in special institutions for orphans and abandoned children instead of normal schools were true, she would welcome an explanation.

67. With regard to health care, she asked whether the alleged inferiority of care given to members of the Roma community could be attributed to weaknesses in the system or to anti-Roma discrimination.

68. It seemed that, despite government programmes to eliminate anti-Roma discrimination in the housing market, the Roma suffered disproportionately from eviction and segregation. She asked the delegation to clarify the situation.

69. A number of independent surveys indicated that, while racism in general was not a problem in the Czech Republic, of all the countries in central and eastern Europe the Czech Republic had the highest incidence of anti-Roma sentiment. She therefore wondered whether the Government had contemplated targeting anti-racism campaigns specifically to address anti-Roma discrimination. She asked whether the disparities between statistics on the number of Roma living in the State party provided by official sources and those provided by civil society sources could be explained by the Roma's fear of discrimination. Had the number of court cases concerning discrimination against Roma increased in recent years?

70. She asked the delegation to comment on reports that persons deemed to be legally incapable were deprived of their rights, in particular the right to family life.

71. Mr. O'FLAHERTY said that the State party had replied to the questions on human rights education with detailed information on many courses, but had failed to convey the notion of any clear, systematic national programme aimed at building knowledge of human rights and obligations under the Covenant. He suggested that the Government should frame a human rights education action plan, for which it could receive assistance from OHCHR. Failing that, more should be done to raise awareness and understanding of the Covenant and the Optional Protocol

procedure among lawyers, teachers and members of the health-care professions. More attention should be paid to human rights teaching at the universities and he asked if there was an academic centre specializing in human rights.

72. Turning to the drafting of the second periodic report, he asked to what extent the Government Commissioner for Human Rights, the Government Council for Human Rights and civil society had been involved.

73. He asked whether the Government would consider, in addition to posting them on the official website, making the Committee's concluding observations available in hard copy and possibly sending copies to all public libraries and the parliamentary library.

74. Sir Nigel RODLEY asked for a further clarification of the powers apparently granted under Czech law to doctors in terms of detention, treatment of detainees and legal guardianship. He asked whether, following legislative amendments, it was no longer the case that people could be placed under legal guardianship without a court decision and without being informed. In his view, lawyers were no better equipped to be invested with such powers than doctors.

75. Ms. MAJODINA asked what mechanisms had been put in place to monitor the implementation of the measures taken to combat discrimination against Roma. She pointed out that historic discrimination often left a legacy of persistent systemic discrimination that was difficult to detect since it was subtle or indirect. Since the measures included affirmative action, she wished to know what benchmarks had been set to determine when affirmative action was no longer necessary - namely, once sustainable equality between Roma and the rest of the population had been achieved.

76. The CHAIRPERSON emphasized the Committee's concern at the Czech Republic's interpretation of the scope and nature of the Committee's Views on cases under the Optional Protocol. The Committee had a mandate to present its findings in cases brought by individuals under that Protocol. Adopting legal measures to address any violations was one of the State party's duties under its commitments. Another of the Committee's concerns was discrimination against members of the Roma minority. The Government needed not only to adopt legislation but also to take practical measures to protect human rights and sanction those guilty of any violations.

The meeting rose at 1 p.m.