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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-eighth session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 1 May 2002, at 10 a.m.

Chairperson: Mr. CEAUSU (Vice-Chairperson)

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In the absence of Ms. Bonoan-Dandan, Mr. Ceasu, Vice-Chairperson, took the Chair.

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

CONSIDERATION OF REPORTS (agenda item 6) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of the Czech Republic (continued) (E/1990/5/Add.47;
E/C.12/Q/CZE/1; HR/CESCR/NONE/2001/10; HRI/CORE/1/Add.71)

1. At the invitation of the Chairperson, the members of the Czech delegation resumed their places at the Committee table.

2. The CHAIRPERSON invited the Committee members to ask questions relating to articles 10-15 of the Covenant.

Articles 10 to 12 of the Covenant

3. Mr. HUNT said that the report (E/1990/5/Add.47) contained very little information about the mentally handicapped and asked whether the Czech Republic had a modern framework law relating to that category of person. He asked how the rights of patients were to be protected in cases of involuntary commitment to a mental health facility. According to several non-governmental organizations, only 3 per cent of the health budget was allocated to the mentally handicapped; he asked whether that figure was correct.

4. The CHAIRPERSON, speaking as a member of the Committee, said that the number of homeless persons in the Czech Republic continued to grow, as in many central European countries. He asked whether any sociological studies had been carried out at the national level into the causes and extent of the phenomenon and whether a profile of the persons concerned had been drawn up. Referring to the Czech Republic's written reply to question 21 in the list of issues (E/C.12/Q/CZE/1), he would have welcomed statistical data on the number of persons brought before the courts and convicted of procuring, so as to have a better idea of how effective the measures were.

Articles 13 to 15 of the Covenant

5. Mr. SADI asked for details of the guidelines which were referred to in the written reply to question 33 and were designed to promote a constructive attitude towards minorities and persons of different nationality, religion and culture.

6. Mr. AHMED recalled that, after a visit to the Czech Republic in 2000, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had expressed concern about the situation of the Roma with regard to schooling and,

in particular, about the fact that many Roma children did not complete primary education. He asked what specific measures the Czech Government was taking to foster the education of the Roma and, as a result, their participation in social and cultural life.

7. Mr. WIMER ZAMBRANO asked about the effects of the reform of higher education, particularly the privatization of certain establishments. He asked how many universities had been privatized and what method of funding was available to them.

8. Mr. HUNT asked whether the Czech Republic had adopted a national plan of action for universal basic education in accordance with the Dakar Framework for Action adopted by the World Education Forum, and, if not, whether it planned to do so.

9. Mr. SINGH (United Nations Educational, Scientific and Cultural Organization) said that UNESCO would welcome information from the Czech Republic on the implementation of the right to education in the country. The fact that some children belonging to minorities were led, for numerous reasons, to drop out of primary school was contrary to the aim of basic education for all as defined in the Dakar Framework for Action. He also requested information on the implementation of the UNESCO Convention against Discrimination in Education.

10. Mr. SCHORM (Czech Republic), replying to questions raised at the previous meeting, said that the Czech Republic recognized two types of marriage: civil marriage, conducted in the presence of a State official, and religious marriage, celebrated by a church or religious society. A civil marriage could be held and followed by a religious marriage service, but the reverse order was not authorized. To be legally valid, a religious wedding ceremony must be conducted by a church or religious society duly registered and accredited by the State.

11. Mr. WIMER ZAMBRANO asked what the difference was between a church and a religious society.

12. Mr. SADI asked whether Jews could be married in a synagogue and Muslims in a mosque.

13. Mr. SCHORM (Czech Republic) said that the term “church” referred to a place of Christian worship, Christianity being the national religion, whereas the expression “religious society” covered all other confessions. Jews and Muslims would probably have to marry in a civil ceremony in order to have their marriage recognized because it was not certain whether their religions were regarded as religious societies duly accredited by the State. The Czech Republic would provide clarifications in that regard later.

14. Mrs. BARŠOVÁ (Czech Republic), replying to a question raised at an earlier meeting, said that refugees were fully authorized to have their families join them in the country. The only requirement the Czech authorities imposed on refugees was proof of family ties. Although unaccompanied refugees below 15 years of age were, in fact, placed in special institutions, that was done solely out of concern for their safety. The Government was actively seeking a solution more suitable for receiving such children in better conditions.

15. Mr. FUCHS (Czech Republic) said that, with regard to trafficking in persons, the Czech Republic had acceded in 2002 to the United Nations Convention against Transnational Organized Crime and planned to ratify the Additional Protocol to that instrument for the prevention, suppression and punishment of trafficking in persons, particularly women and children. The Czech Republic was currently not only a country in transition, but also the final destination for the victims of that traffic, who were brought from Ukraine, the Republic of Moldova, the Russian Federation, Romania, Bulgaria, Viet Nam and China. Since the provisions of domestic legislation protected only women and related only to traffic within the Czech Republic and destined for other countries, an amendment recently approved by Parliament had been made to the Criminal Code to extend the scope of the provisions to men and children as well as to persons brought into the Czech Republic from abroad. A law still had to be drafted to allow the prosecution of legal persons implicated in those offences and to ensure the protection of witnesses and intended victims during a trial.

16. In January 2002, the Council for Human Rights had proposed that the Government should improve inquiry procedures, align the definition of the crime of trafficking with that in the Additional Protocol to the United Nations Convention against Transnational Organized Crime and grant residence permits to non-national witnesses and victims so that they could have access to the labour market and social protection. The Department for Crime Prevention, part of the Ministry of the Interior, was studying existing legislation with a view to bringing it into line with the above-mentioned Protocol. An analysis of the current situation was also planned in order to devise a national strategy and then, in cooperation with the immigration services and non-governmental organizations, draw up a standard system of protection for witnesses and victims and establish ties with other European countries, such as the Netherlands, Italy and Belgium. The Bureau for Narcotics Control and Crime Prevention had set up a technical cooperation project with the Czech Republic and Poland on trafficking in persons.

17. A special advisory committee on trafficking had also been set up, within the Ministry of the Interior, including representatives of all the relevant ministries, the police and national and international non-governmental organizations. For a number of years, the International Organization for Migration had been conducting awareness campaigns, in cooperation with the Ministry of the Interior, the Ministry of Education and the "La Strada" non-governmental organization, an association subsidized by the Ministry of Labour and Social Affairs which provided victims with counselling services and accommodation. In addition, an information documentary and leaflets had been prepared for primary and secondary school pupils.

18. Mrs. GRABMULLEROVÁ (Czech Republic), replying to questions raised on the right to housing, said that all the rights guaranteed by the Covenant, including the right to adequate housing, were an integral part of Czech legislation, even if they were not expressly stated, since the Covenant was applicable in domestic law. Moreover, in accordance with a ruling handed down in 2000 by the Constitutional Court, the fact that the right to suitable housing was not explicitly stated in the legislation in no way prevented Czech citizens from invoking it before the courts. A main article of the Charter of Fundamental Rights and Freedoms provided for the inviolability of the home. Pursuant to article 711 of the Civil Code, moreover Czech citizens were protected against eviction, which could be applied only on expiry of a lease and subject to court authorization. The Charter of Fundamental Rights and Freedoms also provided that any person had the right to own property and that all owners enjoyed equal rights.

19. As recommended in the Committee's General Comment No. 4, the Czech Republic had prepared a national strategy on housing which had been approved by the Government in 1999 and updated in 2001. That strategy, available on the Internet in English and Czech, was aimed at facilitating access to housing and was in line with international instruments on housing such as the Human Settlements Programme, the European Social Charter and the Declaration on Cities and Other Human Settlements in the New Millennium. Czech legislation covered all aspects of the right to adequate housing mentioned in General Comment No. 4, including legal security of occupation and the existence of services, materials, equipment and infrastructure. With regard to habitability and accessibility, several programmes existed for the modernization of old and rundown housing and the new regulations called for the adaptation of public or private buildings to make them accessible for handicapped persons.

20. On the question of the privatization of public housing, it should be noted that the ownership of property which had at one time belonged to the State had been transferred to municipalities in accordance with a special law dating from 1992. As a result, one quarter of the housing stock belonged to the municipalities. The State had no privatization policy and did not encourage the privatization of the municipal housing stock. Municipal authorities thus had full independence in housing management and the same rights and duties as private landowners.

21. With regard to housing for the Roma, it was recognized that the principles of equality and non-discrimination embodied in Czech legislation were not always observed by municipalities. There could be times when local authorities approved a bylaw that was indirectly discriminatory, for example, by authorizing the rental of apartments to the highest bidders or to persons having no police record. In order to avoid such problems, the Government planned to amend the law on local authorities in order to stipulate their role with regard to housing and define the conditions of access to municipal housing. It also planned to build subsidized housing for social groups having specific housing requirements, including the Roma.

22. Empty apartments without basic facilities that were allocated to persons belonging to disadvantaged groups were being made available by public or private organizations as a temporary solution in cases of emergency. There were various laws which obliged the lessor to provide replacement accommodation for tenants evicted from their accommodation due to non-payment of rent. Persons deprived of housing could be divided into two categories: the homeless, and young couples obliged to live with their parents. The first could be housed temporarily or permanently thanks to some 50 charitable associations which made available a total of 2,000 beds, equivalent to 2.5 per 10,000 inhabitants. The second, about 100,000 in number, would shortly be able to benefit from a programme recently approved by the Government aimed at assisting young persons to obtain their first home.

23. Ms. ŠTEFLOVÁ (Czech Republic), replying to the questions on health, said that cardiovascular illnesses were the primary cause of death in the Czech Republic, followed by malignant tumours, which were on the rise, injuries and poisoning. Life expectancy had been increasing over the past 10 years, however, and there had been a marked drop in infant and neonatal mortality. Chronic ailments continued to be widespread, in particular diabetes, as well as respiratory, gastrointestinal and dermatological illnesses, circulatory disorders and oncological disease. As to cancer, the health-care system was conducting systematic neoplastic screening campaigns, the cost of which was covered in full by health insurance schemes. In 2002, the

Government was allocating CK 1,300,000 to improve care and set up preventive programmes, notably for colon, breast and cervical cancer. A health-care strategy for all, approved in 1992 and in line with WHO guidelines, had encouraged a change of attitude towards health matters and greater willingness on the part of the population to assume responsibility for its health.

24. Serious problems with regard to tobacco, alcohol and drug consumption, especially by minors, still had to be solved. These problems were the result of the fact that Czech society was very tolerant towards the abuse of those substances. The relentless advertising campaigns of the tobacco industry and the easy access to and low cost of cigarettes had led to a considerable increase in consumption. However, the Parliament had recently passed legislation restricting tobacco advertising. The Ministry of Health was currently preparing a bill to protect children, from foetus to adolescence, against the harmful effects of tobacco and alcohol. That text was consistent with European Union directives, WHO's European Alcohol Action Plan 2000-2005, the European Charter on Alcohol, the Declaration of the General Assembly on the Guiding Principles of Drug Demand Reduction and the draft Framework Convention on Tobacco Control being prepared by WHO.

25. Concerning HIV/AIDS, she said that, according to the official statistics of the Ministry of Health, as of 31 December 2001, 500 persons had been HIV-positive, of whom 148 had contracted AIDS. The Czech Republic was participating in a number of regional initiatives to combat that scourge. The Government was also holding sex education campaigns in schools to discourage high-risk sexual behaviour and prevent the spread of sexually transmitted illnesses, including HIV/AIDS.

26. Ms. ROMANOVA (Czech Republic), replying to a question on whether minorities took an active part in cultural life in conformity with article 15 of the Covenant, said that the legislation on minorities gave them the same rights as the rest of the population, in particular, the right to disseminate information in their own language and have their own cultural centres, museums, libraries, theatres and folklore groups. The Government was well aware of the need to give particular attention to Roma culture, and that was why it planned to make the Museum of Roma Culture a centre that specialized in research on that minority's rich culture. As part of its strategy to make State cultural assistance more effective, the Government was giving priority to large-scale programmes to combat extremism, racism, xenophobia and intolerance, and especially to cultural diversity projects.

27. Mr. CINK (Czech Republic) said that at the request of the Ministry of Education, guidelines had been drawn up for teachers, who used them in teaching tolerance and mutual respect. New legislation on universities adopted in 1999 had introduced major reforms in higher education. There were now three types of university: State universities (3), which were specialized in training police and armed forces officers, public universities (28) and private universities (25). The number of universities had increased, and the number of students had doubled since the early 1990s. Given that the birth rate was declining, it was estimated that 50 per cent of Czech citizens would have a university diploma by 2005.

28. Three bodies were responsible for relations between universities and the State: the Conference of Education Commissioners, the Higher Education Council, which was made up of representatives of 130 faculties, and the Accreditation Committee, which decided whether or not

to authorize a university to offer a particular field of study. Universities were funded in part by State subsidies and in part by their own revenues generated by economic activities and research carried out in their respective fields. The Czech Republic had recently elaborated a national education programme which had met with a broad political consensus. The Government had prepared the programme on the basis of documents on the subject published by UNESCO, OECD, the Council of Europe and the European Union.

29. The special schools in which Roma children were placed had never been meant to marginalize that population group any more than they were for the mentally handicapped. It did have to be said, however, that the percentage of Roma children in those schools continued to be abnormally high. Initially, such schools had been created for children whose educational level had been too low to keep up with the regular curriculum. Even today, those pupils received more attention than pupils in regular primary schools because there were no more than 12 pupils per class as against 25 to 30 in regular classes. Consequently, the allocations for that type of school were twice those for regular schools. The Government had also adopted a strategy to improve education for such children by stepping up pre-school education from the age of three, hiring Roma-speaking teaching assistants starting in nursery school, adopting new criteria for placement in special schools, introducing educational assistance programmes, granting subsidies to Roma families so that their children did not drop out of school and holding classes in Czech, the ultimate objective being to enable all Roma children to return to regular classes within the next 10 years. For the strategy to be successful, Roma families must become aware of the perspectives that education opened for their children.

30. Mr. SCHORM (Czech Republic), referring to the decision of inadmissibility taken by the Constitutional Court on an appeal challenging the constitutionality of placing Roma children in special schools on the ground that the complainants had not exhausted domestic remedies, noted that the Court had nevertheless supported its decision with many arguments as to the merits. Contrary to what had been said, the appeal had thus not been pointless because the Parliament, which was aware of the problem, had already repealed a number of legal provisions on education.

31. Mr. FUCHS (Czech Republic) welcomed the high quality of the dialogue with the Committee and promised to report to his Government on the content of the discussions.

32. The CHAIRPERSON thanked the Czech delegation and said that the Committee had completed its consideration of the initial report of the Czech Republic.

The meeting rose at 12.20 p.m.