

Franet National Contribution to the Fundamental Rights Report 2022

CZECHIA

Contractor's name: Institute of Sociology of the Czech
Academy of Sciences

Authors' name: Zuzana Andreska, Edit Szénássy, Tereza
Stöckelová

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Contents

Franet country study: policy and legal highlights 2021 **Error! Bookmark not defined.**

Chapter 1. Equality and non-discrimination **Error! Bookmark not defined.**

Chapter 2. Racism, xenophobia and related intolerance **Error! Bookmark not defined.**

Chapter 3. Roma equality and inclusion **Error! Bookmark not defined.**

Chapter 4. Asylum, visas, migration, borders and integration **Error! Bookmark not defined.**

Chapter 5. Information society, privacy and data protection **Error! Bookmark not defined.**

Chapter 6. Rights of the child **Error! Bookmark not defined.**

Chapter 7. Access to justice **Error! Bookmark not defined.**

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities **Error! Bookmark not defined.**

Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	Act guaranteeing the rights of children to participate in court proceedings came in effect: The act for the first time systematically regulates the position of the Probation and Mediation Service in proceedings that involve children under 15 years of age who have committed a criminal offense, and ensures that children are heard in court proceedings.
EU Charter of Fundamental Rights	No significant development identified.
Equality and non-discrimination	Bill on same sex marriage abandoned: The Parliament discussed the bill on equal marriage put forward by a group of MPs in 2018, but it was abandoned after the October 2021 parliamentary elections and a new bill has not yet been submitted.
Racism, xenophobia & Roma integration	Bill on compensation for the unlawful sterilization of women passed: In a landmark vote, on 22 July the Senate passed the bill allowing for the financial compensation of women , many of whom were Roma, who were sterilised against their will or without proper consent from 1 July 1966 to 31 March 2012.
Asylum & migration	No significant development identified.
Data protection and digital society	Bill on COVID-19 passport criticised: The Office for Personal Data Protection opined that the proposed bill's explanatory memorandum lacked an assessment of its compliance with the principle of non-discrimination, the right to privacy, the right to personal dignity, privacy, and the protection of personal data.
Rights of the child	Ban on the placement of infants up to three years of age into institutional care approved: Based on the Parliament's decision from 2024 no infants should be placed in institutional care and foster parents should received an increased wage.
Access to justice, including victims of crime	According to a study lockdowns lead to an increase in violence in domestic settings: Based on a research by academic institutions and intervention centers lockdowns implemented in connection with the COVID-19 pandemic accelerated domestic violence but slowed down the provision of assistance to victims.
Convention on the Rights of Persons with Disability	Optional Protocol of the CRPD ratified: the Government ratified the Optional Protocol, which would allow individuals and groups to submit complaints against the Czech Republic to the CRPD.

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

EU citizens

The Public Defender of Rights (PDR) conducted research regarding the alleged discrimination of EU citizens in the case of access to public libraries in the Czech Republic, which are places important for studying and increasing access to the labour market. The PDR identified problematic rules regarding both online and offline registration at libraries.¹ Some library regulations stipulate problematic conditions for EU citizens regarding registration (proof of permanent residence in the Czech Republic is required and a different minimum age limit for registration applies to EU citizens, who must be at least 18, compared to age 15 for Czech citizens).

The Research Institute of Labour and Social Affairs has an ongoing project, the aim of which is to map current integration needs and barriers regarding the integration of selected subpopulations of foreign nationals living in the Czech Republic. The barriers and integration needs that are identified will serve as integration policy measures and recommendations. The project will also include the implementation of an extensive questionnaire survey aimed at selected subpopulations of foreign nationals from the European Union and third countries.²

At the end of 2020 the Public Defender of Rights commissioned a study on the experience of migrant workers from the European Union and their family members living in the Czech Republic. The study focused on various areas of life, such as employment. Follow-up recommendations for authorities and self-governing units are currently being finalised. So far no research output or recommendations have been published (the expected date of publication is the end of 2021). The research included 1,000 respondents in the quantitative part (questionnaire survey) and 30 respondents in the qualitative part (semi-structured in-depth interviews).³

The Public Defender of Rights also dealt with other issues affecting EU citizens. One of them was registration for vaccination against COVID-19 for persons who do not have Czech public health insurance or are not registered in the Czech public health insurance (self-employed). Until June 2021 these people were not eligible to register for a vaccination at all, although they otherwise met the conditions. This mainly concerned third-country nationals, but also some EU nationals. The Public Defender of Rights initiated a communication with the Ministry of Health on

¹ Czech Republic, Public Defender of Rights (2021), Access of EU Citizens to Library Services in the Czech Republic ([Přístup občanů EU ke knihovním službám v ČR](#)), Brno.

² For more information see <https://www.vupsv.cz/projekty/?id=372>.

³ Information provided by JUDr. Iva Fellerová Palkovská, Ph.D, a lawyer in the Department of Equal Opportunities of the Public Defender of Rights, via e-mail on 9 November 2021.

this matter and as a result these categories of people became eligible for registration. No public output is available.⁴

The Public Defender of Rights dealt with the entry onto Czech territory for family members of EU citizens during the lockdown periods. One of the Ministry of Health's extraordinary measures favoured family members of Czech citizens, but not EU citizens in the same situation. The issue is pending, and the results are not yet publicly available.⁵

Same-sex marriage

The Chamber of Deputies of the Czech Parliament discussed at its 100th meeting⁶ in April the bill on equal marriage, which was put forward by a group of MPs in 2018. The bill was discussed at length by the Parliamentary committees and then again by all Members of Parliament. However, the bill was not voted on before the October 2021 parliamentary elections and was abandoned as the Chamber of Deputies' 8th election period came to an end.⁷ The bill was nevertheless of major importance because of the significance of the issue of same-sex marriage for LGBTI equality. The process of the unsuccessful adoption of the bill was documented by the Czech film-maker Barbora Chalupová in a documentary titled *The Law of Love*, which premiered in 2021.⁸

The adoption of children by same-sex couples

A member of the Chamber of Deputies proposed extending an amendment to the Act on the Social and Legal Protection of children⁹ (*Zákon o sociálně-právní ochraně dětí*), as well as the Civil Code, so that any two people (including same-sex couples who live in registered partnership) can become adopting parents.¹⁰ While a single person is eligible to become an adopting parent, only legally married spouses can adopt a child as co-parents (based on § 964(1) of the Civil Code), which excludes sex-same couples under current legislation. Passing of the amendment required the support of 57 members of the Chamber, but only 54 were in favour.¹¹

Under Czech law (sec. 800 of the Civil Code) spouses or one of the spouses is eligible to adopt a child. In exceptional cases another individual may adopt the child; in this case the court can also decide that the record of the other parent

⁴ Information provided by JUDr. Iva Fellerová Palkovská, Ph.D, a lawyer in the Department of Equal Opportunities of the Public Defender of Rights, via e-mail on 9 November 2021.

⁵ Information provided by JUDr. Iva Fellerová Palkovská, Ph.D, a lawyer in the Department of Equal Opportunities of the Public Defender of Rights, via e-mail on 9 November 2021.

⁶ Czech Republic (2021), Chamber of Deputies of the Parliament of the Czech Republic (*Poslanecká sněmovna Parlamentu České republiky*), [transcript of the 100th session](#), 29 April 2021.

⁷ Czech Republic (2021), [Draft Bill No. 201](#) amending the Civil Code, 8th election period of the Chamber of Deputies.

⁸ Chalupová, B. (2021), *The Law of Love (Zákon lásky)*, Česká televize.

⁹ Czech Republic (2020), [Draft Bill No. 911](#) amending the Act on the Social and Legal Protection of Children, 8th election period of the Chamber of Deputies, 24 June 2020.

¹⁰ Czech Republic (2021), [MP Amendment No. 7763 by Karla Šlechtová](#) amending [Draft bill No. 911](#) amending the Act on the Social and Legal Protection of Children; 8th election period of the Chamber of Deputies, 17 March 2021.

¹¹ Czech Republic (2021), [Draft Bill No. 911](#) amending the Act on the Social and Legal Protection of Children; 8th election period of the Chamber of Deputies, [Record of vote No. 47](#) on MP Amendment No. 7763 by Karla Šlechtová, 9 August 2021.

shall be deleted from the register. Therefore, a single (unmarried) heterosexual and/or homosexual person can under exceptional circumstances adopt a child; however, an unmarried or registered (i.e. unmarried) couple cannot adopt together. The Act on Registered Partnership used to contain a provision under sec. 13 para 2, which stated that registered partnership precludes any of the two partners to adopt a child (as an individual person). This section of the act was criticised by the Constitutional Court in 2016¹² as it interferes with human dignity and private life in a discriminatory manner.

Trans people's rights

The Constitutional Court¹³ revoked the decision of the High Court in Prague, according to which a transgender girl with Asperger's syndrome was awarded less compensation for her injury on the grounds that as a person on the autistic spectrum she was not able to comprehend the harm caused to her to the same extent as an average person would. (The girl was repeatedly raped by a male co-patient; she was hospitalised in the boys section of a psychiatric ward. For details see the case law in Annex 2.)

The Constitutional Court has not yet decided whether the relevant provisions of domestic law, requiring sterilisation before legally assigned sex can be changed, are unconstitutional. The case was assigned to the reporting judge (the same judge as in the previous case regarding the transgender patient), and the decision is awaited.¹⁴

Similarly, the bill to abolish the legal requirement of sterilisation to undergo a change of legally assigned sex was neither debated nor adopted in the Parliament.¹⁵

Adoption of strategies

In April the Government Strategy for Equality and the Removal of Barriers to a Dignified Life for LGBTI+ People in the Czech Republic 2021 – 2026 (*Vládní strategie rovnosti a odstraňování bariér důstojného života LGBTI+ lidí*) was presented for comments to the public. The Strategy was prepared under the auspices of the government representative for human rights together with the Committee for Sexual Minorities. It is the first government document of its kind and it covers six thematic areas: dignity and the right to self-determination, family relations, employment, social issues and health, education, and the institutional protection of LGBTI+ rights.

¹² Czech Republic, Constitutional Court of the Czech Republic, [Decision of the Constitutional Court from 14 June 2016, Pl. ÚS 7/15.](#)

¹³ Czech Republic, Constitutional Court of the Czech Republic, [Decision of the Constitutional Court from 3 August 2021, II. ÚS 3003/20.](#)

¹⁴ See [the list of undecided plenary cases on the Constitutional Court's website](#); the proceedings in question were assigned the number [Pl. ÚS 2/20.](#)

¹⁵ See the [2018 draft bill, internally proposed by the Ministry of Justice, and related documents.](#)

On 8 April the Government approved the Gender Equality Strategy for 2021 – 2030 (*Strategii rovnosti žen a mužů na léta 2021 – 2030*),¹⁶ which is the strategy that has the most relevance for the field of LGBTI rights, as there is so far no specific government strategy aimed solely at this group. The Strategy aims to adopt an intersectional perspective.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

LGBTI people

The Public Defender of Rights published a Recommendation regarding the situation of intersex people and their families (*Situace lidí s variacemi pohlavních znaků a jejich rodin*).¹⁷ The Recommendation covers selected issues (health interventions in the case of children without their informed consent, access to information for intersex people and their families, awareness among experts and the general public, data collection, and the mapping of the status quo). The Recommendation is based on two studies conducted by the Palacký University on the legal and social aspects of the lives of intersex people in the Czech Republic¹⁸ and in an international context.¹⁹ The first study is based on two types of data sources. The first of them are in-depth interviews carried out with two representatives of the LGBT+ community and with relevant health professionals. The study also includes publicly available expert texts, both in Czech and foreign languages, based on both medical (e.g. casuistics) and social science. The second study focuses on the international context, and offers a legal analysis of the main areas in which the Czech legal system potentially contravenes the human rights of LGBT+ people. This study builds on the findings of the first one conducted within the same research project and at the same time on a number of publications mapping LGBT+ people's experiences.

The National Institute for Mental Health, together with Prague Pride and Queer Geography organised an expert workshop 'Discrimination of LGBTI+ people – what

¹⁶ Czech Republic, Office of the Government of the Czech Republic, (2021), [Gender Equality Strategy 2021 – 2023](#).

¹⁷ Czech Republic, Public Defender of Rights (2021), The situation of people with variations of sex organs and their families ([Situace lidí s variacemi pohlavních znaků a jejich rodin](#)), Brno, The Office of the Public Defender of Rights, 31 August 2021.

¹⁸ Dušková, Š. (2021), The social and legal aspects of the life of intersex people in Czechia: Base study – legal aspects of the life of intersex people in Czechia and in international context ([Sociální a právní aspekty života intersex lidí v Česku: Podkladová studie – právní aspekty života intersex lidí v Česku a v mezinárodním kontextu](#)). Faculty of Arts, Palackého University in Olomouc (Filozofická fakulta Univerzity Palackého v Olomouci), Olomouc.

¹⁹ Fafejta, M. and Sloboda, Z. (2021), The social and legal aspects of the life of intersex people in Czechia: Base study – the social aspects of the life of intersex people in Czechia ([Sociální a právní aspekty života intersex lidí v Česku: Podkladová studie – sociální aspekty života intersex lidí v Česku](#)). Faculty of Arts, Palackého University in Olomouc (Filozofická fakulta Univerzity Palackého v Olomouci), Olomouc.

do we know from mental health research'. The workshop primarily targeted experts (therapists, journalists, and social workers).

Prague Pride also published two manuals for social workers on the specificities of social work with respect to the diversity of genders, sexualities, and relationships²⁰ and on LGBTI+ families within the system of foster care and adoptions.²¹

The organisation Queer Geography is currently conducting research on LGBT+ health called 'Mapping Care Offered to LGBT+ People'.²² The survey is aimed primarily at care providers.

An initiative promoting the rights of LGBTI+ people Jsme fér (We are Fair) contracted the research agency NMS Market Research to carry out a survey on whether gay and lesbian couples should have the right to marry. A total of 65% of the 1035 participants over the age of 18 were in favour.²³

The Pride Business Forum, which is a platform supporting employers in implementing LGBT diversity principles and employees in efforts to ensure their employers are delivering a fair approach to all regardless of sexual orientation and gender identity, organised a survey 'LGBT+ People Employed in the Public Sector'.²⁴ The online survey conducted by the organisation Queer Geography revealed that four out of ten LGBT+ people do not talk openly about their sexual orientation at work. Moreover, one-fifth of LGBT+ people faced discrimination at work.

²⁰ Prague Pride (2020), The specificities of social work respecting the diversity of genders, sexualities and relationships ([Specifika sociální práce respektující genderovou, sexuální a vztahovou rozmanitost](#)).

²¹ Prague Pride (2021), Rainbow families within the system of surrogate family care ([Duhové rodiny v systému náhradní rodinné péče v ČR](#)).

²² Queer geography (2021), Mapping care provided to LGBT+ people ([Mapování poskytované péče pro LGBT+ lidi](#)).

²³ Jsme fér (2021), New survey: Marriage for all supported by 65% of Czechs ([Nový průzkum: Manželství pro všechny podporuje 65 % Čechů a Češek](#)), 9 September 2021.

²⁴ Pride Business Forum (2021), LGBT+ people in public employment ([LGBT+ lidé zaměstnaní ve veřejném sektoru](#)).

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

The annual report²⁵ on hate crime published by the Ministry of the Interior's Security Policy Department noted that the Internet, and in particular social media, are a significant source of spreading expressions of hate in the Czech Republic. While most online hate speech is targeted at Muslims, migrants, and Roma, the report reminds that the range of harassed people is on the rise. In 2020 the Police identified 134 criminal acts motivated by prejudicial hatred, and 98 people were charged with crimes of racist, ethnic or other hate motives. Seventy-four people were sentenced for such crimes.

The most high-profile case with respect to violence against Roma concerned the case of Stanislav Tomáš, a 46-year-old Roma man, who on 19 June 2021 died shortly after a police intervention in his hometown Teplice.²⁶ Mr Tomáš was pinned to the ground by police officers who knelt on his neck for several minutes, and died shortly after in an ambulance. A witness recorded the scene with a mobile phone, and the footage subsequently went viral. While the Police claimed the cause of his death was drug use, Roma activists compared the death of Mr Tomáš to that of George Floyd, and called on the Police to immediately investigate the adequacy of the force used.²⁷ State authorities and prominent officials rushed to declare their support for the Police before any official conclusion was reached about the legality of the procedure. Within days of the incident the Minister of Interior Jan Hamáček announced that intervening police officers had his full support,²⁸ the Prime Minister Andrej Babiš thanked officers for their work,²⁹ and President Miloš Zeman claimed that the Council of Europe, which called for an urgent independent investigation into the death of Mr Tomáš,³⁰ should concern itself with something else. The case resulted in considerable national as well as international attention and on 30 June 2021 the family of Mr Tomáš filed a criminal complaint against the Police with the legal support of the Budapest-based Roma

²⁵ Ministry of the Interior, Security Policy Department (2021) Report on Manifestations of Extremism and Prejudicial Hatred on the Territory of the Czech Republic in 2020 ([Zpráva o projevech extremismu a předsudečné nenávisti na území České republiky v roce 2020](#)), Praha.

²⁶ Romea.cz (2021) [Romani man dies after Czech Police kneel on his neck, they say drugs caused his death. Romani activists see parallels to George Floyd](#), 21 June 2021.

²⁷ Romea.cz (2021) [Romani man dies after Czech Police kneel on his neck, they say drugs caused his death. Romani activists see parallels to George Floyd](#), 21 June 2021.

²⁸ Romea.cz (2021) [Czech Interior Minister backs police intervention against Romani man in Teplice during which officers knelt on detainee's neck](#), 22 June 2021.

²⁹ Romea.cz (2021) [Czech Prime Minister thanks police officers for their intervention against a Romani man who later died in Teplice, claims it wasn't easy for them](#), 23 June 2021.

³⁰ Council of Europe (2021) [Czech Republic: Council of Europe calls for urgent independent investigation into Romani man's death](#), Statement by the Spokesperson of the Secretary General press release 23 June 2021.

rights advocacy organisation European Roma Rights Centre (ERRC).³¹ On 26 October the Police published an autopsy report, according to which no connection between the police intervention and the man's death was found; ERRC continues to pursue the case.³² Monika Šimůnková, the Czech Deputy Public Defender of Rights claimed in a TV interview that she will pursue an investigation into the incident,³³ as did the Government Human Rights Commissioner Helena Válková.³⁴ Human rights activists demanded that, among other things, police officers receive human rights training and that the officers who intervened in the incident which lead to the death of Mr Tomáš are suspended until the investigation of the case is fully concluded.³⁵ The Deputy Ombudsman's research on the lawfulness of the Police intervention³⁶ found that the Police committed three major errors in their actions. Firstly, according to the Deputy Ombudsman's investigation the police officers called an ambulance with a three-minute delay, even though it was evident from the beginning of the intervention that Mr Tomáš was in need of medical assistance. Secondly, the officers involved did not determine that Mr Tomáš stopped displaying signs of life in due time. Thirdly, the officers failed to remove the man's handcuffs and did not commence resuscitation after his collapse but simply waited for the ambulance to arrive. In addition, the report found that the Ústí nad Labem Regional Police Directorate did not include the ambulance crew's testimony in their investigation. This bears particular significance as the police officers claimed that with the officers' assistance Mr Tomáš was able to get up from the ground before being placed on the stretcher brought by the ambulance. However, the ambulance crew testified that the man did not display signs of life when he was placed on the stretcher. The ERRC welcomed the findings of the Deputy Ombudsman, called the official Police investigation "flawed" and emphasized that messages of support from major political figures for the police officers before the completion of the investigation of the police intervention points to "institutional racism".³⁷

In March 2021 Czech media^{38,39} reported on the results of a survey which mapped the values attitudes of Czech and Slovak youth. Out of the 1508 Czech participants in the age group 15-29 years 11% expressed negative opinions of gays and

³¹ European Roma Rights Centre (2021) [Family of Stanislav Tomáš file criminal complaint against Czech Police with ERRC support](#), press release 30 June 2021.

³² Romea.cz (2021) [Czech Police: Autopsy clears us in death of Stanislav Tomáš, attorney for his family doubts its findings, ERRC says they will continue to pursue justice despite police rhetoric](#), 26 October 2021.

³³ Romea.cz (2021), [Czech Deputy Public Defender of Rights will investigate controversial police intervention after which Romani community member Stanislav Tomáš died](#), 23 June 2021.

³⁴ Romea.cz (2021), [Czech Govt Human Rights Commissioner calls for investigation of police intervention against Romani man who later died to be made a priority](#), 24 June 2021.

³⁵ Romea.cz (2021), [Human rights activists: Czech police officers who intervened against Stanislav Tomáš should be suspended until investigations end, ban kneeling on the neck during interventions](#), 28 July 2021.

³⁶ Czech Republic, Public Defender of Rights (2021), Investigation report 4022/2021/VOP ([Zpráva o šetření 4022/2021/VOP](#)).

³⁷ European Roma Rights Centre (2021), [Public Defender finds Czech police at fault in the death of Romani man Stanislav Tomáš](#), press release 14 December 2021.

³⁸ iRozhlas (2021), Survey: Young Czechs and Slovaks differ in their attitudes. Czechs are more tolerant towards drugs, Slovaks towards minorities ([Průzkum: Mladí Češi a Slováci se liší v postojích. Češi jsou tolerantnější k drogám, Slováci k menšinám](#)), 20 March 2021.

³⁹ Romea.cz (2021), [Czech and Slovak youth have different attitudes toward minorities - Czechs are more LGBT-tolerant, Slovaks more tolerant of immigrants or Muslims](#), 29 March 2021.

lesbians and 16% said that they would not want a transgender person as their neighbor. The survey found that Czech youth had rather negative opinions of Muslims (51%) and that they disliked immigrants (48%). The survey is not publicly available and was commissioned by the Czech Council of Children and Youth (ČRDM) and the Council of the Youth of Slovakia.

A representative survey for the age group 15 to 36 years⁴⁰ was conducted by a poll agency, mapping the attitudes of young Czechs toward vulnerable minorities. The survey was commissioned by the project A Place for All – Building a Space for Mutual Coexistence/Hatefree Culture (under the auspices of the Government of the Czech Republic). The number of survey participants is unclear, but media mention approximately 2,000 participants.⁴¹ A significant number of young people think that the discrimination of Vietnamese people is still an issue in the Czech Republic (41%). Very few participants reported that they would not want a Vietnamese neighbour (5%) or a Vietnamese colleague (5%). With respect to Roma, 68% agree that Roma are still discriminated in the Czech Republic, but 86% opine that Roma are difficult to coexist with. Compared to a similar survey conducted in 2014 the results show that young Czechs are less biased towards minorities and they are less appreciative of racist jokes. The youngest participants were found to have the most positive attitudes towards minorities and the greatest respect for human rights.

The non-governmental organisation ARA ART published a research study on the situation of LGBT+ Roma in the Czech Republic, Slovakia and Hungary.⁴² The research report provides insight into multiple/intersectional discrimination regarding the situation of LGBTIQ Roma from the perspective of public authorities and NGOs working in the field. The main country-specific findings are the following: (1) There is no specific body to monitor intersectional discrimination. As evidenced by the recent annual report, the Czech Ombudsperson has ceased to apply the perspective of multiple/intersectional discrimination; (2) LGBT+ Roma are not the target group for larger NGOs and only a handful of small NGOs focus on this group. The report mentions that in all three countries NGOs working on intersectional issues are disadvantaged compared to those who work on one issue exclusively (e.g. only Roma or only LGBT+ topics). Such NGOs are often too small to be able to meet the co-financing criterion when applying for large grants from EU funding or national subsidies, and other funding for LGBTIQ issues is almost non-existent. (3) LGBTIQ Roma represent a particularly vulnerable group,

⁴⁰ Median (2021) ([Postoj mladých lidí k menšinám se posouvá k vyšší toleranci. Soužití s Romy je ale stále vnímané problematicky](#)).

⁴¹ Romea.cz (2021) [Median polling agency says Czechs consider coexistence with Roma problematic, but younger people's attitudes toward the minority are improving](#), 23 October 2021.

⁴² ARA ART (2021) [The Roma LGBTIQ minority and its status in selected EU countries \(CZ, SK and HU\)](#).

especially during the COVID-19 pandemic, yet the healthcare system and the majority of NGOs are unable to take the needs of LGBTIQ Roma into account.

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

There are no significant developments in the European Commission's infringement procedure against the Czech Republic, no. INFR(2014)2174, which concerns the case of D.H. and Others vs the Czech Republic in relation to the decision of the European Court of Human Rights on the racial segregation of Roma children in Czech schools. The issue of Roma children's education is, however, one of the Ombudsperson's top three priority areas of interest.

The Ministry of the Interior annually publishes three documents relevant to racism and xenophobia. The annual report on extremism and hate crime⁴³ outlines the extent and nature of extremist movements in the country and provides statistical information on hate crime (including hate crime committed by security forces). The Action Plan for the Fight against Extremism and Bias Crime 2021-2022⁴⁴ serves as the implementation plan for the first two years of the national strategy. The national strategy is called Concept document for the Rights against Expressions of Extremism and Bias Crime; the current version is valid for the period 2021-2026⁴⁵ (prior to 2020 it used to be an annual document). The current strategy defines three strategic areas of concern: (1) protection of crime victims through unified, clear and transparent policies and actions; (2) protection of democracy through establishing processes and expertise for the early detection of hate crime committed and organized online; (3) building up and supporting resistance through awareness raising about populism and antidemocratic ideologies.

The company Cesta do školy (The Journey to School) collaborated with the Museum of Romani Culture to produce the first ever materials (posters) for primary schools about Roma history, culture, and language. In an interview with the Roma news portal Romea Jarmila Klímová from the Comenius Museum in Přerov, which also exhibited the posters, said: 'This is the first time in Czech history and in Czech education that we have images dedicated to Roma people not from the perspective of them as victims, but from the perspective of an ethnic group with its own culture and history.'⁴⁶

⁴³ Ministry of the Interior (2021), [Report on Extremism in the Territory of the Czech Republic in 2020](#).

⁴⁴ Ministry of the Interior (2021), Action Plan for the Fight against Extremism and Bias Crime 2021-2022 ([Akční plán boje proti extremismu a předsudečné nenávisti 2021-2022](#)).

⁴⁵ Ministry of the Interior (2021), Concept document for the Rights against Expressions of Extremism and Bias Crime 2021-2026 ([Koncepce boje proti projevům extremismu a předsudečné nenávisti 2021-2026](#)).

⁴⁶ Romea.cz (2021), [Czech Museum of Romani Culture collaborates on first-ever posters for primary schools about Romani art, history, language, literature and music](#), 28 April 2021.

In a landmark vote, on 22 July the Senate passed the bill⁴⁷ allowing for the financial compensation of women who were sterilised against their will or without proper consent. According to the bill persons who were unlawfully sexually sterilised from 1 July 1966 to 31 March 2012 in a health facility are liable for a one-time compensation payment of 300,000 CZK (approximately 12,000 EUR). The law will come into force on 1 January 2022 and the compensation must be claimed within three years from this date. The battle to pass the law on financial compensation for sterilisations without consent was first opened by the European Roma Right Centre in 2004.⁴⁸ The issue was pursued by the late Czech Ombudsperson Otakar Motejl, who in 2005 addressed the fact that the majority of women who were being unlawfully sterilised since the 1970s were of Roma ethnicity.⁴⁹ Roma and human rights organisations welcomed the approval of the bill.^{50,51}

In 2021 Norway Grants supported a series of projects which aim to increase Roma civil society participation on the regional level. The (district) Municipality of Prague 3⁵² is the beneficiary of a project which has created a new position for a Roma advisor at the municipal office, who will act as a mediator. The project will also link the municipality to local NGOs that deal with Roma issues. Similarly, the town of Tábor⁵³ received funding support to introduce two Roma advisors, who will increase the social inclusion of Roma and improve the coexistence of Roma and non-Roma in the town. A Roma platform enhancing Roma participation in decision-making processes in the Moravian-Silesian and the Olomouc regions will be established by the Diocesan Caritas Ostrava-Opava.⁵⁴ The aims of the project include creating a space for discussion on Roma issues on the regional level, strengthening the capacities of Roma leaders, and conducting an awareness-raising campaign in the majority population. A platform focusing on the integration of Roma through housing initiatives will be implemented in the Pilsen region.⁵⁵ The project will initiate the creation of the Pilsen Romani Council, which will contribute to building Roma civil society and to solving inclusion-related issues.

⁴⁷ The Senate of the Parliament of the Czech Republic (2021), Bill on providing a one-off financial compensation for persons sterilised in conflict with the law ([Návrh zákona o poskytnutí jednorázové peněžní částky osobám sterilizovaným v rozporu s právem a o změně některých souvisejících zákonů](#)).

⁴⁸ European Roma Rights Centre (2004), [Clarifying Positions: Coercive Sterilisations of Romani Women in the Czech Republic](#), press release 16 September 2021.

⁴⁹ Motejl, Otakar (2005), Public Defender of Rights, 'Final Statement of the Public Defender of Rights in the Matter of Sterilisations Performed in Contravention of the Law and Proposed Remedial Measures', Brno.

⁵⁰ Amnesty International (2021), [Czech Republic: Hard won justice for women survivors of unlawful sterilisation](#), press release 22 July 2021.

⁵¹ Romea.cz (2021), [Czech President signs law to compensate the victims of illegal sterilisations](#), 3 August 2021.

⁵² EEA and Norway Grants (2021) [Support of the Roma Minority in the Prague 3 Municipality](#), 8 November 2021.

⁵³ EEA and Norway Grants (2021) [All together](#), 8 November 2021.

⁵⁴ EEA and Norway Grants (2021) [Roma leaders - the drivers of change](#), 20 October 2021.

⁵⁵ EEA and Norway Grants (2021) [Platform for the improvement of Roma integration in the Plzen Region](#), 8 November 2021.

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	Strategy for the Equality, Inclusion and Participation of Roma 2021-30 (Strategie rovnosti, začlenění a participace Romů 2021–2030)
Please add a hyperlink if the strategy is publicly available.	
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	Other (please specify) The evaluation of the previous Strategy is in progress and will be available by the end of 2021.
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	Yes The Annex lists indicators for all specific aims.
Was Roma civil society involved in the development of the strategy? Please provide examples?	Yes The first draft of the Strategy was authored by the following subjects: <ul style="list-style-type: none"> - The Department of the Office of the Czech Government Council for Romani Minority Affairs; - Secretariat of the Czech Government Council for National Minority Affairs. These fall under human rights section of the Office of the Government of the Czech Republic prepared the first draft of the strategy, which opened the Strategy for public consultation in April 2020. The initial online consultation was criticised by Romani organisations, and the first draft version was revised by civil pro-Roma and Roma society organisations in a joint workshop in June 2020. ⁵⁶ Further revisions continued to be made until November 2020.
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	Yes No specific details are given.
Does the new strategy link to the operational programmes for	Yes

⁵⁶ Romea.cz (2021), [Czech Govt approves crucial Strategy on including Romani people, Commissioner for Romani Affairs to be created](#), 11 May 2021.

The Ombudsperson Stanislav Křeček, who took office last year in spite of considerable criticism from public intellectuals over his arbitrary statements on fundamental human rights issues,⁵⁷ and who had previously claimed that discrimination against Roma is only a marginal problem in Czech society,⁵⁸ issued a statement⁵⁹ on the new Strategy on 11 January 2021 (before its adoption). In his official communication, the Ombudsperson criticised non-governmental organisations and the Agency for Social Inclusion for failing to produce sufficient data about the situation of Roma in the country. Mr Křeček denied that Roma in the Czech Republic face any systematic discrimination on the housing market and called on the ethnic group to rectify their behavior and not devastate the housing units they are living in. Specifically, the Public Defender of Rights said: 'Anybody even just superficially familiar with the issue of housing and Roma people knows and will confirm that the problems with housing that some Roma people actually have are not because of discrimination, but because a significant proportion of them devastate the housing stock and thereby transform parts of towns into excluded localities. Landlords' distaste for entrusting Roma people with using their apartments stems from their behavior. Discrimination has nothing to do with it.' (translation by Romea.cz)⁶⁰ He also criticised the Strategy for entrusting the Office of the Public Defender of Rights with the task of compiling a report on unlawful sterilisations. The report should be written in cooperation with the Office for the Documentation and Investigation of the Crimes of Communism by the end of 2024. In a 2005 report the late Ombudsperson Otakar Motejl was first to address the issue of state-backed illegal sterilisations, emphasizing that the majority of women who were unlawfully sterilised were of Roma ethnicity.⁶¹ The Deputy Public Defender of Rights Monika Šimůnková expressed her objections to the official comments published by Mr Křeček, and Ms Šimůnková claimed that owing to her critical remarks the Ombudsperson removed her from three governmental human rights-related councils.⁶² Mr Křeček, the Ombudsperson, later denied having removed his Deputy from the governmental councils, to which she reacted in a public statement, defending her claim that she was removed from those roles by her supervisor.⁶³ In February the representatives of 16 prominent non-

⁵⁷ The open letter is [available online](#).

⁵⁸ Birdmanová, M. (2020), Křeček: I don't support any type of segregation of Roma. But they should also not be subject to special treatment ([Křeček: Žádnou segregaci Romů nechci. Ať ale nemají zvláštní zacházení](#)), *Seznam Zprávy*, 14 July 2020.

⁵⁹ Public Defender of Rights (2021) Comments of the Public Defender of Rights on the Strategy for Romani integration 2021-2030 ([Připomínky veřejného ochránce práv ke Strategii romské integrace 2021 – 2030](#)), 11 January 2021.

⁶⁰ Romea.cz (2021) [Czech ombudsman criticizes draft Roma Strategy, rejects idea of updating information about compensation for forced sterilisations](#), 19 January 2021.

⁶¹ Motejl, Otakar (2005), Public Defender of Rights, 'Final Statement of the Public Defender of Rights in the Matter of Sterilisations Performed in Contravention of the Law and Proposed Remedial Measures', Brno.

⁶² Romea.cz (2021), [Czech ombudsman removes his deputy from Govt councils after she disagrees with his official comments on the Roma Strategy](#), 21 January 2021.

⁶³ Romea.cz (2021), [Czech Deputy Public Defender of Rights says Public Defender of Rights is publicly misrepresenting what she said to him](#), 22 January 2021.

governmental organisations working in the field of human rights and Roma rights called on the Lower House and Prime Minister Andrej Babiš to officially distance themselves from the remarks made by the Ombudsperson about Roma people. The signatories to their open letter⁶⁴ claimed that since assuming office in February 2020, the Ombudsperson had made a number of comments that negatively impacted the dignity of Roma, strengthened anti-Roma sentiments, and instigated hate in Czech society. The Ombudsperson's statements are inconsistent with the objectives of the Strategy, which for the first time specifically addresses anti-Gypsyism. Alongside equality and inclusion, education, housing, employment, and health, anti-Gypsyism is one of the six core thematic areas the strategy focuses on.

3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

Before and during the 2021 census several organisations ran campaigns⁶⁵ ⁶⁶ encouraging Czech Roma to declare their ethnic background in the census. The Czech Statistical Office also encourages national minorities to declare their belonging,⁶⁷ and the census form was for the first time available in the Romani language. Roma in the Czech Republic have traditionally refrained from declaring their ethnic background (phrased as national belonging or nationality in Czech), which prevents Roma exercising some of their rights as an ethnic minority. For instance, according to § 117 art. 3 of the Municipal Order,⁶⁸ in municipalities where at least 10% of the population declare they belong to an ethnicity (nationality) other than Czech, the ethnic minority has the right to request the establishment of their own national minority committee. According to media sources no Roma succeeded in gaining a seat the Chamber of Deputies during the 2021 parliamentary elections,⁶⁹ which a Romani candidate interpreted as an indication of the fact that the interest of Czech Roma in the elections was low.⁷⁰

In September the Czech Senate endorsed an amendment to of the Act on the Social and Legal Protection of Children, which, according to the Minister of Labour and Social Affairs Jana Maláčová, will effectively end the institutional care of

⁶⁴ Open letter on the anti-Roma remarks made by Stanislav Křeček ([Otevřený dopis k protiromským výrokům Stanislava Křečka](#)), 16 February 2021.

⁶⁵ Romea.cz (2021), [Online Romanes-language video calls on Roma to declare Romani nationality during the Czech census](#), 3 March 2021.

⁶⁶ The website of the campaign Amen Sam Roma (We are Roma) is available [here](#).

⁶⁷ Czech Statistical Office (2021), [Hlas národnostních menšin může být díky Sčítání 2021 více slyšet](#), press release 19 February 2021.

⁶⁸ Czech Republic, Act No. 128/2000 Coll., on Municipalities (the Municipal Order).

⁶⁹ Romea.cz (2021) [Czech elections once again fail to elect a Romani legislator to the lower house](#), 10 October 2021.

⁷⁰ Romea.cz (2021) Marcel Ščuka: Roma did not come to vote, the election results are a failure for all of us ([Romové k volbám nepřišli, výsledek je prohra nás všech](#)), 10 October 2021.

children up to the age of three by 2025.⁷¹ In its decision from 17 June 2020⁷² the Council of Europe's Committee of Social Rights (ECSR) denounced the Czech Republic for extensively placing Roma children and children with disabilities into residential facilities specifically designed for very young children. The current amendment responds to this criticism and establishes increased financial support for foster care. It also severely restricts the placement of children under the age of four into institutional care. According to a 2021 study published by the Ministry of Labour and Social Affairs, 53% of children currently placed in residential facilities for very young children have Romani ethnicity.⁷³

In a landmark vote on 22 July the Senate passed the bill⁷⁴ allowing for the financial compensation of women who were sterilised against their will or without proper consent. According to the bill, persons who were unlawfully sexually sterilised from 1 July 1966 to 31 March 2012 in a health facility are eligible for a one-off compensation payment of 300,000 CZK (approximately 12,000 EUR). The law will come into force on 1 January 2022 and the compensation must be claimed within three years from this date. The battle to pass the law on financial compensation for sterilisations without consent was first opened by the European Roma Right Centre in 2004.⁷⁵ The issue was pursued by the late Czech Ombudsperson Otakar Motejl, who in 2005 addressed the fact that the majority of women who were unlawfully sterilised from the 1970s were of Roma ethnicity.⁷⁶ Roma and human rights organisations welcomed the approval of the bill.^{77 78}

Owing to the COVID 19 pandemic, the majority of primary and secondary schools were closed in the 2020-2021 school year, with just some exceptions. The NGO People in Need, in cooperation with 15 other non-governmental organisations, conducted a survey focusing on access to distance learning among students of primary and secondary schools from socially disadvantaged localities.⁷⁹ The questionnaire-based survey was completed in November and December 2020 by 801 clients of the NGOs in ten regions of the country. The results of the survey show that 20% of parents had no contact with schools, and 15% of respondents said that they use unidirectional learning platforms, which only allow for the

⁷¹ Ministry of Labour and Social Affairs (2021) The Senate endorsed support for foster care ([Senát podpořil posílení pěstounské péče](#)), press release 9 September 2021.

⁷² European Committee of Social Rights (2021), [Decision on the Merits Complaint No. 157/2017](#), 17 June 2020.

⁷³ Alarm (2021), Children's homes have four times as many children over the age of four than toddlers and 53 per cent are of Romani background ([V kojeneckých ústavech je čtyřikrát více dětí nad sedm let než kojenců. 53 procent je romského původu](#)), 16 July 2021.

⁷⁴ The Senate of the Parliament of the Czech Republic (2021), Bill on granting a one-off financial compensation for persons sterilised in conflict with the law ([Návrh zákona o poskytnutí jednorázové peněžní částky osobám sterilizovaným v rozporu s právem a o změně některých souvisejících zákonů](#)).

⁷⁵ European Roma Rights Centre (2004), [Clarifying Positions: Coercive Sterilisations of Romani Women in the Czech Republic](#), press release 16 September 2021.

⁷⁶ Motejl, Otakar (2005) Public Defender of Rights, 'Final Statement of the Public Defender of Rights in the Matter of Sterilisations Performed in Contravention of the Law and Proposed Remedial Measures', Brno.

⁷⁷ Amnesty International (2021), [Czech Republic: Hard won justice for women survivors of unlawful sterilisation](#), press release 22 July 2021.

⁷⁸ Romea.cz (2021), [Czech President signs law to compensate the victims of illegal sterilizations](#), 3 August 2021.

⁷⁹ People in Need (2021), More than one-quarter of children do not understand their learning materials. A survey has revealed how socially disadvantaged children are doing with remote learning ([Více než čtvrtina dětí nerozumí probírané látce. Šetření ukázalo, jak se učí na dálku sociálně znevýhodněné děti](#)), press release 31 January 2021.

teachers to send assignments, but do not allow for interaction. About one-fourth of respondents said that they do not comprehend the study material and 25 % said that they still did not have access to a computer (only 50% of the families owned the computers their children were using for distance learning). Many schools did not show interest in following their students' access to distance learning: 23% did not investigate whether their students have the necessary IT and internet access. According to People in Need, the survey results, which were published in January 2021, reflect a positive change compared to the situation in the spring of 2020.

The most high-profile case with respect to violence against Roma concerned the case of Stanislav Tomáš, a 46-year-old Roma man, who on 19 June 2021 died shortly after a police intervention in his hometown Teplice.⁸⁰ Mr Tomáš was pinned to the ground by police officers who knelt on his neck for several minutes, and died shortly after in an ambulance. A witness recorded the scene with a mobile phone, and the footage subsequently went viral. While the Police claimed the cause of his death was drug use, Roma activists compared the death of Mr Tomáš to that of George Floyd, and called on the Police to immediately investigate the adequacy of the force used.⁸¹ State authorities and prominent officials rushed to declare their support for the Police before any official conclusion was reached about the legality of the procedure. Within days of the incident the Minister of Interior Jan Hamáček announced that intervening police officers had his full support,⁸² the Prime Minister Andrej Babiš thanked officers for their work,⁸³ and President Miloš Zeman claimed that the Council of Europe, which called for an urgent independent investigation into the death of Mr Tomáš,⁸⁴ should concern itself with something else. The case resulted in considerable national as well as international attention and on 30 June 2021 the family of Mr Tomáš filed a criminal complaint against the Police with the legal support of the Budapest-based Roma rights advocacy organisation European Roma Rights Centre (ERRC).⁸⁵ On 26 October the Police published an autopsy report, according to which no connection between the police intervention and the man's death was found; ERRC continues to pursue the case.⁸⁶ Monika Šimůnková, the Czech Deputy Public Defender of Rights claimed in a TV interview that she will pursue an investigation into the

⁸⁰ Romea.cz (2021) [Romani man dies after Czech Police kneel on his neck, they say drugs caused his death. Romani activists see parallels to George Floyd](#), 21 June 2021.

⁸¹ Romea.cz (2021) [Romani man dies after Czech Police kneel on his neck, they say drugs caused his death. Romani activists see parallels to George Floyd](#), 21 June 2021.

⁸² Romea.cz (2021) [Czech Interior Minister backs police intervention against Romani man in Teplice during which officers knelt on detainee's neck](#), 22 June 2021.

⁸³ Romea.cz (2021) [Czech Prime Minister thanks police officers for their intervention against a Romani man who later died in Teplice, claims it wasn't easy for them](#), 23 June 2021.

⁸⁴ Council of Europe (2021) [Czech Republic: Council of Europe calls for urgent independent investigation into Romani man's death](#), Statement by the Spokesperson of the Secretary General press release 23 June 2021.

⁸⁵ European Roma Rights Centre (2021) [Family of Stanislav Tomáš file criminal complaint against Czech Police with ERRC support](#), press release 30 June 2021.

⁸⁶ Romea.cz (2021) [Czech Police: Autopsy clears us in death of Stanislav Tomáš, attorney for his family doubts its findings, ERRC says they will continue to pursue justice despite police rhetoric](#), 26 October 2021.

incident,⁸⁷ as did the Government Human Rights Commissioner Helena Válková.⁸⁸ Human rights activists demanded that, among other things, police officers receive human rights training and that the officers who intervened in the incident which led to the death of Mr Tomáš are suspended until the investigation of the case is fully concluded.⁸⁹ The Deputy Ombudsman's research on the lawfulness of the Police intervention⁹⁰ found that the Police committed three major errors in their actions. Firstly, according to the Deputy Ombudsman's investigation the police officers called an ambulance with a three-minute delay, even though it was evident from the beginning of the intervention that Mr Tomáš was in need of medical assistance. Secondly, the officers involved did not determine that Mr Tomáš stopped displaying signs of life in due time. Thirdly, the officers failed to remove the man's handcuffs and did not commence resuscitation after his collapse but simply waited for the ambulance to arrive. In addition, the report found that the Ústí nad Labem Regional Police Directorate did not include the ambulance crew's testimony in their investigation. This bears particular significance as the police officers claimed that with the officers' assistance Mr Tomáš was able to get up from the ground before being placed on the stretcher brought by the ambulance. However, the ambulance crew testified that the man did not display signs of life when he was placed on the stretcher. The ERRC welcomed the findings of the Deputy Ombudsman, called the official Police investigation "flawed" and emphasized that messages of support from major political figures for the police officers before the completion of the investigation of the police intervention points to "institutional racism".⁹¹

The non-governmental organisation ARA ART published a research study on the situation of LGBT+ Roma in the Czech Republic, Slovakia and Hungary.⁹² The research report provides insight into multiple/intersectional discrimination regarding the situation of LGBTIQ Roma from the perspective of public authorities and NGOs working in the field. The main country-specific findings are the following: (1) There is no specific body to monitor intersectional discrimination. As evidenced by the recent annual report, the Czech Ombudsperson has ceased to apply the perspective of multiple/intersectional discrimination; (2) LGBT+ Roma are not the target group for larger NGOs and only a handful of small NGOs focus on this group. The report mentions that in all three countries NGOs working on intersectional issues are disadvantaged compared to those who work on one issue exclusively (e.g. only Roma or only LGBT+ topics). Such NGOs are often too small to be able to meet the co-financing criterion when applying for large grants from EU funding or national subsidies, and other funding for LGBTIQ issues is almost non-existent. (3) LGBTIQ Roma represent a particularly vulnerable group,

⁸⁷ Romea.cz (2021), [Czech Deputy Public Defender of Rights will investigate controversial police intervention after which Romani community member Stanislav Tomáš died](#), 23 June 2021.

⁸⁸ Romea.cz (2021), [Czech Govt Human Rights Commissioner calls for investigation of police intervention against Romani man who later died to be made a priority](#), 24 June 2021.

⁸⁹ Romea.cz (2021), [Human rights activists: Czech police officers who intervened against Stanislav Tomáš should be suspended until investigations end, ban kneeling on the neck during interventions](#), 28 July 2021.

⁹⁰ Czech Republic, Public Defender of Rights (2021), Investigation report 4022/2021/VOP ([Zpráva o šetření 4022/2021/VOP](#)).

⁹¹ European Roma Rights Centre (2021), [Public Defender finds Czech police at fault in the death of Romani man Stanislav Tomáš](#), press release 14 December 2021.

⁹² ARA ART (2021) [The Roma LGBTIQ minority and its status in selected EU countries \(CZ, SK and HU\)](#).

especially during the COVID-19 pandemic, yet the healthcare system and the majority of NGOs are unable to take the needs of LGBTIQ Roma into account.

In 2021 Norway Grants supported a series of projects which aim to increase Roma civil society participation on the regional level. The Municipality of Prague district 3⁹³ is the beneficiary of a project which has created a new position for a Roma advisor at the municipal office, who will act as a mediator. The project will also link the municipality to local NGOs that deal with Roma issues. Similarly, the town of Tábor⁹⁴ received funding support to introduce two Roma advisors, who will increase the social inclusion of Roma and improve the coexistence of Roma and non-Roma in the town. A Roma platform enhancing Roma participation in decision-making processes in the Moravian-Silesian and the Olomouc regions will be established by the Diocesan Caritas Ostrava-Opava.⁹⁵ The aims of the project include creating a space for discussion on Roma issues on the regional level, strengthening the capacities of Roma leaders, and conducting an awareness-raising campaign in the majority population. A platform focusing on the integration of Roma through housing initiatives will be implemented in the Pilsen region.⁹⁶ The project will initiate the creation of the Pilsen Romani Council, which will contribute to building Roma civil society and to solving inclusion-related issues.

⁹³ EEA and Norway Grants (2021) [Support of the Roma Minority in the Prague 3 Municipality](#), 8 November 2021.

⁹⁴ EEA and Norway Grants (2021) [All together](#), 8 November 2021.

⁹⁵ EEA and Norway Grants (2021) [Roma leaders - the drivers of change](#), 20 October 2021.

⁹⁶ EEA and Norway Grants (2021) [Platform for the improvement of Roma integration in the Plzen Region](#), 8 November 2021.

Chapter 4. Asylum, visas, migration, borders and integration

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Czech Republic	0 ⁹⁷		0 ⁹⁸ /25 ⁹⁹	N/A

⁹⁷ Czech Republic, Ministry of Interior (2021), Information regarding the number of refugee statuses taken away provided by the Asylum and Migration Policies Department on 19 September 2021.

⁹⁸ Czech Republic, Ministry of Interior (2021), Information regarding the number of subsidiary protections taken away provided by the Asylum and Migration Policies Department on 19 September 2021.

⁹⁹ Number of subsidiary protections not prolonged. Czech Republic, Ministry of Interior (2021), [International Protection in the Czech Republic. Monthly statistical overview. August 2021](#), p. 4.

4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
Czech Republic	Act no. 191/2016 Coll. on the protection of the state borders of the Czech Republic, Sec. 12, para Measures of a general nature (a specific form of administrative decisions) dated 12 March 2020, 13 March, 15 March, 16 March, 1 April,	Ministry of Interior – Police of the Czech Republic Ministerstvo vnitra – Policie České republiky	N	N	The police carried out random checks at the border rather than monitoring operations. The operations were aimed at controlling movement across borders to Austria and Germany. The measures state that:	N

	<p>23 April, 4 May, 25 May and 5 June.</p> <p>Zákon č. 191/2016 Sb., o ochraně státních hranic České republiky a o změně souvisejících zákonů, § 12 odst. 1. Opatření obecné povahy ze dne 12. března 2020, 13. března, 15. března, 16. března, 1. dubna, 23. dubna 4. května, 25. května a 5. června 2020.¹⁰⁰</p>				<p>'The aim is to prevent disturbances of public order as a result of the uncontrolled movement of persons subject to extraordinar y measures issued by the Ministry of Health in connection with the unfavourable development of the epidemiologi cal situation.' Only people with particular reasons (such as work) were allowed to</p>	
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¹⁰⁰ Ministry of Interior (2021), [Temporary reintroduction of border control at the internal borders of the Czech Republic](#), 5 June 2020.

					cross the border. The individual measures were issued to either correct the previous one or to prolong its effect.	
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Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

The Office of Personal Data Protection (the OPDP)

General matters

The OPDP published an opinion on the requirement of showing proof of identity and the processing of personal data.¹⁰¹ The document covers the conditions under which people have to prove their identity, the type of personal data that can be recorded, and the persons who are authorised to make a copy of a person's ID. The purpose of the document is to raise public awareness of the risks, rules, guarantees, and rights associated with the processing of personal data. The document was created in reaction to the interpretative disagreement between the OPDP and the Financial Analytical Office of sec. 8 para. 1 of the Act no. 253/2008 Coll. on certain measures against money laundering and funding terrorism ('Anti-Money Laundering Act' / *Zákon o některých opatřeních proti legalizaci výnosů z trestné činnosti a financování terorismu*). In accordance with the Anti-Money Laundering Act, the OPDP points out that the making of copies of identity cards of persons who wish to, for example, open a bank account, is an undesirable practice, as the Anti-Money Laundering Act stipulates that making copies of identity cards is an option and not a legal obligation. The obligated subject should perform a risk assessment in advance and set up making copies with regard to the risks of the service provided with the client.¹⁰²

COVID related matters

The OPDP has been assessing measures related to COVID and made a number of critical remarks in 2021.

The OPDP criticised an extraordinary measure proposed by the Ministry of Health that would require certain providers of services (such as hairdressers) to collect and store data regarding their clients' vaccination/COVID-test status. According to

¹⁰¹ Czech Republic, The Office of Personal Data Protection (2021), On proving identity and the processing of personal data ([Prokazování totožnosti a zpracování osobních údajů](#)), 13 May 2021.

¹⁰² Czech Republic, The Office of Personal Data Protection (2021), On the interpretation of the AML Act. ([Úřad k výkladu zákona proti praní špinavých peněz](#)), 9 July 2021.

the OPDP, this requirement was formulated too generally, without the necessary details (such as the purpose of the collection, which data should be collected, within what timeframe, in what way should the data be stored etc.).¹⁰³

The OPDP published its opinion, addressed to the Chamber of Deputies, on the Government Bill on “covid passports,”¹⁰⁴ in which it criticises the lack of evaluation of the proposal in reference to the Bill of Human Rights.¹⁰⁵ The bill’s explanatory memorandum lacked an assessment of the proposal's compliance with the principle of non-discrimination, the right to privacy, and the right to personal dignity, privacy, and the protection of personal data.

Furthermore, a group of Members of Parliament proposed an amendment to the Criminal Code that would criminalise the deleting of comments by social media providers (such as Facebook). Another Member of Parliament proposed a further amendment under the same bill that would decriminalise incitement to hatred against a group of persons or the restriction of their rights and freedoms. The reasoning supporting the proposal was the alleged arbitrariness and incomprehensibility of the provision. The MP claims that the bill supports the freedom of speech.¹⁰⁶ The government did not approve the proposal, but the organising committee of the Chamber of Deputies recommended that it be discussed. When the first reading did not take place in July 2019, the rapporteur was changed, and the first reading took place on 29 April 2021. As the draft bill was not

¹⁰³ Czech Republic, The Office of Personal Data Protection (2021), On keeping the records of customers by providers of certain services and on providing the results of SARS-CoV-2 tests by customers. ([K vedení evidence zákazníků některými poskytovateli služeb a k prokazování výsledků testů na SARS-CoV-2 ze strany zákazníků](#)), 29 April 2021.

¹⁰⁴ Czech Republic (2021), [Draft bill no. 1231](#) amending the Act on the Protection of Public Health, 8th election period of the Chamber of Deputies, 31 May 2021.

¹⁰⁵ The Office of Personal Data Protection (2021), Analysis of the government bill amending Act No. 258/2000 Coll., on the protection of public health and on the amendment of some related acts, as amended - Parliamentary Press 1231 - from the point of view of personal data protection ([Rozbor vládního návrhu zákona, kterým se mění zákon č.258/2000 Sb., o ochraně veřejného zdraví a o změně některých souvisejících zákonů, ve znění pozdějších předpisů – sněmovní tisk 1231 – z pohledu ochrany osobních údajů](#)), 8 June 2021.

¹⁰⁶ Czech Republic (2019), [Draft Bill No. 384](#) amending the Criminal Code, 8th election period of the Chamber of Deputies, 25 January 2019.

voted on before the October 2021 parliamentary elections, it was subsequently abandoned as the Chamber of Deputies' 8th election period came to an end.

5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Committee for Artificial Intelligence	Policy step	The Committee unanimously supported the proposal for the Czech Republic to join the Global Partnership on Artificial Intelligence initiative. All GPAI activities support the responsible development of AI based on the principles of human rights, inclusion, diversity, innovation, and economic growth.	yes	Czech Republic, Ministry of Industry and Trade (2021), Committee meeting summary , 27 September 2021.
Ministry of Industry and Trade	Online meeting within the process of public consultation	The main aim of the meeting was to seek the views of social partners, the business sector and other stakeholders on the forthcoming European regulation of the Data Act. The consultations dealt with the right to privacy and the protection of property in the form of data.	no	Czech Republic, Ministry of Industry and Trade (2021), Report on the online meeting to the national stance in the public consultation process for the Data Act , 19 August 2021.
Czech Academy of Sciences and Ministry	International conference	The two actors organised the fourth annual international conference SOLAIR (Society, Law, Artificial Intelligence and Robotics) focused	no	Czech Republic, Ministry of Industry and Trade (2021), Report from the international conference SOLAIR 2021, 9

of Industry and Trade		on artificial intelligence and the legal implications of its use. Some of the presentations at the conference tackled topics such as ethical AI (e.g. with regard to gender equality), and data protection (right to privacy).		September 2021. 28 June 2021.
Office of the Government and Ministry of Industry and Trade	National discussion/consultation	The two actors initiated a national discussion on the European Digital Compass 2030. They also published a questionnaire titled 'National Consultation on Digital Principles', the results of which will serve to create the Czech Republic's contribution to the European Commission's pan-European consultation. The Strategy relates to freedom of expression, including access to diverse, trustworthy, and transparent information, protection of personal data and privacy, and protection of the intellectual property of individuals in the online space. Participants in the research stated that freedom of expression is the most important right, with the second most important being data protection.	yes	Czech Republic, Ministry of Industry and Trade (2021), Outputs of the National discussion about the initiation of a questionnaire on Digital Compass 2030 , 28 June 2021.
The Government Committee on Human Rights and	seminar	The committee organised a seminar on the topic of biometrics and its usage in the Czech Republic. The	yes	Czech Republic (2021), Government of the Czech Republic, Committee notes

Modern Technologies		issue of the right to privacy was raised.		from meeting on August 9th 2021.
Organisation Iuridicum Remedium	Online seminar	Seminar in the Chamber of Deputies on current problems of privacy protection in electronic communication. The participants discussed, whether the Czech legal regulation of data regarding operational and location data should be amended. This question relates to the right to privacy.	yes	Digitální svobody (2021), Online seminar: Current problems of protection of privacy in electronic communication.
Organisation Iuridicum Remedium	action	Action for damages for non-pecuniary damage caused by a breach of European law through maladministration in the implementation of the ePrivacy Directive. The Action relates to the right to privacy.	yes	Digitální svobody (2021), Iure and a journalist Jan Cibulka sue to state for widespread collection of cell phone data, 10 June 2021.

Chapter 6. Rights of the child

6.1 Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>Due to the COVID 19 pandemic the functioning of the Child Protection Services (<i>Orgán sociálně právní ochrany dětí</i>, hereinafter "OSPOD") was limited as were all services, based on the government measure from 26 February 2021.¹⁰⁷ The Ministry of Labour and Social Affairs published a Recommendation to ensure the proper functioning of the social and legal protection of children.¹⁰⁸ The Ministry emphasised that the work of the OSPOD has to continue without any interruptions, and the OSPOD needs to use an individual approach to all cases. This need must be determined on the basis of the needs of children and families and the urgency of their situations. The Recommendation also explicitly states that children and parents can visit each other despite the general ban of free movement between administrative areas (<i>okres</i>). This included visiting children placed in institutional care. The Ministry also emphasised that the process of foster care and adoptions has to continue, despite the pandemic (which was not always the case and became a subject of criticism).¹⁰⁹</p> <p>The Ministry of Health published on 6 April an extraordinary measure limiting the number of visitors allowed for each incarcerated person to two, which effectively limited the number of children visitors to one, as the other person had to be an accompanying adult. This had a negative impact on the ability of children and incarcerated parents to stay in contact, especially among those who could not afford to pay for someone to look after their other children not allowed to visit the incarcerated parent at the same time. The Government Committee on the Rights of Children lobbied to have the measure removed, which happened three months later (on 1 July).¹¹⁰</p>
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¹⁰⁷ Czech Republic (2021), Government of the Czech Republic, [Resolution No. 199/2021 Coll.](#) on the limited functioning of public and administrative authorities (Usnesení vlády České republiky ze dne 26. února 2021, č. 199, o přijetí krizového opatření), 26 February 2021.

¹⁰⁸ Czech Republic (2021), Ministry of Labour and Social Affairs, [Recommendation to ensure the proper functioning of the social and legal protection of children after 22 March 2021](#) (Doporučení k zajištění výkonu sociálně-právní ochrany dětí od 22. 3. 2021), 19 March 2021.

¹⁰⁹ Martinek, J. (2020), The allocation of children to foster parents is dragging on. Authorities blame covid restrictions ([Přidělování dětí pěstounům se protahuje. Úřady to svádějí na covidová opatření](#)), *Právo*, 11 November 2020.

¹¹⁰ Czech Republic, Government of the Czech Republic (2021), The Committee on the Rights of the Child joined the resolution of the Committee against Torture and called for the abolition of the practice of so-called contactless visits of children of imprisoned parents ([Výbor pro práva dítěte se připojil k usnesení Výboru proti mučení a vyzval ke zrušení praxe tzv. bezkontaktních návštěv dětí uvězněných rodičů](#)), 29 June 2021.

	<p>In May the Ministry of Labour and Social Affairs published four methodical documents aimed at the Child Protection Services (OSPOD) to assist them with evaluating the situation of children:</p> <ul style="list-style-type: none"> - Older than 10 years of age, - With disabilities, - Children who are about to start living independently, and - In foster care.¹¹¹ <p>On 23 June 23 the LUMOS organisation (which focuses on providing help to children in need) organised a conference that brought together professionals from NGOs, employees of municipalities, and the Ministry of Labour and Social Affairs on the topic of prevention, the work of child protection services, and the role of institutional and foster care.¹¹² There were at least 300 participants present at the conference.</p> <p>On 1 July Act No. 192/2021 Coll., amending the Civil Code and the Act on Civil Procedure came into effect regarding the possibility to extract a debt from a child. From July on, this can be done only on property acquired in childhood. The aim of this amendment is to prevent the unfortunate practice of debt collectors who exact debts from young adults that were incurred during their childhood as a result of the actions of their parents (e.g. if they did not provide money to pay for the child's public transit ticket). In the interest of the protection of creditors and the consistent application of parental responsibility, the law also enshrines the parent's status as a legal guarantor if they have agreed to the child's legal action or have done it on behalf of the child. The law also prohibits the negotiation of a contractual penalty with children under the age of 15, regulates the scope of the legal proceedings of a minor that require the consent of a court, and limits the criminal liability of children under the age of 13. The law also applies to the restriction of debt recovery to persons who have debts from the past, but at the time the law came into force had not yet reached the age of 21. The proposal precludes the issuance of an order for payment, a judgment by default, and a judgment for recognition against a minor. At the same time, the obligation to send all documents during the proceedings to older minor children was added as well, even if they are represented by legal representatives.¹¹³</p>
Measures to protect children from violence	The Ministry of Labour and Social Affairs published leaflets aimed at:

¹¹¹ Právo na dětství (2021), Auxiliary tools to evaluate the situation of a child and their family ([Pomocné nástroje k vyhodnocování situace dítěte a jeho rodiny](#)), 6 August 2021.

¹¹² Právo na dětství (2021), Findings from the Lumos discussion 'Changes in the care system for children at risk. Are we at the end of the road?' ([Poznatky z diskuse organizace Lumos „Změny v systému péče o ohrožené děti. Jsme na konci cesty?“](#)). 29 June 2021.

¹¹³ Czech Republic, Government of the Czech Republic (2021), Report on the state of human rights in the Czech Republic in 2020 (Zpráva o stavu lidských práv v České republice v roce 2020), p. 63.

- children in quarantine, which covers a wide variety of topics (including violence);¹¹⁴
- what children and adolescents in institutional care should know about coronavirus;¹¹⁵
- professional care givers providing care to children in institutional care or as foster parents during the pandemic.¹¹⁶

In a meeting on 1 June the Government Committee on the Rights of Children discussed the issue of the placement of children into institutional care, which became the subject of two pending cases against the Czech Republic (before the UN Committee on the Rights of the Child and the European Court for Human Rights). The cases refer to the right of children to participate in proceedings against them, but the general question of the placement of children into institutional care is questioned as being potentially psychologically harmful for children.

With regard to institutional care and its harmful effects on children, both chambers of the Parliament approved the ban on the placement of infants up to three years of age into institutional care after 2024. At the moment, there are 230 infants in institutional care. The ban was adopted along with a decision to increase the pay of foster parents.¹¹⁷

The Code of Criminal Procedure was amended¹¹⁸ to improve the prevention, investigation, and punishment of violence perpetrated against children. In particular, luring children to sexual intercourse ('svádění k pohlavnímu styku', Sec. 202 of the Criminal Code) was broadened in order to cover also sexual intercourse with children over the age of 15, participation in the masturbation of such a child, or the undressing of a child or any similar act for the purpose of the perpetrator's own gratification, if the child has been offered, promised, or given monetary benefit or any kind of advantage. This criminal act was also added to the list of crimes for which the statute of limitations is extended by the number of years under the age of 18 the child was at the time of the crime.

The Government also proposed changes concerning the provision of information from the Criminal Record Register - the range of cases included in the criminal record are extended also to convictions in another EU Member State. This information will be

¹¹⁴ Czech Republic, Ministry of Labour and Social Affairs (2021), Who will help me? What do I do if I need help during the quarantine. ([Kdo mi pomůže? Co dělat, když potřebuji pomoc v době karantény.](#))

¹¹⁵ Czech Republic, Ministry of Labour and Social Affairs (2021), I am not at home and something is going on. ([Nejsem doma a něco se děje.](#))

¹¹⁶ Czech Republic, Ministry of Labour and Social Affairs (2021), How can we support children and teenagers? ([Jak můžeme děti a dospívající podpořit?](#))

¹¹⁷ Czech Republic (2021), [Draft bill No. 911](#) amending the Act on the Social and Legal Protection of Children, 8th election period of the Chamber of Deputies.

¹¹⁸ Czech Republic (2021), [Draft bill No. 624](#) amending the Act on the Code of Criminal Procedure, 8th election period of the Chamber of Deputies.

	<p>mandatory for applications for an extract or copy that is to be submitted for the performance of a professional or organised voluntary activity that includes direct and regular contact with children.¹¹⁹</p> <p>The Ministry of Interior submitted a Bill¹²⁰ amending the Act on the Police of the Czech Republic, which would explicitly state that a child living in one household where domestic violence is taking place would be considered to be a person at risk. The proposal also introduces the obligation of an administrative body to notify the child protection authorities without undue delay if a person under the age of 18 is a victim of domestic violence or if a person under the age of 18 has witnessed such an offense. The obligation to provide information is particularly important in the sense that the social and legal protection body for children will be able to continuously monitor the situation in the family and, if necessary, decide in time to implement the appropriate measures. The Bill was first discussed in the Chamber of Deputies in January 2021; however, the discussion had not yet been completed by the end of the 8th election period.</p>
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Additional information: The Ministry of Labour and Social Affairs adopted an Action Plan for the National Strategy on the Protection of Children, which was adopted by the government on 14 December 2020.¹²¹ The Action Plan covers six areas:

¹¹⁹ Czech Republic (2021), [Draft bill. No 980](#) amending the Criminal Code, 8th election period of the Chamber of Deputies.

¹²⁰ Czech Republic (2021), [Draft bill. No. 642](#) amending the Act on the Police of the Czech Republic, 8th election period of the Chamber of Deputies.

¹²¹ Czech Republic, Government of the Czech Republic (2021), National strategy on the protection of the rights of children 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)).

legal framework, infrastructure, education, awareness and communication, quality and its monitoring and effectivity and financing.¹²²

6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	On 6 June Act No. 220/2021 Coll. ¹²³ came into force, which explicitly extends the competence of the Probation and Mediation Service in proceedings in matters that involve children under the age of 15 who have committed an otherwise criminal offense (an offence that would constitute a criminal act if the child was over the age of 15). The court may entrust the probation and mediation service with the preparation of a report on the child's circumstances or a report on the child's personal, family, and social conditions and current life situation. The child's right to participate in court proceedings is also being strengthened, as the court will be obliged to hear the child if he or she expresses an interest in being heard. In this way, the child's right to 'be heard' and his or her right to comment on all the facts will be guaranteed. The legislation also introduces elements of positive motivation, such as the possibility to abolish the supervision of a probation officer or abolish the monitoring of imposed measures in order to support the achievement of the purpose behind the measures imposed on a child under the age of 15 or the purpose behind the criminal measures imposed on a juvenile. ¹²⁴ In 2020 the European Committee for Social Rights found that the Czech Republic had violated the European Social Charter for not ensuring the same standards for children as for those charged in criminal proceedings. ¹²⁵
Policy developments	No developments were identified.
Other measures or initiatives	No other measures were identified.

¹²² Czech Republic, Ministry of Labour and Social Affairs (2021). 1st action plan for the implementation of the National Strategy on the Protection of Children. [\(I. akční plán k naplnění Národní strategie ochrany práv dětí 2021-2029\)](#).

¹²³ Czech Republic, Act No. 220/2021 Coll. ([zákon č. 220/2021 Sb.](#)).

¹²⁴ Czech Republic, Government of the Czech Republic (2021), Report on the state of human rights in 2020, p. 63.

¹²⁵ European Committee for Social Rights (2020), The decision of the in case no. 148/2017 – International Commission of Jurists (ICJ) vs. Czech Republic from 20 October 2020.

Chapter 7. Access to justice

7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

The domestic legal provisions relating to victims' rights (the Act on Victims of Crime, *zákon o obětech trestných činů*)¹²⁶ have been amended in order to broaden the definition of particularly vulnerable victims. Effective January 2022, victims of rape and of domestic violence perpetrated against partners and children will be considered particularly vulnerable victims.¹²⁷

The new definition of particularly vulnerable victims is as follows:

Sec. 2 para 4 of the Act on Victims of Crimes: For the purposes of this Act, a particularly vulnerable victim shall be deemed to fulfil the conditions specified in paragraph 2 or 3¹²⁸

a) a child,

b) a person who is of old age or who suffers from a physical or mental disability or sensory impairment, if these facts may, due to the circumstances of the case and the circumstances of this person, prevent their full and effective inclusion in society in comparison with other members of the public,

c) a victim of the crime of trafficking in human beings (Section 168 of the Criminal Code), the crime of rape (Section 185 of the Criminal Code), the crime of torture of a person entrusted to them (Section 198 of the Criminal Code), the crime of the abuse of a person living in a shared dwelling (Section 199 of the Criminal Code), or the criminal offense of a terrorist attack (Section 311 of the Criminal Code),

(d) a victim of a crime against human dignity in sexual matters, a crime that involved coercion, violence or threats of violence, a crime committed for belonging to a nation, race, ethnic group, religion, class, or other group of persons, or a victim of a crime committed in favour of an organised criminal group, if, in a particular case, there is an increased risk of causing secondary harm, in particular with regard to age, sex, race, nationality, sexual orientation, religion, state of health, intellectual maturity, ability to express oneself; is located, or with respect

¹²⁶ Czech Republic, Act No. 45/2013 Coll. on Victims of Crime (*zákon o obětech trestných činů*).

¹²⁷ Czech Republic, Act No. 45/2013 Coll. on Victims of Crime (*zákon o obětech trestných činů*), Sec. 4 para. 2 c).

¹²⁸ Paragraphs 2 and 3 of Act No. 45/2013 Coll. on Victims of Crime state:

(2) Victim means a natural person who has been or may have been injured by a criminal offense, caused property or non-property damage or at whose expense the perpetrator became enriched by the crime.

(3) If the victim's death was caused by a criminal offense, if the victim has also suffered harm as a result of the victim's death, if the victim is also his or her direct relative, sibling, adoptee, adopter, spouse or registered partner, or person on the day of her death she provided or was obliged to provide maintenance. If there are several of these persons, each of them is considered a victim.

to a relationship with or dependence on a person suspected of having committed a criminal offense.

The Government Committee on Domestic Violence and Violence against Women is in the process of creating a policy document called Quality Standards of Specialised Social Work with Victims of Domestic Violence and Gender-Based Violence, which would be recommended to be applied by victim support organisations. The Committee adopted the Standards at a meeting on 22 June 2021 and proposed that the Ministry of Labour and Social Affairs test the Standards in the future Operational Programme Employment+.¹²⁹

7.2 Measures addressing violence against women

Measures taken

Up until March 2021 non-governmental organisations, municipalities, organisations, religious groups, and foundations were able to apply for a grant within the grant scheme Strengthening the Capacities of the Domestic and Gender-Based Violence Prevention System,¹³⁰ funded from the Norwegian Funds. The aim of the grant scheme is to improve the help provided to victims of domestic and gender-based violence. In particular, it aims to establish new centres to provide help and establish innovative measures by providers of help to victims. On 25 March the Government Committee on the Prevention of Domestic Violence and Violence against Women approved the Report on the Fulfilment of the Action Plan on Domestic and Gender-Based Violence 2019–2022. Out of the 50 tasks that were supposed to be fulfilled by 2020, 15 were finished, 18 partially finished, and 17 unfinished. The area of access to justice was the most complete (50% of the tasks), while in the two areas of prevention and protection only 25% of the tasks were completed.¹³¹

In the area of protection, for example, the task to 'ensure the availability of specialised social services for people at risk of domestic and gender-based violence' was fulfilled through an analysis of the accessibility of social services for people at risk of domestic and gender-based violence, and, secondly, through an amendment to the Act on Social Services. This amendment established that new types of consultations are to be provided to social workers regarding gender-based violence.¹³² Moreover, the Ministry of the Interior is continuously fulfilling its task

¹²⁹ Czech Republic, Government Committee on the Prevention of Domestic Violence and Violence against Women (2021), [Notes from the meeting on 22 June 2021](#), 22 June 2021.

¹³⁰ Czech Republic, Ministry of Finance (2020), Domestic and gender-based violence – call for grant applications ([Domáci a genderově podmíněné násilí - Výzva k předkládání žádostí o grant na projekty](#)), 25 November 2020.

¹³¹ Czech Republic, Government Committee on the Prevention of Domestic Violence and Violence against Women (2021), [Notes from the meeting on 25 March](#), 25 March 2021.

¹³² Czech Republic, Office of the Government (2021), Report on the Fulfilment of the Action Plan on Domestic and Gender-Based Violence 2019–2022 ([Zpráva za rok 2020 o plnění Akčního plánu prevence domácího a genderově podmíněného násilí na léta 2019-2022](#)).

to ensure the financing of a free non-stop helpline for victims of domestic and gender-based violence.

In the area of access to justice, the Ministry of Justice is fulfilling its task to educate (future) lawyers in this thematic area. It does so through two courses provided by the official training institution for judges and judicial clerks that is the Czech Judicial Academy. The first one is on the topic of judicial decision-making in cases of rape and other forms of violence against women. The second one is for prosecutors to improve their specialisation on cases of domestic violence and gender-based violence.

Similarly, the Ministry of the Interior has a task to educate police personnel to inform victims of their rights to sue the perpetrators for damages. While the Ministry of Justice is fulfilling its task, the Ministry of Interior has not progressed so far.

Negative developments

The Government Committee on the Prevention of Domestic Violence and Violence against Women pointed out that the Framework Educational Programme¹³³ presented by the Ministry of Education, Youth and Sports is in violation of the Action Plan for the Prevention of Domestic and Gender-Based Violence 2019–2020 adopted by the government.¹³⁴ The Action Plan states that the Ministry should strengthen the emphasis on domestic and gender-based violence when revising the Framework Educational Programme. Despite that, the new programme does not cover the issue of cyberbullying and online sexual violence, even though it claims to be a programme adapted to the reality of the 21st century and it includes chapters related to safety. In addition, in comparison to its previous version, the current Framework Programme omitted information regarding gender equality, respect for diversity, sexual education, domestic violence, etc.

COVID 19

At a meeting of the Government Committee for the Prevention of Domestic Violence and Violence against Women on 25 March, data on the impact of the COVID-19 pandemic on people at risk of domestic and gender-based violence were presented. Intervention centres conducted quantitative research with 375 participants between March and August 2020 and with 196 participants between November 2020 and January 2021. Researchers from the Faculty of Humanities of Charles University and the Institute of Sociology of the Czech Academy of Sciences conducted a qualitative study on domestic violence in the time of the pandemic.¹³⁵ It identified the impact of the pandemic on domestic violence and the reasons for its latency, and concluded that the lockdown had the effect of accelerating the process of violence in domestic settings. At the same time the lockdown slowed down the process of providing help to victims (e.g. victims could not phone the relevant NGOs, as the perpetrator's presence in the home meant they were under the perpetrator's physical surveillance). A promising practice in

¹³³ Czech Republic, Ministry of Education, Youth and Sports (2021), Framework Educational Programme 2021 ([Rámcový vzdělávací program 2021](#)).

¹³⁴ Czech Republic, Government of the Czech Republic (2019), Action Plan for the Prevention of Domestic and Gender-based Violence 2019-2022 ([Akční plán prevence domácího a genderově podmíněného násilí na léta 2019-2022](#)).

¹³⁵ Nyklová, B. and Moore, D. (2021), Violence against women within the context of COVID-19 ([Násilí na ženách v souvislosti s COVID-19](#)). Czech Academy of Sciences.

relation to this appeared to be the use of chat media (messaging apps), which replaced the service of phone calls. The authors emphasised that not all potential victims have access to the necessary devices.

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1 CRPD policy & legal developments

In relation to the pandemic the Government Committee for People with Disabilities proposed to the Government at a meeting on 18 March that it increase the state contribution that supports the employment of disabled people.¹³⁶ Moreover, the Committee asked the Government to take responsibility for communicating with people with, for example, a hearing impairment or other special needs related to communication, as everyone needs up-to-date information on the pandemic and the related epidemiological measures.¹³⁷ This effort was successful and news and information are now available online with translations for people with hearing impairment.¹³⁸ Furthermore, the Committee adopted a resolution urging the Government representative for human rights to draw the attention of the Chamber of Deputies to the need to discuss and ratify the Optional Protocol for the CRPD, which would allow individuals and groups to submit complaints against the Czech Republic to the CRPD.¹³⁹ The Government ratified the Optional Protocol on 21 April 2021.¹⁴⁰

As outlined in last year's report, the Ministry of Education amended a decree (an instrument of secondary legislation) on the education of pupils with special education needs and gifted pupils.¹⁴¹ After criticism from experts, the public, and other ministries, the decree was not adopted in its original form, which had included the partial removal of the personal assistants provided to students in primary and secondary schools who have special assistance needs. However, the

¹³⁶ Czech Republic, Government Committee for People with Disabilities (2021), [Notes from the meeting on March 18th 2021](#).

¹³⁷ Czech Republic, Government Committee for People with Disabilities (2021), [Notes from the meeting on March 18th 2021](#).

¹³⁸ Czech Republic, Government Committee for People with disabilities (2021), [Notes from the meeting on March 18th 2021](#), p. 9.

¹³⁹ Czech Republic, Government Committee for People with disabilities (2021), [Notes from the meeting on March 18th 2021](#), p. 9.

¹⁴⁰ United Nations (2021), [15. a Optional Protocol to the Convention on the Rights of Persons with Disabilities](#).

¹⁴¹ Czech Republic, Ministry of Education, Youth and Sports (2016), Decree No. 27/2016 Coll. on the Education of students with special education needs and gifted students (vyhláška č. 27/2016 Sb. o vzdělávání žáků se speciálními vzdělávacími potřebami a žáků nadaných). The decree is accompanied by Government Regulation No. 75/2005 Coll. on determining the scope of direct teaching, direct educational, direct special pedagogical, and direct pedagogical-psychological activities of pedagogical staff (nařízení vlády č. 75/2005 o stanovení rozsahu přímé vyučovací, přímé výchovné, přímé speciálně pedagogické a přímé pedagogicko-psychologické činnosti pedagogických pracovníků).

funding of personal assistants was reduced for the upcoming year. What the decree amended is the provision of pedagogical intervention, which is the most commonly used support mechanism. Before the amendment, the right to pedagogical intervention was decided on by a specialised pedagogical-psychological advisory centre, while now it is entirely at the discretion of the headmasters. While the reform decreases the amount of bureaucracy, it increases the risk of arbitrary decisions made by headmasters not to provide any intervention for anyone in their school. Also, there is no dedicated funding for the interventions, and they are to be supported from the general fund for wages and bonuses.

The Public Defender of Rights (PDR) issued a Recommendation¹⁴² regarding the establishment of parking spots specifically for people with disabilities. It is an updated version of the original recommendation from 2012. The aim of the recommendation is to unify the steps taken by cities and offices and to prevent the discrimination of people with disabilities by rejecting their requests for parking spots. The recommendation builds on a survey among cities and a roundtable from 2020. The PDR also published an evaluation¹⁴³ of a case of a rejection of request for a parking spot submitted by a woman with disabilities. The PDR identified indirect discrimination against a woman with disabilities.

The PDR also issued a Recommendation on the rights of parents with psychosocial disabilities.¹⁴⁴ The recommendation was created in response to the increasing number of individual complaints from parents with disabilities, especially mothers with mental illness or mental disability, to the PDR about unequal treatment by social and legal protection authorities for children. The Recommendation covers the rights of persons who have a legal guardian and the duties of the legal guardian – for instance, a person with a psycho-social disability cannot be banned from contacting people of the opposite sex as a means of contraception. Furthermore, a legal guardian cannot force a person with disabilities to undergo an abortion. In general, state authorities and doctors should always communicate directly with the person with the disability, and not with the legal guardians as though the person were not present.¹⁴⁵ With regard to the situation after birth, the Recommendation specifies the various options that the state has concerning the protection of a child (e.g. temporarily pausing, or limiting parental rights and duties). The PDR emphasises that any state interventions should always respect the fundamental rights of children and parents as much as possible and should always be based on the specific situation of the family. In order to fulfil this requirement, the PDR created a simple 'checklist' of Criteria for Assessing

¹⁴² Czech Republic, Public Defender of Rights (2021), Recommendation regarding the establishment of parking spots specifically for people with disabilities ([Zřizování vyhrazených parkovišť pro osoby se zdravotním postižením](#)).

¹⁴³ Czech Republic, Public Defender of Rights (2021), [Evaluation](#) of a discrimination claim – the question of not granting approval to establish a parking spot for a person with disabilities (Posouzení námítky diskriminace ve věci neudělení souhlasu se zřízením vyhrazeného parkoviště pro ženu se zdravotním po stížením). 9 February 2021.

¹⁴⁴ Czech Republic, Government Committee for People with disabilities (2021), [Notes from the meeting on March 18th 2021](#), p. 9.

¹⁴⁵ Czech republic, Public Defender of Rights (2020), How to protect the rights of parents with psychosocial disabilities and their children? ([Jak chránit práva rodičů s psychosociálním postižením a jejich dětí?](#)), p. 13.

Interference with Parental Rights, which can serve as a tool for state authorities when deciding in a specific case.¹⁴⁶

The PDR also evaluated a case of a company that refused entry to its stores for people with disabilities accompanied by an assistance dog and identified such action as the indirect discrimination of people with disabilities.¹⁴⁷

The PDR conducted research regarding the accessibility of social services (shelters) for people with disabilities.¹⁴⁸ The PDR also studied the lives of seniors with disabilities, the process by which young adults with disabilities gain independence, and the care provided to women with disabilities who give birth.¹⁴⁹ Furthermore, the PDR also conducted research¹⁵⁰ on the state's obligation, arising from the CRPD, to employ people with disabilities in the public sector. One part of the research concerned the perspective of employers and the other the perspective of people with disabilities. The research concluded that the situation is unsatisfactory, and, most notably, the state does not meet the legally established criteria that employers with over 25 employees employ at least 4% employees with disabilities. Moreover, the state as an employer does not accommodate the specific needs of (potential) employees with disabilities who are, for instance, unable to make phone calls or can only work part time. The relevant information regarding the specifics of a job (e.g. whether the ability to make phone-calls is necessary) is also often missing from job adverts.¹⁵¹

In relation to COVID-19, the PDR was in contact with many ministries to alert them to the special needs of people with disabilities. Examples of such cases include the need to open up social services for people with disabilities, the negative impact of the long-term ban on visits to clients of social services, exemptions from mask-wearing for people with autism, the accessibility of venues where COVID-

¹⁴⁶ Czech republic, Public Defender of Rights (2020), How to protect the rights of parents with psychosocial disabilities and their children? ([Jak chránit práva rodičů s psychosociálním postižením a jejich dětí?](#)).

¹⁴⁷ Czech Republic, Public Defender of Rights (2021), [Evaluation](#) of a discrimination claim – on the issue of people with disabilities who use an assistance dog being able to enter a grocery store (Posouzení námítky diskriminace ve věci vstupu lidí s postižením v doprovodu asistenčního psa do prodejen potravin).

¹⁴⁸ Czech Republic, Public Defender of Rights (2021), [Accessibility of social services \(shelters\) for people with disabilities](#) (Přístupnost sociálních služeb azylové domy a noclehárny pro lidi s postižením).

¹⁴⁹ Czech Republic, Government Committee for People with disabilities (2021), [Notes from the meeting on March 18th 2021](#), p. 9.

¹⁵⁰ Czech Republic. Public Defender of Rights (2021), [The state does not know how to employ people with disabilities](#) (Stát neumí zaměstnat lidi s postižením, ukázal výzkum zástupkyně ombudsmana), 8 April 2021.

¹⁵¹ English summary available [here](#).

19 testing is conducted, and the need to open up schools for children with special needs.¹⁵²

8.2 CRPD monitoring at national level

No changes to the structure established under Article 33 of the Convention took place. The Public Defender of Rights remains the national monitoring body.

¹⁵² Czech Republic, Government Committee for People with disabilities (2021), [Notes from the meeting on March 18th 2021](#), p. 9.

Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;">EQUALITY AND NON-DISCRIMINATION</p> <p style="text-align: center;">Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	Pride Business Forum
Title (EN)	
Organisation (original language)	Prague Pride
Organisation (EN)	Prague Pride
Government / Civil society	Civil society
Funding body	Business
Reference (incl. URL, where available)	https://www.pridebusinessforum.com/en/we-help-bring-equality-to-workplace/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Since 2017
Type of initiative	Awareness-raising, rights promotion
Main target group	Businesses, LGBT+ population, general population
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Forum supports employers in implementing LGBT diversity principles in the workplace. It also supports employees by ensuring that their employers are applying a fair approach to all employees, regardless of sexual orientation and gender identity. The aim of the Forum is to foster public debate on LGBT diversity and thereby overcome persistent stereotypes. Its activities include organising events, trainings, and mentoring programmes, handing out the annual LGBT Friendly Employer Award to employers that introduce measures leading to the better inclusion of LGBT employees, and assisting companies and institutions that need help rolling out their LGBT+ employee equality workplace measures.
Highlight any element of the actions that is transferable (max. 500 chars)	All elements are transferable.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The practice is contingent on interest from employers.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Specific measures are introduced to increase equality at the workplace.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Every element is transferable to other settings.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and</p>	<p>Prague Pride is a grassroots LGBT+ oriented NGO.</p>

implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	n/a

Thematic area	<p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
Title (original language)	Místo pro všechny – budování prostoru pro vzájemné soužití
Title (EN)	A Place for All – Building a Space for Mutual Coexistence
Organisation (original language)	Úřad vlády České republiky
Organisation (EN)	Government of the CZ
Government / Civil society	Government
Funding body	Norway Grants

Reference (incl. URL, where available)	https://www.socialni-zaclenovani.cz/projekt-misto-pro-vsechny/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2020 – December 2023
Type of initiative	Human rights project
Main target group	General public
Indicate level of implementation: Local/Regional/National	National

Brief description (max. 1000 chars)	<p>The aim of the project is to cultivate the social debate on hate speech and hate crimes against minorities in the public space. It targets decision-makers and opinion-makers, as well as the general public, on topics relating to social inclusion through the media, targeted project events, and direct communication with selected people.</p> <p>The project has three specific action areas:</p> <ul style="list-style-type: none">• issues of vulnerable minorities in the mass media and social networks (336 people will be trained in the use of the My Country Talks app, which connects pairs of people who have very different views on topics that divide society, and who live close enough to meet in person and discuss their views);• conflict resolution in educational institutions through training schools in the non-violent communication method and the restorative circles method (overall 400 participants);• supporting members of socially excluded communities at municipal level through providing support to local governments to communicate challenging human rights issues (at least 150 representatives of local governments will be trained on how to reduce tensions in the municipality). <p>The project builds on the former Hatefree Campaign (Campaign against Racism and Hate Violence 2014-2017).</p> <p>The project's partner organisation is the Norwegian NGO Trygg Læring (Safe Learning), which is active in school mediation and will share good practices. The Norwegian partner will also be involved in the preparation of the education of mediation and peer-mediation lecturers and in the development of the methodology of mediation at the school level.</p>
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<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>All elements are transferable.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The project is contingent on continued funding, but the materials are developed in cooperation with the Norwegian partner remain as a resource.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>N/A</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The practice is transferable as already many of its elements are built with the support of international NGOs or international media entities.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The project interacts with the general population, but beneficiaries' involvement in the evaluation is unclear. No further information is available on this aspect.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Regular project evaluations foreseen. An initial survey research was conducted in June 2021 to map young people's opinions on human rights.</p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.
Title (original language)	Saste Roma - Rozvíjíme zdraví ve vyloučených lokalitách
Title (EN)	Saste Roma (Healthy Roma) - Promoting Health in Socially Excluded Localities
Organisation (original language)	Mezinárodním centru klinického výzkumu, Fakultní nemocnice u sv. Anny v Brně
Organisation (EN)	International Clinical Research Centre, Sain Anne's University Hospital in Brno
Government / Civil society	Government hospital
Funding body	Norway Grants, ESF
Reference (incl. URL, where available)	https://www.fnusa.cz/projekt-saste-roma-nauci-nejen-romy-jak-pecovat-o-sve-zdravi/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	June 2021 – June 2024
Type of initiative	Awareness-raising project
Main target group	Roma people living in socially excluded locations
Indicate level of implementation: Local/Regional/National	Regional (trainings), National (app)
Brief description (max. 1000 chars)	<p>In the Czech Republic the average life expectancy of Roma people is 18 years less than non-Roma people, and Roma more often have multiple health issues than the non-Roma population. Poor Roma also have less knowledge about health-related issues, are less likely to seek out preventive care, and often have lifestyles that are detrimental to health. The aim of the project is thus to increase the awareness of Roma living in socially excluded localities about health, diseases, and accessible cures.</p> <p>The project should result in a series of educational materials targeting marginalised Roma, ranging from booklets, events, and e-learning platforms to mobile applications. Special attention will be paid to students.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>All elements are transferable to a context with a sizeable socially marginalised population.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The practice is contingent on funding.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Awareness-raising may have a positive effect on people's health-related decisions.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>All elements are transferable to a context with a sizeable socially marginalised population.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The project is implemented with the help of health professionals, sociologists, teachers, and experts on marginalised populations. Street workers, practitioners, and NGOs supporting the Romani community will also be involved.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Assessments and evaluations are foreseen.</p>

Thematic area	<p style="text-align: center;">INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p style="text-align: center;">Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
Title (original language)	<p style="text-align: center;"><u>No promising practice identified for this thematic area.</u></p>

Thematic area	<p style="text-align: center;">RIGHTS OF THE CHILD</p> <p style="text-align: center;">Please provide a promising practice related to the topics addressed in the chapter.</p>
Title (original language)	<p style="text-align: center;"><u>No promising practice identified for this thematic area.</u></p>

Thematic area	ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter.
Title (original language)	Bez trestu
Title (EN)	No Punishment
Organisation (original language)	The project consists of a platform of lawyers who specialise in sexual violence issues
Organisation (EN)	See above – at this point it is an online initiative
Government / Civil society	Neither, see above
Funding body	The project is an independent coalition of lawyers who participate on a voluntary basis. No state or other public funding is provided or foreseen. The initiative was started on the basis of donations from crowdsurfing and individual donations.
Reference (incl. URL, where available)	https://www.beztrestu.cz/o-nas

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Since 2021
Type of initiative	Voluntary
Main target group	General public, judges and public prosecutors
Indicate level of implementation: Local/Regional/National	National

<p>Brief description (max. 1000 chars)</p>	<p>In the Czech Republic one in two cases of sexual violence prosecuted in court end with a suspended sentence.¹⁵³ Lucie Hrdá, a prominent attorney in the field of victims' rights, together with the founding members of an association of female lawyers, established a platform that seeks to raise awareness about the light sentences that rape perpetrators receive in Czech courts.</p> <p>The aim of the initiative is twofold:</p> <ul style="list-style-type: none"> • Bringing together an anonymised, publicly available online database of all judicial decisions that concern sexual and domestic violence. This would serve as a resource for experts (as well as the general public) on the types of punishments given out for sexual and domestic violence in the Czech Republic. The case laws in the database demonstrate that currently the sentences given out for such crimes are extremely inadequate, and that judges often hold prejudices against victims (or perpetrators) of violence, or against what acts constitute violence. • Educating judges and public prosecutors about the social aspects of sexual and domestic violence, victimology, and victims' psychology. The project hopes that judges' increased awareness will lead to adequate (harsher) sentences for the perpetrators of violence. <p>The initiative encourages the general public to send in anonymised case laws that concern domestic or sexual violence. The case laws are processed and included in the public online database.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>All elements are transferable.</p>

¹⁵³ This statistics is based on the results offered by the website and application <https://jaktrestame.cz/>. The project Jak Trestame (How We Penalize) was founded by a group of doctoral students from the Faculty of Law, Charles University, the academic research centre CERGE-EI and a journalist who is a data analyst. The website and the application shows statistical data on the penalties given in the Czech Republic based on the year, type of crime, and other details.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The initiative is not dependent on any grants.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Publicised judicial sentences and societal discussion affect the general public's awareness of the topic. Judges and prosecutors will undergo specialised training sessions focusing on violence, which will bring about changes in practice.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>All elements are transferable to a similar context.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The general public as well as victims of violence can contribute with their case laws to the database.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	Empowerment lidí s mentálním postižením a podpora jejich zapojení do obhajoby vlastních práv (Přístupná společnost)
Title (EN)	The Empowerment of People with a Disability and Support for Their Integration and Rights Protection (Accessible Society)
Organisation (original language)	Rytmus / Společnost pro podporu lidí s mentálním postižením
Organisation (EN)	Rytmus / Association for the Support of People with Mental Disabilities
Government / Civil society	NGOs
Funding body	Active Citizens Fund and Výbor dobré vůle - Nadace Olgy Havlové
Reference (incl. URL, where available)	http://www.spmPCR.cz/co-delame/srozumitelne-informace/pristupna-spolecnost/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	April 2019 – April 2023
Type of initiative	Trainings
Main target group	People with disabilities, employees of public offices
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The project aims to enhance the inclusion of people with disabilities into mainstream society. Its main activity is organising courses. These courses target both people with disabilities (teaching them to communicate with authorities, express their opinions, and increase their human rights awareness, etc.) and employees of various offices and government authorities (teaching them to deliver information in an easy-to-read format and to interact better with people with disabilities). Some project activities will involve cooperation with the Public Defender of Rights, the outcome of which should be guidelines to improve cooperation between public institutions and people with disabilities. Public awareness campaigns about disabilities are also foreseen.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>All elements are transferable.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>N/A</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Trainings targeting officials will be aimed at sensitisation. The guideline developed in cooperation with the Ombudsperson will be disseminated in public institutions.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>N/A</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Disabled people will participate in writing the guideline in cooperation with the Ombudsman's office.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	11 January 2021
Reference details	Constitutional Court decision Pl. ÚS 6/20 Available online at: https://www.usoud.cz/fileadmin/user_upload/Tiskova_mluvci/Publikovane_nalezy/2021/Pl_US_6_20_vc_disentu.pdf

<p>Key facts of the case (max. 500 chars)</p>	<p>The Constitutional Court decided on the recognition of the adoption of children by same sex couples abroad.¹⁵⁴ The Court declined the request of the Prague Regional Court to revoke part of the Act on private international law prohibiting couples other than those who are married (unmarried or in registered partnership) from adopting children. The case involves a couple living in a registered partnership who adopted two children in the US, but wanted the adoption decision to also be recognised by the Czech courts, as one of the parents was Czech.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Regional Court argued that by prohibiting the acknowledgment of (legally perfect) foreign decisions on adoption, the contested provision prevents the acknowledgement of 'factual and legal reality' and the provision of legal protection of family life as safeguarded by Art. 10(2) of the Bill of Rights.</p> <p>The Constitutional Court argued the supremacy of Czech law over foreign law. With respect to adoption by same-sex couples, the Court referred to its previous decision, no. 7/15, and reiterated that the preference of lawmakers for married couples as adopters is constitutionally compliant and added that the rejection of adoption cannot constitute a violation of one's right to family life.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Constitutional Court argued that the Czech Republic, being a sovereign state, is entitled to set the rules that apply within its borders and vis-à-vis the persons living within them (including those who are adopted), and within its borders the rules and decisions of authorities override those that are based on foreign law. The duty to acknowledge foreign law that differs from Czech law and decisions it would be impossible for Czech authorities to make would put undue limits on this sovereignty. Furthermore, the Czech regulation that applies to adoptions must not be circumvented, even in situations of adoptions of or by Czech citizens living abroad.</p>

¹⁵⁴ [Decision of the Constitutional Court of December 15th 2020 6/20.](#)

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>In obiter dicta the Constitutional Court stressed that the ECtHR has not yet expressly ruled that the failure to acknowledge a foreign decision on adoption constitutes a violation of the Convention. Furthermore, should the ECtHR change its approach in the future, the Constitutional Court firmly reiterates the position it already established in its decision no. 10/15 that the national lawmaker is better suited to address matters of family, marriage, and relations between adults and children than the ECHR.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Smí-li zákonodárce stanovit pravidla pro osvojování, zásadně také může bránit tomu, aby tato pravidla byla „obcházena“ prostřednictvím zahraniční právní úpravy, tedy osvojováním českých občanů či českými občany v jiném státě (a to obcházena nikoli pouze účelově, nýbrž např. i v důsledku toho, že případní osvojitelé v zahraničí nějakou dobu žijí).</p> <p>If the legislator is allowed to lay down the rules for adoption, it can in principle also prevent these rules from being ‘circumvented’ by taking advantage of foreign regulation, i.e. by the adoption of Czech citizens or by Czech citizens in another state (that is, circumvented not only purposefully, but also as a result of the potential adopters having lived abroad for some time).</p>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
Decision date	Requested from the Ministry of Interior

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	25. 5. 2021
Reference details	Decision of the High Court in Olomouc 1 Co 1/2021-1175 Not available online, received directly from the court upon request
Key facts of the case (max. 500 chars)	<p>In 2006, the town of Vsetín evicted and relocated several families that had lived in a house in the centre of Vsetín. The eviction and relocation took place under not fully transparent circumstances; all of the affected families were Romani. Some of the the evictees were moved to repurposed shipping containers in a remote part of Vsetín, others moved to other towns altogether with the municipality’s assistance. The building in which the families lived was in poor condition and was soon demolished to make way for higher-standard urban development.</p> <p>The former mayor (later Deputy Prime Minister and Senator) became the target of national attention for the way he handled this issue.</p>

<p style="text-align: center;">Main reasoning/argumentation (max. 500 chars)</p>	<p>The evictees argued that the circumstances of the eviction caused them mental harm, that they were not given the opportunity to freely choose where they would move with their families, and that they did not have a chance to view the properties they were going to be relocated to. Some argued that the town's officials forced them to sign legal documents relating to purchasing the properties they were to be relocated to, but without having the opportunity to see these properties in advance. They sued for a public apology and compensation.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The visible presence of Roma people is perceived as problematic by the white majority in many towns across the Czech Republic. Various attempts to pressure Roma to either leave the location where they live or to coerce them to move away from lucrative town centres have been made by politicians who want to present themselves as 'Roma-problem solvers'; the rights of the evictees may be violated in the process. Actual cases of this, however, rarely make it to the courts. The Vsetín case is a major exception: it was moving through various courts for 15 years, and it proved that towns that take illegal action can be found liable.</p>
<p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>While a lower instance court (Regional Court) had already decided that the circumstances of the eviction violated the rights of the evictees and that they were entitled to apology and severance pay[compensation], the town of Vsetín appealed. The Olomouc High Court then revised the findings of the Regional Court and only granted the apology, and decreased the amount of the compensation to be paid to only approximately half of the complainants (EUR 12 000 divided among 25 complainants). Nevertheless, it ordered the town of Vsetín to cover the (not insignificant) costs of the trial (EUR 106 000).</p>

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>34. Regarding the method of apology, the Court of Appeal concluded that it was no longer appropriate apology published in the public media. Taking into account the length of time the proceedings, the fact that the event has already been forgotten by the general public, an apology in the public media loses its significance. ...In the opinion of the Court of Appeal, apology is thus an appropriate way to apologize through a personal letter to plaintiffs.</p>
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<p>Thematic area</p>	<p>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION</p> <p>Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.</p>
<p>Decision date</p>	<p><i><u>No case law has been identified for this thematic area.</u></i></p>

<p>Thematic area</p>	<p>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p>Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
<p>Decision date</p>	<p><i><u>No case law has been identified for this thematic area.</u></i></p>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	27 April 2021
Reference details	Constitutional Court decision I.ÚS 1486/20 Available at: https://nalus.usoud.cz/Search/ResultDetail.aspx?id=116003&pos=9&cnt=22&typ=result
Key facts of the case (max. 500 chars)	<p>The complainant is a person with a mental disability who was hospitalised in a psychiatric hospital in 2009 as a minor, for which she was legally charged a fee totalling CZK 4,500 (approx. € 180). As neither the complainant nor her guardians had paid the fee, the courts imposed an obligation on her to pay the fee with accessories, and this obligation was enforced against the complainant.</p> <p>During the proceedings before the courts the applicant was deprived of legal capacity due to her disorder. The complainant then turned to the Constitutional Court, as she believed that the distraint process should have been stopped on the ground of a lack of passive legitimacy on her part (as she could not have been sued for something she was not responsible for but her legal guardians were).</p>

<p style="text-align: center;">Main reasoning/argumentation</p> <p style="text-align: center;">(max. 500 chars)</p>	<p>The Regional Court decided contrary to the previous Constitutional Court case II. ÚS 728/15, according to which legal representatives are obliged to pay a regulatory fee for the hospitalisation of their children. In the complainant's case, the interpretation of the relevant provision of the Public Health Insurance Act was in conflict with the Convention on the Rights of the Child, as the payment of the regulatory fee was recovered from a person who was a minor at the time the obligation arose.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>A court decision imposing an obligation to pay a regulatory fee for the hospitalisation of a person who was a minor at the time of hospitalisation, seriously ill, and objectively completely incapable of 'taking care of their own rights' is not in accordance with the constitutional order. It represents a fundamental defect in the enforcement order, the exercise of which would lead to a manifest injustice and would run counter to the fundamental principles of the rule of law. The principles of the rule of law are directly related to how the state will take care of its objectively 'weak' citizens, among whom the complainant undoubtedly belonged and belongs.</p>
<p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court revoked the decision of the Regional Court.</p> <p>Furthermore, the Constitutional Court imposed on the Regional Court the obligation to pay the applicant the costs of the proceedings heard before the Constitutional Court. The Regional Court's breach of its right to judicial protection was so intense that it justified this exceptional procedure.</p> <p>The case is now returning to the Regional Court in Hradec Králové, which will be bound by the legal opinion of the Constitutional Court in its further decision-making.</p>

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>27. "Nikoliv dítě, ale zpravidla jeho zákonný zástupce rozhoduje o tom, zda dítě využije služeb podléhajících regulačnímu poplatku, přičemž dítě zásadně nemá ani reálnou možnost ovlivnit, zda regulační poplatek za svoji hospitalizaci bude jeho zákonným zástupcem uhrazen, či nikoliv. ... Není-li dobrovolně zaplacen regulační poplatek za poskytnutí lůžkové péče nezletilému, není podle Ústavního soudu v souladu s Úmluvou o právech dítěte, ..., že by nezaplacení regulačního poplatku bylo přikládáno k tíži nezletilého, resp. že by měla být úhrada tohoto regulačního poplatku vymáhána na osobě, která v době vzniku povinnosti jeho úhrady byla nezletilá."</p> <p>27. 'It is not the child but usually their legal representative who decides whether the child will use the services subject to the regulatory fee. The child does not even truly have the opportunity to influence whether the regulatory fee for his/her hospitalisation will be paid by his/her legal representative or not. ... If the regulatory fee for the provision of inpatient care to a minor is not voluntarily paid, it is not in accordance with the Convention on the Rights of the Child... that the non-payment of the regulatory fee would be charged to the minor, or that the payment of this regulatory fee should be levied on a person who was a minor at the time when the obligation to pay it arose.'</p>
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Thematic area	ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	3 August 2021
Reference details	Constitutional Court decision II ÚS 3003/20 Available online at: https://www.usoud.cz/fileadmin/user_upload/Tiskova_mluvci/Publikovane_nalezy/2021/II_US_3003_20_an.pdf
Key facts of the case (max. 500 chars)	The complainant, a transwoman who is on the autistic spectrum, was hospitalised in 2018 (when she was 12 years old) in a psychiatric ward on the basis of a court decision. Because she is biologically a male, she was placed in the boys section of the ward. Over the two months she spent at the ward, she was repeatedly raped by (at least) one hospitalised boy. The perpetrator was subsequently tried and convicted for rape; the complainant participated in the proceedings as a victim and demanded compensation of CZK 500,000. The High Court recognised the compensation claim of CZK 75,000 and in the remainder referred the complainant to civil litigation. The complainant challenged the High Court’s decision before the Constitutional Court.

<p style="text-align: center;">Main reasoning/argumentation</p> <p style="text-align: center;">(max. 500 chars)</p>	<p>The complainant argued that the awarded compensation is utterly disproportionate to the severity of the violation of the dignity of a child who has been repeatedly raped. Furthermore, she claimed that the first-instance court downplayed the incurred harm due to her psychiatric condition, as it held that due to her impaired understanding of social relations she was unable to understand the severity of the rapist's actions. She also claimed that the courts in neither instance paid sufficient attention to safeguarding her rights as a particularly vulnerable victim, as per the Act on Victims of Crime – for example, she was not given a representative.</p> <p>The High Court argued that the claims had been raised in the appeal to the first-instance decision and had been sufficiently addressed in its decision. It further stood by its decision to refer the complainant to civil litigation and pointed out its detailed reasoning for doing so. Lastly, it reiterated that due to the complainant's specific psychiatric condition, she was unable to fully perceive the harm done to her by the assailant(s), and that the subsequent impact upon her behaviour (eg. ability to socialise) was not caused by the harm inflicted by the perpetrator, as it was already present in her behaviour and could well be the result of her autistic condition.</p>
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<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>In Czech criminal litigation victims of crimes have primarily had accessory standing in the proceedings, which based partly on the Code on Criminal Procedure, and partly on the Act on Victims of Crime. As for compensation, the victims may demand it in criminal proceedings, but the courts often do not make decisions about compensation or do not grant the full amount sought by a complainant and they refer the victims to civil proceedings. The extent to which the Constitutional Court may review such decisions is limited, but it may do so in cases where the compensation is excessively low, as for it to make such decisions would defy the reasoning behind giving criminal courts the competence to award compensation. Furthermore, awarding excessively low compensation to victims in criminal proceedings can be perceived as unjust and as causing secondary harm, thereby constituting a violation of their rights.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court established that by awarding excessively low compensation to the complainant for non-pecuniary damage caused to her by rape, and referring her to civil proceedings with the rest of her claim, the High Court violated the complainant's fundamental right to the inviolability of the person and their privacy under Article 7 § 1 of the Bill of Rights. The Court's ruling will presumably serve as guidance for other criminal courts when deciding on compensation for victims of rape and other violent crimes.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>33. "Dojde-li zásahem do nedotknutelnosti osoby a jejího soukromí (čl. 7 odst. 1 Listiny) ke vzniku újmy, nelze snížit náhradu této újmy jen z důvodu, že poškozený jednatel není schopen z důvodů svého postižení plně chápat zásah do svého základního práva."</p> <p>33. 'If harm occurs by the interference with the inviolability of a person and their privacy (Article 7 (1) of the Bill of Rights), compensation for such damage cannot be reduced simply because the victim of such harm is unable to fully understand the violation of their fundamental right due to their disability.'</p>

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>