

Doc. 14213 Part 3
15 December 2016

The progress of the Assembly's monitoring procedure (September 2015-December 2016) and the periodic review of the honouring of obligations by Austria, the Czech Republic, Denmark, Finland, France and Germany

Periodic review report: Czech Republic

Report¹

Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe
(Monitoring Committee)

Rapporteur: Mr Cezar Florin PREDA, Romania, Group of the European People's Party

Summary

All member States of the Council of Europe that are not under a monitoring procedure *sensu stricto*, or engaged in a post-monitoring dialogue, are the subject of a regular periodic review by the Monitoring Committee of the honouring of their membership obligations to the Council of Europe. In this report, the committee presents the periodic review on the Czech Republic. The committee concluded that the Czech Republic is globally fulfilling its membership obligations to the Council of Europe and, overall, its democratic institutions function in line with the standards of the Council of Europe. However, a number of concerns were raised, and recommendations made in that respect, that deserve the prompt attention of the authorities.

1. See also Doc. 14213 [Part 1](#), [Part 2](#), [Part 4](#), [Part 5](#), [Part 6](#) and [Part 7](#).



Contents

Page

Explanatory memorandum by Mr Cezar Florin Preda, rapporteur	3
1. Introduction	3
2. Background	3
3. Democracy	5
4. Rule of law	7
5. Human rights	10
6. Conclusions and recommendations	19
Appendix	21

Explanatory memorandum by Mr Cezar Florin Preda, rapporteur

1. Introduction

1. The Czech Republic, which has a population of 10 546 120 million,² was founded when Czechoslovakia was peacefully dissolved on 1 January 1993, creating two independent countries – the Czech Republic and Slovakia. Neither party claimed any continuity and both the Czech Republic and Slovakia were new successor States. They subsequently built up their own inter-political relations with other States and were admitted as separate States by international organisations. The Czech Republic joined the Council of Europe on 30 June 1993 pursuant to Parliamentary Assembly [Opinion 174 \(1993\)](#) and to Committee of Ministers Resolution (93) 32. The monitoring procedure was closed in September 1997 with [Recommendation 1338 \(1997\)](#), and the post-monitoring dialogue with the Czech Republic was concluded in 2004. In May 2004, the Czech Republic became a member of the European Union after the fulfilment of accession criteria during the Union's largest enlargement from 15 to 25 member countries. The national currency is the Czech Crown (*česká koruna*). The Czech Republic intends to join the Single European Currency (euro), but no precise date has been set so far.

2. Upon its accession to the Council of Europe, the Czech Republic committed itself to respecting the obligations incumbent upon every member State under Article 3 of the Statute of the Council of Europe (ETS No. 1) with regard to pluralist democracy, the rule of law and human rights. As at 1 August 2016, the Czech Republic had ratified 120 Council of Europe treaties and signed 12 additional treaties without ratification.³ On 2 May 2016, the Czech Republic ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) and signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention"), and the Convention on Action against Trafficking in Human Beings (CETS No. 197). It signed the Council of Europe Convention against Trafficking in Human Organs (CETS No. 216) in March 2015. The Czech Republic ratified the Convention on Mutual Administrative Assistance in Tax Matters as amended by the 2010 Protocol (ETS No. 127) in October 2013, the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189) in August 2014, Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No. 213) in March 2015 and the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144) in July 2015.

3. This periodic report was drafted in line with [Resolution 2018 \(2014\)](#) and the explanatory memorandum was approved by the committee on 17 March 2015. This report is based on, *inter alia*, the most recent findings of the Council of Europe monitoring mechanisms, the reports of the Parliamentary Assembly and the Council of Europe Commissioner for Human Rights and, when relevant, reports prepared by other international organisations and civil society.

4. I would like to thank the Czech delegation to the Parliamentary Assembly and the authorities, for their active and constructive co-operation, and express my appreciation for their thorough comments on a number of issues. Many positive developments have taken place since the preliminary draft report was discussed in the committee and much progress has been made. Some of the reforms carried still require the adoption of laws in parliament. These developments have been reflected in this report, even though there may be some issues on which my assessments diverge from those expressed by the authorities.

2. Background

5. The country comprises three historical lands – Bohemia, Moravia and Silesia. Administratively, the country is divided into basic (municipalities: *obce*) and higher (regions: *kraje*) territorial self-government units. There are fourteen regions and 6 253 municipalities. Thirteen of these are regions and one, the City of Prague, is both a municipality and a greater territorial self-governing unit. Each region is run by a Governor; decisions are made by regional assemblies. With regard to the subsidiarity principle, Czech regions are responsible for more and more activities and their role has grown larger over the past few years. The last report and resolution⁴ by the Congress of Local and Regional Authorities of the Council of Europe date from 2012.

2. <https://www.czso.cz/csu/czso/population>, figures of 30 September 2015.

3. www.coe.int/en/web/conventions/search-on-states/-/conventions/treaty/search/states_coe.

6. The Constitution of the Czech Republic defines it as a sovereign, unitary and democratic State governed by the rule of law, founded on respect for the rights and freedoms of a humans and citizens (Article 1.1). An important part of the Constitution and constitutional order is the Charter of Fundamental Rights and Freedoms (Articles 3 and 112.1) which has the same legal force as the Constitution itself.

7. The Czech Republic is a parliamentary democracy.

8. The government, led by the Prime Minister, is the most important branch of the executive, and makes decisions on all political steps in the country for the duration of its office. The government is politically responsible to the Chamber of Deputies. Following a general election, the President of the Republic designates the Prime Minister. Upon the proposal of the designated Prime Minister, the President of the Republic appoints other members of the government. The current Prime Minister, Bohuslav Sobotka, leader of the Czech Social Democratic Party, was appointed by the President on 17 January 2014. Due to the party's narrow victory in the early elections of 2013, he had to form a coalition government to secure support in the lower chamber of the parliament.

9. The President of the Czech Republic is elected for a five-year term, with a limit of two consecutive terms. Direct presidential elections were introduced with the 2012 constitutional reform.⁵ The President's constitutional powers are rather limited and the successive presidents' influence has mainly resulted from their personalities. The President has the constitutional power to return bills to the parliament and to appoint judges to the Supreme and Constitutional Courts, as well as members of the Bank Board of the Czech National Bank. He also has the power to dissolve the parliament under certain special circumstances.⁶ As mentioned, he also formally appoints the Prime Minister, as well the other members of the Cabinet on a proposal by the Prime Minister. Miloš Zeman was elected President on 26 January 2013 in the first direct election.

10. The legislative power of the Czech Republic is entrusted in the parliament that consists of two chambers, the Chamber of Deputies and the Senate. The Chamber of Deputies is composed of 200 members directly elected, by universal suffrage, for a four-year term by proportional representation, with a 5% election threshold.

11. The 81 members of the Senate are elected in single-seat constituencies by a two-round vote for a six-year term, with one third elected every even year in the autumn. The Senate was created as a counterbalance to the Chamber of Deputies, with a view to a better quality legislative process, as a power balancing tool against the dominance of a single party and to ensure continuity in case of dissolution of the Chamber of Deputies. It has the reputation of being a more moderate body than the Chamber of Deputies. The Senate suffers from the perception that it is redundant and has weak powers. This has resulted into low election turnouts and calls for its abolition.

12. The country underwent its longest-ever recession from the end of 2011 to the spring of 2013. In 2014, the Czech Republic climbed out of this recession and has demonstrated a significant growth reflecting favourable trends in the economy.⁷ Unemployment has shown a declining trend since then. Real gross domestic product (GDP) growth picked up to 2% in 2014⁸ and forecasts predict a further increase to 4% in 2015 and 2.5% in 2016.⁹ Economic growth picked up strongly in 2015, driven by private demand and a boost from European Union-financed public investment.¹⁰ This economic growth is likely to decelerate in 2016 but should continue to expand at a more sustainable pace, partly because inflows of EU funds and government spending are projected to slow down.

4. [https://wcd.coe.int/com.instranet.InstraServlet?](https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2416465&SecMode=1&DocId=1866904&Usage=2)

[command=com.instranet.CmdBlobGet&InstranetImage=2416465&SecMode=1&DocId=1866904&Usage=2,](https://wcd.coe.int/ViewDoc.jsp?id=1926079) [https://wcd.coe.int/ViewDoc.jsp?id=1926079.](https://wcd.coe.int/ViewDoc.jsp?id=1926079)

5. The first President of the independent Czech Republic was Václav Havel (1993-2003). The second President was Václav Klaus (2003-2013). The third and current President of the Czech Republic (the first one elected directly) is Miloš Zeman.

6. Based on Article 35 of the Constitution, the Chamber of Deputies may be dissolved by the President of the Republic, if: the Chamber of Deputies fails to vote confidence in a newly appointed government; the Chamber of Deputies has not decided on a government bill tied to the question of confidence; the session of the Chamber of Deputies has been recessed for a longer than admissible term; and the Chamber of Deputies has not had a quorum for more than three months. The Chamber of Deputies may not be dissolved three months prior to the end of its electoral term.

7. [www.bloomberg.com/news/articles/2015-05-15/czech-gdp-growth-unexpectedly-soars-to-record-on-manufacturing.](http://www.bloomberg.com/news/articles/2015-05-15/czech-gdp-growth-unexpectedly-soars-to-record-on-manufacturing)

8. [https://www.czso.cz/csu/czso/hmu_ts.](https://www.czso.cz/csu/czso/hmu_ts)

9. [http://data.worldbank.org/country/czech-republic.](http://data.worldbank.org/country/czech-republic)

10. OECD Economic forecast summary on Czech Republic (November 2015), www.oecd.org/eco/outlook/czech-republic-economic-forecast-summary.htm.

3. Democracy

3.1. Presidential elections

13. In the January 2013 election, Miloš Zeman was elected President with 54.8% of the votes, defeating Karel Schwarzenberg. This was the first election in which the President was elected through a direct popular vote, following the constitutional amendments of February 2012.

14. According to the Election Assessment Mission Final Report of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR),¹¹ the election was professionally organised and enjoyed a high level of public confidence. The report stated that, while the legal framework provided a generally sound basis for conducting a democratic presidential election, several important aspects remained to be addressed, including in the areas of candidate registration, campaign finance and the complaints and appeals process. On 4 February 2015, a roundtable was organised between the OSCE/ODIHR and the Czech authorities to discuss the follow-up to the final report on the 2013 presidential election.¹² The discussions focused on the ODIHR Election Assessment Mission's recommendations on voter and candidate registration, campaign finance, the resolution of electoral disputes, the work of the election administration, and access for international and citizen election observers. The ODIHR took note of the legal amendments presented by the authorities and expressed its readiness to review the final amendments to the election legislation. According to information provided by the Ministry of the Interior, changes to the electoral laws were prepared and submitted to the government in May 2016. These changes primarily included a new procedure for collecting and monitoring petitions for presidential elections. I was also informed by the Czech authorities that the issue of campaign financing will be regulated by another amendment to the electoral laws, which was under discussion in parliament in June 2016. I encourage the authorities to pursue the reform of the electoral legislation, in compliance with European standards.

15. In March 2013, at the end of President Václav Klaus' mandate, the Senate impeached him and charged him with high treason before the Constitutional Court, based on five cases in which he had allegedly violated the Constitution, including: the amnesty to mark the 20th anniversary of the Czech Republic's independence;¹³ his refusal to sign a number of European treaties and the European stability mechanism; his alleged procrastination in nominating judges to the Constitutional Court. As Václav Klaus left the post three days after the case was filed, the proceedings in the Constitutional Court were halted (considering that the primary justification for suing a sitting president would be to remove him from office, which was obviously no longer relevant).

3.2. Political instability

16. Developments since the country's independence have shown that the system repeatedly produces very weak governments: there have been 11 prime ministers since 1993, which shows a certain degree of instability. This can be explained by a number of factors, including the country's proportional electoral system that fails to create solid parliamentary majorities which would enable the formation of stable governments as well as the continual struggles between a weakened coalition and opposition or tension between the main political parties within the governing coalition. At the same time, the electoral system alone cannot explain this phenomenon as political stability could nevertheless have been maintained by prime ministers capable of creating political consensus. Political and corruption scandals have been the most common cause of governments failing to complete their electoral terms. The periodic crises have often been the consequence of a struggle between economic groups. Reasons for intra- and inter-party tensions include the emergence of new political parties, disagreements over economic reforms, the consequences of the financial and economic crises and the European integration process. These recurrent political crises have led to increased public disenchantment with the established political elite.

11. www.osce.org/odihr/elections/101126?download=true.

12. www.osce.org/odihr/elections/czech-republic/139021.

13. As a result of which 6 326 inmates were released from Czech prisons, representing more than one quarter of the country's jail population, and several high-profile graft investigations were halted, triggering widespread public criticism.

3.3. General elections

17. On 10 July 2013, after the resignation of Prime Minister Petr Nečas – due to a corruption and abuse of power scandal – President Zeman appointed his former economic adviser, Jiří Rusnok, as the new Prime Minister and tasked him with the formation of a new government, despite the opposition of a number of political parties. The new caretaker government failed to win a confidence vote in August 2013 and parliament was dissolved, paving the way for the October 2013 elections.

18. The October 2013 snap elections were held in the context of a political crisis caused by a series of corruption scandals. The two parties gaining the most seats in this election were the Czech Social Democratic Party (ČSSD) that finished first (after seven years in opposition) with 50 seats (20.45% of the votes) – which was insufficient to govern by itself – and the newly created ANO 2011 (“Action of Dissatisfied Citizens”, “Ano” meaning “yes” in Czech) party with 47 seats (18.65%). The Communist Party of Bohemia and Moravia (KSČM) came third with 33 seats (14.91%). The two parties from the previous coalition government, Tradition Responsibility Prosperity 09 (TOP 09) and the Civic Democratic Party (ODS), both lost substantial numbers of seats: TOP 09 won 26 seats, the ODS lost almost two thirds of its votes compared to the last election and won only 16 seats. Two other parties both won 14 seats: the new Dawn of Direct Democracy party and the Christian Democratic Union–Czech People’s party (KDU–ČSL).

19. The ČSSD, ANO, and the KDU–ČSL parties formed a centre-left ruling coalition in December 2013. The Social Democratic party (ČSSD) leader Bohuslav Sobotka was formally appointed Prime Minister in January 2014.

20. The newly established ANO movement led by business tycoon Andrej Babiš – currently Minister of Finance – has become the second-strongest force in the Chamber of Deputies. ANO 2011 was initially funded as a civic initiative, but became a political movement in 2012. In the context of increasing mistrust of politics, the party appealed to a dissatisfied and disillusioned electorate. Andrej Babiš owns the Czech agriculture and chemical corporation Agrofert, and the country’s largest media group, Mafra. He is the second richest person in the Czech Republic.¹⁴

21. There has been no major change in the government since its appointment in January 2014. Despite initial internal disputes and a disagreement *inter alia* over taxation and social policy, the coalition government has remained intact throughout 2014 and 2015. The 2016 budget was passed in December 2015 with the support of the whole coalition, thus showing its capability to push bills through. The ruling coalition faced a vote of no confidence initiated by the centre-right opposition in May 2015. In that vote, only 47 MPs out of the 184 present supported the no confidence motion while 105 voted against and 32 abstained. Prime Minister Bohuslav Sobotka called the result “a signal for the government” to continue in its policies and current direction.

3.4. Local elections

22. Local elections took place in October 2014, and were held in conjunction with elections to the Senate. Voter turnout reached 44.43% for the local elections. The major parliamentary parties suffered significant losses, with the exception of the KDU–ČSL which maintained control over most of its constituencies. Independent candidates gained the strongest support in the local polls, especially in smaller towns and villages. The political movement ANO 2011 was the main winner of the election, gaining eight of the ten biggest cities, including the capital Prague. ANO 2011 currently holds mayoral offices in the three largest cities in the Czech Republic. The fight against corruption and the opacity of public procurement practices featured prominently in the campaign. ANO’s candidate in Prague was Adriana Krnáčová, former director of the Czech chapter of Transparency International, now the Mayor of Prague.

23. According to the Freedom House Nation in Transit Report 2015,¹⁵ similarly to the 2010 local elections, many people filed complaints with the courts. However, the regional courts only found a few cases of violations, such as instances of vote-buying from socially disadvantaged voters (mostly Roma) in the towns of Chomutov and Bílina, where the results were annulled.

14. Forbes list of Czech billionaires: www.forbes.com/billionaires/list/#version:static_search:czech.

15. <https://freedomhouse.org/report/nations-transit/2015/czech-republic>.

3.5. Political discourse

24. Intolerant political discourse is an issue of great concern in the Czech Republic, as was mentioned by the European Commission against Racism and Intolerance (ECRI)¹⁶ and the Advisory Committee on the Framework Convention for the Protection of National Minorities¹⁷ in their last reports on the Czech Republic. This phenomenon is further aggravated during election periods and concerns not only far-right but also mainstream parties. During the 2013 campaign, Tomio Okamura's Dawn of Direct Democracy party appealed to anti-Roma and anti-Muslim prejudices. And yet, propagation of negative stereotypes about Roma not only came from far right-wing political parties but also from the leaders of mainstream parties, enhancing the acceptance of hate speech as part of public life. The word "inadaptable" to refer to vulnerable groups, and in particular Roma, was used officially in public discourse, which is a very worrying development in itself. While freedom of expression is one of the building blocks of a democratic society, hate speech is a flagrant violation of that freedom and it is essential that politicians refrain from spreading prejudices against certain groups as they have a greater responsibility. In this respect, see also the chapters on "Fight against intolerance and racism, discrimination and hate speech" and "Media freedom" below.

4. Rule of law

4.1. Judiciary

25. A report issued in 2010 by the country's counter-intelligence agency, quoted in the Freedom House 2015 report,¹⁸ stated that corruption within the Czech Republic's judicial system is "very sophisticated, making detection difficult".

26. The system of judicial appointments is organised as follows: the President of the Republic appoints judges upon the proposal of the Minister of Justice.¹⁹ The consent of the President of the Supreme Court is required for candidates to the post of Supreme Court judge. Judges are appointed for life and can only be removed following disciplinary proceedings by a special judicial ethics panel. There is no National Judicial Council, instead, each court has its own Judicial Council, which is an advisory body, expressing its opinion on candidates for President or Vice-President.²⁰ Presidents of the respective court or of higher courts, the Minister of Justice and the President of the Republic are the authorities responsible for initiating disciplinary proceedings against judges. The Ombudsman can initiate disciplinary proceedings against presidents and vice-presidents of the courts.

27. According to the Czech Constitution, the Public Prosecution Service is considered a part of the executive branch of State power. The government has the power to appoint and dismiss the Supreme Public Prosecutor on the recommendation of the Minister of Justice. Public prosecutors take office for an unlimited period after their appointment by the Minister of Justice, on the recommendation of the Supreme Public Prosecutor. The executive power is also responsible for initiating disciplinary proceedings against prosecutors. They can be suspended from duty by decision of the Minister of Justice. A reform of the public prosecution has been under way in recent years, but without any progress so far, as acknowledged by the European Council in its 2015 recommendation on the Czech Republic's national programme.²¹ New legislation regulating State prosecution and focusing primarily on ensuring its independence from political influence is still pending.

28. According to the last European Commission for the Efficiency of Justice (CEPEJ) Evaluation Report of European judicial systems,²² there has been a continuing positive trend in the Czech Republic with regard to the funding of the judiciary, with increased budgets allocated to the judicial system and a very high priority given to the functioning of courts. A decrease in the amounts devoted to the legal aid system was nevertheless noted, in particular in the field of criminal law. The Czech Republic has few special legal services to support vulnerable persons and victims.

16. ECRI [report](#) on the Czech Republic (fifth monitoring cycle), adopted on 16 June 2015 and published on 13 October 2015.

17. [Opinion](#) (4th cycle) of the Advisory Committee on the Framework Convention for the Protection of National Minorities, adopted in November 2015 and published in June 2016, [ACFC/OP/IV\(2015\)004](#).

18. <https://freedomhouse.org/report/freedom-world/2015/czech-republic>.

19. https://e-justice.europa.eu/content_legal_professions-29-cz-maximizeMS-en.do?member=1.

20. [Report evaluating European judicial systems – 2014 edition \(2012 data\)](#) – CEPEJ Studies No. 20.

21. http://ec.europa.eu/europe2020/pdf/csr2015/csr2015_council_czech_en.pdf paragraph 11 – see also the section on corruption.

22. Op. cit.

29. As mentioned in the US Department of State report for 2014,²³ “the quality of judicial proceedings improved and the length of investigations and prosecutions steadily decreased over the past decade”. The CEPEJ 2014 evaluation report indeed shows that the criminal court system is very efficient: backlogs are decreasing and the system is not generating new backlogs (both the clearance rate and the disposition time can be considered as positive). As regards criminal cases, the length of procedures for handling judicial cases is essential for the protection of fundamental rights, including serious criminal cases where deprivation of liberty may be at stake. In that respect, the Czech Republic has an efficient criminal justice system that can resolve a complaint within an acceptable time.

30. The CEPEJ highlights, however, that the Czech courts are not as efficient in managing insolvency proceedings (there is a low clearance rate of about 30%).

4.2. Fight against corruption and economic crime

31. The rapporteur notes that since the preliminary draft report, new reports from international organisations have been published on the fight against corruption in the Czech Republic, highlighting encouraging developments over the last year. They have been reflected in this report. The rapporteur welcomes this trend and encourages the authorities to pursue their efforts in this area.

32. In terms of the perceived level of corruption, in 2015, the Czech Republic improved its score in the Corruption Perception Index by 5 points, taking it to 56, and gained 16 positions, going from 53rd to 37th.²⁴ Among the European Union member States, the Czech Republic ranks 22nd, compared with 25th in 2014. The average for the EU member States is 67 points.

33. The political corruption cases involving the Nečas government in 2013, which led to its collapse, had greatly damaged the image of politics among Czech citizens, as shown by Transparency International's Global Corruption Barometer 2013: 73% of the Czechs surveyed considered political parties to be “corrupt” or “extremely corrupt”.²⁵ High-level graft is widespread and the level of trust in State institutions is low.²⁶ High-profile criminal prosecutions involving several top politicians were initiated but these cases have not yet led to any convictions. In its Annex on the Czech Republic to the EU Anti-Corruption report of 2014,²⁷ the European Commission noted that most corruption cases prosecuted concerned petty corruption and that the prosecution of large-scale corruption was relatively rare. The European Commission recommended that the ability of prosecutors to handle corruption cases in an independent manner be strengthened by reviewing the criteria for nomination of prosecutors and by pursuing reforms aimed at banning instructions by the executive in individual cases (see chapter above). The European Commission noted the persistent problems related to the misuse of public funds, public procurement and other interactions between business and the public sector and recommended enhancing the stability of the civil service and safeguards against political interference.

34. According to the 2016 national reform programme of the Czech Republic,²⁸ “in 2015 the government approved several legislative amendments, which are currently being discussed in the Chamber of Deputies aimed, in particular, at increasing transparency. These include an amendment to the Act on Conflict of Interests, an amendment to the Act on Association in Political Movements, and an amendment to the Supreme Audit Office Act. Measures already implemented include the Act on Civil Service and its implementing regulations and the Act on Contract Registry”. These developments come after a period of political instability, especially in the second half of 2013 and the start of a new coalition government in January 2014, when only a few partial measures of the government anti-corruption strategy had been successfully implemented

35. In its recent country report on the Czech Republic for 2016,²⁹ the European Commission referred to the World Economic Forum's 2015 Global Competitiveness Report, highlighting “inefficient government bureaucracy and corruption as the most problematic factors for doing business”. It acknowledged some progress in adopting the legislative and non-legislative measures contained in the 2015 anti-corruption plan. It noted in particular that an Anti-Corruption Council was set up in July 2014 as an advisory body to the government, with representation by stakeholders. There is also evidence of an increased effort to prosecute

23. US Department of State, [Country Report on Human Rights Practices for 2014, Czech Republic](#).

24. www.transparency.org/cpi2015#results-table.

25. www.transparency.org/gcb2013/country//?country=czech_republic.

26. Freedom in the World 2015, [Report on the Czech Republic](#), Freedom House.

27. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_czech_republic_chapter_en.pdf.

28. http://ec.europa.eu/europe2020/pdf/csr2016/nrp2016_czech_en.pdf.

29. SWD(2016)73 final, 26 February 2016.

cases of corruption, with an increase in the number of convictions for bribery over the period 2011-13 (from 64 to 91).³⁰ At the same time, the European Commission noted that some of the measures are difficult to enforce and have limited impact. For example, the mechanism for enforcement in the Act on Conflict of Interest is not effective as the rules — often concerning high-level public officials — are enforced by local authorities that may be hesitant to impose sanctions. Some important legislation has not yet been adopted, including an amendment to the act on conflict of interest and a new act regulating the financing of political parties.

36. While in 2015³¹ the European Council considered that efforts made in recent years to tackle the problem of corruption had met with serious delays, the 2016 “recommendation for a Council recommendation on the 2016 national reform programme of the Czech Republic”³² states that some progress has been made in adopting the legislative and non-legislative measures of the 2015 anti-corruption plan, although it pointed out that some of the key anti-corruption acts were still outstanding.

37. According to the Council of Europe Group of States Against Corruption (GRECO)'s third evaluation round report³³ of 2011, the relevant legal provisions on corruption are largely in line with the Criminal Law Convention on Corruption (ETS No. 173) and its Additional Protocol (ETS No. 191). Nevertheless, the report enumerates a limited number of quite specific deficiencies and concludes as follows: “the new Criminal Code provides a sound basis for the investigation, prosecution and adjudication of corruption offences. The main challenge in fighting corruption in the Czech Republic lies with the effective application of the legislation”. GRECO issued three interim compliance reports in the framework of this third evaluation round.

38. In its third interim compliance report, published in February 2016,³⁴ GRECO concluded that some progress had been attained by the Czech Republic since the 2nd interim compliance report. As for incriminations, GRECO welcomed the adoption of the amendment to Section 333 of the Criminal Code on trading in influence, and considered that the recommendation in this regard had been implemented satisfactorily. Two concerns already highlighted in the 2nd compliance report still needed to be addressed, namely to clarify that all public sector employees fall within the scope of the bribery and trading in influence provisions, and to accelerate the process of signing and ratifying the Additional Protocol to the Criminal Law Convention on Corruption.

39. With regard to transparent political financing, GRECO welcomed the adoption in first reading in the lower chamber of parliament of a package of amendments to the Political Parties and Movement Act and to several electoral laws, and considered that once adopted these amendments would remedy many deficiencies. While reiterating its support for the ongoing reform, GRECO urged the authorities to address the remaining pending matters already highlighted in the 2nd compliance report. Due to the fact that the legislative amendments were yet to be adopted by parliament, GRECO underscored once again that the level of compliance with the recommendations remains “globally unsatisfactory” and expected the authorities to provide a new report by 30 September 2016.

40. In February 2016, Transparency International called on the Czech Government coalition and the opposition to speed up the debate in the Chamber of Deputies on a draft amendment to the law on political parties' funding, and insisted that the new legislation needed to be in force by the next general election, due in 2017. The amendments foresee the establishment of an independent body to supervise political parties' financing. They also set a limit to political parties' spending on election campaigns and obliged them to establish transparent accounts. In their comments, the authorities informed me that in the meantime the draft amendment to the Act on Association in Political Parties and Political Movements was debated in the Chamber of Deputies in second reading on 1 June 2016. I welcome this development and hope that the new legislation will be in force soon. I encourage the authorities to implement without delay the outstanding recommendations made by GRECO.

30. European Commission, collection of official data on corruption offences, <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=21215&no=2>).

31. European Council Recommendation of 14 July 2015 on the 2015 National Reform Programme of the Czech Republic.

32. Recommendation for a Council recommendation on the 2016 national reform programme of the Czech Republic and delivering a Council opinion on the 2016 convergence programme of the Czech Republic.

33. [www.coe.int/t/dghl/monitoring/greco/evaluations/round3/Grecoval3\(2010\)10_CzechRep_One_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/Grecoval3(2010)10_CzechRep_One_EN.pdf).

34. [www.coe.int/t/dghl/monitoring/greco/evaluations/round3/RC3%20Interim/GrecoRC3\(2015\)18_CzechRep_3rd_Interim_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/RC3%20Interim/GrecoRC3(2015)18_CzechRep_3rd_Interim_EN.pdf).

41. The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)'s report on its fourth assessment visit to the Czech Republic of April 2011³⁵ summarises the major anti-money laundering and counter-terrorist financing measures (AML/CFT) in place as of May 2010. The follow-up report has not been issued. Due to the lack of recent findings, the rapporteur proposes looking into the matter in its next periodic evaluation cycle.

5. Human rights

5.1. Prevention of torture and inhuman or degrading treatment or punishment

42. In its report on its April 2014 visit to the Czech Republic, published in March 2015,³⁶ the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reviewed the measures taken by the Czech authorities to implement its previous recommendations, notably as regards the treatment of detained persons and conditions of detention in police establishments and prisons. It paid particular attention to the situation of juveniles, high-security and life-sentenced prisoners, as well as "security detention", detention centres for foreigners, psychiatric hospitals, as well as the issue of surgical castration of sex offenders.

43. Concerning police custody, while acknowledging that, in general, the practical operation of fundamental safeguards against ill-treatment did not pose major difficulties, it raised certain issues of concern. While material conditions of detention were on the whole satisfactory in police establishments, certain shortcomings remained in some detention facilities. The committee reiterated its recommendation to put an end to the practice of handcuffing detained persons to fixed objects in police establishments, as well as its specific recommendations on circumstances of, and procedures for, searching detained persons in police establishments.

44. Concerning detention of foreign nationals under alien legislation, it noted no allegations of ill-treatment by staff or violence amongst inmates. The material conditions of detention were generally satisfactory. The committee recommended that the necessary measures be taken to ensure that unaccompanied/separated minors are always accommodated in an open (or semi-open) specialised establishment for juveniles.

45. Some allegations of physical ill-treatment and verbal abuse by custodial staff were received regarding the establishments for adults visited, and inter-prisoner violence appears to be a problem. As regards juveniles, the CPT expressed grave concerns about the frequency of allegations of physical ill-treatment. The material conditions of the establishments visited were on the whole acceptable, although access to natural light was insufficient in a number of cells visited. The CPT delegation had a generally favourable impression of the regime offered to sentenced prisoners, but expressed serious concerns about the limited number of regular out-of-cell activities proposed. While describing a number of improvements regarding the situation of life-sentenced prisoners, the report stresses that further measures were required to render the regime satisfactory. The recommendation that the relevant legislation be revised with a view to integrating life-sentence prisoners into the general prison population was reiterated. Despite some improvements with regard to high-security prisoners, the regime applied to them was considered still far from satisfactory. As regards health care, the CPT expressed serious concerns were expressed that, due to the obligation to pay a "regulatory fee" for medical consultations, a number of indigent prisoners were denied medical treatment. In addition, prison officers continued to be routinely present during medical examinations. As for security-related issues, the report recommends that immediate steps be taken to put an end to collective strip searches as well as to the use of service dogs within detention areas. Some security detention inmates made allegations of slaps and/or verbal abuse as well as of degrading treatment by members of the custodial staff. Although material conditions of detention in security detention facilities were generally very good, the report encouraged more out-of-cell activities.

46. Concerning psychiatric establishments, although living conditions were considered generally satisfactory, recommendations were made by the CPT to improve access to outdoor exercise for patients. Despite the positive overall impression of psychiatric treatment, the report expressed serious misgivings about the imposition of punishments on patients by the treating psychiatrist or psychologist and the use of net-beds and made recommendations concerning the duration of mechanical restraint.

35. www.coe.int/t/dghl/monitoring/moneyval/Countries/Czech_en.asp.

36. www.cpt.coe.int/en/states/cze.htm.

47. In my preliminary draft report, I looked into the issue of surgical castration in the context of treatment of sex offenders and I mentioned the CPT's report published in March 2015³⁷ in which it took note of the new legal framework and acknowledged the significant decrease in the resort to this intervention in recent years, but emphasised that this in itself did not remove its fundamental objections to the intervention. Consequently, it urged the Czech authorities to put a definitive end to the use of surgical castration in the context of treatment of sex offenders and to amend the relevant legal provisions accordingly.

48. In their comments on the preliminary draft report, the authorities referred to the non-violation judgment in the case of *Dvořáček v. Czech Republic*³⁸ of the European Court of Human Rights ("the Court"), in which the applicant complained that he had been subjected to a protective sexological treatment, allegedly administered without his informed consent, for which the Court did not find a violation of Article 3 of the European Convention on Human Rights (ETS No. 5, "the Convention"). The rapporteur notes that this case did not concern a case of surgical castration but of protective sexological treatment. The rapporteur takes note of the reference made by the authorities to a sentence of paragraph 100 in the judgment in which the Court noted that at the time surgical castration had been strictly regulated and subject to free, informed consent.

49. The rapporteur can only repeat the concerns expressed by the CPT about the use of this intervention as a means of treating sex offenders: "It is a mutilating irreversible intervention with serious physical effects and direct or indirect mental health, consequences, which is not in conformity with recognised international standards and the positive effect of which in respect of re-offending has not been based on sound scientific evaluation. Moreover, effective alternative therapies for treatment of sex offenders are currently available and the intervention can thus not be considered as a medical necessity in the context of treatment of sex offenders." Moreover, like the CPT, the rapporteur has doubts as to whether, given the context in which the interventions are offered, consent to surgical castration would always be truly free and informed. Based on the above, the rapporteur shares the CPT's approach that the Czech authorities should put a definitive end to the use of surgical castration in the context of treatment of sex offenders.

5.2. Fight against intolerance and racism, discrimination and hate speech

5.2.1. Legal and institutional framework

50. The Czech Republic has signed but not ratified Protocol No. 12 to the European Convention on Human Rights (ETS No. 177). As recommended by ECRI in its 2015 report,³⁹ ratification of Protocol No. 12 is vital in combating racism and racial discrimination.

51. Following ECRI's recommendations, an Anti-discrimination Act was adopted in 2009, providing for the right to equal treatment and prohibition of discrimination. A number of lacunae and difficulties in the act remain and prevent it from being an effective instrument. The Public Defender of Rights is designated as the anti-discrimination body, although this institution is not equipped with the necessary powers and responsibilities to combat racial discrimination.⁴⁰ A legislative reform is underway to enlarge the Public Defender's powers.

52. In its 2015 report, ECRI recommended that the authorities revise the Criminal Code to include *inter alia* the following key elements in the fight against racism and racial discrimination: the offences of incitement to violence and to discrimination; public insults of a racist nature; the public expression – with a racist aim – of an ideology which claims the superiority of, or which depreciates or denigrates, a group of persons; and racial discrimination in the exercise of one's public office or occupation.

5.2.2. Racism and hate speech

53. The annual report of the Ministry of the Interior on "extremism in the territory of the Czech Republic in 2014" recorded 291 events organised by politically extremist entities, or events in which such individuals or entities participated. There had been a slight increase in the number of events in comparison with 2013, when 272 events had been recorded.⁴¹ The report also noted that, in addition to the long-standing anti-Roma propaganda, the right-wing extremist scene had increased its mobilisation against Muslims. According to the

37. [Report](#) on the visit to the Czech Republic carried out by the CPT from 1 to 10 April 2014.

38. *Dvořáček v. Czech Republic*, Application No. 12927/13, [judgment](#) of 6 November 2014.

39. ECRI's Fifth [report](#) on the Czech Republic (adopted on 16 June 2015).

40. *Ibid.*

41. [Report](#) on Extremism in the territory of the Czech Republic in 2014, Ministry of the Interior, 2015.

authorities' comments, a recent report on the 2015 statistics with regard to extremism shows a decline in extremist offences, with 175 "offences with an extremist subtext" recorded in the Czech Republic in 2015, against 201 in 2014.

54. Hate speech is punishable in the Criminal Code under "incitement to hatred and defamation". As noted by ECRI in its 2015 report, there is no specific reference to homophobic hate speech. However, Section 356 on incitement to hatred provides a possibility for punishment through open-ended wording ("or against another group of persons"), but Section 355 on defamation sets out a closed list of grounds, not including sexual orientation or gender identity. ECRI recommended that the Criminal Code provisions on violence against a group of persons or an individual, defamation and incitement to hatred include specific references to the grounds of sexual orientation and gender identity.

55. In recent years, there have been frequent cases of intolerant political discourse, in particular during election periods, mostly targeting Roma, Muslims and immigrants. Following the waves of violent anti-Roma demonstrations and riots in the Czech Republic (in particular in 2008, 2009 and 2013), the use of racist speech targeting Roma has increased in political discourse. The participation of mainstream politicians in anti-Roma demonstrations has led to further radicalisation of their speeches, and explicit anti-Gypsyism has begun to be part of mainstream political parties' discourse. Propagation and reinforcement of negative stereotypes not only come from far-right-wing political parties but also from political leaders of mainstream parties, making hate speech as part of public discourse commonplace.⁴²

56. According to the Czech authorities,⁴³ there was a significant decrease in anti-Roma rallies in 2015. Actions of right-wing extremists are now focused rather on migration issues, in particular with the creation of the "We Don't Want Islam in the Czech Republic" initiative which then became "The Anti-Islamic Bloc". The authorities informed me about pre-trial examinations and criminal proceedings conducted during the past year in connection with the activities of these groups, "in particular regarding public expressions during demonstrations on suspicion of spreading alarming news, or defamation and incitement to hatred against a specific group of persons".⁴⁴

57. The United Nations Committee on the Elimination of Racial Discrimination⁴⁵ denounced the increase in expressions of Islamophobia by anti-Muslim groups such as "We Don't Want Islam in the Czech Republic", which is openly supported by some politicians, including sitting members of parliament. This wave of anti-refugee and anti-Islamic rhetoric has increased over the last year as a result of the refugee crisis and recent terrorist attacks. As noted by ECRI, intolerant and racist expression features even in the speeches of high-level State officials and in particular the President of the Republic himself.

58. The President of the Republic has made a number of controversial public remarks contributing to the spreading of fear and prejudice against migrants. He recently talked about a "tsunami" of migrants poised to engulf Europe and stated that migration was "a well-organised invasion whose aim was to break down European social, cultural, economic and political structures". Andrew Strohlein, Human Rights Watch's European Media Director, criticised President Zeman for adopting the language of hateful extremists and inciting panic which will only make things worse and should be beneath all serious political leaders. The President of the Republic was also strongly criticised for failing to distance himself from extreme-right-wingers – in particular from Martin Konvička, the founder of "the anti-Islamic bloc"⁴⁶ – and for his participation in a rally against refugees and Islam organised on 17 November 2015. On this occasion, the President made a speech side-by-side with representatives of the extremist Bloc against Islam. In an interview for the Czech daily *Hospodářské noviny*, Prime Minister Bohuslav Sobotka said the Czech President should not make appearances at events organised by xenophobic movements disseminating hatred.

59. On 17 August 2015, more than 400 Czech scientists and academics signed a petition against the growth of xenophobic sentiment in Czech society and made a public appeal entitled "Academics against Fear and Indifference", demanding that politicians and the media drop the current anti-immigration discourse.

42. [Opinion](#) (4th cycle) of the Advisory Committee on the Framework Convention on the Protection of National Minorities, adopted in November 2015 and published in June 2016.

43. Comments provided by the Czech delegation to my preliminary draft report.

44. *Ibid.*

45. [Concluding observations](#) on the combined tenth and eleventh periodic reports of the Czech Republic, August 2015.

46. Martin Konvička founded an organisation called "We Don't Want Islam on the Czech Republic" and presented an anti-immigration petition signed by 140 000 people to the Czech Parliament in June 2015. The movement was then turned into a political party called "The Anti-Islamic Bloc".

Expressing concerns about extremist group activity which, in their view, was not being sufficiently counterbalanced, they protested against the way in which ethnic and religious intolerance were being nourished and generally tolerated in the Czech Republic.⁴⁷

60. In his exchange of letters with the Prime Minister,⁴⁸ the Commissioner for Human Rights stressed the essential role played by politicians' rhetoric and action at national and local level in the efforts to eradicate anti-Gypsyism and promote respect for human rights and social cohesion. ECRI stated in its report that where intolerant statements do not reach the level required for criminal sanctions, political and public figures should take a strong stand against them by means of counter-speech.

61. I fully concur with the recommendation of the Advisory Committee on the Framework Convention for the Protection of National Minorities⁴⁹ that efforts should be bolstered to combat manifestations of intolerance, racism, xenophobia and hate speech in Czech society and to effectively investigate and impose adequate sanctions when needed.

5.2.3. Promotion of minority languages and culture

62. A generally well-developed legal and institutional framework for the protection of national minorities, which also benefits regional or minority languages, is in place in the Czech Republic. In December 2015, the Council of Europe Committee of Ministers issued a number of recommendations⁵⁰ with regard to the country's compliance with the European Charter for Regional or Minority Languages (ETS No. 148). It called on the Czech Republic to intensify its efforts to promote awareness and tolerance in relation to minority languages and cultures as an integral part of the cultural heritage of the country. Measures are particularly needed to promote German and Romani in education, the media and public life. At the moment, there is little knowledge in the Czech society about the country's traditional minority languages and their contribution to the national cultural heritage. German is largely perceived, and also taught, as a foreign language and the presence of Romani in mainstream education is limited, and its teaching is hampered by a negative public perception of Roma.

5.3. The situation of Roma

63. The number of Roma in the Czech Republic – which depends more on identification of members of Roma communities by another person or group (most often by experts or staff of public institutions) than on self-identification – is estimated at between 150 000 to 350 000, or around 2% of the population.⁵¹

64. The situation of Roma in the Czech Republic is very worrying. The successive strategies adopted to combat social exclusion of Roma have not been implemented, due to a lack of sufficient funding and of enforcement mechanisms. The lack of involvement of the Roma population in their development and implementation has also contributed. Roma people suffer high levels of poverty, illiteracy, unemployment and face discrimination in education, employment, health care and housing.⁵² There were 33⁵³ criminal offences motivated by hatred towards Roma citizens in 2015,⁵⁴ against 42 in 2013, and 53 in 2014.⁵⁵

65. In 2013, Czech far-right groups staged a series of anti-Roma protests in dozens of towns and cities across the country. They were often located in the vicinities of Roma neighbourhoods and resulted in violent attacks against Roma. According to Amnesty International,⁵⁶ the response of the central government has been rather ambivalent despite the seriousness and large scale of the marches. In March 2014, the

47. www.romea.cz/en/news/czech/czech-academics-sign-petition-against-xenophobia.

48. [Exchange of letters](#) between the Commissioner for Human Rights and the Prime Minister of the Czech Republic, March 2014.

49. [Opinion](#) (4th cycle) of the Advisory Committee on the Framework Convention for the Protection of National Minorities adopted in November 2015 and published in June 2016, [ACFC/OP/IV\(2015\)004](#).

50. [Recommendation](#) CM/RecChL(2015)5 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by the Czech Republic, 1 December 2015.

51. Ad hoc Committee Of Experts On Roma Issues (CAHROM) [Thematic report on inclusive pre-school education for Roma children](#) (Czech Republic, Hungary, Latvia, Poland, "the former Yugoslav Republic of Macedonia"), July 2015, p. 5.

52. [Fact Sheet on the situation of Roma in the Czech Republic](#), European Roma and Travellers Forum (ERTF), March 2015.

53. The Czech authorities have drawn my attention to the fact that these figures are only indicative and that their predictive value is limited for a number of reasons, *inter alia* the fact that: police statistics concerning victims of crimes do not distinguish ethnicity or nationality; statistics do not record crimes against Roma where the anti-Roma subtext was not proven; many Roma people in the Czech Republic do not register themselves as Roma.

54. According to the information provided by the Czech authorities.

55. [Report](#) on Extremism in the territory of the Czech Republic in 2014, Ministry of the Interior, 2015.

Commissioner for Human Rights expressed his deep concern in an exchange of letters with the Prime Minister about the emerging pattern of anti-Roma events in the Czech Republic. He called for a comprehensive response from the Czech authorities to tackle the increased frequency and the spread of these events, as well as determined rhetoric against the Roma community. He noted the continuing, worrying, trend of violence against Roma, with at least 22 Roma having been physically attacked in 2013. The Commissioner insisted that the authorities should ensure the effective sanctioning of organisations that promote racial discrimination, and ban demonstrations targeting Roma communities. The Czech authorities informed me⁵⁷ of the ban of an anti-Roma meeting in České Budějovice in 2013, which was subsequently confirmed by the Supreme Administrative Court. They also recalled that the case law of the European Court of Human Rights on limiting freedom of assembly is very strict and they consider that the competent authorities do everything possible to prevent anti-Roma protests and to prepare for the dissolution of such meetings, when they lack sufficient grounds to ban them in advance, in line with the Court's case law.

66. According to the European Roma and Travellers Forum,⁵⁸ a number of anti-Roma demonstrations during 2014 remained unpunished and the police have regularly been accused of applying double standards in their investigations of crimes against Roma. According to the Czech authorities,⁵⁹ the police do not distinguish against whom an offence has been committed: all misdemeanors and criminal offences committed during a demonstration are thoroughly investigated, as shown in the annual report on extremism.

67. Based on the above, while acknowledging the action taken by authorities, the rapporteur stresses the importance of ensuring that no degree of impunity is tolerated in crimes committed against Roma and that this should be clearly made known among the general public.

5.3.1. Roma women

68. The issue of compensation for Roma women who were victims of involuntary sterilisation without their full and informed consent has been a persistent problem in the Czech Republic. In his 2011 report, the Commissioner for Human Rights, while welcoming the expression of regret by the Czech authorities for this unlawful practice, deplored the lack of an effective domestic mechanism to enable victims to seek and obtain compensation for the harm they had suffered. According to the case law of the European Court of Human Rights, such practices violate the human rights and dignity of the victims and constitute serious human rights violations. The Court held that governments are obliged to establish accessible and effective mechanisms to obtain reparation. In October 2015, the Commissioner for Human Rights⁶⁰ regretted the Czech Government's decision not to proceed with the adoption of the law allowing the granting of compensation to the Roma women who were victims of forced sterilisation.

69. In his reply to the Commissioner,⁶¹ the Prime Minister of the Czech Republic explained that women who were illegally sterilised in the Czech Republic had, and continue to have, the possibility to defend their rights in court and to be given redress for prejudice suffered. According to the authorities, although the right to monetary reparation is subject to a three-year limitation from the date of injury, jurisprudence has shown that in cases where a potential application of limitation would lead to excessively harsh consequences, the courts have rejected it and awarded damages to women who had been illegally sterilised.

70. The rapporteur shares the Commissioner's view⁶² that this framework is inadequate to accommodate reality, which is characterised by the fact that in some cases the women concerned have learnt that sterilisation had been performed on them, or realised its full implications, only at a later stage and that these women often needed to overcome their shame and lack of awareness about possible avenues for redress. The Czech authorities should review the law itself and review time limits applying to compensation claims for unlawful sterilisations, in order to extend it and, as a minimum measure, ensure that any time limit starts from

56. Amnesty International [Report](#): "We ask for justice": Europe's failure to protect Roma from racist violence, 8 April 2014, pp. 9-12.

57. Comments of the Czech delegation to the Parliamentary Assembly on the preliminary draft periodic review report.

58. Fact Sheet on the situation of Roma in the Czech Republic, European Roma and Travellers Forum (ERTF), March 2015.

59. Comments of the Czech delegation to the Parliamentary Assembly on the preliminary draft periodic review report.

60. Commissioner for Human Rights' [exchange of letters](#) with the Prime Minister of the Czech Republic, October 2015.

61. [Reply of the Prime Minister of the Czech Republic, Mr Bohuslav Sobotka](#), to the letter of the Council of Europe Commissioner for Human Rights, Nils Muižnieks, concerning the bill on reparations for involuntary sterilisation of Roma women.

62. [Commissioner's letter addressed to the Prime Minister of the Czech Republic, Mr Bohuslav Sobotka](#); [Report](#) of the Commissioner for Human Rights of the Council of Europe, following his visit to the Czech Republic from 17 to 19 November 2010

the time when the victim became aware of the sterilisation or its full implications and not the time when the sterilisation was performed. The rapporteur also encourages the authorities to follow the Commissioner for Human Rights' recommendation to consider the establishment of an *ex gratia* compensation mechanism to allow the State to award damages out of court to those illegally sterilised.

5.3.2. Discrimination against Roma children in Czech schools

71. Roma children reportedly face daily discrimination and segregation in schools. An Amnesty International report of April 2015 noted that Roma children are segregated in mainstream education in Roma-only separate classes, buildings and schools and even placed in schools for pupils with "mild mental disabilities". Those in ethnically mixed schools experience bullying and harassment.⁶³

72. This segregation was highlighted by the European Court of Human Rights' judgment in the case of *D.H. and Others v. Czech Republic* in 2007⁶⁴ that found discrimination in the Czech education system. The Court found a violation of Article 14 of the Convention in conjunction with Article 2 of Protocol No. 1 (ETS No. 9), for discrimination in the enjoyment of the applicants' right to education, due to their assignment to special schools (schools for children with special needs including those suffering from a mental or social handicap) on account of their Roma origin. Since then, whilst some important steps have been taken, such as a better understanding of the situation through the establishment of regular and independent monitoring and reviews by the Czech Schools Inspectorate, the variety of legislative and practical measures adopted by the authorities since 2007 has so far failed to bring about any real significant change in the education of Roma children.⁶⁵

73. As mentioned by the Council of Europe's ad hoc Committee of Experts on Roma Issues (CAHROM) in its thematic "Report on inclusive pre-school education for Roma children",⁶⁶ despite some overall progress, unjustified school segregation and enrolment of Roma children in "special schools" (now called "practical schools") and programmes intended for pupils with learning disabilities or mild mental disabilities still remain. Statistics show a constant, annual decrease⁶⁷ in the total number of pupils (Roma and non-Roma) in special schools or classes. Regrettably, this trend is not repeated in respect of Roma children. Despite the overall decrease, the proportion of Roma pupils in special schools or classes increased from 28.2% (2013-14 school year) to 32.4% (2014-15 school year). Furthermore, the percentage of Roma children in mainstream classes decreased from 10.3% (2013-14 school year) to 9.5% (2014-15 school year). The CAHROM has set up a thematic group on testing systems and diagnoses for pupils with allegedly mild mental disabilities, with a focus on Roma children. The CAHROM is expected to issue a report on several member States, including the Czech Republic, by the end of 2016.

74. In the framework of the execution of the *D.H. and Others v. Czech Republic* judgment,⁶⁸ legislative amendments were adopted, in force as of 1 September 2014, which abolished the possibility of short-term placement of "socially disadvantaged" pupils in groups/classes for children with "mild mental disability". An amendment to Article 16 of the Education Act, which intended to make the approach of the education system more inclusive, was adopted in 2015 and came into force on 1 September 2016. This new provision removed the previous categories of pupils (social disadvantage, health disadvantage and health disability) and introduced a classification of pupils having "special educational needs". Practical schools will continue to educate pupils diagnosed with mental disability. The Education Act also foresees the establishment of a National Institute of Education, which will monitor the use of the new diagnostic tools provided for in the law.

75. In the decision adopted at its 1259th meeting in June 2016 in the framework of the supervision of the implementation of the Court's judgments, the Committee of Ministers noted with interest the ongoing reform of the education system in the Czech Republic, as well as the legislative and practical measures adopted or envisaged by the authorities with a view to putting in place a policy of inclusive education and ensuring that it is fully operational in practice. In the light of the absence of a substantial change, to date, with regard to the education of Roma pupils, as illustrated by the most recent statistics, the Committee of Ministers urged the Czech authorities to implement rapidly the reform of the education system, so that it will impact on the

63. Amnesty international, report "Must Try Harder: Ethnic Discrimination of Romani Children in Czech Schools", 23 April 2015, www.amnestyusa.org/research/reports/must-try-harder-ethnic-discrimination-of-romani-children-in-czech-schools.

64. *D.H. and Others v. the Czech Republic*, Application No. 57325/00, judgment of 13 November 2007.

65. Notes for 1259th meeting (7-8 June 2016), CM/Notes/1259/H46-11:

66. Supra note 51.

67. From 17 755 in 2008 to 10 695 in 2014.

68. www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp?CaseTitleOrNumber=&StateCode=CZE&SectionCode=ENHANCED+SUPERVISION.

upcoming school year. In this respect, it encouraged the authorities to ensure that sufficient financial and human resources are allocated to all actors involved and that a relevant monitoring body is duly equipped with all necessary powers.

76. The European Commission has initiated an action of non-compliance against the Czech Republic for the discrimination of Roma children in education on the basis of Article 258 of the Treaty on the Functioning of the European Union. The Commission sent a letter of notification to the Czech Republic on 26 September 2014 and invited the member State to submit its observations. The Commission can now decide whether to close the action or to refer the case to the European Court of Justice. In July 2015, the Council of the European Union addressed a recommendation to the Czech Republic to promote the participation of Roma children in quality inclusive school education.⁶⁹

77. Based on the above, the rapporteur notes that while there has been no substantial improvement to date in the situation of Roma children in Czech schools, the approach chosen by the authorities appears to be a promising holistic attempt to tackle the roots of discriminatory treatment of Roma children in schools. The rapporteur urges the authorities to adopt all measures needed for the effective implementation and impact of the reform in order to eliminate, without further delay, practices that lead to the continued segregation of Roma children.

5.4. Rights of migrants and refugees

78. The Czech Republic has been criticised over its treatment of migrants and refugees, including unaccompanied minors and families with children, who are habitually detained for extensive periods of time in poor living conditions. In October 2015, United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein⁷⁰ strongly criticised the detention of migrants and refugees in the Czech Republic, drawing particular attention to the violations of the rights of the children among them. He noted that the Czech Republic routinely subjects these migrants and refugees to detention for 40 days, and reportedly sometimes even longer – up to 90 days – in conditions which have been described as degrading. He considered that there were systematic violations of the human rights of migrants as part of a policy by the Czech Government designed to deter migrants and refugees from entering or staying in the country. Immigration detention must be strictly a measure of last resort. Detention of children on the sole basis of their migration status, or that of their parents, is a violation. He noted that most detained migrants and refugees were not in a position to swiftly challenge their detention in court. The High Commissioner expressed concern about conditions in the detention facilities. The fact that people are being forced to pay for their own detention is particularly reprehensible. It is important to note that even the Minister of Justice himself criticised the detention policy as well as the detention conditions which he called “worse than in a prison”.

79. In their comments on the preliminary draft periodic review report, the Czech delegation to the Parliamentary Assembly provided information about the legal requirements for detention of children and unaccompanied minors, in particular following the December 2015 amendments to the Act on Residence of Foreign Nationals and other related laws that entered into force in December 2015. According to them, the detention facilities for foreigners, in particular the Bělá-Jezová facility, are equipped for children's needs, including education and leisure. The authorities indicated that the recovery of costs associated with the detention of persons and their return to their country of origin is regulated by the Act on Residence of Foreign Nationals. They also insisted on the difference between foreigners seeking international protection in the Czech Republic, who benefit from a different regime, and foreigners without a valid residence permit. Consequently, they disagree with the United Nations High Commissioner for Human Rights' statement mentioned above.

80. On 13 October 2015, the Czech Ombudsperson, Anna Šabatová, issued a report⁷¹ in which she denounced the severe conditions which children and families with children have to endure in the Bělá-Jezová detention facility, which in her view constitute a violation of the European Convention on Human Rights and the Convention on the Rights of the Child. She criticised the fact that migrants and refugees are being systematically deprived of their cell phones, making it impossible for them to contact their families. Parents are treated in a degrading way in front of their children, who are traumatised by the constant presence of heavily armed personnel. She noted that children in the facility have worse living conditions than inmates in Czech prisons. The detained children do not have sufficient clothing and shoes and there is a lack of activities

69. EU Council [Recommendation](#) of 14 July 2015 on the 2015 National Reform Programme of the Czech Republic and delivering a Council opinion on the 2015 Convergence Programme of the Czech Republic.

70. www.ohchr.org/en/newsevents/pages/displaynews.aspx?newsid=16632&%3Blangid=e.

71. www.ochrance.cz/en/news/press-releases-2015/czech-ombudsman-criticises-conditions-in-refugee-facility/.

available for them, with only limited access to a small playground and to a playroom. The mattresses are often unwashable and in a condition that does not meet even basic standards of hygiene. There are iron bars on the windows and no curtains. Every night, the detainees – including the children – are dragged out of their beds to be counted by the police, who sometimes wear helmets and masks. Many of the foreign nationals detained in Bělá-Jezová are not provided even with the minimum that is usually provided to inmates in Czech prisons (outdoor recreation area, warm food, a chair, a wardrobe and free access to a toilet). There is a lack of information and of legal advice. In a welcome development, as a follow-up to her report, a regular consultation mechanism was established between the Ombudsperson and the Minister of the Interior to assess the situation of migrants and refugees. On her website, the Ombudsperson acknowledged that the number of detainees in Bělá-Jezová had decreased between August and October 2015. But, despite certain improvements, she found that there was continuing ill-treatment of detainees. On 20 October 2015, the Ombudsperson met with the Minister of the Interior, who informed her that he was taking measures to ensure that the conditions in the Bělá-Jezová facility were gradually improved, especially with regard to the children accommodated there.⁷²

81. In their comments on the preliminary draft periodic review report, the Czech delegation to the Assembly indicated that the Ombudsperson's report reflected an exceptional situation in summer 2015 due to heavy overcrowding, which had since been solved. They mentioned in particular that, contrary to the description above: each detained foreigner receives a phone card upon arrival; internet is available in the facility; police officers are no longer present within the facility itself; non-governmental organisations (NGOs) distribute all necessary clothing; the facility conforms to basic sanitary conditions as the common areas are cleaned regularly; the issue of the presence of bars on the windows is under examination by the Interior Ministry; the facility of Bělá-Jezová is dedicated to families and single women and has been equipped accordingly.

82. The rapporteur recalls that the placement of minors with their parents in a detention centre should only occur as a last resort and for the shortest possible time and unaccompanied minors should always be accommodated in open or semi-open establishments specialising in juveniles.

83. In September 2015, former Czech President Klaus initiated a petition against immigration.⁷³ The petition calls on the Czech Government to ensure the security and external inviolability of the State borders by any means necessary, including deployment of the army and police.

5.5. Media freedom

84. According to Freedom House,⁷⁴ press freedom has long been secure in the Czech Republic, with a diverse selection of print, online and broadcast media. The media operate relatively freely. Public television and the national print media provide quality coverage of the most important national and international developments and have contributed to the country's high rankings in press freedom indexes. The Czech Republic is ranked 13th out of 180 countries in the 2015 World Press Freedom index, with a score of 11.62.

85. The Czech media landscape recently faced a new situation with declining profits in the print media which have paved the way for a boost in acquisitions and mergers on the Czech media market. A number of major media outlets have been consolidated under the ownership of several wealthy owners, some of whom are actively involved in politics. There have been reports of potential self-censorship, especially by those outlets owned by individuals with political interests. In general, the increased concentration of the media in the hands of a few business magnates⁷⁵ has prompted concerns about the independence of outlets and the long-term prospects of the industry. In 2013 and 2014, several journalists left major media outlets that were acquired by Andrej Babiš of the ANO.⁷⁶ In its 2015 report "Freedom of the Press",⁷⁷ Freedom House noted that media outlets are generally free from political interference, but, in its "Nations in transit 2015" report,⁷⁸ Freedom House expressed concern over Andrej Babiš' interference and intimidation of journalists with regard

72. www.ochrance.cz/en/news/press-releases-2015/systematic-visit-to-the-facility-for-detention-of-foreigners-in-bela-jezova/.

73. www.romea.cz/en/news/czech/former-czech-president-klaus-launches-new-petition-against-immigration.

74. Freedom House report, Nations in Transit – Czech Republic, 2015.

75. In April 2013, Zdeněk Bakala bought Centrum Holdings – the third biggest online portal on the Czech media market; in June 2013, Andrej Babiš Babis, who already owned a number of influential newspapers, acquired MAFRA Media Group, and bought Radio Impuls. At the end of 2013, Ringier Axel Springer Media AG sold its Czech subsidiary to an investment group owned by Daniel Křetínský and Patrik Tkáč.

76. Report Freedom in the World 2015 – Czech Republic, 4 August 2015.

77. <https://freedomhouse.org/report/freedom-press/2015/czech-republic>.

78. Ibid.

to the developments concerning Echo24.⁷⁹ Andrej Babiš apologised in March 2014 to all those who might have felt offended by his statements expressing doubts about the financing of Echo24, and he said that he had not intended to silence anyone.⁸⁰

86. As mentioned by ECRI in its 2015 report, racism in the media through stereotypes and hate speech is of concern in the Czech Republic, and it is often the first step in the process of actual violence (see chapter “Fight against intolerance and racism, discrimination and hate speech” above).

87. Negative stereotypes of Roma have been reported to be widespread in the Czech media. An analysis on “Stereotypes in the Media Image of Roma during 2013”⁸¹ quoted by the European Roma and Travellers Forum⁸² shows that, despite increasing positive reports about Roma culture, reports on Roma remain correlated to specific negative incidents involving them. The media and notably social media and the internet have greatly contributed to the spreading of prejudices and hate speech against Roma in the Czech Republic.

88. In September 2015, the United Nations Committee on the Elimination of Racial Discrimination⁸³ expressed concern over the spreading of prejudice and stereotypes about refugees and asylum seekers among the general public, particularly young people, through websites and social media, as well as increased attacks through e-mails or on social networks on people who defend the rights of foreign nationals, including activists from NGOs. The media’s excessive highlighting of the ethnic origin and the nationality of non-citizens in the reporting of criminal offences was also an issue of concern.

89. According to ECRI, appropriate responses to hate speech include law-enforcement channels as well as other mechanisms such as self-regulation, prevention and counter-speech. In its 2015 report, ECRI recommended that the Council for Radio and Television Broadcasting take firm action in all cases of incitement to hatred and impose appropriate fines to punish, as well as act as a deterrent against, dissemination of racist and intolerant expression.

90. According to the Czech authorities,⁸⁴ the Act on Radio and Television Broadcasting penalises both the incitement to hatred and stereotyping in broadcasting. An amendment to the Act is under preparation to implement a stricter ban on broadcasting stereotypes and prejudices by expanding the scope of the minorities concerned and foreseeing financial penalties in case of violation of these bans. The Council for Radio and Television Broadcasting is an independent regulatory body able to impose sanctions on radio and television broadcasters.

5.6. Other human rights issues

91. Other human rights problems include violence against women, sexual and other abuse of children as well as trafficking in persons, particularly labour trafficking and exploitation.

92. According to the Trafficking in Persons report of July 2015,⁸⁵ the Czech Republic is a source, transit, and destination country for women and children subjected to sex trafficking and a source, transit, and destination country for men and women subjected to forced labour. According to the report, the Government of the Czech Republic fully complies with the minimum standards for the elimination of trafficking. The government increased funding for NGOs providing victim services and enrolled more victims into its programme to protect individuals assisting law enforcement. However, law-enforcement efforts lagged as authorities initiated fewer prosecutions, achieved significantly fewer convictions, and sentenced only one convicted trafficker to imprisonment. Victims continued to have minimal opportunities to access court-ordered or State-funded compensation. The rapporteur welcomes the recent signature by the Czech Republic of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 199) and encourages the authorities to ratify it without delay.

79. In March 2014, A. Babiš accused journalists of Echo24 of embezzlement after they criticised him, and threatened the owner of Echo24 with a tax audit, which indeed happened in May, and which led to a parliamentary debate about A. Babiš’s intimidation of journalists.

80. Information provided by the Czech Delegation to the Parliamentary Assembly based on the following link: http://zpravy.idnes.cz/babis-se-omluvil-echu24-za-slova-na-tiskovce-f2t-domaci.aspx?c=A140327_2049895_domaci_wlk.

81. www.romea.cz/en/features-and-commentary/analyses/image-of-roma-in-the-czech-media-during-2013.

82. *Supra* note 52.

83. *Supra* note 45.

84. Comments of the Czech delegation to the Parliamentary Assembly on the preliminary draft report.

85. 2015 Trafficking in Persons Report – Czech Republic, US Department of State.

93. Based on the European Union Agency for Fundamental Rights' survey "Violence against Women across the EU" of March 2014,⁸⁶ 32% of women in the Czech Republic have experienced physical and/or sexual violence since the age of 15, of which 19% also experienced physical violence by a partner, 7% sexual violence by a partner, and 4% sexual violence by a non-partner. In addition, 47% of women had experienced some form of psychological abuse by either a current or former partner. As mentioned in the Country Report on Human Rights Practices for 2014 on the Czech Republic,⁸⁷ in the first six months of 2014, the Interior Ministry reported 338 cases of domestic violence, and the police investigated 206 cases. During the same period, courts convicted 138 individuals of domestic violence, sentencing 46 persons to prison terms, suspending the sentences of 91, and deporting one. Violence against women is widely reported to be more widespread than suggested by the number of cases reported to the authorities, due to the stigma associated with reporting such abuses. The rapporteur welcomes the recent signature by the Czech Republic of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, and he encourages its prompt ratification. He takes note of the fact that the Ministry of Justice will submit the necessary draft legislative amendments to the government by 30 June 2017 in order to ensure full compliance with all the requirements of the convention.⁸⁸

94. Child abuse remains a problem. The Czech Republic continues to be one of the countries with a comparatively large number of children in institutional care, including those with disabilities, which exposes them to a significantly higher risk of sexual abuse. According to the police, there were 886 cases of child abuse in 2013, 732 of which involved sexual abuse.⁸⁹ According to Ministry of the Interior statistics, the police investigated 45 cases of commercial sexual exploitation of children in the first six months of 2014, compared with 62 cases in total in 2013. There were reports of trafficked children engaged in prostitution. In the first six months of 2014, the courts convicted 51 individuals for the production or handling of child pornography, and nine individuals for misuse of a child for the production of pornography. NGOs have criticised the sentences for producing and distributing child pornography as too light. The rapporteur welcomes the recent ratification by the Czech Republic of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse.

6. Conclusions and recommendations

95. Overall, the functioning of democratic institutions in the Czech Republic complies with Council of Europe standards. The Czech Republic globally honours its membership obligations to the Council of Europe.

96. The ratification in May 2016 of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and the signature of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention on Action against Trafficking in Human Beings demonstrate the country's commitment to the protection and promotion of human rights. The rapporteur recommends the prompt ratification of the latter two conventions.

97. Based on the findings of the monitoring bodies, the rapporteur encourages the Czech Republic to ratify Protocol No. 12 to the European Convention on Human Rights and to sign the Additional Protocol to the Criminal Law Convention on Corruption.

98. Electoral processes enjoy a high level of public confidence and are professionally organised. While the legal framework provides a generally sound basis for conducting democratic elections, several important aspects remain to be addressed in compliance with ODIHR recommendations. While welcoming the steps already taken for the preparation and adoption of the amendments to the electoral law, the rapporteur recommends prompt adoption in full compliance with European standards. In particular, GRECO recommendations concerning transparent political financing should be implemented.

99. The political and institutional functioning of the country was characterised up to the last elections by periodic crises, repetitive elections and successive governments with a notable political instability. Political and corruption scandals under the previous governments led to increased public disenchantment with the established political elite. The rapporteur welcomes the country's political stability since the last election which has allowed reforms to be carried out in a number of areas.

86. Violence against women: an EU-wide survey – Main results, [report](#), March 2014.

87. Country [Report](#) on Human Rights Practices for 2014 – Czech Republic, US Department of State.

88. Comments of the Czech Delegation to the Parliamentary Assembly on the preliminary draft report.

89. Ibid.

100. The political corruption cases involving the previous government (which led to its collapse) greatly damaged the image of politicians among Czech citizens and subsequent efforts to fight corruption were delayed and produced poor results. The rapporteur welcomes the improved level of perception of corruption over the last year in the Czech Republic and the progress made in adopting the legislative and non-legislative measures contained in the 2015 Anti-Corruption Plan as well as an increased effort to prosecute cases of corruption. Although the authorities have taken a number of measures for the implementation of the GRECO recommendations, they need to pursue the implementation of the various outstanding recommendations.

101. While welcoming the efficiency of the judicial system, in which courts usually rule within reasonable time, the rapporteur encourages pursuance of the ongoing reform aimed at regulating the prosecution service and focusing primarily on ensuring its independence from political influence.

102. Concerning the protection of human rights, the rapporteur refers to the findings of the CPT with regard to the treatment of detained persons and conditions of detention in police establishments and prisons, the situation of juveniles, high-security and life-sentenced prisoners as well as “security detention”, detention centres for foreigners and psychiatric hospitals. The rapporteur recommends prompt implementation of the CPT’s outstanding recommendations, including on the issue of surgical castration of sex offenders.

103. The rapporteur urges the authorities to strengthen their efforts to promote tolerance and combat all manifestations of racism, xenophobia and hate speech present in Czech society. Effective investigations must be carried out and adequate sanctions must be applied when needed. The rapporteur is very concerned about intolerance in political discourse, which has been highlighted repeatedly by specific monitoring bodies, and recommends that efforts be made to fight against hate speech in the country: political figures need to be exemplary and refrain from spreading stereotypes. Racism through stereotypes and hate speech in the media are of great concern and are often the first step in the process of actual violence. The rapporteur recommends that appropriate responses to hate speech be given including through law-enforcement channels and other mechanisms such as self-regulation, prevention and counter-speech.

104. Despite some improvements, the situation of the Roma overall remains worrying and sustained efforts are needed to prevent, combat and sanction discrimination against them. Concerning the continued segregation of Roma children at school, whilst some important steps have been taken, the measures adopted by the authorities since 2007 have so far failed to bring about any really significant change in the education of Roma children. While welcoming the ongoing reform of the education system in the Czech Republic, the rapporteur urges the authorities to adopt all the necessary measures for its effective implementation in order to eliminate, without further delay, practices that lead to the continued segregation of Roma children. The rapporteur shares the view of the Commissioner for Human Rights concerning compensation for Roma women who were victims of involuntary sterilisation without their full and informed consent and encourages the authorities to review the compensation system.

105. Based on the above, the rapporteur recommends strengthened efforts on issues relating to discrimination, racism and intolerance and implementation of the outstanding recommendations of ECRI and the Advisory Committee.

106. Concerning the detention of foreign nationals, the rapporteur recommends that the placement of minors with their parents in detention centres should occur only as a last resort and for the shortest possible time and that unaccompanied minors be always accommodated in an open or semi-open establishment specialising in juveniles.

107. The committee will evaluate the implementation of these recommendations on the occasion of its next periodic evaluation cycle of member States that are not under a monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue.

108. Many of the recent positive developments mentioned in this report depend on new legislation and amendments of existing legislation proposed by the government but, at the time of writing, not yet adopted in final reading by the Czech Parliament. Consequently, the rapporteur urges the Czech Parliament to adopt these legislative proposals and amendments without delay.

Appendix

Council of Europe conventions signed and/or ratified between 1 October 2013 and 17 August 2016 by the Czech Republic

No.	Title		
127	Convention on Mutual Administrative Assistance in Tax Matters		
	Signature: 26/10/2012	Ratification: 11/10/2013	Entry into force: 01/02/2014
144	Convention on the Participation of Foreigners in Public Life at Local Level		
	Signature: 07/06/2000	Ratification: 17/07/2015	Entry into force: 01/11/2015
189	Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems		
	Signature: 17/05/2013	Ratification: 07/08/2014	Entry into force: 01/12/2014
197	Council of Europe Convention on Action against Trafficking in Human Beings		
	Signature: 02/05/2016		
201	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse		
	Signature: 17/07/2014	Ratification: 02/05/2016	Entry into force: 01/09/2016
208	Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters		
	Signature: 26/10/2012	Ratification: 11/10/2013	Entry into force: 01/02/2014
210	Council of Europe Convention on preventing and combating violence against women and domestic violence		
	Signature: 02/05/2016		
213	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms		
	Signature: 05/11/2013	Ratification: 18/03/2015	
216	Council of Europe Convention against Trafficking in Human Organs		
	Signature: 25/03/2015		

Recent findings of Council of Europe monitoring mechanisms and other bodies as at 17 August 2016

European Court of Human Rights	European Convention on Human Rights (ETS No. 5) ratified in 1992 Protocol No. 1 (ETS No. 009) ratified in 1992 Protocol No. 2 (ETS No. 044) ratified in 1992 Protocol No. 6 (ETS No. 114) ratified in 1992 Protocol No. 12 (ETS No. 177) signed in 2000 Protocol No. 13 (ETS No. 187) ratified in 2004 Protocol No. 14 (CETS No. 194) ratified in 2006 Out of a total of 64 850 applications pending before a judicial formation on 31 December 2015, 152 concerned the Czech Republic. Resolutions adopted by the Committee of Ministers: 13 in 2013, 9 in 2014, 7 in 2015 and none in 2016. See Press country profile Czech Republic
Congress of Local and Regional Authorities	European Charter on Local Self-Government (ETS No. 122) ratified in 1999 Last report and Recommendation on local and regional democracy in the Czech Republic adopted in March 2012: CG(22)6 and Recommendation 319 (2012)

Group of States against Corruption (GRECO)	Civil Law Convention on Corruption (ETS No. 174) ratified in 2003 Criminal Law Convention on Corruption (ETS No. 173) ratified in 2000, Additional Protocol (ETS No. 191) neither signed nor ratified <i>Third evaluation round: interim compliance report on the Czech Republic: "Incriminations (ETS 173 and 191, GPC 2)", "Transparency of party funding", adopted by GRECO at its 62nd plenary meeting, Strasbourg, 2-6 December 2013, published in April 2014, GRECO RC-III(2013)23E interim report</i> <i>Third evaluation round: second interim compliance report on the Czech Republic: "Incriminations (ETS 173 and 191, GPC 2)", "Transparency of party funding", adopted by GRECO at its 66th plenary meeting, Strasbourg, 8-12 December 2014, published in February 2015, GRECO RC-III(2014)28E second interim report</i> <i>Third evaluation round: third interim compliance report on the Czech Republic: "Incriminations (ETS 173 and 191, GPC 2)", "Transparency of party funding", adopted by GRECO at its 70th plenary meeting, Strasbourg, 30 November-4 December 2015, published in February 2016, Greco RC-III(2015)18E</i> <i>Fourth evaluation round: corruption prevention in respect of members of parliament, judges and prosecutors: evaluation report: Czech Republic, adopted by GRECO at its 72th plenary meeting, Strasbourg, 27 June-1 July 2016, confidential</i>
Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 1990 (ETS No. 141) ratified in 1996 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (revised) (CETS No. 198) neither signed nor ratified <i>Report on Fourth Assessment Visit: Anti-Money Laundering and Combating the Financing of Terrorism: Czech Republic, adopted by MONEYVAL at its 35th plenary meeting, Strasbourg, 11-14 April 2011, MONEYVAL(2011)1 and MONEYVAL(2011)1ANN</i> Follow up report (enhanced with application of Compliance Enhancing Procedures at step 1) due in April 2016
Commissioner for Human Rights	<i>Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to the Czech Republic, from 12 to 15 November 2012, CommDH(2013)1 / 21 February 2013</i> <i>Letter from the Council of Europe Commissioner for Human Rights, Nils Muižnieks, to Mr Bohuslav Sobotka, Prime Minister of the Czech Republic, on anti-Roma demonstrations, CommDH(2014)8 / 18 March 2014</i> <i>Reply of Mr Bohuslav Sobotka, Prime Minister of the Czech Republic, to the letter from the Council of Europe Commissioner for Human Rights, Nils Muižnieks, on anti-Roma demonstrations in the Czech Republic, CommDH/GovRep(2014)5 / 18 March 2014</i> <i>Letter from the Council of Europe Commissioner for Human Rights, Nils Muižnieks, to Mr Bohuslav Sobotka, Prime Minister of the Czech Republic, concerning the bill on reparations for involuntary sterilisation of Roma women, CommDH(2015)25 / 22 October 2015</i> <i>Reply of Mr Bohuslav Sobotka, Prime Minister of the Czech Republic, to the letter of the Council of Europe Commissioner for Human Rights, Nils Muižnieks, concerning the bill on reparations for involuntary sterilisation of Roma women, CommDH/GovRep(2015)11 / 22 October 2015 (in Czech followed by English translation)</i>
European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	Convention (ETS No. 126), Protocols No. 1 (ETS No. 151) and No. 2 (ETS No. 152) ratified in 1995 Last country visit: April 2014 Publication of the last report: March 2015, CPT/Inf(2015)18
Group of Experts on Action against Trafficking in Human Beings (GRETA) and Committee of the Parties	Convention (CETS No. 197) signed in 2016 but not ratified

Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and Committee of the Parties	Convention on preventing and combating violence against women and domestic violence (CETS No. 210) signed in 2016 but not ratified
European Commission against Racism and Intolerance (ECRI)	The 5 th report on the Czech Republic was adopted in June 2015 and made public in October 2015, CRI(2015)35
Venice Commission	No opinion concerning the Czech Republic

Other Treaties:

Framework Convention for the Protection of National Minorities	Convention (ETS No. 157) ratified in 1997 . Last CM Resolution (3rd cycle) on the implementation of the Framework Convention adopted in December 2012, CM/ResCMN(2012)21 . Last State Report (4th cycle) received in July 2014, ACFC/SR/IV(2014)011 . Last Advisory Committee Opinion (4th cycle) adopted in November 2015, ACFC/OP/IV(2015)004
European Charter for Regional or Minority Languages	Convention (ETS No. 148) ratified in 2006 . Last State Periodical Report (3rd cycle) submitted in September 2014, MIN-LANG(2014)PR8, addendum 1 submitted in February 2015, MIN-LANG(2014)PR8Addendum1 . Last Committee of Experts' evaluation report (3rd cycle) adopted in June 2015, ECRML(2015)6 . Last Committee of Ministers' Recommendation (3rd cycle) adopted in December 2015, CM/RecChL(2015)5 . Next State Periodical Report (4th cycle) due in March 2017
European Social Charter	European Social Charter of 1961 (ETS No. 35) ratified in 1999 European Social Charter (revised) (ETS No. 163) signed in 2000 but not ratified Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (ETS No. 158) ratified in 2012 See Country factsheet: the Czech Republic