

**TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT**  
**UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)**

**CZECHIA REVIEW**

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**I. Justice System**

**B. Quality of justice**

*Training of justice professionals (including judges, prosecutors, lawyers, court staff)*

The UN Committee on Economic, Social and Cultural Rights in its 2022 concluding observations recommended that Czechia ensure that economic, social and cultural rights can be invoked by courts at all levels and administrative instances, and facilitate access to effective remedies for victims of violations of these rights and enhance training for members of the judiciary, lawyers and public officials on the Covenant and the justiciability of the rights therein, and raise awareness about this topic among the general public, in particular the rights holders. It also recommended to ensure that law enforcement officers, judiciary personnel and other public officials are properly trained so that they can perform their functions and fulfil their obligations professionally with victim-centered approach ([E/C.12/CZE/CO/3](#), paras 5 (a) (b), 13 (c)).

In its 2022 concluding observations, the UN Committee on Enforced Disappearances took note of the information provided by Czechia that no specific and regular training on the Convention and the crime of enforced disappearance had been ensured to public officials. The Committee requested Czechia to ensure that all law enforcement and security personnel, whether civil or military, medical personnel, public officials, and other persons who may be involved in the custody or treatment of persons deprived of liberty, including judges, prosecutors, and other officials responsible for the administration of justice, receive specific and regular training on the provisions of the Convention ([CED/C/CZE/CO/1](#), paras 39 and 40).

**C. Efficiency of the justice system**

Other – please specify

**Non-discrimination** - The UN Committee on Economic, Social and Cultural Rights in its 2022 concluding observations was concerned that the shift of the burden of proof did not apply in all cases of discrimination. It was also concerned that the failure to report discrimination is associated with the low degree of trust in the government institutions. The Committee also recommended to amend the Civil Procedure Code to ensure the same level of protection for all victims of discrimination regardless of the grounds and area of discrimination ([E/C.12/CZE/CO/3](#), paras 12, 13 (d)).

**Social security** - The UN Committee on Economic, Social and Cultural Rights in its 2022 concluding observations was concerned about reports that courts restrict the legal capacity of persons with intellectual and psychosocial disabilities to apply for social benefits and pensions, and do not ensure procedural accommodations. The Committee recommended that Czechia implement a Civil Code reform to recognize the legal capacity of all persons with disabilities and implement a supported decision-making system, and that it respects their legal capacity to access social services and social security schemes, and strengthen capacity-building programmes for the judiciary on the human rights model of disability ([E/C.12/CZE/CO/3](#), paras 28, 29 (a) (b)).

**Forced sterilization of Roma women** - The UN Committee on Economic, Social and Cultural Rights in its 2022 concluding observations welcomed the adoption in 2021 of the Act related to compensation for persons who were forced to undergo sterilization between 1966 and 2012. However, the Committee was concerned that the time frame of three years to claim for compensation might be too short for the victims to be properly informed and to bring their claims. It recommended that Czechia ensure effective compensation for victims of forced sterilization and provide them with adequate support for redress, including assistance in obtaining compensation and free legal aid; extend the time limit for bringing legal claims for compensation in cases of forced sterilization, as long as necessary, and provide guarantees of non-repetition; and undertake measures to ensure that such acts are investigated and those responsible are prosecuted and, if convicted, adequately punished ([E/C.12/CZE/CO/3](#), paras 40 and 41).

**Remedies concerning the lawfulness of a detention** - In its 2022 concluding observations, the UN Committee on Enforced Disappearances noted with concern that the proceedings for the examination of lawfulness of deprivation of liberty could be brought before a court only by the person deprived of liberty. The Committee was also concerned about the information given during the dialogue that no appeal could be lodged against a police detention measure. The Committee was further concerned that the asylum seekers deprived of liberty pursuant to Section 46 of the Asylum Act cannot appeal against their initial deprivation of liberty, which may last two or three weeks. The Committee recommended that Czechia guarantee that any person with a legitimate interest is entitled to initiate the procedure of reviewing the lawfulness of a deprivation of liberty and that decisions of deprivation of liberty may be challenged before a court in all cases irrespective of its place and duration ([CED/C/CZE/CO/1](#), paras 35 and 36).

#### **IV. Other institutional issues related to checks and balances**

##### **B. Independent authorities**

*Independence, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions*

The UN Committee on Economic, Social and Cultural Rights in its 2022 concluding observations recognized the important role of the Public Defender of Rights (Ombudsperson), however remained concerned that the competence of the Ombudsperson did not cover all fundamental rights and freedoms. It was also concerned that follow-up to the study on the establishment of a national human rights institution remained pending. The Committee recommended that Czechia establish expeditiously a national human rights institution with a broad mandate in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It should further ensure the allocation of sufficient human, technical and financial resources to that institution to enable it to fully exercise its mandate in relation to economic, social and cultural rights ([E/C.12/CZE/CO/3](#), paras 6 and 7).

In its 2022 concluding observations, the UN Committee on Enforced Disappearances noted with interest the recent analysis carried out by Czechia for possible modifications of the mandate of the Public Defender of Rights. Nonetheless, the Committee was concerned that the current mandate does not include the promotion of all areas of human rights, including the protection of all persons from enforced disappearance. The Committee recommended that Czechia expedite efforts to amend the Act on the Public Defender of Rights, with a view to strengthening and bringing its mandate into full

compliance with the Paris Principles and achieving its accreditation by the Global Alliance of National Human Rights Institutions ([CED/C/CZE/CO/1](#), paras 11 and 12).