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Universal Protection of Human Rights in the Czech Republic: Overview, Architecture of Implementation and Main Challenges

- **ABSTRACT:** *The chapter examines the human rights framework in the Czech Republic, focusing on its institutional architecture and the critical aspects of the implementation of the UN human rights treaty system. Since its establishment as an independent state in 1993, the Czech Republic has built a legal and institutional framework aligned with international human rights standards. This focus has positioned the country as an active participant within United Nations human rights frameworks, with membership in the Human Rights Council at multiple intervals. The country has ratified key international human rights treaties inherited from Czechoslovakia, such as the ICCPR, ICESCR, and CAT, while implementing domestic legislative changes to uphold these international obligations. Notable reforms include measures for inclusive education following criticism from the UN CRC and CERD Committees, and the passing of the 2021 law providing compensation for victims of forced sterilisation, addressing the long-standing human rights violations against Romani women. However, the UN treaty bodies have persistently highlighted flaws, such as the absence of a comprehensive National Human Rights Institution and the lack of the explicit prohibition of corporal punishment in all areas. The Human Rights Committee and other bodies have criticised the failure to implement treaty recommendations fully, especially concerning the definition of torture in national law and the persistent discrimination, notably in property restitution and the educational system for Romani children. Recent legislative initiatives, such as amendments to the Civil Code to explicitly ban corporal punishment and enhance child protection, reflect ongoing efforts to align national law with international human rights standards. The Constitutional Court and the Ombudsperson play further critical roles in human rights oversight, although the latter's transformation into a fully accredited NHRI remains debated. Despite these advancements, challenges persist, requiring further legislative and systemic changes to fully integrate human rights principles into Czech law and practice.*

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- **KEYWORDS:** *Czech Republic, Human Rights Council, inclusive education, NHRI, sterilisation of Romani women*

1. Introduction

Since the dissolution of Czechoslovakia in 1993, the Czech Republic has embraced democratic values, positioning itself as a significant player in the international human rights protection system. According to the Ministry of Foreign Affairs, the state recognises the active promotion of democracy, the protection and development of human rights, and the rule of law as cornerstones of Czech foreign policy. The Czech Republic has promoted and continues to promote these principles in this international arena, mirroring ambitions and active participation in UN structures, mainly the Human Rights Council.¹ The Czech Republic was a member of the UN Human Rights Council during the period of 2006-2007, 2011-2014, 2019-2021 and most recently 2022-2023. Moreover, the Czech Republic has its candidacy to the Council for the term 2025-2027.

The country's commitment to upholding human rights is rooted in its post-communist transition, where it sought to align with global governance norms, the rule of law, and fundamental freedoms. The Czech Republic's integration into the international human rights framework began with its accession to the United Nations on 19 January 1993, soon after its independence.

Over the years, the Czech Republic has ratified several major international human rights treaties foundational to the universal protection of human rights. These include the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both already ratified by Czechoslovakia and accessed by the Czech Republic in 1993. The country has also committed to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture (CAT), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD), among others. Most recently, in 2021, the Czech Republic ratified the Optional Protocol to the CRPD, allowing the UN CRPD Committee to examine individual communications. However, the Czech Republic has not yet ratified the Optional Protocol to the ICESCR of 2008, allowing the receipt and processing of individual complaint procedures for the Czech Republic concerning violations of the ICESCR.

1 For more information on the official policy see Czech Ministry of Foreign Affairs: Czechia in the UN Human Rights Council [Online]. Available at: https://mzv.gov.cz/jnp/en/foreign_relations/human_rights/human_rights_council/index.html (Accessed: 10 July 2024).

2. The historical development of human rights in the country under study: a contextual introduction

The constitutional order in the Czech Republic mirrors the pivotal role of human rights protection, which can be understood as a legacy of the country's struggle in the communist era and of the dissident movement that had emerged in 1977 around the Charter 77 declaration.² Indeed, as Samuel Moyn noted, the message of the Charter 77 was 'very powerful' because of its emphasis on international human rights law, and precisely two UN Covenants that had been ratified by Czechoslovakia in 1975 and became legally binding in January 1977.³ Article 112 of the Czech Constitution, adopted in December 1992, provides that the Charter of Fundamental Rights and Basic Freedoms of 1991 (hereinafter 'the Charter') is an essential component of the Czech constitutional order. The rights and freedoms are characterised as 'inherent, inalienable, non-prescriptible, and irrevocable.' The Charter is structured into chapters that address various categories, including civil rights, political rights, the rights of national and ethnic minorities, economic, social, and cultural rights, as well as judicial and legal protections. Notably, economic, social, and cultural rights can generally only be exercised within the scope defined by the laws that implement the Charter's provisions.

Adopting the Charter reflects the unsatisfactory guarantee of the protection of human rights in Czechoslovakia, as provided in the Constitution adopted in 1960. At the beginning of 1990 and after the regime's fall in the November 'Velvet' revolution of 1989, there was a question of adopting a new human rights document. These discussions fell into a feverish period when numerous expert teams (including foreign experts) began to work on drafting the new Constitution for Czechoslovakia. However, due to the political situation and the risk of dissolution, it could not have succeeded.⁴ Thus, in this period, the most successful feat, at best, was, the adoption of the Charter in 1991. Jan Filip asserts that the Charter is 'not an original document,' much like the U.S. Constitution and its Bill of Rights. Originality was neither the aim of its drafters nor that of the Members of the Parliament who approved it.⁵ This intent is reflected in the Charter's preamble, which states,

drawing on the universally shared values of humanity and the democratic and self-governing traditions of our peoples... and expressing the will that the Republic of Czechoslovakia should rank worthily among the States that honor these values, the Federal Assembly

2 See, in more detail, Bolton, 2012.

3 Moyn, 2010, p. 163.

4 Kühn, 2022, p. 34. See also Stein, 1999.

5 Filip, 2010, p. 315.

has resolved on the present Charter of Fundamental Rights and Freedoms.⁶

Remarkably, when it was adopted in 1991, the Charter attracted little attention in the media, overshadowed by other events, such as Saddam Hussain's aggression against Kuwait and the domestic political turmoil.⁷ Already in 1992, political representatives from the Czech Republic and the Slovak Republic, two federal republics of Czechoslovakia, agreed to dissolve the federal state. The Czech Republic came into existence as of 1 January 1993, preceded by the Constitution of the Czech Republic, adopted on 16 December 1992.

Article 4 of the Constitution guarantees that judicial authorities protect fundamental rights and basic freedoms. The system of general courts and the Constitutional Court is in place. Under Article 83, the Constitutional Court, consisting of 15 judges appointed by the President for a term of ten years, is allocated the task of safeguarding constitutional integrity. In fulfilling this role, the Constitutional Court ascertains whether legal norms comply with the constitutional *order*, drawing on the Charter and international human rights treaties as key reference points.⁸

The domestic architecture of human rights protection in the Czech Republic is anchored in the constitutional order, which enshrines fundamental rights and freedoms and mandates their judicial safeguarding. This structure is reinforced by the Constitutional Court, which plays a central role in ensuring compliance with constitutional standards and addresses violations by public authorities, aligning the Czech legal framework with international human rights principles. Besides the Constitutional Court, there are general courts that all individuals and legal persons can turn to with specific cases in which they believe their human rights have been violated. All courts are bound by the law, including the Constitution and the Charter, guaranteeing fundamental human rights and having the highest possible legal force. The Constitutional Court is competent in abolishing legal norms if considered to be in contradiction with the Constitutional order, that international human rights treaties, including the UN human rights treaties, are part of.

The position of the Constitutional Court is thus unique, and it operates alongside the general judicial system. It decides on constitutional complaints that can be lodged after all other judicial remedies have been exhausted. In a constitutional complaint, it is always necessary to invoke a specific right guaranteed by the constitutional order, that was violated, and the Constitutional Court only then assesses whether the violation has occurred and, consequently, whether such

6 The Preamble is considered an inherent part of the Charter. See, e.g. Šimíček, 2023, p. 48.

7 Kühn, 2022, p. 37.

8 See, Scheu and Brodská, 2024, p. 289.

violation is contrary to the constitutional order, and not another instance of the general proceedings.⁹

Further, there is the institution of the Ombudsperson.¹⁰ The institution was established by Act No. 349/1999 Coll., on the Public Defender of Rights. The act was approved by the Parliament in 1999, and in 2000, the first Ombudsperson was sworn into office. The Ombudsperson is elected for a period of six years; the office relies on its own budget. Since 2000, the competencies have been significantly extended. The most recent competence relates to the monitoring of the UN CRPD, introduced in 2018, pursuant to Article 33 (2) of the CRPD. In 2006, the Ombudsperson was also nominated as the national preventive mechanism under the Optional Protocol to the UN Convention against Torture (OP-CAT.).

The Ombudsperson has its own complaints system, primarily intended for complaints against the actions of authorities and institutions exercising state administration. However, regarding discrimination, the Ombudsperson's scope of competence is broader and extends to employers and municipalities, for example. The reason is that it has been designated as an equality body, following the relevant EU law. Thus, it may be concluded that the Ombudsperson plays a crucial role in protecting human rights in the Czech Republic. At the same time, it has soft competencies.¹¹ The Ombudsperson has no power to alter or annul decisions of state bodies or to initiate or intervene in court cases apart from a specific competence to initiate proceedings in the public interest before the administrative courts. In practice, the Ombudsperson plays a supportive role by issuing opinions and statements that can serve as evidence in further proceedings (e.g. court proceedings) or an authoritative role, where the conclusion and a call for remedy may itself be sufficient motivation to discontinue the undesirable conduct. In addition to the complaints system, the Ombudsperson is also active in the legislative process, commenting on legislation and other materials submitted to the government. It also has the power to petition the Constitutional Court to repeal sub-legislation or parts thereof¹². The Ombudsperson also conducts research, investigations and studies on the human rights situation in the Czech Republic, which can serve as a basis and catalyst for changes and improvements to the current state of affairs.

Regarding internal government institutions focusing on the protection of human rights, it is essential to mention two: the Government Commissioner for Human Rights and the Government Human Rights Council. The Government Commissioner for Human Rights promotes and monitors human rights within the State administration. His/her responsibilities include, in particular, conceptual work, where, in cooperation with the Government Council for Human Rights – an advisory body to the Government, he/she prepares long-term concepts for

9 See, Šimíček, 2018.

10 For details, see, e.g., Sládeček, 2011.

11 Chamráthová et al., 2019.

12 Section 64(2)(f) of the Constitutional Court Act 1993.

the protection of human rights, makes proposals and suggestions for improving the human rights situation and draws up reports on the implementation of the Czech Republic's international human rights obligations. There is also a position of a plenipotentiary on the rights of the Roma minority. In 2002, the Government established the position of the Minister for Human Rights, Equal Opportunities and Legislation. However, it ceased to exist within the Government structure in 2017.

The Government Council for Human Rights is a body that monitors the Czech Republic's compliance with its international obligations in the area of the protection of human rights and fundamental freedoms, as well as compliance with the Constitution and the Charter of Fundamental Rights and Freedoms¹³. The Council, which has 33 members from the various areas of public life, is chaired by the Prime Minister¹⁴. It plays a vital role in the legislative process, taking positions on drafted governmental, ministerial and other measures related to protecting human rights. The Council may also set up expert committees and working groups to address specific issues. These committees provide the Council with suggestions for improving the situation in their areas of expertise and develop proposals for action or carry out other tasks assigned by the Council. Currently there are nine committees, each focusing on a different area of human rights, such as the national Committee against Torture or the Committee on the Rights of the Child.

Finally, the last key human rights institution in the Czech Republic is the so-called Government Agent for the Representation of the Czech Republic before International Human Rights Bodies, who, in accordance with the statute recently adopted by Government Resolution No. 420 of 14 June 2023, is also the Director of the Department of the Office of the Government Agent of the Ministry of Justice.

The Government Agent represents the state before the ECtHR and the UN treaty bodies and is primarily responsible for executing decisions, including those adopted by the UN treaty bodies. The Agent is a specific civil servant, an employee of the Ministry of Justice, who is managerially and administratively subordinate to the Secretary of the Ministry of Justice. The Agent is functionally linked to the central state administration, representing a mixed system (institutional-personal). Until 2023, the Agent acted upon the Statute adopted by Government Resolution no. 1024 of 17.08.2009. In 2015, a major institutional development ensued when the so-called Collegium of Experts was established as an advisory body to the Agent related to the execution of the UN treaty bodies' opinions as well. It was established as a body of experts composed of the representatives of all the main actors concerned, i.e. the various Ministries, Courts, Parliament, the Ombudsman, the Public Prosecutor, the Bar Association, the academy and civil society.

13 Statute of the Government Council for Human Rights, no date, Art. 2.

14 Statute of the Government Council for Human Rights, no date, Art. 3.

3. Relationship between the Czech Republic and the UN from a human rights perspective

The Czech Republic has maintained an active presence within United Nations human rights bodies.¹⁵ Since 1993, the Czech Republic has consistently engaged with various UN platforms to advocate for human rights principles and address recommendations to enhance domestic protections. The Czech Republic has served as a member of the Human Rights Council (HRC) four times: between 2019–2021, 2011–2014 (during which it held one of the four vice-chair positions), and 2006–2007. In May 2022, the Czech Republic was elected to the Human Rights Council once again, filling the seat left vacant due to Russia's suspension, with its current term concluding in 2024. Its repeated election to the Council highlights the central role of human rights in Czech foreign policy and the positive international esteem for the Czech Republic's contributions to global human rights protection. This continuing commitment is further underscored by the Czech Republic's successful candidacy for the 2025–2027 term.

According to the Ministry of Foreign Affairs, the long-term thematic priorities in human rights emphasise civil and political rights. Namely, among others, (I) support for international human rights mechanisms and the systematic consideration of human rights (mainstreaming), (II) support for civil society, including human rights defenders, (III) support for freedom of expression and access to information, including media freedom, (IV) support for equal and the broadest possible political and public participation, support for building institutions of the rule of law, (V) support for equality and non-discrimination, and support for human rights in employment and environmental issues. More precisely, the Ministry of Foreign Affairs noted that at the 2013, 2014, 2018 and 2021 Council sessions, the Czech Republic submitted (together with Botswana, Indonesia, Peru and the Netherlands) draft *resolutions on equal political and public participation*, which were adopted by consensus and supported by a high number of States. Subsequently, in

15 During the most recent session of the UN Human Rights Council, the 57th session, held from 9 September to 11 October 2024, the Czech Republic delivered 11 national speeches, including on Afghanistan, Ukraine, Russia, Belarus, Myanmar, the elderly, climate change and retaliation. On the penultimate day of the session, the RLP adopted by consensus a resolution on equal participation in political and public affairs, which is regularly submitted by the Czech Republic together with the Netherlands, Peru, Indonesia and Botswana. The issue of participation is one of the main human rights priorities of the Czech Republic, similar to the right to assembly and association. During the five-week session, the Permanent Mission of the Czech Republic to the UN in Geneva co-organised side events on child participation and the human rights situation in Crimea. Information published by the Permanent Representation of the Czech Republic to the UN, Ministry of Foreign Affairs, Ministerstvo zahraničních věcí ČR [Online]. Available at: https://mzv.gov.cz/mission.geneva/cz/lidska_prava/rada_osn_pro_lidska_prava/rada_osn_pro_lidska_prava_ukoncila_sve_1.html (Accessed: 10 July 2024).

2019 and 2022, a resolution was successfully pushed through *on the right to freedom of assembly and association* in cooperation with other states (Indonesia, Lithuania, Maldives, Mexico, and the USA).¹⁶

The Universal Periodic Review (UPR) process is crucial for the Czech Republic's interaction with the UN's human rights system. The last review took place in January 2023, when over 90 countries participated in assessing the Czech Republic's human rights situation and making recommendations. The review initiated 242 recommendations, with the Czech Republic supporting 207 of these. Several crucial issues were discussed and proposed. There is a need to strengthen protections against discrimination and hate speech, primarily aimed at Roma and migrant communities. The review emphasised promoting women's rights, including ratifying the Council of Europe Istanbul Convention, addressing compensation for victims of unlawful sterilisation – which is a reoccurring human rights issue, as we will explain below – and advocating for improved gender equality measures. Recommendations also called for changes in the legal definition of rape, aligning it with international standards to better protect victims. Further, another central and recurring theme was discussed, namely establishing a formal national human rights institution to reinforce domestic human rights architecture.

There is no National Human Rights Institution in the Czech Republic that is compliant with the Paris Principles. In recent years, the UN has continuously recommended a structural change to strengthen human rights protection in the Czech Republic, namely establishing an NHRI. It has been addressed to the Czech Republic by treaty bodies such as the UN Human Rights Committee¹⁷ and several states within the framework of the previous UPR in 2017.¹⁸ Currently the Ombudsperson (the Public Defender of Rights), as the Government understands, essentially plays the role of the Czech national human rights institution.¹⁹ Even if the Ombudsperson complies with several principles of NHRI according to the Paris Principles, the accreditation is still under consideration,²⁰ and, as several national experts have recommended, the competencies of the Ombudsperson must be transformed to convert into a NHRI, in compliance with the UN Paris Principles of 1993.²¹ In 2024, the Parliament has opened a discussion about significant changes concerning the introduction of a child rights commissioner into the Ombudsperson office's structure and widening the Ombudsperson's competencies to become a proper NHRI²² in compliance with the UN recommendations.

16 See, Ministerstvo zahraničních věcí ČR: Členství v Radě pro lidská práva [Online]. Available at: https://mzv.gov.cz/jnp/cz/zahranicni_vztahy/lidska_prava/clenstvi_v_rade_pro_lp/index.html (Accessed: 10 July 2024).

17 CCPR/C/CZE/CO/4, para. 8.

18 A/HRC/37/4, p. 12.

19 A/HRC/WG.6/42/CZE/1, para. 6.

20 Scheu and Brodská, 2024, p. 290.

21 Lhotský, 2021; Doubek, 2023, pp. 353–379.

22 For more detail see, Doubek, 2023, pp. 353–379.

Another example of a successful implementation of the UN human rights bodies' recommendations concerns the problem of the systemic practice of forced sterilisation of Romani women. As Albert and Szilvasi²³ noted, the activism of Romani women before the UN started in 2006 when the spokesperson for the informal Group of Women Harmed by Forced Sterilisation spoke to the UN Committee on the Elimination of Discrimination against Women (CEDAW). Subsequently, CEDAW recommended the state to take 'urgent action' to compensate the victims.²⁴ Other UN human rights bodies followed suit. In 2007, the UN Committee on the Elimination of Racial Discrimination (CERD) echoed CEDAW's findings,²⁵ and in 2008, the UN Human Rights Council's Universal Periodic Review (UPR) called on the Czech government to make reparations.²⁶ Those calls have been reiterated by an increasing number of countries involved in the UPR processes of 2012 and 2017. In 2009, the Czech government formally acknowledged the fact and issued an apology for the forced sterilisations but did not provide financial reparations so far. International pressure continued, and in 2021, the Czech Parliament passed a compensation act permitting victims to apply for financial redress. According to the explanatory report, the law also reflects the recommendations made by the UN human rights bodies.

As it will be discussed in more detail below, other concerns of the UN human rights bodies have, however, not been contemplated, and there are several crucial and persisting human rights problems.

As far as the relationship with the treaty bodies is concerned, it has been reported, in general, that the Czech Republic fulfils its reporting obligations, having submitted a total of 31 reports: seven to CERD, four to CCPR, three to CESCR, six to CEDAW, five to CAT, four to CRC, one to CRPD, and one to CED. Scheu and Brodská noted that although some reports have been delayed, these delays are gradually being reduced.²⁷ Regarding the treaty body membership, in 1996, the term of Ms Margerita Vysokajová, elected as a CESCR Committee member, expired. In 2007, Mr Zdeněk Hájek was elected as a member of the Subcommittee on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).

23 Albert and Szilvasi, 2017, pp. 23–34.

24 CEDAW/C/CZE/CO/3, para. 24. For recurring recommendations, see CEDAW/C/CZE/CO/5, para. 35 and CEDAW/C/CZE/CO/6, para. 28.

25 CERD/C/CZE/CO/7, para. 14.

26 A/HRC/8/33, p. 13.

27 Scheu and Brodská, 2024, p. 298.

4. UN human rights treaties which the Czech Republic is a party to

The Czech Republic is founded based on the respect for the international human rights framework. Under Article 1(2) of the Constitution, the Czech Republic shall comply with its obligations under international law. The Czech Republic has acceded and ratified all key international human rights treaties, with the exception of the Council of Europe Istanbul Convention and the Optional Protocol to the UN ICESCR. Consequently, the Czech Republic is a party to all fundamental international human rights treaties. Of these, half are the original texts of the conventions, and the other half are their optional protocols. The Czech Republic has ratified and is bound by 16 of the UN human rights UN instruments referred to above, with the most recent ratification having taken place in 2021. The ratified documents are as follows:

Ratified documents	Year of ratification
International Convention on the Elimination of All Forms of Racial Discrimination	1993
International Covenant on Civil and Political Rights (ICCPR)	1993
Optional Protocol to the International Covenant on Civil and Political Rights	1993
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	2004
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1993
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	1993
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	2001
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1993
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2006
Convention on the Rights of the Child (CRC)	1993
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	2001
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	2013
Optional Protocol to the Convention on the Rights of the Child on a communications procedure	2015
International Convention for the Protection of All Persons from Enforced Disappearance (CED)	2017
Convention on the Rights of Persons with Disabilities (CRPD)	2009
Optional Protocol to the Convention on the Rights of Persons with Disabilities	2021

As referred to earlier, the Czech Republic has neither ratified nor signed the Optional Protocol to the ICESCR, which would guarantee the possibility of filing communications against the State Party as an individual or group of persons. Furthermore, similar to almost all of Europe, the Czech Republic has neither signed

nor ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Government expressed that it was not ‘planning the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families because it believes these rights are ensured by the existing legislation and the measures described below’. Moreover, the Government has not ratified ILO Convention No. 189 on Domestic Workers.²⁸

Six key treaties—the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of the Child (CRC)—were ratified by the former Czechoslovak Socialist Republic. Following the dissolution of the Czech and Slovak Federative Republic, constitutional law no. 4/1993 established that the Czech Republic would assume, as of 1 January 1993, all international legal obligations of the former Czechoslovak federation, excluding those specific to the Slovak territory. Accordingly, in February 1993, the Czech Republic formally notified the UN Secretary-General, the depositary of these Conventions, of its succession to these human rights treaty obligations.²⁹

■ 4.1. *The 1951 Convention relating to the Status of Refugees*

The country’s implementation of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol began with its historical involvement in refugee protection through Czechoslovakia, which ratified the Convention and the Protocol in 1992, shortly before the split of the former Czech and Slovak Federal Republic. Precisely, based on Article 43(2), it entered into force for the Czech and Slovak Federative Republic on 24 February 1992. This background influenced the Czech Republic’s adoption of the Convention in 1993 after gaining independence. Further, the pathway to implementing the 1951 Convention was shaped by a broader commitment to international human rights obligations. Following its independence as of January 1993, the Czech Republic inherited Czechoslovakia’s treaty obligations under Constitutional Law No. 4/1993 Coll., confirming its adherence to previously ratified treaties, including the Refugee Convention. The accession to the 1951 Convention was accompanied by the implementation of domestic laws aligned with the Convention’s principles, most notably Asylum Act No. 325/1999 Coll., which created a framework for asylum procedures and defined the rights and obligations of asylum seekers and refugees in the Czech Republic.

²⁸ A/HRC/WG.6/28/CZE/1, para. 4.

²⁹ Scheu and Brodská, 2024, p. 295.

■ 4.2. *International Covenant on Civil and Political Rights*

On 19 December 1966, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were opened for signature in New York. Both Covenants were signed in New York on 7 October 1968 by the Czechoslovak Socialist Republic.

Both Covenants were assented to by the Federal Assembly of the Czechoslovak Socialist Republic on 11 November 1975. The President of the Republic ratified the International Covenant on Civil and Political Rights, with a declaration on Article 48, paragraph 1, and the International Covenant on Economic, Social and Cultural Rights, with a declaration on Article 26, paragraph 1. The instruments of ratification of the Czechoslovak Socialist Republic were deposited with the Secretary-General of the United Nations, the depositary of both Covenants, on 23 December 1975. The International Covenant on Civil and Political Rights entered into force according to Article 49 on 23 March 1976 and entered into force in the Czechoslovak Socialist Republic on the same date.

Regarding the Optional Protocol, the Federal Assembly of the Czech and Slovak Federative Republic expressed its consent to the Optional Protocol, and the instrument of accession of the Czech and Slovak Federative Republic to the Optional Protocol to the International Covenant on Civil and Political Rights was deposited with the Depositary of the Secretary-General of the United Nations on 12 March 1991. On acceding to the Optional Protocol, a declaration was made that the Czech and Slovak Federal Republic declares, by Article 41 of the ICCPR, that it recognises the competence of the Human Rights Committee, established under A, to receive and consider communications from a State Party to the Covenant to the effect that another State Party is not fulfilling its obligations under the Covenant. The Optional Protocol entered into force on 23 March 1976 and in the Czech and Slovak Federal Republic on 12 June 1991.

The Czech Republic formally adopted the ICCPR and its Optional Protocol under Constitutional Law No. 4/1993 Coll., which affirmed the Czech Republic's assumption of international treaties ratified by Czechoslovakia, including the ICCPR.

■ 4.3. *International Covenant on Economic, Social and Cultural Rights*

The International Covenant on Economic, Social and Cultural Rights entered into force according to Article 27 on 3 January 1976 and entered into force in the Czechoslovak Socialist Republic on 23 March 1976. The full text of the Covenant was published in the Collection of Laws under No. 120/1976 Coll. Consequently, the text of the Covenant became available to everyone and was generally binding. According to Article 10 of the Constitution of the Czech Republic, the Covenant takes precedence over the law.

The Czech Republic formally adopted the ICESCR under Constitutional Law No. 4/1993 Coll., which affirmed the Czech Republic's assumption of international

treaties ratified by Czechoslovakia. Since 1998, the Government Commissioner for Human Rights and the Czech Government Council for Human Rights have been the coordinating body of the Government, which is responsible for the national monitoring and evaluation of the fulfilment of obligations under international human rights treaties. The Czech Republic's initial report for the period 1993-1999 was submitted to the UN Secretary-General in 2000.

■ **4.4. *International Convention on the Elimination of All Forms of Racial Discrimination***

Pursuant to decree no. 95/1974 Coll. of the Minister for Foreign Affairs of 15 August 1974 on the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention was adopted by a resolution of the United Nations General Assembly on 21 December 1965. On behalf of the Czechoslovak Socialist Republic, the Convention was signed in New York on 7 March 1966. The National Assembly of the Czechoslovak Socialist Republic approved the Convention, which was subsequently ratified by the Republic's President, according to Articles 17 and 22. The instrument of ratification was deposited with the Secretary-General of the United Nations, the depositary of the Convention, on 29 December 1966. The Convention entered into force according to Article 19 on 4 January 1969 and also entered into force in the Czechoslovak Socialist Republic on the same date.

In 2002, the Ministry of Foreign Affairs formally notified the Parliament of the Czech Republic's consent, according to Article 14(1) of the International Convention on the Elimination of All Forms of Racial Discrimination, and recognised the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals subject to its jurisdiction who filed a complaint that they have been victims of a violation of any of the rights set forth in this Convention. The instrument of declaration, signed by the President of the Republic, was deposited with the Secretary-General of the United Nations, Depositary of the Convention, on 11 October 2000. On 22 February 1993, the Czech Republic notified the Secretary-General of the United Nations, the Depositary of the Convention, of the Czech Republic's accession to the Convention, effective as of 1 January 1993.

■ **4.5. *Convention on the Elimination of All Forms of Discrimination against Women***

The Convention on the Elimination of All Forms of Discrimination against Women was signed by the former Czechoslovak Socialist Republic in Copenhagen on 17 July 1980. The instrument of ratification was deposited by the President on 16 February 1982, following the consent of the Federal Assembly of the Czechoslovak Socialist Republic and ratification by the President. The Convention entered into force on 18 March 1982, and was published in the Collection of Laws as Decree

No. 62/1987 Coll. of the Minister of Foreign Affairs of the Czechoslovak Socialist Republic.

Compliance with and implementation of the Convention on the Elimination of All Forms of Discrimination against Women is now monitored by a separate Gender Equality Unit in the Human Rights Section of the Office of the Government. On 26 July 2023, the Government of the Czech Republic approved the seventh periodic report on the implementation of the Convention. The report covers the period from 1 August 2014 to 31 August 2022.

■ **4.6. *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment***

The Convention was signed in New York on 8 September 1986 on behalf of the Czechoslovak Socialist Republic. The Convention was consented to by the Federal Assembly of the Czechoslovak Socialist Republic and ratified by the President of the Czechoslovak Socialist Republic, with the reservations that the Czechoslovak Socialist Republic does not recognise the jurisdiction of the Committee against Torture provided for in Article 20 of the Convention and that the Czechoslovak Socialist Republic does not consider to be bound by the provisions of Article 30, paragraph 1, of the Convention. The instrument of ratification was deposited with the Secretary-General of the United Nations, the Depositary of the Convention, on 7 July 1988. The Convention entered into force under Article 27(1) on 26 June 1987 and entered into force in the Czechoslovak Socialist Republic according to Article 27(2) on 6 August 1988.

On behalf of the Czech Republic, the Optional Protocol (OPCAT) was signed in New York on 13 September 2004. The Czech Parliament subsequently approved it, and the President ratified it. The instrument of ratification was deposited with the United Nations Secretary-General as the Depositary of the Optional Protocol on 10 July 2006. The Optional Protocol entered into force internationally on 22 June 2006 under Article 28(1) and became effective in the Czech Republic on 9 August 2006.

■ **4.7. *Convention on the Rights of the Child***

The Czech Republic acceded to all international obligations of the Czech and Slovak Federal Republic upon its foundation on 1 January 1993. Since its foundation, the Czech Republic has been a party to the Convention on the Rights of the Child, which the former Czech and Slovak Federal Republic signed on 30 September 1990. The instrument of ratification was deposited on 7 January 1991 after the consent of the Federal Assembly of the Czech and Slovak Federal Republic and ratification by the President.

Three Optional Protocols to the Convention have been adopted:

- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; and
- Optional Protocol to the Convention on the Rights of the Child establishing a communications procedure.

The Czech Republic acceded to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 12 February 2002. The Optional Protocol obliges States not to recruit young people under the age of 18 into the armed forces and to ensure that volunteers under that age do not directly participate in combat. Likewise, other armed groups are not to conscript child soldiers under the age of 18 and use them in combat operations. The initial report on implementing the Optional Protocol was submitted to the Committee in 2005. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was ratified by the Czech Republic on 26 September 2013. The Optional Protocol sets out binding international standards to prevent, suppress and punish acts related to the sale of children for sexual exploitation, forced labour or illegal adoption, and acts related to child prostitution and child pornography. The Czech Republic ratified the Third Optional Protocol, establishing a notification procedure in 2015.

Since 1998, the Czech Government's coordinating body in charge of the national monitoring and evaluation of the fulfilment of obligations under international human rights treaties has been the Government Commissioner for Human Rights and the Czech Government Council for Human Rights.

■ **4.8. *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families***

The Czech Republic is not a signatory to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

■ **4.9. *Convention on the Rights of Persons with Disabilities***

On 13 December 2006, the Convention on the Rights of Persons with Disabilities, as well as the Optional Protocol, were adopted in New York. On 30 March 2007, the day both documents were opened for signature, the Czech Republic was among the first signatories to sign both the Convention and the Optional Protocol at the UN Headquarters in New York.

Immediately thereafter, the process of ratification of the Convention was initiated in the Czech Republic. The procedure for the national negotiation of the Convention was carried out under the Czech Government's Directive No. 131 of 11 February 2004 on the negotiation, national negotiation, implementation and termination of international treaties and following the Czech Government's Resolution No. 284 of 19 March 2007 on the proposal to sign the Convention and

the Optional Protocol to the Convention. The Optional Protocol entered into force in the Czech Republic on 23 September 2021.

5. National implementation

The UN treaties on human rights are reflected in national law in two ways. First, there is the question of the accession to obligations of the former Czechoslovakia. Second, there is the question of the status of UN treaties in national constitutional order. Regarding the accession, the issue regulates constitutional Act no. 4/1993 Coll., on measures related to the dissolution of the Czech and Slovak Federative Republic, and provides that: 'The constitutional laws, acts and other legal regulations of the Czech and Slovak Federative Republic in force on the date of the dissolution of the Czech and Slovak Federative Republic on the territory of the Czech Republic shall remain in force. However, provisions conditional only on the existence of the Czech and Slovak Federative Republic and the Czech Republic's affiliation to it shall not apply.' With regard to Constitutional Act no. 4/1993 Coll., the Czech Republic is also bound by the same international treaties the Czechoslovak Republic was bound by, except for treaties connected exclusively to the territory of the Slovak Republic. In other words, there is a principle of continuity in human rights protection.

Concerning the constitutional order, it has to be noted that the Constitution distinguishes between the legal and constitutional orders in the Czech Republic. The international treaties that the Parliament of the Czech Republic has ratified, to which the Czech Republic is bound, form part of the *legal order* (Article 10 of the Constitution). After the intervention of the Constitutional Court in 2002 (Pl. ÚS 36/01), it has become clear that international human rights and fundamental freedoms treaties also have a special status in, and form part of the Czech *constitutional order*.³⁰ It has a significant consequence of allowing general judges to discontinue the proceedings and request the Constitutional Court to examine the compliance of any legal norm with the Constitution, in view of the fact that the general incorporation norm recognised in Article 10 of the Constitution also concerns UN human rights treaties.³¹

These provisions and principles apply to all the UN human rights treaties referred to above. Considering specific laws, the UN human rights treaties have not been implemented by a concrete law, rather, over the years, these treaties affected the adoption of concrete acts or legislative changes. Before discussing implementation concretely, we will pause to raise the question how the general

30 It is understood as the unenclosed body of all applicable constitutional laws, establishing the Constitution in the broader sense. See, Pavlíček, 2020, p. 113.

31 See Bartoň et al., 2016, pp. 141–143.

comments of the UN treaty bodies have been taken into consideration in the Czech Republic. Pavel Caban³² argues that the obligation to contemplate the views of the UN treaty bodies is not explicitly specified in human rights treaties and is derived from the principle or obligation to cooperate in good faith. According to Caban, only a consistent ‘pattern’ of non-cooperation with the treaty bodies, rather than an individual disregard of the opinions addressed to the State Party in question, could be considered a breach of the duty to cooperate under the relevant human rights treaties, depending on the specific wording of those treaties. Further, he suggests a distinction between a direct obligation of cooperation between a Contracting Party and an expert body at the international level and the indirect consideration of the opinions of expert bodies by national courts and other authorities of the Contracting Parties applying the relevant human rights treaty also seems justified. In this regard, as referred to by Caban, also in the context of the Czech Republic and the protection of Czech constitutional order by the Constitutional Court, general comments of the UN treaty bodies should be understood as a legally non-binding but authoritative source of argumentation, a comparative interpretive aid with which the public authority applying the law should deal argumentatively.³³

Concerning the UN human rights treaties listed above, the problem of national implementation can be broken down along two axes: cross-cutting issues and exclusive issues under particular treaties. In this section, we will discuss both.

International Covenant on Civil and Political Rights: In 2019, the Human Rights Committee considered the fourth periodic report of Czechia (CCPR/C/CZE/4). One of the major issues under the ICCPR was the concern that the Czech Republic had failed to implement the Human Rights Committee’s decisions (Views) under the Optional Protocol to the International Covenant on Civil and Political Rights, particularly regarding cases of nationality-based discrimination in property restitution. In its most recent concluding observations of 2019, the Committee has reiterated that its Views, as outlined in General Comment No. 33 (2008), hold characteristics similar to judicial decisions and represent authoritative interpretations by the body responsible for applying the Covenant.³⁴ Thus, implementing remedies specified in these Views is considered an essential aspect of the State’s obligations under Article 2 (3) of the Covenant and Article 2 of the Optional Protocol. Consequently, the Human Rights Committee has urged the Czech Republic to re-evaluate its position and meet its obligations under the Optional Protocol by promptly implementing all outstanding Views to ensure victims can access effective remedies when their rights under the Covenant are violated. In this

32 Caban, 2021, p. 841.

33 Kratochvíl, 2018, pp. 77–79.

34 CCPR/C/CZE/CO/4, para. 4.

context, the Committee suggests that the Czech Republic consider offering *ex gratia* compensation to individuals for whom violations have been confirmed and continue efforts to establish a mechanism for financial compensation in cases where UN treaty bodies find violations and recommend reparations and coverage of costs and expenses.³⁵

Indeed, among the most frequent violations reported to the Human Rights Committee, as we will list below, is the violation of Article 26 of the ICCPR, particularly in connection with decisions on the restitution of property in the context of post-totalitarian restitution. Other topical issues under the ICCPR concern the recurring problem of the NHRI's absence. Currently, the government has introduced a significant legislative proposal – in line with the treaty body's recommendations – that proposes that the Ombudsperson become the NHRI. Further, the UN Human Rights Committee, as well as other human rights bodies, have consistently raised concerns regarding the Czech Republic's approach to corporal punishment, noting that it lacks explicit prohibition in all settings, including the home (CCPR/C/CZE/CO/3, para. 19).

In early April 2024, the Ministry of Justice announced the introduction of a new amendment to the Civil Code, reflecting the position of the CCPR. By June 2024, the amendment had been approved by the Government and submitted to the Parliament. The proposed changes aim to explicitly prohibit corporal punishment. The new law is expected to take effect on 1 January 2025. Specifically, amendments to Section 858 of the Civil Code will require parents to care for their child's well-being without using corporal punishment or other degrading measures, and Section 884(2) will clarify that educational measures must respect the child's dignity, explicitly prohibiting corporal punishment or actions that cause mental distress. Moreover, the Constitutional Court has relied in several cases directly on the ICCPR, for example, concerning the freedom of expression (II. ÚS 2051/14), the right to privacy (II. ÚS 1414/07) or the prohibition of ill-treatment (I. ÚS 733/05).

International Covenant on Economic, Social and Cultural Rights: According to the most recent report of the CESCR Committee from 2022, the Committee has welcomed the legislative, institutional and policy measures taken to increase the protection of economic, social and cultural rights in the State Party, including its 'Strategic Framework Czech Republic 2030' and the national recovery plan. The Committee also welcomes specific health, education, employment and social inclusion strategies up to 2030. Further, the Committee has taken note of the legislative and policy efforts made by the State Party to reduce institutionalisation and strengthen foster care, including the national strategy for the protection of children's rights for 2021–2029 and the legislation putting an end to the placement of children under three years of age into institutional care. However, the Committee has remained concerned about ongoing issues, such as the very high number

35 CCPR/C/CZE/CO/4, para. 5.

of institutionalised children, especially those with disabilities and Roma and the fragmentation of the child-care system.³⁶

Another problematic area is the right to adequate housing. The Czech Republic still lacks a law on social housing and, therefore, a comprehensive social housing system. The Committee mentions, in particular, rising prices and the insufficient number of available flats and houses. It also mentions the poor situation in the housing market, where Roma and migrants often face obstacles that the majority population does not. Finally, the UN CESCR Committee touches on the problem of homeless people, with a considerable number in the Czech Republic. It therefore recommends that the Czech Republic, in particular, adopt a law on social housing, increase the number of available apartments and houses and thoroughly investigate the allegations of discrimination in the housing market. Consequently, on 12 June 2024, the Government approved a law on housing support. The next step is the adoption of the law in Parliament. The process is still pending. Concerning the right to housing, the Czech Constitutional Court has recognised the significance of the ICESCR, acknowledging the right to housing. However, according to the Constitutional Court, Article 11 of the ICESCR is not self-executing (e.g. II. ÚS 2533/20 of 25 April 2023).

International Convention on the Elimination of All Forms of Racial Discrimination: Most recently, the CERD Committee has expressly welcomed the amendment to the Victims of Crimes Act, in January 2017, which classifies victims of racially motivated crimes as particularly vulnerable victims entitled to free legal aid and the amendment to the Criminal Code, in December 2018, that enables the prosecution of the denial, questioning, approval or justification of Nazi and communist crimes against humanity and war crimes.³⁷ However, the most significant legislative changes, also following the CERD Committee's position – apart from addressing the problem of sterilisations – concern the segregation of Romani children in education. It has undeniably been a persistent challenge in the Czech Republic. For many years, Romani children were disproportionately placed in so-called 'special schools,' which were initially intended for children with intellectual disabilities. This practice systematically marginalised Romani children, limiting their access to quality education and perpetuating cycles of exclusion and poverty. The problem of educational segregation came to international attention through the case of *D.H. and Others v. the Czech Republic*, a landmark judgement by the European Court of Human Rights that highlighted systemic discrimination in the Czech education system.

Following the *D.H.* judgment, as well as UN treaty bodies' recommendations, the Czech Republic was required to reform its education system to eliminate discriminatory practices and ensure equal access to education for Romani

³⁶ E/C.12/CZE/CO/3, paras. 3 and 30.

³⁷ CERD/C/CZE/CO/12-13, para. 3.

children. In 2016, a new legislation was introduced to promote inclusive education, mandating that children with mild disabilities, including many Romani children who had previously been placed in special schools, should be integrated into mainstream classrooms with appropriate support. This law marked a significant shift towards inclusion, although its effectiveness has been subject to debate. Introducing teaching assistants, individualised education plans, and support services for students with diverse needs were among the measures to ensure that Romani children could thrive in mainstream education.

The Convention on the Elimination of All Forms of Discrimination against Women: Major legislative change concerning CEDAW is related to the problem of the forced sterilisation of Romani women. As we emphasised above, it is an example of successfully implementing the UN human rights bodies' recommendations. As early as 2006, the CEAW Committee recommended that the Czech Republic develop measures to compensate the victims of involuntary or coercive sterilisation and provide compensation to them.³⁸ The Committee reiterated this conclusion in 2010, stating that the Government of the Czech Republic should address the possibility of extending the statute of limitations or consider introducing a compensation procedure for victims of coerced or non-consensual sterilisations whose claims were time-barred.³⁹ In its 2016 recommendation, the Committee repeatedly criticised the Czech Republic for failing to take the previously recommended measures on unlawful sterilisations.⁴⁰ In 2021, Parliament adopted an Act that regulates the conditions for the provision of a lump sum of money to persons sterilised in violation of the law and sets out specific details of the procedure for the provision of this sum and particular tasks for the Ministry of Health. In this Act, unlawful sterilisation means a fertility-preventing medical procedure that the persons concerned have not given their consent to or have given their consent in breach of the law governing the fertility-preventing medical procedures during the relevant period, or in under circumstances that precluded or seriously impaired the freedom and did not guarantee that the consent given was error-free.

The violation of the law includes, but is not limited to, the effect on the person entitled to any coercion, compulsion or persuasion to undergo the fertility-preventing medical procedure, as well as the fact that the person concerned has not been informed in an intelligible manner and to a sufficient extent about their medical condition and about the purpose, nature, expected benefits, possible consequences and risks of the proposed medical procedure and other options for dealing with the medical condition, its suitability, benefits and risks. The

38 CEDAW/C/CZE/CO/3, para. 24.

39 CEDAW/C/CZE/CO/5, para. 35.

40 CEDAW/C/CZE/CO/6, para. 29.

sum of the awarded compensation is 300,000 Czech korunas (approximately EUR 12,000).

Convention against Torture: In response to recommendations from the UN Committee against Torture, the Czech Republic has undertaken significant legislative reforms to strengthen protections for vulnerable groups and to better align its laws with international human rights standards. Key among these changes are amendments to the Education Act and the adoption of the Act on Victims of Crime.⁴¹ However, when it concerns major legislative changes, the UN Committee Against Torture has remained concerned that the Czech Republic's current definition of torture in section 149 (1) of its Criminal Code does not fully align with the comprehensive elements, including specific purposes, outlined in Article 1 of the Convention against Torture. This discrepancy has been a recurring issue highlighted by the Committee, as noted in previous recommendations (CAT/C/CZE/CO/4-5, para. 7). The Committee has strongly urged the Czech Republic to amend its legal definition of torture to incorporate all aspects of Article 1 CAT.

More concretely, in its Concluding Observations on the fourth and fifth periodic report of Czechia of 2012, the Committee expressed its concern that the Czech Criminal Code merely established the crime of torture and other inhuman and cruel treatment but did not define torture in terms of the Convention, and, therefore, recommended that Czechia 'amend its Criminal Code to adopt a definition of torture that covers all the elements contained in Article 1 of the Convention.' The Committee also repeated this finding and recommendation in its Concluding Observations on the sixth periodic report of Czechia of 2018, in which it urged Czechia 'to adopt a definition of torture that covers all the elements contained in Article 1 of the Convention' and drew Czechia's attention to its general comment no. 2 stating 'that serious discrepancies between the Convention's definition and that incorporated into domestic law create actual or potential loopholes for impunity.'

In 2016 and 2017, the Government's Committee Against Torture introduced a proposal to: i) explicitly criminalise degrading treatment, ii) criminalise acts committed by gross negligence, iii) punish acts of ill-treatment of lower intensity as administrative offences, iv) criminalise acts committed not only by public authorities but also by determined private persons, namely health care facilities, social care facilities, and similar facilities; v) include prohibited discriminatory grounds in the form of disability or gender among circumstances justifying the imposition of higher sanction; vi) enact exclusion of the crime of torture from the limitation period; and finally vii) formulate a new provision criminalising torture separately from inhuman or other cruel or degrading treatment that would fully correspond to Article 1 CAT.

41 CAT/C/CZE/CO/6, para. 5.

This proposal was only partially adopted in October 2019 by the Government's Human Rights Council. The Council approved the motion only in part requiring administrative punishment for acts of ill-treatment of lower intensity. It returned the rest of the proposal, concerning all other proposals in the field of criminal law, back to the Government's Committee against Torture for further elaboration. Since then, these proposals have not been discussed again by the Government's Committee against Torture or the Government's Human Rights Council. The Government currently does not plan any amendment to the Criminal Code.

Concerning the case law of the Constitutional Court, the court relied expressly on the CAT in cases relating to extradition (see, e.g., II.ÚS 1221/13, I.ÚS 2462/10).

The Convention on the Rights of the Child: A number of legislative changes have been implemented. In the most recent Concluding Observations, the CRC Committee welcomed the legislative amendments promoting inclusive education, reinforcing the child's right to be heard and prioritising family-based care over institutionalisation, the introduction of compulsory and free preschool education, the adoption of the Law On Victims of Crime, in 2013, which includes specific measures to protect children from secondary victimisation, and the efforts undertaken to tackle bullying at school and to promote breastfeeding. Many of these reforms concern the implementation of various human rights treaties. Nevertheless, the significant development mainly associated with the CRC is the closure of institutions for young children. The new legislation has definitely put an end to the placement of children under 3 years of age into institutional care. The amendments to the Act on the Social and Legal Protection of Children and the Civil Code strengthened foster care, providing that institutionalisation should remain a last resort, applied only for a limited time, to be decided upon and be periodically reviewed by a court and transitional foster care should be established for crisis situations.

Moreover, the CRC has been repeatedly directly invoked by the Constitutional Court, particularly in cases concerning the participatory rights of the child (e.g. III. ÚS 1068/22 and II. ÚS 2225/23).

The Convention on the Rights of Persons with Disabilities: The significant legislative changes following the ratification of the CRPD are twofold. The first concerns the problem of institutionalisation, and second the issue of guardianship.

UN treaty bodies have urged the Czech Republic to adopt targeted steps with clear timelines to deploy full-scale deinstitutionalisation and develop community-based services instead of institutions. At the end of 2019, the three types of social care facilities existing under the national law accommodated almost 70,000 individuals. This number is on the increase, even after 2016, when the Government adopted the National Strategy for the Development of Social Services 2016-2025, setting the transition from institutional care for persons with disabilities to their

support in the community as one of its specific objectives. Only the year 2020 constitutes an exception to this continuing trend. Nevertheless, the decline in the number of institutionalised persons in social care facilities in 2020 was related much more to the pandemic than the government's deliberate efforts. In 2024, the Parliament amended Social Services Act no. 108/2006 Coll., expressly prioritising community-based services over institutional services. The Constitutional Court dealt with the right to social services under Article 19 of the CRPD in its decision no. I. ÚS 2637/17.

Another systemic issue concerns guardianship and restriction of legal capacity. The Czech Civil Code of 2012 introduced a supported decision-making instrument, pursuant to Article 12 CRPD, but also recognised the possibility of restricting legal capacity. Courts can limit a person's legal capacity in various contexts, some of which raise serious concerns about compliance with human rights standards, especially CRPD. First, the courts are entitled to restrict legal capacity to freely exercise their right to access social security schemes. Courts have been restricting legal capacity to apply for social benefits and pensions and to act before public authorities. According to research carried out by the Ombudsperson⁴², this capacity is the fourth most restricted capacity. The restriction of the legal capacity of persons in contact with public authorities and in the capacity to apply for social benefits and/or pension is often justified by the need to protect the person from the potential consequences of actions without appropriate information and to understand the relevant administrative proceedings (concerning procedural capacity, the Constitutional Court invoked Article 12 of the CRPD, in its decision Pl. ÚS 43/10, in particular). Further, people with mental disabilities are also regularly restricted in their capacity to conclude contracts on the provision of social services. According to the above-cited research, this is the fifth most restricted capacity.

The question of legal capacity also affects the right to vote. Czech electoral laws regulate so-called obstacles to the exercise of the right to vote, including individual restrictions on the exercise of the right to vote in the procedure on the right to vote. The Constitutional Court dealt with this issue in case no. IV. ÚS 3102/08 of 12 July 2010. This ruling stated that when deciding on the restriction of legal capacity, the general courts are obliged to assess separately 'whether a particular person is capable of understanding the meaning, purpose and consequences of the elections'. This decision, in conjunction with the existing legal provisions of the electoral laws, means that it is possible to restrict the exercise of the right to vote individually. The Supreme Court followed this decision with

42 Office of the Public Defender of Rights. Křižovatky autonomie. Praxe soudů při rozhodování o podpůrných opatřeních [Crossroads of autonomy. The practice of the courts in deciding on support measures]. The research report – in Czech – is available at: https://www.ochrance.cz/uploads-import/CRPD/Vyzkumy/2018_61_Vyzkum-svepravnost.pdf (Accessed: 23 July 2024).

opinion Cpjn 23/2016 of 15 February 2017, according to which the person under consideration can only be restricted in his or her capacity to exercise the right to vote by a court decision and only expressly. Both this case law, and the subsequent practice, are problematic due to the apparent contradiction with Article 12 of the CRPD in conjunction with Article 29 of the CRPD, which articulates the right of all persons with disabilities to participate in political and public life.

The CRPD Committee considers such restrictions to be undesirable discrimination based on disability and has called on states, including the Czech Republic, to remove all legal provisions that systematically exclude persons with disabilities from exercising their political rights.⁴³ Similarly, in its jurisprudence, the Committee determined the violation of Article 29 of the CPRD in the case of Hungary. In contrast, it was possible to restrict the right to vote individually in the Czech Republic. In the case of *Bujdosó and Others v. Hungary* (CRPD/C/10/D/2011, 16 October 2013, paras. 9.5-9.6), the Committee held that by restricting the right to vote based on a perceived or actual mental disability, the State Party violated its obligations under Article 29 of the CRPD, read in conjunction with Article 12 of the CRPD. The Czech Republic, so far, has not amended the law following the position of the Committee.

6. The overview of cases decided by the UN Treaty Bodies

Numerous opinions have been adopted vis-à-vis the Czech Republic in individual cases by the Human Rights Committee. The CRC Committee adopted one opinion, and the CEDAW Committee adopted one dismissed decision. In the overview below, we present the most relevant opinions by the Human Rights Committee, the CRC and the views of the CEDAW Committee.

In *Des Fours Walderode and Kammerlander against the Czech Republic*, the case concerned a Czechoslovak citizen whose property, due to his Austrian origin, was confiscated in 1945 based on the Beneš Decrees. After the communist government took power, he emigrated and did not return to Prague until 1991, when he began to seek the return of his estate. An agreement on the restitution of the property was approved in 1993, but political interference subsequently led to a review of his citizenship and the revocation of the restitution decision. Walderode claimed that the law had been amended to prevent him from recovering the property and that his case had been influenced by political pressure. The 1996 amendment to the law introduced the prerequisite of continuous citizenship, which Walderode did not meet, which led to the annulment of his restitution claim. However, the UN Human Rights Committee considered any kind of prerequisite regarding citizenship discriminatory and in violation of Article 26 of the ICCPR, which ensures

⁴³ CRPD/C/GC/6, para. 70.

equality before the law and non-discrimination. Accordingly, the UN Human Rights Committee decided that the Czech Republic had violated Dr. Walderode's rights and must provide redress.

A similar case, *Fábryová against the Czech Republic*, concerns Mrs. Fábryová, a Czech citizen who was the victim of discrimination by the Czech Republic in connection with the restitution of her father's, Richard Fischmann's property. He had been Aryanised after the Nazi occupation and his property was confiscated under the Beneš Decrees after the Second World War, although he had declared himself Jewish in the 1930 census. After 1990, when the communist regime collapsed, Mrs Fábryová attempted to have her property restituted. However, her efforts were rejected, among other reasons, because her application was submitted late but owing to an administrative error on the part of the Czech Republic. In this case, the UN Human Rights Committee ruled that the Czech Republic had violated Article 26 of the International Covenant on Civil and Political Rights and called on the Czech Republic to provide an effective remedy. Due to the error by the administrative authorities, she was deprived of the opportunity to be treated like other persons similarly entitled to the restitution of property confiscated in the past.

In connection with restitution, the case of *Miroslav Blazek, George Hartman and George Krizek*, who were naturalised U.S. citizens born in Czechoslovakia and emigrated after 1948, is also important. They claimed that the Czech Republic violated their rights guaranteed by Article 26 of the International Covenant on Civil and Political Rights. Their property was confiscated after their emigration, and they were denied compensation in restitution proceedings because they did not hold Czech citizenship. Mr Hartman was unable to recover his property despite regaining his Czech citizenship due to the expiry of the deadline for applying for restitution. The Human Rights Committee found that they had been discriminated against based on their loss of Czech citizenship and recognised the violation of their rights. The Committee called on the Czech Republic to take remedial measures.

In *Malinovsky et al. against the Czech Republic*, the Human Rights Committee again dealt with a restitution claim by the survivors of the victim's father. Two brothers had inherited property from their father. Nevertheless, after the onset of the Communist regime, first, the elder brother was convicted of treason for emigrating and subsequently, the younger brother also emigrated. All their family property in the Czech Republic was confiscated for this reason. Both brothers acquired United States citizenship, which was incompatible with Czech citizenship. After the collapse of the Communist regime, only part of the confiscated property was returned to the older brother as part of the restitution process; the State declined to return the remaining part on the grounds that he did not hold a Czech citizenship. As in the cases referred to above, the UN Human Rights Committee ruled in favour of the petitioners stating that the non-return of property

on the grounds of nationality was discriminatory and, therefore, conflicting with Article 26 of the International Covenant on Civil and Political Rights. The Human Rights Committee once again called on the Czech Republic to seek redress.

Although the issue of restitution dominates the cases against the Czech Republic before the Human Rights Committee, it is not the only issue. In *L.P. against the Czech Republic*, Mr. L.P. alleged that the Czech Republic had violated his son's rights, guaranteed by Article 17 of the ICCPR, which ensures protection against arbitrary interference with private life and the family. Since 1991, when he separated from his wife, he had been denied access to his son, even though court decisions had granted him the right to contact him every other weekend. However, his ex-wife repeatedly ignored those court decisions. The petitioner filed several criminal complaints and constitutional complaints, which were unsuccessful or rejected. The Human Rights Committee then considered whether the Czech Republic had ensured effective protection of the petitioner's right to contact with his son following the decisions of its courts. The Committee ultimately found that the imposition of fines on the son's mother was insufficient and that the rights of Mr L.P. and his son had not been adequately protected, thereby violating their rights, and called on the Czech Republic to provide an effective remedy.

Furthermore, in the case of *E.M. against the Czech Republic*, the Human Rights Committee addressed a situation when the author's son, who was diagnosed with paranoid schizophrenia, experienced a fatal incident following a police intervention in 2011. D.H. had a history of violent outbursts, which were previously controlled with sedation in collaboration with police. After one of these outbursts, the family called the emergency services. The police, fearing potential violence, requested reinforcement and resorted to the use of a taser. D.H. was subdued and injected with sedatives, after which he suffered cardiac arrest. He was briefly resuscitated but later died in a coma. The author accused the police of using excessive force, particularly alleging that a taser had been used and that this, combined with sedation, led to her son's death. She filed a criminal complaint, arguing that the force was unnecessary as D.H. was unarmed and did not pose a threat. However, investigations by both the police and public prosecutor found no wrongdoing, concluding that D.H.'s death resulted from malignant brain oedema linked to cardiac arrest and his existing health conditions. The author's subsequent complaints were dismissed by higher authorities, who ruled that the police acted according to the law and that no excessive force or illegal actions were involved. The author contended that the investigations were inadequate, but the case was ultimately deemed inadmissible by the UN Human Rights Committee due to insufficient evidence to support claims of police misconduct.

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of treason for emigrating and subsequently, the younger brother also emigrated. All their family property in the Czech Republic was confiscated for this reason. Both brothers acquired United States citizenship, which was incompatible with Czech citizenship. After the collapse of the Communist regime, only part of the confiscated property was returned to the older brother as part of the restitution process; the State declined to return the remaining part on the grounds that he did not hold Czech citizenship. As in the cases referred to above, the UN Human Rights Committee ruled in favour of the petitioners stating that the non-return of property on the grounds of nationality was discriminatory and, therefore, conflicting with Article 26 of the International Covenant on Civil and Political Rights. The UN Human Rights Committee once again called on the Czech Republic to seek redress.

The UN Human Rights Committee is not the only one contemplating a communication against the Czech Republic. In 2023, the CRC Committee issued an opinion in the case of *B.J. and P.J. against the Czech Republic*. The case concerned a situation where, in the State's view, a single mother had failed to provide adequate care for her two minor children. The younger daughter was not attending school, and the older son was not studying or registered as unemployed with the Labour Office, which increased his social security debt. In addition, both children showed signs of social phobia and childhood depression. After several unsuccessful attempts to find a more restrained solution, the court decided on a preliminary injunction in the form of removing the children from their mother's care, restricting contact with their parents and placing them in a crisis centre for children and young people. They remained there for 2.5 years, during which time their situation improved and stabilised. After their release from care, the children sought justice, believing that their rights guaranteed by the Convention on the Rights of the Child had been violated. The CRC Committee concluded that the Czech Republic violated their rights by failing to act in their best interests and completely disregarding the adolescent children's opinions and autonomy. The Committee based its opinion on the fact that the need for education and the provision of psychological care are not sufficient grounds for coercive measures that should be reserved for extreme situations such as domestic violence. The Committee also found a violation of Article 12 of the Convention on the Rights of the Child because the children were not heard. Their views were not taken into account, and a violation of Article 37 CRC in that the children were not allowed to move freely outside the building in the crisis centre without being accompanied by a staff member.

In *J.D. et al. v. the Czech Republic*, the CEDAW Committee found a complaint inadmissible in the case of the authors, Czech nationals of Roma ethnicity born in 1966, 1969, 1960, 1960, 1964 and 1963, respectively, who submitted that they had been subjected to sterilisation without their informed consent. The five complainants claimed they were subjected to sterilisation without informed consent between the 1980s and 2001 and that the State did not provide adequate

remedies for their mistreatment. While the Civil Code allowed for actions to protect ‘personal rights,’ it imposed a three-year statute of limitations after 2008, with some exceptions where ‘good morals’ could extend the right to seek monetary compensation. The State argued that this provision ensured claims could still be pursued if the expiration of the time limit was not the complainant’s fault. The Committee noted that both parties argued that the case did not pertain to the sterilisation itself, but to the authors’ right to an effective remedy and the alleged absence of such a remedy. It further acknowledged the State Party’s assertion that the general three-year statute of limitations for civil law remedies had not been enforced until 2008 and that any potentially disproportionate impact on victims after 2008 was mitigated by the Constitutional Court’s application of the good morals doctrine. The Committee observed that the five authors had become aware of the consequences of their sterilisations several years prior to 2008, yet none of them attempted to pursue available domestic remedies either before or after that date. Although the authors argued that pursuing such remedies was unnecessary due to their perceived ineffectiveness, the Committee reiterated its established jurisprudence that mere doubts about the effectiveness of the remedies do not exempt an individual from the obligation to exhaust domestic remedies.

7. Conclusion

The Czech Republic has established a robust human rights framework since its transition to democracy in 1993, aligning itself with international and European standards. Through its membership in the United Nations, the Council of Europe, and the European Union, the country has made notable progress in incorporating international human rights principles into its domestic laws and policies. Key institutions, such as the Public Defender of Rights (Ombudsman) and various governmental bodies like the Government Council for Human Rights, play a vital role in monitoring and addressing human rights issues. However, despite these advancements, significant challenges remain that hinder the full realisation of human rights for all individuals in the country.

One of the most pressing challenges is the treatment of the Roma community. Discrimination against Roma remains pervasive, particularly in the areas of education. Segregation in schools and inadequate living conditions continue to marginalise Roma populations, despite international pressure and domestic efforts to address these issues. The implementation of policies aimed at Roma inclusion needs to be more effective and consistent in order to break the cycles of poverty and social exclusion that many Roma face.

Additionally, the rights of persons with disabilities present ongoing concerns. Although legislative reforms have promoted accessibility and inclusion, gaps remain in the practical implementation of these policies. Many individuals

with disabilities, particularly those in institutional care, do not have adequate access to independent living and supported decision-making. The lack of independent monitoring mechanisms and insufficient safeguards for vulnerable groups, such as people with disabilities, exacerbates the problem.

Immigration and asylum policies also pose significant human rights challenges for the Czech Republic. The detention of migrant children, including both unaccompanied minors and those with families, has drawn criticism from international human rights organisations. Alternatives to detention, while recognised in law, are rarely implemented due to a lack of accessible support services and accommodation options for migrant families. This gap highlights the need for more humane and effective migration policies that uphold the rights of asylum-seekers and refugees, particularly vulnerable groups such as children.

The continued shortcomings in addressing these human rights issues suggest that while the Czech Republic has made strides in creating a legal and institutional foundation for human rights protection, significant work remains. A stronger political will, increased resources, and better cooperation with civil society and international organisations are essential to ensuring that the Czech Republic fulfils its human rights obligations and addresses the needs of its most vulnerable populations. Moving forward and efforts to improve human rights protection must focus on bridging the gap between policy and practice, ensuring that all individuals can fully enjoy their rights and freedoms.

Bibliography

- Albert, G., Szilvasi, M. (2017) 'Intersectional Discrimination of Romani Women Forcibly Sterilized in the Former Czechoslovakia and Czech Republic', *Health and Human Rights*, 19(2), pp. 23–34.
- Bartoň, M. (2016) *Základní práva*. Prague: Leges.
- Caban, P. (2021) 'Význam stanovisek lidskoprávních výborů a jiných expertních smluvních orgánů pro výklad mezinárodních smluv', *Právník*, 2021(10), pp. 822–842.
- Doubek, P. (2023) 'Ombudsman jako národní lidskoprávní instituce...: Jak sladit rozličné lidskoprávní působnosti a naplnit požadavek plurality?', *Časopis pro právní vědu a praxi*, 31(2), pp. 353–379; <https://doi.org/10.5817/CPVP2023-2-4>.
- Filip, J. (2010) 'K některým legislativním otázkám přijetí Listiny základních práv a svobod (20. výročí)', *Časopis pro právní vědu a praxi*, 2010(4), pp. 315–325.
- Kratochvíl, J. (2018) 'Ústavní soud ČR a dokumenty lidskoprávních výborů při OSN' in Smekal, H. and Vyhnánek, L. et al. (eds.) *Beyond compliance – Implementace rozhodnutí mezinárodních lidskoprávních těles na národní úrovni*. Prague: Wolters Kluwer.
- Kühn, Z., Kratochvíl, J., Kosář, D. (2022) *Listina základních práv a svobod: Velký komentář*. Prague: Leges.
- Lhotský, J. (2021) *Česká republika a NHRI. Jak vytvořit národní lidskoprávní instituci?* Prague: UMZ.
- Moyn, S. (2010) *The Last Utopia: Human Rights in History*. Cambridge: Harvard University Press.
- Office of the Ombudsman (2023) *Dozvyky ombudsmanského setkání expertů na lidská práva: národní lidskoprávní instituce (NHRI) si jako nezávislý prostředník*. [Online]. Available at: https://www.ochrance.cz/aktualne/dozvyky_ombudsmanskeho_setkani_expertu_na_lidska_prava_narodni_lidskopravni_institute_nhri_si_jako_nezavisly_prostrednik_mezi_statem_obcanskou_spolecnosti_i_verejnosti_musi_nejdrive_ziskat_jejich_duveru/ (Accessed: 22 September 2024).
- Pavlíček, V. et al. (2020) *Ústavní právo a státověda. II. díl. Ústavní právo České republiky*. Prague: Leges.
- Scheu, H., Brodská, J. (2024) 'The Impact of the United Nations Human Rights Treaties on the Domestic Level in the Czech Republic' in Heyns, C., Viljoen, J. and Murray, R. (eds.) *The Impact of the United Nations Human Rights Treaties on the Domestic Level: Twenty Years On*. Leiden; Boston: Brill/Nijhoff, https://doi.org/10.1163/9789004377653_007.
- *Statute of the Government Council for Human Rights* (no date) [Online]. Available at: <https://vlada.gov.cz/assets/ppov/rlp/III-2-RLP.pdf> (Accessed: 22 September 2024).
- Šimíček, V. (2018) *Ústavní stížnost*. Prague: Leges.

- UN Committee on Economic, Social and Cultural Rights (2022) *Concluding observations on the third periodic report of Czechia* [Online]. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QsmlBEDzFEo-vLCuWzvwmpSkcpMOMDDZmb1V0UOA3Nya6Xw%2FOipAqzZRRcg3nP5ax%2Fb-Ntx3Bm%2BT9lqBRXJPwv89o%2Fkxdj7unrzD9IIAeXufiGC5bdiB5doIb7MP3s> (Accessed: 22 September 2024).
- UN Committee on the Rights of the Child (2021) *Concluding observations on the combined fifth and sixth periodic reports of Czechia* [Online]. Available at: <https://documents.un.org/doc/undoc/gen/g21/293/72/pdf/g2129372.pdf> (Accessed: 22 September 2024).
- UN Committee on the Rights of the Child (2023) *Views on Communication No. 139/2021 – B.J. and P.J. against Czech Republic* [Online]. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhslov9FOAeMKpBQmp0X2W981%2fS4IOEyeth2rtev9aX%2b7Gc0sU%2bAa2Ij6KoBmIcbgXIh7AiXhhZ7ZIDqolxoTO1QHk1hHSzcXAtXYer2xom2QRe9QTx1D2EJ%2fjEo82IXII74TSpCiJm6XYhtUMw9o%2bOOE%3d> (Accessed: 22 September 2024).
- United Nations Human Rights Committee (2001a) *Views on Communication No. 747/1997 – Des Fours Walderode and Kammerlander against Czech Republic* [Online]. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhstcNDCvDan1pXU7dsZDBaDXkyUwz9COIAFyYkU%2fO1luNALux%2bmzoYgjm9MOcix6IAHtoipgmTce7uOyXeg99mE3Ay%2fIQ2tAvxnRzx%2fPPNXpGvmE4wnOUuwkIATNg%2fn1zc95g9zo0Dm8obla05ncozdE%3d> (Accessed: 22 September 2024).
- United Nations Human Rights Committee (2001b) *Views on Communication No. 765/1997 – Fábryová against Czech Republic* [Online]. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhstcNDCvDan1pXU7dsZDBaDXkyUwz9COIAFyYkU%2fO1luNMTv1cQ7J2Tdg%2bbT8oGYrtFZB6Aywm7n9jqkk70Ltey4%2bXPf00ffeIspOBop3nNQPDUQeGzdjncQQiNmzL4yCbjqFYtHR7%2b%2bsr8Nqvt3pl7Y%3d> (Accessed: 22 September 2024).
- United Nations Human Rights Committee (2001c) *Views on Communication No. 857/1999 – Blazek et al. against Czech Republic* [Online]. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhstcNDCvDan1pXU7dsZDBaDWzY69kQ44YNq9xV1x3%2b10Fb540RjkYoPudLzWx3mN0TRi261R1XBniMyNeI3TVk%2bXsjZBwGPexgJA5Cw4aS%2fRPwDInk8uQfQLN1Pdc8oe7P1mKC%2fEnlz9wDBV0hI5oQHw%3d> (Accessed: 22 September 2024).
- United Nations Human Rights Committee (2002) *Views on Communication No. 946/2000 – L.P. against Czech Republic* [Online]. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhstcNDCvDan1pXU7dsZDBaDULUqxxyh9MLvZuPlzc7t7zC8JA%2fIpGBxjMTxjqf2mfjsvdnYvIsLzBTuMTWwN8QXlqMRh%2bjAuQC0birvFanIBTScrChUHW0y2vFreS%2fqMQCxpNmV427csveAsxCRFAe%2fTQ%3d> (Accessed: 22 September 2024).

- United Nations Human Rights Committee (2020) *Views on Communication No. 2839/2016 – Malinovsky et al. against Czech Republic* [Online]. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhstcNDCvDan1pXU7dsZDBaDUJY2L8b3A9m5xpHBqokqWRDB4F9NUxaS2jJn33eVdM9DC79%2bBmsKBJ%2fnEZ6KNzbktb9MxUBzCyPsSt21uVpbMpLofzwIk3HN2mkp2e%2b99AyA3jnNSbXhEWb7zabrcmdZY%3d> (Accessed: 22 September 2024).
- United Nations Human Rights Committee (2024) *Views on Communication No. 3197/2018 – E.M. against Czech Republic* [Online]. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhstcNDCvDan1pXU7dsZDBaDVkHwYOKcmMcnOCbkmYwsUQrk9E7elwpjcC3DcXNiEprd5BTJmRUp9Bu8RlkVlvemmIfVSxrYEgnTxgHv3XmZ%2f1EWpI0GCA MS90GhaEvSZQCoaD%2fOt2rNaEtm5Bgdw0d8M%3d> (Accessed: 22 September 2024).
- Vláda České republiky (2022) *Zmocněnkyně vlády pro lidská práva* [Online]. Available at: <https://vlada.gov.cz/cz/zmocnenecnenkyne-vlady-pro-lidska-prava-15656> (Accessed: 22 September 2024).
- Wagnerová, E. et al. (2023) *Listina základních práv a svobod. Komentář*. Prague: C.H. Beck.