

Frnet National Contribution to the Fundamental Rights Report 2023

Czechia

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Policy and legal highlights 2022

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	Government Plenipotentiary for Roma Minority Affairs established: The Government established the position of the Plenipotentiary, who will coordinate the previously fragmented Roma integration agenda.
EU Charter of Fundamental Rights	No development in 2022.
Equality and non-discrimination	Reproductive surgery as a precondition for gender transition remains: The Constitutional Court upheld the legal requirement that undergoing surgery to disable the reproductive function of a trans person is a precondition for the recognition of their gender of transition.
Racism, xenophobia & Roma Equality and Inclusion	Supreme Court rules on segregation in education: In a landmark judgment , the Supreme Court concluded that segregation in education on grounds of race or ethnic origin constitutes discrimination, and for the first time elaborated on the concept of segregation and related terms.
Asylum & migration	Debate on the use of facial recognition cameras in public space growing: After repeated criticisms by an NGO and relevant governmental sources in 2021, a seminar was organized in the Parliament on the issue of biometrics and facial recognition.
Data protection and digital society	New advisory body for Minister for Digitalization created: The Czech Digital Team will contribute to improving the efficiency of the functioning of public administration, advice on AI, and accelerate the overall digital transformation process.
Rights of the child	Corporal punishment to be outlawed: The Chamber of Deputies' Standing Committee on Family and Equal Opportunities and the Subcommittee on the Prevention of Domestic and Sexualised Violence agreed that the prohibition of corporal punishment of children should be enshrined in law.
Access to justice, including victims of crime	Legislative changes in the area of domestic and sexual violence proposed: The Government Council for Gender Equality seeks to cooperate with relevant bodies to introduce a definition of domestic violence, change the criminal definition of rape, and to introduce gender-specific social services.
Convention on the Rights of Persons with Disability	Concept of reasonable accommodation in line with EU law: The Supreme Court for the first time elaborated on the concept of reasonable accommodation and confirmed that employees can request it even if the employer did not have their health conditions examined by the company doctor prior to such a request.

1 Equality and non-discrimination

In 2022 there were four legal and policy developments in relation to LGBTIQ people and one in relation to discrimination on the grounds of socio-economic status.

First, on 31 March, the Constitutional Court ruled that the legal requirement that undergoing surgery to disable the reproductive function of a trans person is a precondition for the recognition of their gender of transition is not unconstitutional.¹ The applicant in this case claimed that the contested legal provisions resulted, in particular, in the violation of her right to physical and mental integrity, the right not to be subjected to ill treatment, and the right to a private life. An amicus curie brief was submitted by the Alliance for Family, which is an organisation campaigning for the restriction of abortion rights and against same-sex marriage. The case is now before the European Court of Human Rights.

Second, the act on public registers² is now being amended, which could allow for additional amendments in relation to trans people and the rules that apply to making a change of sex in public registers. Relating to the establishment of a new information system, the proposed amendments do not contain any changes that would reflect the problems faced by trans people, such as having an obligation to register under a 'gender neutral' name when undergoing transition. The amendment has further implications for the usage of first names chosen by trans people, if they decide to change their names. In the Czech Republic, only pre-approved first names can be chosen, and the names that not appear on the official list (a book) must be individually approved by the authorities (experts). Foreign names that do not appear on the list can be chosen if the person can prove that these names are used elsewhere in the world and are not insulting. Once a name is approved, it gets included in the list of official first names and it can be freely chosen in the future. The members of the Committee of the Government Council for Human Rights for Sexual Minorities, which is the only advisory body to the Government on the topic of sexual minorities, voiced the criticism that based on the proposed amendments, the Public Registers offices would now be responsible for obtaining expert opinions in the situation where a person wants to use a foreign name. According to the opinion of Committee members, this would in practice mean that some Public Registers would not use expert opinions of more progressive experts and would thus effectively ban (trans) people from registering under a foreign name of their choice.

Third, there are two bills in the Parliament proposing amendments to the legal regulation of marriage. Following the 2021 parliamentary elections, a group of Members of Parliament proposed on 7 June 2022 a bill amending the Civil Code in order to expand the definition of marriage, and the rights attached to marriage, to cover same-sex couples as well.³ The bill would also rectify the current situation

¹ Czech Republic, Constitutional Court of the Czech Republic (*Ústavní soud České republiky*), [Pl. ÚS 2/20, 9 November 2021](#).

² Czech Republic (2022), [Draft Bill amending Act No. 301/2000 Coll., on civil registers](#), names and surnames, and amending certain related acts, as amended, Act No. 89/2012 Coll., the Civil Code, as amended, and other related acts, 13 June 2022.

³ Czech Republic (2022), [Draft Bill. No. 241](#) amending the Civil Code (*Sněmovní tisk 241, Nicela zákona – občanský zákoník*), 3 June 2022.

of transgender people, who have to divorce their spouse if they want to change their legal sex. The bill also tackles the issue of the adoption of the children of a partner within same-sex couples. The government adopted a neutral position on the bill and criticised, among other things, the continuation of a marriage after a person has changed their legal sex. The government also suggested that the bill should include a proposal for the legal regulation of assisted reproduction, as the current law does not allow for single women or same-sex couples to undergo this treatment.⁴ The second bill⁵ was proposed on 27 July by a group of MPs from socially conservative parties. The bill would strengthen the current legal exclusion of same-sex couples from marriage by defining marriage as a union between a man and a woman – Art. 32 para 1 of the Charter of Fundamental Rights, 'Parenthood and the family are protected by law', would thus read: 'Parenthood, the family, and marriage as a union between a man and a woman are protected by law'. The government adopted a neutral stance⁶ on this bill as well, stating that the Charter of Fundamental Rights should be a stable document, not subject to amendments, especially to parts containing specific definitions. The Ministry of Justice and the Ministry of Environment expressed their support for the bill.⁷

Fourth, a promising policy development could be the inclusion of the grassroots initiative Jsme fér (We Are Fair), working for the legalisation of same-sex marriage, in the drafting process of preparing a new Family Policy Concept, which should be prepared and approved by the end of 2022 by the Ministry of Labour and Social Affairs. The Family Policy Concept is a fundamental strategic material in the field of family policy in the Czech Republic.⁸ The anti-abortion and anti-same-sex marriage non-governmental organisation Alliance for Family was also invited to take part in the process.⁹ The current version was approved by the Government on 18 September 2017.¹⁰ The updated version, which briefly mentions same-sex couples, was created in relation to the current Government Programme Statement on 29 May 2019.¹¹

In relation to discrimination on the grounds of socio-economic status, the Government Committee for the Rights of People at Risk of Poverty and Social Exclusion held a meeting on 23 June. Among the topics discussed was the

⁴ Czech Republic (2022), The Government's position on Bill No. 241/1 ([Stanovisko vlády k návrhu zákona č. 241/1](#)), 1 July 2022.

⁵ Czech Republic (2022), [Draft Bill No.276](#) amending the Charter of Fundamental Rights and Freedoms, as amended by Constitutional Act No. 162/1998 Coll. and Constitutional Act No. 295/2021 Coll. (*Sněmovní tisk 276/0, Návrh ústavního zákona – Listina základních práv a svobod*), 27 July 2022.

⁶ Czech Republic (2022), The Government's position on Bill No. 276/1 ([Stanovisko vlády k návrhu zákona č. 276/1](#)), 25 August 2022.

⁷ Czech Republic (2022), [Interministerial comment procedure](#) (*Mezirezortní připomínkové řízení*).

⁸ For more information, see the organisation's website at: https://www.jsmefer.cz/koncepce_rodinne_politiky.

⁹ Ministry of Labour and Social Affairs (2022), [Request for information pursuant to Act No. 106/1999 Coll., on free access to information – Movement for Life, z.s., Alliance for Family, z.s.](#) (*Žádost o poskytnutí informace dle zákona č. 106/1999 Sb., o svobodném přístupu k informacím – Hnutí pro život, z.s., Aliance pro rodinu, z.s.*).

¹⁰ Ministry of Labour and Social Affairs (2017). [Family Policy Concept](#) (*Koncepce rodinné politiky*).

¹¹ Ministry of Labour and Social Affairs (2019), [Updated Family Policy Concept](#) (*Aktualizovaná Koncepce rodinné politiky*).

amendment¹² to the Act on State Social Support and the Act on Aid in Material Need, which should make housing benefits more accessible, as applications would not have to be submitted repeatedly every year.

1.1 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance

A study on minority stress theory, which summarizes literature supporting the argument that sexual minorities experience chronic stress in connection with their stigmatised sexual orientation and gender identities, was published by Michal Pitonak, who is a researcher and a member of the Committee of the Government Council for Human Rights for Sexual Minorities. The aim of the project on which the article is based was to test the theory of minority stress in the Czech Republic in order to increase the understanding of the quality of the mental health of sexual minorities. ¹³ This article provides a literature review on which the project is based. Understanding the characteristics and scope of minority stress stemming from stigma and discrimination is vital for combating discrimination.

In IUSTITIA, an organisation focused on the topic of hate crimes, conducted a research that for the first time in the Czech context mapped the experiences of disabled people with (mostly verbal) violence and prejudice. The research was conducted between May 2021 and January 2022 through an online questionnaire and a total of 311 people with disabilities participated in it. The survey found that 76 percent of respondents had faced some form of violence at some point in their lives. The most frequent forms of violence were verbal abuse, intimidation, and threats of violence. A significant proportion of both male and female respondents also reported having been physically or sexually assaulted. Although the number of attacks on persons with disabilities is high, the authors of the study pointed out that these persons are not granted sufficient protection in criminal law.¹⁴

The director of In IUSTITIA also co-authored an article based on qualitative interviews with Czech police officers that focuses on the specifics of a hate crime investigation. The interviewees were police specialists in political extremism, police officers who work with minorities, and a member of the General

¹² Czech Republic (2022), [Act No. 203/2022 Coll. amending Act No. 117/1995 Coll., on state social support, as amended, and Act No. 111/2006 Coll., on aid in material distress, as amended](#) (Zákon, kterým se mění zákon č. 117/1995 Sb., o státní sociální podpoře, ve znění pozdějších předpisů, a zákon č. 111/2006 Sb., o pomoci v hmotné nouzi, ve znění pozdějších předpisů).

¹³ Pitonak, M. (2022), Minority stress from the perspective of health inequalities between heterosexual and non-heterosexual people ([Menšinový stres v perspektivě zdravotních nerovností mezi heterosexuálními a neheterosexuálními lidmi](#)), *Psychiatry for Practice*, Vol. 23., No. 2, pp. 100-104.

¹⁴ InIUSTITIA (2022), [Most people with disabilities face some form of violence, research has shown](#) (Většina lidí s postižením v průběhu života čelí nějaké z forem násilí, ukázal výzkum).

Inspectorate of the Security Forces. The paper analyses their accounts of (1) the methods of recognising and proving the bias motive and (2) the reasons that may lead police officers to disregard the bias motive. According to the study participants, the hate motive may be ignored in an investigation because of a lack of evidence, insufficient training of police officers on hate crime, the excessive workload of police officers, prejudice against victims, fears of the further escalation of violence, and criticism of the police in the media.¹⁵

A book called *Standards and Recommendations for Identifying Social Status, Discrimination and Violence against Non-heterosexual and Gender Diverse Persons*¹⁶ was published as part of the Rise Up project (see promising practices). The main aim of the publication is to improve the quality of data collection and knowledge about sexual minorities in Czech society by providing guidelines and recommendations for the inclusion of survey items on sexual orientation, gender identity, and intersex status. The purpose of this publication is to increase the general sensitivity of existing and future studies by providing the latest evidence-based and best practice methodological and theoretical insights. The book contains two interrelated parts: (1) Standards and recommendations for surveying social status, discrimination, and violence against non-heterosexual and gender diverse persons, and (2) Recommendations for surveying sexual orientation and gender identity.

Sociologists published a mixed-methods study on childlessness and barriers to same-sex parenthood in Czechia.¹⁷ The sample consisted of 419 men who participated in an online survey. The questions related to participants' parenting desires, intentions, and perceived barriers to parenthood. The analysis identified a substantial group of gay men without parenting desires and intentions compared to heterosexuals and bisexuals, and the lack of legal recognition of same-sex families as a crucial barrier to gay parenthood. The qualitative enquiry, based on semi-structured interviews with 23 self-identified gay men aged 25 to 47 years, explores how they reflect on (not) becoming parents and contextualises those reflections. Compared to bisexual and predominantly straight men, gay men less often turn their parenting desires into parenting intentions. They also less often feel free to choose whether to become a parent, which means that they less often turn their parenting desires into reality. This has to do with the legal uncertainty of same-sex families in Czechia.

Lastly, a sociological paper on registered partnership and same-sex parenthood in Czechia¹⁸ was published. The article uses qualitative data to analyse the history

¹⁵ Walach, V., Kalibová, K., Kupka, P. and Petruželka B. (2022), [Specifics of hate crime: a police perspective](#) (*Specifika objasňování trestných činů z nenávisti: policejní pohled*) *Česká kriminologie*, Vol. 1.

¹⁶ Pitonak, M. and Macháčková, M. (2022), [Standards and recommendations for identifying social status, discrimination and violence against non-heterosexual and gender diverse persons](#) (*Standardy a doporučení pro zjišťování společenského postavení, diskriminace a násilí vůči neheterosexuálním a genderově rozmanitým osobám*) *Národní ústav duševního zdraví*.

¹⁷ Hašková, H., Maříková, H., Sloboda, Z. and Pospíšilová, K. (2022), [Childlessness and Barriers to Gay Parenthood in Czechia](#). *Social Inclusion*. Vol. 10, No. 3, pp. 1-14.

¹⁸ Sloboda, Z. (2022), [Registered partnership and homoparentality in Czechia](#) (*Registrované partnerství a homoparentalita v Česku*), *Gender a výzkum / Gender and Research*, Vol. 22., No. 2, pp. 139-169.

and development of registered partnership in the Czech Republic over the 14 years since its introduction. The data show that in the last six years there has been a small but steadily growing amount of interest in registered partnership, especially among women. Registered partnership remains very selective (e.g. most registered partnerships take place among people with higher education]) and quite 'unpopular'. Registered partnership makes some paths to becoming a parent more difficult (as people in registered partnership cannot apply for adoption), but for some people, it provides symbolic security for their existing family.

An example of a promising practice is a project called Rise Up against LGBT+ hate crimes organised in joint cooperation between Prague Pride, the National Institute of Mental Health, and In IUSTITIA.¹⁹ The aim of the project is to raise awareness among the Czech general public and professionals and thus prevent discrimination or prejudicial attacks against people from the LGBT+ community. The project also aims to reduce the latency of prejudicial attacks against LGBT+ people and focuses on improving the current state of data collection and on mapping prejudicial violence and intolerance towards LGBT+ people. It proposes the long-term monitoring of prejudicial violence at the local and international levels to ensure comparability of data in the future.

¹⁹ In Iustitia (2022). [Rise Up](#).

2 Racism, xenophobia and related intolerance

2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

According to the **Report on Extremism and Hate Crime**²⁰ published by the Ministry of the Interior, xenophobic populist entities and activists to some extent refrained in 2021 from attacking Muslims, migrants, Romani people, and the LGBT+ community. Their main issue has become speaking out against the alleged introduction of 'Covid totalitarianism'. This community frequently reproduced various kinds of misinformation and unsubstantiated news and shared this misinformation on social media. Hateful statements continued to be registered in the internet environment. They were often fuelled by articles or statements made by politicians with xenophobic views. The disinformation media continuously and intensively 'enriched' the Czech public with ideas generated by pro-Kremlin propaganda.

In 2021, police detected 108 crimes motivated by prejudicial hatred, which was fewer than the previous year (134) and the fewest in the past 6 years. Seventy-two people were charged with crimes of racist, ethnic, or other hate motives and 67 people were sentenced for such crimes. This number represents only 0.135% of the total number of total convictions in the last year.²¹

According to a **survey conducted among 1091 respondents on current developments in the Ukrainian crisis and related concerns**, in February 2022 a total of 59% of Czechs feared an influx of migrants. Significantly more respondents expressed concern about the impacts of the conflict on the cost of living (92%), about a prolonged war with casualties (88%), and about a deterioration of the security situation in Europe (87%). More than two-thirds (69%) of respondents supported welcoming everyone fleeing the war in Ukraine. A quarter (25%) were opposed and 6% said they did not know.²²

A later survey on the **Czech public's attitudes towards accepting refugees from Ukraine**, conducted between March and May 2022, showed that three-quarters (75%) of 845 respondents supported accepting refugees from Ukraine. Just under a quarter (23%) of respondents were opposed to accepting refugees from Ukraine, with 8% of respondents selecting 'definitely not' as their response and 15% selecting 'rather not'. The remaining 2% of respondents chose the 'don't know' option. The Czech public is significantly more supportive of

²⁰ Czech Republic, Ministry of the Interior (*Ministerstvo vnitra ČR*), (2022) [Zpráva o projevech extremismu a předsudečné nenávisti na území České republiky v roce 2020](#).

²¹ Czech Republic, Ministry of the Interior (*Ministerstvo vnitra ČR*), (2022) [Zpráva o projevech extremismu a předsudečné nenávisti na území České republiky v roce 2020](#).

²² Czech Republic, Median (2022), [Bleskový průzkum 2022 / 1: konflikt na Ukrajině](#), 24 February 2022.

accepting refugees from Ukraine than it was of accepting refugees from the Middle East and North Africa in the past.²³

At the beginning of the conflict in March 2022, the media drew attention to Russophobia spread via social media. The Ombudsman Stanislav Křeček issued a statement in which he warned that it was essential to prevent violations of the rights of all those affected by the conflict from the outset.²⁴ Furthermore, in response to alleged cases of bullying in schools, the Ministry of Education sent a letter to schools urging teachers not to let the negative consequences of the war events impact on the education system.²⁵ Recently, there were no reports of Russophobia in the media.

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

On 1 January 2022, an amendment to the Criminal Code entered into effect, which introduced under Section 403a the new offence of the dissemination of work promoting a movement aimed at suppressing human rights and freedoms. This amendment responds to recent cases where 'souvenirs' such as mugs or calendars depicting representatives of Nazi Germany were sold. The same amendment also introduced provision Section 403b on impunity relating to the dissemination of such work if it is distributed for the purpose of education, research, art, reporting on current or historical events, or similar purposes.²⁶

In the fight against extremism and prejudicial violence, the Czech Republic is currently proceeding according to two conceptual materials. The first of these is the **Concept for Combating Extremism and Prejudicial Hatred 2021-2026**,²⁷ which was approved in June 2021. The individual objectives set out in the Concept are to be implemented by measures defined in action plans adopted for a period of two years each. Currently, **the Action Plan for 2021-2022**,²⁸ approved in June 2021, is being implemented. This Action Plan contains a total of 38 measures, some examples of which are the measures for: Strengthening methodological support for the Police of the Czech Republic and prosecutors in the area of hate crimes; Ensuring assistance to victims of hate crimes; Using

²³ Czech Republic, Centrum pro výzkum veřejného mínění (*Public opinion research centre*) (2022), [Postoj české veřejnosti k přijímání uprchlíků z Ukrajiny – jaro 2022](#), 8 July 2022.

²⁴ Czech Republic. The Public Defender of Rights (Kancelář veřejného ochránce práv) (2022), '[Válka na Ukrajině se u nás nesmí stát důvodem pro porušování lidských práv, varuje ombudsman](#)', press release, 4 March 2022.co

²⁵ Czech Republic, iRozhlas.cz (2022) '[Nechod' do hospody, lidi můžou po pár pivech vytáhnout nůž.](#)' V Česku přibývá projevů rusofobie, 12 March 2022.

²⁶ Czech Republic (2021), Act No. 220/2021 Coll., cited above.

²⁷ Czech Republic. Ministry of Interior (*Ministerstvo vnitra ČR*) (2021), [Koncepte boje proti extremismu a předsudečné nenávisti 2021-2026](#), May 2021.

²⁸ Czech Republic, Ministry of Interior (*Ministerstvo vnitra ČR*) (2021), Action Plan to Combat Extremism and Prejudicial Hatred 2021-2022 ([Akční plán boje proti extremismu a předsudečné nenávisti 2021-2022](#)). February 2021.

strategic communication to combat disinformation with a xenophobic focus; and Supporting the introduction of probation and resocialisation programmes for juvenile offenders and adult offenders. For each measure, the fulfilment of the monitored indicators will always be evaluated by April of the following year. The evaluation will then be submitted to the Committee on Internal Security, which is a working body of the National Security Council, and to the National Security Council and to the Government.

In June 2022, the leadership of the Police of the Czech Republic announced that from 1 January 2023, a **new nationwide specialised police unit will be established to streamline the response to current threats**. The unit will be separate from the National Headquarters against Organised Crime of the Criminal Police and Investigation Service. It will be tasked with responding to threats in the areas of terrorism, extremism, and cybercrime.²⁹

On 16 March 2022, the Czech General Inspectorate of Police Services (GIBS) announced that it had **closed its investigation into the conduct of the police officers involved in the arrest of Mr Stanislav Tomáš**.³⁰ The 46-year-old Roma man died on 19 June 2021 shortly after being restrained using force by Police in the town of Teplice. The police officers pinned him to the ground and knelt on his neck for several minutes. The GIBS concluded that the police intervention had been 'carried out in a standard way, using coercive measures that were lawful, the use of which did not have a proven causal link to the subsequent death' (translated by Romea.cz). The European Roma Rights Centre (ERRC), the Forum for Human Rights (FORUM), and NGOs representing relatives of Mr Tomáš objected that the investigation was not independent and therefore not effective. The NGOs intend to support the family of Mr Tomáš in further legal steps to challenge the conclusions of the GIBS. 31

In 2017 the former Freedom and Direct Democracy Party (SPD) **MP Miloslav Rozner made a statement concerning the WWII-era concentration camp** for Roma people at Lety u Písku. He described the facility as a 'non-existent pseudo-concentration camp'. Rozner could not be charged immediately after making the statement because he had parliamentary immunity and the lower house refused to strip him of his immunity from prosecution. Last October, Rozner lost reelection and therefore his immunity. In April 2022 the Prague 4 District Court sentenced him to six months in prison for making the statement he made, conditionally suspended for one year. It ruled that Rozner had committed the offence of genocide denial.³² On December 6, 2022, the Court of Appeals upheld the judgment of the trial court, making the judgment final.³³

In January 2022 the media reported on a resolution of the Constitutional Court that rejected a complaint from Vítězslav Kroupa, a man who wrote hateful

²⁹ Czech Republic, Ministry of Interior (*Ministerstvo vnitra ČR*) (2022). '[Organizační změny služby kriminální policie a vyšetřování](#)', press release, 10 June 2022.

³⁰ Czech Republic, The Inspectorate General of the Security Forces of the Czech Republic (Generální inspekce bezpečnostních sborů) (2022). '[Ukončení šetření úmrtí v Teplicích](#)', press release, 16 March 2022.

³¹ Czech Republic, Romea.cz, '[Czech and international organizations support bereaved family with Constitutional Court complaint over death of Stanislav Tomáš in police custody](#)', 22 March 2022.

³² Pravniprostor.cz, The court gave Rozner a six-month suspended sentence for his statement about the Lety camp ([Za výrok o táboře v Letech uložil soud Roznerovi půlroční podmíněný trest](#)), 26 April 2022.

³³ Seznamzpravy.cz, Suspended sentence for Rozner. For his statement about the Roma camp in Lety ([Podmínka pro Roznera. Za výrok o romském táboře v Letech](#)), 6 December 2022.

commentary underneath a photograph of first-graders from an elementary school in Teplice.³⁴ The Constitutional Court ruled that in serious cases the criminal law can be used to combat hate speech on the Internet in a democratic society and that it is necessary to do so. In 2017, Kroupa commented on a Facebook photo depicting mostly Romani and Arab children attending the first grade at Plynárenská Elementary School. Under the photo he wrote, *'They are from Plynárenská [Gasworks] Primary School. The solution is simple'*.

Kroupa was charged for making this comment and also for posting images on social media of the German Imperial eagle holding a Nazi swastika and of the Nazis Hermann Göring and Adolf Hitler. He was found guilty of the offence of incitement to hatred against a group of persons or to the restriction of their rights and freedoms under Section 356(1), (3)(a) of Act No. 40/2009 Coll. of the Criminal Code, and the offence of expressing sympathy for a movement aimed at suppressing human rights and freedoms under Section 404 of the Criminal Code and he was sentenced to 16 months in prison, suspended for three years.³⁵

³⁴ Czech Republic, The Constitutional Court (*Ústavní soud ČR*) (2021), [Resolution No. III.ÚS 2696/21 of 7 December 2021](#).

³⁵ Czech Republic, The Supreme Court (*Nejvyšší soud ČR*) (2021), [Resolution No. 3 Tdo 564/2021 of 24 June 2021](#).

3 Roma equality and inclusion

3.1 Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	No, no action plan was adopted. ³⁶
How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organizations)?	Not applicable.
Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?	Not applicable.
Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.	Yes. Government Council for Roma Minority Affairs, an advisory body to the Government, established the Committee for the Implementation of the Roma Integration Strategy (CIRIS). The CIRIS's mission is to monitor and evaluate the fulfilment of goals and measures resulting from the Roma Integration Strategy that have been assigned to the promoters of the individual measures. It also

³⁶ Information provided by the Government Council for Roma Minority Affairs and Secretariat of the Government Council for National Minorities, Office of the Government of the Czech Republic by email on 23 August 2022.

evaluates the fulfilment of the indicators set out in the Roma Integration Strategy.³⁷

The last meeting of the CIRIS took place on 6 October 2021. The Chair of the Committee pointed out that Roma should be more involved in the preparation of documents and policies affecting them than is currently the case.³⁸

Information on the implementation of the Roma Integration Strategy is prepared by the Secretariat of the Government Council for Roma Minority Affairs and is published together with the annual Report on the State of the Roma Minority. The next information will be published together with the 2021 Report in October 2022.³⁹

Furthermore, RomanoNet, an umbrella organization of nonprofit organizations working with Romani people, has issued a Civil Society Monitoring Report on the quality of the national Roma Integration Strategy (RIS).⁴⁰ The report focuses on the participation of Roma in the preparation of the RIS, the relevance of the proposed measures, their expected effectiveness and the consistency of the RIS with the EU Strategic Framework for Roma. The report identifies shortcomings in the RIS, for example, in the lack of support for the maintenance and strengthening of Roma identity, especially in the area of voluntary declaration of Roma nationality. It also points out that the RIS does not cover all target groups such as Roma girls or Roma with disabilities. The report also criticised the lack of public awareness of

³⁷ Czech Republic, The Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022), [Committee for the Implementation of the Roma Integration Strategy](#).

³⁸ Czech Republic, The Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2021), [Notes from the meeting of the Committee for the Implementation of the Roma Integration Strategy on 6 October 2021](#).

³⁹ Information provided by Mr Vojtěch Tuzar, head of the unit of the Office of the Government Council for Roma Minority Affairs and Secretariat of the Government Council for National Minorities, Office of the Government of the Czech Republic by e-mail of 23 August 2022.

⁴⁰ Czech Republic, RomanoNEt (2022), [Monitorovací zpráva občanské společnosti o kvalitě národní Strategie romské integrace](#).

	the importance of RIS as one of the main obstacles to its effectiveness.
Implications of the war in Ukraine on the situation of Roma	
Have Roma from Ukraine entered your country?	Yes
If Roma from Ukraine entered your country how was this communicated in the media?	Between March and June, dealing with the accommodation of Romani refugees from Ukraine posed a certain challenge for the state authorities, which was matched by the intense media coverage of the issue. The media covered the statements of political representatives, which were often different from the statements they made relating to the majority Ukrainian refugees. For example, President Miloš Zeman stated that in the case of Ukrainian Roma migrants, of which there are approximately 2,000 in the Czech Republic, he was not sure whether they were not more likely to be economic migrants. ⁴¹ The Governor of the Pardubice Region, Martin Netolický, stated that Romani refugees, many of whom come from Transcarpathian Ukraine, are not war refugees and only came to the country to receive benefits in an organised manner. ⁴² This, he said, could significantly alter the mood of Czech society. The Interior Minister Vít Rakušan, pointed out that some Roma refugees have Hungarian citizenship in addition to Ukrainian citizenship, which prevents them from having the status of refugees from outside the Schengen area. He said it would be best if people who do not qualify for aid did not come to the Czech Republic. ⁴³
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war	Yes

⁴¹ Romea.cz (2022), [Czech President calls Romani refugees from Ukraine "economic migrants"](#), 2 May 2022.

⁴² Czech Republic, Denik.cz (2022). Roma refugees have returned to Ukraine. It's social tourism, says Netolický ([Romští uprchlíci se vrátili na Ukrajinu. Je to sociální turismus, míní Netolický](#)), 18 May 2022.

⁴³ Czech Republic, iRozhlas.cz (2022). Romští uprchlíci s dvojitým občanstvím. Maďarský pas získali před lety, teď je překážkou pro podporu ([Romani refugees with dual citizenship. Hungarian passport obtained years ago, now a barrier to support](#)), 12 May 2022.

(inflation, food or energy prices etc.) on Roma? If yes, provide reference	The survey Citizens on the Economic Situation of Their Households - May to July 2022, ⁴⁴ which surveyed 994 respondents, found that 45% of Czech households were struggling to manage their incomes. Compared to the last survey in June 2021, there was an increase (by 5 percentage points) in the share of people reporting that they find it difficult to make do on their income. Considering that Roma are among the least economically well-off in Czech society, it can be assumed that the current situation is negatively affecting them as well. However, no research has been carried out to directly prove this assumption.
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3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion

The bill allowing financial compensation to women who were sterilised against their will or without proper consent came into force on 1 January 2022.⁴⁵ It was approved by Parliament in 2021 after a long effort by a civil society organisation that emphasised that the victims of unlawful sterilisation were unable to successfully assert their claims before the courts because of the expiration of the statute of limitations. According to the bill, persons who were unlawfully sexually sterilised between 1 July 1966 and 31 March 2012 in a health facility are eligible for a one-off compensation payment of 300,000 CZK (approximately 12,000 EUR). The applications for compensation are assessed by the Ministry of Health. Until 27 December 2022, 499 applications for compensation were submitted. The Ministry of Health provided compensation to 201 applicants, it rejected 147 applications and discontinued administrative proceedings in 31 cases.⁴⁶ Unsuccessful applicants can lodge an appeal against the decision with the Minister of Health. The decision on an appeal may be challenged before an administrative court. The civil society organisation criticised the Ministry of Health in August for delays in the proceedings concerning

⁴⁴ Czech Republic, Centrum pro výzkum veřejného mínění (*Public opinion research centre*) (2022), [Občané o ekonomické situaci svých domácností – květen až červenec 2022](#), 8 August 2022.

⁴⁵ Czech Republic, [Act No. 297/2021 Coll, on granting a one-off financial compensation for persons sterilised in conflict with the law](#).

⁴⁶ Information provided by Ms Linda Arslanian, Senior Ministerial Councillor of the Legal Department, Ministry of Health, via e-mail on 27 December 2022.

compensation and for applying a formalistic[bureaucratic?] approach to applicants whose medical reports are no longer available and cannot be therefore used as an evidence.⁴⁷

In May 2022, the Public Defender of Rights published a second monitoring report on the implementation of the right to equal treatment and protection against discrimination, which focused on the issue of Romani education. In the initial monitoring report of 2021, the Defender set up indicators that he continuously monitors. The Defender found that in the school year 2020/2021, out of 18 measurable indicators there were positive developments in 3 areas: A qualified estimate of the proportion of Roma pupils in primary schools in relation to all pupils in primary schools; The creation of a comprehensive module in the system of further education of teaching staff in the field of methodological support in relation to Roma pupils; and The number of primary schools with over 75% Roma pupils. On the other hand, a deterioration was observed in the case of 7 indicators. In the other areas, no significant change from the initial situation (usually from the situation in the school year 2019/2020) was recorded.⁴⁸

The Expert Forum for the implementation of the ruling of the European Court of Human Rights on *D.H. and others v. the Czech Republic* (no. 57325/00, judgment of the Grand Chamber of 13 November 2017) formulated its conclusions based on six meetings it held in 2020 and 2021.⁴⁹ The Conclusions first identified the causes of the persisting disproportionately large number of Roma pupils who are receiving an education in educational programmes with lower learning outcomes because of their mild mental disabilities. Romani children often suffer from so-called socially conditioned intellectual disability. This disability is not inborn, it does not arise due to damage to the central nervous system, but is the result of inappropriate or neglectful upbringing, psychological and emotional deprivation, a pathological environment, or sociocultural disadvantage.⁵⁰ Second, in the document the Expert Forum formulated specific recommendations to ensure Roma pupils' equal access to education (see Annex 1 Promising Practices for more details).

In December 2022, the sociological research organization PAQ Research launched the website [Desegregation.cz](https://desegregation.cz), which aims to present 40 types of interventions that can help desegregate Romani pupils in education. According to PAQ Research, the problem of segregation in education needs to be addressed intensively, as the Ombudsman's data shows that around 12% of

⁴⁷ Czech Republic, [Romea.cz](https://romea.cz) (2022), [Otevřený dopis - Vyhodnocení efektivity zákona o odškodnění za protiprávní sterilizace půl roku po nabytí jeho účinnosti](#), 15 August 2022.

⁴⁸ Czech Republic, The Public Defender of Rights (*Kancelář veřejného ochránce práv*) (2022), Monitoring report on the implementation of the right to equal treatment and protection against discrimination, [Naplňování práva na rovné zacházení a ochrany před diskriminací: Monitoring report 2021](#), 16 May 2022.

⁴⁹ Council of Europe. Committee of Ministers (2022), [Report on the Execution of the Judgment D.H. and Others v. the Czech Republic submitted by the Czech Government](#), 3 June 2022.

⁵⁰ Šebánková, L. and Havelka, D. (2022), (['Diagnostika a intervence u sociálně podmíněného mentálního postižení: kvalitativní studie v praxi českých pedagogicko-psychologických poraden'](#)) *ePsychologie*, Vol. 16, No. 2.

all Roma pupils (i.e. over 4,000) were receiving an education in educational programmes with lower learning outcomes because of their alleged mild mental disabilities in 2021.⁵¹ For non-Roma pupils, this ratio is only 1.3% of the total. They also pointed out that, according to the latest publicly available data, 262 of the more than 4 200 primary schools in the Czech Republic have a proportion of Roma pupils above 34 %. In 126 schools, the number of Roma pupils exceeds 50 %. Seventeen schools are basically entirely Romani.⁵²

In 2022, the implementation of projects funded by the Norwegian Funds under the Human Rights Programme continued. Within the framework of the call for support for Roma platforms in the regions and at the local level, 7 projects were implemented with a total allocation of over CZK 30 million. Within the call for the capacity building of Roma advisors, 3 projects were implemented, to which over CZK 15 million were allocated in total.⁵³

Ukrainian refugees of Roma origin started arriving in the Czech Republic in April 2022. After their arrival, hundreds of Roma refugees were sheltering in the halls of Prague's Main Train Station in degrading conditions,⁵⁴ since they were either waiting for a decision on their refugee status or for suitable accommodation.⁵⁵ The Czech authorities alleged that their situation was complicated because, first, the Roma refugees were composed of big family groups who were unwilling to be separated, and, second, it was necessary to check whether they were EU citizens with dual Ukrainian-Hungarian nationality and therefore not eligible for refugee status.

In reaction to the situation at the train station the authorities established two temporary shelters – 'tent cities' – in Prague in the districts of Troja and Malešice, since Prague was not able to offer any other accommodation.⁵⁶ In June the Police Presidium reported that they had requested background checks in approximately 5,500 cases, and as a result they had identified approximately 150 people with dual citizenship.⁵⁷

The Government Council for Roma Minority Affairs last met on 20 May 2022. The Council focused on two topics. The first was: the Roma refugees from Ukraine and the involvement of Roma organisations and other actors in the resolution of the crisis.

⁵¹ Czech Republic, The Public Defender of Rights (2022), (*Kancelář veřejného ochránce práv*), [Naplnění práva na rovné zacházení a ochrany před diskriminací: Monitorovací zpráva 2021](#), 16 May 2022.

⁵² Czech Republic, Paqresearch.cz (2022), '[Desegregace.cz. Spouštíme katalog intervencí, které pomohou k lepšímu vzdělávání pro všechny děti](#)', press release, 20 December 2022.

⁵³ Czech Republic, Ministry of Finance (*Ministerstvo financí ČR*)(2022), [Přehled schválených projektů - Program Lidská práva](#).

⁵⁴ Czech Republic, iDnes.cz (2022), [Na nádraží to bylo nelidské, dobře že se uprchlíkům uzavře, říká odbornice](#), 24 May 2022.

⁵⁵ Czech Republic, Romea.cz (2022), [Stát přiznává problém s hledáním ubytování pro romské uprchlíky. Primátor Prahy vyzval k poskytnutí veškerých volných ubytovacích kapacit](#), 20 April 2022.

⁵⁶ Czech Republic, Romea.cz (2022), [Dočasné přístřeší pro romské uprchlíky z Ukrajiny, kteří uvázli na Hlavním nádraží, vznikne v pražské Troji](#), 11 May 2022.

⁵⁷ Czech Republic, CT24.ceskatelevize.cz, [Situaci romských uprchlíků v Praze zlepšily stanové tábory. V Brně si stěžují na nátlak](#), 11 June 2022.

In response to the current crisis, the Council adopted a resolution recommending, for example, the establishment of a Working Group on the needs of particularly vulnerable refugee groups, ensuring sufficient capacity to accommodate all applicants throughout the temporary protection procedure or ensuring sufficient social work with all refugees along with accommodation. Secondly, the Government Council discussed the topic 'Changes to the Framework Curriculum' with regard to the need to include information on Roma and other minorities in the curriculum. The Government Council called[issued a resolution calling on] on the Ministry of Education, Youth and Sports to start work on the changes to the Framework Curriculum as a matter of urgency. In order to begin the work, the Ministry should convene a working meeting with the Government Council's civil society members and representatives of the Museum of Romani Culture.⁵⁸

In July 2022 PAQ Research, a sociological research organisation, published a study on Ukrainian refugees of Roma origin. It captured the situation of 100 families in different areas in the Czech Republic. The research ascertained that one hundred percent of the families have Ukrainian citizenship and only 1% of them also have another citizenship. Results from the sample of Roma refugees therefore did not support reports of Hungarian refugees and the abuse of dual citizenship. Furthermore, the research showed that 20% of the adults were illiterate and that 30% encountered intolerance from Czechs and 14% encountered discrimination during interactions with the authorities, banks, or elsewhere. Most of the children from Ukrainian Roma households had not yet begun to be students in the Czech Republic, but 39% of parents stated that they were waiting for the start of the new school year.⁵⁹

According to the findings of news server Romea.cz, at least 13 Romani men and women were elected to municipal councils in the municipal elections of 23-24 September 2022 out of more than 200 Romani candidates. Only one Romani candidate ran for the Senate in the current election (in the Senate district of Prague 10) but he was not elected. The Roma political party Roma Luma ran candidates in several towns and cities. However, none of its candidates was elected.⁶⁰

On 21 December 2022, the Government established the position of Government Plenipotentiary for Roma Minority Affairs. Ms Lucie Fuková was appointed to the post. The reason for the creation of this position was the considerable scope of the Roma integration agenda and its previous fragmentation among various state administration bodies.⁶¹

⁵⁸ Czech Republic, The Office of the Czech Government (2022), Minutes of the meeting of the Government Council for Roma Minority Affairs on 20 May 2022 ([Zápis z jednání Rady vlády pro záležitosti romské menšiny dne 20. května 2022](#)).

⁵⁹ Czech Republic, Paqresearch.cz (2022), [Ukrajínští Romové v České republice](#), July 2022.

⁶⁰ Czech Republic, Romea.cz (2022), [Election 2022: Ten Romani men and three Romani women have become councillors \(Roma political party Roma Luma failed\) \(Volby 2022: Deset Romů a tři Romky se stali zastupiteli. Romská politická strana Roma Luma neuspěla\)](#), 24 September 2022.

⁶¹ Czech Republic. The Office of the Czech Government (2022), ([Úřad vlády České republiky](#)) , '[Vláda zřídila funkci vládního zmocněnce pro záležitosti romské menšiny, zmocněnkyní jmenovala Lucii Fukovou](#)', press release, 21 December 2022.

In 2022, a total of 28 complainants contacted the Equality Body with their complaints of discrimination on the grounds of ethnicity. Nineteen complaints concerned Romani ethnicity, the remaining nine concerned non-Romani ethnicity. The complainants alleged discrimination in 6 cases in the area of housing, 5 cases in the area of benefits or social security and three cases each in the areas of education, employment and goods and services. The remaining 8 complaints concerned social work in the municipality, health care and other unclassified topics.⁶²

In comparison with previous years, a similar number of complainants approached the Equality Body in 2021, namely 31.⁶³ However, during the mandate of the previous Public Defender of Rights, Anna Šabatová, the numbers were significantly higher: 51 complainants in 2019⁶⁴ and 69 complainants in 2018⁶⁵.

⁶² Information provided by Ms Jana Mikulčická, Lawyer of the Equality Body, The Office of the Public Defender of Rights, via e-mail on 14 December 2022.

⁶³ Czech Republic. Public Defender of Rights (2022), (*Kancelář veřejného ochránce práv*), [Výroční zpráva o činnosti veřejného ochránce za rok 2021](#), 1 February 2022, p. 92.

⁶⁴ Czech Republic. Public Defender of Rights (2020), (*Kancelář veřejného ochránce práv*), [Výroční zpráva o činnosti veřejného ochránce za rok 2019](#), 25 February 2020. p. 86.

⁶⁵ Czech Republic. Public Defender of Rights (2019), (*Kancelář veřejného ochránce práv*), [Výroční zpráva o činnosti veřejného ochránce za rok 2018](#), 18 February 2019. p. 86.

4 Asylum, borders, visas, migration and integration

4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

EUMS	Implementation of Article 3 of Directive 2002/90/EC	
	How has your EUMS implemented Article 3 of Directive 2002/90/EU	Hyperlinked legal provision in EN and national language The provision is transposed primarily into Sec. 340 and 341 of the Criminal Code (Trestní zákoník) .
	Cases [incident numbers] of criminalisation of humanitarian assistance	
	Number of cases recorded by the police in 2022	Number and details of cases (if available) NA (available in January 2023)
	Number of investigations initiated in 2022	Number and details of cases (if available) NA (available in January 2023)
	Number of court decisions taken in 2022	NA (available in January 2023) <ul style="list-style-type: none"> • Number and type of court decisions, information if decision is final. • Type of penalties imposed according to Article 1 2002/946/JHA: Council framework Decision of 28 November

		<p>2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence</p> <ul style="list-style-type: none"> • Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available)
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4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

The Police of the Czech Republic uses facial image recognition only at the airports.⁶⁶ The original number of 100 cameras, which were installed in 2018,⁶⁷ rose to 145 in 2019. The images are compared to data from the system of wanted and missing people.⁶⁸ At the very end of 2021 facial image recognition has been the subject of debates in the Government Committee for Human Rights and Modern Technologies⁶⁹. The issue has also continued to be the subject of scrutiny by the non-governmental sector. The organisation Remedium Iuridicum continually questions the police and collects data on the matter of facial recognition and protection of human rights in the digital era in general. With regard to the facial recognition at the airports, Iuridicum Remedium argues that the system is operated without proper compliance with all legal obligations. In particular, the Police of the Czech Republic did not prepare the obligatory impact assessment on the protection of personal data in accordance with the Law Enforcement Directive.⁷⁰ In June 2022, a seminar was organized in the Chamber of Deputies on the regulation of facial recognition in public space in which a representative of the Police also took part.⁷¹

In 2022, the Public Defender of Rights (PDR) took action in relation to SIS on two occasions. First, the PDR published its remarks on the circumstances under which the Police is obliged to inform a person of whether their data is processed within

⁶⁶ Information provided by the Deputy of the Directorate of the Foreign Police Service. The system was established following the adoption of Decree No. 47/2015 of the Government of the Czech Republic on increasing security at Václav Havel International Airport in Prague of 19 January 2015.

⁶⁷ Mach, V., Vobořil, J. (2021), Využití biometriky při sledování veřejného prostoru v České republice. Iuridicum Remedium, z. s., p. 23.

⁶⁸ Mach, V., Vobořil, J. (2021), Využití biometriky při sledování veřejného prostoru v České republice. Iuridicum Remedium, z. s., p. 24.

⁶⁹ Czech Republic, Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2021). Notes from the meeting of the Committee on Human Rights and Modern Technologies ([Zápis ze zasedání Výboru pro lidská práva a moderní technologie](#)), 6 December 2021.

⁷⁰ Council Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119. Mach, V., Vobořil, J. (2021), *Využití biometriky při sledování veřejného prostoru v České republice*. Iuridicum Remedium, z. s., p. 24.

⁷¹ Czech Republic, Chamber of Deputies (Poslanecká sněmovna) (2022), Invitation ([Pozvánka](#)), 21. června 2022.

the SIS. The case was initiated with a submission from a person who raised a complaint in relation to the Police and its storage of his personal data. The complainant submitted a request for information to the Police, asking whether the Police was storing his data in a database of people against whom a European Arrest Warrant was issued (as he knew such a warrant had been issued against him). However, the police repeatedly told him that they were not processing any of his personal data. The PDR emphasised that although the SIS is essentially a shared information system, pursuant to the Information Act⁷² the Police is only obliged to provide information on data that emerge from its own actions, which does not include information inserted into the system by foreign authorities. The PDR stated that the Police, however, failed to issue a decision with the refusal to provide such information.⁷³ The complainant will thus file the information request directly in Spain.

Second, the PDR also submitted comments⁷⁴ on the amendments to the Act on the Residence of Foreigners.⁷⁵ The PDR proposed that the Ministry of Interior shall amend the Act by deleting para 3 of Sec. 171, which exempts 'decisions not to grant a short-stay visa that were taken on the basis of an alert for the purpose of refusing an entry entered in the information system (SIS) of the Contracting States' from judicial review. The PDR states that the provision contravenes, among others, the Charter of Fundamental Rights of the EU and the case-law of the European Court of Justice (C-503/03). The Act was adopted without the changes proposed by the PDR.⁷⁶

⁷² Czech Republic, Act No. 106/1999 Coll. on free access to information ([zákon o svobodném přístupu k informacím](#)), Sec. 11 para 3.

⁷³ Public Defender of Rights (2022), Concluding opinion with a proposal for remedial action on information on the European Arrest Warrant, C. j.: KVOP-13855/2022 ([Závěrečné stanovisko s návrhem opatření k nápravě ve věci informace o evropském zatýkacím rozkaze](#)).

⁷⁴ Public Defender of Rights (2022), Comments of the Public Defender of Rights on the Draft Act amending the Asylum Act and the Act on Residence of Foreigners ([Připomínky veřejného ochránce práv k návrhu zákona, kterým se mění zákon o azylu a zákon o pobytu cizinců](#)).

⁷⁵ Czech Republic (2022), [Draft Bill amending the Act on the residence of foreigners](#), 9th election period of the Chamber of Deputies.

⁷⁶ Czech Republic, Act No. 326/1999 Coll. on the residence of foreigners ([zákon o pobytu cizinců](#)).

5 Information society, privacy and data protection

5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government (Ministry of Industry and Trade)	Strategic planning	The evaluation of the National Strategy for Artificial Intelligence	NA (available by January 2023)	
Government (Czech digital team)	New advisory body	The Minister for Digitisation created a new advisory body. The Czech Digital Team aims to contribute to improving the efficiency of the functioning of public administration and accelerating the overall digital transformation process. AI is a part of the team's agenda.	NA (yet)	Czech Republic, Office of the Government (<i>Úřad vlády České republiky</i>), Czech digital team of independent experts will advise the vice-prime minister of the Government for digitalization (Český digitální tým nezávislých expertů bude radit místopředsedovi vlády ČR pro digitalizaci), press release, 2 March 2022.
DPA (The Office for Personal Data Protection)	statement	The OPDP published a statement in which it expressed support for the	Yes. The OPDP points to the potential impact on the privacy and personal data of individuals ("The use of technologies to scan users' communications, such as artificial intelligence, are likely to generate errors,	Czech Republic, The Office of the Personal Data Protection (<i>Úřad pro ochranu osobních údajů</i>), The European Commission's proposal poses risks to

		<p>opinion of the European Data Protection Board (EDPB), and the European Data Protection Supervisor (EDPS) adopted a Joint Opinion on the Proposal for a Regulation to prevent and combat child sexual abuse. The OPDP agrees with the opinion that the Regulation is potentially more harmful for the general public than the perpetrators. One of the reasons are the high error rates of artificial intelligence used to detect cases.</p>	<p>and represent a high level of intrusiveness into the privacy of individuals.”)</p>	<p>fundamental rights (Návrh EK přináší rizika pro základní práva), 29 July 2022.</p>
<p>Government (Ministry of Industry and Trade)</p>	<p>Cooperation</p>	<p>The Ministry is the coordinator of the Digital Europe Programme for</p>	<p>NA</p>	<p>Czech Republic, Ministry of Industry and Trade (<i>Ministerstvo průmyslu a obchodu</i>), Five European Centres for Digital Innovation will be established in</p>

		<p>the Czech Republic, which uses the funds from the National Renewal Plan to create five European Centres for Digital Innovations for the development and transformation of small and medium-sized enterprises in the process of digital transformation. 5 centers from the Czech Republic were selected for funding in 2022. Their expertise will focus on artificial intelligence, high-performance computing (HPC), cybersecurity, and digital skills.</p>		<p>the Czech Republic. They will help develop small and medium-sized enterprises (<i>V Česku vznikne pět Evropských center pro digitální inovace. Pomohou rozvíjet malé a střední podniky</i>), 22 June 2022.</p>
Academia (Faculty of	Research project	Legal scholars at the Faculty of Law	Yes. The aim of the project is to identify and assess the risks and opportunities in the	Masaryk University (Masarykova Univerzita), AI and human rights:

<p>Law of Masaryk University)</p>		<p>of Masaryk University are currently working on a three-year project 'Artificial intelligence and human rights: risks, opportunities and regulation' (May 2021 – October 2023). The project is based on an interdisciplinary analysis of AI technologies with the aim of identifying the source of human rights violations across all stages of the 'AI life cycle' and then formulating a set of recommendations for remediation in the technological and regulatory domains.</p>	<p>relationship between artificial intelligence (AI) and human rights and to propose solutions on how AI technologies should be developed, used, and regulated in order not to threaten human rights and instead to help their development and protection. So far, risk areas have been identified and were divided into two sections. Firstly, risks common across all technologies, and secondly, risks associated with specific areas. The first section includes, for example, threats to the right to privacy and data protection. In the second section, the project has identified four levels; here, for example, the issue of non-discrimination was looked at in relation to another right that is infringed by discrimination.</p>	<p>risks, opportunities, regulation (<u>Umělá inteligence a lidská práva: rizika, příležitosti, regulace</u>).</p>
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<p>Government (Ministry of Justice)</p>	<p>Draft Government Directive on the Negotiation of the Council of Europe Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law.</p>	<p>The Ministry of Justice drafted the proposal in order to harmonise the approach of the Czech Republic within the adoption process of the Convention. The interministerial commenting procedure ended at the end of November. The Directive will be finalized before the Council of Europe Committee on AI meeting on 11 January 2023. The Convention is expected to be submitted to the Committee of Ministers in November 2023. The Convention would be applicable in the</p>	<p>The proposal emphasises the human rights aspects of the Convention (in comparison to the draft AI Regulation).</p>	<p>Council of Europe, Artificial Intelligence, work in progress.</p>
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		Council of Europe member states upon ratification.		
Academia and Government (Institute of State and Law of the Czech Academy of Sciences in cooperation with the Ministry of Industry and Trade of the Czech Republic)	SOLAIR Conference (Society, Law, Artificial Intelligence and Robotics)	The main purpose of the conference is to create an open space and platform for discussion of inspiring and innovative ideas related to law and artificial intelligence and to support discussions as well as partnership between the public and private spheres. In 2022, the SOLAIR Conference will focus on "Artificial Intelligence for the Safer World".	A special workshop on the topic of Online AI-Based Personalization and Human Rights was organized during the conference.	For more information about the conference see its website: https://solairconference.com/program/ .

5.2 Legal and policy initiatives on data protection and private life

The Government Committee on Human Rights and Modern Technologies held two meetings so far in 2022. At the February meeting⁷⁷ the Committee discussed the Digital Services Act and its implications for freedom of speech. The members and guests from the NGO Reconstruction of the State (Rekonstrukce státu) discussed the algorithms used for the identification of problematic content on social media platforms. The Committee, together with the Committee for the Rights of the Elderly, also adopted recommendations to the National Recovery Plan emphasising the need for digital inclusion and taking into account the needs of the elderly. The Committee also emphasised the need to incorporate human rights protection as one of the conditions for receiving funding from the National Recovery Plan.⁷⁸ At the April meeting, the above-mentioned research project on AI and human rights was presented and discussed.⁷⁹

In October, a conference on GDPR with a panel on the right to privacy and new technologies will be held in Prague.⁸⁰

⁷⁷ Czech Republic, Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022). Minutes from a meeting of the Committee on Human Rights and Modern Technologies ([Zápis ze zasedání Výboru pro lidská práva a moderní technologie](#)), 7 February 2022.

⁷⁸ Czech Republic, Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022). Recommendations of the LP-TECH Committee on the National Recovery Plan ([Doporučení Výboru LP-TECH k Národnímu plánu obnovy](#)).

⁷⁹ Czech Republic, Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022). Notes from the meeting of the Committee on Human Rights and Modern Technologies ([Zápis ze zasedání Výboru pro lidská práva a moderní technologie](#)), 28 April 2022.

⁸⁰ Association for the protection of personal data (*Spolek pro ochranu osobních údajů*) (2022). [GDPR conference 2022](#).

6 Rights of the child

6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

Legislative changes	<p>Act No. 196/2022 Coll., on a one-off child allowance, came into force on 1 July 2022. Parliament adopted the government proposal for the Act in June 2022 in order to provide financial assistance for maintenance and other personal expenses.⁸¹ The allowance is for children under the age of 18 who are Czech residents and who live in a family whose gross income in 2021 does not exceed one million crowns before taxation. The Government proposed the Act to mitigate the impacts of high inflation and rising energy prices in 2022 on low-income families such as single-parent families.⁸² Parents can apply for the allowance online from 1 August 2022.</p> <p>On 1 January 2022 Act No. 363/2021 Coll., amending Act No. 359/1999 Coll. on the Social and Legal Protection of Children, came into force. The amendment strives to support foster family care and subsequently reduce the need for institutional care for endangered children. Therefore, the amendment increased the financial remuneration for caring for children in foster care. The remuneration now depends on the number of children and their state of health and it is also linked to indexed indicators such as the minimum wage or the minimum subsistence level. It will thus be automatically increased when the government raises the indicators.⁸³</p> <p>The amendment also increased the support for young adults up to the age of 26 leaving institutional or foster care. It ensures that every young adult leaving foster or institutional care is entitled to it, regardless of their income. These young adults are entitled to a one-off maintenance allowance</p>
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⁸¹ Czech Republic. Act No. 196/2022 Coll., on a one-off child allowance (zákon o jednorázovém příspěvku na dítě).

⁸² Czech Republic. Ministry of Labour and Social Affairs (2022), Questions and answers about the 5,000 crowns per child allowance, [Otázky a odpovědi k příspěvku 5 tisíc korun na dítě](#).

⁸³ Czech Republic. Act No. 363/2021 Coll., amendment to Act No. 359/1999 Coll. on Social and Legal Protection of Children ([zákon č. 363/2021 Sb., kterým se mění zákona č. 359/1999 Sb., o sociálně-právní ochraně dětí](#)).

	(the so-called leaving allowance) of CZK 25,000 the moment they become independent, and especially on completion of their studies, and to a recurrent maintenance allowance of CZK 15,000 per month for the duration of their dependency. ⁸⁴
Policy changes	The Ministry of Labour and Social Affairs prepared the Action Plan for the Child Guarantee which was approved by the Government on 16 November 2022. The Action Plan is a framework document that contains measures that are for the most part already included in other already approved strategic and conceptual documents of the Czech Republic. Such measures are set out, for example, in the Social Inclusion Strategy 2021-2030, National Strategy for the Protection of Children's Rights 2021-2029, Strategy for the Czech Republic's Education Policy until 2030, Family Policy Concept (2017). The Action Plan also contributes to the national targets on employment, skills and poverty reduction set out in the context of the Action Plan for the implementation of the principles of the European Pillar of Social Rights. ⁸⁵ The Action Plan is expected to be submitted to the Government in the autumn of 2022.
Other measures or initiatives	NA

⁸⁴ Czech Republic. Act No. 363/2021 Coll., amendment to Act No. 359/1999 Coll. on Social and Legal Protection of Children ([zákon č. 363/2021 Sb., kterým se mění zákona č. 359/1999 Sb., o sociálně-právní ochraně dětí](#)).

⁸⁵ Czech Republic, Ministry of Labour and Social Affairs (*Ministerstvo práce a sociálních věcí*) (2022) Presentation report on the Action Plan for the Child Guarantee ([Předkládací zpráva k Akčnímu plánu k naplnění záruky pro děti](#)).

6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

Legislative changes	<p>On 1 January 2022, Act No. 220/2021 Coll.⁸⁶ entered into effect, which expressly extended the competence of the Probation and Mediation Service to include proceedings in cases involving children under 15 years of age who have committed an otherwise criminal offence, as well as in proceedings against juveniles. The amendment thus ensures that children suspected of having committed an offence receive appropriate and timely support. For example, the Probation and Mediation Service may now be explicitly entrusted with the task of drawing up a report on the child's circumstances. Children and juveniles who are subject to proceedings are also supposed to be more motivated to fulfil their obligations and lead a good life. In the case of good behaviour during the probationary period, for example, the supervision of the probation officer can be lifted or the control of the measures imposed can be revoked. The possibility of changing protective education (as a criminal law sanction) into institutional education (as a civil law measure for the care of the child) and vice versa has also been abolished. The purpose of institutional education, which is a form of substitute care for a child, and protective education, which is imposed under the Juvenile Justice Act in connection with the commission of an otherwise criminal offence by a child under the age of 15, is completely different. However, before the amendment came into force, the Juvenile Justice Act gave the mistaken impression that both of these institutions could be imposed as a kind of sanction for the offence committed and that they differed only in the degree of restriction in their enforcement. For these reasons, the relevant legislation was amended so that the change from protective education to institutional education and vice versa were no longer possible. The legislation contains a number of legal guarantees to ensure that a child who is released from protective education and who does not have a suitable family environment is provided with proper care.</p>
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⁸⁶ Czech Republic, (2021) Act No. 220/2021 Coll. [zákon č. 220/2021, kterým se mění zákon č. 220/2021 Sb., kterým se mění zákon č. 141/1961 Sb., o trestním řízení soudním, zákon č. 40/2009 Sb., trestní zákoník, zákon č. 257/2000 Sb., o Probační a mediační službě a o změně zákona č. 2/1969 Sb., o zřízení ministerstev a jiných ústředních orgánů státní správy České republiky, zákona č. 65/1965 Sb., zákoník práce, a zákona č. 359/1999 Sb., o sociálně-právní ochraně dětí a některé další zákony](#)).

	<p>The amendment also introduced the obligation for the court to hear the child if he or she expresses an interest in being heard, even in cases where his or her conduct considered to constitute an 'otherwise criminal act' (an unlawful act committed by a child under the age of criminal responsibility) is reliably proven by other means, and where, under the previous legislation, the court did not have to hear the child.⁸⁷</p>
<p>Policy developments</p>	<p>The Institute for Criminology and Social Prevention has been conducting research entitled 'Children under 15 in the Youth Justice System', which is expected to be finished in 2023. Its aim is to analyse the development, structure, and characteristics of the delinquency of children under the age of 15, and to evaluate the application of Act No. 218/2003 Coll. Attention will be paid to the way in which the basic purpose of the Juvenile Justice Act is being fulfilled, i.e. the emphasis on reintegration and the prevention of recidivism and restoration of relationships disrupted by the otherwise criminal act.⁸⁸ Research should also focus on the speed of the proceedings, the application of child participation rights and restorative practices, the imposition of individualised measures, and the provision of legal representation.⁸⁹</p> <p>The Ministry of Justice established a working group to implement the decision of the European Committee of Social Rights in the case of the <i>International Commission of Jurists v. Czech Republic</i> (No. 148/2017, decision of 20 October 2020).⁹⁰ The Committee found a violation of Article 17 of the European Social Charter as children under the age of 15 are not provided with the necessary defence at the pre-trial stage of proceedings for an otherwise criminal act and</p>

⁸⁷ Czech Republic, (2021) Act No. 220/2021 Coll. [zákon č. 220/2021, kterým se mění zákon č. 220/2021 Sb., kterým se mění zákon č. 141/1961 Sb., o trestním řízení soudním, zákon č. 40/2009 Sb., trestní zákoník, zákon č. 257/2000 Sb., o Probační a mediační službě a o změně zákona č. 2/1969 Sb., o zřízení ministerstev a jiných ústředních orgánů státní správy České republiky, zákona č. 65/1965 Sb., zákoník práce, a zákona č. 359/1999 Sb., o sociálně-právní ochraně dětí a některé další zákony](#)).

⁸⁸ Czech Republic, Institute for Criminology and Social Prevention (*Institut pro kriminologii a sociální prevenci*) (2020). [Výzkumné úkoly řešené v rámci Střednědobého plánu výzkumné činnosti IKSP na období 2020–2023](#).

⁸⁹ Czech Republic, The Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022), Report on the state of human rights in the Czech Republic in 2021 ([Zpráva o stavu lidských práv v České republice v roce 2021](#)).

⁹⁰ Council of Europe, European Committee of Social Rights (2020). [International Commission of Jurists v. Czech Republic](#), no. 148/2017, decision of 20 October 2020.

there are no diversions from formal court proceedings. The task of this working group is to create a legislative solution and to subsequently draft a legislative proposal that would introduce mandatory representation of a child under the age of 15 in proceedings for an otherwise criminal offence and the possibility of diversions.⁹¹ The draft of the legislative proposal should be finalised by the end of 2022.⁹²

On 11 May 2022, the Chair of the Government Committee on the Rights of the Child, Klára Laurenčíková Šimáčková, became the Government Commissioner for Human Rights.⁹³

At a joint meeting on 14 September 2022, the Chamber of Deputies' Standing Committee on Family and Equal Opportunities and the Subcommittee on the Prevention of Domestic and Sexualised Violence⁹⁴ agreed that **the prohibition of corporal punishment of children should be enshrined in law**. The bodies adopted a joint resolution calling on the Ministry of Justice to prepare an appropriate amendment to the law. In the resolution, they responded to the long-standing criticism of the Czech Republic for shortcomings in this area formulated by a number of international bodies.⁹⁵ For example, the European Committee of Social Rights unanimously found in 2015 that the Czech Republic is in violation of Article 17 of the European Social Charter, as the Czech legal system does not explicitly or through clear and precise case law enshrine a general prohibition of all forms of corporal punishment of children that may affect their physical integrity, dignity, development, and mental well-being.⁹⁶

⁹¹ Czech Republic, Expert Panel for the Execution of the Court's Judgments (an advisory body of the Government Agent), 2021, [Notes from the meeting on 13 May 2021](#).

⁹² Information provided by Mrs. Lenka Trešlová, lawyer of the Legislative Department of the Ministry of Justice of the Czech Republic by email of 14 September 2022.

⁹³ Czech Republic. The Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022), '[Novou vládní zmocněnkyní pro lidská práva byla jmenována Klára Šimáčková Laurenčíková](#)', press release, 11 May 2022.

⁹⁴ Czech Republic, Chamber of Deputies of the Parliament of the Czech Republic (*Poslanecká sněmovna Parlamentu ČR*)(2022), [Pozvánka na společné zasedání stálé komise pro rodinu a rovné příležitosti a podvýboru pro problematiku domácího a sexuálního násilí Ústavněprávního výboru, která se koná 14. září 2022](#).

⁹⁵ Czech Republic, novinky.cz (2022), [Novela zákona má tělesné tresty na dětech označit za nepřijatelné, říká Laurenčíková](#), 22 September 2022.

⁹⁶ Council of Europe. European Committee on Social Rights (2015). [Approach v. Czech Republic. \(no. 96/2013, decision of 20 January 2015\)](#).

Other measures or initiatives

NA

7 Access to justice – Victims’ Rights and Judicial Independence

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

The Act on the Victims of Crime was amended in 2021, with the changes effective as of 1 February 2022. The amendment extended the list of particularly vulnerable victims to include victims of rape and victims of domestic violence perpetrated against partners and children.⁹⁷

The Act was amended again in 2022, effective as of 28 June. The amendments relate to the right of access to victim support services and clarifies certain issues related to the provision and payment of financial assistance.⁹⁸ In relation to the victim support services, the Act was amended so that family members also have the access that is guaranteed by art. 8 para 1 of the Directive.⁹⁹ According to the explanatory memorandum, such services are mainly of a psycho-social nature. Such services provided to the victims and newly also to their relatives are funded primarily as general social services (typically social counselling)¹⁰⁰ from the budget of the Ministry of Labour and Social Affairs distributed to the 14 regions (the exact amount directed to victim support services cannot be retrieved from the publicly available data).¹⁰¹ Secondly the organisations providing victim support services receive grants from the Ministry of Labour and Social Affairs (programme Family and Protection of Children's Rights),¹⁰² Ministry of Interior (programme Prevention socially pathological phenomena)¹⁰³ and the

⁹⁷ Czech Republic, Act No. 45/2013 Coll. on Victims of Crime (*zákon o obětech trestných činů*), Sec. 2 para. 4 c), 30 January 2013.

⁹⁸ Czech Republic, Act No. 130/2022 Coll. amending the Criminal Code and the Act on Victims of Crime (*zákon, kterým se mění trestní zákoník a zákon o obětech trestných činů*), 30 January 2022.

⁹⁹ Czech Republic, Act No. 45/2013 Coll. on Victims of Crime (*zákon o obětech trestných činů*), Sec. 4, 30 January 2013.

¹⁰⁰ Czech Republic, Act No. 108/2006 Coll. on Social Services (*zákon o sociálních službách*), Sec. 32, 31 March 2006.

¹⁰¹ Czech Republic, Ministry of Labour and Social Affairs (*Ministerstvo práce a sociálních věcí*) (2022), Announcement of the subsidy procedure of the Ministry of Labour and Social Affairs for regions and the Capital City of Prague for the year 2022 in the field of social services ([Vyhlášení dotačního řízení MPSV pro kraje a Hlavní město Prahu pro rok 2022 v oblasti poskytování sociálních služeb](#)), 21 September 2022.

¹⁰² Czech Republic, Ministry of Labour and Social Affairs (*Ministerstvo práce a sociálních věcí*) (2022), Grant procedure for 2023 ([Dotační řízení pro rok 2023](#)), 20 September 2022.

¹⁰³ Czech Republic, Ministry of Interior (*Ministerstvo vnitra*) (2022), Call for applications for grants under the Prevention of Socially Pathological Phenomena programme for 2023 ([Výzva k podání žádosti o poskytnutí dotace v rámci programu Prevence sociálně patologických jevů pro rok 2023](#)), 26 August 2022.

Ministry of Justice, which has a specific grant scheme for the Development of services for victims of crime.¹⁰⁴ An accreditation is obligatory in order to receive funding from the Ministry of Justice¹⁰⁵ and to be included in the Register of providers of services to victims of crimes.¹⁰⁶ The register currently consists of 30 registered subjects, some of which have regional offices.¹⁰⁷

The Ministry of Justice¹⁰⁸ has narrowed the scope of the funding scheme which will from 2023 not cover services previously covered, such as the work of the confidant¹⁰⁹ who provides the victim with necessary assistance, in particular psychological assistance. At a meeting with the providers of services to victims¹¹⁰ the representatives of the Ministry explained that such services should ideally be covered by the general support for social services funded by the Ministry of Labour and Social Affairs and promised to invite the organisations to the drafting of the grant scheme at the Ministry of Justice in the upcoming years. The services are provided organisations which are accredited by the Ministry of Justice.

In relation to financial assistance, the Act was amended in order to align the text of the Act with the alleged intention of the legislator when the Act was first adopted. Financial assistance is provided by the Ministry of Justice upon submitted application.¹¹¹ Originally, the financial assistance established in Sec. 28 was meant to compensate for a proven loss of earnings and proven medical expenses. However, the recent case law of the Supreme Administrative Court¹¹² interpreted the existing regulation extensively, so that it was not necessary to prove a 'difficult social situation' in order to receive payment of financial aid. According to the explanatory memorandum, the intention of the legislator and the purpose of financial assistance is to help deal with a difficult social situation (e.g. inability to work), not to provide compensation for non-pecuniary damages.¹¹³ The Act has been amended so that the wording is clearer and aligned with the intention of the legislator.

¹⁰⁴ Czech Republic, Office of the Government (*Úřad vlády*) (2022), Gender Equality Report 2021 (*Zpráva o rovnosti 2021*), p. 31.

¹⁰⁵ Czech Republic, Act No. 45/2013 Coll. on Victims of Crime (*zákon o obětech trestných činů*), Sec. 39, 30 January 2013.

¹⁰⁶ Czech Republic, Act No. 45/2013 Coll. on Victims of Crime (*zákon o obětech trestných činů*), Sec. 48, 30 January 2013.

¹⁰⁷ Czech Republic, Ministry of Justice (*Ministerstvo spravedlnosti*), Register of providers of assistance to victims of crime ([Registr poskytovatelů pomoci obětem trestných činů](#)).

¹⁰⁸ Czech Republic, Ministry of Justice (*Ministerstvo spravedlnosti*) (2022), Development of services for victims of crime provided on the basis of Act No. 45/2013 Coll., on victims of crime ([Rozvoj služeb pro oběti trestné činnosti poskytovaných na základě zákona č. 45/2013 Sb., o obětech trestných činů](#)).

¹⁰⁹ Czech Republic, Act No. 45/2013 Coll. on Victims of Crime (*zákon o obětech trestných činů*), Sec. 21, 30 January 2013.

¹¹⁰ Czech Republic, Office of the Government (*Úřad vlády*) (2022), Minutes of the meeting of the Committee on the Prevention of Domestic Violence and Violence against Women held on 29 September 2022 ([Záznam z jednání Výboru pro prevenci domácího násilí a násilí na ženách konaného dne 29. září 2022](#)), p. 8.

¹¹¹ Czech Republic, Act No. 45/2013 Coll. on Victims of Crime (*zákon o obětech trestných činů*), Sec. 30, 30 January 2013.

¹¹² Supreme Administrative Court, a decision from 29 January 2019, No. 9 As 423/2018-29.

¹¹³ Czech Republic, Act No. 45/2013 Coll. on Victims of Crime (*zákon o obětech trestných činů*), Sec. 28 para 2, 30 January 2013.

7.2 Measures addressing violence against women

The agenda of violence against women has been subject to several changes – both in terms of its institutional framework and its regulation.

The Department of Gender Equality at the Office of the Government is the coordinating body for the topic of gender equality and advisory bodies to the government. Its funding is to a large extent (10 out of 12 positions) project-based¹¹⁴ and the main source of funding, a project funded through the Operational Programme Employment, will end in December 2022.¹¹⁵ The department is expected to continue with renewed funding aimed at the implementation of the Gender Equality Strategy 2021-2030 within the framework of the Operational Programme Employment+ in order to continue its agenda with approximately the same number of personnel and a higher budget.¹¹⁶ The running of the Department is not expected to be disrupted.

In relation to policies on violence against women, the Government Committee on Domestic Violence and Violence against Women (the Committee) of the Governmental Council for Gender Equality adopted the Report for 2021 on the implementation of the Action Plan for the Prevention of Domestic and Gender-Based Violence 2019–2022 (the Action Plan), implementing a chapter on the safety of the Strategy for Gender Equality.¹¹⁷

The current Action Plan focuses on three thematic areas: prevention, protection and support, and providing access to justice. The Committee adopted an annual report in which the implementation of the Action Plan is evaluated in detail and the Committee provides a recommendation to each individual task outlined in the Action Plan.¹¹⁸ The Committee members also began preparing a draft of the new Action Plan for 2023–2026.¹¹⁹ The report is divided into two parts: a general annual overview (statistical data, analyses, international law, non-governmental sector) and the update on areas of the Action plan.

¹¹⁴ Czech Republic, Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022). Annual report of the Gender Equality Council 2021 ([Výroční zpráva Rady vlády pro rovnost žen a mužů 2021](#)), p. 6, 25 May 2022.

¹¹⁵ Czech Republic (2022). Project Implementation of the Government Strategy for Gender Equality in the Czech Republic 2014-2020 and related activities ([Projekt Implementace Vládní strategie pro rovnost žen a mužů v České republice na léta 2014-2020 a související aktivity](#)), 19 August 2016.

¹¹⁶ Czech Republic (2022). Implementation of the Gender Equality Strategy 2021-2030 ([Implementace Strategie rovnosti žen a mužů na léta 2021-2030](#)).

¹¹⁷ Czech Republic (2022). Minutes of the meeting of the Committee on the Prevention of Domestic Violence and Violence against Women (hereinafter referred to as 'the Committee') held on 31 March 2022 ([Záznam z jednání Výboru pro prevenci domácího násilí a násilí na ženách \(dále jako „Výbor“\) konaného dne 31. března 2022](#)).

¹¹⁸ Czech Republic, Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022). Report for the year 2021 on the implementation of the Action Plan for the Prevention of Domestic and Gender-Based Violence for the years 2019–2022 ([Zpráva za rok 2021 o plnění Akčního plánu prevence domácího a genderově podmíněného násilí na léta 2019 – 2022](#)), March 2022.

¹¹⁹ Information provided by the secretary of the Committee.

The general information includes a report on a rapid increase in the number of reported cases of rape,¹²⁰ a decrease in the number of eviction orders,¹²¹ and the fact that the Ministry of Justice delayed the proposal to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence. The ratification is expected to be proposed again in February 2023.¹²² Overall, 37 % of measures have been implemented, 27 % partially and 34 % not yet. The most active ministry is the Ministry of Justice (100 % of measures implemented), while the most inactive is the Ministry of Health (0 %).¹²³

In relation to amendments to the Criminal code, the Committee also adopted a resolution in which it points to the need to redefine the legal definition of rape so that it would be based on the lack of explicit consent. The Committee recommends the Government Council for Gender Equality to advocate for the amendment of the Criminal Code at the Ministry of Justice.¹²⁴ The president and the vice-president of the Committee are also the founding members of a platform bringing together organisations that work with female victims of violence and work towards the improvement of access to specialised services and justice.¹²⁵ The Minister of Justice has an informal working group whose members (who include lawyers specialised in working with victims of gender-based violence) are currently evaluating whether and how the topic should be tackled.¹²⁶

On 22 September the Government Council for Gender Equality adopted a plan to work with the Department of Gender Equality and concerned ministries to draft legislative changes in the area of domestic and sexual violence (the introduction of a definition

¹²⁰ Czech Republic, Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022). Report for the year 2021 on the implementation of the Action Plan for the Prevention of Domestic and Gender-Based Violence for the years 2019–2022 ([Zpráva za rok 2021 o plnění Akčního plánu prevence domácího a genderově podmíněného násilí na léta 2019 – 2022](#)), p. 6, March 2022.

¹²¹ Czech Republic, Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022). Report for the year 2021 on the implementation of the Action Plan for the Prevention of Domestic and Gender-Based Violence for the years 2019–2022 ([Zpráva za rok 2021 o plnění Akčního plánu prevence domácího a genderově podmíněného násilí na léta 2019 – 2022](#)), p. 4, March 2022.

¹²² Czech Republic, Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022). Report for the year 2021 on the implementation of the Action Plan for the Prevention of Domestic and Gender-Based Violence for the years 2019–2022 ([Zpráva za rok 2021 o plnění Akčního plánu prevence domácího a genderově podmíněného násilí na léta 2019 – 2022](#)), p. 11, March 2022.

¹²³ Czech Republic, Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022). Report for the year 2021 on the implementation of the Action Plan for the Prevention of Domestic and Gender-Based Violence for the years 2019–2022 ([Zpráva za rok 2021 o plnění Akčního plánu prevence domácího a genderově podmíněného násilí na léta 2019 – 2022](#)), p. 54, March 2022.

¹²⁴ Czech Republic, Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022). Record of the per rollam vote ([Záznam o provedení hlasování per rollam](#)), 30 March 2022.

¹²⁵ For more information, see the organisation's webpage on Koalice specializovaných center pro ženy zažívající násilí ([Coalition of specialised centres for women experiencing violence](#)) 2022.

¹²⁶ Information from a member of the informal working group.

of domestic violence, a change in the criminal definition of rape, the introduction of gender-specific social services).¹²⁷ The proposed amendment of domestic violence would introduce a uniform definition inspired by the Domestic Abuse Act from Great Britain and would also cover ex partners and people who are not biologically or legally related. Moreover, the Council would support expert discussions on the ratification of the Istanbul Convention.

With regard to the financial support for services and activities in the field of combatting domestic and gender-based violence, the Czech government offers grants for the total amount of 6,240,000 Euro (85% funded through the Norwegian Funds, 15% from the state budget). In 2022, seven projects were already being conducted. One was coordinated directly by the Department of Gender Equality ('Enhanced Capacities and Methodological Support in the Prevention of Domestic and Gender-based Violence'),¹²⁸ and another one coordinated by the Institute of Criminology and Social Prevention ('Improvement of the Treatment of Perpetrators and Support for Victims in Cases of Domestic and Gender-based Violence in the Czech Republic').¹²⁹ Five projects were supported with approximately 2 million Euro through the programme 'Support for Specialised Services for Victims of Domestic and Gender-based Violence', which increases the availability of specialised services (residential, crisis, and outreach services) for persons at risk of domestic and gender-based violence in an effort to address the long-standing shortage of specialised services for victims of domestic and gender-based violence.¹³⁰ In 2022 three grant schemes were open for applications: Promoting Interdisciplinary Cooperation in the Field of Domestic and Gender-based Violence (1 million Euro distributed among 4 projects), the Organisation of Awareness-raising Campaigns - raising awareness on selected topics of domestic and gender-based violence (1 million Euro distributed among 11 projects), and Supporting Work with Violent Persons in Cases of Domestic and Gender-based Violence (2 million Euro distributed among 3 projects).

In general, the position of the Czech Republic to tackling violence against women is ambiguous. Within the Trio Presidency, the Czech government signed a declaration together with France and Sweden, according to which their areas of focus in relation to gender equality will include the prevention and combating of violence against women.¹³¹ The newly appointed Government Commissioner for Human Rights considers the combatting of domestic and sexualised violence as one of her

¹²⁷ Czech Republic (2022). Minutes of the meeting of the Government Council for Gender Equality held on 22 September 2022 ([Záznam ze zasedání Rady vlády pro rovnost žen a mužů ze dne 22. září 2022](#)). See also Rambousková, T. (2022), '„Kvůli knedlíkům mi rozmlátil hlavu.“ Otřesné příběhy mají pomoci změnit zákon', Seznam zprávy, 15 November 2022.

¹²⁸ For more information, see the grant provider's webpage on EEAgants (2022). [Enhanced capacities and methodological support in prevention of domestic and gender-based violence](#).

¹²⁹ For more information, see the grant provider's webpage on EEAgants (2022). [Improvement of perpetrators treatment and victims support in cases of domestic and gender-based violence in the Czech Republic](#).

¹³⁰ For more information, see the grant provider's webpage on EEAgants (2022). [Support for specialized services for victims of domestic and gender-based violence](#).

¹³¹ France, Czech Republic, Sweden (2022). [Trio Presidency Declaration on Gender Equality France, the Czech Republic and Sweden 2022-2023](#), 31 January 2022.

priorities.¹³² On the other hand, the Czech Government adopted a framework position on the Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence. The framework position can be interpreted as rather negative, as it points to the sovereignty of Member States and claims that in order to adopt the Directive, changes would have to be made to the Treaty on the Functioning of the EU. The Czech Republic thus questions the legal basis of the proposal.

¹³² Czech Republic, Office of the Government of the Czech Republic (*Úřad vlády České republiky*) (2022). Minutes of the meeting of the Government Council for Gender Equality held on 22 September 2022 ([Zápis z jednání Rady vlády pro rovnost žen a mužů konaného dne 22. září 2022](#)), 22 September 2022.

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

8.1 CRPD policy and legal developments & implementation of the European Accessibility Act

The European Accessibility Act (Directive 2019/882 on accessibility requirements for products and services) is being transposed into Czech law in two phases by two pieces of legislation. The part of the Directive that relates to the accessibility of specified products will be transposed through an amendment to Act No. 90/2016 Coll. on the assessment of the conformity of specified products when they are made available on the market, and through a Government regulation that will be issued to implement the Act. This amendment is expected to be submitted to the Government in the near future.¹³³

The second phase of the transposition in relation to the part of Directive 2019/882 that regulates the accessibility of services will be carried out through a new, separate law. This law will be the Act on Requirements for the Accessibility of Services, a draft of which was submitted for inter-ministerial consultation in January 2022.¹³⁴ This consultation procedure was closed on 4 February 2022 and the comments have not yet been settled, so the material could not yet be submitted to the Government for approval.¹³⁵

The Advisory Body of the Public Defender of Rights has long drawn attention to the problems of **children in special schools**. In 2022 the Advisory Body published a statement, in which it criticises that the decrees of the Ministry of Education, Youth and Sport¹³⁶ made it impossible to provide intensive support to children in special schools for children with combined disabilities

¹³³ Czech Republic, Ministry of Industry and Trade (*Ministerstvo průmyslu a obchodu*) (2021), Submission report on the draft law amending Act No. 90/2016 Coll., on the assessment of conformity of specified products when making them available on the market, as amended. ([Předkládací zpráva k návrhu zákona, kterým se mění zákon č. 90/2016 Sb., o posuzování shody stanovených výrobků při jejich dodávání na trh, ve znění pozdějších předpisů](#)).

¹³⁴ Czech Republic, Ministry of Industry and Trade (*Ministerstvo průmyslu a obchodu*) (2022), Submission report on the draft law on accessibility requirements for services ([Předkládací zpráva k návrhu zákona o požadavcích na přístupnost služeb](#)).

¹³⁵ Czech Republic, The Office of the Government (*Úřad vlády ČR*) (2022). Electronic Library of Government Material. ([Aplikace ODok](#)), visited on 14 September 2022.

¹³⁶ Czech Republic, Ministry of Education, Youth and Sport (*Ministerstvo školství, mládeže a tělovýchovy*) (2016), Decree No. 27/2016 Coll., on the education of pupils with special educational needs and gifted pupils, as amended on 1 January 2020 ([Vyhláška č. 27/2016 Sb., o vzdělávání žáků se speciálními vzdělávacími potřebami a žáků nadaných, ve znění od 1 ledna 2020](#)).

(whose intellectual and physical disabilities are associated with other disadvantages, whether visual, hearing, or speech).¹³⁷ They therefore need a high level of support in their education – for example, in the form of their own teaching assistant (one assistant per child) or compensatory aids. However, Decree No. 27/2016 Coll. effective from January 2020 does not allow for the financing of such intensive forms of support in special schools. It is to be paid for by special schools directly from the allocated budget which is often insufficient.

Systemic shortcomings are also being addressed in the area of **education of pupils with profound mental disabilities** whose education is provided by special education centres in the home environment. However, even profound mental disability should not automatically exclude children from education in a collective. Under the Convention on the Rights of Persons with Disabilities, the Czech Republic is obliged to ensure that all pupils have access to inclusive education.¹³⁸

The Public Defender of Rights (PDR) has recommended that the Chamber of Deputies ask the Government to submit a bill that would comprehensively regulate the issue of guardianship and support measures,¹³⁹ including the designation of a central authority responsible for this area. The PDR has long drawn attention to the inadequacy of the legal regulation of guardianship, in particular public guardianship (exercised by a municipality or its legal entity). In the context of investigating complaints about the procedure of public guardians, the Defender found systemic shortcomings in this area. First, there has long been a lack of an authority that would be in charge of the support measures agenda. Today the guardianship agenda is divided between three ministries and regional offices, with no one primarily responsible for support measures. Thus, the Public Defender stressed the need for a body to be established that will uniformly guarantee the quality performance of public guardianship and other support measures. Second, the current brief regulation of support measures in the Civil Code is clearly insufficient. In practice, the courts are still inclined to resort to invasive measures to restrict capacity and to do so to a large extent. The Public Defender's research on the practice of courts in deciding on support measures showed that in up to 40% of judgments on the restriction of legal capacity, courts applied the so-called summary restriction. This means that the person concerned cannot legally act in anything other than the normal affairs of everyday life. Such a decision has essentially the same effect as an earlier deprivation of legal capacity, which is no longer possible under the Civil Code. There is also insufficient supervision of support measures used by persons who may be considered particularly vulnerable. It is now outlined only in the case of guardianship, and even here only inadequately.¹⁴⁰

¹³⁷ Czech Republic, Public Defender of Rights (*Kancelář veřejného ochránce práv*) (2022), '[Poradní orgán ombudsmana požaduje zlepšení podmínek pro vzdělávání dětí s postižením](#)', press release, 29 March 2022.

¹³⁸ Czech Republic, Public Defender of Rights (*Kancelář veřejného ochránce práv*) (2022), '[Poradní orgán ombudsmana požaduje zlepšení podmínek pro vzdělávání dětí s postižením](#)', press release, 29 March 2022.

¹³⁹ The guardianship and other support measures are regulated by § 38–65 of Act. No. 89/2012 Coll., the Civil Code.

¹⁴⁰ Czech Republic, Public Defender of Rights (*Kancelář veřejného ochránce práv*) (2022), Annual Report on the PDR's activities for 2021 ([Výroční zpráva o činnosti veřejného ochránce práv za rok 2021](#)), 1 February 2022.

The Public Defender of Rights recommended that the Government prepare an amendment to the Crisis Act, which would entrust the Ministry of the Interior or another central body of state administration with the task of unifying public administration procedures and issuing methodological recommendations in times of emergency situations. In this recommendation, the Public Defender focused on the **work of the authorities during the pandemic**, when pandemic measures limited the functioning of administrative bodies to only an essential level in order to reduce the personal contact of the authorities' employees with citizens. Therefore, he also addressed the authorities' preparedness for contact with people with disabilities in this emergency situation. On the basis of his investigation, he found shortcomings regarding accessibility to public authorities for people with visual or hearing impairments, even in normal conditions. During the Covid-19 pandemic, the accessibility problems were exacerbated. The Public Defender criticised the fact that only a fraction of the authorities make use of the possibility of a text transcription of telephone calls or video calls with a sign language interpreter.

The Public Defender also **examined the accessibility of the authorities' websites** for people with visual or hearing impairments. In doing so, he found that despite the Web Accessibility Act, which required authorities to make their websites accessible and understandable to people with disabilities from 23 September 2020, many authorities' websites did not comply with this requirement. In particular, people with visual impairments often find it very difficult to orientate themselves on the authorities' websites. He summarised that the inaccessibility of the authorities and their websites during the pandemic situation created even more complications for people with visual and hearing impairments and the inconvenience of having a communication barrier in dealing with the authorities.¹⁴¹

The Public Defender of Rights will issue one recommendation on the issue of persons with disabilities in the last quarter of 2022. The recommendation will address the issue of confidentiality and disclosure of information about vulnerable people and will be aimed at social and health service providers, carers, and other support persons (supporters, representatives of household members).¹⁴²

Within the **Integrated Regional Operational Programme for 2021-2027** financed by the European Regional Development Fund, there are plans for a Social Infrastructure programme. The aim of this is to ensure greater accessibility and quality of services leading to social inclusion, to support the creation of flats intended for social housing, and to complete the deinstitutionalisation of social services. An amount of CZK 9 billion is allocated for projects to be approved in this area. The first calls in this area are expected to be launched in the last quarter of 2022.

¹⁴¹ Czech Republic, Public Defender of Rights (*Kancelář veřejného ochránce práv*) (2022), Recommendation of the Public Defender of Rights to the Government of the Czech Republic to amend Act No. 240/2000 Coll., on Crisis Management and on Amendments to Certain Acts (Crisis Act)([Doporučení veřejného ochránce práv vládě České republiky ke změně zákona č. 240/2000 Sb., o krizovém řízení a o změně některých zákonů \(krizový zákon\)](#)), 11 July 2022.

¹⁴² Information will be added after the recommendation is issued.

In 2021, the Government approved the Operational Programme Employment Plus, which will allow the Czech Republic to draw money from European funds of up to EUR 1.459 billion between 2021 and 2027. The programme is implemented by the European Social Fund and aims to improve the labour market opportunities of people who are disadvantaged for some reason. These include people with disabilities, the long-term unemployed, or young people out of school.¹⁴³ The following calls have been launched so far for the target group of people with disabilities: Ensuring accessibility of social services; Systemic measures in the field of social inclusion; Support for people disadvantaged in the labour market; Implementation of employment policy instruments at the national level; Support for carers and shared care; and Support for social housing.¹⁴⁴

8.2 CRPD monitoring at the national level

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

The Public Defender of Rights has an Advisory Body made up of people with disabilities or people advocating for the rights of people with disabilities. The role of the Advisory Body is to receive input on systemic issues, to help set priorities and recommendations, and to identify topics to be addressed in the area of disability rights. The Advisory Body has 19 members. When appointing members of the Advisory Body, the Public Defender of Rights takes into account in particular their expertise and commitment to the protection of the rights of people with disabilities.¹⁴⁵

¹⁴³ Czech Republic, Ministry of Labour and Social Affairs (*Ministerstvo práce a sociálních věcí*) (2022), '[Vláda dala zelenou Operačnímu programu Zaměstnanost plus](#)', press release, 4 October 2021.

¹⁴⁴ Czech Republic, Ministry of Labour and Social Affairs (*Ministerstvo práce a sociálních věcí*) (2022) Operational Programme Employment+ ([Operační program Zaměstnanost+](#)), website visited on 20 September 2022.

¹⁴⁵ Czech Republic, Public Defender of Rights (*Kancelář veřejného ochránce práv*) (2022), Monitoring the rights of people with disabilities ([Monitorování práv osob se zdravotním postižením](#)), website visited on 14 September 2022.

Annex 1 – Promising Practice

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
Title (original language)	Předsudečné násilí z důvodu sexuální orientace či genderové identity
Title (EN)	Rise Up against Anti-LGBTI Hate Crimes
Organisation (original language)	Prague Pride, Národní ústav duševního zdraví a In IUSTITIA
Organisation (EN)	Prague Pride, National Institute of Mental Health a In IUSTITIA
Government / Civil society	Civil Society
Funding body	Ministry of Labour and Social Affairs (Rights, Equality and Citizenship Programme)
Reference (incl. URL, where available)	https://in-ius.cz/projekty-2021/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 January 2021
Type of initiative	
Main target group	

Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The aim of the project is to raise awareness among the general public and professionals and thus prevent discrimination or prejudicial attacks against people from the LGBT+ community. The project also aims to reduce the latency of prejudicial attacks against LGBT+ people.</p> <p>The project includes activities aimed at increasing the rate of reported bias attacks against people with minority sexual orientation or gender identity to NGOs and the police and to strengthen data collection mechanisms in this area so that more accurate and internationally comparable data is available. Within the framework of the project In IUSTITIA organises the following activities:</p> <ul style="list-style-type: none"> - specialist services provided to LGBT+ victims of hate crimes violence - signing of a memorandum of cooperation with the Police in Prague based on which In IUSTITIA will be recommended to victims as a provider of services - training of mentors for an organisation which helps people go through their coming out - quarterly reports on hate crimes against LGBT+ people including information on incidents reported <p>These project activities will encourage legislative and policy changes to improve access to justice for victims of crime from the LGBT+ community with the participation of the Police as well as other experts.</p> <p>Last but not least, professional services will be provided to victims of bias violence from the LGBT+ community.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	<p>The project will bring know-how on the work with victims of bias violence and hate crimes and raise awareness about the incidence of bias violence and hate crimes.</p>
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	<p>The aim of the project is to stimulate policy and legislative changes that will result in improved access to justice for victims of SOGI-motivated crimes, with the participation of the Police of the Czech Republic, but also other experts. Turning the findings into policies would ensure the sustainability.</p>
Give reasons why you consider the	<p>The impact could be measured through research regularly done by In Iustitia on the prevalence of hate crimes. As part of the project, in addition to the main objective, the activity will also focus on improving the current</p>

practice as having concrete measurable impact	state of data collection and mapping of prejudice violence and intolerance towards LGBT+ people, so as to ensure long-term monitoring at the local and international levels to ensure comparability of data in the future.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The issue of hate crimes against LGBT+ people is not unique to the Czech Republic and remains underreported across Member States. The monitoring of cases done by In Iustitia can shed light on the issue and help not only the Czech Republic but also other Member States create policies and measures to combat this form of violence.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The project is informed by the experiences of the victims.
Explain, if applicable, how the practice provides for review and assessment.	NA

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.
Title (original language)	No promising practice has been identified for this thematic area.

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
Title (original language)	Expertní fórum k výkonu rozsudku Evropského soudu pro lidská práva ve věci D. H. a ostatní proti České republice
Title (EN)	Expert Forum on the enforcement of the judgment of the European Court of Human Rights in the case of D. H. and Others v. Czech Republic
Organisation (original language)	Kolegium expertů k výkonu rozsudků Evropského soudu pro lidská práva
Organisation (EN)	Expert Panel for the Execution of Judgments of the European Court of Human Rights
Government / Civil society	Combination
Funding body	Ministry of Justice, Expert Panel for the Execution of Judgments of the European Court of Human Rights (an advisory body of the Agent of the Czech Government before the European Court of Human Rights)
Reference (incl. URL, where available)	The conclusions of the Expert Forum were published as a part of the Report on the Execution of the Judgment on D. H. and others v. Czech Republic submitted to the Committee of Ministers on 3 June 2022 https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2022)606E%22%5D%7D

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2020
Type of initiative	Bringing the experience of practitioners to bear on new policy-making
Main target group	Romani children
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Expert Forum was set up to identify the causes of the disproportionately large number of Roma pupils who continue to be placed in educational programmes with lower learning outcomes because of mild mental disabilities, and to formulate specific recommendations helping to ensure Roma pupils' equal access to education. Romani children often suffer from so-called socially conditioned intellectual disability. This disability is not inborn, it does not arise from damage to the central nervous system, but is the result of inappropriate or neglectful upbringing, psychological and emotional deprivation, a pathological environment, or sociocultural disadvantage. The Forum is composed of representatives of the State (the Ministry of Education, Youth and Sports, the Ministry of Labour and Social Affairs, the Office of the Government, the Committee for the Rights of the Child of the Government Council for Human Rights, the Government Council for Roma Minority Affairs, the Office of the Public Defender of Rights, the Czech School Inspectorate, and the National Pedagogy Institute), representatives of schools and school counselling facility staff, and university experts, sociologists, non-governmental organisations, and representatives of the Roma community. ¹⁴⁶
Highlight any element of the actions that is transferable (max. 500 chars)	All elements are transferable.

¹⁴⁶ Council of Europe. HUDOC EXE (2022), [D.H. and Others v. the Czech Republic: Report on the Execution of the Judgment submitted by the Czech Government](#). 3 June 2022.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>Firstly, the Committee of Ministers of the Council of Europe recommended to the Czech Government to carry on in making use of the findings of the Expert Forum. Thus, the meetings of the Expert group will continue in 2023.</p> <p>Secondly, the practice is sustainable also thanks to the Conclusions formulated in 2021. The Conclusions will be included in future policies and other steps undertaken by the Ministry of Education, Youth and Sports.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The number of Romani pupils who are being educated in an educational programme with reduced outcomes has been high for a long time, despite the measures already taken. In the 2019/2020 school year, according to qualified estimates, 10.5% of Roma pupils attending primary school were being educated in a framework education programme with reduced outcomes, while of all the pupils being educated in this programme, 24.2% of them were Roma.¹⁴⁷ It will thus be possible to monitor the impact of this initiative and the effectiveness of the recommendations formulated by the Expert Forum through further monitoring of the proportion of Roma pupils among pupils with this programme.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Many European countries have problems with the segregation of Romani children in the education system. Setting up a special forum where representatives of the state administration meet with representatives of NGOs and education experts could be an effective way to address this problem in other countries.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>In addition to representatives of the state administration, the Expert Forum is also composed of representatives of the Committee for the Rights of the Child of the Government Council for Human Rights, the Government Council for Roma Minority Affairs, the Office of the Public Defender of Rights, schools and school counselling facility staff, and university experts, sociologists, non-governmental organisations, and representatives of the Roma community.</p>

¹⁴⁷ Ministry of Justice. Expert Panel for the Execution of Judgments of the European Court of Human Rights. Podklady k jednání Kolegia dne 13. května 2021 ([Background documents for the meeting of the Expert Panel on 13 May 2021](#)).

<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The impact of steps relating to the segregation of Roma children in the education system is being evaluated annually. The Ministry of Education, Youth and Sports publishes qualified estimates of the number of Roma pupils in primary schools every academic year and Roma pupils receiving education under the Framework Educational Programme for Primary Education with Adjusted Outcomes (FEP PE UV).</p> <p>In addition to this, an "Analysis of the Causes Underlying the Higher Proportion of Roma Pupils Receiving Education under the FEP PE UV and Proposal for a Set of Measures for Education and Other Relevant Areas" is currently being carried out by PAQ – Prokop Analysis and Quantitative Research, s.r.o. and STEM Ústav empirických výzkumů, z.ú.¹⁴⁸</p>
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<p>Thematic area</p>	<p>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.</p>
<p>Title (original language)</p>	<p>Umělá inteligence a lidská práva: rizika, příležitosti a regulace</p>
<p>Title (EN)</p>	<p>Artificial Intelligence and Human Rights: Risks, Opportunities and Regulation</p>
<p>Organisation (original language)</p>	<p>AMBIS vysoká škola, a.s. and České vysoké učení technické v Praze, Masarykova univerzita and prg.ai, z. s.</p>
<p>Organisation (EN)</p>	<p>AMBIS University, Czech Technical University in Prague, Masaryk University and prg.ai, z. s.</p>
<p>Government / Civil society</p>	<p>Academia/civil society</p>
<p>Funding body</p>	<p>The Technology Agency of the Czech Republic (Technologická agentura ČR)</p>
<p>Reference (incl. URL, where available)</p>	<p>https://starfos.tacr.cz/cs/project/TL05000484</p>
<p>Indicate the start date of the promising practice</p>	<p>1. 5. 2021 – 31. 10. 2023 29. 9. 2022: Workshop on AI and human rights organised at the Czech institute of Informatics, Robotics and Cybernetics</p>

¹⁴⁸ Ibid.

and the finishing date if it has ceased to exist	
Type of initiative	Research project
Main target group	Policy makers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The aim of the project is to identify and assess the risks and opportunities in the relationship between artificial intelligence (AI) and human rights and to propose solutions for how AI technologies should be developed, used, and regulated in order to avoid human rights violations and support their further progress and protection. The project is based on an interdisciplinary analysis of AI technologies aimed at identifying the source of human rights violation in all phases of the 'AI lifecycle' and on the subsequent formulation of a set of recommendations for technical and regulatory remedy. The project then defines the institutional framework in the Czech Republic, including a roadmap of access to remedy. The team involves both technical and legal expertise, the latter ensured by international human rights legal experts.
Highlight any element of the actions that is transferable (max. 500 chars)	The project consists of several steps in which findings will be made. The findings are transferable across the field of AI, both nationally and internationally. The first report aims to identify the source of human rights violations across all phases of the AI lifecycle and then formulates a set of recommendations for remediation at a technical expert level. In the next phase of the project, recommendations for action at the regulatory level will be made. The second part of the project (10/2022 - 5/2023) will focus on supporting the development of and deployment of AI technologies in a variety of areas to further enhance and protect human rights.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The authors of the project were working on the topic of AI before the beginning of this project and can therefore be expected to pursue the topic further after the project has ended. Moreover, the project involves relevant stakeholders, who can implement the findings – for example, in policy implementation.
Give reasons why you consider the	NA

<p>practice as having concrete measurable impact</p>	
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>AI is subject to international regulation through, for example, the Council of Europe Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law. The findings from the research project on human rights risks associated with AI may help other Member States in designing their policies.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The project uses interactive methods such as co-creational workshops with the relevant stakeholders (e.g. antidiscrimination lawyers, policy makers).</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>A multidisciplinary workshop was organised as a part of the project. The workshop participants were people working with AI, representatives of state authorities and human rights organizations. The participants jointly assessed the risks of AI systems' impact on human rights and the possibilities of practical remediation, especially at the technical and regulatory level. The workshop started with presentations on the risks of AI impacts on human rights, results of a questionnaire survey were presented and on a set of recommendations for AI life cycle actors was made.</p>

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).
Title (original language)	Konference v Kanceláři veřejného ochránce práv určená dětem
Title (EN)	Conference organised by the Public Defender of Rights dedicated to Children
Organisation (original language)	Veřejný ochránce práv
Organisation (EN)	Public Defender of Rights
Government / Civil society	Government
Funding body	The Office of the Public Defender of Rights
Reference (incl. URL, where available)	https://www.ochrance.cz/aktualne/deti_by_chtely_aby_je_dospeli_brali_vazne-_temata_z_prvni_detske_ombudsmanske_konference_budou_moct_podrobneji_probrat_na_navazujicich_wo_rkshopech/ https://www.ochrance.cz/aktualne/deti_na_ombudsmanske_konferenci_zjistrovaly_jak_jim_muze_pomahat_verejny_ochrance_prav-_politici_a_odbornici_mezitim_diskutovali_o_detskem_ombudsmanovi/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	15 June 2022
Type of initiative	Use children's own experiences to establish an institution designed to help them
Main target group	children
Indicate level of implementation: Local/Regional/National	National

Brief description (max. 1000 chars)	<p>On 15 June 2022, the first conference dedicated exclusively to children was held at the Office of the Public Defender of Rights. It was attended by 90 children from the second grades of primary schools and multi-year grammar schools. The main objective of the children's conference was to find out what topics children are interested in, how a children's ombudsman could help them, and how the youngest generation perceives their involvement in public life or what obstacles they encounter.</p> <p>The most frequent complaints from children were the lack of information about their rights and obligations or the underestimation of their views by the authorities or the courts. They also mentioned dangers in the public space, which according to children included irresponsible drivers, fear of walking in the street, or sexual harassment in the form of 'cat calling'. The conference will be followed in the second part of 2022 by the first of a series of three workshops in participatory groups, where children will further discuss the selected topics with lawyers from the Ombudsman's Office.¹⁴⁹</p>
Highlight any element of the actions that is transferable (max. 500 chars)	<p>All elements are transferable</p>
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	<p>The Conference is followed by workshops in participation groups with children. The Children's Conference is one of the activities of the project financed by the Norway Grants. In this project, the Office of the Public Defender has already published a leaflet on the rights of children in children's homes or educational institutions and a leaflet for children in psychiatric hospitals.</p>
Give reasons why you consider the practice as having concrete measurable impact	<p>N/A</p>
Give reasons why you consider the practice as	<p>According to article 12 of the Convention on the Rights of the Child, States Parties shall ensure to the child, who is capable of forming his or her own views, the right to express those views freely in all matters affecting him or her, the views of the child being given due weight in accordance with the age and maturity of the</p>

¹⁴⁹ Czech Republic. The Public Defender of Rights (2022), At the ombudsman conference, children learned how the Public Defender of Rights can help them. Meanwhile, politicians and experts discussed the Children's Ombudsman ([Děti na ombudsmanské konferenci zjišťovaly, jak jim může pomáhat veřejný ochránce práv. Politici a odborníci mezitím diskutovali o dětském ombudsmanovi](#)), 15 June 2022.

transferable to other settings and/or Member States?	child. We believe that the Ombudsman's Office, which also handles complaints made by children and is thus able to communicate appropriately with children, is a good platform for the fulfilment of the above-mentioned right to child participation.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The conference and subsequent workshops could provide inspiration for further activities of the Office of the Ombudsman or the Children's Ombudsman, the establishment of which is currently the subject of lively discussion in the Czech Republic.
Explain, if applicable, how the practice provides for review and assessment.	N/A

Thematic area	ACCESS TO JUSTICE – Victim's Rights and Judicial Independence Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim's Rights Directive, the EU Strategy for Victim's Rights and violence against women.
Title (original language)	Výzkumné centrum domácího a genderově podmíněného násilí
Title (EN)	Research Centre for Domestic and Gender-based Violence (ReCeGe)
Organisation (original language)	Sociologický ústav AV ČR, v. v. i. a Fakulta humanitních studií Univerzita Karlovy
Organisation (EN)	Institute of Sociology of the Czech Academy of Science and the Faculty of Humanities of Charles University

Government / Civil society	Civil society/academia
Funding body	Government of the Czech Republic (through the Norwegian Funds)
Reference (incl. URL, where available)	https://www.eeagrants.cz/cs/programy/lidska-prava/schvalene-projekty/vyzkumne-centrum-domaciho-a-genderove-po-3639
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1. 1. 2022–31. 12. 2022
Type of initiative	Research centre
Main target group	The general public and victims of domestic and gender based violence
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The core focus of the project is on the establishment of the Research Centre for Domestic and Gender-based Violence. Its research output will contribute to improving the protection and enforcement of human rights in the Czech Republic, namely the right to protection of life and to a life free from (domestic and gender-based) violence. To establish the ReCeGe, it is crucial to acquire representative data mapping the adult population's experience with domestic and gender-based violence. The first part of the project is therefore concerned with conducting a nationwide survey to collect such data. These data will then be interpreted in the light of the international state of the art, which addresses the gendered basis of such violence. The knowledge base thereby accumulated will then be used by the project team to start a discussion with experts from key institutions designated to assist survivors (esp. child services, the Police, intervention centres, and civil society organisations) across the Czech Republic but also to address the general public. These discussions will involve survivors in order to introduce their perspective into the institutional response to this type of violence and its prevention.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The project will present topical, high-quality international research outcomes regarding domestic and gender-based violence to the expert public in the framework of round tables designed to stimulate networking. At the end of the project, an international conference will be held jointly with Kilden, the Norwegian project partner.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>A long-term objective of the project is to establish good research practice. The project will thus improve the general public's and expert community's knowledge about violence and its causes, implications, and prevention.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The project could have a measurable impact if the data collection is repeated and the survey results show a decrease in the prevalence of domestic and gender-based violence.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The topic of domestic and gender-based violence is prevalent in all Member States, as shown, for example, in the FRA (2014) survey. A research project conducted in one Member State may serve as inspiration for other Member States.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The drafting of the project was informed by experiences from previous research conducted with victims of GBV. Victims of GBV are involved in the data collection as informants and later on also in the process of drafting policy recommendations.</p>

Explain, if applicable, how the practice provides for review and assessment.	NA
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Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
Title (original language)	Mimořádný bulletin monitorování práv lidí se zdravotním postižením: Podpora lidí s postižením zasažených konfliktem
Title (EN)	Special Disability Rights Monitoring Bulletin: Supporting People with Disabilities Affected by Conflict
Organisation (original language)	Veřejný ochránce práv
Organisation (EN)	The Public Defender of Rights
Government / Civil society	national monitoring body
Funding body	N/A
Reference (incl. URL, where available)	https://www.ochrance.cz/dokument/valka_na_ukrajine_-_mimoradny_bulletin/ukrajina-mimoradny_bulletin.pdf
Indicate the start date of the promising practice	February 2022

and the finishing date if it has ceased to exist	
Type of initiative	Dissemination of information on how to support a vulnerable group of refugees
Main target group	NGOs, national authorities, and individuals helping Ukrainian refugees
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Deputy Defender of Rights issued a Special Bulletin on supporting people with disabilities fleeing the war in Ukraine. It included a translation of a set of recommendations originally formulated by the European Disability Forum in cooperation with its member organisations and experts.
Highlight any element of the actions that is transferable (max. 500 chars)	All elements are transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The Special Disability Rights Monitoring Bulletin is available on the Ombudsman's website. Turning recommendations into activities carried out by public authorities and the NGOs will ensure its sustainability.
Give reasons why you consider the practice as having concrete measurable impact	N/A
Give reasons why you consider the practice as transferable to	The bulletin contains a set of recommendations originally formulated by the European Disability Forum. These recommendations are probably not widely known and their translation into the national language will increase awareness. The original recommendations are in English and therefore accessible to all member countries.

other settings and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	Pursuant to Section 1(7) of Act No. 349/1999 Coll., on the Ombudsman, the Ombudsman monitors the implementation of the Convention on the Right of Persons with Disabilities. Thus, the Ombudsman can be expected to be informed, through individual complaints and his own research, about how public authorities are able to provide adequate assistance and support to refugees with disabilities.

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	7. 6. 2022
Reference details	II.ÚS 2460/19 #3 ECLI:CZ:US:2022:2.US.2460.19.3
Key facts of the case (max. 500 chars)	The complainant, who was born a man but feels himself to be neither male nor female, but a person of 'neutral' gender, sought a change of his birth number to a 'neutral' or 'female' form before the administrative authorities and the courts. ¹⁵⁰ As it was not granted, they filed a constitutional complaint, accompanied by a motion to annul Section 29(1) of the Civil Code, Section 21(1) of the Specific Health Services Act, and Section 13(3) of the Population Registration Act, in the words 'increased by 50 for women'. This motion was referred by the Senate of the Constitutional Court to the Plenum, which, in its ruling Pl. ÚS 2/20 of 9 November 2021.
Main reasoning/argumentation (max. 500 chars)	The proceedings that gave rise to the constitutional complaint did not therefore concern a change of sex - indeed, although the birth number contains information on sex, it is not primarily intended to 'communicate' sex. The reason why the complainant sought to change their birth number to a 'neutral' one is that they do not consider themselves to be male and thus does not want to have a birth number in the form that men have in the Czech Republic. The Court claims that if the complainant is not legally a woman, and according to their own words does not identify with the

¹⁵⁰ FRANET comment: in Czechia, the birth number contains information on sex, but it is not primarily intended to 'communicate' sex. It is a ten digit number which can be divided by eleven without any remainder. The first two digits represent the year of birth; the second two digits express the month of birth. In the case of women females 50 is added to the second two digits (nothing is added in the case of men – it is the default). The third two digits represent the date of birth and the last four digits distinguish between people born on the same calendar day. For more information in Czech see the [websites of the Ministry of the Interior](#).

	female gender, their birth number thus corresponds to their self-identification in that respect, as having a male/default birth number is the only other option to having a female birth number.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The essence of the constitutional complaint was the form of the complainant's birth number, or that the administrative authority refused to change their birth number. The change of the birth number was the only thing the complainant could achieve and the only thing they had sought in the previous proceedings. The complainant's rights should have been infringed precisely and only by the failure to change their birth number, and only a change of birth number would have constituted compliance with their requests.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Constitutional Court found the complaint unfounded and did not recognise the right to change the birth number to that of the opposite sex or to a neutral form. The court took a formalistic approach and claimed that there is no such thing as a 'male birth number', as the Act on Population Registration only mentions the female birth number, not the male one (which is considered to be the default number).
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>Para 28: The reason why the complainant sought to have his birth number changed is that he does not consider himself to be a man and thus does not want to have the form of birth number that men in the Czech Republic have. In connection to this, it should first be noted that the complainant's birth number represents his date of birth and contains four essentially random digits. There is thus nothing in his birth number that explicitly expresses, or perhaps emphasises, the fact that the complainant is a man. Nor can it be said that the very form of the complainant's birth number expresses a male gender – for example, on the basis of cultural stereotypes, etc. Strictly speaking, the Population Registration Act does not link the composition of the birth number to the male sex. The Population Registration Act merely introduces a special form of birth number for women, not for men. Thus, purely on the basis of the Population Registration Act, it could only be inferred from the complainant's birth number that they are not a woman, but not necessarily that they are a man. Even based on his own self-declaration the complainant is in fact not really a woman, so in this respect his (current) birth number corresponds to his self-identification.</p> <p>(Důvodem, pro který se stěžovatel domáhal změny rodného čísla, je přitom to, že se nepovažuje za muže, a nechce tak mít rodné číslo v podobě, kterou v České republice muži mají. K tomu je potřeba prvně uvést, že stěžovatelovo rodné číslo vyjadřuje datum narození a dále obsahuje čtyři v zásadě náhodné číslice. V jeho rodném čísle tak není nic, co by explicitně vyjadřovalo, či snad zdůrazňovalo, že je stěžovatel mužem. Stejně tak nelze tvrdit, že by samotná podoba stěžovatelova rodného čísla vyjadřovala mužské pohlaví např. na základě kulturních stereotypů apod. Striktně vzato ani samotný zákon o evidenci obyvatel nespojuje v § 13 odst. 3 toto složení rodného čísla s mužským pohlavím (srov. naopak § 13 odst. 5 téhož zákona). Zákon o evidenci</p>

	<p>obyvatel v § 13 odst. 3 pouze zavádí speciální podobu rodného čísla pro ženy, nikoli již pro muže. Ze stěžovatelova rodného čísla by tak čistě na základě zákona o evidenci obyvatel bylo možno dovodit pouze to, že stěžovatel není ženou, nikoli nutně že je mužem. Stěžovatel přitom i dle vlastních slov ženou opravdu není, a jeho rodné číslo tak v tomto směru odpovídá též jeho sebeidentifikaci.)</p>
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Thematic area	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of <u>either the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.</u></p>
Decision date	7. December 2021
Reference details	<p>Resolution of the Constitutional Court III.ÚS 2696/21</p> <p>Available at: https://nalus.usoud.cz/Search/ResultDetail.aspx?id=118371&pos=1&cnt=1&typ=result</p>
Key facts of the case (max. 500 chars)	<p>The complainant claimed a violation of a number of his rights protected by the Charter of Fundamental Rights and Freedoms and the ECHR, in particular his right to freedom of expression protected by Article 10 of the ECHR.</p> <p>The complainant was found guilty of the offence of incitement to hatred against a group of persons or to restriction of their rights and freedoms pursuant to Section 356(1)(3)(a) of the Criminal Code and the offence of expression of sympathy for a movement aimed at suppression of human rights and freedoms pursuant to Section 404 of the Criminal Code. The offence consisted in the fact that in 2017 the complainant repeatedly published Nazi symbols on his Facebook profile, with which not only Nazism but also its various branches, so-called neo-Nazism, are still associated today. These included posting a photograph of the Reich Eagle holding a swastika in its talons, sharing a link to a picture of the complainant with Hermann Göring, and sharing a sunset photograph of Adolf Hitler wearing a swastika armband on his left arm and with his right hand raised, accompanied by the comment "Beautiful white dreams, Friends". The complainant also posted a comment on a photograph of 1st grade students from an elementary school on November 1, 2017 at 10:45 p.m. publicly (again via a publicly accessible computer network) with the words: "Good thing they are from Plynárenská Primary School. The solution is directly offered. Don't say that you didn't think of it !!!", when his public Facebook comment appeared on the photograph in question, and when the</p>

	<p>complainant wrote this comment because of the ethnic groups of some of the children depicted, alluding to the murder of Jews in the gas chambers during World War II (the so-called Shoah or Holocaust), a historical reality that is generally known to the public. He was sentenced to a suspended prison sentence of 16 months for these offences.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Constitutional Court upheld the general courts when they rejected the complainant's request for expert evidence to clarify the meaning of the words in the commentary in question, which, in his opinion, constitutes so-called omitted evidence. It confirmed, that it was possible to determine the meaning of the words from the complainant's own comment, the content of the photograph and the complainant's previous conduct. The Constitutional Court rejected the complainant's argument that the comment on the photograph of the schoolchildren was a joke. It stated that hate speech did not fall under constitutional protection and could not be protected even by passing itself off as a joke. In the present case, it is not even relevant whether the comment in question was intended as a joke, since there are matters which the Charter and the law do not allow joking about with regard to human dignity (Resolution III.ÚS 215/18 of 30 August 2018). Even the terrible historical experience of the stigmatisation and liquidation of social minorities (for example, the murder of people in the gas chambers of concentration camps referred to by the complainant) has led to the conclusion that freedom of expression is not absolute in nature but subject to the exceptions set out in Article 10(2) of the Convention.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>This case was intensively followed by the media. However, the Constitutional Court's decision is merely a resolution rejecting the constitutional complaint. Thus, it does not contain new key issues in the jurisprudence on hate speech.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>Since the Constitutional Court rejected the constitutional complaint as manifestly unfounded, the judgment of the District Court sentencing the complainant to a suspended sentence of 16 months' imprisonment for the offence of incitement to hatred against a group of persons or to restriction of their rights and freedoms pursuant to Section 356(1), (3), letter a) of Act No. 40/2009 Coll, Penal Code (hereinafter referred to as "the Penal Code") and expression of sympathy for a movement aimed at suppressing human rights and freedoms pursuant to section 404 of the Penal Code is final.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>"11. (...)Nejvyšší soud nadto zdůraznil, že zásah do právem chráněného zájmu, kterým je v nyní posuzované věci rovnost lidí bez rozdílu národnosti, etnika, rasy, náboženství či jiných skupinových rozdílů, byl v této věci natolik výrazný, že jiný než trestněprávní postih by byl zcela nedostatečný. Dodal, že stěžovatel se komentářem snažil vzbudit nenávisť i vůči dětem, které by podle jeho nářezek na plyn měly být usmrceny proto, že jsou příslušníky jiného než českého etnika, a tímto způsobem by měla být vyřešena otázka jejich existence. Se závěry učiněnými obecnými soudy se Ústavní soud</p>

	<p>ztotožňuje a z ústavněprávního hlediska jim nemá co vytknout. Na tomto místě lze již beze zbytku odkázat na napadená usnesení Nejvyššího soudu a krajského soudu, která se s námitkami stěžovatele (tvrzení, že stěžovatelův projev není nenávistný, srovnávání s jinými projevy) podrobně vypořádala. Závěrem Ústavní soud pouze dodává, že nenávistné projevy na internetu, jako jeden z druhů projevu nenávisti, je třeba v demokratické společnosti potírat, a to v závažných případech i prostřednictvím norem trestního práva.”</p> <p>“11. (...) The Supreme Court further emphasized that the interference with the legally protected interest, which in the present case is the equality of people without distinction as to nationality, ethnicity, race, religion or other group differences, was so significant in this case that a penalty other than criminal law would have been completely inadequate. He added that the complainant's comment had also sought to stir up hatred against children, who, according to his allusions to gas, should be killed because they were of a non-Czech ethnic group, and that the question of their existence should be resolved in that way. The Constitutional Court agrees with the conclusions reached by the general courts and has nothing to criticise them from a constitutional point of view. At this point, reference may be made to the contested orders of the Supreme Court and the Regional Court, which dealt in detail with the complainant's objections (allegations that the complainant's speech was not hate speech, comparisons with other speech). In conclusion, the Constitutional Court merely adds that hate speech on the Internet, as one of the types of hate speech, must be combated in a democratic society, including in serious cases through the norms of criminal law.”</p>
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Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	5 May 2022
Reference details	Supreme Court decision 21 Cdo 473/2021

	available online at: https://nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/2A32AD763CFC9A92C125889000161213?openDocument&Highlight=0,null
Key facts of the case (max. 500 chars)	The case concerned a claim made by several applicants of Roma origin. They claimed that they attended a school that until 2010 provided education only to Roma pupils. In 2010, the school was divided into two programmes, which caused further segregation, as the Roma pupils were put into the programme with worse standards of education. They directed the lawsuit against the school and the municipality of Ostrava. The first- and second-instance courts rejected their claim. ¹⁵¹
Main reasoning/argumentation (max. 500 chars)	The Supreme Court concluded that the segregation of pupils of different racial and/or ethnic origin in education represents discrimination. This conclusion applies regardless of the fact that the education provided to the pupils of a different race is of the same quality (the mere segregation represents a disadvantage). Furthermore, this conclusion applies even if the segregation is not explained or motivated by racial factors, unless a legitimate goal for such segregation can be proven. ¹⁵²
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	In a landmark judgment, the Supreme Court concluded that segregation in education on grounds of race or ethnic origin constitutes discrimination. Simultaneously, it noted that it is not necessary that the segregated group experiences different material or substantive conditions of education. Simply the segregation alone and as such is illegal and a violation of the principle of equal treatment. In the judgment, the Court elaborated on several concepts and issues which have not been addressed in case law before (i.e. the term segregation, conditions of illegal segregation, burden of proof in cases of segregation). ¹⁵³
Results (sanctions) and key consequences or	The Court set aside the judgments of the District Court and the Regional Court and returned the case to the first instance court for re-evaluation, which is now bound by the Court's decision. The District Court will take up the case to re-examine the claims in December 2022.

¹⁵¹ Tomšej, J; European Network of Legal experts on gender equality and non-discrimination (2022), [Flash report: Supreme Court ruled that segregation of Roma pupils in education is illegal](#), 1 July 2022.

¹⁵² Tomšej, J; European Network of Legal experts on gender equality and non-discrimination (2022), [Flash report: Supreme Court ruled that segregation of Roma pupils in education is illegal](#), 1 July 2022.

¹⁵³ Tomšej, J; European Network of Legal experts on gender equality and non-discrimination (2022), [Flash report: Supreme Court ruled that segregation of Roma pupils in education is illegal](#), 1 July 2022.

implications of the case (max. 500 chars)	
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“52. Ve vztahu k rasové diskriminaci obecně (a rasové segregaci zvláště) je pak třeba trvat na tom (a v tomto ohledu dovolací soud potvrzuje závěry soudu odvolacího), že znevýhodnění či nerovné zacházení v zásadě spočívá již v samotném faktu odlišného zacházení s jednotlivci příslušejícími k určité rase či etniku nebo v jejich oddělení (separování), neboť již samo o sobě je urážlivé a stigmatizující, znamenající pro tyto jednotlivce pocit vyloučení a méněcennosti (viz výše citované rozhodnutí Nejvyššího soudu USA ve věci Brown v. Board of Education of Topeka či rozsudek SDEU ve věci CHEZ, bod 108). Není tedy principiálně nezbytné, aby při existenci segregovaného vyučování romských žáků byly dány rovněž rozdílné obsahové či materiální podmínky vzdělávání pro to, aby se jednalo o nerovné zacházení. Zjištění v tomto směru učiněná však mohou závěry o diskriminaci posilovat. Jinými slovy řečeno rasová segregace provázející poskytování vzdělání nemůže být zdůvodněna (obhajována) tím, že segregovaným žákům se dostalo stejné vzdělávací příležitosti, neboť i kdyby to byla pravda, znamenalo by to přihlášení se k doktríně „separate but equal“, která byla v minulosti rázně odmítnuta a je nezbytné ji stejně odmítnout i nyní. Dovolací soud v této souvislosti považuje za účelné zdůraznit, že zvláště společné vzdělávání členů majoritní a minoritní části společnosti brání nejen vzniku neodstranitelného pocitu vyčlenění a méněcennosti, ale také se jedná o jeden z důležitých předpokladů nekonfliktního a tolerantního soužití mezi nejrozličnějšími skupinami obyvatel, kteří namnoze mají rozdílné životní priority, resp. představy o tom, co je v životě důležité. Je pak obecně známou skutečností, že schopnost tolerance je možno za podmínek k tomu příznivých formovat a utvrzovat spíše v procesu vzdělávání menších dětí, jejichž mysl a srdce jsou dozajista otevřenější než u lidí ve věku pozdějším.”</p> <p>“57. Lze tedy shrnout, že oddělení či oddělování příslušníků určité skupiny charakterizované rasovými či etnickými hledisky je nepřijatelnou segregací, a to i tehdy, není-li odůvodněno ani motivováno rasovými hledisky, pokud faktický výsledek takového zacházení není podložen legitimním cílem, a sleduje-li legitimní cíl, nejsou prostředky k jeho dosažení vhodné a nezbytné, případně i takovými jsou, ale nepřiměřeně (neadekvátně) zasahují oprávněné zájmy znevýhodněných (segregovaných) osob.”</p> <p>‘52. In relation to racial discrimination in general (and racial segregation in particular), it must be insisted (and in this respect the Court of Appeal confirms the conclusions of the Court of Appeal) that disadvantage or unequal treatment lies in principle in the very fact of different treatment of individuals belonging to a particular race or ethnic group or in their separation (segregation), as it is in itself offensive and stigmatising, conveying to those individuals a sense of exclusion and inferiority (see the US Supreme Court decision cited above in Brown v. Board of Education of</p>

	<p>Topeka or the CJEU judgment in CHEZ, paragraph 108). It is therefore not necessary in principle that, in the case of segregated teaching of Roma pupils, there should also be a difference in the content or material conditions of education in order to constitute unequal treatment. However, the findings made in this respect may strengthen the conclusion of discrimination. In other words, the racial segregation accompanying the provision of education cannot be justified (defended) on the basis that segregated pupils received the same educational opportunities, for even if this were true, it would be to subscribe to the doctrine of 'separate but equal', which has been vigorously rejected in the past and must be equally rejected now. In this connection, the Court of Appeal considers it appropriate to point out that, in particular, the joint education of members of the majority and minority groups not only prevents the emergence of an irremovable feeling of exclusion and inferiority, but is also one of the important prerequisites for non-conflicting and tolerant coexistence between various groups of people, who often have different priorities in life and different ideas of what is important in life. It is a well-known fact that a capacity for tolerance can be shaped and strengthened under favourable conditions in the education of younger children, whose minds and hearts are surely more open than those of people later in life.'</p> <p>'57. Thus, it can be summed up that the separation or segregation of members of a particular group characterised by racial or ethnic considerations constitutes impermissible segregation even if it is not justified or motivated by racial considerations if the actual result of such treatment is not based on a legitimate aim, and, where it is based on a legitimate aim, if the means to achieve that aim are not appropriate and necessary, or even where they are, if they disproportionately (inadequately) interfere with the legitimate interests of the disadvantaged (segregated) persons.'</p>
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Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
Decision date	No caselaw has been identified for this thematic area

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
Decision date	22 March 2022
Reference details	Pl. ÚS 7/18 , ECLI:CZ:US:2022:PI.US.7.18.1
Key facts of the case (max. 500 chars)	The motion was put forward by the Municipal Court in Prague, which was at that time dealing with a case between a suspect of an continuing criminal offence on competition rules pursuant to Section 248 para 2 of the Criminal Code and the Police. The suspect filed a lawsuit against the Police claiming that, although he was summoned by the Police authority to carry out identification procedures, the taking of biological samples is not appropriate as he is being prosecuted for a low-level offence that cannot be detected by identifying the perpetrator through his deoxyribonucleic acid profile ('DNA' or 'DNA profile'). The Municipal Court proposed that the contested provisions be annulled on the grounds of conflict with the constitutional order, as the Police are allowed to take samples of biological material from any person who has been charged with or is suspected of having committed a deliberate criminal offence.
Main reasoning/argumentation (max. 500 chars)	The Constitutional Court emphasised that as regards the actual taking of biological samples in a non-invasive manner, this does not interfere with physical integrity and does not endanger the health or dignity of the person concerned, in so far as it is justified by the legitimate interest in protecting society from the commission of criminal offences. The Constitutional Court stated that there is no violation of the fundamental right to inviolability of the person under Article 7(1) and no interference with the right to privacy under Article 10(2) and (3) of the Charter of Fundamental Rights and Freedoms. Nor, according to the Constitutional Court, does the taking of DNA samples contravene Article 8(2) of the Convention for the Protection of Human Rights and Fundamental Freedoms.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The key issue of the case was the proportionality of the measure in question – the Constitutional Court had to decide whether the collection of DNA infringes the right to the inviolability of the person and his privacy, the right to protection against unjustified interference with private life and

	<p>against unlawful assembly, the publication or other misuse of personal data, the so-called right to informational self-determination, and proportionally to the public interest in uncovering crimes.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court pointed out the unquestionable benefit of using DNA samples for the purpose of conducting effective criminal investigations in criminal or Police practice, but with maximum respect for the constitutionally guaranteed fundamental rights of the individual. However, the Constitutional Court admitted that the rather brief legal regulation contained in the Police Act, which is only supplemented by (non-public) internal instructions of the President of the Police, appears insufficient in this case.</p> <p>The Constitutional Court's ruling points to the risk of the overuse of the provision of the Police Act provision in question, as it is defined very broadly. For this reason, the Constitutional Court stressed the need to apply this provision with restraint and to consider the adoption of a new, specialised law that would take into account, for example, the international obligations of the Czech Republic, the needs of criminal investigators, and the rights of individuals in matters concerning the DNA database.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Para 83:</p> <p>Podle názoru Ústavního soudu samotný odběr biologických vzorků prováděný neinvazivní a neintimní formou (např. odebrání vzorku vlasů nebo provedení bukálního stěru), jakkoliv je strpění těchto neinvazivních úkonů vynutitelné, ať již nepřímo formou udílení pořádkových pokut, nebo přímo fyzickým donucením, přesto ob stojí v testu proporcionality, neboť na jedné straně nezasahuje do tělesné integrity a neohrožuje zdraví ani důstojnost dotčených osob, na druhé straně je odůvodněn zájmem na ochraně společnosti před páčáním trestných činů, a proto je z pohledu zachování práva na nedotknutelnost osoby podle čl. 7 odst. 1 Listiny přijatelný.</p> <p>According to the Constitutional Court, the mere taking of biological samples by non-invasive and non-intimate means (e.g. taking a hair sample or performing a buccal swab), however enforceable the sufferance of such non-invasive acts is, whether indirectly by the imposition of a fine or directly by physical coercion, nevertheless passes the proportionality test, since, on the one hand, it does not interfere with physical integrity and does not endanger the health or dignity of the persons concerned, and, on the other hand, it is justified by the interest of protecting society against criminal offences, and is therefore acceptable from the point of view of preserving the right to the integrity of the person under Article 7(1) of the Charter.</p>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision for the related topics addressed in the chapter.
Decision date	No caselaw has been identified for this thematic area

Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).
Decision date	22 March 2022
Reference details	III.ÚS 3006/21 , ECLI:CZ:US:2022:3.US.3006.21.1
Key facts of the case (max. 500 chars)	The complainant is a lawyer and director of a non-profit organisation which has long been dedicated to the prevention of prejudicial violence and serious general crime and to assisting their victims. The complainant has been repeatedly (intensively since at least 2016) the target of death and rape threats for practising her profession. Between no later than 10 June 2020, J.V. (the intervener in these proceedings) sent a total of 114 e-mail messages of a harassing, pornographic, or threatening nature to her work e-mail inbox from his e-mail address. The intervener's conduct has been the subject of numerous criminal or misdemeanour notices. In all but one case, the public authorities have found that the conduct in question did not constitute an offence. From July to September 2020, the complainant was granted short-term Police protection, and in October of that year the intervener was banned from contacting or seeking out the complainant in any way, and only that measure put an end to three years of persecution. On 24 August 2020, criminal proceedings were initiated against the defendant for the offence of violence against a group of citizens and against an individual under section 352 para 2 of the Criminal Code, as amended, and for the offence of extortion under section 175 para 1, and 2 (f) and the offence of dangerous persecution under section 354 para 1(c). However, after the indictment was filed, the District Court for Prague 6, by the contested order, referred the offence to the Prague 6 Municipal District Office

	<p>for consideration, as the alleged offence was not a criminal offence and the defendant's act could be assessed by another authority as a misdemeanour. The court justified this decision primarily on the grounds that criminal law should be used only if no other legal remedy is available. Moreover, the applicant is a public figure who must endure a higher degree of criticism, irony, or negative assessment. The Municipal Court in Prague subsequently dismissed the prosecutor's complaint.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Constitutional Court did not agree with the assessment made by the general courts, which essentially downplayed the seriousness of the intervener's conduct. According to the Constitutional Court, the fact that the intervener behaved erratically and that he subsequently claimed before the court that he would not carry out his threats does not sufficiently justify the conclusions of the general courts. According to the Constitutional Court, the aforementioned erratic or unpredictable nature of the originator of the messages cannot be interpreted unilaterally as evidence of his harmlessness. On the contrary, the complainant could have been reasonably concerned about the actions of a man who was erratic, who was obsessed with the complainant and her activities, who repeatedly used the symbolism of gallows or national tribunals in his reports and combined them with disgusting pornographic content, and who spoke of the execution of Muslims and 'traitors to the nation' who collaborated with them. The allegation that the intervener did not carry out his threats may be objectively true, but the complainant, who was the target of his e-mail attacks, could hardly - given the nature of the messages sent - have concluded without further ado that the intervener was really only a sort of harmless provocateur who was incapable of going beyond verbal attacks on her. Even if the complainant had not considered that the intervener had actually attempted to harm her physically, the degree of fear and disturbance to her psychological well-being which she must have experienced as a result of his conduct must have been so great as to merit criminal protection.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The key issue in this case is the concept of the subsidiarity of criminal law, meaning that criminal law should only be used in cases in which no other means are available. According to the case law of the European Court of Human Rights (hereinafter ECtHR), the right to an effective investigation is also linked to the right to protection of private and family life within the meaning of Article 8 of the Convention in the case of particularly serious interference with the personal integrity of the victim. Criminal sanctions, including the sanctioning of serious hate speech or incitement to violence, are intended to serve as the last resort (<i>ultima ratio</i>) for the regulation of social relations; on the other hand, serious attacks on personal integrity require - in order to be considered effective protection - also protection by means of criminal law. The most relevant decision is the judgment of 14 January 2020, <i>Beizaras and Levickas v. Lithuania</i>. However, unlike that case, the present case is specific in that an indictment was filed and decided by the criminal courts. Therefore, the conclusion regarding the subsidiarity of criminal repression was not the result of the prosecutor's discretion, but was formulated by the criminal courts after the hearing of</p>

	<p>the case. However, if the Constitutional Court considers it necessary that the human dignity and private life of victims of serious hate speech should also be protected by means of criminal law, it is irrelevant whether the failure to provide such protection is the result of a decision of the prosecutor or the court.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The complainant did not seek the annulment of the contested judgment (specifically its guilty verdict), but only the finding of a violation of her constitutionally guaranteed rights, i.e. a declaratory verdict. The complainant's fundamental rights were infringed by the fact that the municipal courts repeatedly denied her, as the victim, the only protection that was apparently effective, that is to say, criminal protection, against the same perpetrator. The Constitutional Court upheld the constitutional complaint and found that the orders of the Municipal Court in Prague and the District Court for Prague 6 violated the complainant's right to protection of private and family life under Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the right to protection of human dignity under Article 10 para 1, and the right to protection against unwarranted interference with private and family life under Article 10 para 2 of the Charter of Fundamental Rights and Freedoms.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Para 41:</p> <p>I pokud by stěžovatelka neměla za to, že se jí vedlejší účastník pokusí skutečně fyzicky ublížit, míra strachu a narušení psychologické pohody, které musela v důsledku jeho jednání prožívat, musela být natolik vysoká, že zasluhovala trestněprávní ochrany. .. Je dokonce namístě položit otázku, co jiného by podle soudu představovalo vytrvalé a systematicky prováděné kontaktování stěžovatelky vedené snahou změnit její obvyklý způsob života a ohrozit její duševní rovnováhu, než právě jednání vedlejšího účastníka.</p> <p>Even if the complainant had not considered that the intervener had actually attempted to physically harm, the degree of fear and disruption to her psychological well-being that she must have experienced as a result of his actions must have been so great as to merit criminal law protection. ... It is even pertinent to ask what else the court would consider to constitute persistent and systematic contacting of the complainant in an attempt to change her usual way of life and endanger her mental balance than the conduct of the intervener.</p>

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	27 July 2022
Reference details	Supreme Court decision 21 Cdo 916/2022 Available online at: https://nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/6448C13362CEF062C12588E3001926CD?openDocument&Highlight=0,
Key facts of the case (max. 500 chars)	The claim was filed by a man with a physical disability who worked for the Czech Prison Services in a facility to which he had to commute 292 km every week. As his health status made it impossible to continue driving such a long distance, he asked for a transfer to a closer facility that advertised a vacant position matching his profile (there are more than 20 facilities of the Services all around the country). Yet the Services refused this transfer and he was forced to leave the job. He later turned to the Equality Body, which recognised his discrimination, and, subsequently, also to courts with the claim of discrimination resulting from the employer's failure to provide reasonable accommodation of his needs to ensure the continuation of his employment. The first-instance court upheld his claim and granted him damages. However, the second instance court rejected his claim, arguing that the employer had no obligation to accept the employee's request. The second instance court judgment did not make any reference to the concept of reasonable accommodation and contained no detailed explanation why the court believed there was no discrimination. ¹⁵⁴
Main reasoning/argumentation (max. 500 chars)	The Supreme Court elaborated on the concept of reasonable accommodation in line with EU law, particularly taking note of the judgment of the CJEU HR Rail SA. It stated that the second-instance court did not take into consideration the disability of the claimant, and whether the rejection of the request for a transfer represented also a rejection of reasonable accommodation; thus, it could not have made a correct conclusion regarding possible discrimination. The Supreme Court dismissed the argument that a request for a job transfer must be documented by an opinion of a company doctor and ruled that employers must refrain from discrimination when deciding about such a

¹⁵⁴ Tomšej, J; European Network of Legal experts on gender equality and non-discrimination (2022), Flash report: [The Supreme Court ruled in a case concerning discrimination on grounds of disability and the issue of reasonable accommodation](#), 11 August 2022.

	request even if it is documented by other means. It affirmed the reasons for sharing the burden of proof (like the first instance court) and pointed out that before making a conclusion of non-discrimination, the second instance court should have thoroughly dealt with the circumstances of the Services' claim that they had not discriminated. ¹⁵⁵
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	In a case concerning employment discrimination based on disability, the Supreme Court elaborated on the concept of reasonable accommodation and it confirmed that employees can request it even if the employer did not have their health conditions examined by the company doctor prior to such a request. ¹⁵⁶
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Supreme Court overturned the judgment of the Municipal Court in Prague and returned the case to it for further proceedings. Municipal Court which is bound by the legal reasoning of the Supreme Court.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>26. Skutečností vylučující porušení zásady rovného zacházení nemůže být odvolacím soudem akcentovaná okolnost, že žádost žalobce o jeho převedení na práci vychovatele ve Věznici Plzeň není žádostí o převedení na jinou práci podle § 41 zákoníku práce ani žádostí o převedení či přeložení podle § 45 ZP, kdy by bylo povinností žalované vyhovět žalobci buď na základě lékařského posudku, nebo na základě doporučení poskytovatele pracovně lékařských služeb, kterými však žalobce nedisponoval. Zákoník práce (ani žádný jiný pracovněprávní předpis) nevylučuje, aby zaměstnanec požádal zaměstnavatele 10 o převedení na jinou práci nebo pracoviště, popřípadě o přeložení do jiného místa, aniž by byly splněny podmínky uvedené v ustanovení § 41 odst. 1 písm. a) ZP, za nichž je zaměstnavatel povinen (i bez žádosti zaměstnance) převést zaměstnance na jinou práci, nebo podmínky uvedené v ustanovení § 45 ZP, za nichž je zaměstnavatel povinen vyhovět žádosti zaměstnance o převedení na jinou práci nebo pracoviště, popřípadě o přeložení do jiného místa. Podá-li si zaměstnanec takovou žádost, je zaměstnavatel povinen při jejím a rozhodování o ní dodržovat zásadu rovného zacházení (zákazu diskriminace).</p> <p>26. The fact that the applicant's request for a transfer to the job of a tutor at the Pilsen Prison is not a request for a transfer to another job pursuant to Section 41 of the Labour Code, nor a request for a transfer or reassignment pursuant to Section 45 of the Labour Code, where the</p>

¹⁵⁵ Tomšej, J; European Network of Legal experts on gender equality and non-discrimination (2022), Flash report: [The Supreme Court ruled in a case concerning discrimination on grounds of disability and the issue of reasonable accommodation](#), 11 August 2022.

¹⁵⁶ Tomšej, J; European Network of Legal experts on gender equality and non-discrimination (2022), Flash report: [The Supreme Court ruled in a case concerning discrimination on grounds of disability and the issue of reasonable accommodation](#), 11 August 2022.

	<p>defendant would be obliged to comply with the applicant's request either on the basis of a medical opinion or on the basis of a recommendation from an occupational health service provider, which the applicant did not have, cannot be a fact precluding a breach of the principle of equal treatment. Neither the Labour Code (nor any other labour law provision) precludes an employee from requesting a transfer to another job or workplace, or a transfer to another place, without the conditions set out in section 41(1)(a) of the Labour Code being met, under which the employer is obliged (even without the employee's request) to transfer the employee to another job, or the conditions referred to in Section 45 of the Labour Code, under which the employer is obliged to comply with the employee's request for transfer to another job or workplace or for transfer to another place. If the employee makes such a request, the employer shall be obliged to the principle of equal treatment (non-discrimination).</p>
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