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Summary record of the 2993rd meeting

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Chairperson: Sir Nigel Rodley

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Third periodic report of the Czech Republic (continued) (CCPR/C/CZE/3;
CCPR/C/CZE/Q/3 and Add.1; CCPR/C/CZE/CO/2)*

1. *At the invitation of the Chairperson, the delegation of the Czech Republic took places at the Committee table.*

2. **Ms. Baršová** (Czech Republic) said it was true that the number of committees for national minorities provided for by law differed from the number established in practice at the municipal level. The main failure in that respect was that those committees could be established only at the request of an association of members of national minorities, many of whom were not interested in setting up such committees. A proposed amendment to the law was currently in its first reading in parliament. The number of committees had increased slightly from 63 in 2011 to 66 in 2013.

3. Respondents to the 2011 census were not required to answer the question on ethnicity, and they also had the option of listing two ethnicities. Of the 10.4 million respondents, more than 2.6 million had not stated their ethnicity, while 163,000 had self-identified with two ethnicities. Most of those who identified themselves as Roma also identified as a second ethnicity. While self-identification was an important source of information on the State party's ethnic or national minorities, other sources were also used, such as information from international organizations and an annual survey on unemployed Roma conducted by labour offices. A report by the Ombudsman, which was publicly available in English, had identified some problems with the methodology used in surveys and thus might pave the way for changes in that area.

4. Overall, the policy on social housing for the Roma had not been a success, and the subsidies linked with temporary housing had not been properly used. Even so, the situation was more positive in certain regions and municipalities, and the new Agency for Social Inclusion should help local governments to develop suitable housing policies. Many formerly State-owned housing units had been handed over to municipal governments and then privatized; as a result they were now in a state of disrepair and in some cases uninhabitable. The national Government attempted to intervene but was not always able to find a satisfactory solution to the problem. The relevant ministries and other Government bodies were currently drafting a new housing plan, which should be ready by the end of 2013. The plan would include social housing measures and would remain in effect until 2020.

5. Campaigns to combat racism against the Roma had been conducted in 2009 and 2010, and a "Gypsy spirit" competition had been held. The anti-racism campaign would be extended for three years and would be allocated a budget of 1.4 million euros. It would use modern communication methods, such as social media, to develop a culture free of hate and would target young people aged 14–25. Ten schools in two regions in the north of the country would participate in the campaign, and members of the Government Council for Roma Minority Affairs were also expected to participate. The Agency for Social Inclusion had worked with a total of 33 towns during its first project. It was currently considering exit strategies in some of them as the objective of its work was to establish local networks that would eventually be able to deal with situations on their own. Her delegation would draw the Government's attention to the Committee's views about the former Lety concentration camp with a view to future discussions on the issue.

6. **Ms. Binková** (Czech Republic) said that the Victims of Crime Act, which had entered into force in 2013, established that victims of human trafficking and sexual

violence were considered to be particularly vulnerable and as such were entitled to various forms of support and financial assistance. Bringing members of trafficking networks to justice depended on two things: identifying potential victims and using victims' direct assistance. Government bodies, in cooperation with NGOs, were conducting campaigns to identify victims and help them leave trafficking networks. Once identified, they were invited to join a special programme to support and protect victims of trafficking for purposes of sexual and labour exploitation and, more recently, domestic servitude. Those who joined helped the Government gather information about criminal networks. They could choose to stay in the Czech Republic or return to their country of origin. Thus far, 190 persons had joined the programme, which had been very effective in bringing traffickers to justice. Victims who participated were the subject of special measures to protect their identity, but those who chose not to participate also received high-quality care.

7. Law enforcement officials who cooperated with criminal groups were rigorously prosecuted in the criminal courts. As a result of recent reforms, the immigration police was now a civilian institution. Training was provided to all professionals who might come into contact with trafficking victims or networks, enabling them to better identify victims' needs.

8. Current statistics on domestic violence involving extreme cruelty were not much different from those provided in the periodic report. The number of reported cases stood at 619, of which 494 involved female victims. Sometimes victims sought help through hotlines or intervention centres but were unwilling to report the situation to the police, in which case their wishes were respected. The penalties for domestic violence could include 4 to 8 years' conditional or unconditional imprisonment if extreme cruelty was involved and 5 to 10 years' conditional or unconditional imprisonment if sexual violence was involved. Perpetrators were banished from the home they shared with the victim for 10 days before the judicial proceedings began, and that period could be extended for up to one year. Financial assistance for victims differed from compensation in that it was made available immediately as either direct or indirect assistance.

9. **Mr. Machačka** (Czech Republic) said that his delegation would provide in writing more precise statistics on penalties imposed following the general inspection of the security forces. In the case of administrative offences, such penalties could include a reprimand, a fine or prohibition of certain activities. Disciplinary sanctions could include similar measures, and also a reduction in wages or demotion. Criminal sanctions included, *inter alia*, imprisonment, house arrest and fines.

10. Explaining certain terms used in the report, he said that a conditional waiver of prosecution occurred when the accused person freely confessed to the offence, compensated the victim and undertook not to engage in further illegal activities for a certain period of time. If the person fulfilled that commitment then the prosecution was waived; otherwise it was resumed. A settlement occurred when the accused freely confessed to the offence and compensated the victim, and the prosecution was waived indefinitely. Compensation had been paid to victims in two cases of police misconduct in 2010 in the amounts of 100,000 koruny and 40,000 koruny.

11. **Mr. Fathalla** said he wished to know the number of cases in which legal aid had been granted to persons without full legal capacity and the outcome of those cases. He asked whether the offence of slander included in the new Criminal Code was applied when false information was mistakenly communicated. In relation to the criteria set out in general comment No. 34, he asked whether the Charter of Fundamental Rights and Freedoms had the force of law, whether the provisions on the offence of slander passed the test of necessity as well as proportionality, and whether the restrictions they placed on the freedom of expression were related to specific needs.

12. **Ms. Motoc** said that, according to information provided by NGOs, the placement of persons with mental or psychosocial disabilities in mental health institutions was not subject to their free, prior and informed consent, and their treatment was not in line with the Covenant or with the Convention on the Rights of Persons with Disabilities, which the Czech Republic had ratified. Also, cases of suicide in mental health institutions had reportedly not been properly investigated. She asked the delegation to comment on that information.

13. She requested further information about the functioning of the corruption hotline and about any resulting prosecutions for corruption. She asked what measures would be taken by the judiciary and other State authorities to implement the Committee's recommendations.

14. **Mr. Shany** thanked the delegation for its frank answers about the problems facing the country. Demographic data disaggregated by ethnicity that was based on self-identification seemed inadequate for the purpose of developing anti-discrimination policies. He therefore welcomed the possibility of future changes in the methodology used in that regard. He asked the delegation to comment on reports that municipalities denied social housing to persons who had been convicted of offences in the past, did not have a steady job or were in debt, and to indicate whether it believed that the State's anti-discrimination legislation was relevant to such cases. He asked if the Government would consider increasing the length of time during which housing allowances were paid.

15. He expressed concern that the State had not implemented the Committee's recommendation on the detention of foreign minors, as contained in its previous concluding observations (CCPR/C/CZE/CO/2). Like the Convention on the Rights of the Child, Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008, which the State party referred to in its report, stipulated that minors should be detained only as a measure of last resort and for the shortest appropriate period of time. He therefore wished to know under what circumstances the Government considered the detention of foreign minors for 90 days without trial to be compatible with articles 9 and 24 of the Covenant and with article 37 of the Convention on the Rights of the Child.

16. He asked what was meant by the phrase "failure to observe his or her duties", which was cited in paragraph 64 of the State party's written replies as a ground for detaining foreigners (CCPR/C/CZE/Q/3/Add.1). He wondered how the Government could consider the detention of foreigners for up to 18 months to be compatible with article 9 of the Covenant. Would alleged failure to cooperate at the beginning of the deportation process constitute sufficient grounds for detaining a foreigner for such a long period under Czech law? He wished to know how many immigrants had benefited from alternatives to detention since the amendment of the relevant regulations in 2011, and how many had been detained during the same period. He asked to what extent the immigration authorities considered the likelihood of changes in the situation in the destination country when deciding whether to carry out deportations. He asked the delegation to explain the rationale behind holding asylum seekers in reception centres for up to 120 days and to indicate the average duration of stays in those centres. He also invited the delegation to comment on reports of harsh conditions in the reception centre at Václav Havel airport in Prague.

17. While he noted from the State party's replies that prison conditions were gradually improving as a result of reduced numbers of prisoners and increased personnel, space and sanitary conditions, he had also noted from the Ombudsman's report of 2001 that the number of prisoners had been expected to increase over time. He invited the delegation to explain whether the reduction in numbers was a one-off phenomenon or a trend and to indicate the ratio of warders to prisoners.

18. The Committee was concerned about NGO reports of degrading sanitary conditions in prisons and lack of privacy for prisoners. The delegation must realize that the obligations under article 7 were absolute and could not be derogated from.

19. He invited the delegation to indicate to the Committee the types of work available to prisoners. Was the choice highly limited? It would be helpful to know what arrangements were made to maintain the social benefits of prisoners who were unable to work or were not permitted to. Was the average monthly wage for prisoners below the minimum established by law? The level established by law was in any case below the national minimum wage and appeared not to have been updated for over a decade. Moreover, one third of prisoners' wages reverted to the prison. Did that policy adequately balance the rights and interests of prisoners and the State's interest in covering costs? Could the delegation explain the authorities' policy regarding the right to work of the nine prisoners sentenced to life imprisonment?

20. Lastly, he would like to know whether any initiatives had been taken to address the issues raised by the Ombudsman concerning health care in prison, including delays in treatment and the low motivation of health workers.

21. **Ms. Waterval**, referring to question 20 of the list of issues, said that the Committee welcomed the measures taken to combat child abuse. However, she asked why there was no comprehensive definition of child prostitution in the Criminal Code and what steps the State party was taking to combat that phenomenon. In addition, in view of the fact that children aged 15–18 could legally engage in prostitution, she asked what measures the State intended to take to prevent, and protect children from prostitution, pornography and other forms of commercial sexual exploitation. What support would it provide to child victims and what had been the impact of the criminalization of sexual and other abuse in practice?

22. The Committee welcomed the action taken by the State party on the question of corporal punishment. She invited the delegation to elaborate further on the written replies, in which the State party had indicated that the prohibition of corporal punishment “was covered in the bill on child care in a child group” and that there was no explicit prohibition of corporal punishment under the present Family Act and the future Civil Code. The delegation had indicated that permitted means of correction were covered under the Institutional Care Act. However, if permitted means of correction and corporal punishment were not defined, how would the State party combat corporal punishment? In addition, the State party had indicated in its replies that corporal punishment was not listed among allowed educational measures and so could not be used. Who decided what educational measures were allowed?

23. Although children under 15 were not deemed criminally liable, a criminal offence committed by a child under 15 was an unlawful act (question 22). Children suspected of such acts were subjected to the initial stage of standard pretrial proceedings and to proceedings before a juvenile court. They were not provided with mandatory legal assistance prior to the judicial stage and were subjected to interrogation, fingerprinting and blood sampling without a lawyer. What steps was the State party taking to ensure that such children had access to legal aid, police files and other safeguards at the pretrial stage?

24. **Ms. Chanet** asked what was being done to totally eliminate the use of cage beds for mentally ill patients.

25. She invited the delegation to clarify the circumstances and criteria on the basis of which police custody could be extended from 24 to 48 hours, or from 48 to 72 hours, and to specify the type of proceedings that followed, so that the Committee could determine if they were compatible with article 9 of the Covenant. It would also be helpful if the delegation could clarify the role of lawyers at the custody stage, whether lawyers were

allowed to attend interviews and how much time was allowed for interviews with suspects and did doctors conduct medical examinations on a systematic basis?

26. The report (para. 68) indicated that detention could last for up to 4 years, one third of which could be pretrial and two thirds during proceedings. Could the delegation clarify whether there was an error of some kind in the text?

27. Lastly, whole-life prison terms without review had been condemned by the European Court of Human Rights as a breach of human rights. Were such sentences indeed without review in the State party?

28. **Mr. Salvioli** said the State party had indicated that the public authorities, including the judiciary, were obliged to adopt without delay measures to end violations of international instruments. How was the State party ensuring that the decisions of the treaty bodies were applied in practice? He would like to know in particular whether the decisions of the Committee were implemented or not.

29. Had additional financial and human resources been allocated to the Ombudsman's Office in order to enable it to carry out the tasks relating to its additional functions as the mechanism for the prevention of torture?

30. The Committee was informed that Roma children were segregated and put in schools for children with disabilities. What measures were being taken to remedy that situation and what were the results of those measures? What school support was given to Roma children? Was support given in all schools or just in special schools?

31. He invited the delegation to indicate whether the new Trafficking in Persons Act of 2013 protected the victims of past violations.

32. In connection with forced sterilization, he wished to know whether, in addition to the form in Romania, anyone explained the consequences of sterilization to Roma women in their own language. Lastly, he asked whether persons with limited legal capacity committed to institutions without their informed consent could themselves appeal against a decision of that kind.

33. **Mr. Vardzelashvili** invited the delegation to comment on whether the small number of appeals against decisions to restrain persons with disabilities resulted from a lack of adequate legal assistance or whether there was another explanation. In that connection, he asked whether the positive measures referred to in the State party's report and replies had been introduced following the European Court of Human Rights decision of 18 October 2012 against the Czech Republic.

34. **The Chairperson** asked whether net beds were considered permissible and useful, as it would appear that steps were being taken to reduce their use.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

35. **Ms. Baršová** (Czech Republic), referring to the situation of the Roma, agreed that data were needed in order to design social policies; the view expressed by the Committee appeared in the Ombudsman's report.

36. With regard to the allocation of municipal housing to persons with past convictions, the Ministry of the Interior and the Ombudsman had published a handbook for municipalities on how to approach applicants and prevent social exclusion in such situations. In 2010, the Ombudsman had made a number of recommendations on the rental or provision of municipally-owned apartments in which the differences between physical persons were underlined, in addition to the strict obligations of municipalities to fulfil a social role. The Ombudsman had issued a separate opinion on the limited access of persons with past convictions to employment. The Ministry of the Interior oversaw the work of

municipalities; hence, solutions were possible in cases where an act by a municipality was in conflict with the anti-discrimination legislation. The delegation could send the Committee a written reply on the issue, as it had done to the Committee on the Elimination of Racial Discrimination.

37. **Ms. Rybová** (Czech Republic) said that all social services were provided subject to a contract between a client and a social-service provider on the basis of free and informed consent, from which the client could withdraw at any time.

38. The courts were required to appoint a legal representative or guardian for persons of limited legal capacity and, if there was any conflict of interest, were required to appoint another person. A service provider could not be the client's guardian as that would involve a conflict of interests. In such cases, if there was no suitable relative, the local authority might be appointed as guardian. Any person appointed to that role should always act in the best interests of the client.

39. Her Government was making concerted efforts to implement the Convention on Persons with Disabilities and to support decision-making by such persons. The new Civil Code provided for new support in that regard: a new council of trustees would assist persons faced with difficult decisions and would review the decisions of current guardians and report to the courts should their decisions be contrary to the wishes of the persons concerned. In addition, the new Code provided for a personal trustee to assist the person concerned with difficult decisions relating to social and health services.

40. With regard to involuntary hospitalization, any person committed to a psychiatric institution was entitled by law to appoint a legal representative and could request free legal representation at any moment.

41. While corporal punishment was not explicitly prohibited under the current Family Code, it was not considered appropriate in the context of raising children. Under the Code, parents were obliged to protect the interests of the child when exercising parental authority and could use only proportionate measures that would not infringe the child's dignity or endanger his or her physical, mental or emotional health or development. It was common knowledge that corporal punishment was harmful; consequently, it was not allowed. The use of corporal punishment could be a reason to limit or remove parental rights.

42. **Mr. Stárek** (Czech Republic) said that the list of educational measures allowed in an institutional setting could be found in paragraph 21 of Act No. 109 of 2002. Permitted measures listed for teachers included partial suspension of pocket money, suspension from field trips and other such measures. Corporal punishment was not listed and was not allowed.

43. The Ministry of Education supported mainstream schools so as to enable them to be prepared to accept any children from socially disadvantaged environments. It currently supported some 550 teaching assistants for such students in mainstream educational programmes and would be supporting the appropriate training of teachers in mainstream schools.

44. **Mr. Hlinomaz** (Czech Republic) assured the Committee that the mechanism for the implementation of its decisions under the Optional Protocol worked well in practice; that was clear in the light of various judgements of the European Court of Human Rights against the Czech Republic, which were dealt with in the same manner. The fact that attempts to promote changes in implementation of the Committee's Views relating to citizenship requirements in restitution proceedings had not been entirely successful was exceptional. The position of his Government had not changed in that regard.

45. The question raised concerning the implementation of the Views adopted by the Committee prior to 2005 had been clarified in 2007; the Government had provided

comprehensive written material on their implementation, which could be redistributed to the Committee if required. The Committee had asked whether his Government considered the Committee's Views to be legally binding, although it was not explicitly stipulated in general comment No. 33 that they were. In fact, the Government had certain doubts as to whether the Committee's Views were legally binding.

46. **Mr. Machačka** (Czech Republic) said that once the concluding observations of the Committee were issued, his Government took note of them and ordered the relevant ministries to implement them. They were translated and published in Czech on the Government website and were submitted to parliament for discussion by deputies and senators. The Government Commissioner for Human Rights used the concluding observations and recommendations of the Committee in her work.

47. The budget and capacity of the Ombudsman's Office were being increased in order to keep pace with its rapidly expanding workload.

48. **Mr. Pilař** (Czech Republic), referring to question 14, said that new legislation on involuntary hospitalization in psychiatric hospitals had been introduced in April 2012. It regulated and aimed to improve the enforceability of patients' rights by defining (a) the conditions under which health services could be provided and (b) the status of providers and their relationship with patients. Under the new legislation, the patient was an equal participant in the health-care process; great emphasis was placed on patient needs and the quality of health care.

49. The free consent of patients was required for any procedure or hospitalization; patients had the right to refuse any procedure or operation, except in cases where they were a direct danger to themselves. In such cases, involuntary hospitalization was an option, albeit a measure of last resort: all alternatives must be considered first. In all cases of involuntary hospitalization, irrespective of whether the patient had full legal capacity, the courts must be informed within 24 hours and were required to decide within 7 days whether or not the person concerned should remain hospitalized. If it was decided to extend the hospitalization, the court was required to initiate a process whereby a further decision to extend must be taken within three months. The person concerned had the right to legal aid and the right to appeal against involuntary hospitalization and could be released at any point.

50. With regard to question 15, the Ministry of Health conducted regular inspections of mental health institutions through visits by Ministry staff and representatives of other specialized institutions. A team engaged in the reform of psychiatric care also took part in inspections. Psychiatric hospitals used an Internet tool developed as part of a European human rights project that enabled them to evaluate facilities, living conditions, care and observance of human rights. In addition, they underwent an accreditation process. Apart from the Ministry, which endeavoured to improve the quality of care and service, regional authorities monitored the quality of care and could impose sanctions if not satisfied.

51. The two cases in which a patient had died, in 2006 and in 2012, were regrettable. The police investigation had found no party to be responsible, the Ministry's investigation had found no particular breach of safety procedures. Nevertheless, those incidents had served as a lesson and it was hoped that the new legislation would remedy the situation.

52. There were currently 83 net beds in the country and their number and use were falling. They were only used in exceptional circumstances to restrain a confused or agitated patient who was in immediate danger and were considered preferable to the use of straitjackets or powerful medication. Cage beds were no longer used.

53. The procedures for consent to sterilization were thorough and intended to prevent unlawful sterilization. Information on the procedure was available in Romany on request,

and patients were required to sign a statement of understanding of the nature, consequences and risks of the procedure in the presence of a physician and a witness. A 14-day period of reflection was then observed and patients were required to provide further written consent immediately before the procedure.

54. **Ms. Binková** (Czech Republic) said that the anti-corruption helpline had been financed by the Ministry of the Interior and operated by civil society organizations. It had been shut in 2012 because it was deemed ineffective compared with other methods of tackling corruption.

55. **Mr. Nešpor** (Czech Republic) said that his delegation did not consider the time limits set for the detention of migrants to be in breach of the Covenant. The use of a maximum time frame for the detention of migrants — 90 days for minors and 545 days for adults — was in accordance with the return directive of the European Union setting out procedures for returning illegal migrants from non-member States. The maximum period for the detention of a minor was only used in cases where the minor was considered to present a serious threat to public or State security; there had been fewer than 10 such cases in the past year. The maximum detention period was mainly used to determine whether persons who claimed to be unaccompanied minors were indeed minors, since there had been cases of fraud in the past.

56. The detention of adults for up to 545 days was subject to review by the courts and an administrative body, and was applicable in cases where the initial 180-day period was insufficient due to serious obstruction of expulsion or a persistent and serious refusal to cooperate or provide accurate information for the issuance of a travel document.

57. Many migrants, when offered the choice, did not make use of the option to post bail rather than be detained. It was not possible to take the feasibility of return to a migrant's home country into account when deciding to prolong detention, since there was no provision for consideration of the feasibility of return in law. Fewer migrants had been detained in 2012 than in 2011, and the average length of detention was 76 days.

58. Asylum seekers living in reception centres were not considered to be in detention and were able to leave once they had completed identification procedures, undergone a medical examination and been issued with an identity document. Any stay after those steps had been completed and for a period up to 120 days was subject to court approval. Most asylum seekers completed the required steps within 14–21 days. The reasons for longer stays were usually a refusal to cooperate, the submission of forged documents or reasonable grounds for believing that an individual was a threat to public security. Children remained with their families, and children and persons with disabilities were not detained at any point during the asylum process. The facilities for asylum seekers at Václav Havel airport were not ideal since the nature of the premises and their location meant that no outdoor access could be provided. Indoor activities, including sports, music and a library, were provided instead.

59. **Ms. Binková** (Czech Republic) said that the sexual or other abuse of children was tackled through criminalization; the perpetration of a crime against a child was considered a special aggravating circumstance. The prosecution of crimes committed against children had been improved through the introduction of criminal liability for legal persons and new legislation on victims. All forms of sexual exploitation were provided for in criminal legislation and the Criminal Code of 2009 prohibited the possession of child pornography.

60. It was illegal for children aged between 15 and 18 to engage in prostitution, but they could engage in consensual sex. Cases of child prostitution were tackled through the application of the relevant articles of the Criminal Code, in the light of the specific acts committed. A police helpline and public campaigns helped teenagers to recognize the difference between coerced and consensual sex. The prevention of crimes against children

was an important element in the social and legal protection of children, and a national strategy for children's rights had been drafted with references to the relevant national and international instruments.

61. **Ms. Lišuchová** (Czech Republic) said that problems in prison facilities had been partially resolved through a presidential amnesty granted in January 2013 and the Criminal Code of 2009 provided for the increased use of alternatives to detention. Since the amnesty, the prison occupancy rate had fallen to 77 per cent and improvements were planned for several facilities. Overall, the rate of recidivism among prisoners released under the amnesty had been lower than expected; 459 prisoners who had been released in January 2013 had been reconvicted and returned to prison by the end of May 2013.

62. In 2013, 69 per cent of the prison population were in employment. Although remuneration rates for prisoners were set by governmental decree, prisoners were employed by private-sector companies and were allowed to work if they were fit, willing and able to do so. Citing the definition of defamation in the Criminal Code, she said that all cases of defamation were heard before an independent court. A key element in defining defamation was the truthfulness or otherwise of the information that was potentially harmful to an individual or his or her reputation. If the information was true, it was not considered defamation.

63. Her Government did not consider itself to be in breach of the Committee's general comment No. 34 and viewed restrictions on the freedom of expression and access to information as permissible when provided for by law and necessary for the respect or reputation of others. The principles of necessity and proportionality were taken into account by the relevant legislative provisions. The Charter of Fundamental Rights and Freedoms was part of the Constitution and therefore of the highest form of law.

64. Every person had the right to choose his or her legal aid representative by making a request to the court or the national bar association or could let the court decide. A system of trustees ensured that any person with limited legal capacity could access legal assistance. Minors were also able to ask the court or the bar association for legal aid, or were provided with a legal representative by the court. No data were available on the number of cases that involved legal aid.

65. The need for a special approach to children in the criminal justice system was recognized and all persons involved in legal proceedings received training in how to deal with children. The training was provided by the academies operated by the police and the Ministry of Justice. There was no life imprisonment; prisoners receiving life sentences were able to apply for release after 20 years.

66. There were three situations in which pretrial detention was applied: if there was a danger that the offender might abscond, if the offender was at risk of trying to influence witnesses or if it was likely that the offender would repeat the offence. Offenders who tried to influence witnesses could usually be held for up to 3 months. The longest possible period of pretrial detention was 4 years, which was only applicable in serious and complex cases and must be approved by a court. The courts and law enforcement authorities monitored the use of pretrial detention and could file a request to end the detention if no reasonable grounds for it were found.

67. **Ms. Rybová** (Czech Republic) said that, following the ruling of the European Court of Human Rights on involuntary hospitalization, a working group with representatives of Government ministries and NGOs had been established to discuss the implementation of the court's ruling. Among the recommendations made by the group were proposals to amend the Code of Civil Procedure so as to strengthen patients' rights throughout legal proceedings, and to publish information for lawyers and hospitals on how to improve

communication with the courts and increase the role of lawyers in proceedings. Leaflets on patients' rights had been distributed to hospitals.

68. **Ms. Baršová** (Czech Republic) said that the decision of the European Court of Human Rights of October 2012 relating to the treatment of a psychiatric patient would be taken into consideration when developing reforms to the services provided in psychiatric hospitals. The most recent annual report of the national human rights commission had highlighted the October 2012 judgement on involuntary hospitalization issued by the European Court.

69. **Mr. Shany** asked why reception centres were not regarded as places of detention, given that persons held in them were not free to leave. Due to the importance attached to the feasibility of deportation in law at the regional level, he wished to know the extent to which feasibility was considered during the decision-making process prior to the detention of migrants awaiting deportation.

70. **Ms. Baršová** (Czech Republic) thanked the Committee members for their comments and questions. It was useful to hear the views of the Committee, in particular because they could lend support to the Government Department of Human Rights when it sought the allocation of resources to implement the Covenant.

71. **The Chairperson** thanked the delegation for the open and informative dialogue. It nonetheless remained unclear why net beds were considered necessary and, if they were necessary, why their use was being reduced. He highlighted continuing problems in the areas of discrimination against Roma, domestic violence, trafficking in persons and the treatment of persons detained on grounds of mental ill health.

The meeting rose at 1 p.m.