

Franet National Contribution to the Fundamental Rights Report 2021

Czechia

Contractor's name: Institute of Sociology of the Czech
Academy of Sciences

Authors' name: Daniel Askari, Edit Szénássy, Tereza
Stöckelová

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Policy and legal highlights 2020

Franet country study: policy and legal highlights 2020	
Issues in the fundamental rights institutional landscape	Controversial new Ombudsperson took office: The new Ombudsperson, who took the office of the Public Defender of Rights on 19 February amidst much criticism from activists and public intellectuals , has since claimed that the discrimination of Roma is a marginal issue in Czech society, reasoning that his office receives only few complaints regarding this matter.
EU Charter of Fundamental Rights	Important book about the Charter published: An edited volume authored by lawyers-academics, highlighting the use of the Charter in EU and Czech policy formation, was published on occasion of the tenth anniversary of the Charter's binding nature.
Equality and non-discrimination	Litigation in relation to the legal requirement of sterilisation for trans people who apply to change their legally assigned sex continues: The Constitutional Court has not yet issued a decision in the case referred by the Second Chamber of the Constitutional Court considering whether the provisions of domestic law requiring sexual sterilisation before legally assigned sex can be changed are unconstitutional.
Racism, xenophobia & Roma integration	Online hate speech increasingly recognised as a criminal act by courts: A study of the Ombudsperson's Office analysing district courts decisions between 2016 and 2019 found that while no systematic monitoring of unlawful online content exists, the number of court sentences concerning online hate cases is on the rise.
Asylum & migration	Restrictions to changing employment for third-country nationals relaxed: According to a 16 October special measure in relation to the COVID-19 pandemic, third-country nationals with a work permit are allowed to change employment without fulfilling the requirement of having worked at the previous place of employment for at least six months.
Data protection and digital society	Importance of data protection in smart quarantine measures underlined: The Office for Personal Data Protection reminded in April that the conditions of digital tracing of private persons in relations to the COVID-19 pandemic, including mobile phone apps, must be made public and authorities must keep continuous check on data protection issues.
Rights of the child	Deputy Ombudsperson criticised unsystematic approach of care facilities for children during the spring lockdown: In her report to the government Committee for the Rights of the Child, the Deputy Ombudsperson stated that, especially in the first weeks after the emergency measures were introduced in March, care facilities for children in state institutional care lacked clear guidelines. As a result,

	facilities resorted to setting their own rules about family visits and similar matters.
Access to justice, including victims of crime	No progress on the ratification of Istanbul Convention: Although it had planned to do so in July 2020, the Government did not formally propose the Convention's ratification to the Parliament.
Convention on the Rights of Persons with Disability	New legislation curbing the rights of persons with disabilities to access education proposed: NGOs have expressed criticism of a draft decree proposed by the Ministry of Education which would partially withdraw personal assistants who are currently provided to students with special assistance needs.

Chapter 1. Equality and non-discrimination

1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

Older people

The Public Defender of Rights (an institution serving as an informal anti-discrimination body in the Czech Republic, with no power to adjudicate cases in a manner binding on parties) has published an opinion related to the discrimination of older people in connection with the provision of consumer credit. The Defender concluded that the refusal of a consumer credit provider to provide credit to applicants over a certain age constituted unlawful discrimination based on age. Such a policy could not be justified, even when the provider was pursuing the legitimate interest of not providing credit to consumers who would be unlikely to repay it. Other, non-discriminatory policies, should promote this interest.¹

LGBTI people

In the early stages of adopting travelling restrictions in relation to the Covid-19 pandemic, the Czech government used wording in relevant legal provisions that

¹ Public Defender of Rights (2020), [Opinion of the Public Defender of Rights: An Older Person Cannot Be Refused Short-term Credit Based on His or Her Age](#), 21 July 2020.

raised questions about its application to same-sex couples. Originally, the ban on entering the Czech Republic did not apply to 'family members – spouses and minors – of EU citizens and citizens of the Czech Republic eligible to enter Czech territory'.² While there was no publicly known litigation related to the issue, the wording strongly suggested that the exception only applied to married couples, and therefore not same-sex couples, who cannot be legally married in the Czech Republic.³ This issue was rectified on 27 April 2020, when the Government adopted a new measure limiting entry to the Czech Republic that clearly stated that all family members, including same-sex partners, were now exempt from the ban.⁴

The Chamber of Deputies of the Czech Parliament has not returned to the bill on equal marriage that was put forward by a group of MPs in 2018; the bill was last debated in March 2019 with no specific result.⁵ This draft legislation is of major importance due to the exceptional significance of the issue of same-sex marriage for LGBTI equality.

Litigation has continued in relation to the legal requirement of sterilisation for transgender people who apply to change their legally assigned sex.⁶ In a 2019 judgment,⁷ the Supreme Administrative Court refused to follow the ECHR judgment in case of *A.P., Garçon and Nicot v. France*,⁸ which ruled the legal requirement of sterilisation in violation of Art. 8 of the Convention. The applicant in that case has filed a constitutional complaint against the Supreme Administrative Court judgment. On 11 February 2020, the Second Chamber of the Constitutional Court referred the case to a Full Court to consider whether the relevant provisions of domestic law, requiring sterilisation before legally assigned sex can be changed, are unconstitutional.⁹ The Full Court has not yet issued a decision in the case; usually, such proceedings last anywhere from one to three years.¹⁰

In 2020, there has been no further development on the 2018 Government initiative to abolish sterilisation as a legal requirement for a change of legally

² Czech Republic (2020), [Government Decision no. 387, adopting a crisis measure, published under no. 150/2020 Coll.](#) Art I(1)(a).

³ Czech Republic, [Civil Code, No. 89/2012 Coll.](#) Section 655.

⁴ Czech Republic (2020), [Government Decision No. 443, adopting a crisis measure, published under no. 193/2020 Coll.](#) Art I(1)(a).

⁵ [Bill no. 201](#); 8th election period of the Chamber of Deputies.

⁶ Czech Republic, [Civil Code, No. 89/2012 Coll. Section 29\(1\)](#).

⁷ [Judgment of the Supreme Administrative Court of 30 May 2019, No. 2 As 199/2018 - 37.](#)

⁸ [Judgment of the European Court of Human Rights of 6 April 2017, No. 79886/12, 52471/13 and 52596/13, A.P., Garçon and Nicot V. France.](#)

⁹ [Decision of the Second Chamber of the Constitutional Court of 11 February 2020, No. II. ÚS 2460/19.](#)

¹⁰ See [the list of undecided cases on the Constitutional Court's website](#); the relevant proceedings have been assigned the number Pl. ÚS 2/20.

assigned sex.¹¹ This draft legislation is of major importance in relation to the litigation before the Constitutional Court.

Beyond the abovementioned developments, there have been two noteworthy Supreme Court cases indirectly related to discrimination of LGBTI people. In the first one, the Supreme Court ruled a person who shared a common household with a deceased person for the relevant period must be considered his or her inheritor, regardless of their respective sexual orientations (although in the specific case, the plaintiff lost for other reasons).¹² In another case, the Supreme Court ruled it was criminal extortion to threaten an MP, who had not made his minority sexual orientation public, with public revelation of this personal information; according to the Supreme Court, every person must be free to publicly disclose his or her sexual orientation or keep it private.¹³

2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.

The Public Defender of Rights has published its annual report on protection against discrimination for the year 2019.¹⁴ The report notes that discrimination based on age was the third most frequent reason for complaints filed with the office; there were 48 such cases.¹⁵ In six cases, age discrimination was combined with gender discrimination.¹⁶ There have only been four cases of alleged discrimination based on sexual orientation.¹⁷

According to a survey published in January 2020, 67% of respondents supported same-sex marriage; 78% supported allowing adoption of a child of one's same-sex partner, while 62% supported adoption of children by same-sex couples in general. The public poll agency Median conducted the survey with 1000 adult respondents from all over the Czech Republic.¹⁸

¹¹ See the [2018 draft bill, internally proposed by the Ministry of Justice, and related documents](#).

¹² [Judgment of the Supreme Court of 2 April 2020, No. 24 Cdo 3958/2019 - 200](#).

¹³ [Judgment of the Supreme Court of 15 January 2020, No. 8 Tdo 1584/2019 - 568](#).

¹⁴ [The Public Defender of Rights, The Annual Report on Protection against Discrimination in 2019, published 2020](#).

¹⁵ *Ibid.*, p. 10.

¹⁶ *Id.*

¹⁷ *Ibid.*, p. 11.

¹⁸ The original survey is not publicly available; however, its findings were published by Czech Radio in an [article from 23 January 2020, Czechs Support Same-sex Marriage](#).

In 2020, no academic literature relevant to the topics of discrimination of older people and LGBTI people has been published. There have been no new noteworthy practices related to discrimination based on age and sexual orientation.

Chapter 2. Racism, xenophobia and related intolerance

1. Legal and policy developments relating to the application of the Racial Equality Directive

No significant positive developments were identified regarding the ongoing infringement procedures against Czech Republic for the implementation of the Racial Equality Directive in terms of Roma segregation in education (see chapter 3). On 15 September, the Committee for the Education of Roma of the Government Council for Roma Minority Affairs held a meeting in which they confirmed their disagreement with the changes to Order No. 27/2016 Coll. on educating students with special education needs, which has also been criticised by civil society organisations (see chapter 3). The Czech Society for Inclusive Education¹⁹ and EUDin²⁰ protested against the legislation proposed by the Ministry of Education, Youth and Sports to change measures that currently ensure increased support for children with special education needs. The organisations claim that the changes will negatively affect Roma pupils from socially excluded localities, who because of the proposed changes are likely to receive less

¹⁹ Czech Society for Inclusive Education (2020), The Position of COSIV on the Proposed Changes to the Order on Special Education Needs: Why It Is pivotal to Categorically Reject the Changes Proposed by the Ministry of Education, Youth and Sports ([Stanovisko ČOSIV k návrhům na změny vyhlášky SVP: Proč je třeba návrh na změny kategoricky odmítnout](#)), press release 8 September 2020.

²⁰ EUDin (2020), Press release: Inclusive Order – Unthoughtful Effort to Save Money Will Harm Children and Complicate the Running of Schools ([Tisková zpráva: Inkluzivní vyhláška – Nepromyšlená snaha ušetřit ublíží dětem a zkomplikuje práci školám](#)), press release 15 September 2020.

extracurricular support. According to the Committee for the Education of Roma, the planned legislative changes constitute a step backwards with regard to inclusive education.²¹

In September 2020, the Public Opinion Research Centre of the Institute of Sociology of the Czech Academy of Sciences examined the opinions of the Czech public on special schools and inclusive education.²² The survey is based on questionnaires (combination of computer-assisted personal interviewing (CAPI) and paper and pencil interviewing (PAPI)) and is representative, based on data provided by the Czech Statistical Office. Citizens older than 15 years of age had to answer closed interview questions. The number of interviewers was 152; the number of respondents was 951. According to the survey results, 30 % of respondents agree that Roma children should be educated in segregated schools and 26 % opined that children who have other citizenships than Czech should also not be admitted to mainstream schools. When comparing the current survey with the same survey in 2014, the results show an increased support for the inclusive education of Roma children, as in 2020 6% more respondents support the inclusive education of Roma children compared to 2014. However, 8% less respondents showed support in 2020 for the inclusive education of children who are foreign nationals, compared to 2014.

In a July interview with the online newspaper Seznam Zprávy²³, the public Defender of Rights Stanislav Křeček, who took office on 19 February amidst much criticism from activists,^{24,25} claimed that the discrimination of Roma is a marginal issue in Czech society, reasoning that his office receives only few complaints regarding this matter. In a blog post on Aktuálně.cz on 9 July²⁶, Mr Křeček appealed to Roma who feel discriminated with the following sentences: "I respect exceptions, but if you claim that no one wants to employ you, why don't you get self-employed? (...) They don't want to allocate you a flat? Why don't you build houses and flats yourselves like thousands of other non-Roma cooperative

²¹ Government Council for Roma Minority Affairs (2020), Minutes of the meeting of the Committee for the Education of Roma ([Zápis z jednání Výboru pro vzdělávání Romů](#)), 15 September 2020.

²² Public Opinion Research Centre (2020), The public on special schools and inclusive education – September 2020 ([Veřejnost o speciálních školách a inkluzivním vzdělávání – září 2020](#)), Institute of Sociology of the Czech Academy of Sciences, press release 8 October 2020.

²³ Birdmanová, M. (2020), Křeček: I don't support any type of segregation of Roma. But they should also not be subject to special treatment ([Křeček: Žádnou segregaci Romů nechci. Ať ale nemají zvláštní zacházení](#)), *Seznam Zprávy*, 14 July 2020.

²⁴ Romea.cz (2020), [Czech Police arrest opponents of new ombudsman who blockaded his access to the office on his first day](#), 20 February 2020.

²⁵ Noubel, F. (2020), [Czech Parliament elects ombudsman with history of racial discrimination](#), *Global Voices*, 14 February 2020.

²⁶ Křeček, S. (2020), Black Lives Matter and the others ([Black Lives Matter a ti druzí](#)), *Aktuálně.cz*, 9 July 2020.

members in our country? Why do you always just wait and expect that someone gives you something?” Only a few weeks after the Ombudsman took office, over 350 public intellectuals and lawyers signed an open letter addressed to Mr Křeček, claiming that his public statements are sometimes arbitrary and do not confirm to human rights standards.²⁷

2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime

The Ministry of the Interior’s Security Policy Department issues annual reports on extremism and hate/bias crime.²⁸ According to the most recent report (issued in 2020), in 2019 the Police identified 170 criminal acts motivated by prejudicial hatred, and 144 people were charged with crimes of racist, ethnic or other hate motives. Forty-nine people were sentenced for such crimes. The report also notes that, recently, public authorities have expressed increased interest in combatting online hate content and fighting expressions of hate on the Internet has become a priority for both the Police and general prosecutors.

A research report authored by the Institute of Criminology and Social Prevention, which is a research organisation within the Ministry of Justice, mapped the general population’s views on crime prevention.²⁹ The survey was conducted in the period 2017-19 and is representative, being conducted on 3,019 respondents over the age of 15 (CAPI method). One of the questions focused on non-European refugees, and the extent to which the Czech Republic should support them. About one-third of respondents supported the claim that refugees should be provided with short-term shelter, 31% rejected the idea that refugees should be provided with shelter and instead suggested that support to refugees should be provided in their home-countries. About 30% of respondents opposed giving any support to refugees from

²⁷ The open letter is [available online](#).

²⁸ Ministry of the Interior, Security Policy Department (2020) Report on Manifestations of Extremism and Prejudicial Hatred on the Territory of the Czech Republic in 2019 ([Zpráva o projevech extremismu a předsudečné nenávisti na území České republiky v roce 2019](#)), Praha.

²⁹ Holas, J. (2020) Security, criminality and prevention ([Bezpečí, kriminalita a prevence](#)), Praha, Institute of Criminology and Social Prevention.

conflict areas. Less than 10% agreed that refugees should have a chance to settle permanently in the Czech Republic.

In October, the Office of the Public Defender of Rights published a research study analysing the decisions of district courts regarding hate crimes committed in the online domain in the period from January 2016 to June 2019.³⁰ The study reflects the legal standing on 31 December 2019 and processes

47 cases of online hate crime. The results show that, during the designated period, only 29 % of district courts (25 out of 86 courts) experienced cases of hate on the internet and usually only cases that are publicised in the media are prosecuted. There is no systematic monitoring of unlawful online content, but the number of court decisions concerning online hate cases is on the rise. In 60% of cases, expressions of hate target population segments marked by a certain nationality, ethnicity, skin colour, religion, and sexual orientation or similar. In about one-third of the cases, the expressions of hate target specific individual people or specific groups of people. The victims of hate crime on the internet are most often Roma (49%) and Muslims (23%). The perpetrators are in 94% of the cases men, of whom in 94% of cases there is no reason to assume that they belong to any type of minority. Most cases that were prosecuted by the courts are hate speech on the social media platform Facebook (83%), and in 91% of cases, the perpetrator was found guilty in the first round of proceedings. In 63% of the court proceedings in which the defendant was found guilty, the court gave a suspended sentence (on average 24 months of probation). In 23% of cases, the perpetrator received a fine (on average 15,800 CZK, the equivalent of € 600) accompanied by an alternative sentence. The authors of the study stated that they faced several obstacles while preparing the report. Deficient data, difficulties in accessing court cases, and unified record keeping practices most often hindered their analysis.

In June and July, the NGO In Iustitia, which focuses on hate crime and hate speech, conducted an online survey with civil society organisations who have people living with a disability as their target group.³¹ The survey mapped the prevalence of verbal, physical, and sexual violence against disabled people based on the experiences of organisations who work with this group and 335 organisations filled it out. Fifty-two percent of the organisations claimed that, in

³⁰ Office of the Public Defender of Rights (2020), Expressions of hate on the internet and the decision-making of Czech courts ([Nenávistné projevy na internetu a rozhodování českých soudů](#)), Brno.

³¹ Walach, V., B. Petruželka, K. Kalibová (2020), Violence and prejudicial violence against people with a disability from the perspective of organisations working with this target group ([Násilí a předsudečné násilí proti lidem se zdravotním postižením z pohledu organizací pracujících s touto cílovou skupinou](#)), Praha, In Iustitia.

the past three years, they registered at least one incidence of violence against their disabled clients and about one-third of all organisations registered prejudicial violence. Eighteen percent reported that their employees experienced hate speech or hate crime in the past because they provide services to disabled people.

No report or survey on hate crime or hate speech in connection with the coronavirus pandemic was identified.

Chapter 3. Roma equality and inclusion

1. Measures and developments addressing Roma/Travellers

According to the Government Council for Roma Minority Affairs, no significant legal developments took place in 2020 with regard to the Roma community in the Czech Republic, and the Strategy for Roma Inclusion for the period 2021-2030 is to be approved later this year.³² No significant positive developments were identified regarding the ongoing infringement procedures against the Czech Republic for the implementation of the Racial Equality Directive in terms of Roma segregation in education (see chapter 2).

In 2019, the Committee of the Government Council for Roma Minority Affairs addressed the issue of increased Roma participation in security forces.³³ In 2020,

³² E-mail communication with the Government Council for Roma Minority Affairs on 30 September 2020.

³³ Government of the Czech Republic (2020), 'Discussion point 1: Review of tasks from the meeting on 3 February 2020 of the Government Council for Roma Minority Affairs' (Bod jednání 1 Kontrola úkolů ze zasedání Rady vlády pro záležitosti romské menšiny konaného 3. února 2020), Government Council for Human Rights and Minority Protection.

the Council's Working Group on Security in cooperation with the Ministry of the Interior and the Police of the Czech Republic designed a campaign targeting the recruitment of ethnic minorities in the police forces. The campaign is in its final stages of preparation.

In cooperation with the Research Institute for Labour and Social Affairs, the official research facility of the Ministry of Labour and Social Affairs, the government has continued its efforts to establish a methodology for the collection of ethnically segregated data. In September, the Government Commissioner for Human Rights organised a roundtable discussion on this topic, where legislative obstacles to ethnic data collection were debated.³⁴ According to civil society sources, owing to the absence of targeted research and ethnically segregated data it is difficult to assess the extent to which the Roma Inclusion Strategy has positively influenced the lives of Roma in the Czech Republic.³⁵ A Roma policy expert and activist claimed that, because ethnically disaggregated data is not available, it is difficult to measure any aspect of Roma inclusion, such as participation in public life, employment, housing, education, or anti-Gypsyism, meaningfully.³⁶

On 11 September, the Deputy Ombudsperson Monika Šimůnková called on decision-makers to address the issue of women who were sterilised without consent and have a right to financial compensation.³⁷ In a press release, Ms Šimůnková pointed out that in 2019 a group of Members of Parliament had already proposed a draft law for the Chamber of Deputies addressing the financial compensation of these women, but that the draft law has yet to be discussed. While the draft law and Ms Šimůnková's press release do not mention ethnicity, a 2005 report by the late Ombudsperson Otakar Motejl already addressed the fact that the majority of women who were unlawfully sterilised between the 1970s and the time when the report was issued were of Roma ethnicity.³⁸

³⁴ E-mail communication with the Government Council for Roma Minority Affairs on 30 September 2020.

³⁵ Czech Republic (2020), Annual Report of the Government Council for Roma Minority Affairs for the Year 2019 (Výroční zpráva o činnosti Rady vlády pro záležitosti romské menšiny v roce 2019), Praha, Government Council for Roma Minority Affairs.

³⁶ Communication via e-mail with an independent Roma policy expert and activist on 15 September 2020.

³⁷ Ombudsperson (2020), Unlawfully sterilised women have a right to compensation, asserts the Deputy Ombudsperson ([Nezákonně sterilizované ženy mají právo na odškodnění, vyzývá zástupkyně ombudsmana](#)), press release 11 September 2020.

³⁸ Motejl, Otakar (2005) Public Defender of Rights, 'Final Statement of the Public Defender of Rights in the Matter of Sterilisations Performed in Contravention of the Law and Proposed Remedial Measures', Brno.

In a July interview with the online newspaper Seznam Zprávy,³⁹ the public Defender of Rights Stanislav Křeček, who took the office on 19 February amidst much criticism from activists,^{40,41} claimed that the discrimination of Roma is a marginal issue in Czech society, reasoning that his office receives only few complaints regarding this matter (for further details see chapter 2).

In September 2020, the Public Opinion Research Centre of the Institute of Sociology of the Czech Academy of Sciences examined the opinions of the Czech public on special schools and inclusive education⁴² and found that 30% of respondents agree that Roma children should be educated in segregated schools (for further details see chapter 2). These results show an increased support for the inclusive education of Roma children, as, in 2020, 6% more respondents support the inclusive education of Roma children compared to 2014.

2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

There is no comprehensive information research or analysis about the effects of the COVID-19 pandemic and the concomitant economic downturn on Czech Roma. No particular governmental or ministerial measures targeted Roma people, and no Roma communities were placed under selective lockdown.

³⁹ Birdmanová, M. (2020), Křeček: I don't support any type of segregation of Roma. But they should also not be subject to special treatment ([Křeček: Žádnou segregaci Romů nechci. Ať ale nemají zvláštní zacházení](#)), *Seznam Zprávy*, 14 July 2020.

⁴⁰ Romea.cz (2020), [Czech Police arrest opponents of new ombudsman who blockaded his access to the office on his first day](#), 20 February 2020.

⁴¹ Noubel, F. (2020), [Czech Parliament elects ombudsman with history of racial discrimination](#), *Global Voices*, 14 February 2020.

⁴² Public Opinion Research Centre (2020), The public on special schools and inclusive education – September 2020 ([Veřejnost o speciálních školách a inkluzivním vzdělávání – září 2020](#)), Institute of Sociology of the Czech Academy of Sciences, press release 8 October 2020.

In September, the civil society organisations Czech Society for Inclusive Education⁴³ and EUDin⁴⁴ protested against the legislation proposed by the Ministry of Education, Youth and Sports to change measures that currently ensure increased support for children with special education needs, including children coming from socially excluded localities (see chapter 2). Specifically, the NGOs claimed that the proposed changes to Order No. 27/2016 Coll. on educating students with special education needs and Governmental Measure No. 75/2005 Coll. on stipulating the extent/scope of direct education, direct pedagogical, direct special pedagogical and direct pedagogical-psychological activities of education workers will curb the existing education support mechanisms. Amongst others, the changes will negatively affect Roma pupils from socially excluded localities, who because of the proposed changes are likely to receive less extracurricular support. The NGOs claim the proposed changes to 75/2005 Coll. mean that schools will need to financially cover pedagogical intervention (extracurricular support) from their own sources, without any extra compensation for teachers. The current measure states that pedagogical intervention is ensured from state resources for 1-3 hours per week for children with special education needs, but the proposed changes do not provide a minimum number of hours and do not even guarantee that students will receive the essential extra support.

⁴³ Czech Society for Inclusive Education (2020), The Position of COSIV on the Proposed Changes to the Order on Special Education Needs: Why It Is pivotal to Categorically Reject the Changes Proposed by the Ministry of Education, Youth and Sports ([Stanovisko ČOSIV k návrhům na změny vyhlášky SVP: Proč je třeba návrh na změny kategoricky odmítnout](#)), press release 8 September 2020.

⁴⁴ EUDin (2020), Press release: Inclusive Order – Unthoughtful Effort to Save Money Will Harm Children and Complicate the Running of Schools ([Tisková zpráva: Inkluzivní vyhláška – Nepromyšlená snaha ušetřit ublíží dětem a zkomplikuje práci školám](#)), press release 15 September 2020.

Chapter 4. Asylum, visas, migration, borders and integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

EUMS/ Republic of North Macedonia, Republic of Serbia	Category of TCN	Brief description of the measure	Legal source (legislation or case law as relevant) with hyperlink	Comments
	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies	<p>During the period of the state of emergency between 12 March 2020 and 17 May 2020, all TCNs residing in the Czech Republic legally were allowed to remain without fulfilling any further formal or material requirements.</p> <p>Due to the high number of COVID-19 cases, the Czech government has again declared the state of emergency beginning on 5 October 2020</p>	Art. II of the Government decision no 198, on an emergency measure, published under no. 71/2020 Coll.	The measure ended automatically with the end of the state of emergency. While there was no formal transitional measure, the Ministry of Interior published a notice , according to which no TCNs unlawfully residing in the Czech Republic would be penalised until 16 July 2020, unless they had already lacked legal

		<p>(it is currently scheduled to end on 12 December 2020, but could be extended). With a narrow exception related to work permits (see below), no special measures concerning TCN, similar to those applicable in the spring, have been adopted. Thus, TCN whose residence permit has lapsed and who cannot leave the country due to the pandemic can only rely on ordinary legal procedures, such as requesting a toleration visa or a stay of expulsion. The state of emergency was extended until 23 December 2020, subsequently until 22 January 2021, but no new measures concerning TCNs have been adopted.</p>		<p>status prior to the state of emergency.</p> <p>According to information received from NGOs (primarily InBáze, z.s.), TCNs unlawfully residing in the country were penalised after 16 July 2020, a standard extradition procedure was carried out with them.</p> <p>No additional measure tolerating the presence of TCNs was adopted after the 16th of July 2020.</p>
	<p>Holders of visas issued based on the Visa Code No. 810/2009 (as</p>	<p>The measure described above applied.</p>		

	last amended by Regulation (EU) No. 2019/1155 (Schengen visas)			
	Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation (Regulation (EU) 2018/1806)	The measure described above applied.		
	Holders of long-term visas issued by the EUMS (under Regulation (EU) No. 265/2010 and beyond, under national law)	The measure described above applied.		
	Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as last amended by	The measure described above applied.		

	Regulation (EU) 2017/1954)			
	Holders of local border traffic permit under Regulation (EC) No. 1931/2006	The measure described above applied.		
	Any other category of TCN not listed above.	<p>A special measure has been adopted in relation to TCNs with a working permit. The validity of all permits was automatically prolonged until 16 November 2020, provided the TCN’s work contract has not expired. This measure has not been extended, even though the second state of emergency has lasted beyond 16 November 2020.</p> <p>On 16 October 2020, a special measure has been adopted allowing TCN with an employee card or a blue card (i.e. long-term residency for employment purposes) to change employment without fulfilling</p>	<p>Government Decision no. 875.</p> <p>Government Resolution no. 1050</p>	The special measure of 16 October 2020 has been adopted in relation to the COVID-19 pandemic (it is explicitly stated in the text of the measure). It is valid until the end of the state of emergency (as in the spring, when a similar special measure was in force until the end of the state of emergency, i.e. until 17 May 2020).

		<p>any of the usual requirements, provided the new employer is classified as providing or aiding crisis measures during the state of emergency. The change must only be notified to the Ministry of Interior with a statement from the employer confirming participation in crisis measures. Further, all TCN with an employee card or a blue card have been allowed to change employment without fulfilling the usual requirement of having worked at the previous place of employment for at least six months.</p>		
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Chapter 5. Information society, privacy and data protection

1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.⁴⁵

In 2020, there have been no developments in the legal framework governing data retention.⁴⁶ The information provided on FRA's website in relation to changes in the national framework in reaction to the CJEU judgment in the case *Digital Rights Ireland* does not need update.⁴⁷ However, it should be noted that Czech domestic legislation did not need to be changed in reaction to that judgment because the Czech Constitutional Court had already reached similar conclusions in 2011.⁴⁸

The Office for Personal Data Protection (OPDP) has issued two opinions related to Covid-19 measures. In the first one,⁴⁹ it pointed out that while public health protection was a legitimate purpose for collecting personal data on the part of the state, the standard rules of proportionality still applied. Data collected by the state within test and trace programmes could only be used for this specific purpose, and had to be discarded as soon as they were no longer needed.⁵⁰ The OPDP also pointed out that while collecting information about visitors to private establishments, such as restaurants, was possible on a voluntary basis; the collected information had to be discarded within two weeks so as not to breach the principles of data protection.⁵¹

Secondly, the OPDP published an opinion related to a government testing and tracing scheme called Smart Quarantine, which also includes an app.⁵² The OPDP pointed out that all the general rules of data protection applied to this app, even in the

⁴⁵ Also see the May country report for FRA by the Institute of Sociology of the Czech Academy of Sciences (2020), [Coronavirus pandemic in the EU – Fundamental Rights Implications, 4 May 2020](#), pp. 12-14.

⁴⁶ Czech Republic, Act on Processing Personal Information, No. 110/2019 Coll.

⁴⁷ FRA (2017), [Data Retention across the EU](#).

⁴⁸ Decisions of the Constitutional Court of [22 March 2011, No. Pl. ÚS 24/10](#); and of [20 December 2011, Pl. ÚS 24/11](#).

⁴⁹ The Office of Personal Data Protection (2020), [Data Processing as Part of Measures against the Spread of Coronavirus](#); continuously updated.

⁵⁰ The Office of Personal Data Protection (2020), [Data Processing as Part of Measures against the Spread of Coronavirus](#); continuously updated.

⁵¹ The Office of Personal Data Protection (2020), [Data Processing as Part of Measures against the Spread of Coronavirus](#); continuously updated.

⁵² The Office of Personal Data Protection (2020), *Opinion on the Extraordinary Measure of the Ministry of Health Related to the Smart Quarantine Project*, press release 2 April 2020.

extraordinary circumstances of a pandemic.⁵³ It stressed that the government could not outsource its legal authority to conduct tracing operations to private persons, unless all the relevant conditions were made public and the relevant authorities would keep continuous check on the operation.⁵⁴

There has been no new case law related to data protection beyond that already mentioned in the 2019 report.

2. Artificial intelligence and big data

MS	Actor*	Type**	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned? (yes/no)	Reference
CZ	Government	Study	The Ministry of Interior in cooperation with the Office of the	No.	No.	<i>Digital Czechia in Digital Europe. A study.</i>

⁵³ The Office of Personal Data Protection (2020), *Opinion on the Extraordinary Measure of the Ministry of Health Related to the Smart Quarantine Project*, press release 2 April 2020.

⁵⁴ The Office of Personal Data Protection (2020), *Opinion on the Extraordinary Measure of the Ministry of Health Related to the Smart Quarantine Project*, press release 2 April 2020.

			Government has published the study <i>Digital Czechia in Digital Europe</i> . The study discusses the benefits and pitfalls of e-government. It also deals with the topic of cyber-security.			
CZ	Other	Other Projects	A panel discussion was conducted by <i>Zdravotnický deník</i> magazine on the topic of personalised medicine based on big data processed through AI technologies. The discussion was attended by the	Yes.	No.	Zdravotnický deník, 13 August 2020, Personalised Medicine Could Significantly Change the Effectiveness of Medicine If Data Can Be Managed Properly.

			<p>Health Minister who set out a long-term plan to rationalise medical services with the help of centralised data collection. While ethical concerns were not the main point of the discussion, it was noted that all future development in the area must be given a legal framework, which ensures proper protection of patient rights.</p>			
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Chapter 6. Rights of the child

1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

Measures to address the specific vulnerabilities of children living in poverty	<p>Most educational facilities were closed during both the spring wave of the COVID-19 pandemic and the autumn wave. The government prepared a financial scheme to support parents who were forced to stay at home with their children because of school closures. In the spring, the care allowance was accessible to parents of children who are up to 13 years old and the amount provided was 80 % of the parent's or guardian's net salary.⁵⁵ However, in the autumn only parents whose child was younger than 10 years old could apply and the amount granted was only 70 % of the net salary.⁵⁶</p> <p>Both during the spring and the autumn wave of the pandemic, the government provided simplified access to an immediately attainable one-off financial benefit (<i>mimořádná okamžitá pomoc</i>). The conditions for eligibility varied, but the benefit could be requested to support rent payment, mortgage payments, and mobile and internet services, amongst others.⁵⁷</p> <p>In her report to the government Committee for the Rights of the Child,⁵⁸ the Deputy Ombudsperson Monika Šimůnková stated that during the nation-wide lockdown (from 12 March to 17 May), but especially in the first weeks after the emergency measures were introduced in March, care facilities for children in state institutional care had no clear instructions about personal contact between children and their family members. Since no clear guidelines were provided to facility directors, it was up to individual</p>
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⁵⁵ Ministry of Labour and Social Affairs (2020), 'The care allowance will increase to up to 80%, people working on agreements to complete a job will also gain access. Minister Maláčová's proposal has been approved by the Senate ([Ošetřovné se zvýší na 80 %, nově budou mít nárok i „dohodáři“](#)). Návrh ministryně Maláčové prošel senátem), press release 29 April 2020.

⁵⁶ Ministry of Labour and Social Affairs (2020), Crisis care allowance ([Krizové ošetřovné](#)).

⁵⁷ The conditions of the benefit are detailed on the [website of the Employment Office](#).

⁵⁸ The report was shared by the Committee for the Rights of the Child via e-mail on 23 September 2020.

facilities to formulate their own rules about family visits. The Deputy Ombudsperson noted that in the initial weeks after the lockdown some care facilities completely banned family visits. Divergent approaches were also identified in relation to home-stay vacations, as some facilities prohibited them, while others permitted stay-home vacations and even extended them to the longest period possible. Ms Šimůnková also criticised the fact that the schools adjacent to care facilities were closed, arguing that only children who were living together in the facilities attended such schools, and thus there was no risk of infecting persons outside the school/facility. The Deputy Ombudsperson sent an information leaflet detailing children's rights and living conditions to all care facilities. The leaflet contains a QR code to facilitate the children's contact with the Ombudsperson in case they want to raise an issue.

No major initiative aiming to substitute school lunches during the period when schools were closed was identified. On the contrary, the activities of civil society initiatives such as Obědy pro děti (Lunches for Children), which sponsor school lunches for over 5,000 children nationwide, were completely halted in the spring months, until schools reopened.⁵⁹

In the spring months, a number of research analyses focused on the prevalence of computers in households, with the aim of assessing children's access to distance learning. The NGOs People in Need⁶⁰ and IQ Roma Service⁶¹ as well as the Economics Institute of the Czech Academy of Sciences CERGE-EI⁶² and the Czech School

⁵⁹ For details see the websites of the NGO [Obědy pro děti](#).

⁶⁰ Communication via e-mail with People in Need on 24 June 2020.

⁶¹ Zita, M. (2020), 'Teaching without Computers or Internet. Thousands of Children Have Impeded Access to Education after School Closures' ([Učení bez počítače nebo internetu. Tisíce dětí mají po zavření škol ztížený přístup ke vzdělávání](#)), *iRozhlas*, 9 April 2020.

⁶² Korbela, V and D. Prokop (2020), 'Distance Education from the Perspective of Parents' ([Vzdělávání na dálku pohledem rodičů](#)), Institute for Democracy & Economic Analysis, Economics Institute of the Czech Academy of Sciences.

	<p>Inspectorate⁶³ concluded that children from socially disadvantaged backgrounds do not have sufficient access to computers, which negatively impacts their opportunities to participate in distance learning. While the Ministry of Education, Youth and Sports set up the online television learning programme UčíTelka (The TV Teaches) targeting the lower four primary grades from 16 March,⁶⁴ in spring it was up to civil society and businesses initiatives to ensure the donation of computers and technology.⁶⁵ The government is in the process of preparing a financial support plan to ensure that IT needs for distance learning will be covered in poor households. The details of the plan will be available later in 2020.</p>
<p>Measures to protect children from violence</p>	<p>Child protection authorities have not adopted a unified systemic approach to child protection during the period from the middle of March to the middle of May when emergency measures were in place. On 13 March 2020, the child protection authority OSPOD was compelled to limit its activities to only essential services and operations,⁶⁶ such as measures immediately protecting children from domestic violence. The applicable Guideline⁶⁷ issued by the Ministry of Labour and Social Affairs recommended that, if possible, service providers should limit personal contact with children and their families and that, if possible, alternative forms of support should be used. According to the independent expert on domestic violence from the Institute of Sociology of the Czech Academy of Sciences who conducted a qualitative research on the effects of quarantine measures on domestic violence the response of individual child protection authorities greatly varied, especially in the first</p>

⁶³ Czech School Inspectorate (2020), 'Distance Education – Interviews with School Principals' ([Distanční vzdělávání - řízené rozhovory s řediteli škol](#)), 15 April 2020.

⁶⁴ Czech Television (2020), [UčíTelka](#).

⁶⁵ Agency for Social Inclusion (2020), Donated Computers Help Equal Out Differences in Distance Education. Technology Is Not Enough on Its Own' ([Darované počítače pomáhají vyrovnávat rozdíly ve vzdělávání na dálku. Jen technika ale nestačí](#)), press release 14 May 2020.

⁶⁶ Czech Republic (2020), Government Resolution No. 194 from 12 March 2020.

⁶⁷ Ministry of Labour and Social Affairs (2020), Guideline on Child Protection during the Emergency and Quarantine Measures ([Souhrnné stanovisko k výkonu sociálně-právní ochrany dětí v situaci nouzového stavu a karanténních opatření](#)), Prague 17 March 2020.

	<p>few weeks after the emergency measures took effect.⁶⁸ While certain offices and NGOs proactively contacted families with a history of violence via phone, other child protection offices completely abstained from providing services and did not intervene even in acute cases of domestic violence.</p> <p>An internet survey⁶⁹ with 346 non-governmental organisations fielded from 27 March to 3 April 2020 revealed that 95% of NGOs devoted to children, youth, and families had concerns about the sustainability of their services because of the pandemic and related measures. The Open Society Foundation conducted the survey.</p> <p>In April, the NGO Locika introduced a hotline for parents who feel overtense or need assistance with containing their aggression towards their children (for details see Annex 1).</p> <p>The Government Committee on the Rights of Children is yet to undertake a comprehensive assessment of the impact of the pandemic on children.⁷⁰ For further details on the Government's response to the issue of domestic violence during the spring months, see the FRA COVID-19 July country report.⁷¹</p>
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2. Legal and policy measures or initiatives developed about criminal proceedings

No significant new developments were identified via desk research.

⁶⁸ E-mail communication with an expert from the Institute of Sociology of the Czech Academy of Sciences in the period August-September 2020. The study mentioned above will not be available before December 2020.

⁶⁹ Nadace OSF (2020), The Impact of the COVID-19 Pandemic on Non-governmental Organisations ([Dopady pandemie COVID-19 na neziskové organizace](#)), Prague.

⁷⁰ E-mail communication with the Government of the Czech Republic - Committee on the Rights of the Child on 10 September 2020.

⁷¹ FRA (2020), [Coronavirus pandemic in the EU – Fundamental Rights Implications, Czechia, July 2020](#), Institute of Sociology of the Czech Academy of Sciences, pp. 8-9.

Legislative changes	
Policy developments	
Other measures or initiatives	

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

There has been no change to domestic legal provisions related to victims' rights in 2020. However, the government has proposed amending the relevant legislation⁷² in order to broaden the access of victims' family members to support services in accordance with Art. 8(1) of the Victims' Rights Directive.⁷³ According to the reasons given in the draft bill, the amendment should only make clear in legal text what has already been a stable practice among the relevant authorities.⁷⁴ The bill was filed with the Chamber of Deputies on 26 August 2020 and is yet to be given its first legislative reading.⁷⁵

There have been no legal or policy initiatives specifically related to the protection of victims of crimes during the Covid-19 pandemic. Findings related to domestic violence are discussed below.

2. Violence against women

During 2020, the public debate connected with the Istanbul Convention⁷⁶ continued. While the Czech Republic signed the Convention in 2016, neither of Parliament's two chambers has yet agreed to its ratification. The current Government, specifically its Representative for Human Rights, MP Helena Válková, previously advocated the Convention's ratification.⁷⁷ However, the Government has so far failed to propose formally the Convention's

⁷² [Draft Bill No. 980/0, 8th Election Period of the Chamber of Deputies](#), p. 5.

⁷³ [Directive of the European Parliament and Council of 25 October 2012, 2012/29/EU, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.](#)

⁷⁴ [Draft Bill No. 980/0, 8th Election Period of the Chamber of Deputies](#), pp. 23, 24.

⁷⁵ See the [continuously updated information relating to the bill available on the Chamber of Deputies' website](#).

⁷⁶ Council of Europe (2011) [Council of Europe Convention on preventing and combating violence against women and domestic violence](#).

⁷⁷ Czech Republic (2020), [Concerns Related to the Istanbul Treaty Have Not Materialised in Other Countries](#), press release, 8 October 2019.

ratification to Parliament; while it had planned to do so in July 2020, there was a last-minute decision to postpone the move.⁷⁸

The Government Committee for the Prevention of Domestic Violence and Violence against Women (an advisory body) has adopted recommendations on measures to protect victims of domestic and sexual violence in relation to the Covid-19 pandemic.⁷⁹ It recommended that the Ministry of Interior continuously monitor the number of cases of domestic and sexual violence during the course of the pandemic. Further, it proposed that the Prosecutor General issues specific guidance on prosecuting crimes related to domestic violence. Recommendations were also made to the Ministry of Labour and Social Affairs to ensure that children were sufficiently protected from such crimes. The Committee's recommendations did not include any novel initiatives and only focused on ensuring that standard instruments, such as emergency accommodation for victims, remain operative during the Covid-19 pandemic. None of the listed institutions has communicated any measures adopted in response to the Committee's recommendations or measures aimed at protecting women from partner violence in general.

The Committee also dealt with the issue during its session on 18 June 2020 where it heard from witnesses.⁸⁰ While a representative of the Police reported there was no significant increase in reported cases of domestic violence during the spring lockdown, a representative of the non-governmental sector claimed the rise was about 80% during the period of strictest measures. Preliminary results of an ongoing sociological study carried out by the Institute of Sociology of the Czech Academy of Sciences were presented, including examples of best practice and of the shortcomings in the authorities' response to cases of domestic violence during the pandemic.

⁷⁸ Česká justice (2020), [The Government Has Postponed Dealing with the Istanbul Convention](#), 27 July 2020.

⁷⁹ Czech Republic (2020), [Recommendations of the Committee for Prevention of Domestic Violence and Violence against Women](#), 6 April 2020.

⁸⁰ Czech Republic (2020), [Press release of the Committee for Prevention of Domestic Violence and Violence against Women](#), 18 June 2020.

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

1. CRPD policy & legal developments

The Constitutional Court ruled that Art 13(1) of the CRPD required that special consideration be given to the procedural rights of persons with disabilities.⁸¹ Specifically, they have the right to be counselled on all available legal remedies and on options for (free) legal aid.⁸² The Constitutional Court stressed that persons with disabilities always need to be treated with respect and with regard for their human dignity.⁸³ In the specific case, a person who suffered from psychosis was criminally prosecuted for threats of violence without being sufficiently protected.⁸⁴

In September 2020, the Ministry of Education published a draft decree (an instrument of secondary legislation) that would partially withdraw the personal assistants who are currently provided to students in primary and secondary schools with special assistance needs.⁸⁵ This initiative raises questions about the right of persons with disabilities to access education according to Art 24 CRPD. The Czech Professional Association for Inclusive Education criticised the proposed measures in strong terms, claiming many pupils would lose their access to education or face significant obstacles at school.⁸⁶ The Minister of Education Robert Plaga stated the purpose of the draft decree was effectiveness in supporting pupils with disabilities and pointed out that the proposed legislation does not change core principles of education for students with special needs.⁸⁷ It remains to be seen whether and in what form the decree is actually adopted.

There have been no specific legal or policy initiatives related to the Covid-19 pandemic.

⁸¹ [Decision of the Constitutional Court of 8 January 2020, No. II. ÚS 1244/19](#), § 23.

⁸² [Decision of the Constitutional Court of 8 January 2020, No. II. ÚS 1244/19](#), § 23

⁸³ [Decision of the Constitutional Court of 8 January 2020, No. II. ÚS 1244/19](#), § 24.

⁸⁴ [Decision of the Constitutional Court of 8 January 2020, No. II. ÚS 1244/19](#), §§ 1 and 2.

⁸⁵ See [the draft decree](#) on the Government's legislative website.

⁸⁶ Czech Professional Association for Inclusive Education (2020), [Press release of the Czech Professional Association for Inclusive Education](#), 22 September 2020.

⁸⁷ iRozhlas (2020), [An Amendment to the Inclusion Decree? A Scandal, Claims President of the Professional Association](#), 16 September 2020.

2. CRPD monitoring at national level

There have been no changes to the structure established under Article 33 of the Convention. The Public Defender of Rights remains the national monitoring body, as described in detail in the 2018 report.⁸⁸

In 2020, the Public Defender of Rights published its report on monitoring the protection of rights of persons with disabilities in 2019.⁸⁹ The Defender's office made 10 visits to facilities housing persons with disabilities; no specific findings have been published so far.⁹⁰ Otherwise, the report generally deals with the methodological work of the Ombudsperson and its cooperation with relevant organisations and bodies that protect the rights of persons with disabilities.

The Office of the Ombudsperson has issued no public findings or recommendations in relation to the Covid-19 pandemic.

⁸⁸ Art. 1(7) of the [Act on the Public Defender of Rights](#).

⁸⁹ Public Defender of Rights (2020), [Monitoring the Rights of Persons with Disabilities in 2019](#).

⁹⁰ Public Defender of Rights (2020), [Monitoring the Rights of Persons with Disabilities in 2019](#), p. 20.

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.
Title (original language)	Jsme fér: manželství pro všechny ¹
Title (EN)	It's Only Fair: Marriage for All
Organisation (original language)	Amnesty International, Logos Česká republika, Mezipatra, Prague Pride, PROUD and Queer Geography.
Organisation (EN)	Amnesty International Czech Republic, Logos Czech Republic, Mezipatra, PROUD, Prague Pride and Queer Geography.
Government / Civil society	Civil society
Funding body	Individual donations, Open Society Foundation, EU Rights, Equality and Citizenship Programme 2014-2020
Reference (incl. url, where available)	https://www.jsmefer.cz/english
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Since April 2017 until marriage for all is legalised

¹ Please note that this practice was mentioned in last year

Type of initiative	Advocacy campaign
Main target group	LGBTI community, members of parliament
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The main objective of the initiative is to enable homosexual couples to enter into marriage (currently the only option is registered partnership) by amending the Civil Code. This objective is to be fulfilled by means of an advocacy campaign targeting both policy-makers and the wider population by entering into a dialogue with all political parties, politicians, public institutions, private enterprises, think-tanks, and NGOs. Project leaders hold meetings with members of parliament, senators, and ministers, lobbying about the importance of marriage for all. Some of the project's most important events have included: an international conference on marriage for all in the Czech Senate, the photo exhibition 'One Love, One Marriage' at a prestigious Prague location, a parade for marriage for all as part of Prague Pride, workshops and presentations at parliamentary clubs. The project also includes public debates throughout the country.
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 practice is sustainable (until its main objective is reached) because part of its funding comes from private donors and because many of its activities are organised or implemented by volunteers from the LGBTI community who have a personal stake in the success of the initiative.
Give reasons why you consider the practice as having concrete measurable impact	The main objective (the amendment of the Civil Code) is measurable.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	It is fully transferable to countries where marriage between homosexual persons is not yet legalised.

<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 initiative has a country-wide network of supporters made up of volunteers, mainly from the LGBTI community, who assist with the organisation of events, address politicians on the local level, and contribute to local media.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The project annually commissions a public opinion survey on support for marriage for all, the adoption of children for all, and the position of LGBTI people in society.</p>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Panenky s osobností
Title (EN)	Persona Dolls
Organisation (original language)	Člověk v tísni
Organisation (EN)	People in Need
Government / Civil society	Civil society
Funding body	In the past funding was covered by foundations and the Ministry of Education, currently it is funded by its own resources and course fees
Reference (incl. url, where available)	https://www.clovekvtisni.cz/co-delame/vzdelavaci-program-varianty/persona-dolls
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2012 – ongoing
Type of initiative	Training course for teachers
Main target group	Children in kindergartens, pupils in lower primary school (3-9 years)
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Personal Dolls method is designed to help teachers communicate with children about sensitive topics such as prejudice and intolerance. It raises children’s awareness about

	<p>otherness and develops their communication skills by teaching them to empathise with a doll that has an invented, complicated personal history reflecting societal injustice. The doll is brought into the classroom by a trained teacher at regular intervals.</p> <p>Teachers attend a nine-day (72 hours) training course accredited by the Ministry of Education, Sports and Youth, during which they learn to consciously work against prejudice and intolerance and to reflect on these issues while communicating with children. Course participants create their own doll tailored to the needs of the children in their classroom(s).</p> <p>Since the beginning of the project in 2012 at least 117 teachers completed the Personal Dolls training.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>All elements are transferable.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The method itself is a low cost activity, the course is either paid for by the participant or teachers can get funding from operational (teaching skills development) programmes.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The method is based on developing soft skills – communication and tolerance.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The method is universal.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation,</p>	<p>During the training course teachers create their own personal doll, which is tailored to the particular class or community of children in which the teachers work.</p>

review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	One thorough evaluation was carried out in 2019, but otherwise no regular evaluation process takes place. Annual meetings with course alumni (teachers) are organised, where teachers' needs are assessed.

Thematic area	<p>ROMA EQUALITY AND INCLUSION</p> <p>Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.</p>
Title (original language)	Bidaripen – Odvaha
Title (EN)	Bidaripen – Audacity
Organisation (original language)	Slovo 21
Organisation (EN)	Slovo 21
Government / Civil society	Civil society
Funding body	Olga Havel Foundation, EEA and the Norway Grants

Reference (incl. url, where available)	https://www.slovo21.cz/extensions/bidaripen-odvaha
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 April 2020 – 30 September 2021
Type of initiative	Capacity building
Main target group	Roma women
Indicate level of implementation: Local/Regional/National	Seven locations around the Czech Republic: Chodov, Chomutov, Budišov, Písek, Bruntál, Náchod, Rokycany
Brief description (max. 1000 chars)	<p>The aim of the project is to support 36 Roma women at the local level in increasing their civic competences. Roma women become empowered agents of change who are equal partners in relation to the local government. Women learn the necessary skills to identify the needs and requirements for local development and improving the quality of life, and to initiate meetings with representatives of municipalities and other stakeholders.</p> <p>The project Bidaripen builds on the experiences gained during the long-term existence of the Roma women's group Manushe (also established by the organisation Slovo 21) and expands women's knowledge and skills in community work.</p>
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 project creates a network of local women leaders who continue to support each other even after the project ends.
Give reasons why you consider the practice as having concrete measurable impact	Since the project's aim is community development, the changes that take place in a given community should be identifiable and quantifiable.

Give reasons why you consider the practice as transferable to other settings and/or Member States?	The project is transferable to states with Roma communities.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The community targets and objectives are set up by the beneficiaries.
Explain, if applicable, how the practice provides for review and assessment.	There is no particular evaluation plan, but surveys are used for some project activities. In addition, SWOT analyses are conducted during project team meetings and the results of these are incorporated into further project planning and activities.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.
	No promising practice has been identified for this thematic area.

Thematic area	RIGHTS OF THE CHILD Please provide one example of a promising practice relating to the topics addressed in this chapter.
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Title (original language)	Rodina bez násilí
Title (EN)	A Family Free from Violence
Organisation (original language)	Locika
Organisation (EN)	Locika
Government / Civil society	Civil society
Funding body	Own resources
Reference (incl. url, where available)	http://centrumlocika.cz/main-menu/koronavirus
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Since 20 April 2020
Type of initiative	A hotline for parents
Main target group	Parents who quarantine with children at home
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	A hotline was installed for parents in order to provide them with support while quarantining at home with their children. Parents are invited to call the hotline if they feel overtense or need assistance controlling any aggression they may feel towards their children. Parents who request help are offered a number of tools and techniques concerning self-care, managing expressions of violence, and fear or anxiety.
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')	N/A
Give reasons why you consider the practice as having concrete measurable impact	N/A
Give reasons why you consider the practice as transferable to other settings and/or Member States?	There are no elements which are particular to the Czech Republic.
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.	N/A

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Mobilní aplikace Bright Sky CZ
Title (EN)	Mobile application Bright Sky CZ

Organisation (original language)	Nadace Vodafone
Organisation (EN)	Vodafone Foundation
Government / Civil society	Business
Funding body	Vodafone
Reference (incl. url, where available)	https://www.nadacevodafone.cz/novinky/rekni-to-dal.-aplikace-bright-sky-muze-zachranit-zivot.html
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2020 – ongoing
Type of initiative	Mobile application
Main target group	General population, esp. people working in professions where the majority of their clients are women (cosmeticians, hairdressers, nail salon workers).
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The application serves as a tool both for victims of violence and for people who are not victims but suspect that someone they know is a victim of domestic violence. The app has several functions. It helps users evaluate whether or not they are in fact victims of domestic violence and record and save evidence of violence. The app also provides contact information on organisations that assist victims of domestic violence and it can help victims to contact the police. The software contains 15 stories inspired by real events, which serve as examples of various types of violent behaviour, such as stalking, harassment, and sexual violence.</p> <p>The application was originally introduced in the United Kingdom and it was adjusted to reflect the Czech legal context. Its development was the result of international</p>

	<p>cooperation between the Vodafone Foundation, the NGO Rosa – Centre for Women (an organisation that assists victims of domestic violence), the Ministry of Interior and the Police of the Czech Republic.</p> <p>On 8 March 2020 the Vodafone Foundation launched the campaign Share It with Others (Řekni to dál) in order to give visibility to the application. The campaign includes video spots by famous Czechs and the British ambassador to the Czech Republic.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	All elements are transferable, but the legal context must be adjusted to suit a country's particular legal framework.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The application is sustainable as long as software updates are ensured.
Give reasons why you consider the practice as having concrete measurable impact	The number of people who download and use the application is measurable.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The application is already an adaptation of the British original, which proves that it is transferable.
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.	N/A
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Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	Not available.
Title (EN)	
Organisation (original language)	
Organisation (EN)	
Government / Civil society	
Funding body	
Reference (incl. url, where available)	https://www.kvalitavpraxi.cz/projekty/umluva-v-zemich-visegradu/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	
Type of initiative	
Main target group	

Indicate level of implementation: Local/Regional/National	
Brief description (max. 1000 chars)	
Highlight any element of the actions that is transferable (max. 500 chars)	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	
Give reasons why you consider the practice as having concrete measurable impact	
Give reasons why you consider the practice as transferable to 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.	
Explain, if applicable, how the practice provides for review and assessment.	

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	28 August 2020
Reference details	Judgment of the Supreme Court 21 Cdo 3834/2018 available online at: https://nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/28DBC63E64BD3CEC1258627001DCA18?openDocument&Highlight=0 ,
Key facts of the case (max. 500 chars)	The Plaintiff brought action against her former employer, claiming that she was given notice unlawfully. She argued that there was no professional reason for her dismissal, and that she was discriminated by her employer on the grounds of her age – she was about to retire in two years. The courts of first and second instance rejected her action, stating that she failed to prove that she had been dismissed because of her age and that her arguments in support of her claims were too abstract. The Plaintiff filed an appeal to the Supreme Court, claiming, inter alia, that other employees were also fired from the company shortly before their retirement. Her appeal was upheld.
Main reasoning/argumentation (max. 500 chars)	The Supreme Court agreed that the Plaintiff did not provide enough proof to endorse her claims. On the other hand, it stated that the lower courts failed to inform the Plaintiff about her obligation to provide more evidence in support of her claims. The courts had thus neglected their duty to provide the Parties with instructions in accordance with sect. 118a (1) of Act No. 99/1963 Coll. in the Code on Civil Procedure.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Although in discrimination cases the burden of proof lies primarily with the employer, the employee – the Plaintiff – is obliged to provide available evidence supporting her claims. However, the courts must provide the parties with instructions and inform them of their obligation to prove their claims.

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Supreme Court cancelled the decision of the court of second instance. The case will be heard again by the court of second instance.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p><i>„Odvolací soud na základě skutečností, které v době jeho rozhodování žalobkyně tvrdila, učinil odpovídající závěr o tom, že se „nejedná o konkrétní a jednoznačné vylíčení rozhodujících skutečností, ze kterých by vyplývalo, že žalovaná znevýhodňuje z důvodu věku určitou skupinu zaměstnanců v předdůchodovém věku“. Přisvědčil tak obdobnému závěru soudu prvního stupně, přitom ale nezohlednil, že soud prvního stupně nepostupoval v souladu s ustanovením § 118a odst. 1 o. s. ř. a žalobkyni neposkytl poučení o povinnosti tvrdit skutečnosti, ze kterých vyplývá, že byla jednáním zaměstnavatele (žalované) znevýhodněna ve srovnání s jinými (ostatními) zaměstnanci téhož zaměstnavatele, a nápravu tohoto pochybení (nesprávně) postupem podle ustanovení § 118a odst. 1, popř. odst. 3 ve spojení s § 213b odst. 1 o. s. ř. nezjednal.“</i></p> <p>On the basis of the facts claimed by the Plaintiff at the time of its decision, the Court of Appeal concluded that ‘this is not a specific and unambiguous description of decisive facts that would show that the defendant disadvantages a certain group of pre-retirement employees on the grounds of age’. It thus endorsed a conclusion similar to that of the court of first instance. However, it failed to take into account that the court of first instance did not act in accordance with § 118a sect. 1 of the Code on Civil Procedure and did not instruct the Plaintiff on the obligation to substantiate her claim with facts showing that she was disadvantaged by the employer's (the Defendant's) conduct in comparison with the other employees of the same employer, and it (incorrectly) did not correct this mistake in accordance with sect. 118a sect. 1 or with sect. 3 in connection with sect. 213b sect. 1 of the Code on Civil Procedure.</p>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE. Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.
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Decision date	12 February 2020
Reference details	Decision of the Supreme Court No. 8 Tdo 81/2020 available online at: http://www.nsoud.cz/Judikatura/judikatura_ns.nsf/WebPrint/F43104C4B0EDC035C125853C0045154D?openDocument
Key facts of the case (max. 500 chars)	<p>The secretary of the political party SPD stated aloud in the restaurant of the Chamber of Deputies that 'gays and lesbians are a disease, they should be shot immediately after birth' and said 'gays, Jews and Gypsies – gas them all'. He was convicted of the criminal acts of incitement to hatred against a group and approval of genocide. He filed an appeal against the judgment, which was not upheld. The court of second instance (decision of the Municipal Court in Prague No. 67 To 226/2019) confirmed the conclusions of the court of first instance, stating that the secretary's conduct was correctly assessed as a criminal act of incitement to hatred against a group and criminal act of approval of genocide, as the secretary made his statement publicly and intentionally; he knew what his words meant and he was aware that potentially a large group of people would be able to hear his statement. The appellant also objected to the credibility of witnesses, but the court dismissed his arguments.</p> <p>He then appealed to the Supreme Court, claiming, inter alia, that he had not made his statement publicly and that he had not acted intentionally, as the restaurant of the Parliament is not open to the public and there were few people around him. He added that, in view of the principle of subsidiarity of criminal repression, his conduct had not reached such a level of social harm that it could be classified as a criminal act. The Supreme Court rejected his appeal.</p>
Main reasoning/argumentation (max. 500 chars)	The Supreme Court did not accept the argument that the act was not committed in public or the argument that the conduct was not intentional. The restaurant was full of people, and the defendant, as a university-educated person, should have known that his speech constituted approval of genocide. As to the subsidiarity of criminal repression, the Supreme Court stated that, with regard to the social status of the defendant (a secretary of a political party) and the fact that he delivered his speech in the Chamber of Deputies, the general courts correctly classified his act as a criminal offence.

Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>Such public announcements cannot be tolerated anywhere or from anyone, regardless of whether they are made in an area inaccessible to the public (such as the restaurant of the Chamber of Deputies) or under the influence of alcohol or election euphoria. The position of the offender, the manner in which he made his statement, and the place where he made it exclude the possibility of applying the principle of subsidiarity of criminal repression.</p>
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The Supreme Court rejected the appeal and upheld the conclusions of the general courts.</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p><i>„Jednání obviněného spočívá v poměrně nekompromisních formulacích verbálního vyjádření stran několika různých menšin, které nejen dehonestuje, ale pojí je s potřebou fyzické likvidace. Správně soudy poukazují na způsob provedení činu z pozice tajemníka politické strany (SPD) a na parlamentní půdě, byť v prostorách restauračního zařízení. Je třeba akcentovat, že obecně nelze nikde a nikým trpět taková veřejná prohlášení a výzvy, tím méně v pozici a místě, kde tak učinil obviněný, neboť je třeba si uvědomit, že projevy politických funkcionářů v parlamentních prostorách, byť omezeně přístupných, vysílají signál o možném chování elit a formují tím všeobecně vnímané vzorce chování.“</i></p> <p>'The conduct of the accused consists of relatively uncompromisingly formulated verbal statements concerning several different minorities, which not only dishonour them but also associate them with a need for physical extermination. The courts correctly point to the manner in which the act was committed from the position of the secretary of a political party (SPD) and on the premises of Parliament, even though it was in the restaurant. It should be emphasised that, in general, such public statements and appeals cannot be tolerated anywhere or from anyone, let alone in the position and place where the accused did it, as it should be borne in mind that speeches by political officials made on the premises of Parliament, though not publicly accessible, send a signal about how the elites are able to behave and thereby shape generally perceived patterns of behaviour.'</p>

Thematic area	ROMA EQUALITY AND INCLUSION
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	Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
	No case law 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. in relation to data protection, and/or artificial intelligence systems.
Decision date	27 May 2020
Reference details	Judgment of the Supreme Administrative Court No. 2 As 88/2019-29 available online at: http://nssoud.cz/files/SOUDNI_VYKON/2019/0088_2As_1900029_20200528132635_2020_0611144026_prevedeno.pdf
Key facts of the case (max. 500 chars)	The Complainant requested information on the salary of certain members of the senior staff of the Office of the President of the Republic. The Office refused to provide her with the requested information. The court of first instance dismissed the applicant's action on the ground that providing the information would unduly infringe on the right to privacy of those employees. The court endorsed the argument of the Office that the Complainant had failed to demonstrate that the provision of the information was in the public interest. The applicant filed a cassation appeal against the decision, which was upheld by the Supreme Administrative Court.
Main reasoning/argumentation (max. 500 chars)	The Supreme Administrative Court, in accordance with the decision of the Constitutional Court of 17 October 2017 no. IV. ÚS 1378/16, stated that salary data are personal data protected by the constitutional order. When deciding about whether to provide information on the salaries of public administration employees, it is always necessary to perform a proportionality test and consider whether the public interest relating to the provision of this information outweighs the right of the employees to the protection of privacy. The Supreme Administrative Court carried out a proportionality test according to the criteria set out by the Constitutional Court and concluded that in the present case the provision of the information was in the public interest.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>In the case of recipients of public funds, the provision of information is always in the public interest, but that interest does not always outweigh the right to the protection of privacy. In the case of lower-level employees, it is up to the applicant to demonstrate that there is a public interest in the information being provided. However, the higher the position of the employee, the more obvious the public interest is without the need for specific justification. The publication of the obtained data on a website is sufficient to meet the public interest condition.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Supreme Administrative Court cancelled the judgment of the Municipal Court in Prague and returned the case for further proceedings.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>„Při posuzování veřejného zájmu na poskytnutí informace o příjemci veřejných prostředků dle § 8b zákona č. 106/1999 Sb., o svobodném přístupu k informacím, musí povinný subjekt rozlišovat jím po žadateli o informace požadovanou míru osvědčení takového veřejného zájmu na základě postavení dotčené osoby. Pro zjevnost jeho existence je totiž klíčové, jaké postavení ve struktuře veřejné správy (a s tím související řídicí a organizační kompetence, odpovědnost a finanční ohodnocení) dotčená osoba má.“</i></p> <p>`When assessing the public interest with respect to the provision of information on recipients of public funds pursuant to Section 8b of Act No. 106/1999 Coll., on Free Access to Information, the obliged entity shall determine the level of evidence of public interest requested from the applicant depending on the status of the person concerned. The key to the obviousness of its existence is the position of the person concerned within the structure of public administration (and the related managerial and organisational competence, responsibility, and financial evaluation).’</p>

<p>Thematic area</p>	<p>RIGHTS OF THE CHILD Please provide the most relevant high court decision relating to the topics addressed in this chapter.</p>
<p>Decision date</p>	<p>25 February 2020</p>

Reference details	Decision of the Constitutional Court (Ústavní soud) No. IV. ÚS 950/19 - 2 available online at: https://nalus.usoud.cz/Search/ResultDetail.aspx?id=111493&pos=1&cnt=2&typ=result
Key facts of the case (max. 500 chars)	The Plaintiff was convicted of the criminal act of the illicit manufacturing and handling of narcotic drugs, psychotropic substances, and poisons. The court of first instance imposed a suspended sentence on him, but the court of appeal tightened the sentence and imposed an unconditional sentence of imprisonment. Following an unsuccessful appeal to the Supreme Court, the Plaintiff filed a constitutional complaint, alleging, inter alia, that the court of second instance and the Supreme Court had not taken into account the best interest of his child when imposing an unconditional sentence. However, the Constitutional Court rejected his complaint.
Main reasoning/argumentation (max. 500 chars)	In this decision, the Constitutional Court dealt for the first time with the relationship between an unconditional sentence of imprisonment and the best interest of the child. (For most offences, a person sentenced to unconditional imprisonment has to serve half of the sentence in prison, then he or she can apply for conditional release). The court came to the conclusion that when imposing an unconditional sentence of imprisonment, it is always necessary to consider the best interest of the child, but such interest may be outweighed by the competing interest of another person or by the public interest. In this case, the public interest in protecting society outweighed the best interest of the child.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The obligation of the courts to take into account the best interest of the child depends on the type of impact the decision has on the child. In children's legal status issues, the best interest of the child is always the decisive criterion. If the decision does not directly concern the child's legal status, but it concerns his or her rights and obligations, or the decision has a mediated legal effect on the child, the court must examine the best interest of the child, which may be outweighed by other interests. If the decision does not interfere with the child's legal sphere and has only a de facto impact on him or her, the courts are not obliged to address the issue of the best interest of the child.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Constitutional Court rejected the constitutional complaint and confirmed the decision of the general courts.

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>"Obecné soudy při ukládání trestu odnětí svobody rodiči pečujícímu o nezletilé dítě musí k nejlepšímu zájmu dítěte přihlížet a přiznat mu náležitou váhu, neznamená to však, že by konkurující veřejný zájem na přiměřeném potrestání pachatele nemohl v konkrétním případě převážit. Nejlepší zájem dítěte jako factor pro neuložení nepodmíněného trestu odnětí svobody jeho rodiči (či jiné pečující osobě) zesilují a zeslabují zejména tato kritéria:</i></p> <ul style="list-style-type: none"> - <i>míra péče obžalovaného o dítě (zejména jde-li o výlučnou pečující osobu, či nikoliv);</i> - <i>míra faktické závislosti dítěte na obžalovaném (s ohledem na věk, zvláštní potřeby dítěte atd.);</i> - <i>hloubka emočního vztahu dítěte k obžalovanému;</i> - <i>míra, v jaké byl čin spáchán vůči dítěti;</i> - <i>míra ohrožení řádného vývoje dítěte v případě, že rodič zůstane na svobodě atd."</i> <p>'General courts must take the best interest of the child into account and give this due weight when imposing a sentence of imprisonment on a parent caring for a minor, but this does not mean that the competing public interest in adequately punishing the offender cannot prevail in a particular case. The best interest of the child as a factor for not imposing an unconditional sentence of imprisonment is strengthened and weakened by the following criteria in particular:</p> <ul style="list-style-type: none"> - the extent of the defendant's participation in child care, - the child's dependence on the defendant, - the depth of the child's emotional relationship with the defendant, - the extent to which the act was committed against the child, - the degree to which the child's proper development is endangered if the parent is not imprisoned, etc.'
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<p>Thematic area</p>	<p>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decision relating to the topics addressed in this chapter.</p>
	<p>No case law has been identified for this thematic area.</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 making reference to the CRPD or employing the CRPD in their reasoning.
Decision date	8 January 2020
Reference details	Decision of the Constitutional Court (<i>Ústavní soud</i>) No. II ÚS 1244/19 available online at: http://nalus.usoud.cz/Search/ResultDetail.aspx?id=110216&pos=1&cnt=1&typ=result
Key facts of the case (max. 500 chars)	<p>The Plaintiff, who suffers from a mental disorder, committed criminal acts in a state of insanity. The court of first instance, in accordance with an expert opinion, ordered that he undergo institutional protective treatment. During the proceedings, the complainant requested the dismissal of the appointed lawyer, but the request was left unnoticed by the court. The defendant filed a complaint against the decision of the court of first instance, which was also rejected. The appointed lawyer did not help the Plaintiff to file the complaint.</p> <p>The Plaintiff filed a constitutional complaint against the procedure of the courts; he alleged, inter alia, that his right to judicial protection had been violated because the court of second instance did not inform him about the possibility of appealing against the decision. The Plaintiff succeeded and the Constitutional Court cancelled the decision of the court of second instance.</p>
Main reasoning/argumentation (max. 500 chars)	The Constitutional Court stated that the Plaintiff's right to judicial protection was violated when the court did not inform him about the possibility of filing an appeal. It further concluded that, in accordance with Article 13 (1) of the CRPD, it is the duty of the State to ensure effective legal representation for persons with mental disabilities. The general courts did not fulfil this obligation: they knew that the appointed lawyer did not help the Plaintiff in any way to file the complaint, and yet they did not address the question of whether the applicant's representation was adequate. They did not respond in any way to the complainant's request for the lawyer's dismissal.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The rights guaranteed under Article 13(1) of the CRPD include the right to effective legal representation. Even though these principles have so far been applied by the Constitutional Court in a civil law context, there is no reason to deviate from them in criminal law cases.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court cancelled the decision of the court of second instance due to a violation of the Plaintiff's fundamental right to judicial protection. The case will be heard again by the court of second instance, while the Constitutional Court imposed on this court the obligation to properly instruct the Plaintiff about the possibility of filing an appeal. At the same time, in the given situation, he must also address the issue of proper representation of the Plaintiff by a lawyer.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>„Jedním z klíčových opatření ve smyslu čl. 13 odst. 1 Úmluvy o právech osob se zdravotním postižením směřující k zajištění rovnocenného přístupu ke spravedlnosti těchto osob je jejich právní zastoupení. Již v nálezu sp. zn. I. ÚS 2933/15 ze dne 9. 2. 2016 v bodě 12 Ústavní soud konstatoval, že "v případě osob s duševním postižením tak kupříkladu minimálním přiměřeným opatřením zpravidla bude ustanovení zástupce pro řízení z řad advokátů, tak aby byla náležitě zajištěna ochrana jejich práv." Ústavní soud dále opakovaně zdůraznil, že v případě osob s duševním postižením je povinností státu nikoliv pouze formální ustanovení zástupce, ale zajištění efektivního právního zastoupení."</i></p> <p>'One of the key measures within the meaning of Article 13 (1) of the Convention on the Rights of Persons with Disabilities towards ensuring equal access to justice for these persons is their legal representation. In the finding of file no. I. ÚS 2933/15 of 9 February 2016, in point 12, it has already been stated by the Constitutional Court that "in the case of persons with mental disabilities, for example, the minimum appropriate measure will usually be the appointment of a representative for proceedings from among lawyers, so that the protection of their rights is properly ensured."</p> <p>The Constitutional Court further repeatedly emphasised that in the case of persons with mental disabilities, the duty of the state is not only the formal appointment of a representative, but also the provision of effective legal representation.'</p>