

CZECH REPUBLIC

Follow-up - State Reporting Action by Treaty Bodies

CAT, A/60/44 (2005)

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CHAPTER IV. FOLLOW-UP ON RECOMMENDATIONS AND OBSERVATIONS ON STATES PARTIES REPORTS

115. At its thirtieth session, in May 2003, the Committee began a routine practice of identifying, at the end of each set of concluding observations, a limited number of recommendations that are of a serious nature and warrant a request for additional information following the dialogue with the State party concerning its periodic report. The Committee identifies conclusions and recommendations regarding the reports of States parties which are serious, can be accomplished in a one-year period, and are protective. The Committee has requested those States parties reviewed since the thirtieth session of the Committee to provide the information sought within one year.

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118. The Rapporteur has welcomed the follow-up information provided by six States parties as of 20 May 2005, when its thirty-fourth session concluded, indicating the commitment of the States parties to an ongoing process of dialogue and cooperation aimed at enhancing compliance with the requirements of the Convention. The documentation received will be given a document number and made public. The Rapporteur has assessed the responses received particularly as to whether all of the items designated by the Committee for follow-up (normally between three and five issues) have been addressed, whether the information provided is responsive, and whether further information is required.

119. With regard to the States parties that have not supplied the information requested, the Rapporteur will write to solicit the outstanding information. The chart below details, as of 20 May 2005, the conclusion of the Committee's thirty-fourth session, the status of follow-up replies to concluding observations since the practice was initiated. As of that date, the replies from seven States parties remained outstanding.

120. As the Committee's mechanism for monitoring follow-up to concluding observations was established in May 2003, this chart describes the results of this procedure from its initiation until the close of the thirty-fourth session in May 2005.

<u>State party</u>	<u>Date due</u>	<u>Date reply received</u>	<u>Further action taken/required</u>
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Czech Republic	May 2005	28 April 2005	
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CAT, A/61/44 (2006)

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CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

38. In Chapter IV of its annual report for 2004-2005 (A/60/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2005. This chapter updates the Committee's experience to 19 May 2006, the end of its thirty-sixth session.

39. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2006 on the results of the procedure.

40. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment," as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

41. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow-up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow-up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' report under article 19.

42. Since the procedure was established at the thirtieth session in May 2003 through the end of the thirty-sixth session in May 2006, the Committee has reviewed 39 States for which it has identified follow-up recommendations. Of the 19 States parties that were due to have submitted their follow-up reports to the Committee by 1 May 2006, 12 had completed this requirement (Argentina, Azerbaijan, Czech Republic, Colombia, Germany, Greece, Latvia, Lithuania, Morocco, New Zealand, United Kingdom, and Yemen). As of May, seven States had failed to supply follow-up information that had fallen due (Bulgaria, Cambodia, Cameroon, Chile, Croatia, Moldova, Monaco), and each was sent a reminder of the items still outstanding and requesting them to submit information to the Committee.

43. With this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

44. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all of the items designated by the Committee for follow-up (normally between three to six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she writes to solicit the outstanding information.

45. Each letter responds specifically and in detail to the information presented by the State party, which is given a formal United Nations document symbol number.

46. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues not addressed but which are deemed essential in the Committee's ongoing work in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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48. The chart below details, as of 19 May 2006, the end of the Committee's thirty-sixth session, the state of the replies with respect to follow-up.

A. Follow-up reply due before 1 May 2006

State party	Date due	Date reply received	Document symbol number	Further action taken/required
...				
Czech Republic	May 2005	25 April 2005	CAT/C/CR/32/2/RESP/1	Request further clarification
...				

CAT, A/62/44 (2007)

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IV. FOLLOW UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

46. In Chapter IV of its annual report for 2005 2006 (A/61/44), the Committee described the framework that it had developed to provide for follow up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2006. This chapter updates the Committee's experience to 18 May 2007, the end of its thirty eighth session.

47. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2007 on the results of the procedure.

48. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

49. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

50. Since the procedure was established at the thirtieth session in May 2003, through the end of the thirty eighth session in May 2007 the Committee has reviewed 53 States for which it has identified follow up recommendations. Of the 39 States parties that were due to have submitted their follow up reports to the Committee by 18 May 2007, 25 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Germany, Greece, Latvia, Lithuania, Monaco, Morocco, New Zealand, Qatar, Sri Lanka, Switzerland, United Kingdom and Yemen). As of 18 May, 14 States had not yet supplied follow up information that had fallen due (Bulgaria, Bosnia and Herzegovina, Cambodia, Cameroon, Democratic Republic of the Congo, Georgia, Guatemala,

Republic of Korea, Moldova, Nepal, Peru, Togo, Uganda and United States of America). In March 2007, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow up information was due in November 2006, but had not yet been submitted, and who had not previously been sent a reminder.

51. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report (A/61/44). However, only 4 (Austria, Ecuador, Qatar and Sri Lanka) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. While comparatively few States had replied precisely on time, 19 of the 25 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

52. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

53. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she writes to solicit the outstanding information.

54. At its thirty eighth session in May, the Committee decided to make public the Rapporteur's letters to the States parties. These would be assigned a United Nations document symbol number and placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies (these symbol numbers are under consideration) to the follow up and also place them on its website.

55. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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57. The chart below details, as of 18 May 2007, the end of the Committee's thirty eighth session, the state of the replies with respect to follow up.

Follow up procedure to conclusions and recommendations from May 2003 to May 2007

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Thirty second session (May 2004)

State party	Information due in	Information received	Action taken
...			
Czech Republic	May 2005	25 April 2005 CAT/C/HRV/CO/3/Add.1	Request for further clarification
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CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

46. In this chapter, the Committee updates its findings and activities that follow-up on the conclusions and recommendations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on Follow-Up to Country conclusions. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated to through May 2008, following the Committee's fortieth session.

47. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2008.

48. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2008 on the results of the procedure.

49. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

50. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

51. Since the procedure was established at the thirtieth session in May 2003, through the end of the fortieth session in May 2008, the Committee has reviewed 67 States for which it has identified follow-up recommendations. Of the 53 States parties that were due to have submitted

their follow-up reports to the Committee by 16 May 2008, 33 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Bosnia and Herzegovina, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Republic of Korea, Latvia, Lithuania, Monaco, Morocco, Nepal, New Zealand, Qatar, Russian Federation, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen). As of 16 May, 20 States had not yet supplied follow-up information that had fallen due (Bulgaria, Burundi, Cambodia, Cameroon, Democratic Republic of the Congo, Denmark, Guyana, Italy, Japan, Luxembourg, Mexico, Moldova, the Netherlands, Peru, Poland, South Africa, Tajikistan, Togo, Uganda and Ukraine). In March 2008, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow-up information was due in November 2007, but had not yet been submitted, and who had not previously been sent a reminder.

52. The Rapporteur noted that 14 follow-up reports had fallen due since the previous annual report.³ However, only 2 (Hungary and the Russian Federation) of these 14 States had submitted the follow-up information in a timely manner. Despite this, she expressed the view that the follow-up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow-up to the review of the periodic reports. While comparatively few States had replied precisely on time, 25 of the 33 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non-governmental organizations, many of whom had also encouraged States parties to submit follow-up information in a timely way.

53. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

54. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

55. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

56. Since the recommendations to each State party are crafted to reflect the specific situation

in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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58. The chart below details, as of 16 May 2008, the end of the Committee's fortieth session, the state of the replies with respect to follow-up.

3/ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 44 (A/62/44).*

**Follow-up procedure to conclusions and recommendations
from May 2003 to May 2008**

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Thirty-second session (May 2004)

State party	Information due in	Information received	Action taken
<p>...</p> <p>Czech Republic</p> <p>...</p>	<p>May 2005</p>	<p>25 April 2005 CAT/C/CZE/CO/3/Add.1</p> <p>14 January 2008 CAT/C/CZE/CO/3/Add.2</p>	<p>Request for further clarification</p> <p>Response under review</p>

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IV. FOLLOW UP ON CONCLUDING OBSERVATIONS ON STATES PARTIES REPORTS

53. In this chapter, the Committee updates its findings and activities that follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on follow-up to concluding observations. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated through 15 May 2009, following the Committee's forty-second session.

54. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2009.

55. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2009 on the results of the procedure.

56. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and ill-treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

57. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

58. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-second session in May 2009, the Committee has reviewed 81 States for which it has identified follow up recommendations. Of the 67 States parties that were due to have submitted their follow up reports to the Committee by 15 May 2009, 44 had completed this requirement. As of 15 May 2009, 23 States had not yet supplied follow up information that had fallen due. The

Rapporteur sends reminders requesting the outstanding information to each of the States whose follow up information was due, but had not yet been submitted, and who had not previously been sent a reminder. The status of the follow-up to concluding observations may be found in the web pages of the Committee (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

59. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report. However, only 4 (Algeria, Estonia, Portugal and Uzbekistan) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. One State party (Montenegro) had already submitted information which was due only in November 2009. While comparatively few States had replied precisely on time, 34 of the 44 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

60. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

61. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she requests the outstanding information.

62. At its thirty eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

63. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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65. The chart below details, as of 15 May 2009, the end of the Committee's forty-second session, the state of the replies with respect to follow up.

Follow-up procedure to conclusions and recommendations from May 2003 to May 2009

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Thirty-second session (May 2004)

State party	Information due in	Information received	Action taken
...			
Czech Republic	May 2005	25 April 2005 CAT/C/CZE/CO/3/Add.1	Request for further clarification
		14 January 2008 CAT/C/CZE/CO/3/Add.2	Response under review
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Chapter IV. Follow-up to concluding observations on States parties' reports

65. In this chapter, the Committee updates its findings and activities that constitute follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the procedure established on follow-up to concluding observations. The follow-up responses by States parties, and the activities of the Rapporteur for follow-up to concluding observations under article 19 of the Convention, including the Rapporteur's views on the results of this procedure, are presented below. This information is updated through 14 May 2010, the end of the Committee's forty-fourth session.

66. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. In that report and each year thereafter, the Committee has presented information on its experience in receiving information on follow-up measures taken by States parties since the initiation of the procedure in May 2003.

67. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. In November 2009 and May 2010, the Rapporteur presented a progress report to the Committee on the results of the procedure.

68. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific measures to prevent acts of torture and ill-treatment. Thereby, the Committee assists States parties in identifying effective legislative, judicial, administrative and other measures to bring their laws and practice into full compliance with the obligations set forth in the Convention.

69. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information within one year. Such follow-up recommendations are identified because they are serious, protective and are considered able to be accomplished within one year. The States parties are asked to provide information within one year on the measures taken to give effect to the follow-up recommendations. In the concluding observations on each State party report, the recommendations requiring follow-up within one year are specifically identified in a paragraph at the end of the concluding observations.

70. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-fourth session in May 2010, the Committee has reviewed 95 reports from States parties for which it has identified follow-up recommendations. It must be noted that periodic reports of Chile, Latvia, Lithuania and New Zealand have been examined twice by the Committee since the establishment of the follow-up procedure. Of the 81 States parties that were due to have submitted their follow-up reports to the Committee by 14 May 2010, 57 had completed this

requirement. As of 14 May 2010, 24 States had not yet supplied follow-up information that had fallen due: Republic of Moldova, Cambodia, Cameroon, Bulgaria, Uganda, Democratic Republic of the Congo, Peru, Togo, Burundi, South Africa, Tajikistan, Luxembourg, Benin, Costa Rica, Indonesia, Zambia, Lithuania (to the 2009 concluding observations), Chad, Chile, Honduras, Israel, New Zealand, Nicaragua and the Philippines.

71. The Rapporteur sends reminders requesting the outstanding information to each of the States for which follow-up information is due, but not yet submitted. The status of the follow-up to concluding observations may be found in the web pages of the Committee at each of the respective sessions. As of 2010, the Committee has established a separate web page for follow-up (<http://www2.ohchr.org/english/bodies/cat/follow-procedure.htm>).

72. Of the 24 States parties that did not submit any information under the follow-up procedure as of 14 May 2010, non-respondents came from all world regions. While about one-third had reported for the first time, two-thirds were reporting for a second, third or even fourth time.

73. The Rapporteur expresses appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

74. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties which are posted on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website.

75. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

76. Among the Rapporteur's activities in the past year, have been the following: attending the inter-committee meetings in Geneva where follow-up procedures were discussed with members from other treaty bodies, and it was decided to establish a working group on follow-up; addressing the Committee on the Elimination of Discrimination against Women at its August 2009 meeting in New York concerning aspects of the follow-up procedure; assessing responses

from States parties and preparing follow-up letters to countries as warranted and updating the information collected from the follow-up procedure.

77. Additionally, the Rapporteur initiated a study of the Committee's follow-up procedure, beginning with an examination of the number and nature of topics identified by the Committee in its requests to States parties for follow-up information. She reported to the Committee on some preliminary findings, in November 2009 and later in May 2010, and specifically presented charts showing that the number of topics designated for follow-up has substantially increased since the thirty-fifth session. Of the 87 countries examined as of the forty-third session (November 2009), one to three paragraphs were designated for follow-up for 14 States parties, four or five such topics were designated for 38 States parties, and six or more paragraphs were designated for 35 States parties. The Rapporteur drew this trend to the attention of the members of the Committee and it was agreed in May 2010 that, whenever possible, efforts would henceforth be made to limit the number of follow-up items to a maximum of five paragraphs.

78. The Rapporteur also found that certain topics were more commonly raised as a part of the follow up procedure than others. Specifically, for all State parties reviewed since the follow-up procedure began, the following topics were most frequently designated:

Ensure prompt, impartial and effective investigation(s)	76 per cent
Prosecute and sanction persons responsible for abuses	61 per cent
Guarantee legal safeguards	57 per cent
Enable right to complain and have cases examined	43 per cent
Conduct training, awareness-raising	43 per cent
Ensure interrogation techniques in line with the Convention	39 per cent
Provide redress and rehabilitation	38 per cent
End gender-based violence, ensure protection of women	34 per cent
Ensure monitoring of detention facilities/visit by independent body	32 per cent
Carry out data collection on torture and ill-treatment	30 per cent
Improve condition of detention, including overcrowding	28 per cent

79. In the correspondence with States parties, the Rapporteur has noted recurring concerns which are not fully addressed in the follow-up replies and her concerns (illustrative, not comprehensive) have been included in prior annual reports. To summarize them, she finds there is considerable value in having more precise information being provided, e.g. lists of prisoners, details on deaths in detention and forensic investigations.

80. As a result of numerous exchanges with States parties, the Rapporteur has observed that there is need for more vigorous fact-finding and monitoring in many States parties. In addition, there is often inadequate gathering and analysing of police and criminal justice statistics. When the Committee requests such information, States parties frequently do not provide it. The Rapporteur further considers that conducting prompt, thorough and impartial investigations into allegations of abuse is of great protective value. This is often best undertaken through unannounced inspections by independent bodies. The Committee has received documents, information and complaints about the absence of such monitoring bodies, the failure of such bodies to exercise independence in carrying out their work or to implement recommendations for

improvement.

81. The Rapporteur has also pointed to the importance of States parties providing clear-cut instructions on the absolute prohibition of torture as part of the training of law-enforcement and other relevant personnel. States parties need to provide information on the results of medical examinations and autopsies, and to document signs of torture, especially including sexual violence. States parties also need to instruct personnel on the need to secure and preserve evidence. The Rapporteur has found many lacunae in national statistics, including on penal and disciplinary action against law-enforcement personnel. Accurate record keeping, covering the registration of all procedural steps of detained persons, is essential and requires greater attention. All such measures contribute to safeguard the individual against torture or other forms of ill-treatment, as set forth in the Convention.

82. The chart below details, as of 14 May 2010, the end of the Committee's forty-fourth session, the replies with respect to follow-up. This chart also includes States parties' comments to concluding observations, if any.

Follow-up procedure to concluding observations from May 2003 to May 2010

...

Thirty-second session (May 2004)

State party	Information due in	Information received	Action taken
...			
Czech Republic	May 2005	25 April 2005 CAT/C/CZE/CO/3/Add.1	Request for further clarifications
		14 January 2008 CAT/C/CZE/CO/3/Add.2	Information under review
...			

...

**Follow-up - State Reporting
Action by State Party**

CAT, CAT/C/CZE/CO/3/Add.1 (2005)

Comments by the Government of CZECH REPUBLIC* **to the conclusions and recommendations of the Committee against Torture

[25 April 2005]

1. On 4 and 5 May 2004 the Committee against Torture considered the Czech Republic's third periodic report on steps taken to comply with the commitments arising from the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The results of the consideration are stated in the Committee's "Conclusions and recommendations" of 3 June 2004 (CAT/C/CR/32/2). In this document the Committee requires the Czech Republic to provide, within one year, information on its responses to the Committee's recommendations contained in paragraphs 6 (a), (b), (i), (k) and (m) of the document. The following are the Czech Republic's responses to these recommendations (full texts of the recommendations are cited below).

The Committee recommends the Czech Republic to "exert additional efforts to combat racial intolerance and ensure that the comprehensive anti-discrimination legislation being discussed include all relevant grounds covered by the Convention" (item 6 a).

2. Efforts to combat racial intolerance and xenophobia fall primarily within the competence of the Interior Ministry as a central agency of state administration for public order and other aspects of internal security and safety and the Justice Ministry which is a central agency of state administration for courts and prosecution.

Activities of the Interior Ministry

3. In 1998 - 2004 the Interior Ministry, in consultation with the Justice Ministry, presented annual "Reports on Extremism in the Czech Republic". Since 2004, information on extremism in the Czech Republic is attached in a separate annex to annual "Reports on Public Order and Internal Security".¹

4. The Czech Republic Police has in place mechanisms designed to counter racial intolerance and xenophobia, at the central as well as regional and district levels. The methodology of fight against extremist crime is defined in a Police President's instruction². The instruction regulates the powers, tasks and coordination of competent police departments³, and lays down the rules for cooperation between the law enforcement authorities and intelligence services in this area.

5. The Czech Republic Police has improved its performance in identifying and classifying extremist crime, in raiding the concerts of right-wing extremist music groups, in detecting and prosecuting crimes involving publications, symbols and emblems and in enforcing government

powers in respect of the right of association (i.e. registration of civic associations, political parties and movements and Interior Ministry intervention in their activities).⁴

6. The Czech Republic Police has set up a Computer Crime Unit (part of the Crime Analysis and IT Department, Criminal Police and Investigating Service, Czech Republic Police Headquarters), comprising experts on racist, antisemitic and other hate propaganda on the Internet. The practices and experience of other countries in this field were discussed at an international workshop on the fight against extremist propaganda on the Internet (16-17 December 2004). The Czech Republic is preparing to assume the international commitments arising from the Council of Europe Convention on Cybercrime.⁵

7. The Interior Ministry has set up a Commission on the fight against extremism, racism and xenophobia ("Commission") to advise the Interior Minister. The Commission monitors the trends in this field, and develops measures and policies responding to new factors that contribute to extremism and related criminal activities. The priority areas identified by the Commission for the year 2004 were Islamic terrorism, antisemitism, misuse of the Internet by extremists and consistent monitoring of extremism.

The Czech Republic Police and national/ethnic minorities

8. The Government's key policy document in this area is the National Strategy for the work of the Czech Republic Police in respect of national and ethnic minorities ("Strategy").⁶ It defines medium- and long-term goals of police work in several basic areas, which are subject to annual review. The tasks set in the Strategy fall into several groups:

- a) police officers training and career building,
- b) psychological tests for applicants for police jobs, monitoring of xenophobic attitudes of recruits during basic training,
- c) Code of Conduct for the Czech Republic Police,
- d) implementation of pilot projects.

Police officers training and career building

9. A major step forward in this area was the launching of a pilot course on Multicultural Education - Extremism - Racism. Police instructors who teach the course underwent a four-day training programme in May 2004.

Psychological tests for applicants for police jobs, monitoring of xenophobic attitudes of recruits during basic training

10. The Strategy suggests ways how to effectively prevent the occurrence of xenophobic attitudes in the police force. Starting from the first half of 2005, teachers at Interior Ministry secondary police schools and instructors at police training centres are required to assist in the

monitoring of recruits.

Code of Conduct for the Czech Republic Police

11. The Code of Conduct drafted at the Czech Republic Police Headquarters was published as an internal regulation in January 2005. It includes among others the requirement of equal treatment for all people without any distinction.

Implementation of pilot projects

12. In 2003-2004 the Interior Ministry implemented two pilot projects - "*Plan of Action of the Czech Republic Police in respect of national minorities*" and "*Minorities Liaison Officer*". The purpose of the first project was to create an overall strategy that would guide the police in defining its specific goals in the field, in choosing the right tools and approaches and in monitoring their efficiency. The second project sought to enhance the role of preventive work with minority communities and persons belonging to minorities, in order to strike a better balance between preventive and repressive action against extremist crime. Liaison officers should be experts on minority policing, preferably with previous service in units involved in the fight against extremist crime. The Czech Republic Police is now introducing standard mechanisms on the basis of the lessons learned from the two projects.

Supervisory activities of the Czech Trade Inspection

13. The Czech Trade Inspection supervises compliance with the laws and regulations concerning the sale of goods and services, including compliance with the principle of non-discrimination. The Czech Trade Inspection considers complaints from individuals who claim to be victims of racial discrimination, and may conduct inquiries focused on racial discrimination, either on its own initiative or at the suggestion of its cooperating organizations.

Anti-discrimination law

14. The draft Anti-discrimination Act⁷ establishes a domestic mechanism for protection against discrimination, corresponding to the mechanisms created by international human rights treaties. The introduction of such mechanism is also required by EU law.⁸

15. This legislation guarantees the right to equal treatment and protection against discrimination on the grounds of race or ethnic origin, sex, sexual orientation, age, disability, religion or faith or absence of religious denomination, language, political or other opinion, nationality, membership of or activity in political parties or political movements, trade unions and other associations, social origin, property, birth, marital and family status, family obligations or other status.

16. Equal treatment and protection against discrimination are guaranteed in respect of the right to employment and access to employment, access to a profession, business enterprise and other independent gainful activity, as well as in the employee-employer relationship, including remuneration, membership of and activity in trade unions, employee councils or employers' organizations, membership of and activity in professional chambers and the facilities provided

by such chambers to their members, social security and social benefits and facilities, health care, education and access to goods and services intended for the general public, including housing.

17. The legislation defines situations where differences in treatment do not constitute discrimination. It provides the rules for affirmative action and for claims lodged by victims of discrimination. The Government decided that promotion of non-discrimination and equal treatment would be the responsibility of the Public Defender of Rights. The Public Defender would provide guidance and public information services in this area, in keeping with the relevant EU directives that require that a body charged with these tasks should provide independent assistance to victims of discrimination, conduct independent surveys concerning discrimination, publish independent reports and make recommendations on any issue relating to such discrimination.

18. The Public Defender's functions in this field comply also with General Policy Recommendation No. 2 of the European Commission against Racism and Intolerance (ECRI), which says that the specialized body should i.a. provide aid and assistance to victims, including legal aid, hear and consider complaints and petitions concerning specific cases and seek settlement either through amicable conciliation or through binding and enforceable decisions, promote the awareness of the general public to issues of discrimination and produce and publish pertinent information and documents.

The Committee recommends “to take measures to establish an effective, reliable and independent complaint system to undertake prompt and impartial investigations into all allegations of ill-treatment or torture by the police or other public officials, including allegations of racially motivated violence by non-State actors, in particular any that have resulted in deaths, and to punish the offenders” (item 6 b)

Investigation of crimes committed by policemen

19. A multilevel mechanism has been built to supervise compliance with the applicable laws and internal regulations in the police force. The mechanism comprises the Interior Ministry control structures (senior police officers, Control and Complaints Departments at each level of the police force, the Interior Minister's Inspection and the Individual Complaints Department at the Interior Ministry), as well as criminal justice structures. The Interior Ministry's control system has been reinforced in the recent years for example by introducing of new internal regulations on supervision and control. There are efforts to further improve its performance by increasing personal responsibility of senior officers, setting stricter requirements concerning the professional qualifications of inspectors and other staff involved in the control system.

20. Starting from 1 January 2002 (effective date of the relevant amendment to the Code of Criminal Procedure⁹), investigation of policemen's crimes has been in the hands of prosecuting attorneys. Prosecuting attorneys are part of the Justice Ministry (not Interior Ministry) structure.

21. The Interior Minister's Inspection is a police authority competent to handle all crimes committed by policemen, irrespective of the applicable penalty. If the Inspection decides to initiate criminal proceedings, it must make a record of the facts indicating that a policeman has

committed a crime, and of the way in which these facts became known to the Inspection. Within 48 hours from the start of the proceedings, a copy of the record must be sent to the prosecuting attorney who will take over the case. A prosecuting attorney investigating a policeman's crime must follow the rules applicable to investigations conducted by the police.

22. A prosecuting attorney investigating a policeman's crime may ask the Inspection to obtain individual items of evidence or to perform individual investigative acts, to co-operate on obtaining individual items of evidence or performing individual investigative acts, to secure the presence of a suspect or to deliver a document. The Inspection must promptly execute his requests.

23. The prosecuting attorney's decision can be challenged by complaints filed by the body that initiated the proceedings or by any other person directly affected by the decision. These complaints must be filed with the prosecuting attorney against whom they are directed, within three days from the date on which his decision was notified to the parties. They are considered by a superior prosecuting attorney who either dismisses them as unjustified and upholds the decision, or finds the complaints justified and orders the prosecuting attorney against whom they are directed to review the case.

24. The prosecuting attorney investigates also the co-offenders who are not policemen, if all offenders whose crimes are interconnected, or all counts of a continuing or multiple crime, or all parts of a continuing crime are tried in a joint trial, unless there are overriding grounds against such investigation.

25. To prevent disputes concerning jurisdiction, powers and mutual assistance in cases where the prosecuting attorney conducts criminal proceedings against policemen, an agreement has been concluded between the Attorney General's Office, the Czech Republic Police Headquarters and the Inspection. The agreement defines their respective responsibilities in criminal proceedings, as well as the procedures concerning requests for assistance.

26. At first, the functioning of this mechanism was hindered by lack of experienced prosecuting attorneys. In some cases, the prosecuting attorney relied entirely on the Inspection's assistance and caused major delays in the investigation. At present, according to the Attorney General's Office the mechanism established by the aforementioned cooperation agreement is working well, and there are no major doubts about the competence and impartiality of prosecuting attorneys dealing with policemen's crimes, and their ability to cooperate with the Inspection.

27. Policemen's offences of non-criminal nature fall within the competence of the Czech Republic Police Headquarters (Control and Complaints Department).

28. Complaints against Czech Republic Police officers may also be lodged with the Public Defender of Rights as an independent control authority. The only exception are cases arising in the context of criminal proceedings, which are to be reviewed by the competent prosecuting attorney, and not by the Public Defender¹⁰. Any other activities of the Czech Republic Police fall squarely within the competence of the Public Defender, who has registered a wide variety of

complaints against the police.¹¹

29. Beside the Czech Republic Police, there are municipal police forces established by local governments. Municipal police is a local government authority headed by the mayor or by another member of the municipal council. In this case, the complaint procedure is in the hands of the local government. The local government is also liable for damages caused by municipal police officers in the performance of their official duties.

Investigation of crimes committed by Prison Service officers

30. All Prison Service officers serving at the Prevention and Complaints Departments of prisons and remand prisons (hereinafter only “prisons”) and at the Prevention Unit of the Prison Service (part of the Control Department, Prison Service Headquarters), including heads of departments and units, are competent to perform the functions of the police in the course of investigations and criminal proceedings, in accordance with the Code of Criminal Procedure.

31. These Prison Service bodies, acting in the capacity of the police, examine facts indicating that a crime has been committed by a Prison Service officer. It is important that Prevention and Control Departments at prisons may not conduct inquiries concerning heads of prisons, their deputies and heads of the Prevention and Complaints Departments, whose actions fall within the purview of the Prevention Unit at the Prison Service Headquarters. Crimes committed by court guards or prisoners escort officers fall within the competence of the Prevention and Complaints Department of the respective prison.

32. If the competent body decides to initiate criminal proceedings, it must make a record of the facts indicating that an officer has committed a crime, and of the way in which these facts became known to the body concerned. Within 48 hours from the start of the proceedings, a copy of the record must be sent to the prosecuting attorney, and the Control Department at Prison Service Headquarters must be notified.

33. The competent Prison Service body investigating an alleged crime may:

- a) Close the case, if no crime has been committed and the matter cannot be resolved otherwise;
- b) Classify the case as a non-criminal offence and refer it to the head of prison for disciplinary proceedings;
- c) Suspend the case (under Section 159b of the Code of Criminal Procedure);
- d) Refer the case to the Czech Republic Police and request it to initiate criminal prosecution (under Section 160, paragraph 1 of the Code of Criminal Procedure);
- e) In some cases, initiate criminal prosecution (Section 160 of the Code of Criminal Procedure) and only then refer the case to the Czech Republic Police (Section 162 of the Code of Criminal Procedure);

f) In cooperation with the competent prosecuting attorney, brings the case to court (summary pre-trial procedure).

The Committee recommends to “reconsider the arrangements whereby prisoners are required to cover a portion of their expenses, with a view to abolishing this requirement completely” (item 6 i)

34. This recommendation is being considered by the Justice Ministry and the Prison Service Headquarters. A step forward in this respect is the amendment to the Confinement Act,¹² which provides that from 1 July 2004, prisoners are no longer required to pay interest on late payment of the fees and charges assessed to them¹³.

The Committee recommends to “review the independence and effectiveness of the investigations into complaints of excessive use of force in connection with the International Monetary Fund/World Bank Meeting demonstrations of September 2000, with a view to bringing those responsible to justice and providing compensation to the victims” (item 6 k)

35. In connection with the IMF/WB Meeting in Prague, the Interior Minister’s Inspection examined six complaints against unlawful conduct of Czech Republic Police officers. In four of these cases it found that no crime was committed. One of the four cases was referred to the competent body for disciplinary proceedings. In the remaining two cases, the offender was not identified.

36. The Interior Minister’s Inspection analysed the records of the Control and Complaints Department of the Czech Republic Police Headquarters and of the Control and Complaints Department of the Czech Republic Police Administration in Prague, with the following results:

37. The Control and Complaints Department at the Czech Republic Police Headquarters received 591 complaints¹⁴ concerning unlawful conduct of policemen during IMF/WB Meeting in Prague. The Control and Complaints Department at the Czech Republic Police Administration in Prague received 444 complaints¹⁵ in this context. The Czech Republic Police district departments in Prague received 10 such complaints¹⁶.

38. Three of these complaints were found justified (unlawful taking of fingerprints of a person brought to a police department; failure to act on the part of a head of a police department; and a case of policemen who brought a person to a police department and omitted to fill in the appropriate forms).

39. If the investigation finds that a person has suffered damage as a result of exercise of public authority or as a result of maladministration, the injured party is entitled to claim compensation from the Justice Ministry.¹⁷ The compensation may also be claimed in court. Unfortunately, the Justice Ministry statistics on these claims do not enable identification of the cases mentioned in this recommendation and the amount of compensations paid. Compensations for damage caused by Czech Republic Police officers in the exercise of official duties are also paid by the Interior Ministry in accordance with the Czech Republic Police Act.

The Committee recommends to “review the strict regime of detention for illegal immigrants with a view to its repeal and to ensure that all children held in these detention centres are removed with their parents to family reception centres” (item 6 m)

40. The provisions of the Aliens Act ¹⁹ enabling the placement of undocumented aliens in detention facilities with a strict regime were repealed with effect from 1 January 2004 ²⁰.

41. Another amendment to the Aliens Act, currently being discussed in the Czech Parliament, seeks to increase legal certainty for unaccompanied minor aliens between 15 and 18 years of age. The amendment will not permit the detention of aliens under 15 years of age. The Czech Republic Police will be required to appoint a guardian for each unaccompanied alien under 18 years of age, and to explain to such alien the guardian’s role and powers. The amendment permits the guardian to request the court, on behalf of the detained minor alien, to review the legitimacy of the detention. In keeping with the Convention on the Rights of the Child (“detention ... of a child ... shall be used only as a measure of last resort and for the shortest appropriate period of time”), the amendment limits the length of detention for aliens between 15 and 18 years of age to ninety days. During this period the Czech Republic Police must regularly review the grounds for detention. If the alien’s relatives in the Czech Republic cannot be contacted, the police must notify the detention to the appropriate authority responsible for social and legal protection of children.

42. The purpose of this amendment is to bring the detention regime closer to the standards applicable to ordinary asylum facilities. It is supposed that the power to establish and run the facilities will be transferred from the Czech Republic Police to the Interior Ministry to the Refugee Facilities Administration (an authority established by the Interior Ministry). The police presence will be minimized; the facilities will be staffed entirely by civilians. The role of the Czech Republic Police will be limited to organization of administrative expulsions and guarding of high-security areas in the facilities.

43. According to the amendment, the detention facility will remain divided into low-security and high-security areas. Normally, the alien will be placed in the low-security area; he can be held in the high-security area only if

- a) he is aggressive or must be strictly supervised for other reasons (e.g. risk of self-mutilation),
- b) he has repeatedly and seriously violated the internal rules of the facility,
- c) he has repeatedly and seriously violated his duties or prohibitions imposed by law.

44. The length of detention in the high-security area will be limited to thirty days. However, if the grounds for such detention persist or some other grounds arise, the detention can be extended by thirty additional days. During the alien’s detention in the high-security area, the police must regularly review the grounds for detention. The alien must be moved to the low-security area as soon as the grounds for detention in the high-security area cease to exist.

45. The amendment does not restrict the movement of aliens within the facility. The only exception are areas closed to aliens according to the facility's internal rules, and high-security areas. An alien held in a high-security area will be deprived of the freedom of movement; he will only be entitled to one hour of outdoor exercise within a specified area. The authority responsible for facilities in which unaccompanied children or children with parents are detained will be required to organize cultural, sports and other activities for different age groups.

46. The amendment explicitly states that unaccompanied minor aliens must be held separately from adults. Children under 15 years of age may not be detained. Their presence in detention facilities will be permitted only if they accompany detained parents, in order to avoid the child's separation from family. If the detained parents can entrust the child to a friend or relative in the Czech Republic, or if they prefer to send the child to a children's home, the child is free to leave the detention facility. Children staying in the facility may attend school and participate in other activities contributing to their personal development. If the nearest school is in another town or village, the authority responsible for the facility may provide a means of transport for the children.

47. For some years now, placement of families with children in family reception centres has been a matter of course. In addition, the amendment to the Aliens Act will enable families with children to stay in other facilities, as long as the facility's internal rules permit adequate care for children, e.g. school attendance and free-time activities.

48. As regards food, the alien's age and religion will continue to be taken into account. Children under 18 years of age will get five meals a day. The amendment will permit aliens to receive visits more frequently, as a rule once in a week and even more in justified cases. The frequency of visits by persons providing legal aid and assistance will not be limited.

49. According to the amendment, the Interior Ministry will supervise compliance with this part of the Aliens Act. It will also be competent to handle complaints from aliens concerning matters covered by this part of the Act. The Ministry will be required to resolve the complaint within 30 days from delivery and to inform the complainant about the outcome. The complainant will then be entitled to ask the Interior Minister for a review of the decision.

ANNEX 1 (Item 2.1.)

Information about crimes committed by Czech Republic Police officers in 2003 - 2004

Table 1: Crimes committed by Czech Republic Police officers in 1996 - 2004

Year	1996	1997	1998	1999	2000	2001	2002	2003	2004
Cases cleared	374	287	373	438	603	665	453	599	325
Year-on-year change (%)	16.5	-23.3	30	17.4	37.7	10.3	-32	32.2	-46

Offending policemen cleared cases) (in	305	245	306	345	389	468	444	427	327
Year-on-year change (%)	13	-19.7	24.9	12.7	12.8	20.3	-5.1	-3.8	-23

Table 2: Policemen § crimes, by crime category and section of the Criminal Code

Crime	1996	1997	1998	1999	2000	2001	2002	2003	2004
Crimes against the Czech Republic – Sections 91-115	1	0	4	0	0	0	2	1	0
Unauthorized business activity – Section 118	0	0	0	2	0	1	1	0	2
Breaches of foreign trade rules and regulations – Section 124	2	0	1	1	0	0	0	0	0
Breaches of business rules and regulations – Section 127	0	0	0	0	1	0	0	0	0
Crimes against the currency – Sections 140-144	0	1	1	2	1	0	0	1	0
Endangering the management of foreign exchange markets and holdings – Section 146	0	0	0	0	0	0	0	0	0
Evading taxes, charges and similar levies - Section 148	6	0	2	1	1	3	1	0	0
Breaches of rules and regulations concerning excise stickers – Section 148a	1	0	0	0	0	0	0	0	0
Copyright infringements – Section 152	0	0	1	1	0	0	0	0	3
Violence against a public official – against a policeman – Sections 153, 154/1, 155, 156/1,2	0	0	2	0	0	3	1	1	1

Assault on a public official – Sections 155, 156	3	3	0	0	0	0	0	0	0
Abuse of authority – Section 158	140	86	104	166	237	244	176	202	95
Negligent acts of maladministration – Section 159	0	0	0	5	7	11	12	19	6
Bribery – Sections 160 – 162	10	11	10	10	14	14	4	15	11
Participating in criminal conspiracy – Sections 163a/1, 163b,163c	0	0	0	4	0	0	0	1	1
Assisting an offender (in order to hinder his apprehension, trial or punishment) – Section 166	2	0	1	0	0	3	0	1	0
Obstructing the enforcement of an official decision – Section 171	1	2	1	0	3	5	3	4	0
Unauthorized crossing of the state border – Section 171a	1	0	1	3	0	0	0	3	0
Compromising official secret – Section 173	0	0	0	0	0	0	0	0	0
Perjury (false accusation) – Section 174	0	0	0	0	0	1	0	0	0
Perjury (false testimony and false expert opinion) – Section 175	0	0	0	0	0	2	0	0	0
Forgery and fraudulent alteration of an official document – Section 176	1	4	1	1	3	1	6	3	4
Unauthorized handling of personal data – Section 178	1	0	1	2	0	7	4	17	6
Explosions – Sections 179, 180, 257	0	0	0	1	0	0	0	0	0
Unauthorized possession of arms – Section 185	1	3	1	3	7	4	3	5	2

Unauthorized production and possession of narcotic and psychotropic substances and poisons – Section 187	0	0	11	1	26	10	3	7	4
Unauthorized production and possession of narcotic and psychotropic substances and poisons – Section 187a	0	0	0	0	1	0	0	2	0

Promoting drug abuse – Section 188a	0	0	0	0	1	0	1	1	1
Violence against a group of population and against an individual – Section 196	1	0	2	0	0	1	0	0	0
Threatening another person with death or serious harm – Section 197a	5	6	4	5	3	5	5	3	5
Defaming a nation, race and opinion – Section 198	0	0	0	1	0	1	2	0	1
Inciting national and racial hatred – Section 198a	0	0	0	1	0	0	0	0	0
Endangering public safety due to intoxication – Sections 201, 201a	0	0	1	0	3	0	0	3	1
Disorderly conduct – Section 202	9	5	8	14	13	17	10	14	9
Procuring and soliciting prostitution – Section 204	0	0	1	0	0	0	0	0	0
Failing to provide assistance – Section 208	0	0	0	0	0	1	0	1	0

Breaches of maintenance obligations – Section 213	1	1	1	1	2	4	2	0	1
Corrupting the morals of children and young people – Section 217	0	0	0	0	0	0	0	2	0
Murder – Section 219	1	1	0	0	0	2	1	4	1
Bodily harm (with intent) – Sections 221, 222	25	16	32	17	39	33	16	26	13
Bodily harm (negligent) – Sections 223, 224, 201, 201a	3	3	6	3	1	6	3	2	5
Brawling – Section 225	0	0	2	0	0	0	0	0	0
Restriction/deprivation of personal liberty – Sections 231, 232	2	1	3	1	2	1	1	2	3
Robbery – Section 234	0	1	0	1	4	4	0	3	12
Extortion – Section 235	1	7	11	7	9	4	13	10	7
Violating the privacy of home – Sections 238, 249a	3	3	6	6	3	4	7	17	1
Other violent crimes – Sections 215, 230, 233, 236, 237, 238a, 202	0	1	0	0	0	1	2	2	0
Rape – Section 241	2	0	1	2	0	3	2	1	3
Sexual abuse – Section 242	3	0	1	0	1	1	1	0	0
Theft – Sections 247, 238	22	16	31	20	22	21	16	9	9
Embezzlement – Section 248	10	7	14	10	15	13	9	6	7
Unauthorized use of another person's property – Section 249	0	0	1	0	0	2	1	0	0
Unauthorized interference with title to a house, flat or non-residential premises – Section 249a	0	0	0	0	3	2	0	0	2
Unauthorized possession of a cash card – Section 249b	1	0	0	2	1	0	0	2	0

Fraud – Section 250	25	36	26	44	50	35	19	45	19
Insurance fraud – Section 250a	0	0	0	12	49	98	47	51	22
Credit fraud – Section 250b	0	0	0	0	0	2	3	7	2
Complicity – Sections 251, 251a, 252	5	5	2	14	4	6	5	9	4
Concealing a thing - Section 254	0	0	0	0	2	1	0	2	0
Breach of trust – Section 255	0	0	0	0	1	0	0	1	0
Other property related crimes – Sections 249, 254, 257, 257a	5	2	3	2	1	3	2	2	1
Traffic crimes – Sections 179, 180, 184, 201, 223, 224, 257	58	46	53	54	41	52	42	58	49
Support and promotion of movements seeking to suppress the rights and freedoms of citizens – Sections 260, 261	0	0	0	0	0	1	0	0	0
Military crimes – Sections 273 – 295	12	9	12	12	18	18	16	27	8
Other crimes	10	11	10	6	14	14	11	7	4
TOTAL	374	287	373	438	603	665	453	599	325

ANNEX 2 (Item 2.1.)

Information about complaints against Czech Republic Police officers (non-criminal cases) in 2001-2003

Table 3: Evaluation of complaints settled by control officers of the Czech Republic Police

	2001	2002	2003
Total complaints and other communications settled	5,205	5,247	5,725

incl.: justified	728(14 %)	654(12.5 %)	698(12.2%)
unjustified	3,896	3,870	3,678
Settled by other means	581	723	1 349
Settled complaints (on an ongoing basis – not included in the figures cited)	1,849	1,861	1521

ANNEX 3 (Item 2.1.)

Information about complaints against Czech Republic Police officers (non-criminal cases) in 2004

Table 4: Evaluation of complaints handled, based on justification, method of settlement, and order

Evaluation and method of handling	Number	Percent	Including					
			First complaint		Repeated complaint		Other	
			Number	%	Number	%	Number	%
Justified	718	13.31%	641	89.28%	75	10.45%	2	0.28%
Unjustified	3875	71.83%	3311	85.45%	512	13.21%	52	1.34%
Referred to authorities outside Interior Ministry system	64	1.19%	64	100.00 %	0	0.00%	0	0.00%
Filed without investigation	114	2.11%	114	100.00 %	0	0.00%	0	0.00%
Other	624	11.57%	198	31.73%	196	31.41%	230	36.86%
Total complaints handled: 5,395			4328	80.22%	783	14.51%	284	5.26%

ANNEX 4 (Item 2.2.)

Table 5: Complaints against Prison Service officers
1 January 2004 - 31 December 2004

Prison facility	Service	Complaints							
		Justified		Justified, objective causes		Unjustified		Total	
		Number	%	Number	%	Number	%	Number	%
No.1 Praha		9	26.47	3	8.82	22	64.71	34	100
No. 2 Praha		19	16.81	7	6.19	87	76.99	113	100
P_ ěbram		4	11.11	0	0.00	32	88.89	36	100
Vina_ice		2	5.13	0	0.00	37	94.87	39	100
Ostrov		2	2.08	1	1.04	93	96.88	96	100
Horn í Slavkov		1	3.13	0	0.00	31	96.88	32	100
Liberec		3	18.75	0	0.00	13	81.25	16	100
_ esk é Bud_ jovice		7	15.91	1	2.27	36	81.82	44	100
Plze_		5	5.38	1	1.08	87	93.55	93	100
R ýnovice		3	20.00	0	0.00	12	80.00	15	100
Str á_ pod Ralskem		5	6.76	2	2.70	67	90.54	74	100
Litom_ice		3	10.34	0	0.00	26	89.66	29	100
Teplice		4	19.05	1	4.76	16	76.19	21	100
Drahonice		2	40.00	0	0.00	3	60.00	5	100
Všehrady		0	0.00	0	0.00	8	100.00	8	100
B_ lušice		4	14.81	2	7.41	21	77.78	27	100
Nov é Sedlo		1	2.86	0	0.00	34	97.14	35	100

Hradec Králové	4	8.16	1	2.04	44	89.80	49	100
Pardubice	3	5.45	0	0.00	52	94.55	55	100
Valdice	2	1.83	7	6.42	100	91.74	109	100
Sv_tl ánad Sázavou	1	11.11	0	0.00	8	88.89	9	100
Ji_ice	3	5.77	7	13.46	42	80.77	52	100
Odolov	0	0.00	0	0.00	2	100.00	2	100
Or_á_ov	1	2.94	1	2.94	32	94.12	34	100
Kynšperk	0	0.00	0	0.00	14	100.00	14	100
Karvin_á	1	4.17	1	4.17	22	91.67	24	100
Brno	2	4.76	0	0.00	40	95.24	42	100
Ostrava	1	4.17	0	0.00	23	95.83	24	100
Opava	1	3.70	0	0.00	26	96.30	27	100
Ku_im	2	2.99	4	5.97	61	91.04	67	100
Training Institute	0	0.00	0	0.00	0	0.00	0	0
He_manice	2	14.29	0	0.00	12	85.71	14	100
M_írov	2	7.14	0	0.00	26	92.86	28	100
Olomouc	0	0.00	0	0.00	21	100.00	21	100
B_eclav	0	0.00	0	0.00	12	100.00	12	100
Znojmo	0	0	0	0.00	10	100.00	10	100
Prison Service Headquarters	0	0.00	0	0.00	4	100.00	4	100
Praha – Kv_tnice recreation centre	0	0.00	0	0.00	0	0.00	0	0

Pracov recreation centre	0	0.00	0	0.00	0	0.00	0	0
Šlovice recreation centre	0	0.00	0	0.00	0	0.00	0	0
P_edn í Labsk recreation centre	0	0.00	0	0.00	0	0.00	0	0
Prisons closed down	0	0.00	0	0.00	0	0.00	0	0
TOTAL	99	7.53	39	2.97	1 176	89.5	1 314	100

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services

** For reference see document CAT/C/CR/32/2

1/ Czech and English texts of the Reports on Extremism in the Czech Republic are available on http://www.mvcr.cz/odbor/bez_pol/dokument/index.htm/#extrem.

2/ Police President's Binding Instruction No. 100/2002 concerning the work of the Czech Republic Police personnel in the field of fight against extremist crime.

3/ The Extremism Unit (part of the Terrorism and Extremist Crime Department, Organized Crime Section) deals with organized extremist crime and with extremist crime using modern technologies. The Extremist Crime Detection Group (part of the General Crime Department, Criminal Police and Investigating Service, Czech Republic Police Headquarters) and police specialists at the regional and district levels deal with extremist crime and identify perpetrators of crimes committed in the context of extremism, racial intolerance and xenophobia.

4/ Of the total number of crimes known to the Police, extremist crime accounted for 0.03 % (1996), 0.04 % (1997), 0.03 % (1998), 0.07 % (1999), 0.09 % (2000), 0.1% (2001), 0.1% (2002), 0.09% (2003) a 0.1% (2004). The number of extremist crimes was 452 in 2001, 473 in 2002, 335 in 2003 and 366 in 2004. In 2002-2004 the composition of this crime category did not change substantially. The largest group are crimes under Sections 260, 261 and 261a of the Criminal Code (support and promotion of movements seeking to suppress human rights and freedoms) and crimes under Section 198 (defaming a nation, ethnic group, race or opinion). There was no racially motivated case of murder or bodily harm causing death. No terrorist act was associated

with extremism.

5/ The proposal to sign the Convention on Cybercrime was approved by the Czech Government on 6 October 2004 (Government Resolution No. 968).

6/ Government Resolution No. 85 of 22 January 2003 concerning the National Strategy for the work of the Czech Republic Police in respect of national and ethnic minorities.

7/ Government Resolution No. 1193 of 1 December 2004 concerning draft act to regulate legal remedies available for protection against discrimination and to regulate equal treatment (Anti-Discrimination Act) and concerning a draft act amending certain acts in connection with the adoption of the act to regulate legal remedies available for protection against discrimination and to regulate equal treatment (Anti-Discrimination Act).

8/ The draft act implements i.a. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

9/ Act No. 265/2001 to amend Act No. 141/1961, the Code of Criminal Procedure, as amended, Act No. 140/1961, the Criminal Code, as amended, and some other acts.

10/ Act No. 349/1999 on the Public Defender of Rights, as amended.

11/ The Public Defender of Rights has handled complaints concerning e.g. actions of the police during investigation of non-criminal offences, actions of the Aliens and Border Police, including cases of inaction or refusal to perform an act falling within its competence.

12/ Section 35, paragraph 5 of Act No. 169/1999 on confinement, as amended by Act No. 52/2004 and Act No. 539/2004.

13/ In its answers to Committee's preliminary questions presented before the consideration of the third periodical report, the Czech Republic informed the Committee about the adoption of an amendment to the Execution of Prison Sentences Act, enlarging the group of prisoners who are not required to pay the fees and charges connected with their stay in prison. These include e.g. prisoners who do not work, through no fault of their own, and have no other income or financial resources, prisoners under 18 years of age or prisoners included in retraining or therapeutic programmes that take at least 21 hours a week. However, experience has shown that this policy may demotivate working prisoners who still have to pay their fees and charges. There are prisoners who count on the lack of suitable jobs and only pretend that they would like to work, hoping that no job would be ever found for them. In such case, they are exempt from the payment of prison fees and charges. The head of prison may also grant an exemption in hardship cases.

14/ These complaints were registered as 71 reference numbers, i.e. 71 cases.

15/ These complaints were registered as 46 reference numbers, i.e. 46 cases.

16/ These complaints were registered as 5 reference numbers, i.e. 5 cases.

17/ Act No. 82/1998 concerning liability for damage caused as a result of exercise of public authority or maladministration, as amended.

18/ Act No. 283/1991 concerning the Czech Republic Police, as amended.

19/ Section 132 of Act No. 326/1999 concerning the residence of aliens in the Czech Republic, as amended.

20/ Act No. 222/2003 to amend Act No. 326/1999 concerning the residence of aliens in the Czech Republic, as amended.