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Mr Karel SCHWARZENBERG
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18 May 2011

Dear Minister,

OPEN LETTER RE: CZECH REPUBLIC'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 20 May 2011. We note your submission election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the *note verbale* dated 14 February 2011 from the Permanent Mission of the Czech Republic to the President of the General Assembly.

The Office of the UN High Commissioner for Human Rights has issued guidance in the form of a framework for voluntary pledges and commitments by Member States when presenting candidatures for the Human Rights Council, including that these should make specific, measurable and verifiable commitments.¹ We also recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² We take this opportunity to make some comments on Czech Republic's election pledges and to note some additional opportunities for your government to promote and protect human rights on the occasion of its candidature.

1. Commitments at the international level:

■ *Ratification of international human rights instruments*

While we welcome your commitment to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities; to examine the possibility of signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; as well as the Council of Europe Convention on Action against Trafficking in Human Beings and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

We take this opportunity to also encourage you to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

■ *Cooperation with the Special Procedures*

¹ *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council* prepared by the Office of the High Commissioner for Human Rights <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>

² Operative paragraph 9.

We welcome your commitment to cooperate fully with all of the Special Procedures and to rapidly respond to any requests for visits.

We wish to take this opportunity to remind you of the recommendations made by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, following his visit to the Czech Republic in 1999: Already 11 years ago, the Special Rapporteur urged the authorities of the Czech Republic to end segregation of Roma schoolchildren and to ensure equality of opportunity for the Roma population and their equitable access to education.

■ *Cooperation with the treaty monitoring bodies*

We welcome your commitment to fully cooperate with the treaty monitoring bodies including by submitting its periodic reports within the set deadlines and following up on the recommendations made by those bodies.

In this regard we urge you to implement the 2007 recommendations by the Committee on the Elimination of Racial Discrimination to the Czech Republic to develop effective programmes to put an end to the segregation of Roma in the area of education and to ensure that Roma children were not deprived of their right to family life and to education. The Committee also recommended the review of methodology to determine which children are to be enrolled in special schools to avoid indirect discrimination against Roma children on the basis of their cultural identity.

We also remind you of the 2002 recommendation by the Committee on Economic, Social and Cultural Rights to the Czech Republic “to take immediate and effective measures to eliminate discrimination against Roma children by removing them from “special schools” and integrating them into the mainstream of the educational system.”

■ *Engagement with the Universal Periodic Review*

We welcome your pledge to engage fully in the Universal Periodic Review, including by participating actively in the interactive dialogues with States under review and by implementing recommendations made during the examination of the Czech Republic in April 2008.

We take this opportunity to remind you of the recommendation, made during the review, to “take appropriate and effective measures to fight discrimination and violence against Roma and ensure their equal access to education, housing, health care and employment”.

■ *Participation in the deliberations of the Human Rights Council*

We note your willingness, expressed in your election pledges, to participate actively in the work of the Council to further enhancing its credibility and efficiency, in particular through adequate and timely responses to human rights violations wherever they occur. In this regard, we urge you to work towards better use of the Council’s broad range of working methods and practices to address situations that require its attention and to improve the follow up by the Council of initiatives, including by its expert mechanisms and subsidiary bodies.

2. Commitments at the national level:

■ *National human rights policy*

We note your commitments to implement measures to protect children from physical and mental violence and to reduce the number of children living in institutional care facilities by supporting alternative family care; to fund and support projects and programmes to protect and integrate vulnerable groups, including Roma and other minorities, including by implementing the Concept for Roma Integration for 2010-2013 and measures to increase the number of Roma pupils and students within the educational mainstream; and to implement the National Plan for Creating Equal Opportunities for Persons with Disabilities for 2010-2014.

In the light of the above recommendations by the UN treaty bodies and the Special Procedures, we would welcome an unequivocal commitment by your government to end segregation of Romani children in both mainstream and special education, and to ensure implementation of the European Court of Human Rights judgment in the case of D.H. and others. An important step in this direction would be

implementation of the National Action Plan for Inclusive Education, in particular Goal 5 to adopt measures to facilitate inclusive primary and secondary education.

We welcome the pledges and commitments already made by Czech Republic and encourage your government to use this opportunity to further strengthen its pledges and commitments by including the additional elements listed above. We encourage your government to announce the steps it will take to fulfil its electoral pledges, whether it is successful in gaining a seat on the Council or not, and to regularly inform the Council of progress in implementing these commitments. This could, for example, be done in the form of an oral or written statement to the Council.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

A handwritten signature in black ink, reading "Steve Crawshaw". The signature is written in a cursive, flowing style.

Steve Crawshaw
International Advocacy Director
Amnesty International