



Economic and Social Council

Distr.: General
28 March 2022

Original: English

Committee on Economic, Social and Cultural Rights

Concluding observations on the third periodic report of Czechia*

1. The Committee considered the third periodic report of Czechia¹ at its eighth, ninth and tenth meetings,² held on 17 and 18 February 2022, and adopted the present concluding observations at its thirtieth meeting, held on 4 March 2022.

A. Introduction

2. The Committee welcomes the submission by the State party of its third periodic report, the supplementary information provided in the replies to the list of issues,³ and the statistical data contained therein. The Committee also appreciates the frank, open and constructive dialogue with the State party's delegation.

B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken to increase protection of economic, social and cultural rights in the State party, including its "Strategic Framework Czech Republic 2030" and the national recovery plan. The Committee also welcomes specific strategies on health, education, employment and social inclusion up to 2030, and other measures mentioned in the present concluding observations.

C. Principal subjects of concern and recommendations

Domestic application of the Covenant

4. The Committee notes that the Covenant is part of the constitutional order, and accordingly, economic, social and cultural rights are protected by the State party's Charter of Fundamental Rights and Freedoms. The Committee further notes that the Constitutional Court and the Supreme Administrative Court referred to the Covenant on various occasions. However, it regrets the lack of information on decisions adopted by lower courts and administrative instances that invoke the Covenant. It is also concerned that article 41 (1) of the Charter can have adverse impact on the enforcement of economic, social and cultural rights covered by its scope, taking into account the wider margin of appreciation of policies while implementing these rights. Additionally, the Committee is concerned about insufficient information related to effective remedies in cases of violation of the rights contained in the Covenant (art. 2 (1)).

* Adopted by the Committee at its seventy-first session (14 February–4 March 2022).

¹ E/C.12/CZE/3.

² See E/C.12/2022/SR.8, E/C.12/2022/SR.9 and E/C.12/2022/SR.10.

³ E/C.12/CZE/RQ/3.



5. **The Committee recommends that the State party:**

(a) **Ensure that economic, social and cultural rights can be invoked by courts at all levels and administrative instances, and facilitate access to effective remedies for victims of violations of these rights;**

(b) **Enhance training for members of the judiciary, lawyers and public officials on the Covenant and the justiciability of the rights therein, and raise awareness about this topic among the general public, in particular the rights holders;**

(c) **Take into account its general comment No. 9 (1998) on the domestic application of the Covenant.**

National human rights institution

6. While recognizing the important role of the Public Defender of Rights (Ombudsperson), the Committee remains concerned that the competence of the Ombudsperson does not cover all fundamental rights and freedoms. It is also concerned that follow-up to the study on the establishment of a national human rights institution remains pending (art. 2 (1)).

7. **The Committee recommends that the State party establish expeditiously a national human rights institution with a broad mandate in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It should further ensure the allocation of sufficient human, technical and financial resources to that institution to enable it to fully exercise its mandate in relation to economic, social and cultural rights.**

Climate change

8. The Committee notes with satisfaction the climate protection policy, the progress made with the national action plan on adaptation to climate change, and initiatives such as the boiler subsidies investment programme. The Committee also notes the substantial reduction of greenhouse gas emissions, but is concerned that that decline has practically ceased in recent years. Furthermore, it is concerned that the economy's emissions remain among the highest in the European Union. The Committee is concerned that the State party has a carbon-intensive economy that exposes the population to highly polluted air (art. 2 (1)).

9. **The Committee recommends that the State party:**

(a) **Enhance its adaptation efforts to address the adverse impacts of climate change on economic, social and cultural rights, including by taking measures to achieve its nationally determined contribution under the Paris Agreement, in order to reduce emissions;**

(b) **Promote alternative and renewable energy sources, for example, with the restructuring of the coal-mining regions;**

(c) **Take into account the statement of the Committee on climate change and the Covenant, adopted on 8 October 2018.⁴**

International cooperation

10. The Committee notes with appreciation the attention paid to climate change by the State party, in particular through its contribution to the Green Climate Fund, and its funding of mitigation and adaptation activities in recipient countries. However, the Committee regrets that the State party has not reached the 0.7 per cent target for official development assistance of gross national income, as recommended by the United Nations, nor even the 0.33 per cent committed to the European Union. The Committee notes that support to the climate finance instrument is to ideally be provided in addition to official development assistance (art. 2).

11. **The Committee recommends that the State party step up its efforts to increase its international official development assistance first to meet the target of 0.33 per cent,**

⁴ E/C.12/2018/1.

then ultimately to 0.7 per cent of its gross national income, while maintaining or increasing its contribution to the Green Climate Fund. It also encourages the State party to continue to strengthen its activities in the area of international cooperation.

Non-discrimination

12. While noting targeted policies and strategies adopted by the State party, the Committee is concerned about persistent discrimination, hate speech, prejudices and stereotypes directed towards certain individuals and marginalized and disadvantaged groups. The Committee is further concerned that the shift of the burden of proof does not apply in all cases of discrimination. It is also concerned that the failure to report discrimination is associated with the low degree of trust in the government institutions. Furthermore, the Committee is concerned about discrimination based on gender identity and sexual orientation, and regrets that, in the absence of the recognition of same-sex marriage, registered partnerships do not provide protection equivalent to marriage (art. 2 (2)).

13. The Committee recommends that the State party:

- (a) **Redouble its efforts to prevent and combat discrimination, in particular against Roma, persons with disabilities, migrants, refugees and asylum seekers, lesbian, gay, bisexual, transgender and intersex persons, including by implementing strategies with an intersectional approach;**
- (b) **Conduct awareness-raising campaigns and provide information on procedures to report cases of discrimination and mechanisms available to victims;**
- (c) **Ensure that law enforcement officers, judiciary personnel and other public officials are properly trained so that they can perform their functions and fulfil their obligations professionally with victim-centered approach;**
- (d) **Amend the Civil Procedure Code to ensure the same level of protection for all victims of discrimination regardless of the grounds and area of discrimination;**
- (e) **Ensure that registered partnerships of those in same-sex relationships are provided with protection equivalent to marriage of people in heterosexual relationships;**
- (f) **Take into account its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

Discrimination against Roma

14. While acknowledging the Strategy for Roma Equality, Inclusion and Participation 2021–2030 and initiatives such as the national Roma platform, the Committee is concerned that the Roma continue to experience stigmatization, poverty and widespread discrimination in the areas of health, education, housing and employment. The Committee regrets the lack of reliable data on the situation of Roma in the State party (art. 2 (2)).

15. The Committee recommends that the State party:

- (a) **Intensify its efforts to address the socioeconomic disparities and discrimination faced by Roma persons in accessing health care, education, adequate housing, employment and public services, paying particular attention to Roma women and children;**
- (b) **Proactively address negative prejudices and stereotypes against Roma, including through awareness-raising campaigns, and provide information to Roma about their rights;**
- (c) **Undertake steps to address mistrust among the Roma of public institutions, including by involving Roma representatives in the formulation, monitoring and evaluation of policies that concern their rights;**
- (d) **Improve its data collection system with a view to producing reliable data disaggregated on the basis of prohibited grounds of discrimination.**

Migrants, refugees, asylum seekers and stateless persons

16. While commending the State Integration Programme that offers the same benefits to refugees and subsidiary protection holders, the Committee is concerned that alternatives to detention for asylum seekers are not systematically applied. The Committee also notes that, under the Act on the residence of foreign nationals, the detention of children pending the outcome of their age assessment is allowed, and children above the age of 15 may be subjected to immigration detention. The Committee is further concerned that, under the Aliens Act, the scope of the statelessness determination procedure is limited and that it does not provide sufficient legal security for stateless persons. It is also concerned that such persons face difficulties in obtaining permanent residence, and that, under the Citizenship Act, children who would otherwise be stateless only acquire nationality if both parents are stateless and at least one of them has a residence permit (art. 2 (2)).

17. The Committee recommends that the State party:

(a) **Ensure that detention is only applied as a measure of last resort, following an individual assessment of its reasonableness, necessity and proportionality and an examination of alternatives;**

(b) **Adopt the necessary measures to end the detention of all children, including those with families. Children should not be detained for immigration-related purposes, irrespective of their legal/migratory status or that of their parents;**

(c) **Amend the Aliens Act to ensure that the statelessness determination procedure guarantees the access of stateless persons to the rights under the Covenant, irrespective of legal status, residence and documentation in their possession;**

(d) **Amend the Citizenship Act to facilitate access to citizenship for stateless persons and encourage parents of stateless children to lodge citizenship applications on their behalf;**

(e) **Collect reliable statistical data on the number and profile of stateless persons in the State party;**

(f) **Take into account its statement on the obligations of States to refugees and migrants of 2017.**

Equality between men and women

18. The Committee recognizes the State party's efforts to address gender inequality, which include the Gender Equality Strategy for 2021–2030, the Strategy +1 Initiative, and the programme "22% to Equality". However, the Committee remains concerned that the gender pay gap persists, including due to vertical and horizontal gender segregation in the labour market and women's overrepresentation in part-time employment. It is also concerned by the much lower labour participation rate of women, the concentration of women in traditionally female-dominated professions and the continued underrepresentation of women in managerial and decision-making positions in the public and private sectors (arts. 3 and 7).

19. The Committee recommends that the State party:

(a) **Intensify its efforts to close the gender pay gap, by addressing the vertical and horizontal gender-based segregation in the labour market, reviewing its social and tax policies and addressing the factors that discourage women from continuing their careers or taking up full-time employment;**

(b) **Enhance efforts to guarantee equal opportunities for men and women to select non-traditional disciplines of education and job options, including by removing gender stereotypes;**

(c) **Develop strategies to increase labour participation of women, including through policies to better harmonize work, personal and family life;**

(d) **Promote increased representation of women at all levels of the public administration, particularly in decision-making positions, and promote their participation in management positions in the private sector;**

- (e) **Take into account its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

Unemployment

20. The Committee welcomes the overall very low long-term unemployment rate and policies, such as the antivirus programme to mitigate the effects of the coronavirus disease (COVID-19) pandemic. Nevertheless, the Committee is concerned about significant discrepancies in the unemployment rate across regions. The Committee also expresses its concern that some groups face more difficulties in accessing work, many of which work in the informal sector of the economy and have been disproportionately affected by the COVID-19 pandemic. Furthermore, the Committee regrets the lack of statistics on informal employment and the limited protection for workers in this sector (art. 6).

21. **The Committee recommends that the State party:**

- (a) **Continue its efforts to reduce unemployment in all regions of the country;**
- (b) **Intensify its efforts to support Roma, persons with disabilities, women with children, young people, persons aged 50 and above, and migrants, in gaining access to employment, including by implementing targeted positive measures, facilitating their access to technical and vocational training opportunities and collecting data on their situation;**
- (c) **Ensure that programmes promoting the inclusion of the most disadvantaged and marginalized groups into the open labour market do not perpetuate their concentration in low-skilled jobs and the informal economy;**
- (d) **Undertake steps to facilitate the transition of workers from the informal sector to the formal sector of the economy, including by collecting data on their situation and ensuring that they are covered by labour laws and have access to social protection;**
- (e) **Take into account its general comment No. 18 (2005) on the right to work.**

Minimum wage

22. While recognizing the significant increase of the minimum wage in recent years, the Committee is concerned about its implementation, and that it remains one of the lowest in the region. The Committee also notes that the State party plans to introduce automatic indexing of the minimum wage so that it would not have to be renegotiated every year (art. 7).

23. **The Committee recommends that the State party:**

- (a) **Intensify its efforts to ensure that all workers are guaranteed the minimum wage and that it is set at a level sufficient to provide workers and their families with a decent living;**
- (b) **Strengthen the capacities of labour inspections to guarantee the enforcement of the minimum wage;**
- (c) **Take into account its general comment No. 23 (2016) on the right to just and favourable conditions of work.**

Sexual harassment in the workplace

24. The Committee is concerned about the instances of sexual harassment in the workplace that have been reported in surveys in the public sector, and the insufficient information concerning a strategy to tackle this problem in the public and private sectors, beyond a handbook for public authorities and the provision of awareness-raising courses. The Committee also regrets the lack of data on cases investigated and their outcomes (arts. 3 and 7).

25. **The Committee recommends that the State party:**

- (a) **Ensure that the laws against sexual harassment, including the Labour Code, are effectively enforced and that it adopts preventive and protective measures to**

combat sexual harassment in the workplace, including awareness-raising campaigns, a monitoring system and ongoing training;

(b) Ensure that reports of sexual harassment are duly investigated and prosecuted, that perpetrators are adequately punished and that victims have access to appropriate redress, including compensation.

Trade union rights

26. The Committee is concerned about the absolute prohibition on the right to strike for a number of State employees, including members of the police, fire and rescue service, prison service and the Office for Foreign Relations and Information. It is also concerned that the voting requirement in the Collective Bargaining Act is high, requiring two-thirds to vote in favour of calling for a strike in disputes regarding the conclusion of collective agreements (art. 8).

27. The Committee recommends that the State party:

(a) Revise the scope of the category of essential services to ensure that all those public servants whose services cannot reasonably be deemed as essential are entitled to their right to strike;

(b) Carry out a new consultation with social partners about the quorum required for conducting strikes, and consider an amendment to the Collective Bargaining Act to adjust it.

Social security

28. The Committee is concerned about reports that courts restrict the legal capacity of persons with intellectual and psychosocial disabilities to apply for social benefits and pensions, and do not ensure procedural accommodations. It is also concerned about insufficient staffing of the medical assessment service, which leads to delays in processing requests for disability benefits, and the continuity of its operations following the retirement of current staff. Furthermore, the Committee is concerned that many refugees are not eligible to receive the pension scheme benefits due to obstacles in proving the required number of years of employment and that they remain dependent on minimal subsistence allowances (art. 9).

29. The Committee recommends that the State party:

(a) Implement a Civil Code reform to recognize the legal capacity of all persons with disabilities and implement a supported decision-making system, and that it respect their legal capacity to access social services and social security schemes;

(b) Strengthen capacity-building programmes for the judiciary on the human rights model of disability, adopt mechanisms to provide persons with disabilities with age-appropriate accommodations and raise awareness in society about the right to equal recognition before the law of persons with disabilities;

(c) Ensure adequate staffing of the medical assessment service to avoid delays in proceedings, in particular, in cases of allowances for care, contributions and issuance of disability cards;

(d) Amend the Pension Insurance Act to facilitate access to the national pension scheme for refugees and asylum seekers;

(e) Take into account its general comment No. 19 (2007) on the right to social security.

Children in institutions

30. The Committee takes note of the legislative and policy efforts made by the State party to reduce institutionalization and strengthen foster care, including the national strategy for the protection of children's rights for 2021–2029 and the legislation putting an end to the placement of children aged under three years into institutional care. Nevertheless, the Committee is concerned about the very high number of institutionalized children in the State

party, in particular, Roma children and children with disabilities. The Committee is further concerned that the childcare system remains fragmented and at the lack of an effective deinstitutionalization policy for children and family-based care options. Moreover, the Committee expresses its concern that children with “behavioural difficulties”, labelled as “anti-social” or “at risk”, are placed into institutions by civil proceedings, and do not benefit from legal assistance (art. 10).

31. The Committee urges that the State party:

(a) **Ensure effective coordination among various ministries to unify the childcare system;**

(b) **Implement a national policy and strategy with a time-bound action plan to accelerate progress towards deinstitutionalization, in support of community-based and family-based options, giving particular attention to children with disabilities, Roma children and very young children;**

(c) **Accelerate the discussion of the draft act on support to families and alternative family care with a view to its adoption;**

(d) **Ensure the implementation of the legislation that introduced the minimum age of 3 years for placement of a child in institutional care;**

(e) **Guarantee the adequate provision of family-based care options, including a sufficient number of trained foster parents;**

(f) **Ensure that children are not separated from their families and placed in alternative care due to their “behavioural difficulties”.**

Protection of the family and children

32. While welcoming the progress made in the area of childcare, including children’s groups and micro-crèches, the Committee is concerned that these measures are insufficient for addressing the sharing of parental responsibilities and childcare options. The Committee is further concerned that women more often assume the role of household carer and face the issue of balancing their professional and personal lives, including having difficulties re-entering the labour market after maternity leave (art. 10).

33. The Committee recommends that the State party:

(a) **Expand the availability of adequate high-quality childcare facilities and services, as well as increased availability of flexible working arrangements;**

(b) **Take comprehensive measures to eliminate gender role stereotypes, including through media campaigns and opinion leaders, and through awareness-raising among the general public on the equal sharing of rights and responsibilities between men and women in the family and society;**

(c) **Extend the two-week period allowed for paternity leave, and ensure that parents take full advantage of the time to establish the equitable distribution of care responsibilities between men and women.**

Adequate standard of living

34. While noting the absence of extreme poverty and that the rate of persons at risk of poverty has been low in the State Party, the Committee is concerned that the current subsistence minimum does not include the cost of housing and does not adequately reflect the real cost of living. The Committee is further concerned that as a result of inflation, the value of the subsistence minimum is constantly decreasing and that this has a negative impact on people who rely on social benefits that are calculated on the basis of this indicator, especially Roma (arts. 9 and 11).

35. The Committee recommends that the State party expedite the process of amending its method of calculating the subsistence minimum and increase it, indexed to the cost of living. It also recommends that the State party take targeted measures to protect the most disadvantaged and marginalized groups from poverty, and ensure that

when needed, social protection measures are available and sufficient to provide them with an adequate standard of living.

Right to adequate housing

36. While noting various efforts, such as the Social Housing Project implemented by municipalities, the Committee expresses its concern that the State party has not yet adopted a comprehensive social housing system and a social housing law. The Committee is concerned that there is a lack of adequate housing available, that housing costs and rental prices are high and that funds for housing allowance are insufficient. While noting that the provision allowing for housing “benefit-free zones” was quashed in 2021 by the Constitutional Court, the Committee remains concerned by reports that Roma face multiple barriers to the realization of their right to housing. The Committee also notes that some owners are reluctant to rent apartments to migrants, who are also often charged rents at above-market prices for substandard housing. Moreover, it is concerned that the State party has a very high number of homeless persons and regrets there is not an effective mechanism to prevent and address this issue (art. 11).

37. **The Committee recommends that the State party:**

(a) **Develop and effectively implement a human-rights based national strategy on housing, with appropriate allocation of funds, and a monitoring system, and to this end, collect disaggregated statistics, especially on the housing situation of disadvantaged and marginalized groups;**

(b) **Expedite the adoption of a social housing law;**

(c) **Increase the availability of adequate and affordable housing, in particular by expanding the supply of social housing and housing subsidies, with particular attention to disadvantaged and marginalized groups, such as Roma, migrants, persons with disabilities and older persons;**

(d) **Investigate allegations of any form of discrimination regarding access to housing, including rent levels and housing conditions;**

(e) **Ensure that evictions do not result in individuals being rendered homeless and that, where those affected are unable to provide for themselves, adequate alternative housing is provided by the State party;**

(f) **Take into account its general comment No. 7 (1997) on the right to adequate housing.**

Right to health

38. The Committee is concerned at the persistence of discrimination against migrants who do not meet the conditions for joining the public health insurance system and have to enroll in a private health insurance plan, where they are exposed to gaps in coverage, waiting times for payment of insurance indemnity and limits to the maximum amount of reimbursement. Moreover, the Committee is concerned that transgender persons are required to undergo gender reassignment and sterilization to change their names and gender. It is further concerned about the lack of regulation on the rights of intersex persons, including to prohibit the performing of surgical procedures on intersex children that are often irreversible and medically unnecessary (arts. 9 and 12).

39. **The Committee recommends that the State party:**

(a) **Ensure that all persons, including migrants, have equal access to preventive, curative and palliative health services, regardless of their legal status and documentation;**

(b) **Guarantee that private insurance providers do not impose unreasonable conditions;**

(c) **Amend legislation to ensure that sterilization is not required in the gender affirmation procedure;**

(d) **Ensure that medically unnecessary procedures on intersex children are not performed until they can give their informed consent;**

(e) **Take into account its general comment No. 14 (2000) on the right to the highest attainable standard of health and its statement on the duties of States towards refugees and migrants under the Covenant.⁵**

Forced sterilization of Roma women

40. The Committee welcomes the adoption in 2021 of the Act related to compensation for persons who were forced to undergo sterilization between 1966 and 2012. However, the Committee is concerned that the time frame of three years to claim for compensation might be too short for the victims to be properly informed and to bring their claims (arts. 2, 10 and 12).

41. **The Committee recommends that the State party:**

(a) **Ensure effective compensation for victims of forced sterilization and provide them with adequate support for redress, including assistance in obtaining compensation and free legal aid;**

(b) **Extend the time limit for bringing legal claims for compensation in cases of forced sterilization, as long as necessary, and provide guarantees of non-repetition;**

(c) **Undertake measures to ensure that such acts are investigated and those responsible are prosecuted and, if convicted, adequately punished.**

Deinstitutionalization of persons with disabilities

42. While noting the national plan for the promotion of equal opportunities for persons with disabilities 2021–2025, the Committee is concerned at the high levels of institutionalization of persons with disabilities, in particular those with intellectual or psychosocial disabilities. The Committee is also concerned that the State party continues to invest resources in institutional settings, and regrets the insufficient support services that would enable persons with disabilities to live independently in their local communities. The Committee further notes with concern that there is no clear policy to end the use of restraints in mental health services, despite the reform of psychiatric care (arts. 10 and 12).

43. **The Committee urges the State Party to:**

(a) **Develop, implement and provide adequate resources for an effective deinstitutionalization policy, with a clear time frame and benchmarks, involving consultation with persons with disabilities through their representative organizations at all stages;**

(b) **Allocate sufficient resources for the development of support services in local communities that would enable all persons with disabilities to choose freely with whom, where and under which living arrangements they will live;**

(c) **Adopt legal and practical measures to end coercive measures in mental health services.**

Access to COVID-19 vaccines and drugs

44. The Committee welcomes the information provided by the State party's delegation indicating that from 2021, the Government has focused on the wide availability of vaccines for all with accessible testing and treatment. It also notes the efforts of the State party to contain the spread of COVID-19 and to provide patients with the necessary medical care. However, the Committee notes that the State party has not played an active role in advocating for universal, equitable and affordable access to COVID-19 vaccines and drugs in regional and international organizations of which it is a member (arts. 2 and 12).

45. **The Committee recommends that the State party:**

⁵ E/C.12/2017/1.

(a) **Strengthen its efforts to facilitate universal and equitable access to COVID-19 testing, treatment and immunization;**

(b) **Make every effort to exercise its leverage in regional and international organizations of which it is a member to advocate for universal, equitable and affordable access to COVID-19 vaccines and drugs, including through the possibility of supporting the proposals made at the World Trade Organization of establishing a temporary waiver for some intellectual property rights for vaccines at least for as long as the pandemic continues;**

(c) **Pay particular attention to paragraph 82 of the Committee's general comment No. 25 (2020) on science and economic, social and cultural rights, and to the Committee's statements on the COVID-19 pandemic and economic, social and cultural rights,⁶ and on universal and equitable access to vaccines for COVID-19.⁷**

Inclusive education

46. The Committee recognizes the efforts undertaken by the State party to promote inclusive education, such as the inclusive education action plans and Decree No. 27/2016. However, the Committee is concerned that a significant number of children with disabilities, in particular those with intellectual disabilities and autism, still receive their education in special schools. The Committee is also concerned that school counselling facilities determine support measures based primarily on a medical approach. Furthermore, the Committee is concerned that reasonable accommodation is not always provided and that many teachers do not have sufficient training in inclusive learning (arts. 2 (2) and 13).

47. **The Committee recommends that the State party:**

(a) **Amend its legislation, including Decree No. 27/2016, on the education of pupils with special educational needs and gifted pupils, to ensure the effective inclusion of all children with disabilities in mainstream education at all levels;**

(b) **Allocate sufficient human, technical and financial resources, and ensure the provision of accessible and inclusive learning environments, buildings and educational materials, reasonable accommodation and individualized support;**

(c) **Guarantee that support measures are adopted under the human rights-based approach to disability and do not lead to any segregation or reduction in the quality of education;**

(d) **Ensure an adequate number of trained teachers and adequately remunerated teaching assistants.**

Inclusive education for Roma and migrant children

48. The Committee takes note of the efforts made by the State party towards integrating Roma and migrant children into the mainstream education system, including the programmes Roma Minority Integration Support and Support for Education of Foreign Nationals in Schools. However, the Committee remains concerned that inclusion of Roma children has not been reached as long as they are often found in separate schools or in special schools for children with disabilities. It is also concerned about the insufficient coverage of Roma children by preschool education, the high drop-out rates of these students and the insufficient number of qualified Roma school mediators. Furthermore, the Committee remains concerned at the underrepresentation of pupils of migrant background at the higher levels of secondary school, and that children of countries outside the European Union require a residence permit to access this education under the same conditions (arts. 2 (2) and 13).

49. **The Committee recommends that the State party:**

(a) **Intensify its efforts to ensure that Roma children have access to high-quality mainstream education, including preschool education;**

⁶ E/C.12/2020/1.

⁷ E/C.12/2020/2.

- (b) **Take targeted measures to improve enrolment and completion rates among Roma children, in particular Roma girls, at the various levels of education;**
- (c) **Allocate an adequate budget for ensuring an adequate number of qualified Roma school mediators, and provide support to Roma children living in poverty and excluded localities;**
- (d) **Conduct awareness-raising campaigns to promote diversity in schooling, and sanction schools that do not enrol Roma children;**
- (e) **Remove legal and administrative barriers to school enrolment for all migrant pupils, including undocumented pupils, and take effective measures to provide them with non-discriminatory access to education.**

Cultural rights

50. The Committee notes various measures taken by the State party to protect cultural rights, including the State Cultural Policy and the National Policy of Research, Development and Innovation 2021+. Nevertheless, the Committee is concerned about the challenges faced by disadvantaged and marginalized groups to access to culture and the benefit of scientific research. It is further concerned that education in minority languages does not include all national minorities and cover the entire country. Furthermore, the Committee is concerned that legislation on scientific research is not aligned with international standards (art. 15).

51. **The Committee recommends that the State party:**

- (a) **Increase efforts to make culture accessible and available for all, ensuring that the disadvantaged and marginalized groups have affordable access to culture and enjoy the benefit of scientific progress;**
- (b) **Consider revising its language policies and laws in the area of education in order to promote the teaching of all minority languages and teaching in minority languages and to ensure that such policies and laws do not negatively affect the educational performance of children belonging to minority groups;**
- (c) **Amend the legislation on scientific research to introduce the obligation that research data should generally be published upon request if no conflicting interests exist, and in compliance with the principles for scientific data management.**

D. Other recommendations

52. **The Committee encourages the State party to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

53. **The Committee recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

54. **The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, including in the recovery from the COVID-19 pandemic. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State party support the global commitment of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.⁸**

⁸ E/C.12/2019/1.

55. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national, regional and municipal levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with the Public Defender of Rights (Ombudsperson), non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

56. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 19 (a) (gender pay gap), 31 (b) (children in institutions) and 37 (a) (adequate housing) above.

57. The Committee requests the State party to submit its fourth periodic report in accordance with article 16 of the Covenant by 31 March 2027, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.
