

## **Europe and Central Asia Summary of Amnesty International's Concerns in the Region January – June 2006**

### **Czech Republic**

#### **Failure to pass anti-discrimination bill**

On 26 January, the Senate returned to the Chamber of Deputies an anti-discrimination bill which it regarded as too vague and because it would have introduced affirmative action to assist disadvantaged groups. The aim of the proposed law was to ensure equal treatment and access to education, employment, health care, social benefits and housing regardless of race, gender, age or sexual orientation. The passing of such a law was intended to fulfil obligations following the Czech Republic's accession to the European Union in 2004.

In March, reporting on his January visit to the Czech Republic, the Council of Europe's Commissioner for Human Rights Álvaro Gil-Robles expressed regret that an anti-discrimination bill had not been passed, and also that the Czech Republic had yet to ratify Protocol 12 to the European Convention on Human Rights (ECHR) on the elimination of discrimination.

#### **Discrimination against Roma**

In February the Council of Europe's Commissioner for Human Rights presented his "*Final report on the human rights situation of the Roma, Sinti and Travellers in Europe*", finding that Roma face discrimination in access to housing, education and employment. The Commissioner reported that severe unemployment and the consequential poverty and indebtedness have made Roma communities specifically vulnerable to usury practices. The Commissioner also expressed concern at unjustified placing of Romani children in "special" schools.

In March, on his conclusions on the human rights concerns in the Czech Republic, the Commissioner noted that initiatives taken have had a limited effect in reducing social exclusion of large sectors of the Romani population. The Commissioner considered that both regional and local authorities should be more closely involved in the implementation of policies against social exclusion, and invited the government to establish effective instruments of co-operation, co-ordination and supervision to that end. Concerns remained on access to education, in spite of efforts to increase the number of preparatory classes and assistant teachers for Roma pupils, and the Commissioner called the Czech authorities to make greater resources available for the provision of pre-school education, language training and school assistant training in order to ensure the success of efforts to fully integrate Roma pupils into the regular school system.

On 7 February, the European Court of Human Rights (ECtHR) rejected a complaint of discrimination in education brought by 18 Romani people from Ostrava who had been placed in special elementary schools for children with learning difficulties. The ECtHR concluded that the Czech Republic had not breached the prohibition on discrimination and the right to education in the ECHR (Article 14) its Protocol 1 (Article 2). The ECtHR said that it could assess only individual complaints and not their social context. The decision was appealed on 8 May and at the end of the period under review was pending before the Great Chamber of the ECtHR.

In May, a report of the European Monitoring Centre on Racism and Xenophobia (EUMC) Roma and travellers in public education, expressed serious concerns about the segregation in primary education of Romani children and their over-representation in special schools. Although recognizing improvements, like the decision in January to introduce a new monitoring system for

the collection of anonymous data on the Roma community, the EUMC considered that more active policies on the part of the state were needed.

### **Allegations of police ill-treatment**

Reports continued of police ill-treatment, particularly against Roma.

#### *The case of Kateřina Jacques*

At a demonstration on 1 May in Prague against the far-right National Resistance Movement, a police officer reportedly severely beat Kateřina Jacques, a Green Party candidate in the June general election and a senior official from the government's Office for Human Rights and Equal Opportunities Section. The policeman allegedly threw her to the ground, kicked her and beat her with a truncheon before handcuffing her and taking away for questioning at the police station. There he allegedly continued to ill-treat her. The officer was later suspended pending an investigation into the incident by the Police Inspectorate. The National Police Chief Vladislav Husák subsequently acknowledged that the police action against Kateřina Jacques was inappropriate. The Prime Minister at that time, Jiří Paroubek said that the police officer's intervention was inexcusable and that the officer should leave the police.

#### *Attacks against Roma*

Roma continued to be the target of reported attacks by both law enforcement officials and private individuals (non-state actors). The Council of Europe's Commissioner for Human Rights expressed concerns in its February report about a number of allegations of police violence towards this community and cases of inaction by the police force related to crimes committed against Roma.

### **Fair trial rights denied**

On 28 February, the ECtHR found that the Czech government had violated the right to fair trial by allowing witnesses to remain anonymous in breach of cross-examination requirements under the ECHR. The response related to an appeal lodged on 2 September 1999 by Hasan Krasniki, who had been convicted in 1997 on charges of the production and possession of narcotics through the testimony of two anonymous witnesses. The ECtHR found that, while the use of anonymous witnesses could be compatible with the ECHR, in this case it was not. The reliability of anonymous witnesses should be tested and the conviction should not rely exclusively or determinedly on anonymous statements. Czech law has since been amended.

### **Same sex partnership**

In March a law was passed that allowed same-sex couples to register their partnership after the Chamber of Deputies overrode President Václav Klaus's veto of the legislation. The law accorded some of the same rights and obligations as married couples have, including the rights to raise children, to inherit property and to information on the health of the partner, and the mutual obligation to pay maintenance. It did not provide the right to adopt children.

### **Detention of irregular migrants and asylum seekers**

In his March report the Council of Europe's Commissioner for Human Rights continued to urge the Czech authorities to abolish the strict detention regime and to further reduce the maximum detention period for irregular migrants, particularly for minors aged between 15 and 18. The Commissioner welcomed the efforts made to improve the material situation in centres hosting asylum-seekers and the creation of new centres for unaccompanied minors, refugees and families. He noted that the running of detention centres had been transferred from the police to a specialised agency, and that children under 15 were not sent to detention centres and attended ordinary schools.

## **Violence against women**

In his February and March reports the Council of Europe's Commissioner for Human rights also addressed a number of issues relating to violence against women. With regard to trafficking in human beings, he welcomed the changes introduced in the criminal code to broaden the definition of trafficking and the establishment of a protection programme. On victims of domestic violence, the Commissioners noted a new provision in the criminal code for a specific criminal offence of domestic violence and for severe sanctions against perpetrators of this offence. He welcomed the introduction of interdisciplinary teams in the detection and prosecution of domestic violence and the creation of special police units, but also called on the authorities to strive to meet the demand for additional space in shelters.

The Commissioner also noted that the Czech Republic should compensate women who had been sterilized without informed consent. The Ombudsman of the Czech Republic had investigated some 80 complaints against hospitals that had allegedly sterilized women without their informed consent. In his final report on this issue, in December 2005, the Ombudsman found that in most cases women were not able to give informed consent because they did not understand the procedure, because of lack of time (sometimes the procedure was carried out within a few minutes of their agreeing to it, or after labour had started) or because of misleading information on the part of the hospital personnel about the nature and consequences of the sterilization procedure. A number of these cases were transferred to the state attorney and the police for investigation (see AI Index: POL 10/001/2006)