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Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: January – June 2007

CZECH REPUBLIC

This country entry has been extracted from a forthcoming Amnesty International (AI) report, *Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: January – June 2007* (AI Index: EUR 01/001/2007), to be issued in November 2007. Anyone wanting further information on other AI concerns in Europe and Central Asia should consult the full document.

Ratifications

The Czech Republic remained the only European Union (EU) member state not to have ratified the Statute of the International Criminal Court.

Discrimination against Roma

The Romani minority continued to face discrimination at the hands of public officials and private individuals. On 26 April, a poll from the STEM agency showed the prevalence of prejudice against Roma. Only one out of 10 respondents said that Romani neighbours would not become a problem for them. Some 40 per cent said that Romani neighbours would be unacceptable for them, 26 per cent considered such a situation difficult, and 24 per cent said they would not feel good about having Romani neighbours. The percentage of those who consider Romanies as neighbours unacceptable has risen from 32 to 40 per cent during the last two years, according to STEM. Another STEM released on 4 May showed that more than two-thirds of Czechs have a negative relationship to Roma and only one in 20 assesses Roma positively.

On 11 June, the government approved a new anti-discrimination bill, which should have been passed three years ago when the Czech Republic joined the EU. The law still has to be approved by parliament, where a previous anti-discrimination proposal fell when the Senate objected to its vagueness and pledges of affirmative action.

Review by CERD

On 10 April, the UN Committee on the Elimination of Racial Discrimination (CERD) made public its concluding observations on the Czech Republic's compliance with the International Convention on the Elimination of All Forms of Racial Discrimination. The CERD raised concerns about allegations of ill-treatment by police officers of Roma, in particular children, their placement in detention and coercion into confessing minor crimes.

The CERD also noted the particularly high unemployment among Roma and the fact that Roma face persistent discrimination in recruitment. On housing, the CERD raised concerns about the particularly vulnerability of Roma to evictions and segregation in housing, and regretted that the Czech Republic had not taken sufficient action to tackle this issue. The CERD mentioned the autonomy of municipalities under domestic law as an obstacle to the fulfilment of its obligations to ensure the enjoyment of the right to housing by all without discrimination. It was further concerned that domestic regulations did not clearly prohibit racial discrimination in the enjoyment of the right to housing.

On education, the CERD expressed deep concerns on the racial segregation experienced in schools by Romani children. It also raised concerns about the disproportionately large number of Romani children removed from their families and placed in state institutions or foster care.

Discrimination in education (update to AI Index: POL 10/001/2007)

On 18 January, the Great Chamber of the European Court of Human Rights (ECtHR) began hearing the appeal by the families of the 18 Romani children from Ostrava against the first decision of the ECtHR which concluded that the Czech Republic had not breached the prohibition on discrimination and the right to education in the European Convention on Human Rights and the related Protocol. The children had been placed in special elementary schools for children with learning difficulties. The result of the appeal was still pending at the end of the period under review.

Evictions (update to AI Index: EUR 01/001/2007)

The Minister without portfolio Džamila Stehlíková from the Green Party announced on 19 February that the 10 Romani families evicted from the town of Vsetín in October 2006 as rent-defaulters and moved to ramshackle houses in the Jeseník region might be given some subsidies for the basic repairs of their houses. She withdrew her proposal the following day and announced instead a public collection to help the Romani families, arguing that the impossibility of granting subsidies on private properties was the cause of her change of mind.

The decision by the town hall of Vsetín to evict the Romani families from the town's centre was also labelled a mistake by the Public Rights Defender (Ombudsperson) Otakar Motejl on 13 June. He said that “the export of socially excluded families from municipalities in which the families have long been living cannot be accepted as an efficient solution.”

Hate speech

On 9 April, Roma rights activists decided to file a lawsuit against Deputy Prime Minister and Christian Democrat leader Jiří Čunek (and former Mayor of Vsetín at the time of the evictions of the Romani families) over his comments regarding the Romani community. Some days earlier, Jiří Čunek said in the tabloid *Blesk* (Lightning) that “in order to be entitled to state subsidies like Romanies, other people would need to get a suntan, behave in a disorderly way and light fires on town squares before politicians would regard them as badly off.” The Roma rights activist said that his statements might amount to inciting hatred against the ethnic group. Over 100 protesters gathered outside the Office of the Government on 11 April demonstrating against these declarations. The following day, Jiří Čunek distanced himself from the

statements by saying his behaviour “had never had a racist or xenophobic motivation” and he “had always strived for equal treatment for everybody.”

Forced sterilization of women (update to AI Index: EUR 01/001/2007)

On January 17, the High Court in Olomouc issued a ground-breaking verdict in the case of the illegal sterilization of Helena Ferenčíková in 2001, requiring the hospital which performed the sterilization to apologize. The verdict upheld that of the Ostrava Regional Court in November 2005, but the court did not award Helena Ferenčíková the compensation of 1 million Czech koruna (approximately 35,400 euros) she sought for physical and psychological damages. In a letter dated February 27, the Vítkovice Hospital apologized to Helena Ferenčíková for its “encroachment on ... [her] right to protection of personality.”

In its review (see above) the CERD also raised concerns about women, a high proportion of them Romani, who had been subjected to coerced sterilization. It was also concerned that the Czech Republic had not taken sufficient action to abide by its positive obligation to impede the illegal performance of such operations by doctors after 1991, and that sterilizations without the prior informed consent of women were reported to have been carried out as late as 2004.

On 20 February, a working group of Romani women at the Government Council for Romani Issues proposed establishing a fund from which the victims of involuntary sterilization would be compensated. The working group also noted that the victims should be entitled to an apology.

Fair trial concerns and allegations of torture and ill-treatment

Case of Yekta Uzunoglou

On 28 March, AI wrote to the authorities expressing its concerns about the alleged denial of a fair trial on the case of the German citizen Yekta Uzunoglu who was arrested in 1994 (see AI Index: EUR 71/001/2007). Yekta Uzunoglu, who is of Kurdish origin, also alleged that he had been subjected to torture and ill-treatment.

According to information received by AI, Yekta Uzunoglu was arrested outside his flat in Prague on 13 September 1994 and charged with a range of offences, including torture, limitation of personal freedom, conspiracy to murder, robbery, fraud, and possessing arms without a licence. The arrest was based on testimony received from a Turkish citizen, Göksel Otan, who had been living in the Czech Republic under the alias of Gurkan Gönen and reportedly working as a police agent. Göksel Otan accused Yekta Uzunoglu of abducting and torturing him. However, in statements given by Yekta Uzunoglu to his lawyer at the time, several witnesses -- representatives of the pharmaceutical company Boots and of a Turkish cosmetic company, as well as several Czech individuals -- said that Yekta Uzunoglu had been with them at the time the act of torture on Göksel Otan was alleged to have taken place. Yekta Uzunoglu alleged that shortly after his arrest and while being held in custody he was subjected to “physical torture, torment and psychological terror.” In 1996 the then Minister of Interior, Jan Ruml, is said to have admitted that Yekta Uzunoglu had been abused by the police.

Yekta Uzunoglu appealed a judgment decision from September 2003 to close down his case, on the grounds that he wished to assert his right to have a court acquit him of the charges of torture and limitation of personal freedom.

The main court hearing on this appeal began on 25 June 2004. However, the hearing was considerably delayed because Göksel Otan had not appeared in court on numerous occasions and the police had failed to secure his presence in court. On 24 August 2006 Göksel Otan retracted his original testimony, repeatedly declaring that Yekta Uzunoglu “did not torture him, nor was he able to torture him, because he was not present during the act of torture”. At the last main hearing on 6 October 2006, Göksel Otan reiterated that Yekta Uzunoglu was not present. On 29 March 2007 Yekta Uzunoglu received a suspended sentence of two years with five years of probation. He appealed against this decision.

AI urged the Czech authorities to investigate the alleged procedural violations of Yekta Uzunoglu’s fair trial rights including the rights to be tried without undue delay, to ensure Yekta Uzunoglu’s right to call and to question witnesses under the principle of equality of arms, and to an effective defence. AI also requested details on the investigations into the allegations of torture and ill-treatment during custody.

Trafficking and migrants

On 2 May, the Chamber of Deputies (lower house of parliament) passed an amendment to the Penal Code that will tighten sentences for people smuggling and illegal border crossing, in accordance with EU requirements. The bill would need to be approved by the Senate and signed by the President to become law, which had not happened by the end of the period under review. The amendment mainly tightens sentences for people smugglers who help irregular migrants on Czech territory for money. The law also defines a completely new crime - assisting in an illegal stay on the territory of the Czech Republic.