

# Czech Republic

## Submission to the UN Universal Periodic Review

First session of the UPR Working Group, 7-18 April 2008

In this submission, Amnesty International provides information under sections B and C (as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review):

- Under section B, Amnesty International raises concern over shortcomings of the ratification of international human rights standards, and on inhuman and degrading treatment;
- In section C, we describe concerns related to police ill-treatment, discrimination against Roma and forced sterilization of women;
- In each section Amnesty International makes a number of recommendations in the areas of concerns listed.

### **B. Normative and institutional framework of State**

Amnesty International is concerned at shortcomings in the ratification of international human rights instruments, especially following the pledges made by the Czech Republic before being elected as a member of the UN Human Rights Council. This refers in particular to the Rome Statute of the International Criminal Court as the Czech Republic remains the only member of the European Union not to have ratified it.

- Amnesty International urges the Czech Republic to ratify without delay the Rome Statute of the International Criminal Court, the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

### **III-treatment and mental health**

Amnesty International is concerned with existing legislation on the use of so-called "cage beds". These devices are used to restrain patients in psychiatric hospitals and residents in social care homes for people with mental disabilities.<sup>1</sup> Amnesty International considers that the use of cage beds and the denial of appropriate rehabilitation and care to children with disabilities may amount to cruel, inhuman or degrading treatment. The Czech Ministry of Social Affairs has acknowledged that cage beds are used, and stated that domestic legislation does not explicitly forbid this form of restraint. Additionally, the Ministry has

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<sup>1</sup> See *Extracts from Amnesty International Annual Reports 2005-2007*

mentioned budgetary constraints on hiring qualified staff as a reason for this shortcoming. In the absence of legislation governing the use of seclusion and other harmful restraints, there is concern that even if cage beds were eliminated, isolation and increased psychiatric medication would be used instead.<sup>2</sup> The authorities have yet to introduce much-needed reform of the mental health care system, including setting up of community-based alternatives to residential care in psychiatric and social care institutions. In May 2005, the Czech Parliament adopted an amendment to the law on social care on the use of restraint in all social care institutions, including cage beds. Although regularization of restraint use is cited as the objective of the law, in fact it legalized the use of restraints. Moreover, the amendment does not provide for supervision or time limits on the restraint order, or any complaint mechanisms for victims.<sup>3</sup>

- Amnesty International calls on the Czech Government to ensure that appropriate legislation is adopted to reform the mental care system and to clearly prohibit any treatment which could be considered inhuman or degrading, such as the use of “cage-beds”.

### **C. Promotion and protection of human rights on the ground**

#### **Police ill-treatment**

Amnesty International is concerned about continuing reports of ill-treatment by law enforcement officials of members of marginalized groups, such as Roma and foreign nationals, including that some cases have not been adequately investigated.<sup>4</sup>

- Amnesty International urges all incidents of ill-treatment by police authorities to be promptly investigated and that perpetrators are brought to justice in accordance with international standards for fair trial.

#### **Discrimination against Roma**

Roma continue to suffer discrimination at the hands of both public officials and private individuals, including in the areas of housing, education, health care and employment.<sup>5</sup> Discriminatory practices in public and private rental markets mean that Roma can frequently not obtain housing, even when they are able to present financial guarantees, and as a result they often live in segregated sub-standard housing. Ostensibly neutral eligibility requirements, such as an adequate level of education for all members of the family applying for housing, disproportionately affect Roma whose level of education is often lower than that of ethnic Czechs.<sup>6</sup> Romani children are frequently, and without justification, placed in special schools

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<sup>2</sup> See *Harry Potter joins the fight to end Czech "cage bed" use*, AI Index: EUR 71/002/2004.

<sup>3</sup> See footnote 1

<sup>4</sup> *ibid*

<sup>5</sup> *ibid*

<sup>6</sup> See *Amnesty International Report 2005*, AI Index: POL 10/001/2005.

for children with mental disabilities; segregation in the education system is widespread in the country.<sup>7</sup>

Incidents of violence against Roma are reported to have been perpetrated by youths with extreme racist views. The youths had previously been convicted for similar offences, but had received only light or suspended sentences.<sup>8</sup>

- The Czech Government must take appropriate and effective measures to fight discrimination and violence against Roma and ensure equal access to education, housing, healthcare and employment.

### **Forced sterilization of women**

Amnesty international is concerned about reports that some women have been subjected to sterilization procedures without their full and informed consent. In September 2004, the Ombudsman's office began an investigation into allegations that women, a high proportion of whom were Roma, had been illegally subjected to sterilization procedures.<sup>9</sup> This concern was also raised by the UN Committee on the Elimination of Racial Discrimination in its review of the Czech Republic in August 2006. The Committee noted that state had not taken sufficient action to abide by its positive obligation to impede the illegal performance of such operations by doctors. In 2005, a report by the Ombudsman recommended that a law be introduced to provide compensation for women who were sterilized without their consent. The government criticized the Ombudsman's recommendation and it has not been implemented in national legislation.<sup>10</sup>

- Amnesty International urges the Czech Government to take concrete action to stop the practice of forced sterilization of women and to enact relevant legislation providing for adequate compensation.

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<sup>7</sup> The same concerns were also expressed by several international bodies reviewing the Czech Republic. Namely, the UN Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination in 2003, the European Commission against Racism and Intolerance and the UN Committee against Torture in 2004 and the UN Human Rights Committee in 2007. See also Amnesty International's reaction to a recent European Court of human Rights judgment in *Czech Republic: European Court decision on discrimination in education*, AI Index: EUR 71/002/2007

<sup>8</sup> See footnote 1

<sup>9</sup> *ibid*

<sup>10</sup> The same concerns were also raised during the 2006 review of the Czech Republic by the UN Committee on the Elimination of all forms of Discrimination against Women.

**Appendix: Amnesty International documents for further reference**

Inhuman and degrading treatment

- *Harry Potter joins the fight to end Czech "cage bed" use*, AI Index: EUR 71/002/2004, <http://web.amnesty.org/library/Index/ENGEUR710022004?open&of=ENG-CZE>

Discrimination against Roma

- *Czech Republic: European Court decision on discrimination in education*, AI Index: EUR 71/002/2007, <http://web.amnesty.org/library/Index/ENGEUR710022007>

General background

- *Amnesty International Report 2005*, AI Index: POL 10/001/2005

- *Amnesty International Report 2006*, AI Index: POL 10/001/2006

- *Amnesty International Report 2007*, AI Index POL 10/001/2007

- *Europe and Central Asia: Concerns in Europe & Central Asia bulletin: January - June 2006, Czech Republic extract*, AI Index: EUR 01/017/2006

- *Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: July December 2006*, AI Index: EUR 01/001/2007,

<http://web.amnesty.org/library/Index/ENGEUR010012007>

- *Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: January-June 2007*, AI Index: EUR 01/010/2007.