

A wide range of human rights problems in the Czech Republic in 2006 continued to be the result of the poor operation of public administration and a standstill in urgently needed reforms, especially in the administration of justice, within the police force, and in the prison system. Additional problems were caused by interference of political parties and individual politicians in the operation of public administration and police work. Coming into force in January 2007, a new act regulating police work gives hope for improvements in that sector of public life, while other reforms were still in the pipeline or merely subject to debate at the end of 2006.

The Czech Republic's proportional prison population continued to exceed the average number in western European countries, leading to overcrowding and inhuman conditions in many prisons. In addition, prisoners' basic rights were poorly protected, particularly the right to successfully file complaints about their treatment.

In the course of 2006, local NGOs warned about the rise in propaganda and activities motivated by racist, xenophobic and other intolerant attitudes. The failure of Czech public officials, police and courts to react promptly and adequately to such activities paved the way to the public perception that hate speech and intolerance were in fact socially acceptable.

Right to a fair trial

Unreasonable delays in judicial proceedings continued to be the main problem in the administration of justice. Commercial and civil cases in particular were excessively long.

A thorough reform of the judicial system is yet to be planned and implemented to ensure that courts can operate independently from the executive branch and potential political pressure. In addition, the internal organization of work in courts did not correspond to principles of prompt and

adequate decision-making. The Czech Helsinki Committee (CHC) noted that it would be necessary to release the judges from the extensive administrative burden that hinders them from committing themselves effectively to the decision-making process.

In addition, there were sometimes doubts as to whether the current judicial disciplinary chambers operated effectively against misconduct by judges; the CHC proposed that new proceedings be introduced so as to ensure prompt reaction to and clarification of cases of alleged misconduct.

Reform of the police force and police misconduct

Breaches of the principles of good governance and incompetent administration continued at all levels of the law enforcement, and police work in solving cases was inconsistent, ineffective, and slow. In addition, the mishandling of some cases gave rise to suspicion that political pressure was exerted on the police.

The implementation of the new Act on Service of Police Officers and Other Members of Security Services that finally came into force on 1 January 2007 after having been postponed for years, gave hope for improvement. The act provides for an independent and transparent mechanism to investigate alleged cases of police misconduct and legal initiatives to this end were taken in late 2006. The only existing control body under old legislation was a unit within the Interior Ministry, meaning that police officers investigated the cases of their own colleagues.

There were also reports of several cases of ill-treatment or other misconduct by police officers.

Conditions in prisons and prisoners' rights

In the course of 2006, no substantial measures were taken to improve prison conditions and the realization of the rights

of prisoners - international standards for conditions in prisons and the treatment of prisoners continued to be violated. The main problems were overcrowding; accommodation in large cells; lack of professional staff to provide psychological support as well as educational and leisure-time activities; low employment of prisoners and a general lack of activities; restrictions on contacts with the outside world; security deficiencies and widespread bullying among inmates; and vague legal regulations pertaining to prisons, including the treatment of dangerous inmates.

Material conditions in prisons fell short of human dignity. While both domestic laws and regulations, as well as practices, continued to gradually come closer to the required European standards, considerable shortcomings were still reported in implementation. In conformity with the European Prison Rules, the Prison Service made efforts toward implementing so-called dynamic security¹ in prisons, however, no real results of this new strategy could be observed in 2006. On the contrary, it even appeared that security measures within prisons in some cases deteriorated.

The prison population remained at 19,000-20,000, of whom about 2,500-3,000 were pre-trial detainees, which was considerably proportionally larger than the western European average. Yet, due to the failure of courts to execute sentences efficiently and to inform all parties of their decisions, approximately 5,000 convicted persons failed to show up to serve their sentences. While new regulations were pending to improve the execution of pronounced prison sentences, local monitors noted that their effective implementation would make the prisons unmanageable because of overcrowding, and further deteriorate their conditions.

Czech prisons were overcrowded by 20-30% in average. The accommodation of inmates was organized in large cells of

5-15 persons, in extreme cases as many as 20. Only 40-48% of the prisoners were employed, and activities contributing to their education or adequate leisure-time were carried out in groups as large as 80-100 prisoners per tutor. Prisoners' contacts with the outside world were seriously limited: they were unable to make phone calls, leaves outside prison were scarce, and the practice of placing prisoners in facilities far away from their homes made family visits difficult.

Prisoners' possibilities to defend their basic rights were almost nonexistent. There was no independent mechanism to deal with alleged abuses by prison staff, and prisoners' access to legal counsel and to courts to file complaints was very limited due to unclear regulations. No remedy was available for wrongful incarceration. The Prison Service (rather than the police) was in charge of countering illegal or criminal activity within prison facilities but its measures lacked transparency and raised questions about the expertise and professionalism of the investigators.

All the above-mentioned problems made it clear that new, clear legislation was necessary to regulate the prison system, and an independent body was needed to oversee the conduct of prison administrations. Such legislation should clearly regulate *inter alia* the rights of prisoners and the treatment of dangerous inmates, and eliminate the broad margin of discretion still accorded to prison staff to deal with inmates.

Although there was legislation in place for the application of restorative justice - i.e., repairing the harm caused to the victim instead of punishing offenders with imprisonment - these legal provisions were insufficiently implemented. In addition, due to lack of clear regulations, court jurisdiction over parole was inconsistent, in some cases violated the criminal procedure code, and did not provide for any

possibility of the prisoner to appropriately invoke his or her rights.

The post-penitentiary care was seriously insufficient; in most cases, persons who had served their sentences were sent to the outside world completely unprepared and with no material or psychological support available.

Racism, intolerance and hate speech

NGOs dealing with right-wing extremism warned about the increasing potential of violence in right-wing activities and the growing risk they posed to Czech society.

The activities of groups such as National Resistance ("Národní odpor") and National Corporativism ("Národní korporativismus") were characterized by racist, xenophobic, anti-Semitic, and anti-Muslim attitudes, dissemination of Nazi propaganda, and holocaust denial.

Extremist expressions were common in political discourse and tolerated by the government as part of competition between political parties. They were frequently used *inter alia* by the National Party ("Národní strana").

◆ On 21 January, the National Party organized a meeting on the site of a World War Two concentration camp for Roma people in Lety and publicly denied the holocaust that had been perpetrated at that site.

Neo-Nazi music was widespread in private parties, the Internet was used to disseminate extremist opinions (often using domains registered outside of the Czech Republic) and neo-Nazi meetings were organized. In many cases, these activities were border violations of the criminal law. NGO's and the media reported at least 25 cases of racial violence perpetrated mainly against Roma. Incitement of hatred against specific ethnic groups was a common component of neo-Nazi actions, and in most cases, authorities, including the police, turned a blind eye to such activities. While government officials usually clearly denounced violent and criminal acts, their statements rung hollow as no concrete measures were taken to prevent such acts. Sometimes police even appeared to offer protection to neo-Nazis in confrontation with anti-Fascist demonstrators.

◆ On 1 May, Katerina Jaques, a government employee, was beaten by a police officer when peacefully demonstrating against a neo-Nazi meeting. The prosecutor failed to bring charges against the police officer.

The work of the "internet police," an official police body established to look for websites inciting intolerance, xenophobia and hate speech, was not transparent and its effectiveness doubtful.

SOURCES FOR FURTHER INFORMATION:

◆ Czech Helsinki Committee, at www.helcom.cz

Other organizations:

- ◆ Amnesty International Czech Republic, at www.amnesty.cz
- ◆ Environmental Law Service - Czech Republic, at www.i-eps.cz
- ◆ Counselling Center for Integration, at www.p-p-i.cz
- ◆ Counselling Centre for Citizenship, Civil and Human Rights, at www.poradna-prava.cz/
- ◆ UNHCR Czech Republic, at www.unhcr.cz
- ◆ Fund for Children in Need, at www.fod.cz

- ♦ La Strada Czech Republic, at www.ecn.cz
 - ♦ Organization for Aid to Refugees (OPU), at www.opu.cz
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Endnote

- ¹ Security based on individual treatment of prisoners and good knowledge of their community as the basis for the prevention of conflicts, as opposed to security based on technical and repressive measures.