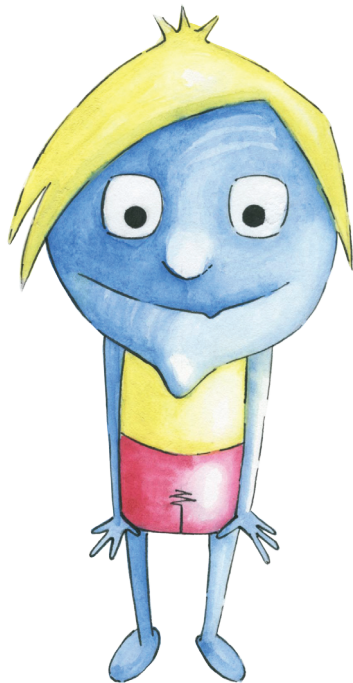




LIGA
LIDSKÝCH PRÁV

*THE LEAGUE OF HUMAN RIGHTS
2006 ANNUAL REPORT*





League of Human Rights, welcome...

The League of Human Rights (Liga lidských práv; LIGA) is a Czech non-governmental organisation protecting rights of children, patients, impaired persons, victims of racial discrimination, police ill-treatment, domestic violence and others by legal means. Our vision is one of a society where everyone knows their rights and how to exercise them and of a state with authorities that act in accordance with the Charter of Fundamental Rights and Basic Freedoms and legally binding international agreements regarding human rights.

LIGA is a member of FIDH founded in 1922 in Paris.

We focus on causes, we act systematically

Based on our working experience, we disclose causes of human rights violations in the Czech Republic and, on a long-term basis, aim for system changes. Our mission is:

- » to inform and analyse situations in the area of human rights on a professional basis,
- » to inform the general public, professionals, and public and international institutions of situations in human rights, and of our activities and experience,
- » to demand that human rights are observed,
- » to draft legislative and system measures,
- » to educate professionals, students and the general public,
- » to take legal actions in strategic cases.

In 2006, we primarily focused on the state of protecting human rights by medical care providers, on protection of children's rights at schools, and on preventive and immediate assistance during institutionalisation of children. Much like previous years, we provided aid in cases of domestic violence and police misconduct. We have been enforcing the creation of an independent mechanism to monitor misconduct of policemen and prison staff. We have also developed domestic and international cooperation.

Human rights and medical care system

Coercive sterilisation

The Czech Ombudsman focused on the issue of illegal sterilisations. In its final opinion of December 2005, it acknowledged that sterilisations of Romani women under the communist era were of eugenic character. The opinion of the Ombudsman and our own findings prove that coercive sterilisations were carried out even a few years ago. We may therefore assume that they have been still occasionally carried out on individual basis. This practise results from the paternalistic approach still applied in the Czech medical care system, where the patient is often considered the object of the medical care and not a subject with its own rights. We advocate that the state apologises to all women who were sterilised without their prior true consent, for direct interference into their bodily and mental integrity and that a mechanism for their just indemnification is created. LIGA lawyer Michaela Kopalová focuses on the issue of coercive sterilisations on long-term basis. V únoru a březnu se Michaela Kopalová zúčastnila jednání Výboru pro lidská práva a biomedicínu, který navrhl opatření, jež mají zamezit opakování této praxe v budoucnu, a odškodnit oběti protiprávní sterilizace.



- » In February and March, Michaela Kopalová participated in a meeting of the Committee for Human Rights and Biomedicine, which suggested measures to prevent such practise in the future and to indemnify victims of the coercive sterilisation.
- » In February 2007, the government of the Czech Republic, upon the initiative of the Council of Government for Romani community issues, accepted the resolution suggesting that the government accept legislative and educative measures to prevent coercive sterilisations in the future, including an official apology to all victims of the coercive sterilisation and their financial indemnification.
- » Ongoing case of Helena Ferenčíková culminated at the beginning of January 2007 by the decision of the High Court in Olomouc. It acknowledged that the sterilisation was carried out contrary to law and it ruled that Vítkovická nemocnice shall apologise to Helena Ferenčíková in writing.
- » The majority of motions for criminal investigations of doctors, initiated by the Ombudsman, were refused (ad acta) by the Police of the Czech Republic with the approval of public prosecutors. In only one case, the authorities were in such a substantial breach of their obligations that our lawyer, representing the victims, decided to act so that all the motions of the Ombudsman will not be refused (ad acta) and filed the petition with the Constitutional court.



Informed consent of the victims

While working with victims of coercive sterilisation, we learned how poor the general legal knowledge of human rights is in medical care. The level of knowledge of human rights introduced by the Convention on Human Rights and Biomedicine and by other legal provisions is insufficient not only among patients, but also among doctors, who asked for the correct interpretation of the Convention. Therefore, LIGA lawyers Eva Rožková and Robert Cholenský, with the supervision and coordination of Michaela Kopalová, decided to improve the knowledge of doctors and patients regarding their mutual rights and obligations.

- » In November, we launched an internet consultant service for patients on our website. Our lawyers answer queries regarding denial of access to medical documentation, abuse of patients' state under duress when demanding their consent with an operation, disrespecting children's wishes and others. Out of approximately forty queries answered, it became apparent that patients are mostly troubled by two issues: the rights of pre and postnatal care, and obligatory vaccinations.

- » Since December, we regularly meet with doctors from Fakultní nemocnice in Ostrava, Fakultní nemocnice in Olomouc, Fakultní nemocnice u sv. Anny in Brno, Slezská nemocnice in Opava and a hospital in Blansko. These doctors learn how to instruct patients properly and how to receive informed consent. We present examples of good practise from Germany, Great Britain and other countries and answer specific queries regarding their every day practise.

Protection of the rights of the psychologically and mentally impaired

It is said that a society is as mature as it treats its most vulnerable social groups. Lawyer Veronika Horová and social worker Karolína Kořínková, supervised by David Zahumenský, worked together on joint projects of the LIGA and MDAC, protecting the rights of the psychologically and mentally impaired. In 2006, we primarily focused on representing selected cases with the potential to achieve system-wide changes.

- » In February, we won a court case regarding the coercive hospitalisation of our client. Thereafter, on a no-name basis, we sent the decision to all courts situated within the district of a psychiatric unit. We hope that this will also help to improve the decision-making process of courts in cases of coercive hospitalisation in psychiatric units.
- » In March, we achieved a precedent ruling, whereby the court awarded our client the right to receive a copy of their medical documentation. Approving the decision of the appeal, authorities definitely condemned the paternalistic approach of Czech doctors, who treat their patients as “irresponsible” persons with no right to participate in their own treatment.

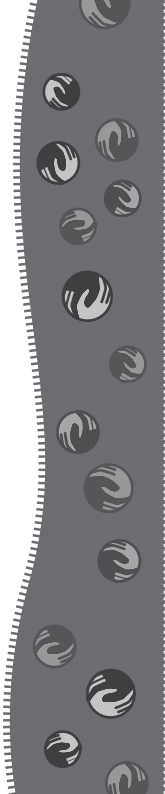


- » In March, we assisted the representative of the European Committee for the Prevention of Torture (CPT) during their visit in the Czech Republic. Our representative provided important information on breaches of human rights in psychiatric units and social care institutions. Upon our advice, the CPT delegation visited the psychiatric unit in Dobřany and a social care institution in Střelice.

Children's rights and education system

Segregation of Romani children in the education system

The Education Act, effective from 2005, fortifies the trend of excluding Romani students from the main educational system. We consider this model of a de facto segregated educational system unbearable for society. It is also criticized by many governmental and non-governmental international organisations. We consider it very important that Romani children have access to adequate education. Adequate education is the only tool to prevent another generation of persons with limited access to the labour market, resulting poverty, house problems, social exclusion and discrimination in the Czech Republic. Michal Čermák, lawyer and pedagogue, has been trying to break this vicious circle through his project.



- » The LIGA aims to procure amendments to the current legislation and to spread the knowledge of the segregated education system to teachers, directors of elementary schools, terrain workers, students, etc.
- » In the summer, the LIGA monitored dozens of special segregated classes and schools and analysed the education system legislation in the Czech Republic for the European Roma Rights Centre (ERRC).
- » At the end of 2006 and beginning of 2007, we prepared a policy paper with system recommendations that provided analysis of the current defective educational system and also suggested measures to improve the system.

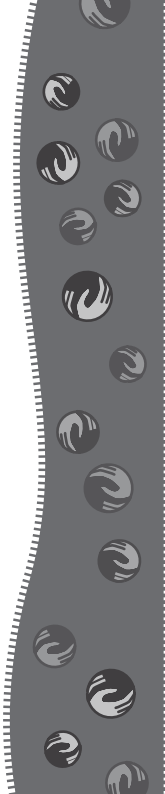




Children to the families

Unfortunately, the Czech Republic is still the highest-ranking country in the chart of the European countries with an inadequately high number of institutionalised children aged up to three. These and older children are usually taken from their parents, not because the parents would neglect their education, but because they find themselves in bad financial situations. Furthermore, a large number of those children are Romani children. Therefore, in 2006, we focused on lowering the number of those children in institutions. Edita Stejskalová and Kateřina Hrubá did an excellent job in the whole range of children's rights throughout the year. Both of them decided to enlarge their scope of social activities and founded their own organisation in Prague. A new team including psychologist Ivana Janišová and, from 2007, lawyer David Záborský - took over their activities. The team is headed by Petr Bittner.

- » Throughout the whole year, we assisted 179 people on different legal matters, including 157 cases of short-term advice (maximum of 1 month) and 22 clients requiring long-time advice. We provided legal representation to some of these clients.
- » In June, we were pleased by the amendment of the Act on social and legal protection of children, which closely governs operation of institutions for children with an immediate need for help.
- » In December, we managed to persuade the court to revoke a preliminary withdrawal ruling issued against the mother of eight juvenile children who found herself in financial problems after the tragic death of the father. The children were thereafter returned to their mother. This was strategic case where the lawyers of the LIGA felt obliged to represent the Romani client against the misuse of power of state authorities. In the ruling, the court even praised everyone who helped the family to act against the state authorities practise.



Criminal justice and help to victims of domestic violence



Victims of criminal conduct

Based upon our experience with victims of domestic violence, torture, sexual abuse or violence of police officers, we know that criminal proceedings show principal inadequacies. Therefore, in 2006 we started a long-term project which shall improve the situation of victims of criminal conduct. Primarily, we aim to amend current legal provisions. The project is pursued by two lawyers – Jana Koláčková and Hana Langhansová, with the help of Jiří Kopal and Veronika Kristková, our external advisor.

- » From September, we have been comparing current legislation concerning the aggrieved party/victim and respective foreign legislation. We summoned our findings in the “Legal analysis of some aspects of the position of the victim in the criminal proceedings and victims of the criminal conduct in the Czech legal system”.



- » In February 2007, we introduced the analysis to selected criminal law experts from law faculties, the Ministry of Justice of the highest court of the Czech Republic, the highest prosecution office, the probation and mediation service, police of the Czech Republic, and attorneys and non-governmental organisations at a panel discussion. The findings of the analysis provoked an active discussion. Participants supported some of the LIGA's suggestions, including, amongst others, introduction of measures to protect threatened victims.
- » We still represent the Daniš family, who, in May 2003, became victims of an attack by two drunken policemen. They broke into the family flat in the evening hours and verbally and physically attacked the family, including a young, nine-months pregnant woman. The family demands that the attackers apologise and provide adequate compensation for violation of their personal rights.
- » In addition, in one of our strategic cases, we filed a constitutional claim on behalf of student Martin Petrusek, who was beaten up by police officers in Uherské Hradiště in 2005. Also, after several years of waiting, we were given a chance to answer questions by the European Court of Human Rights in the case of Buejong Jeong, a Korean economist who was beaten up by the police in 2000 for no reason (whom we represented together with attorney David Strupek).
- » Also, notwithstanding refusal (*ad acta*) of the criminal motions by the state prosecutor in Plzeň regarding persons beaten up in CzechTek 2005, we will follow the case in cooperation with advocates and provide direct legal advice to two clients, and file the suits in civil courts.
- » Since December, we have also represented a man who became the victim of physical abuse and limitation of his personal freedom by the security service of Tesco Stores in Plzeň.



Domestic violence

Domestic violence consultants regularly help a high number of clients. Even though consultation with victims remains a main activity, strategic activity is further shifting towards education, publications and expert activities. The team includes two lawyers-Zuzana Mrázková and Anna Hořínová, psychologist Eva Oujezská and psycho-social worker Jitka Čechová. The project is headed by Madla Čechová.

Consultancy activities in 2006

Type of Activity	Number of Contacts	Comparison to 2005
Personal consultations	512 personal consultations	+ 298
Telephone consultancy	608	+ 22
E-mail consultancy	68	- 8
Self-help group	45 meetings (app.150 persons)	Unregistered
Escorting and assistance	8	+/- 0
Number of clients	236	+130






- » In February, in the office of the Ombudsman, we organised a discussion seminar, including a video-projection, which focused on therapy for perpetrators in the Czech Republic. Basically, we introduced experiences from the USA. The seminar was opened to all people working with victims and perpetrators in the South Moravia district. A total of 50 participants were present at the seminar.
- » In February, in the office of Prague College, we further organized a “panel discussion meeting” which presented possible therapeutic programs for violent individuals, as well as programs within local legislations and systems that provide help to victims of domestic violence. The panel discussion was addressed to invited professionals only, who focus on problems of therapy within their practices. A total of 40 professionals attended the meeting.
- » In April, during the visit of the former American judge, Arline Pacht, we organised a panel discussion where we also introduced newly adopted legislation in the area of protection against domestic violence. The authors of the law (judges František Púry and Tomáš Durdík, and representative of the police of the Czech Republic Vladimír Vedra,



- who is the co-author of the police procedure to banish violent persons from joint households) were present at the discussion. A total of 50 people attended the discussion.
- » In December, in the offices of the Municipality of Brno, we organised a lecture by Dana Možná, the judge of the District Court in Brno, who addressed housing issues within the context of domestic violence. More than 30 people attended the lecture.
 - » Throughout the whole year we trained approximately 200 representatives of various professions in problems of domestic violence. The training was ordered by the National care-taking centre for middle medical staff (Národní ošetrovatelské centrum pro střední zdravotnický personál), Slezská Diakonie and a Czech catholic charity in Brno (Česká katolická charita Brno). We further spoke of domestic violence in middle schools in Žďár nad Sázavou, Rajhrad and Brno.
 - » In 2006, Hana Langhansová and Nikol Schlegelová also participated partly on a project aimed against domestic violence.


Child victims of domestic violence

We consider the approach of child-care courts and social and legal child protection (OS-POD) authorities critical to children who witnessed domestic violence. The World Health Organisation concludes that children who witnessed domestic violence who are closely committed to a family member (usually the mother) are themselves psychologically abused, hence the after-effects on the children's psychics are very similar. Therefore, since September, Hana Langansová, a long-term member of the programme against domestic violence, has been leading a project that monitors court practise in cases of domestic violence of couples with children.


- 
- » Since September, the lawyer has been analysing cases of LIGA's female clients. She has also been active in cases that might change court practise in the future. Based upon this information and the experiences analysed up to date, it is apparent that courts do not search for sufficient evidence. Even if they do, they still give an abusive parent parental visitation rights or even custody of the child. This results from the fact that courts do not take evidence into consideration when deciding on the custody of children. Insufficient knowledge of the issues leads to situations where domestic violence is mistaken for situations where one parent is manipulating the child against the other parent, leading to situations where the children are forced to meet their violent parents against their own will.
- 
- 



Our further activities



One of our main tasks is to inform the general public and Czech and international institutions of situations in human rights, as well as our activities and experiences. Critical discussion and a transparent search of possibilities to improve human rights situations is a prerequisite to our activities.



Last January, like every year, we responded to a request from the Representative of the Government of the Czech Republic for human rights and sent our suggestions and comments. Our comments are regularly published in the report on human rights in the Czech Republic.





In May, we delivered our last comments to the drafters of the civil code. The civil code shall cover functions of non-profit organisations in greater detail. Prof. Karel Eliáš and prof. Ivo Telec, leading drafters of the civil code, always appreciated our comments and took them into consideration, during our two- year collaboration. We managed to enforce more than 70% of our comments.

In June, due to a proposal of the European Network Against Racism (ENAR), we drafted a shadow report on racism in the Czech Republic in 2005. The report was drafted by our former volunteers and temporary external employees, Pavla Špondrová and Petr Kubačka.

At the anniversary of International Children's Day, LIGA published a Report on the progress of children's rights in the Czech Republic from 2003 to 2005. In this report, we assessed the extent of implementations of the recommendations from The Committee for Rights of Children regarding the Convention on the Rights of the Child. In addition to children's rights in the education system, we also covered the areas of violence caused to children, foster care systems, court systems in relation to juveniles, fugitives and foreigners, and international parental abduction.

In August, we presented our shadow report detailing areas of breach in women's rights in the Czech Republic to the UN Committee on Elimination of all forms of Discrimination against Women (CEDAW). The report was prepared during our regular controls of compliance of the Czech Republic with its obligations in this area, in cooperation with European Roma Rights Centre (ERRC) and Gender Studies.

All aforementioned documents are available on our website, www.llp.cz, in the section "Recommendations and Studies".

LIGA cooperates with...

We cooperated with a number of domestic and foreign partners in 2006.

Corporate Social Responsibility: cooperation on an international project with the International Federation for Human Rights (FIDH) and Environmental Law Service (EPS).

The LIGA has been an FIDH member since 2004 and has also cooperated with EPS for a long period of time. Based on the fact that both FIDH and EPS are active in areas of company liability in human rights and environmental protection, we decided to help connect their experiences in a joint project supported by the European Commission. EPS was the leading organiser and worked together with the LIGA and the FIDH Paris office, with further assistance from organisations from Austria, Estonia, Hungary, Slovakia and Slovenia. The project culminated in an international conference for 150 people on September 15 in Prague. Tereza Němcová from our Prague office provided substantial assistance in the conference organisation. Further, she processed all entries from the conference (for more info please refer to the website www.responsibility.cz).

In addition, the Chair of the LIGA in cooperation with two French colleagues, participated in the FIDH human rights investigation in Azerbaijan. This mission aimed to verify cases of torture and inhuman treatment by the police as well as the conditions of people sentenced to long-term imprisonment, including “Prisoners of Conscience”, in the local prisons.



American volunteers International Senior Lawyers Project (ISLP)

Based on an agreement with an American non-profit organisation of senior lawyers, ISLP, two experienced lawyers from the USA came here to share their experiences. These were, Michael J. Haroz, attorney from Boston, and Arline Pacht, judge and founder of the International Association of Women Judges (IAWJ), from Washington. Besides assessment of our work and our goals, they both spoke publicly in conferences organised by the LIGA. Mike Haroz focused on provision of pro-bono legal services; he spoke at the Wilson Centre in Prague and presented the LIGA's activities to foreign law offices situated in Prague. Arline Pacht focused on the issue of domestic violence; she presented a lecture on the issue from an international law perspective in Brno, and she also focused on consultation and mediation processes in domestic violence situations.

Cooperation with the Council of Europe

In December, based on the request of the Council of Europe and in cooperation with its Prague office, we organised the conference "Trafficking of people and the problem of forced labour" in Brno. The conference was organised with an outstanding help of Pavla Špondrová, external legal expert of the LIGA, under the auspices of Stanislav Juránek, South Moravian Hetman in its offices. It focused on adopting a new convention of the Council of Europe against the breach of human rights, while also focusing on the less-discussed issue of human trafficking. Czech and Slovak public administration professionals and professionals from non-governmental and academic institutions were present at the conference. Further, the LIGA prepared a textbook that includes all conference entries, which will be published at the beginning of 2007.



Publications and educating of students within the Public Interest Lawyers Association (PILA)

We primarily cooperate with environmental lawyers within the framework of PILA. Both David Zahumenský and Jiří Kopal continued to work on on-line and printed versions of a public interest law bulletin, Via Iuris. Furthermore, in 2006 lawyers of the LIGA submitted 20 articles on human rights to the on-line version and 7 articles to the printed version of Via Iuris published quarterly in law magazine, Právní forum.

Every year in September, we held interactive seminars within the summer school of human rights located at the Brno reservoir. This year we focused on children's rights, domestic violence, rights of the mentally impaired and discrimination.

Coalition of organisations against domestic violence (KOORDONA)

Koordona primarily aims to assist the effective cooperation of non-profit organisations protecting the rights of women. It acts against violence to women and against domestic violence, coordinates and standardises help provided to victims of domestic violence, and enhances system changes in the area of domestic violence, violence caused to women, and rights of women in general.

The LIGA actively participates in the activities of this free association, helping to organise seminars for professionals, public conferences, etc. Lawyer Hana Laghansová represents both LIGA and KOORDONA in the expert group "monitoring the implementation of the governmental decree to create a legal and methodological framework for creating multidisciplinary teams that integrate medical, social and police forces in the process of unveiling and evaluating of cases of domestic violence".



Our economy

Based on the last year predictions, the LIGA's turnover reached 8 million crowns (\$ 380 000). Costs were comprised of wages, including deductions, and less than 20 % was spent on legal, psychological and financial services. Like last year, non-foundation income amounted to 15% of all our earnings. Regarding foundations income, for the first time we received greater subsidies from the public sector (especially from the EU) rather than from private foundations grants. In 2006, Jan Vodák, Zbyněk Trnka and Petra Vetešková were responsible for



Budget of the LIGA in 2006 (in EUR)

COSTS

Communications	9 804
Operational overheads	12 029
Office rent	23 924
Publications and PR	10 098



COSTS

Travel	7 712
Legal services and fees	31 401
Professional services (psychologist, financial manager)	19 277
Translations and interpreting	3 344
Equipment purchase	9 556
Salaries, deductions on social security and medical insurance	143 430
Seminars, workshops	1 633
Financial costs – fines, penalties, exchange rate losses, fees	832
Project partnership, membership fees	10 751
Total	283 791

INCOME

Own products	22 359
State subsidies	135 945





INCOME

Foundation grants	111 245
Gifts from natural persons and legal entities	20 137
Financial income – interest, exchange rates	474
Other income	1 797
Total	291 957

Bilance – profit 8 166

We would like to thank the following organisations and institutions for their help and cooperation: Austrian League for Human Rights, Baker & McKenzie, Charles Stewart Mott Foundation, Commerzbank, Dagmar and Václav Havel Foundation VIZE 97, Environmental Law Service, European Union (Daphne programme, Transition Facility, Operational Program for the Development of Human Resources), European Roma Rights Center (ERRC), Foundation for the Development of Civil Society (NROS), Mental Disability Advocacy Center (MDAC), Open Society Fund Praha, Open Society Institute Budapest, Council of Europe, Palacký University in Olomouc, South Moravian Authority, VIA Foundation, White & Case.



Acknowledgments

We would like to thank to everyone who supported us, both financially and by direct assistance, in 2006.

Special thanks for help during 2006 goes to Ladka Češková from Prague, manager and volunteers from the International Senior Lawyers Project (ISLP) – Michael Haroz, senior partner in the law firm Goulston & Storrs in Boston and Arline Pacht, former judge and founder of International Association of Women Judges from Washington. They helped us to direct the LIGA in years 2007 – 2010 as a strategically focused organisation defending human rights by legal means.

We would specifically like to thank for financial donations to Alfred Bader, John Crane, Mahulena and Rainer Hoffman.

Also, in 2007, we will not manage without your help. If you like our work, you may send us financial donations to the account of the LIGA no. 180068538/0300, administered by the Československá obchodní banka.



Co-workers of the LIGA as of December 2006:

In Brno

Jitka Čechová – psychosocial worker

Madla Čechová – coordinator

Michal Čermák – lawyer

Veronika Horová – lawyer

Anna Hořínová – lawyer

Robert Cholenský – lawyer

Jana Koláčková – lawyer

Jiří Kopal – chair, statutory representative

Michaela Kopalová – coordinator, lawyer

Karolína Kořínková – social worker

Zuzana Mrázková – lawyer

Eva Oujezská – psychologist

Eva Rožková – lawyer

Zbyněk Trnka – administrative worker

Jan Vodák – director, statutory representative

David Zahumenský – lawyer



In Prague

Petr Bittner – coordinator, social worker

Ivana Janišová – psychologist

Hana Langhansová – lawyer

Tereza Němcová – project assistant

External legal experts:

Jan Kratochvíl – Prague

Veronika Kristková – Budapest

Martin Škop – Brno

Pavla Špondrová – Brno

Further, we were helped by the following volunteers and external co-operators: Lucie Čechová, Lenka Doubravová, Barbara Homolová, Jana Křížová, Petr Kubačka, Radek Schmidt and Zdeňka Vykoukalová.







Headquarters of the LIGA:
Bratislavská 31
602 00 Brno
Tel. +420 545 210 446
Fax +420 545 240 012
brno@llp.cz

Prague office:
Záhřebská 50
120 00 Praha 2
Tel.: +420 224 816 765
Fax: + 420 224 941 092
praha@llp.cz

www.llp.cz

Liga lidských práv, © 2007

Editor: Jana Koláčková, Text: Jana Koláčková, Jiří Kopal, Graphics and typography: Ivo Laryš,
Pictures: Markéta Havlásková

