



## JOINT PRESS RELEASE

For immediate release

### European Court condemns Czech government's arbitrary detention for 8 months in grotty disability institution

Today the European Court of Human Rights ruled that the arbitrary detention of a man with a mental disability violated his human rights. Today's ruling comes after 55-year-old retired teacher, Jaroslav Červenka was locked up and forcibly treated for eight months with only the 'consent' of his guardian.

In 2005, Mr Červenka was placed under guardianship. In February 2011, his guardian – an employee from the local municipality – drove him 100km from his home in Prague on the false pretext that he would receive spa treatment for his bad leg. Instead, he was taken to Lázně Letiny, a 260-bed closed institution for people with dementia and Alzheimer's. In 2013 the Czech Ombudsperson condemned the institution as "undignified" noting that some practices potentially amounted to ill-treatment and "a criminal offence".

When he asked the staff to let him go home he was told: "You are mistaken, nobody goes back home from here!" His detention had been deemed voluntary due to Czech guardianship laws allowing the guardian to sign a contract with the institution on his behalf.

He was detained for the next eight months. He said:

"It was terrible, the first thing I noticed was that there were 50 men and only 2 toilets. There were used nappies everywhere on the ground. The cleaning was done only once a week."

Life in the institution was strictly regulated under prison-like conditions. Mr Červenka was prohibited from walking unsupervised, was forcibly medicated with inappropriate drugs, and his mobile phone was confiscated. Even his letters were opened and checked by staff. He, like all other residents, were given only mashed food every day.

Mr. Červenka's complaints, including to police in March 2011, were all ignored.

In April 2011 he made contact with lawyers from the League of Human Rights (Liga, a Czech non-governmental organisation) and the Mental Disability Advocacy Centre (MDAC). They



helped him get out of the institution and took his claim to the European Court of Human Rights.

His complaint created immediate impact. In 2015 the Ombudperson told the government to close the institution, citing human rights violations such as strapping elderly residents to chairs with belts and forcing residents to share toothbrushes and clothing. People in the institution were treated as objects.

To date, the Czech government has taken no steps to close Lázně Letiny.

Today, the European Court ruled that Mr Červenka's detention was unlawful under Article 5 of the European Convention on Human Rights (the right to liberty) and that he had no way of challenging his unlawful detention. The case should benefit around 28,000 people with disabilities detained in social care institutions.

Speaking after the judgment, MDAC Litigation Director Ann Campbell said:

"Today's judgment is a wake-up call for the Czech Government. It must amend its law to explicitly prohibit detaining people with disabilities in institutions. International human rights law establishes standards that the Government should follow, namely to evacuate these long-stay institutions and instead invest in support services so that people can live and be supported in the community."

MDAC and Liga echo the Ombudsman's call to close Lázně Letiny and ensure that all residents have individualised plans so that they can move back to their communities and be supported there. The two NGOs will engage Czech authorities and report back publicly by the end of January 2017 on progress made.

[ENDS]

#### Notes for Editors:

- A press conference will be held at 13:30 CET at Friends Coffee House, Palackého 7, Praha 1. Speakers will include Mr Cervenka, Zuzana Durajová (lawyer), Šárka Dušková (lawyer) and Dan Petrucha (director, Liga).
- The judgment in *Červenka v. the Czech Republic* can be found [here](#).
- Interviews can be arranged with Mr Červenka. Contact Zuzana Durajová [zuzana.durajova@llp.cz](mailto:zuzana.durajova@llp.cz).
- Interviews with MDAC: Steven Allen, Campaigns Director [steven@mdac.org](mailto:steven@mdac.org).



LIGA LIDSKÝCH PRÁV

- Lawyers from the League of Human Rights (Liga) and the Mental Disability Advocacy Centre (MDAC) represented Mr Červenka before Czech authorities and at the European Court of Human Rights.
- Liga is a Czech non-governmental organisation aiming to protect human rights through litigation, advocacy and capacity-building. Their vision is a fair, free and engaged society available to everyone. For more information, please visit [www.llp.cz](http://www.llp.cz).
- MDAC is an international non-governmental organisation that uses the law to secure equality, inclusion and justice for people with mental disabilities worldwide. For more information, please visit [www.mdac.org](http://www.mdac.org).