

# Czech Republic: Jaroslav Dobes and Barbora Plaskova want a fair trial

– By Willy Fautré –

HRWF (10.06.2019) – Seven years after prosecution proceedings were initiated by the Czech Republic against Jaroslav Dobes and Barbora Plaskova for alleged rape of eight women in the framework of tantric yoga seminars held between 2004 and 2006, Czech courts have still not been able to reach a final valid decision concerning the accusations.

On the initiative of the Czech Republic, first Barbora Plaskova and later Jaroslav Dobes were arrested in April and May 2015 in the Philippines, where they had both led an international retreat center and lived with their families (and children) for several years. Since then, they have been held in the Filipino Immigration Detention of Bagong Diwa in Manila because the Czech Republic cancelled their passports.

The fact that the judgments of the First Instance Court of Brno (Zlin branch) were twice annulled in their entirety by the High Court of Olomouc is a source of deep concern for Jaroslav Dobes, Barbora Plaskova and their lawyers.

In October 2018, for the second time, the High Court of Olomouc annulled the prison term against the accused delivered by the First Instance Court of Brno (Zlin branch) in its entirety.

***The ill-will of the First Instance Court of Brno v. the good will of the High Court of Olomouc***

For unknown reasons, the Court of Brno is obviously reluctant in conforming to the judicial standards requested by the High

Court of Olomouc.

On 7 October 2014, the Court of Brno sentenced both accused to a heavy prison term in absentia.

On 21 May 2015, the High Court in Olomouc heard the appeals of the accused and dismissed the decision of the Court of Brno for lack of evidence and procedural errors.

It took the Court of Brno two years and eight months to issue a new ruling (!) in which two people had been removed from the list of alleged victims and the prison sentences of both accused had been reduced from 10 years for Jaroslav Dobes and 9 years  $\frac{1}{2}$  for Barbora Plaskova to 7 years  $\frac{1}{2}$  for both of them.

Four months later, in May 2018, the accused appealed the decision. It only took five months, including the summer vacation period, for the High Court in Olomouc to again cancel the ruling of the Court in Brno in its entirety.

One year later, as of early June 2019, the Court of Brno has still not revised its ruling.

### ***Fair trial questioned***

At various stages of the judicial proceedings, the lawyers of Jaroslav Dobes and Barbora Plaskova have complained about infringements of fair trial fundamental principles as enshrined in **Article 6 of the European Convention on Human Rights:**

1. In the determination of his civil rights and obligations, or of any criminal charge against him, everyone is entitled to a fair and public hearing **within a reasonable time** by an **independent and impartial tribunal** established by law. **Judgment shall be pronounced publicly** but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a

democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be **presumed innocent until proved guilty according to law.**
3. Everyone charged with a criminal offence has the following minimum rights:

(a) **to be informed promptly**, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and facilities for the preparation of his defense;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and **to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;**

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court

### ***Miscarriage of justice by the First Instance Court of Brno***

Throughout the judicial proceedings, the defense counsels of the accused complained about a discriminatory treatment of their clients and the non-respect of the fundamental rights to a fair trial:

- The conditions for the exclusion of the public from the court hearings were not met;
- From the very beginning, the accused have been treated

- as fugitives by the Czech authorities regardless the circumstances and the obligations the law imposes on the court concerning the verification of their whereabouts;
- The accused were not given the possibility to cross-examine/confront witnesses and were denied the right to summon some witnesses;
  - The judge did not treat the parties equally, in particular at the court hearing of 23 January 2018, when only one defense witness in favor of the accused could be heard; at the same hearing, experts could not be cross-examined about their report and one expert stated that she had evaluated the state of the alleged damage of one of the complainants through a phone call, without proper identification of the person on the phone;
  - The judge did not treat the parties equally, in particular at the court hearing of 26 January. She refused to accept documentary evidence from the defense counsels, which is a violation of the Czech Legal Code; she failed to summon all the witnesses who were required and ordered by the High Court in Olomouc in its appeal decision and according to the Law Order; she adopted a negative behavior towards independent witnesses; she postponed the issue concerning the restitution of the funds confiscated from the Poetrie Esoteric Institute in 2010; she suddenly and unexpectedly declared the end of the trial after one day and a half although it had been announced for three days;
  - The abusive delays in the proceedings at the level of the First Instance Court of Brno entail a prolongation of the deprivation of their freedom in the Philippines where they have been held in the Immigration Detention Center of Bagong Diwa for four years because they have been deprived of their visas and their passports;
  - None of the court decisions has been sent to any of them despite the fact they repeatedly asked for it in a written form as well as by phone calls.

## ***Conclusions***

It is to be hoped that the proceedings concerning the seven cases sent back for the second time by the High Court of Olomouc to the Court of Brno will take place without any further delay and that the Supreme Court will also soon deal with the appeal of the defendants in the remaining case of Lenka Nevrlkova.

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# **Swiss court upholds a suspended eight-month prison sentence in a FGM case in 2019**

By Willy Fautré

HRWF (10.05.2019) – On 11 February 2019, the Swiss Federal Court, the nation's highest court, confirmed the eight-month suspended jail sentence of a Somali woman, who had her two daughters excised in her homeland in 2013 before immigrating to Switzerland in November 2015, through the family reunification framework. The case was initiated against the mother in Switzerland by the daughters' Somali father who had been living there since 2008.

The two daughters were excised at two different times: spring

and September 2013. [\[1\]](#)

The mother was first found guilty by the Police Court of Littoral and Val-de-Travers (Canton of Neuchâtel) on 12 July 2018 and received a suspended eight-month jail sentence with two-year probation. [\[2\]](#) She appealed the decision, arguing that the cutting occurred in the Somali capital Mogadishu at a time when she had no ties to Switzerland. [\[3\]](#)

On 14 December 2018, the Criminal Court in Neuchâtel rejected her appeal, arguing that FGM had been illegal in Switzerland since 2011 under Article 124 of the Swiss Criminal Code. The ban, that was tightened in 2012 by lawmakers to prevent people living in the country from taking their daughters abroad to be excised, applied in this case too, the court stated [\[4\]](#). According to Swiss national news portal SRF [\[5\]](#), Judge Nathalie Kocherhans said, “I do not think I can change things but perhaps this verdict will help eliminate the suffering of millions of girls.”

### **[Art. 124<sup>1</sup>3. Assault / Female genital mutilation\[6\]](#)**

*Female genital mutilation*

<sup>1</sup> *Any person who mutilates the genitals of a female person, impairs their natural function seriously and permanently or damages them in some other way is liable to a custodial sentence not exceeding ten years or to a monetary penalty of no less than 180 daily penalty units.*

<sup>2</sup> *Any person who has committed the offence abroad but is now*

*in Switzerland and is not extradited is liable to the foregoing penalties. Article 7 paragraphs 4 and 5 apply.*

Source: <https://www.admin.ch/opc/en/classified-compilation/19370083/index.html#a124>

The Swiss Federal Court acknowledged that the mother, who is illiterate, was placed under considerable societal pressure to force her daughters to undergo female genital mutilation (FGM). The judge nevertheless deemed a prison sentence necessary. The appellant argued she was not aware that she had breached the Swiss law by having her daughters excised before immigrating to Switzerland but the Federal Court argued that according to the law, “anyone who commits the crime abroad is also liable in Switzerland.” The Court also contended that, although the Somali penal code did not contain any provision criminalizing FGM, the 2012 Somali constitution had banned FGM. In this regard, the Court also stressed that during the hearings the mother had declared she knew “excision is something wrong”. “Despite her limited education level, she could have been aware that excision was not or not any more authorized in her country” the court decision stresses. Moreover, the fact that on two occasions she asked a person without any medical knowledge to excise her two daughters suggests she was aware of the clandestine and illegal character of her move. The Court also noted that “the appellant had not tried to get information from the authorities, what she could have done as she was living in the capital city of her country” and concluded that she could not have been unaware of the illegal nature of excision. [7]

***Previous FGM proceedings***

In November 2007, proceedings were opened concerning a case of female genital mutilation (FGM) in the canton of Zurich, which had been performed on a Somali girl 11 years earlier. It was the first case of its kind in Switzerland. The federal prosecutor invoked the offence of grievous bodily harm (Article 122 of the Swiss Criminal Code) in his lawsuit against the parents of a 13-year old Somalian girl.

### Art. 122<sup>1</sup>3. Assault / Serious assault

#### 3. Assault

##### *Serious assault*

*Any person who intentionally inflicts a life-threatening injury on another,*

*any person who intentionally inflicts serious injury on the person, or on an important organ or limb of another, makes an important organ or limb unusable, makes another permanently unfit for work, infirm or mentally ill, or who disfigures the face of another badly and permanently,*

*any person who intentionally causes any other serious damage to the person or to the physical or mental health of another,*

*is liable to a custodial sentence of at least six months and no more than ten years.<sup>2</sup>*

<sup>1</sup> Amended by No I of the FA of 23 June 1989, in force since 1 Jan. 1990 (AS **1989** 2449 2456; BBl **1985** II 1009).

<sup>2</sup> Penalties revised by No II 1 of the FA of 19 June 2015 (Amendment to the Law on Criminal Sanctions), in force since 1 Jan. 2018 ([AS 2016 1249](#); [BBl 2012 4721](#)).



The tutelage office filed the complaint based on a medical report, which automatically set in motion an official investigation. The parents were put under custody during the investigation period. The person who carried out the excision could not be identified.

The *Neue Zürcher Zeitung* which revealed the facts [\[8\]](#) mentioned that there had previously been another case in Geneva where a girl had been taken to Africa for her excision. [\[9\]](#)

*In 2008, a couple of Somalis, parents of eight children born in Switzerland, who arrived in 1993 as asylum seekers, were convicted for FGM (type Ib, removal of the clitoris) of their elder daughter in 1996, aged two when she was cut. It was performed by a Somali physician who was temporally in Switzerland. He was paid 250 Swiss francs and performed the procedure under local anaesthesia on the kitchen table. No post-surgical complications followed.*

*The cutting was desired by the mother. The father was against the complete removal of his daughter's external genitalia, arguing for a symbolic intervention. Therefore, they both agreed on (only) the removal of the clitoris. During an interview with the media, the father declared that, at that time, it felt 'normal' to them to let their daughter be cut.*

*The parents received a two-year suspended prison sentence by the Cantonal Court of Zurich for having encouraged FGM. [\[10\]](#)*

Until Article 124 was added to the Criminal Code in 2012, only two cases of female genital mutilation (infibulation and

excision) were prosecuted on the basis of Article 122.

### ***About the anti-FGM legislation***

Maria Roth Bernasconi, a member of the Socialist Party and of the National Council, was the catalyst for the Swiss government's involvement in the issue of female genital mutilation. Her fight against FGM started with a parliamentary initiative in 2005.[\[11\]](#) After years of debates about the possible criminalization of FGM, the Swiss Senate agreed in June 2011 to ask the government to amend the criminal law on this practice. On 30 September 2011, the National Council and the Council of State both agreed in their final votes to a ban and to an amendment of the Swiss Criminal Code by adding a new article: Article 124.[\[12\]](#) It entered into force on 1 July 2012.

The statutory period of limitation shall generally be 15 years. If victims are under 16 years of age, prosecution shall be possible to at least up to the age of 25.[\[13\]](#)

### **More reading:**

<https://www.thelocal.ch/20180716/somali-mother-first-to-be-sentenced-under-new-law-in-switzerland-for-genital-mutilation-of-daughters>

<https://www.reuters.com/article/us-swiss-fgm-africa/swiss-court-upholds-sentence-in-genital-mutilation-case-idUSKCN1QB1IU>

<https://www.srf.ch/news/schweiz/bedingte-gefaengnisstrafe-erstes-schweizer-urteil-zu-genitalverstuemmelungen>

<https://www.figo.org/news/switzerland-cracks-down-female-genital-mutilation-0012634>

<https://www.female-genital-cutting.ch/network/female-genital-cutting/situation-in-switzerland/>

<https://www.humanrights.ch/en/switzerland/internal-affairs/groups/children/criminal-procedure-fgm-switzerland>

[https://www.humanrights.ch/cms/upload/pdf/071117\\_NZZ\\_beschneidung.pdf](https://www.humanrights.ch/cms/upload/pdf/071117_NZZ_beschneidung.pdf)

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#### **Footnotes:**

[1] Full judgment of the Federal Court

[https://www.bger.ch/ext/eurospider/live/fr/php/aza/http/index.php?lang=fr&type=show\\_document&highlight\\_docid=aza://11-02-2019-6B\\_77-2019&print=yes](https://www.bger.ch/ext/eurospider/live/fr/php/aza/http/index.php?lang=fr&type=show_document&highlight_docid=aza://11-02-2019-6B_77-2019&print=yes)

[2] Ibid.

[3] Ibid.

[4] Ibid.

[5] <https://www.srf.ch/news/schweiz/bedingte-gefaengnisstrafe-erstes-schweizer-urteil-zu-genitalverstuemmelungen>

[6] Text in French at <https://www.admin.ch/opc/fr/official-compilation/2012/2575.pdf>

[7] Full judgment of the Federal Court

[https://www.bger.ch/ext/eurospider/live/fr/php/aza/http/index.php?lang=fr&type=show\\_document&highlight\\_docid=aza://11-02-2019-6B\\_77-2019&print=yes](https://www.bger.ch/ext/eurospider/live/fr/php/aza/http/index.php?lang=fr&type=show_document&highlight_docid=aza://11-02-2019-6B_77-2019&print=yes)

[8] [https://www.humanrights.ch/cms/upload/pdf/071117\\_NZZ\\_beschneidung.pdf](https://www.humanrights.ch/cms/upload/pdf/071117_NZZ_beschneidung.pdf)

[9] <https://www.nzz.ch/articleec4ai-1.53958>

[10] <https://www.swissinfo.ch/eng/first-court-case-of-genital-mutilation/6256146>

[11]<https://www.sante-sexuelle.ch/fr/nos-activites/droits-sexuels/mutilations-genitales-feminines-fgm/>

[12]<https://www.sante-sexuelle.ch/fr/nos-activites/droits-sexuels/mutilations-genitales-feminines-fgm/>

[13]<https://www.humanrights.ch/en/switzerland/internal-affairs/violence/fgm/swiss-parliament-explicit-ban-genital-mutilation>

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# **Attacks by White Extremists are growing. So are connections.**

– Full report with statistics and charts at <https://nyti.ms/2WM6sfY>

– By WEIYI CAI and SIMONE LANDON

– NYT (03.04.2019) – <https://nyti.ms/2WM6sfY> – New York Times examined attacks perpetrated by anti-immigrant extremists, anti-Muslim extremists, neo-Nazi extremists, right-wing extremists, anti-Semitic extremists, neo-fascists, white extremists, anti-Arab extremists, the Ku Klux Klan, anti-Sikh extremists and extremists. They also examined attacks on migrants and refugees, places of worship and religious figures, and attacks on black people, Hispanic people and Hindus.

The analysis by The New York Times of recent terrorist attacks found that at least a third of white extremist killers since 2011 were inspired by others who perpetrated similar attacks, professed a reverence for them or showed an interest in their tactics.

***Targeting Muslims***

About a quarter of white extremist attacks in Europe targeted Muslims and mosques. These attacks increased significantly starting in 2015 along with a wave of xenophobic violence reacting to the migrant crisis.

Attacks in North America Are More Deadly In North America, the ideologies of older white supremacist groups like the Ku Klux Klan have mixed with anti-immigrant and anti-Muslim sentiment and the fresh-faced fascism of the “alt right” to give rise to a more lethal terror.

### ***Attacks on Places of Worship***

There were at least 38 attacks that targeted places of worship, like churches, synagogues and mosques across North America.

Until last year, the deadliest of these attacks in the United States were a shooting at a Sikh temple in Wisconsin in 2012 and a shooting at a black church in South Carolina in 2015.

### ***Online Radicalization***

An attacker who voiced his hatred of women and people of color in a manifesto before killing six people in California in 2014 signaled a new type of terrorist. The Southern Poverty Law Center, which monitors hate groups, called the attacker the “first alt-right killer.” Several more attackers who fit this profile killed over the next few years.

### ***Rising Violence***

Then in 2017, attacks jumped in a tense post-election political environment. Nine of these proved deadly.

Preliminary 2018 data for the United States shows five additional deadly white extremist attacks, including mass shootings at high schools in Florida and Texas and at a Pittsburgh synagogue.

Full report can be read on the following link;  
<https://nyti.ms/2WM6sfY>

In a manifesto posted online before his attack, the gunman who killed 50 last month in a rampage at two mosques in Christchurch, New Zealand, said he drew inspiration from white extremist terrorism attacks in Norway, the United States, Italy, Sweden and the United Kingdom.

His references to those attacks placed him in an informal global network of white extremists whose violent attacks are occurring with greater frequency in the West.

An analysis by The New York Times of recent terrorism attacks found that at least a third of white extremist killers since 2011 were inspired by others who perpetrated similar attacks, professed a reverence for them or showed an interest in their tactics.

The connections between the killers span continents and highlight how the internet and social media have facilitated the spread of white extremist ideology and violence.

In one instance, a school shooter in New Mexico corresponded with a gunman who attacked a mall in Munich. Altogether, they killed 11 people.

One object of fascination for the Christchurch killer and at least four other white extremists was Anders Behring Breivik, the far-right extremist who killed 77 in a bombing and mass shooting in Norway in 2011.

Mr. Breivik's lengthy manifesto offered a litany of grievances about immigration and Islam – and the attacks became a model for future ones.

"I think that Breivik was a turning point, because he was sort of a proof of concept as to how much an individual actor could accomplish," said J.M. Berger, author of the book "Extremism"

and a research fellow with VOX-Pol, a European academic initiative to study online extremism.

“He killed so many people at one time operating by himself, it really set a new bar for what one person can do.”

Shortly after the Norway massacre, a prominent American white supremacist named Frazier Glenn Miller wrote on a white supremacist forum that Mr. Breivik had “inspired young Aryan men to action.” Mr. Miller opened fire on a Jewish retirement home and community center in Kansas a few years later, killing three.

Mr. Breivik was not the only mass killer to inspire copycats. The Christchurch shooter also paid tribute to a Canadian man who opened fire inside a Quebec City mosque in 2017, writing his name on one of the guns used in his attack.

That Canadian gunman read extensively about Dylann Roof, the American who killed nine worshipers at a black church in South Carolina in 2015.

At least four white extremist killers made statements online praising Elliot Rodger, a racist and misogynist who targeted women in a 2014 spree, before carrying out their own attacks.

All these attacks occurred amid a surge of white supremacist and xenophobic terrorism in the West that has frequently targeted Muslims, immigrants and other minority groups, the Times analysis found.

The analysis was based on data from the Global Terrorism Database and identified nearly 350 white extremist terrorism attacks in Europe, North America and Australia from 2011 through 2017, the latest year of available data. We also examined preliminary data on attacks in the United States in 2018.

The database is a project of the National Consortium for the

Study of Terrorism and Responses to Terrorism at the University of Maryland. It relies on news reports and other records to capture episodes that meet its definition of terrorism: the use of violence by a non-state actor to attain a political or social goal.

Over this period, white extremism – an umbrella term encompassing white nationalist, white supremacist, neo-Nazi, xenophobic, anti-Muslim and anti-Semitic ideologies – accounted for about 8 percent of all attacks in these regions and about a third of those in the United States.

Erin Miller, who manages the database, said the increase in white extremist terrorism parallels a rise in hate crimes and bias episodes in the West and that deadly attacks are occurring more often.

“There’s a common framing of far-right terrorism or domestic terrorism as being ‘terrorism lite’ and not as serious,” she said. “It’s an interesting question given that far-right attacks can be quite devastating.”

### ***The Global Reach of White Extremism***

There were five white extremist attacks in Australia from 2011 through 2017, all of which were attacks on mosques and Islamic centers. There were no such attacks in New Zealand during that same period.

Then the massacre of worshippers at two mosques in Christchurch on March 15 – the deadliest shooting in modern New Zealand history – helped put the global nature of white extremism into relief.

Experts say the same broad motives are at play whether the target is a mosque in Perth or an asylum seekers’ shelter in Dresden or a synagogue in Pittsburgh. Attackers who identify as white, Christian and culturally European see an attack on their privileged position in the West by immigrants, Muslims



and other religious and racial minorities.

The difference now is that it is easier than ever for extremists to connect both domestically and across continents, according to Mr. Berger, the "Extremism" author. The entry point for radicalization is less narrow than it was during earlier waves of white supremacist action, when finding ideological fellow travelers typically required meeting in person.

In recent years, Europe has seen a surge in far-right and xenophobic violence amid an influx of migrants and refugees from conflicts in the Middle East and Africa.

"This is a particularly strong wave," Mr. Berger said, "and I think it's being fueled by a lot of political developments and also by the sort of connective tissue that you get from the Internet that wasn't there before that's really making it easier for groups to be influenced and to coordinate, or not necessarily coordinate but synchronize over large geographical distances."

Heidi Beirich, director of the Southern Poverty Law Center's Intelligence Project, said that given these international connections, it's important to reconsider the nature of the threat. "We conceive of this problem as being a domestic one," she said. "But that's not the case."

The challenge for law enforcement will be to buck a sometimes myopic focus on Islamic extremism as the only driver of international terrorism.

It may also require rethinking the legal framework for what constitutes terrorism: from violence that arises from a command and control structure to a looser definition that can account for a wider range of violent actors who share a common ideology.

"They don't see themselves as Americans or Canadians, very

much like the Christchurch killer didn't see himself as an Australian; he saw himself as part of a white collective," Dr. Beirich said.

"It has never been the case that these people didn't think in a global way. They may have acted in ways that looked domestic but the thinking was always about building an international white movement."

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## **NORTH KOREA/POLAND/NETHERLANDS: Dutch shipbuilder in dock over North Korean's Polish slave claims**

*A North Korean man is suing a Dutch shipbuilder he accuses of profiting from slave labor when he was employed in a Polish shipyard. The first case of its kind, his lawyers hope it will open up more such cases.*

By Jo Harper

Deutsche Welle (14.02.2019) – <https://bit.ly/2X0tW1T> – The first case in the Netherlands of worker exploitation involving a Dutch company for alleged crimes committed outside the country could be nearing an end in the coming weeks, lawyers said, and if successful may open the door to more such cases.

Barbara van Straaten, the lawyer representing a North Korean worker, said Dutch law criminalizes the act of profiting from exploitation. The name of the Dutch shipping company sued by the worker couldn't be disclosed for safety reasons, she added. Under the country's anti-trafficking law, offenders can be jailed for up to 18 years and face fines of €83,000 (\$95,000).

The plaintiff claims he was sent to Poland by the Pyongyang regime and forced to work 12-hour days for low wages in awful conditions. The lawyer did not say when this happened. Van Straaten's Amsterdam-based law firm, Prakken d'Oliveira, said the North Korean worked for the Polish company Crist. Crist received financial assistance from the European Regional Development Fund, a loan of €37 million in 2009.

### ***Not a great precedent***

The company first came under the spotlight in 2014, when a North Korean worker hired through a temporary Polish work agency called Armex died in an incident at the Crist shipyard.

The welder died when his clothes caught fire and was burned alive. Polish labor standards officials concluded he had been wearing flammable clothing provided by Armex, but were unable to prosecute as the man's documentation described him as self-employed and therefore outside Polish jurisdiction.

“We are not confident the Polish authorities would take this case as seriously as the Dutch one,” van Straaten told DW. She said Polish labor authorities had failed in a previous case to prosecute a company where a North Korean worker had died in an accident at work, referring to the 2014 incident.

In 2007, Polish businesswoman Cecylia Kowalska set up Armex in Gdansk supplying electrical and welding services to local shipping and construction industries, and told reporters in November that when asked if she could manage 10 North Korean welders, her company took on the job.

She later began supplying North Korean welders to two other shipyards, run by Crist and Nauta, both companies that make war vessels for NATO members. A Polish labor inspection in February 2016 found 19 North Koreans working in a shipyard owned by Nauta, located next to the Crist shipyard.

Poland’s online court register shows that Armex went into liquidation last year.

### ***Crist denies culpability***

Crist spokesman Tomasz Wrzask told DW he was not aware of the case or if Crist was involved. He told reporters in November that the shipyard previously worked with Armex, but ended collaboration in the summer of 2016.

“Armex had all the necessary permissions to operate in the EU

and Poland and was under the supervision of Poland's National Labor Inspectorate. We had no reason for suspicion," Wrzask said then, adding it was an "outrage" that Crist's name had been made public while the Dutch shipbuilder was not identified.

Van Straaten noted that North Korea was not party to the dispute which was directed at the Dutch shipbuilder. "This opens the possibility to hold those companies accountable which are not direct perpetrators in the labor exploitation, but which nonetheless knowingly profit from this exploitation, gaining high profits in the West at the expense of workers from developing countries," she said.

The law firm now hopes that the Dutch authorities have requested a European Investigation Order. An admission of guilt and a fine are among the outcomes the North Korean hopes for from this case, his lawyer said.

### ***Damning evidence***

Crist's involvement with North Korean laborers as well as conditions faced by North Korean laborers in Poland and Europe were detailed in a report published by the Leiden Asia Centre by Remco Breuker and Imke van Gardingen. Law firm Prakken d'Oliveira cited the research conducted in the "Slaves to the System" report as central to the case.

A Global Slavery Index published in July estimated that 40.3 million people globally were subjected to modern slavery in

2016. North Korea's Kaesong industrial complex is frequently criticized for keeping workers under slave-like conditions

The researchers identified three North Korean firms as providing laborers that were assigned by two Polish companies, Alson and Armex, to pass on to firms that needed cheap labor.

An earlier report by the Leiden Asia Centre found that as many as 800 forced laborers are in Poland working in the shipbuilding and construction sectors.

The 2016 report titled "North Korean Forced Labor in the EU, the Polish Case," showed that Armex had hired workers supplied by a North Korean company called Korea Rungrado Trading Corporation, which was run by a committee of the ruling Workers' Party of Korea. The company was sanctioned by the US in 2016 and accused of funding the department that oversees the country's nuclear weapons program.

### ***A global problem***

The Walk Free Foundation said that one in 10 people lived under such conditions in North Korea, the highest concentration in the world.

Tens of thousands of workers worldwide send foreign currency back to Pyongyang, which is used to offset the economic impact of UN sanctions that were imposed over North Korea's nuclear weapons program. The UN estimates that North Korea earns as

much as \$2 billion a year from the workers it sends overseas.

Many North Koreans work in Polish shipyards, construction sites and farms, sending up to 90 percent of their salaries back to Pyongyang, according to the European Alliance for Human Rights in North Korea (EAHRNK).

### **HRWF Comment**

See our statements on this issue at the OSCE/ODIHR Human Rights Implementation Meeting in Warsaw in 2018, 2017 and 2016:

- <https://www.osce.org/odihr/396293?download=true>
  
- <https://www.osce.org/odihr/342706>
  
- <https://www.osce.org/odihr/266761?download=true>

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[d/](#)

List of hundreds of documented cases of believers of various faiths in 20 countries: <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-list/>

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## **GERMANY: Anti-Semitism: Germany sees '10% jump in offences' in 2018**

*The German government has revealed a sharp increase in the number of anti-Semitic offences recorded last year.*

BBC (13.02.2019) – <https://bbc.in/2IetSIE> – Crime data, detailed in German media on Wednesday, says 1,646 crimes were linked to a hatred of Jews in 2018 – showing a yearly increase of 10%.

It comes just a day after French politicians spoke out about a sharp rise of incidents in their own country.

French Interior minister, Christophe Castaner, has warned that anti-Semitism is “spreading like poison”.

Over the weekend there were a series of anti-Semitic incidents



reported in central Paris – including Swastika vandalism on post-boxes featuring a holocaust survivor’s portrait.

The latest data from Germany was released after a request from a member of the far-left Die Linke party. [That information was then shared with German newspaper, Der Tagesspiegel.](#)

The government have said the final totals may still increase – but the latest collation of data revealed a total jump in anti-Semitic offences of about 10%.

It also revealed a 60% rise in physical attacks – with 62 violent incidents recorded, up from 37 in 2017.

Josef Shcuster, the head of the Central Council of Jews in Germany, said the news shows that government action is “urgently needed”.

“The latest numbers are not yet official, but at least they reflect a tendency – and that’s scary,” he said in a statement to the BBC.

“What had already solidified as a subjective impression among Jews is now confirmed in the statistics.

“Considering that acts below the threshold for criminal liability are not covered, the picture becomes even darker.”

Jewish groups have warned about the rise of far-right groups in fostering anti-Semitism and hatred of other minorities throughout Europe.

Last year, [a survey of thousands of European Jews revealed that many were increasingly worried about anti-Semitism.](#)

Since 2017, the far-right Alternative for Germany (AfD) have been country's main opposition party.

AfD are openly against immigration, but deny holding anti-Semitic views.

However, a number of [comments from their politicians, including about the Holocaust, have drawn scorn from Jewish groups](#) and other politicians.

Last year the German government announced that a specialist team would be sent into German schools to try and combat anti-Semitism.

There have also been calls for special classes about anti-Semitism to be provided for some immigrants.

The Central Council of Jews in Germany said the classes were needed after a large increased in immigration from Muslim-

majority countries.

It came after a video went viral showing a man, shouting in Arabic, attacking two Jewish men in Berlin.

Last month, Chancellor Angela Merkel has said it was the responsibility of everyone to have a “zero tolerance” approach to anti-Semitism and other forms of xenophobia.

“People growing up today must know what people were capable of in the past, and we must work proactively to ensure that it is never repeated,” Merkel during a video address to mark Holocaust Memorial Day.

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# KENYA: Schoolgirls to face compulsory tests for pregnancy and FGM

*Girls in Narok County will be made to reveal identities of babies' fathers and tell police about female genital mutilation*

By Rebecca Ratcliffe

The Guardian (04.01.2019) – <https://bit.ly/2sa02YU>– Plans to subject schoolgirls in Kenya to mandatory tests for female genital mutilation and pregnancy are a violation of victims' privacy, campaigners have warned.

All girls returning to school this week in Narok, Kenya, will be examined at local health facilities as part of a countywide crackdown.

Girls found to have undergone FGM, which is illegal, will be required to give a police statement. Those who are pregnant will be asked to identify the man involved, according to George Natembeya, the Narok County commissioner.

Narok County has the highest teenage pregnancy rates in Kenya, while FGM is prevalent among the Maasai community. But campaigners say the tests are humiliating for girls, do not tackle the root causes of teenage pregnancy, and are unlikely

to improve prosecution rates for FGM.

“One of the biggest gaps in the prosecution of FGM cases is lack of evidence. It’s not [a lack of] evidence of girls being cut, but evidence of the actual act,” said Felister Gitonga, programme officer of an Equality Now team devoted to ending harmful practices.

Gitonga said that the county’s efforts to tackle FGM were welcome, but added: “We need a different strategy ensuring we respect the girls’ right to privacy and also that we have a clear plan of what we do with the information.

“When we find out that a girl has gone through FGM, what will be the consequences? Will there be psycho-social support? Or does this mean that she will be denied permission to go to school?”

Mandatory examinations risked further victimising girls who have experienced abuse, warned Gitonga.

All forms of FGM were criminalised in Kenya in 2011, as was discrimination against women who have not undergone the procedure. Failing to report a case to the authorities was also made unlawful, together with aiding the performance of FGM or taking a Kenyan woman abroad to perform the procedure.

The practice is becoming less prevalent across the country, where one in five women and girls aged 15 to 49 have undergone

FGM.

Campaigners say tackling FGM is crucial to stopping teenage pregnancies and child marriage. “For girls who have undergone FGM, the community believes that those girls become a woman. Therefore every other violation that happens at that point happens [after] the FGM,” said Gitonga. “If they are having sex even with older men the community does not recognise it as defilement.”

In Narok, four in 10 girls become pregnant as teenagers, according to Kenya’s most recent demographic and health survey, produced in 2014.

Efforts to reduce teen pregnancies will fail unless gender-based violence and poverty are addressed, added Gitonga.

“For girls living in informal settlements, it is very hard; there is a risk of sexual violence. Sometimes they have to do sex work to help with educating their siblings. So you need to understand their situation,” she said. “You can’t just punish people for getting pregnant.”

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