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U.S. Department of State

The Czech Republic Country Report on Human Rights Practices for 1996

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THE CZECH REPUBLIC

The Czech Republic is a parliamentary democracy. Prime Minister Vaclav Klaus and his Civic Democratic Party lead the current minority coalition Government, formed after the June parliamentary elections. The country has essentially completed the reform of political and economic structures initiated after the 1989 "velvet revolution." President Vaclav Havel is an internationally recognized advocate of human rights and social justice. The judiciary is independent.

The Ministry of the Interior oversees the police. The civilian internal security service, known as the Security and Information Service (BIS), is independent of Ministry control, but reports to Parliament and the Prime Minister's office. Police and BIS authorities generally observe constitutional and legal protection of individual rights in carrying out their responsibilities. However, there were occasional reports of abuses by some members of the police.

The market-based economy continued to show solid growth, with over two-thirds of the gross domestic product (GDP) produced by the private sector. Most macroeconomic indicators (balanced budget, low inflation and unemployment) were favorable. Significant trade and current account deficits persisted, which were financed by strong capital inflows. The work force was employed primarily in industry, retail trade, and construction. Leading exports were intermediate manufactured products and machinery and transport equipment, primarily to European Union countries. GDP per capita reached approximately \$5,100.

The Government generally respected the human rights of its citizens. However, popular prejudice and skinhead violence against Roma remain problems. Other problems include the 1992 Citizenship Law; the law on lustration (screening), which forbids certain pre-1989 Communist officials and secret police collaborators from holding certain positions; and the laws criminalizing defamation of the State and presidency. There is increasing public awareness about violence against women.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.

There were no reports of political or other extrajudicial killings.

In 1995 Frantisek Kahanek, the confessed rapist and murderer of a 10-year-old child, was found dead in his jail cell while awaiting trial. In December three of the four wardens charged with assault and abuse of public office in connection with the death were acquitted by the district court in Pilsen. The remaining warden was given a 6-month sentence with 1 year of probation.

In July the Prague-West district court sentenced a police officer to 8 months in prison for using excessive force during a roadside traffic check and banned him from the police force for 5 years. The officer caused the death of a German tourist during a traffic check in Pribram in October 1994.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by the Constitution, and there were no reports of such practices.

In May some 60 armed police officers used truncheons to beat dozens of people attending a rock concert in a Prague club. Several attendees were injured as a result. Following the completion in November of an investigation by the Inspectorate of the Interior Ministry, the leader of the police action was charged with abuse of public office.

In August an officer was charged with abuse of public office in connection with a police action in 1995, when the Brno police allegedly used excessive force in breaking up a late-night party outside a theater.

The police underwent significant restructuring and have brought many new officers onto the force. Police approval ratings remained rather low in public opinion polls, but that may be partially explained by increased public anxiety over crime. There have been reports of police shakedowns and anecdotal stories of physical abuse and malfeasance, often directed at foreigners and Roma.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors. There is overcrowding in some prisons. According to the prison authority, as of September the prison system was at 112 percent of capacity, and 7 of the country's 32 prisons were 25 percent or more over capacity.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition. Authorities may hold persons without charge for 24 hours, during which time they have the right to counsel. A person charged with a crime has the right to appear before a judge for arraignment, when the judge determines whether custody is necessary pending trial.

Pretrial custody may last as long as 4 years, with periodic judicial review, for criminal charges. The law does not allow bail for certain serious crimes. If the court does not approve continued detention at any of the legally mandated review dates, the suspect must be released. A suspect may petition the appropriate investigating authorities at any time for release from custody.

Since 1989 the average length of pretrial detention has increased from 89 days to 216 in 1996, although that figure is down slightly from 1995. According to the prison service, nearly 39 percent of prisoners are currently awaiting trial or sentencing, down from 42 percent in 1995. The lack of experienced judges and investigators, combined with a still-evolving legal environment, led to a backlog of court cases. Attorney and family visits are permitted. The authorities follow these guidelines in practice.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and it is impartial and independent in practice. Judges are not fired or transferred for political reasons.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. In addition, a Constitutional Court rules separately on the constitutionality of legislation. The shortage of qualified judges is being gradually overcome by the hiring of new personnel. Public opinion polls indicate that over half of the population nevertheless remains somewhat skeptical of the courts' effectiveness as an instrument of justice.

The law stipulates that persons charged with criminal offenses are entitled to fair and open public trials. They have the right to be informed of their legal rights and of the charges against them, to consult with counsel, and to present a defense. The State provides lawyers for indigent defendants in criminal and some civil cases through the bar association. According to the International Helsinki Committee, many eligible parties fail to complete the demanding process of applying for such representation. Defendants enjoy a presumption of innocence and have the right to refuse to testify against themselves. They may appeal any judgments against them. The authorities observe these rights in practice.

The 1991 lustration law bars many former Communist Party officials, members of the people's militia, and suspected secret police collaborators from holding a wide range of elective and appointive offices, including appointive positions in state-owned companies, academia, and the media, for a period of 5 years; some other employers have also required applicants to produce proof of noncollaboration.

Late in 1992 the Czechoslovak Federal Constitutional Court eliminated the largest category of offenders from the law (those listed as collaborators but who in fact may only have been intelligence targets). According to the Interior Ministry, of approximately 300,000 requests for lustration received by late 1996, roughly 3 percent revealed that the applicants were suspected of some form of collaboration. Those positively identified may appeal to an Interior Ministry "Independent Commission" created to review such cases. They may also file a civil suit against the Interior Ministry for a charge similar to slander. From the beginning of lustration in 1993 until mid-October 1996, 581 such suits had been filed. According to the Ministry, of the 472 court cases that had been decided by then, about half were "fully successful," and another quarter were "partially successful." In January former member of the Czechoslovak Federal Assembly and longtime dissident publisher in London Jan Kavan, who had been

accused of collaboration with the Czechoslovak secret police, was completely exonerated by the court. Many of those unjustly accused of collaboration feel that they have suffered diminished career prospects and damaged personal reputations.

The screening process has been criticized because it is based on the records of the Communist secret police, records many suspect were incomplete or unreliable. The law has also been criticized as a violation of human rights principles prohibiting discrimination in employment and condemning collective guilt. International criticism of the screening law was muted in 1996, as most organizations that had criticized lustration in the past, such as the Organization for Security and Cooperation in Europe and the Council of Europe (COE), rarely if ever received complaints from aggrieved parties. In 1995 Parliament voted to extend the law to the year 2000, overriding a veto by President Havel.

Although a 1993 law defining the pre-1989 Communist regime as criminal and lifting the statute of limitations for crimes committed by the Communist Party of Czechoslovakia during its 40-year rule remained on the books, it was rarely invoked. The anti-Communist law was upheld by the Constitutional Court in December 1993.

Several charges filed by the Office for the Documentation and Investigation of the Crimes of Communism (UDV) were dismissed by the state prosecutor's office for procedural errors or lack of evidence. In September President Havel ordered that charges against former Communist Defense Minister Milan Vaclavik be dropped, citing the advanced age and poor health of the accused. The UDV had charged Vaclavik with illegally supplying the people's militia with arms.

In October an individual who had been fired from the theological faculty at Prague's Charles University charged that secret police collaborators were still employed at his former workplace. The head of the UDV confirmed this information, but the office did not involve itself in the matter further, as no laws applied to the case.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Electronic surveillance, the tapping of telephones, and interception of mail require a court order. The Government complied with this requirement.

In November the head of BIS resigned amid charges that his agency placed a leading politician under surveillance in 1992, reportedly due to the politician's ties with a banker under investigation. A government investigator found that BIS had tampered with evidence in the case, but no evidence emerged of any political motivation for the surveillance.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and the press, and the Government respects this right in practice. Individuals can and do speak out on political issues and freely criticize the Government and public figures. However, "defamation" of the Republic and the President are punishable by prison terms of up to 2 years under the Penal Code. In practice the courts gave suspended sentences in the handful of such cases to date. In 1994 the Constitutional Court struck out language that also criminalized defamation of the "Parliament, Government, or Constitutional Court." Nevertheless, these laws

continued to be criticized by both domestic and international human rights observers as limiting freedom of expression.

In March President Havel pardoned Pavel Karhanek, who had been given a 9-month suspended sentence in 1995 under the law on defamation of the President for putting up posters in a local government office calling the President a former alcoholic, a swindler, and a Communist collaborator. According to the Office of the President, Havel routinely pardons those convicted under the law when they request it or when his office learns of such cases. In May the district court in Kromeriz pronounced a 4-month suspended sentence on Zdenek Spalovsky under the same law for publishing statements in local and emigre newspapers in 1994 that Havel was a traitor and a false prophet.

In October the Constitutional Court struck down a 1995 proclamation by the Znojmo town hall that placed limitations on the use of foreign languages in shop signs.

A wide variety of newspapers, magazines, and journals publish without government interference. The capital, Prague, is home to at least a dozen daily newspapers with national distribution, as well as a variety of entertainment and special interest newspapers and magazines. These publications are owned by a variety of Czech and foreign investors. Some newspapers are still associated with the interests of a political party; others are independent.

The electronic media are independent. There are 4 television stations, 2 public and 2 private, and more than 60 private radio stations in addition to Czech Public Radio. The leading television channel, Nova, is privately owned, partially by foreign investors. In addition, many viewers have access to foreign broadcasts via satellite and cable.

A parliamentary commission has broad oversight and power to approve or reject candidates for the Television and Radio Council. The Council has limited regulatory responsibility for policymaking and answers to the parliamentary media committee. The Council can issue and revoke radio and television licenses and monitors programming.

By year's end, Parliament had not yet voted on two long-delayed media laws: one for print and one for broadcast media. New laws are needed because the print law on the books dates from 1966 and the current broadcast law, dating from 1991, did not envision private media. The print media law has gone through several drafts in the process of working its way through various parliamentary committees. Czech journalists criticize the draft law for not affirming the right of a journalist to protect sources and for not requiring government officials to supply information to the media.

The law provides for academic freedom but also forbids activities by established political parties at universities.

b. Freedom of Peaceful Assembly and Association

The law provides for the right of persons to assemble peacefully. Permits for some public demonstrations are required by law but are rarely refused. However, the law forbids political party activity at universities (see Section 2.a.). Police generally do not interfere with spontaneous, peaceful demonstrations for which organizers lack a permit.

In April the Constitutional Court struck down a proclamation by the central district of the city of Brno that placed restrictions on the use of Freedom Square for promotional, cultural, or political events. The proclamation had been adopted in 1993 after a rock musician was stabbed in the stomach by a man who

was apparently irritated by noise from the musician's concert on the Square.

Since late 1995, the Constitutional Court has also overturned five "anti-Communist" decrees from various towns. In April the court overturned proclamations by the town councils of Brno and Nova Paka that banned the promotion of parties and movements spreading ethnic, racial, political, or class hatred. In June the same Court overturned two proclamations that banned Communist, Nazi, and Fascist propaganda in the towns of Pardubice and Jicin. The Court has also overturned a similar measure from Usti Nad Labem.

The right of persons to associate freely and to form political parties and movements is provided for by law, and the Government respected this right in practice. Either the Government or the President may submit a proposal to the Supreme Court calling for a political party to be disbanded, but there have been no such cases since 1989. Organizations, associations, foundations, and political parties are required to register with local officials or at the Interior Ministry, but there is no evidence that this registration is either coercive or arbitrarily withheld. The Communist Party, although fragmented, is represented in the Parliament and in local government.

c. Freedom of Religion

The law provides for religious freedom, and the Government respects this right in practice. The State provides support to all religions that are registered with the Ministry of Culture. There are currently 21 registered churches. A church must have at least 10,000 adult members to register. Smaller religious groups, such as the Muslim minority, lack an alternative legal mechanism that would enable them to own community property.

One Christian political party, the Christian Democratic Union-Czechoslovak People's Party, is a member of the governing coalition. A smaller Christian party, the Christian Democratic Party, merged with the Civic Democratic Party, the largest party in the coalition Government, early in the year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on domestic or foreign travel, emigration, and repatriation. Passports are readily available to all wishing to travel abroad. Czechs who emigrated during the period of Communist rule frequently return to visit, or even to settle, and are able to regain Czech citizenship if they wish, although to do so they must relinquish claim to any foreign citizenship. Citizenship is not revoked for political reasons. Nonetheless, the United Nations High Commissioner for Refugees (UNHCR) has expressed concern to the Government that its 1992 Citizenship Law has created a problem of statelessness that may lead to irregular movements (see Section 5).

The Government provides first asylum and cooperates with the UNHCR and other humanitarian organizations in assisting refugees. Most migrants used the Czech Republic as a transit route toward the West; however, the country is becoming the final destination for increasing numbers. According to the Interior Ministry, acceptance rates for asylum applications have decreased from over 35 percent in 1991 to just over 4 percent in 1996. This trend reflects the rationalization of border controls; a more restrictive attitude toward accepting economic migrants; and perhaps also the belief that certain foreigners have contributed to higher crime rates since 1989. There are 4 reception centers for asylum seekers, 6 humanitarian centers for Bosnians under temporary protection, and 10 integration centers for recognized refugees. In April the Parliament abolished a provision in the law on refugees allowing refugee status to be granted only for 5 years, thus bringing domestic law into harmony with the State's international commitments in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. As a

result of the April amendment, refugees may now apply for citizenship after 5 years. Nongovernmental organizations (NGO's) work closely with the Interior Ministry to ease the refugees' transition into society. In practice, however, many potential refugees choose to apply for permanent settlement elsewhere.

According to the Interior Ministry, as of October there were officially 334 Bosnians under temporary protection in humanitarian centers and approximately 470 in other living arrangements. Nearly 1,000 have obtained either long-term or permanent residency, and an unknown number remain in the country illegally. Participation by recognized refugees in the September elections in Bosnia was facilitated by the Organization for Security and Cooperation in Europe and the Embassy of Bosnia-Herzegovina in Vienna. Voluntary repatriation of Bosnian refugees began in July; by October, 277 had returned to Sarajevo on three flights specially chartered by the Government and were given a resettlement stipend.

The Government devoted increased attention to illegal migration into the country and took steps with its neighbors to control the movement of people across its borders. The Government has signed readmission agreements with all of the country's neighbors, and with Hungary, Romania, and Canada. In 1996 the UNHCR observed that these agreements "do not specifically take into account the special situation of asylum seekers" nor "ensure access to refugee status determination procedure," while noting that in practice the Government allows all interested parties to apply for such protections.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government.

The Constitution provides citizens with the right to change their government by democratic means, and citizens exercise this right in practice. Citizens over the age of 18 are eligible to vote by secret ballot in republic-wide and local elections. Opposition groups, including political parties, function openly and participate without hindrance in the political process. Prior to the June parliamentary elections, a number of small political parties protested the introduction of an election-deposit requirement, charging that they were unable to afford the sums demanded and were thus effectively excluded from participating in the democratic process. Prior to the November Senate elections, the district and central election committees were criticized for forcing several candidates from various parties to withdraw from the race for sometimes minor irregularities in their registration papers. There was no evidence of partisanship in such decisions. The Supreme Court in the overwhelming majority of cases ruled in favor of the candidates. International observers have noted that former Czechoslovaks who elected representatives to the Czech National Assembly in 1992 and whose current citizenship status is unclear continue to lack voting rights (see Section 5).

The ruling three-party center-right minority Government was formed in July following the Czech Republic's first national elections. There are also a number of left-of-center opposition parties and one party of the radical right. The Constitution mandates elections to Parliament at least every 4 years, based on proportional representation in eight large electoral districts. There is a 5-percent threshold for parties to enter Parliament. The first elections to the Senate were held in November. With its establishment, the Czech Republic's parliamentary system came into compliance with the country's Constitution. The President, who is elected by Parliament, serves a 5-year term. The President has limited constitutional powers but may use a suspense veto to return legislation to Parliament, which can then override that by a simple majority.

There are no restrictions, in law or in practice, on women's participation in politics. Nevertheless, relatively few women hold high public office. The state attorney and the mayors of Brno and a number of smaller towns are women; the 200-member Parliament includes 29 female deputies, including 1 deputy speaker. Nine women are senators in the newly elected 81-member Senate; one of the four vice chairmen is a woman.

Representatives from all minority groups sit on the government-sponsored Council for Nationalities. Slovaks, of whom there are an estimated 300,000, are almost all "Czechoslovaks" who elected to live in the Czech Republic after the split. Many serve in high positions in the civil service. For the most part, these Slovaks define their interests in the context of Czech politics, not along ethnic lines; there is no Slovak party in the Parliament.

Many of the estimated 200,000 to 250,000 Roma have not been fully integrated into society, and the party that represented their interests immediately following the demise of communism, the Romani Civic Initiative, is in disarray. The political culture generally defines Roma as outsiders. The Roma themselves have not united behind a program or set of ideals that would enable them to advance their interests in the democratic structures of the country (see Section 5). Since mid-1995, however, various Romani groups have joined forces to protest interethnic violence against them. Even if all Romani citizens of voting age were to unite behind a single party, they would not garner the required 5 percent of votes cast to be represented in the lower house, and no seats are reserved in either house for ethnic minorities. There are currently no Romani deputies in the Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

Human rights groups operate without government restriction, and government officials are generally cooperative and somewhat responsive to their views. The presidency of former dissident and human rights monitor Vaclav Havel serves as an important symbol for these groups. While the Government has demonstrated a willingness to examine and redress individual cases of human rights abuse, it has been less flexible when considering larger systemic changes. There is a government-sponsored Council for Nationalities, which advises the Cabinet on minority affairs. In this body, Slovaks and Roma have three representatives each; Poles and Germans, two each; and Hungarians and Ukrainians, one each. In Parliament there is a petition committee for human rights and nationalities, which includes a subcommittee for nationalities. The Senate has also formed a committee for human rights and nationalities.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status.

The law provides for the equality of citizens and prohibits discrimination. Health care, education, retirement, and other social services generally are provided without regard to race, sex, religion, disability, social status, or sexual orientation. In practice Roma face discrimination in such areas as education, housing, and job opportunity.

Women

The true extent of violence against women is unknown, and public debate about it is rare, despite the efforts of a handful of women's groups to bring this issue to the attention of the public. The press devoted increased coverage to the issues of violence against women and trafficking in women. Official statistics fail to track violence against women effectively. Since 1989 official police statistics have recorded 700 to 900 rape cases per year, and approximately 80 percent of the cases are solved. Studies by the Sexology Institute found that 12 percent of women over the age of 15 had experienced some form of sexual assault in their lifetime and that only 3 percent of rape victims report the crime. Gender studies experts say that women are ashamed to speak about rape and that the police are not equipped, either by attitude or training to help. According to legal experts, there is an unspoken understanding in the court system that spousal abuse should be prosecuted as a crime only if a doctor determines that the victim's condition warrants medical treatment for 7 days or more. There are state-supported shelters that accept

women in most major cities and towns. According to NGO's, the situation has improved in recent years, but there are still not enough spaces to meet demand.

In a 1995 study by the Sociology Institute, 43 percent of women reported experiencing some form of sexual harassment in the workplace during their career. A study by the Defense Ministry in 1996 found that nearly half of female soldiers experienced harassment on duty. In a landmark case, a major bank forced a local branch manager to resign in August after he made repeated, unwelcome advances toward female employees. The bank had declined to act following the first incident, and in the resulting national discussion, press commentators generally dismissed the concerns of women's groups over the extent of sexual harassment in the workplace.

Women are equal under the law and in principle receive the same pay for the same job. However, according to a survey of employers by the Ministry of Labor, women's median wages lagged behind those of men by roughly 25 percent in 1996 (a private survey produced comparable results), although the gap is narrowing. According to a 1995 study, women are concentrated in professions in which the median salary is low: medicine, teaching, and white-collar clerical jobs. At the same time, women have made deep inroads into the private sector since 1989, and the number in agricultural work has fallen by 50 percent over the last decade. Women have steadily represented roughly half of the labor force over the same period. They enjoy equal property, inheritance, and other rights with men.

Prostitution is legal, although a November 1995 amendment to the law on communities provides that it may be regulated by local authorities. Under the Penal Code, trafficking in prostitutes is punishable by a prison term of up to 8 years (up to 12 years if the victim is under the age of 15). According to the police unit responsible for fighting organized crime, the Czech Republic is largely a transit country for traffickers in women. A credible NGO that tracks this issue has concluded that the country is increasingly becoming a destination for many prostitutes from farther east. In February the police broke up a ring of traffickers in Kladno. Several hundred women and girls annually are smuggled into Western Europe and North America through the Czech Republic and forced to work as prostitutes. According to the same NGO, the trade in women is growing.

Children

The Government is committed to children's welfare through programs for health care, compulsory education, and basic nutrition. Some Romani children do not receive these benefits for a variety of reasons, and the Government's largely bureaucratic and administrative approach has not adequately addressed the disadvantages faced by Roma in many municipalities. Some segments of the Romani community prefer to limit as much as possible their contacts with the majority society.

Child abuse and trafficking in children received increased attention in the press in 1996. A children's crisis center was founded in 1995 and is 70 percent state supported. According to its director, around 1 percent of children are neglected, mistreated, or sexually abused, but only about one-tenth of all cases are registered by the police. The increase in the number of reported cases of child abuse appears to be the result of an increased awareness of the problem. According to a special envoy of the U.N. Human Rights Commission who visited in 1996, there is no evidence of a societal pattern of child abuse.

Girls and boys enjoy equal access to health care and education at all levels. The Government ceased tabulating educational or other statistics on the basis of ethnicity following the breakup of the Czechoslovak federation in 1993; yet 1991 figures show that over 20 percent of the self-identified Romani population in the Czech lands had not completed elementary school and that over 95 percent had not completed high school. Since a large majority of Roma do not identify themselves as such for

census-takers, however, such statistics provide only an approximate picture of reality. In 1993 the Government instituted a number of year-long programs (so-called "zero grades") to prepare disadvantaged youth for their first year in school, mostly in areas with high concentrations of Roma. Participation in the "zero grades" is voluntary. Some Romani parents do not send their children to school regularly for a variety of reasons, including the expense of books, supplies, and activities; subtle or overt discrimination; and sometimes, because of the parents' ambivalent attitudes toward education.

According to the Ministry of Education, Romani children make up 60 percent or more of pupils placed in "special schools" for those who suffer from mental or social disabilities, although Roma are estimated to comprise only 2 to 3 percent of the population. Language and cultural barriers frequently impede the integration of Romani children into mainstream schools. Moreover, some Romani parents appear to prefer that their children attend such schools, where they can be among others of the same ethnicity, regardless of their mental abilities.

During the year, some public discussion took place about lowering the age of criminal responsibility. The leader of a far-right political party represented in the Parliament called for lowering the criminal age of responsibility for Romani children to zero (see below). There was no change in the relevant legislation by year's end.

People with Disabilities

At the beginning of the year, the Government introduced a new set of eligibility guidelines for disability benefits in an effort to rationalize the system. According to an NGO representing the disabled, under the new system as many as 30 percent of former recipients receive either fewer benefits or none. Businesses in which 60 percent or more of the employees are disabled qualify for special tax breaks, and 41 such companies are members of the union of Czech and Moravian producer cooperatives.

The disabled suffer disproportionately from unemployment, and the physically disabled have unequal access to education, especially in rural areas. This is less the result of government policy than of a lack of barrier-free access to public schools. Most buildings and public transportation are inaccessible to those in wheelchairs. However, a regulation of the Economic Ministry from 1994 requires architects to ensure adequate access for the disabled in new building projects, and this regulation is applied in practice. Numerous NGO's are actively working to diminish the disadvantages faced by the disabled. The integration of the disabled into society has not been the subject of significant policy or public debate. There is one disabled member of Parliament.

Religious Minorities

The Jewish community numbers a few thousand. There were only isolated incidents of vandalism against Jewish property. In June a Prague synagogue that had repeatedly been the target of vandalism was defaced with swastikas and anti-Semitic graffiti. In February the Federation of Jewish Communities protested the publication of a new edition of "The Protocols of the Elders of Zion," a notorious anti-Semitic text, despite the inclusion in the new edition of a scholarly essay showing the work to be a fabrication. The police confirmed the existence of over 20 underground magazines with small circulations propagating fascism, racism, and anti-Semitism.

Religious groups with 10,000 or more adult members may register with the Ministry of Culture. Only registered religions are eligible for state subsidies. Smaller groups lack a legal mechanism by which they may own community property (see Section 2.c.). The Jewish community constitutes an exception, since it was recognized by the State before 1989.

In March the town council of Teplice voted 26 to 2 to deny a permit for the construction of a mosque on the grounds that the building could become a center for Islamic terrorism. In the same month, the city of Brno gave permission for a mosque to be built, but with the stipulation that the building not have a minaret. The small Muslim minority is otherwise free to assemble and worship in the manner of its choice. Its members can and do issue publications without interference. There is also a small Muslim cemetery in Trebic.

On the anniversary of Kristallnacht, a series of Nazi-inspired mob attacks on German Jews and their property in November 1938, an international crowd of about 700 people gathered in Kozolupy near Pilsen to attend a concert by skinhead bands. Police detained nine participants who made the "Heil Hitler" salute, an offense punishable under Czech law, and charged the owner of the venue with supporting and propagating a movement that aims to suppress citizens' rights and freedoms, a criminal offense. Police refrained from further intervention at the time of the concert, but an investigation is continuing.

National/Racial/Ethnic Minorities

After ethnic Slovaks, the most significant minority in the Czech Republic by far is the Romani population, officially estimated to number approximately 200,000. Roma live throughout the country but are concentrated in the industrial towns of northern Bohemia, where more than 40 years ago many eastern Slovak Roma settled or were forced to settle in the homes of Sudeten Germans transferred to the West. They suffer disproportionately from poverty, interethnic violence, illiteracy, and disease. Efforts by foundations and individuals in the education and health fields to improve their living conditions, especially the conditions of Romani children, have had only minimal impact. There is a Czech-language program for Roma on state television and another on state radio. There are various publications for Roma, of which all but one are state supported. There is also an academic journal of Romani studies with several Roma on the editorial board. Romani leaders have had limited success thus far in organizing their local communities, which are often riven by conflicting loyalties and where many are pessimistic about improving relations with the majority.

Roma suffer from serious popular prejudice, as is repeatedly affirmed by public opinion polls. In 1996 a survey found that 22 percent of respondents would "give more room to the skinheads" as a means of resolving the problem of coexistence with the Roma; 35 percent were in favor of "concentrating and isolating" the Roma; and 45 percent would support "moving the Roma out of the Czech Republic if possible." However, a majority of respondents also supported the right of Roma to file complaints with international bodies, reserving seats for Romani representatives on municipal councils, the "zero grade" program, and efforts to bring more Roma onto the police force.

The International Helsinki Federation and Human Rights Watch criticized the Government in 1996 for not curbing skinhead violence against Roma. Racially motivated violence against Roma, usually by skinheads, has risen sharply in recent years. Statistics through October recorded a sixfold increase in the number of reported incidents over 1994. Local authorities have been unable (or, according to some observers, unwilling) to curb this violence. In the last 5 years, over 200 people have been charged with racial violence; to date, just under 100 have been convicted. In mid-1995 Parliament passed legislation to stiffen the penalties for certain categories of racially motivated crime, and the state attorney instructed prosecutors to act more vigorously in such cases. Nonetheless, many judges and police officers remain extremely reluctant to ascribe a racial motive to anti-Roma violence, even when skinheads are involved.

In February the district court in Breclav sentenced one skinhead to a 6-year prison term for the October 1995 attack on the Roma Josef and Jarmila Polak, which caused each to suffer a concussion and Josef Polak to lose an eye. The court gave the remaining three assailants in the Polak case suspended

sentences because of their apparent repentance and because they had not reached the age of criminal responsibility at the time of the attack.

Skinheads organized several large gatherings in November, and police were sometimes effective in containing them. In late November, some 100 skinheads from several countries in the region gathered in Breclav to protest the verdict in the Polak case. The same night, police and local authorities in the southern Moravian municipality of Lanzhot successfully dispersed an estimated 200 skinheads who were attending a concert and who had begun to shout Fascist slogans. Police closely watched and escorted some of over 100 skinheads gathered in Senov in northern Moravia when they walked through an area of nearby Havoriv where many Roma live.

In May the high court in Olomouc overturned a lower court's ruling and attributed a racial motive to the 1995 skinhead attack on Rom Tibor Berki who died from his injuries. One of the assailants had been sentenced to 12 years in prison for murder and a second to 18 months; in the 1995 trial, the court did not find the attack to be racially motivated. Under the new ruling in 1996, the sentences were extended by 1 year and 2 months, respectively.

The investigation continues into the case of three Romani girls who were severely beaten by nine skinheads in 1995.

Witnesses are often afraid to testify in such cases for fear of reprisals. For example, in September and again in December the district court in Pisek again postponed court proceedings in the case of the death of Tibor Danihel, an 18-year-old Rom who drowned after a gang of skinheads forced him into the Otava river in Pisek in 1993, due to witnesses' unwillingness to testify. In a separate case in Uherske Hradiste, two Romani witnesses called upon to give testimony in January had to be summoned by the police; one witness told the court that he feared for his life if he testified.

The prosecution of racially motivated attacks is often slowed by the general backlog of court cases (see Section 1.d.). In other cases, suspects accused of brutal attacks were released by the courts pending trial. A Brno court released an 18-year-old female skinhead who attacked a Romani man with an infant in his arms in May, pending a hearing; she then assaulted another woman in September. An Olomouc court released a youth who had attacked a foreign student at the local university (see below). Overcrowding in some prisons (see Section 1.c.) may contribute to some judges' unwillingness to place youths, even violent offenders, in custody.

Central government officials remain engaged in problems affecting the Romani community. Romani representatives met separately with the Ministers of Labor and Education to discuss their concerns. The latter meeting was the first ever attended by spokespersons for the particularly isolated Vlach Roma. In July the leader of a far-right party delivered a speech on the floor of the Parliament in which he said that Romani children should be criminally responsible from birth; all other parties' deputies left the chamber in a protest against this statement. In November the mandate and immunity committee of the Chamber of Deputies fined the offender 1 month's salary. In 1996 the number of those charged with racially motivated crimes continued to rise, and the Attorney General directed state prosecutors to seek stiffer sentences for them.

Roma face discrimination in employment, housing, schools, and the rest of everyday life. NGO's estimate that unemployment among Roma is as high as 70 percent in some areas. Some restaurants, pubs, and other venues throughout the country routinely refused service to Roma and posted signs prohibiting their entry. In March a small political party forced a Breclav businessman to resign as its candidate for the parliamentary elections after he put up a sign in his hotel refusing service to Roma. In

other cases, local authorities intervened to have offensive signs removed. In June the town of Kladno barred entry to the municipal swimming pool by Roma after an outbreak of hepatitis infected most of the local Romani community. Municipal health authorities stated that the measure would not be especially effective in containing the outbreak. The mayor subsequently proposed a conference that would include Roma participants to discuss interethnic relations; this initiative has been received with skepticism by local Roma.

In August, in the first prominent antidiscrimination case, the Rokycany district court found pub owner Ivo Blahout not guilty of discriminating against Romani patrons despite videotaped evidence and the incriminating testimony of two policemen. The pub owner argued both that all the tables in his establishment had been reserved on the day of the incident and that he had a right to take reasonable measures to protect his property from notoriously unruly customers. The district state attorney has appealed the ruling.

While local Romani leaders tended to focus on racially motivated violence and other problems, international and domestic legal and human rights organizations continued to criticize the discriminatory impact of the 1992 citizenship law. That law, created at the time of the Czech-Slovak split, allowed Czechoslovaks living in the Czech Republic until the end of December 1993, later extended to June 1994, to opt for Czech citizenship under conditions more favorable than those faced by non-Czechoslovaks in the normal naturalization process. Unlike its Slovak counterpart, which awarded Slovak citizenship to all former Czechoslovak citizens living within its borders regardless of their previous nationality (after 1970, Czechoslovaks were required to choose whether they were "Czechs" or "Slovaks," a choice with virtually no significance at the time), the Czech law posed conditions: "Slovak" applicants were required to prove they had a clean criminal record over the previous 5 years and were resident in the Czech Republic for 2 years. Romani leaders protested that these provisions were designed to discriminate against Roma, most of whom are of Slovak origin.

Current "Slovak" applicants for Czech citizenship are required to meet the same conditions as all other foreigners except the Czech language requirement, and they may request a waiver of the clean criminal record requirement (below). The practical result of the citizenship law is that an unknown number of former Czechoslovaks of "Slovak" nationality resident in the Czech Republic at the time of the split--nearly all of them Roma--have found themselves without Czech citizenship. Some failed to meet the law's requirements; others never applied, either out of negligence or ignorance of the consequences. The Interior Ministry has never given an official estimate of the number of unresolved citizenship cases, but it has indicated that several thousand applications are currently pending. The Citizenship Project, an NGO which actively helps former Czechoslovaks through the citizenship application process, states that many more have not applied and that only the Government is in a position to gauge the scope of the problem.

In February the UNHCR released a report on the Czech and Slovak citizenship laws and the problem of statelessness; in April the Council of Europe (COE) issued a report on the same laws and their implementation. The UNHCR report noted that the placing of conditions such as the clean criminal record requirement on the right of former Czechoslovaks to opt for Czech citizenship "is not justified" and "does not follow the accepted pattern established under general international legal principles." The UNHCR also observed that the Czech Republic had drawn harsh criticism for thus disqualifying from citizenship even long-term and lifelong residents of the Czech lands (i.e., those with "a genuine and effective link" with the territory as described in international law). The COE report found that "conformity with European legal standards might be doubtful" with regard to the clean criminal record requirement, noting that this particular requirement could have untoward consequences in cases of state succession such as the Czech-Slovak split. Both reports expressed concern at the number of cases of "de facto statelessness" among Roma. In July Human Rights Watch also issued a report on the effects of the

citizenship law on Roma. The law was further discussed in the COE's Committee of Ministers in June and in the Organization for Cooperation and Security in Europe Permanent Council in July and August.

In April Parliament amended the citizenship law to enable the Interior Ministry to waive the clean criminal record requirement, on an individual basis, for "Slovaks" who had been resident in the Czech lands since before the 1993 split. The waiver application can be included with the citizenship application. In July the Interior Ministry agreed to send letters to all those whose citizenship applications were currently pending in which applicants' right to request a waiver was explained. According to the Government, all who have applied for waivers have been granted them. However, relatively few former Czechoslovaks have taken advantage of this opportunity: as of November, the Interior Ministry had granted about 250 waivers.

Some problems with the application of the law have been addressed. For example, in addition to the Interior Ministry's ability to waive the requirement for a clean criminal record on an individual basis, Czech citizenship is now granted upon release from Slovak citizenship (thus diminishing the potential for de jure statelessness), and some fees have been reduced. However, other problems persist. The requirement for a clean criminal record is interpreted inconsistently and applied even to petty crimes. "Slovak" applicants who have never set foot in Slovakia must still obtain an official release from Slovak citizenship. This requirement is also applied to school-age children. Rules for certain social subsidies, which only citizens or residents may collect, require that all family members be eligible; the labor office in Usti Nad Labem suggested to one woman that she divorce her nonresident husband so that she and her children could receive benefits. Only legal guardians may apply for citizenship for a minor; thus, directors of children's institutions must first secure legal guardianship from the courts before applying for citizenship for their wards.

At year's end, police continued their investigation into the case of a Karvina district office official who accepted improper payments in 1994, primarily from Roma, to expedite citizenship applications. NGO's suggest that many applicants were unaware that this was an irregular practice. Karvina officials subsequently revoked hundreds of citizenship papers signed by that official, and the applicants were told that they had to begin anew the lengthy and expensive process of application for citizenship. The official and her immediate superior no longer work at the district office, yet many of those whose citizenship was revoked face severe economic hardship until their cases are resolved. Without citizenship or residency they do not have the right to work, to health insurance, or to any of the social benefits enjoyed by nearly all citizens and residents.

Fears that the situation would lead to mass deportations of Roma have thus far proven exaggerated. Yet several hundred individuals have been deported to Slovakia since the breakup of the federation, generally following an arrest and often without regard to long-term family ties in the Czech Republic. According to the police, 144 persons were deported to Slovakia during the first 6 months of 1996. Police who come across formerly Czechoslovak individuals without proper citizenship or residency papers have been known to expel them to Slovakia, an action which is within their authority. In addition, courts have issued "prohibitions of stay" to over 1,000 persons of Slovak nationality, of whom an unknown number are Roma.

Several skinhead attacks were directed against nonwhite foreigners, some of them foreign students at Palacky University in Olomouc. In January a Pakistani student was hospitalized with a concussion and other injuries after being attacked by local youth in Olomouc's main train station. Three skinheads were charged; however, despite the recommendation of the police and the local state attorney, the court released them pending trial. The Olomouc chief of police stepped up patrols and stated his intention to take stricter measures to combat extremism. Also in January, the Prague 3 district court sentenced 4 youths to prison terms and ordered them to pay damages to an Ethiopian man they had attacked; the

victim suffered a concussion and open fractures of the lower arm and nose. The same court sentenced two other youths to conditional prison terms for attacking an Armenian man who managed to escape from them without injury. In August four skinheads in Prague mistook a Japanese scientist attending a conference for a Vietnamese, beat him, and broke his nose; the victim was hospitalized for 8 days. One of the assailants was detained and charged with assault. In September a biology professor from Benin was verbally assaulted in a tram in Brno and kicked in the face by a masked youth wearing spiked boots; the investigator has charged one suspect with racial defamation.

Section 6 Worker Rights.

a. The Right of Association

The law provides workers with the right to form and join unions of their own choice without prior authorization, and the Government respects this right. The work force was 45 to 50 percent unionized in 1996.

Most workers are members of unions affiliated with the Czech- Moravian Chamber of Trade Unions (CMKOS). CMKOS is a democratically oriented, republic-wide umbrella organization for branch unions. It is not affiliated with any political party and carefully maintains its independence.

Workers have the right to strike, except for those whose role in public order or public safety is deemed crucial. The law requires that labor disputes be subject first to mediation and that strikes take place only after mediation efforts fail. There were no major strikes in 1996.

Unions are free to form or join federations and confederations and affiliate with and participate in international bodies. This freedom was fully exercised.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, which is generally carried out by unions and employers on a company basis. Scope for collective bargaining is more limited in the government sector, where wages are regulated by law.

There are 11 free trade zones. Their workers have and practice the same right to organize and bargain collectively as other workers in the country.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and it is not practiced.

d. Minimum Age for Employment of Children

The Labor Code stipulates a minimum working age of 15 years, although children who have completed courses at special schools (schools for the severely disabled) may work at the age of 14.

e. Acceptable Conditions of Work

The Government sets minimum wage standards. The current minimum wage is approximately \$95 (2,500 crowns) per month. The minimum wage provides a sparse standard of living for an individual worker, although when combined with allowances available to families with children, provides an

adequate standard of living for a worker and a family. Retraining efforts, carried out by district labor offices, seek to provide labor mobility for those at the lower end of the wage scale. Because of a very tight job market in most of the country, the enforcement of minimum wage standards was not an issue.

The law mandates a standard workweek of 42 1/2 hours. It also requires paid rest of at least 30 minutes during the standard 8- to 8 1/2-hour workday, as well as annual leave of 3 to 4 weeks. Overtime ordered by the employer may not exceed 150 hours per year or 8 hours per week as a standard practice. Overtime above this limit may be permitted by the local employment office. The Labor Ministry enforces standards for working hours, rest periods, and annual leave.

Government, unions, and employers have agreed to promote worker safety and health, but conditions in some sectors of heavy industry are problematical, especially those awaiting privatization. Industrial accident rates are not unusually high. The Office of Labor Safety is responsible for enforcement of health and safety standards. Workers have the right to refuse work endangering their life or health without risk of loss of employment.

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