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U.S. Department of State

Czech Republic Country Report on Human Rights Practices for 1997

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CZECH REPUBLIC

The Czech Republic is a parliamentary democracy. At year's end, an orderly transition was under way to form a new government following the November resignation of the minority coalition government led by Prime Minister Vaclav Klaus, which was formed after the June 1996 parliamentary elections. In mid-December, Josef Tosovsky was named interim Prime Minister, and in January 1998 he was sworn in. The bicameral Parliament elects the President for a 5-year term. 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; he was elected to a second 5-year term in January 1998. 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 Czech Republic has a market-based economy, with over two-thirds of gross domestic product (GDP) produced by the private sector. Devastating floods in July may reduce growth but could force increased investment and industrial restructuring. Although external imbalances caused a 10 percent depreciation of the currency in May, macroeconomic indicators remain favorable: Low national debt, a low budget deficit, strong foreign currency reserves, relatively low inflation, and low but rising unemployment. Worsening trade and current account deficits 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. GDP per capita reached approximately \$5,100.

The Government generally respected the human rights of its citizens. Popular prejudice and skinhead violence against Roma remain problems. The discriminatory impact of the 1993 citizenship law was mitigated by the constructive implementation of a 1996 amendment, although other problems with citizenship persist. There is some violence against women. The law on lustration (screening) forbids certain pre-1989 Communist officials and secret police collaborators from holding certain positions. A law criminalizing defamation of the presidency was abolished.

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.

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.

The police have undergone significant restructuring, and many new officers have joined the force since the 1989 revolution. However, police approval ratings remained rather low in public opinion polls. Recorded incidents of crime by police have risen in recent years. There have been reports of police shakedowns, physical abuse, and malfeasance, often directed at foreigners and Roma.

In March the Prague 1 district court dismissed a charge of abuse of public office against the leader of a 1996 police action at a Prague rock club, during which some 60 police officers injured several concertgoers with truncheons. The court found him to be merely insubordinate and left the police administration to handle the matter internally.

The investigation continues into the 1996 case of a policeman 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.

Some cases of torture from the Communist era have reached the courts through the efforts of the Office for the Documentation and Investigation of the Crimes of Communism (UDV--see Section 1.e.). In the first conviction of its kind since 1989, a Brno court sentenced 85-year-old former secret police agent and prison guard Jaroslav Daniel in May to 5 years' imprisonment for his brutality toward prisoners in the period from 1948 to 1967. In addition, three former secret police investigators, including the father of the current chairman of the Communist party, have been charged with abuse of public office in a similar case.

Prison conditions meet minimum international standards. There is overcrowding in some prisons.

According to the prison authority, as of June the prison system was at 112 percent of capacity, and 8 of the country's 33 prisons were 25 percent or more over capacity.

The Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government observes this prohibition in practice. Police may hold persons without charge for no more than 24 hours, during which they have the right to counsel. The 24-hour rule, enshrined in the Charter of Basic Rights and Freedoms, was reaffirmed by a Constitutional Court decision early in the year. Previously, the police and many courts had interpreted two separate statutes to allow the police an aggregate 48 hours to turn a suspect over to a court for arraignment.

The lack of experienced police investigators, combined with a still-evolving legal environment, has contributed to a backlog of court cases. Under the law, pretrial detention may last as long as 4 years, with periodic judicial review, for criminal charges. If the court does not approve continued detention at any of the legally-mandated review dates, the suspect must be released. In practice few suspects are held for longer than 2 years. A possible precedent was set in late 1996 by the Constitutional Court, which ruled that any period of time in which the accused used delaying tactics to prevent his case from reaching trial would not count toward the 4-year limit. In the case at hand, the accused repeatedly changed lawyers as the 4-year limit was approaching. The law does not allow bail for certain serious crimes. A suspect may petition the appropriate investigating authorities at any time for release from detention. Since 1989 the average length of pretrial detention has increased from 89 to 212 days in 1997, although that figure has been decreasing slightly since 1995. According to the prison service, approximately 35 percent of prisoners are currently awaiting trial or sentencing, down from 39 percent in 1996. Attorney and family visits are permitted. The authorities follow these guidelines in practice.

The law prohibits exile, and the Government observes this prohibition in practice. However, police can and do expel to Slovakia "Slovaks" without proper citizenship or residency papers.

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 has been largely overcome by the hiring of new personnel.

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 process of applying for such representation because it is demanding. 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.

In June a student won a court case against the Interior Ministry related to the presumption of innocence. The Ministry was investigating the student as a suspect in a 1992 attempt on the life of the chairman of

the Communist Party by a masked assailant. In speaking with the press about the case, the police referred to the student as the perpetrator and not as a suspect. The court ordered the Ministry to apologize to the student and pay him damages of about \$4,440 (150,000 Kcs). The Ministry may appeal to the relevant High Court.

The 1991 lustration law barred 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. In 1995 Parliament extended the law to the year 2000, overriding a veto by President Havel. Some other employers also have required applicants to produce lustration certificates proving noncollaboration.

According to the Interior Ministry, about 15,000 requests for lustration certificates were received in 1997, bringing the total since 1991 to 316,000. Some 3.3 percent of applicants were denied because of suspected collaboration. Those who have been denied may file a civil suit against the Interior Ministry for a charge similar to slander. In the period from mid-October 1996 to September 1997, 31 such suits were filed. Of these 31 suits, about half of those decided to date were "fully successful," and another quarter have been "partially successful."

Defenders of the lustration law argue that individuals who systematically destroyed the lives of others in order to gain advantages for themselves within the Communist system should not be entrusted with high state responsibilities. The screening process has been criticized, however, because it is based on the records of the Communist secret police, records many suspect were incomplete or unreliable. The law also has been criticized as a violation of human rights principles prohibiting discrimination in employment and condemning collective guilt. Many of those unjustly accused of collaboration believe that they have suffered diminished career prospects and damaged personal reputations. In August the Agenda 2000 report by the European Union noted the law's continuing existence with concern, as did a delegation from the Parliamentary Assembly of the Council of Europe in September.

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 in effect, although it has led to few convictions. The government office responsible for prosecuting cases under this law describes its workload as consisting primarily of cases of: Torture (see Section 1.c.); border shootings; treason connected with the 1968 Warsaw Pact invasion of Czechoslovakia; and state persecution of opponents of the Communist regime. The anti-Communist law was upheld by the Constitutional Court in 1993.

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 practice.

In January the Intelligence Oversight Committee in the Chamber of Deputies seconded President Havel's rejection of charges by the speaker of that body (and leader of the main opposition party) that: There was collusion between the BIS and the Interior Ministry; the secret services were following politicians; and (therefore) there were tendencies toward a police state in the Czech Republic. The speaker based his charges on alleged internal documents from the intelligence agency, which were later found to be forgeries. Neither the President nor the Parliament found evidence of serious infractions by BIS agents.

Press commentary generally dismissed the charges as politically motivated.

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.

In September the President signed into law a measure revoking a 36-year-old statute on the "defamation" of the President, effective in January 1998. Such action had been punishable by prison terms of up to 2 years. In practice, the few persons convicted received suspended sentences. President Havel routinely pardoned those convicted under the law when they requested it or when his office learned of their cases. A separate law on the defamation of the republic remains in effect, and three people were convicted of this charge in 1996 (the last year for which statistics are available).

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.

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. The Communist-era print law does not affirm the right of journalists to protect their sources nor ensure the freedom of information, and the 1991 broadcast law did not envision private media.

In April an accredited journalist and advocate of Tibetan independence was denied access to a press conference given by the Chinese Deputy Premier and hosted at the Ministry of Industry and Trade. In response the Czech Helsinki Committee called for reform of the 1966 press law to ensure journalists' unhindered access to information. There is no evidence of a pattern of such exclusions by authorities.

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.

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. In September a draft report to the Cabinet by the Minister without Portfolio called upon the Interior Ministry to reexamine the official registrations of organizations propagating racial hatred or fascism, but no action has been taken to date. The Communist Party 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 funding to all religions that are registered with the Ministry of Culture. There are currently 21 registered churches. Under a 1991 law, a church wishing to register for the first time must have at least 10,000 adult members, although churches registered prior to this date were not required to meet this condition. Unregistered religious groups, such as the small Muslim minority, are legally unable to own community property, although they are otherwise free to assemble and worship in the manner of their choice. Their members can and do issue publications without interference.

One Christian political party, the Christian Democratic Union-Czechoslovak People's Party (KDU-CSL), is a member of the governing coalition.

In July the Government pledged roughly \$600,000 to a new Czech-Slovak-Israeli foundation to compensate for gold taken from Jewish Slovaks during World War II. The amount represents the Czech share of gold that ended up as part of the gold reserves of the former Czechoslovakia and was divided along with other federal property on a 2:1 basis during the 1992-93 split of the Czechoslovak federation.

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

There are no restrictions on domestic or foreign travel, emigration, and repatriation. 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 their 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 1993 citizenship law has created a problem of statelessness, especially among Roma (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. There are four reception centers for asylum seekers, six integration centers for recognized refugees, and one humanitarian center for Bosnians under temporary protection, which was closed in September. Nongovernmental organizations (NGO's) work closely with the Interior Ministry to ease the refugees' transition into society.

Asylum seekers filed 1,198 applications for asylum in the first 8 months of 1997 (latest available statistics), compared with 1,033 for the same periods in 1996. The most numerous countries of origin during the most recent 8-month period were Bulgaria, Iraq, Afghanistan, and Romania. The acceptance rate held steady at 4.7 percent. In recent years, Bulgarians and Romanians made were the most frequent applicants for asylum.

The Government discontinued temporary protection for Bosnian refugees on September 30. After that date, Bosnians could still remain in the country with long-term or permanent residency or with formally recognized refugee status. According to the Interior Ministry, as of June, 1,122 Bosnians had obtained either long-term or permanent residency. In September there were officially 193 Bosnians under temporary protection in humanitarian centers and approximately 300 living under other arrangements. An unknown number remain in the country illegally.

Voluntary repatriation of Bosnian refugees began in July 1996. Approximately 190 Bosnians returned to their homeland on two flights specially chartered by the Government in August and September. From February through August the Interior Ministry operated an information center for Bosnian refugees seeking information on voluntary repatriation. The Government gives each returnee a resettlement stipend and subsidizes nongovernmental organizations (NGO's) that construct housing in Bosnia-Herzegovina for returning refugees.

The Government continued to devote increased attention to illegal migration into the country and took steps with its neighbors to control the movement of people across its borders. The Czech Republic has signed readmission agreements with all of the country's neighbors and with Hungary, Romania, and Canada. There were no reports of the forced return of persons to a country where they feared persecution.

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. Former Czechoslovaks who elected representatives to the Czech National Assembly in 1992 and whose current citizenship status is unclear, especially Roma, continue to lack voting rights (see Section 5).

The minority government of Prime Minister Vaclav Klaus resigned in November, and a new government was being formed at year's end. In addition to the two rightist and one centrist parties that formed the outgoing coalition, there are also two 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 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 veto 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. One of the 16 cabinet ministers in the pre-November Government and two in the Government named in January 1998 were women. The 200-member Parliament includes 29 female deputies, including 1 deputy speaker. Nine women are senators in the 81-member Senate; 1 of the Senate's 4 vice chairmen is a woman.

No seats are reserved in either house for ethnic minorities. 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.

In contrast, many of the estimated 200,000 to 250,000 Roma have not been fully integrated into society

(see Section 5). The political culture generally defines Roma as outsiders. 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. A few Roma serve in local government structures, and some have been appointed to advisory positions in government ministries. There are currently no Romani representatives in the Parliament; no seats are reserved for ethnic minorities.

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 best-known human rights groups are the Czech Helsinki Federation and the Tolerance Foundation (really an umbrella organization), but there are many single-issue groups that do equally important work. The presidency of former dissident and human rights monitor Vaclav Havel serves as an important symbol for these groups.

In each house of Parliament there is a petition committee for human rights and nationalities, which includes a subcommittee for nationalities. A government-sponsored Council for Nationalities 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. There is also a government commission staffed by members of the NGO and journalist communities that monitors interethnic violence. In September the Government agreed to create a new commission for Romani affairs, which is to advise the Government. Observers believe that the commission offers a significant opportunity to enhance the dialog between the Government and the Romani community.

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, or social status. In practice Roma face discrimination in such areas as education, job opportunity, and housing.

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 the problem to the attention of the public. The press occasionally reported on the problem of violence against women and trafficking in prostitutes. Available studies indicate that 11 to 19 percent of Czech women report that they have experienced sexual violence at the hands of their husbands or partners. According to some 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. Since 1989 official police statistics have recorded 500 to 800 rape cases per year, and approximately 80 percent of the cases are solved. A study by the Sexology Institute found 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 to help, either by attitude or training. 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 the demand.

Prostitution is legal, although a 1995 amendment to the law on communities provides for its regulation 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 also a transit country for traffickers in women. In February a Czech national who is a known trafficker in women was detained in Austria. In March police detained a Ukrainian who was trafficking in Ukrainian women in a brothel in western Bohemia. A credible NGO that follows this problem has concluded that the country is increasingly becoming a destination for many prostitutes from farther east.

Women are equal under the law and in principle receive the same pay for the same job. Women were relatively successful in taking advantage of the post-1989 transformation, due to the absence of social upheaval and low unemployment. 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, although they are concentrated in professions in which the median salary is low. According to a 1996 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. Women enjoy equal property, inheritance, and other rights with men.

Children

The Government is committed to children's welfare through programs for health care, compulsory education through the age of 15 (through the age of 14 in special schools) and basic nutrition. Girls and boys enjoy equal access to health care and education at all levels.

Child abuse and trafficking in children continued to receive occasional press attention in 1997. Since 1990 the number of reported cases of child abuse has roughly doubled; this increase 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. 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. In November the police arrested several individuals suspected of using minors to produce pornography.

Romani children are often relegated to "special schools" for the mentally handicapped and socially maladjusted. Both a government program and various private initiatives exist to prepare Romani children for mainstream schools (see Section on National/Racial/Ethnic Minorities below).

People With Disabilities

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 1994 Economic Ministry regulation requires architects to ensure adequate access for the disabled in new building projects, and this regulation is applied in practice. Businesses in which 60 percent or more of the employees are disabled qualify for special tax breaks. Government benefits for the disabled are being streamlined. 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

Religious groups with 10,000 or more adult members may register with the Ministry of Culture. Only

registered religions are eligible for state subsidies. The Jewish community constitutes an exception, since it was recognized by the State before 1989. Smaller groups lack a legal mechanism by which they may own community property (see Section 2.c.).

The Jewish community numbers a few thousand. There were only isolated incidents of vandalism against Jewish property. The police confirmed the existence of over 20 underground magazines with small circulations propagating fascism, racism, and anti-Semitism.

The Pilsen-north district court sentenced participants in a 1996 international gathering of skinheads commemorating the anniversary of Kristallnacht, a series of Nazi-inspired mob attacks on German Jews and their property in 1938. About 700 people assembled in Kozolupy near Pilsen in November 1996 to hear skinhead bands play. Eight persons were charged under a law criminalizing the public expression of religious intolerance and obliged to pay fines ranging from roughly \$255 to \$1,275 (8,000 to 40,000 Kcs); a Czech national was also sentenced to community work.

National/Racial/Ethnic Minorities

After ethnic Slovaks, the largest minority 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 many eastern Slovak Roma were encouraged to settle in the homes of Sudeten Germans transferred to the west more than 40 years ago.

Roma suffer disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease. They are subject to deeply ingrained popular prejudice, as is repeatedly affirmed by public opinion polls. The State funds television and radio programs for Roma on public stations, as well as supporting Romani press publications, and in 1997 there was more and better information available on Roma in the mainstream press and other sources. However, efforts by foundations and individuals in the education and health fields to improve their living conditions have had only minimal impact. Romani leaders have had limited success thus far in organizing their local communities, which are often disunited and where many are reluctant to foster contacts with the majority.

Interethnic violence is usually perpetrated by skinheads, according to a May report on security by the Interior Ministry. A March report on racially motivated crime in 1996 by the Attorney General's Office found that Roma were the most likely victims of such crimes, and that the number of incidents to rise. This may be the result of increased vigilance against such crimes by law enforcement and justice personnel since mid-1995. Nonetheless, judges and police officers have been reluctant to ascribe a racial motive to anti-Roma violence, even when skinheads are involved. For example, in June a judge in Hradec Kralove refused to apply laws relating to racial motives, ruling that there could be no such motives in Czech-Roma conflicts because both belong to the same, Indo-European race. The Justice Ministry subsequently lodged a procedural complaint with the Supreme Court related to this ruling. Following the complaint, the Supreme Court struck down this interpretation of the law in October and returned the case for a new ruling.

There were numerous incidents of violence or intimidation directed against Roma. In September a gang of drunken men aged 18 to 24 fired pistols, broke windows, and shouted "gypsies to the gas chambers" in front of a house inhabited by Roma in Domazlice. During that incident, one 36-year-old Romani woman died of suffocation during an epileptic seizure apparently brought on by acute fright. The police prepared charges against 11 suspects. In February the regional court in Ostrava upheld an earlier sentence involving eight youths who had attacked and severely beaten three Romani girls in Karvina in 1995. In March the Ceske Budejovice regional court found four youths guilty of negligence in 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 September 1993. The court found the crime to be racially motivated. Two of the youths received sentences of 31 months, a third 22 months, and the fourth a 2-year suspended sentence. In connection with this case, a government minister criticized the generally careless work of the state administration in investigating and prosecuting racially motivated crime, and a prominent human rights activist charged that such delays as seen in the Danihel case contributed to other criminals' sense of impunity. In December the Justice Minister filed a complaint with the Supreme Court questioning whether the defendants were guilty merely of negligence in Danihel's death.

Laws prohibiting racist attacks (normally intended to protect minorities) were also invoked against Roma. In March in Louny, five Roma said to be celebrating a relative's release from prison attacked and shouted race-related insults at a group of police officers who had come to investigate the disturbance. The local state attorney charged them with defamation of a nation/race/creed in addition to two other charges. In April a police investigator in Breclav filed the same charge against three Roma who attacked two skinheads. That charge carries a penalty of up to 3 years in prison.

Verbal attacks against Roma recur frequently in fringe publications. Criminal charges were filed against the editors of a magazine belonging to the Association for the Republic-Republican Party of Czechoslovakia (SPR-RSC), an extremist, far-right political party represented in the Parliament yet shunned by the democratic parties, for publishing offensive statements regarding Roma. In one issue of the magazine Roma were likened to garbage that must be either recycled or incinerated. The investigation is continuing. Some members of the mainstream political culture consistently condemned such statements when they were made in a public forum.

In the larger context, those Roma wishing to integrate face practical difficulties in the areas of employment and education. Romani unemployment was estimated at 70 percent in a report prepared at the Government's request. According to the same report, many unemployed Roma subsist on government support or their earnings from illegal activities. Some employers refuse to hire Roma and explicitly ask local labor offices to refrain from sending Romani applicants for advertised positions. Most Roma are qualified only for low-paying jobs as manual laborers, since very few complete secondary education.

The integration of Romani children into mainstream schools is frequently impeded by language and cultural barriers. Some Romani parents do not send their children to school regularly for a variety of reasons, including subtle or overt discrimination; the expense of books, supplies, and activities; and because some Romani parents doubt the importance of education. According to a 1991 study (the only such study available after 1989) less than 20 percent of the self-identified Romani population in the Czech lands had completed elementary school and less than 5 percent had completed high school. Such statistics provide only a rough picture of the actual situation, however, since a large majority of Roma do not identify themselves as such for census-takers.

A significant number of Romani children are taken from mainstream schools at an early age and sent to study at "special schools" for the mentally disabled and socially maladjusted. According to unofficial estimates by Ministry of Education employees and NGO's, Romani children makeup 60 percent or more of pupils placed in these "special schools," although Roma are estimated to comprise only 2 to 3 percent of the population.

In 1993 the Government created the framework for a number of year-long programs (so-called zero grades) to prepare disadvantaged youths for their first year in school. Many districts with high concentrations of Roma participate in the program, which is funded solely by local authorities. Students' participation in the zero grades is voluntary, which many observers feel limits the program's

effectiveness. About half of existing zero grades are organized by special schools for the mentally disabled and socially maladjusted; the pupils in these classes frequently proceed directly into the special school curriculum and are thus never given the opportunity to attend a mainstream school. Nonetheless, there is anecdotal evidence that some zero grades are successfully preparing disadvantaged Romani children for mainstream schools. A number of private initiatives to prepare Romani children for mainstream schools have also emerged in recent years, such as those in Rokycany, Ostrava, and elsewhere.

Roma also face discrimination in housing and other areas of everyday life. In July a senator, also the mayor of the Prague 4 district, praised one landlord's efforts to move "problem tenants" (widely understood to mean Roma) to an outlying part of town. Many journalists and politicians criticized these remarks for appearing to advocate a policy of segregation. Some restaurants, pubs, and other venues throughout the country routinely refused service to Roma and posted signs prohibiting their entry. In some cases, local authorities intervened to have such signs removed.

In February in the first prominent antidiscrimination case, the Pilsen regional court annulled a 1996 decision that found pub owner Ivo Blahout not guilty of discriminating against Romani patrons, despite videotaped evidence and the incriminating testimony of two policemen. The case was returned to a lower court for retrial.

In December the Kladno district court found the local deputy mayor guilty of incitement to national/racial hatred for closing the municipal swimming pool to Romani children in July 1996, fining him about \$445 (14,000 Kcs). At the time, a hepatitis epidemic was sweeping the town and was particularly prevalent among Roma, yet local health officials stated that the measure would not be effective in containing the outbreak.

Czech Roma claiming persecution in the Czech Republic and applying for refugee status in Canada and Western Europe generated significant discussion. In August a private television station broadcast a program on Roma applying for refugee status in Canada, portraying that country as offering asylees' a warm welcome. The broadcast spurred hundreds of Roma to sell their possessions to buy airline tickets to Canada, and many more attempted to raise the money for airfare. Posters appeared in Usti Nad Labem urging Roma to depart for Canada and offering material assistance. A district mayor in the town of Ostrava offered to pay two-thirds of the airfare to Canada for Roma living in her jurisdiction if they relinquished the leases on their municipal flats. That official was criticized sharply in press commentary and by some parliamentarians and rebuked mildly by her party. By October over 1,200 Roma had applied for refugee status in Canada. Dozens of other Czech Romani families applied for refugee status in the UK, France, and elsewhere in Western Europe.

Faced with this "exodus" of Czech Roma, the Government deliberated the issue of Romani integration with a renewed sense of urgency. The Prime Minister met with Romani representatives, and an ad hoc group convened by the Office of the Government prepared a report on the Romani minority for the Cabinet. In September the Government approved the creation of a new commission for Romani affairs. Government ministries also adopted numerous, related taskings in an effort to foster Romani integration, such as expanding the "zero grade" program, training ethnic Romani teaching assistants for public schools, attempting to induce employers to hire more Roma, and stricter enforcement of consumer protection laws where businesses refuse to serve Roma. The President and some politicians urged Roma not to leave the country.

The 1993 Citizenship Law has been criticized by the UNHCR and the Council of Europe, although its discriminatory impact was mitigated by the constructive implementation of an amendment in April 1996. Under the 1993 law, created at the time of the Czech-Slovak split, Czechoslovaks of Slovak

nationality ("Slovaks") were able to opt for Czech citizenship until December 1993 (later extended to June 1994) under conditions more favorable than those faced by non-Czechoslovaks in the normal naturalization process. Nonetheless, "Slovaks" had to present proof of a clean criminal record for the previous 5 years and residency in what is now the Czech Republic for 2 years. Romani leaders and human rights groups protested that these provisions were designed to discriminate against Roma, most of whom were designated as being of Slovak nationality by a 1969 law. After June 1994, "Slovaks" could apply only for naturalization, a more stringent process.

The practical result of the law was that an unknown number of "Slovaks" resident in the Czech republic at the time of the split--a great many of them Roma--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. Many of these Roma were long-term residents of, or born in, the Czech Republic. Without citizenship or residency, these individuals do not have the right to work, to health insurance, or to any of the social benefits enjoyed by nearly all citizens and residents. "Slovaks" with valid identification may claim Slovak citizenship at any time, although many have no family, property, or other ties in Slovakia.

Most but not all former Czechoslovaks living in the Czech Republic appear to have resolved their current citizenship. The Interior Ministry has never given an official estimate of the number of people without citizenship, but approximately 3,500 applications are currently pending, most of them until proof of release from Slovak citizenship is presented. The Citizenship Project, an NGO sponsored by the Czech Helsinki Committee that actively helps former Czechoslovaks through the citizenship application process, and which has registered about 3,000 requests for assistance from "Slovaks" applying for Czech citizenship, states that many more have not applied and that only the Government is in a position to gauge the scope of the problem.

Responding to domestic and international criticism, the Government amended the law in 1996, allowing the Interior Ministry to waive the clean criminal record requirement for individual "Slovaks" resident in what is now the Czech Republic since before the 1993 split. By mid-September, 2,077 "Slovaks" had applied for the waiver; of these, 2,043 (98.4 percent) were successful and 34 (1.6 percent) were denied; a negative decision could be appealed to the Minister of Interior and then to the courts. Interior Ministry policy was to deny only those who had committed serious crimes. In November the Interior Ministry pledged to grant the waiver to all new qualified applicants as well as to previously unsuccessful waiver applicants as well as to previously unsuccessful waiver applicants who appeal; however, six individuals were who were denied the waiver and subsequently deported are unable to appeal the ministry decision unless their sentence of expulsion is overturned by a court. In two of those six cases, the Justice Ministry issued a procedural complaint against the sentence of expulsion. The Government has taken no steps to publicize its new policy.

Some other practical problems have been addressed. For example, in March the Interior Ministry agreed not to require additional criminal registry records (which are valid for only 6 months) from prisoners while their citizenship applications are pending, although it continued to require them from those in pretrial detention. However, other problems persist. The failure of one family member to secure residency or citizenship prevents the entire family from receiving certain social subsidies. "Slovak" applicants who have never set foot in Slovakia, even school-age children, must still obtain an official release from Slovak citizenship. Police who come across "Slovaks" without proper citizenship or residency papers can and do expel them to Slovakia. A total of 122 Slovak citizens (an indeterminate number of whom had long-term ties to the Czech Republic) were expelled and 189 were sentenced to "prohibition of stay" in the first half of the year.

The Citizenship Project sponsored by the Czech Helsinki Committee documented over 500 cases of

minors in children's homes and foster care arrangements who lack Czech citizenship or permanent residency and believes that there are several hundred more. Typically, the children are ethnic Roma who were formally deemed Slovak citizens following the Czech-Slovak split. All noncitizen children in foster care may claim permanent residency, but this is canceled on their release. Those who are released from foster care at age 18 without citizenship or residency lack the right to work, register as job seekers at local labor offices, claim social benefits, or vote, and are believed more likely to become involved in crime and face deportation. Even in children's homes where the directors take an active interest in resolving the problem, legal expenses and local bureaucratic intransigence present significant barriers. In 1997 the Interior Ministry cooperated with the Czech Helsinki Committee to inform the directors of state institutions about the issue.

Racism and discrimination in society were the subject of increased attention during the year. The November murder of a Sudanese student in Prague by a skinhead was followed by significant antiracism demonstrations around the country and resulted in considerable public discussion on racism in Czech society. Two suspects were taken into custody by year's end. Nonwhite foreigners continued to be at risk of physical violence and harassment; police and courts generally responded appropriately. The Prague 4 district court found a local youth guilty of attacking a visiting Japanese scientist but failed to establish a racial motive; the assailant had allegedly mistaken the victim for a Vietnamese. In June the Brno municipal court found one youth guilty of attacking a long-term resident university professor from Benin and attributed a racial motive to the attack; the youth had verbally assaulted the victim in a tram and kicked him in the face while wearing spiked boots. In late November 1996 three youths from Olomouc who had attacked a Pakistani student were found guilty and given suspended prison sentences. In March visiting university lecturer of Indian origin was stalked and attacked by youths; he then left the country without filing charges, said by friends to fear reprisals.

Approximately 50,000 ethnic Germans live in the country, most of them elderly. In July the Litomerice district court sentenced five members of the far-right SPR-RSC, including a Member of Parliament, to fines of about \$65 to 160 (2,000 to 5,000 Kcs) for intimidation. Four of the defendants appealed their sentences. In 1994 they disrupted a joint Czech-German ceremony at Terezin to honor those who died during the transfer of Ethnic Germans out of Czechoslovakia following World War II, pelting participants with eggs and kicking wreaths off of graves.

Also in July, the leader of the SPR-RSC party was charged with inciting national and racial hatred for anti-German statements made at a rally protesting the signing of the Czech-German Declaration in January. The accused set a German flag on fire and said that he regretted that too few Germans had been killed during World War II.

In December Parliament ratified the Council of Europe's Framework Convention for the Protection of national Minorities which is to take effect in April 1998.

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 in practice. Union membership continued to decline in 1997.

Most workers are members of unions affiliated with the Czech-Moravian chamber of trade unions (CMKOS). The 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.

In February railway workers staged a 48-hour strike, later extended by an additional 24 hours, to protest restructuring plans that would have resulted in significant layoffs. The Prague municipal court ruled the strike illegal, and that decision was appealed. A deputy minister of transport was ousted during the strike.

In April 65,000 teachers waged a rolling strike calling for higher pay. The Government and striking teachers agreed to a slight raise in pay and a longer work week.

In November as many as 100,000 union members and sympathizers staged an orderly demonstration against the Government's economic and social policy in Prague's Old Town Square.

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. The 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, including that performed by children, and it is not practiced.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code stipulates a minimum working age of 15 years, although children who have completed courses at special schools (schools for the mentally disabled and socially maladjusted) may work at the age of 14. These prohibitions are enforced in practice. The law prohibits forced or bonded labor by children, and the Government effectively enforces this prohibition (see Section 6.c.).

e. Acceptable Conditions of Work

The Government sets minimum wage standards. The minimum wage is approximately \$80 (2,500 Kcs) 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, it 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 during the year.

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 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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