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U.S. Department of State

Czech Republic Country Report on Human Rights Practices for 1998

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CZECH REPUBLIC

The Czech Republic is a constitutional parliamentary democracy with a bicameral Parliament. Following early elections in June, former parliamentary speaker Milos Zeman formed a Government comprising almost exclusively members of his left-of-center Social Democratic Party. The Parliament elects the President for a 5-year term. President Vaclav Havel was reelected in January and remains an internationally recognized advocate of human rights and social justice. Although the country essentially has completed the reform of political and economic structures initiated after the 1989 "velvet revolution," some institutions are still in a state of modification and transformation. 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, occasional reports persist of human rights abuses by some members of the police, although fewer than in previous years.

The economy is market-based, with over two-thirds of gross domestic product (GDP) produced by the private sector. Poorly performing capital markets and lack of corporate restructuring contributed to a slowdown in growth in 1997, following rapid GDP growth in 1995 and 1996. Macroeconomic indicators remain favorable: Low national debt, a low if growing budget deficit, strong foreign currency reserves, relatively low inflation, low but rising unemployment, and recent but steady improvement in the current account. The work force is employed primarily in industry, retail trade, and construction. Leading

exports are machinery and transport equipment, and intermediate manufactured products. GDP per capita in 1997 reached approximately \$5,000.

The Government generally respected the human rights of its citizens; however, discrimination and sporadic skinhead violence against the Romani community remain problems. A 1997 commission on Romani issues achieved mixed results. Problems persist with the discriminatory impact on Roma of the 1993 Citizenship Law, despite partial remedies legislated in 1996. Lengthy pretrial detention is a problem, due to a lack of resources for the judicial system. There is some violence against women. Trafficking in refugees and economic migrants, often by elements of organized crime, into and across the country is a growing concern. In September the new Government appointed well-known former dissident and U.N. Human Rights Committee expert Petr Uhl to the newly created position of Commissioner for Human Rights.

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 killings.

Incidents of racist violence by skinheads resulted in several killings (see Section 5).

In November secret police agent Ladislav Macha was sentenced to 5 years in prison for his role in the torture and death of a Catholic priest in 1950.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits torture, and there were no reports of such practices.

The police force was restructured significantly, and many new officers have been recruited since the 1989 revolution. For the first time in recent years, recorded incidents of crime by police declined. Nevertheless, public approval ratings for police remain low. In the past, there were reports of police physical abuse, shakedowns, and malfeasance often directed at foreigners and Roma. However, complaints more often centered during the year on police failure sometimes to take sufficient action in cases of threats or attacks against Roma.

There were some accusations that special police units used unwarranted force to contain a group of anarchists and radical environmentalists that incited a riot in central Prague in May, tipping over cars and smashing shop windows. Several demonstrators and policemen were treated in area hospitals for injuries following the incident. Although none of the officers faced criminal charges following the resulting investigation, some were reprimanded, and the case is still under review. A subsequent march including the same radical groups in August took place without incident.

The case of a Brno policeman charged with using excessive force to break up a late-night party outside a theater in 1995 was investigated internally and now awaits a formal court decision. In November secret

police agent Ladislav Macha was sentenced to 5 years in prison for his role in the torture and death of a Catholic priest in 1950.

The Office for the Documentation and Investigation of the Crimes of Communism (UDV--see Section 1.e.) continued to investigate cases of torture from the Communist era. Former secret police agent Jozef Kafka was convicted in August of torture and abusing public office for his actions in the 1981 interrogation of dissident Vlastimil Trestak. Kafka was ordered by the court to pay approximately \$1,700 (50,000 crowns) in damages to Trestak and was barred from serving in a government or civil service position for 4 years.

Prison conditions meet minimum international standards. There is overcrowding in some prisons; as of August the prison system was at 114 percent of capacity.

The Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law forbids arbitrary arrest and detention, and the Government observes this prohibition in practice. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel. The previous 24-hour limit, as outlined in the Charter of Basic Rights and Freedoms, was amended by Parliament in early 1998 following numerous requests by law enforcement officials.

The lack of experienced police investigators and a still-evolving legal environment have contributed to a backlog of court cases. Pretrial detention may last up to 4 years for cases considered "exceptionally grave" under the Criminal Code. Pretrial detention for most crimes may last 2 or 3 years, with mandatory judicial review intervals beginning at the end of the first 6 months of detention. If the court does not approve continued detention during a judicial review, the suspect must be released. In practice few pretrial detainees are held for longer than 2 years. 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. The average length of pretrial detention increased from 89 days in 1989 to 225 days in 1998. The number of pretrial detainees in July was 3,357, nearly 50 percent of the 7,184 total prison population. 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.

Since 1993 local courts and foreign police have expelled to Slovakia "Slovaks" without proper citizenship or residency papers. Some of these expulsions involve "Slovak" Roma who have never been in Slovakia. In May a judge in Teplice ordered the expulsion of a Rom named Milan Sivak, even though he formally received Czech citizenship in February. The Appeals Court later overruled this expulsion sentence. By the first half of 1997 (latest available statistics) a total of 851 "Slovaks" had been administratively or judicially expelled by the authorities. A February presidential amnesty (which was expected to affect three-quarters of all expulsion sentences issued between January 1, 1993 and February 2, 1998) granted amnesty to those receiving expulsion sentences for crimes in which the punishment is less than 5 years' imprisonment. However, according to one nongovernmental organization (NGO) that follows this issue, some courts have not implemented this amnesty. Since the recent amendment of the Criminal Code, fewer courts have imposed an expulsion sentence.

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 separate Constitutional Court decides cases concerning the constitutionality of legislation.

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. All 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 January the Ministry of Interior appealed a presumption of innocence case decided in favor of a student who was referred to in the media as the perpetrator, rather than the suspect, of a crime based on public police statements.

The 1991 lustration law, passed to prevent Communist-era collaborators from enjoying high state responsibilities, continues to bar 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 for 5 years, including appointive positions in state-owned companies, academia, and the media. In 1995 Parliament extended this legal constraint to the year 2000, overriding a veto by President Havel. Some private employers also have required applicants to produce lustration certificates proving noncollaboration. By year's end, the special government office handling lustration requests processed approximately 12,000 lustration certificates at the request of individuals, bringing the total since 1991 to 360,000. During the year, some 2.5 percent of applicants did not receive confirmation of a clear record because of suspected collaboration, a slightly lower percentage than the overall average of 3 percent since 1991. Those who did not receive confirmation of a clear record 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 were "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. However, the lustration law has been criticized for violating human rights principles prohibiting discrimination in employment and assigning collective guilt. It has also been criticized because the screening process is based on the records of the Communist secret police, which many believe are incomplete or unreliable. Citizens unjustly accused of collaboration may suffer diminished career prospects and damaged personal reputations. The 1997 Agenda 2000 report by the European Union notes the law's continuing existence with some concern.

Some actions taken by state authorities and the Communist Party during the 1948-1989 Communist regime are being investigated as criminal acts under a 1993 law by a government office (UDV) established for this purpose. The UDV was established in 1995 and incorporated into the structure of the police. In investigations of 99 cases, it recommended action against 42 individuals; 27 cases ended in criminal punishment. The UDV is screening an additional 300 cases for action under its mandate. It targets primarily cases of: Torture (see Section 1.c.); border shootings; treason connected with the 1968 Warsaw Pact invasion of Czechoslovakia; state persecution of opponents of the Communist regime; and investigation of Czech authorities who negligently allowed exposure of Czech citizens to hazardous waste after the nuclear accident in Chernobyl.

There were no reports of political prisoners.

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

Electronic surveillance, the tapping of telephones, and the interception of mail require a court order. Government authorities respect these prohibitions in practice, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of 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. A wide variety of newspapers, magazines, and journals, owned by a variety of Czech and foreign investors, are published without government interference. The press and media continue to operate under Communist-era laws. In 1997 the President signed into law a measure revoking a 36-year-old statute on the "defamation" of the President, which became effective in January. Although another Communist-era law against defamation of the Republic remains in effect, the last convictions under this statute occurred in 1996.

The electronic media are independent. There are 3 television stations, 1 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. Citizens also have access to foreign broadcasts via satellite and cable, and increasingly, via the Internet.

A nine-member Television and Radio Council has limited regulatory responsibility for policymaking and answers to the parliamentary media committee, which exercises broad oversight of the Council and approves its members. The Council can issue and revoke radio and television licenses and monitors programming.

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

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of persons to assemble peacefully. The Government respects this right in practice, although it may restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or would otherwise jeopardize the safety of the participants. Police generally do not interfere with spontaneous, peaceful demonstrations that lack a permit. However, the law forbids political party activity at universities.

The Constitution provides for the right of persons to associate freely and to form political parties, and the Government respects 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. A 1997 draft report to the Cabinet by the Minister without Portfolio called on the Interior Ministry to reexamine the official registrations of organizations propagating racial hatred or fascism, but no action has been taken to date.

c. Freedom of Religion

The Constitution provides for religious freedom, and the Government respects this right in practice. The state subsidizes all religions that are officially registered with the Ministry of Culture. There are 21 state-recognized religions. To register a church must have at least 10,000 adult members permanently residing in the country, or for registration as a member of the World Council of Churches, 500 adult members permanently residing in the country. Churches registered prior to 1991 are not required to meet these conditions. Unregistered religious groups, such as the small Muslim minority, may not own community property legally, although they are otherwise free to assemble and worship in the manner of their choice. Their members can and do issue publications without interference.

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

The law provides for freedom of movement to travel domestically and abroad, as well as for emigration and repatriation. Czechs who emigrated during the period of Communist rule frequently return to visit or live and are able to regain Czech citizenship if they 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. The law includes provisions for granting refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A legal and institutional framework is in place for the processing of refugees and asylees, although the current law is under revision to close a few gaps. The Czech Republic is both a transit and destination country. The Government fully funds an integration program to assist those granted refugee status in locating housing and receiving other social assistance. A reception center, three camps, and six integration centers are provided for refugees.

In the last 8 years, 17,887 asylum applications were filed, of which over 10 percent (1,817) received formal refugee status for resettlement. Asylum applications doubled from 2,109 in 1997 to 4,086 in 1998. From January to August, 46 persons received refugee status, some of them from cases filed in 1997. Citizens from Afghanistan, the former Yugoslavia, India, and Iraq led those requesting asylum during the year, a change from previous years when Bulgarians, Romanians, and Armenians constituted the largest groups of asylum seekers. During the year, the Government granted citizenship to 3,800 former citizens of Slovakia and 974 former citizens of other countries, including Ukraine, Bulgaria, Vietnam, the former Soviet Union, Syria, and Afghanistan. In addition, migrants from economically disadvantaged countries in Central and Eastern Europe often enter the Czech Republic to take up illegal residency or in transit to the West. By September border police recorded 31,029 illegal entry attempts, which was 1,690 more than in all of 1997. The majority were citizens of the former Yugoslavia.

A growing concern is trafficking in large groups of refugees and economic migrants into and across the country, which lacks specific laws criminalizing alien smuggling. Organized rings promoting illegal employment abroad operate with impunity, freely advertising their services in dozens of local papers and on the Internet. In spite of existing legislative gaps, the police are taking action against large-scale trafficking rings under organized crime statutes. In June police arrested 19 members of an international alien smuggling ring believed to have smuggled more than 3,000 illegal migrants to the West during the past 3 years. In August another group of traffickers with 76 migrants was stopped at the Czech-Slovak border. The Czech organizers were arrested and charged with illegal border crossing and face possible sentences of 6 months to 3 years in prison. The illegal migrant groups in these cases were composed primarily of Kosovar Albanians, Iraqis, and Afghans, most of who claimed asylum in the Czech Republic. 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 through periodic, free, and fair elections held on the basis of universal suffrage. Citizens above the age of 18 years 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. Citizens may join political organizations or vote for the political party of their choice without government interference. Some persons, predominantly Roma, who were enfranchised citizens under the former Czechoslovakia, were unable to obtain Czech citizenship at the time of the split with Slovakia, despite birth or long residency in the Czech Republic. They lack voting and other rights due to restrictions under the existing citizenship laws (see Section 5).

The Government of Prime Minister Milos Zeman took office in August following general elections in June. The Government consists almost exclusively of members of the Prime Minister's left-of-center Social Democratic Party, the first nonrightist government since 1989. The primary opposition grouping consists of three center-right parties. The Constitution mandates elections to Parliament at least every 4 years, based on proportional representation in eight large electoral districts. To enter Parliament, a party must obtain 5 percent of the votes cast in the election. The President is elected by Parliament and 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.

No restrictions exist, in law or in practice, on women's participation in politics. Nevertheless, relatively few women hold high public office. None of the 19 cabinet ministers are women. The 200-member Chamber of Deputies has only 29 female deputies, including 1 deputy speaker. There are 9 female Senators in the 81-member Senate; 1 of the Senate's 4 vice chairmen is a woman. In December a woman, Libuse Benesova, was elected president of the Senate.

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.

Most of the estimated 200,000 to 250,000 Roma have not been fully integrated into Czech political life (see Section 5). The political culture generally defines Roma as outsiders. Roma themselves have been unable to unite behind a program or set of goals to advance their interests within the democratic structures of the country. Few Roma serve in local government structures, although some have been appointed to advisory positions in government ministries. There is one representative of Romani background in the Parliament.

In the June parliamentary election, the extreme rightwing Republican Party, whose leaders and deputies espouse virulently anti-German and anti-Romani policies, failed to cross the 5-percent threshold, thus failing to gain parliamentary representation for the first time since 1990.

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 generally are cooperative and responsive to their views. The best-known human rights groups are the Czech Helsinki Committee and the Tolerance Foundation (an umbrella organization), and there are also many single-issue groups.

In September U.N. Human Rights Commission expert Petr Uhl was appointed to a newly-created position as Commissioner for Human Rights. As such Uhl succeeds Minister Without Portfolio Jaroslav Basta as head of the government Council for Nationalities and of the Interministerial Commission for Romani Community Affairs. Uhl pointed to his appointment as evidence that the Government views consistent protection of human rights as an "inseparable part of its efforts to establish a rule of law."

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 journalistic communities that monitors interethnic violence. In 1997 the Government created an Interministerial Commission for Romani Community Affairs, which achieved only mixed results (see Section 5). In December the Government created the Council for Human Rights to be the consulting and coordinating body of the Government on human rights issues. Commissioner Uhl was appointed chairman of the Council.

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, employment, and housing.

Women

The actual extent of violence against women is unknown, and public debate about it is rare, despite the efforts of womens' groups to focus public attention on the problem. The press occasionally reported on the problem of violence against women and trafficking in prostitutes. Studies indicate that 11 to 19 percent of women report that they have experienced sexual violence at the hands of their husbands or partners. Official government statistics recorded a slight drop in the number of rape cases in 1997, from the annual range in recent years of 500 to 800 cases. Approximately 80 percent of the cases are solved. A 1997 study by the Sexology Institute found that only 3 percent of rape victims report the crime.

Legislation does not specifically address spousal abuse; however, the Criminal Code covers other forms of domestic violence. An attack is considered criminal if the victim's condition warrants medical treatment (incapacity to work) for 7 or more days. If medical treatment lasts less than 7 days, the attack is classified as a misdemeanor and punished by a fine not exceeding \$100 (3,000 crowns or one-fourth of the average monthly wage). Repeated misdemeanor attacks do not impose stricter sanctions on the abuser. The police lack specialist personnel trained to deal with domestic violence and do not maintain regular contact with welfare and medical services.

Gender studies experts say that women are ashamed to report rape or speak about it and that the police are not equipped to help, either by attitude or training. A total of 54 state-supported shelters with 771 beds accept women in most major cities and towns, and local NGO's provide medical and social assistance to women. According to NGO's, the situation has improved in recent years, but there still are not enough shelter spaces to meet the demand.

Forced prostitution is illegal; prostitution is not, although local communities have the right to regulate it and enforce restrictions. Outside larger cities, the problem is particularly prevalent in the western border regions, where international vehicular traffic is heaviest. Trafficking in prostitutes is punishable by a

prison term of up to 8 years, with a term of up to 12 years if the victim is under the age of 15. (Adults can be prosecuted for engaging in sexual activity with a minor under the age of 15.) Security professionals report that the country is both a transit and a destination country for traffickers of women from farther east. Specific laws prohibit trafficking in women and children, and the authorities cooperate with other nations to enforce these laws, resulting in successes in several high profile cases.

The media rarely mention the issue of sexual harassment; other social concerns take priority in the national consciousness. There are no legal definitions or laws prohibiting sexual harassment. The Czech language has no standard term to express "sexual harassment." One NGO monitoring this problem reported that the lack of sensitivity on this issue does not mean that sexual harassment does not exist; rather, some inappropriate or offensive behaviors may be too common for comment. 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. The concerns of women's groups over workplace sexual harassment often are ignored or dismissed.

Women are equal under the law and in principle receive the same pay for the same job. Women represent roughly half of the labor force, although they are disproportionately employed in professions where the median salary is relatively low. According to the director of the Public Opinion Research Institute, women's median wages lag behind those of men by roughly 25 percent, although the gap is narrowing. Women enjoy equal property, inheritance, and other rights with men. The unemployment rate for women now exceeds that for men by more than one-third, and a disproportionately small number of women hold the most senior positions.

In 1991 the Government passed an employment law that bans discrimination on the basis of sex, religion, and national origin. However, in practice employers remain free to consider sex, age, or even attractiveness when making hiring decisions, since this does not necessarily constitute "discrimination" under current legal interpretation.

Children

The Government demonstrates its commitment to children's welfare through its programs for health care, compulsory education through age 15 (through age 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 November 1997, the members of an international pedophile ring were apprehended, and citizens of several nationalities are now in pretrial detention awaiting the outcome of the official investigation. Since 1990 the number of reported cases of child abuse 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 established 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 such cases are registered by the police. According to NGO's, there are approximately 10,000 children living in institutional settings and 4,000 foster families supported by the Government and various NGO's.

Romani children are often relegated to "special schools" for the mentally disabled and socially maladjusted. Both a government program and various private initiatives exist to prepare Romani children for mainstream schools.

People with Disabilities

The disabled suffer disproportionately from unemployment, and the physically disabled experience difficulty in obtaining access to buildings and public transport. Access to education also can be a problem, due to the lack of barrier-free access to public schools, although there is at least one barrier-free school in each district. Although NGO's report that access is improving, many buildings and public transportation remain inaccessible to those in wheelchairs. A 1994 Economic Ministry regulation requires architects to ensure adequate access for the disabled in all new building projects, as well as in older buildings undergoing restoration. This regulation is applied in practice. However, the Government has not mandated access for the disabled to other buildings. Businesses in which 60 percent or more of the employees are disabled qualify for special tax breaks. Numerous NGO's support social assistance programs to diminish the disadvantages faced by the disabled. For example, in 1997 the Olga Havlova Foundation contributed more than \$67,000 (2 million crowns) to institutions and individuals to purchase rehabilitative aids and special fittings for wheelchairs not covered by insurance. These NGO's report that, although problems persist, the situation of the disabled is receiving more attention and is vastly improved from only a few years ago. The integration of the disabled into society has not been the subject of significant policy or public debate.

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, which numbers only a few thousand, constitutes an exception, since it was recognized by the state before 1989. Smaller groups still lack a legal mechanism by which they may own community property, although they are free to assemble, worship, and publish according to their beliefs (see Section 2.c.).

In March skinheads attacked a Jewish couple in Trutnov. In November 41 headstones in a Jewish cemetery in the same town were destroyed or desecrated in a attack by vandals; four youths under the age of 21 were arrested and charged for the incident. A 21-year-old suspect faces up to 3 years in prison if convicted, whereas three other suspects under the age of 18 face a maximum of 1, years in prison. Also in November, skinheads stabbed a Czech soldier who identified himself as Jewish when attempting to intervene in a restaurant fracas. Police confirmed the existence of over 20 underground magazines with small circulations propagating fascism, racism, and anti-Semitism.

National/Racial/Ethnic Minorities

After ethnic Slovaks, the largest minority is the Romani population, officially estimated to number between 200,000 and 250,000. Roma live throughout the country but are concentrated in the industrial towns along the northern border, 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. For example, in a July poll 29 percent of the respondents agreed that Roma who commit criminal offenses should be punished more severely than other criminals. A court case charging editors of a Republican magazine with publishing offensive statements against Roma was filed with a Prague district court in January and was pending at year's end. However, in the June parliamentary election the extreme rightwing Republican Party, whose leaders and deputies espouse virulently anti-German and anti-Romani policies, failed to cross the 5-percent threshold, thus failing to gain parliamentary representation for the first time since 1990.

The state funds television and radio programs for Roma on public stations and also supports Romani press publications. During the year, more and better information on Romani issues was available in the mainstream press and other sources. However, efforts by NGO's and individuals in the health and education fields to improve living conditions for the Roma have had only minimal impact, sometimes due to the attitudes or intransigence of local authorities. Romani leaders themselves have had limited success in organizing their local communities, which are often disunited and where many are reluctant to foster contacts with the majority.

Members of skinhead organizations and their sympathizers most often perpetrate interethnic violence. Roma are the most likely targets of such crimes. Sixty persons were convicted of "racially motivated" crimes in the first 6 months of the year. A March report by police authorities reported over 400 cases involving "extremist" elements between January 1996 and June 1997.

In September two young men were convicted and sentenced to 6, and 8, years in prison for throwing a young Romani mother, Helena Bihariova, into an icy river in February, where she drowned. Although initially investigated as a racially motivated murder, the lead prosecutor, who cited lack of a racial motive or malicious criminal intent in the case, reclassified it as involuntary manslaughter. Yet another case occurred in the town of Orlova where Milan Lacko, a Romani father of five, in May was beaten by a group of skinheads and left lying in the street, where he was run over and killed by a truck. Three suspects were charged with a racially motivated crime and taken into custody, although they were later released pending completion of the investigation and trial. In October four persons were found guilty in the attack and received suspended sentences of between 15 and 22 months. The prosecutor plans to appeal what many consider to be surprisingly light sentences for this case in which the victim died. In January and February, two incidents of firebombing of Romani residences took place, in Krnov and Orlov respectively.

Eleven suspects detained for terrorizing Romani residents in Domazlice in 1997 were charged with disturbing the peace, violence against groups and individuals, and racial crimes. Their case was being heard before the district court in Domazlice. In a well-publicized retrial, several skinheads were found guilty of murder and sentenced to 8, 7, and 7 years respectively for causing the 1995 drowning death of a Rom named Tibor Danihel after an earlier court found them guilty only of negligence.

Tensions rose between Roma and law enforcement personnel during the year, resulting in a number of Romani-instigated assaults on local police officers. One policeman was seriously injured after being beaten by five unidentified Romani men who yelled racial slurs at him in May in Liberec. In Usti Nad Labem, a group of approximately 40 Roma attacked 3 city policemen responding to a report of disturbing the peace in the neighborhood. Four suspects later were convicted of assault on a public official, and one remains in prison. In February in Nove Mesto Pod Smrkem, several Roma were arrested and charged with a racially motivated crime after assaulting and taunting a pair of local officers patrolling the town. Local Romani organizations generally denounced these attacks and offered their assistance in the investigations.

Racial and ethnic tensions and discrimination were the subject of increased media attention during the year. Even when federal authorities have spoken out on these problems, local attitudes often proved impervious to change. The most highly publicized example occurred in the city of Usti Nad Labem, where city authorities in May announced their intention to construct a 15-foot high wall as a "noise and hygiene barrier" between a primarily Romani apartment complex and its residents' neighbors across the street. City spokesman Milan Knotek stated that the wall would separate the "decent people" from the "problematic community" of Roma. Both the Roma and several human rights groups described the wall as an attempt to create a ghetto. Following national and international protests, the city delayed the proposal and fostered community interaction to resolve the situation. By year's end, no construction had

begun, and plans were changed to construct a lower fence, a new playground for neighborhood children, and new sidewalks for all area residents. In December President Havel paid a goodwill visit to the site and pledged financial resources from his wife's charity foundation for mediation by conflict resolution experts. In a strong statement condemning the construction of the wall, the Zeman government asked the Commissioner for Human Rights to meet with local officials to dissuade them from their plan, but warned that it would use all legal and administrative remedies to stop construction should dialogue fail.

Roma wishing to integrate face practical difficulties in the areas of employment and education. A government-commissioned report estimated unemployment among Roma at 70 percent, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refuse to hire Roma and ask local labor offices not to send Romani applicants for advertised positions. Many Roma are qualified only for low-paying jobs as manual laborers, since very few complete secondary education. A higher than average share of the Romani population applies for partial or full disability pensions due to the occurrence of advanced-stage malignant diseases resulting from the neglect of preventive health practices or the lack of available medical care in areas with above-average Romani populations.

The integration of Romani children into mainstream schools is frequently impeded by language and cultural barriers. Official estimates indicate that less than 20 percent of the Romani population completed the ninth grade, and less than 5 percent completed high school. A significant number of Romani children are transferred at an early age to "special schools" for the mentally disabled and socially maladjusted. According to unofficial government estimates, Romani children make up 60 percent or more of pupils placed in these "special schools," although Roma comprise less than 3 percent of the population. Some Romani parents do not send their children to school regularly due to a fear of violence, the expense of books and supplies, or the lack of a strong cultural emphasis on education among some Roma. In May Romani parents in the Ostrava area protested the allegedly inadequate protection of the local Romani community by keeping their children home from school for several days, an action criticized as inappropriate by some government officials and national Romani leaders. Some Roma refuse to cooperate with programs for the compulsory vaccination of children or are refused treatment by general practitioners who have full quotas of subsidized patients.

In 1993 the government created the framework for a number of yearlong 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. Nearly 90 zero grades were open during the year, and another educational initiative introduced Roma "assistant teachers" into the primary and special school system. Their function is to help teachers communicate with Roma pupils and encourage cooperation between schools and Romani parents. There are now 62 Romani assistant teachers in the school system. Some districts tracking local Romani students report that up to 70% of the children who attend zero-grade training successfully enter and remain in mainstream schools. NGO's support additional studies and private initiatives to prepare Romani children for mainstream schools.

Roma also face discrimination in housing and other areas of everyday life. Despite constitutional prohibitions on discrimination, a civil law framework to implement these provisions has not been incorporated into specific offenses under the Criminal Code. The Government took a positive step toward protecting the rights of Roma in March, when the Senate repealed a 1958 law forbidding nomadic lifestyles. Some restaurants, pubs, and other venues refuse service to Roma and post signs prohibiting their entry. In some cases, local authorities intervened to have such signs removed. However, in May pub owner Ivo Blahout from Rokycany was acquitted of refusing service in 1996 to Romani patrons in a retrial of the country's first prominent antidiscrimination case. Despite additional supporting evidence presented at the retrial, the regional court held that the prosecution had failed to prove that

Blahout had committed a crime.

Beginning in 1997, over 1,200 Roma submitted applications for refugee status in Canada and the United Kingdom (UK) after a national television program portrayed these countries as inclined to accept, and be generous toward, Romani immigrants. However, few asylum applicants were successful, and over 600 persons returned to the Czech Republic in 1998 after their asylum applications were denied. According to a September statement by the British Ambassador, Only 3 of 560 Romani applicants had received asylum in the UK since the summer of 1997. Nonetheless, Romani families continued to emigrate in 1998.

In July the office of the Minister Without Portfolio released a report analyzing the efforts of the Government to improve the situation of Roma, based on proposals that it adopted in 1997. This report showed mixed efforts and accomplishments towards the goal. No progress was made in addressing the problems of Romani children leaving foster care without Czech citizenship or residency or towards creation of programs designed specifically to deal with crime prevention and drug addiction in the Romani communities. Federal support (primarily monetary) for the reconstruction of the museum of Romani culture in Brno was counteracted by local obstructionist efforts of the Brno city council to prevent refurbishment of the building. However, a Health Ministry grant agency successfully launched a research project to collect data on the health problems of Roma, for whom no separate statistics previously were available, so that concrete proposals for organizational and preventive measures might be made. The Labor Ministry created and filled 58 district-level positions (out of 81 districts with "Roma advisors" or "Roma assistants" to aid local authorities on Romani issues. Eventually 20 Roma were placed in the 58 available positions. Some Romani leaders, while conceding the difficulties in finding educationally qualified or trained Romani applicants to fill these positions, expressed regret that only a third eventually were filled by Roma.

The Interministerial Commission for Romani Affairs was created to analyze government measures proposed by individual ministries, to collect information and inform the Romani community about government activities, to allocate grants to supplementary programs for the Romani community, and to deal with housing, education, and discrimination issues. The Commission, which began operations on December 31, 1997, has received mixed reviews. The lack of an operating budget and unpaid members' limited availability hampered operations. Some NGO's and Romani leaders credited the Commission for working on policy statements and pushing the Government to fill district-level Romani advisor positions with individuals of Romani descent. Others criticized the Commission for the lack of a clear, continuing mandate and a low level of direct communication with the Romani communities that it was created to help. In December the Commission was expanded; it now includes 12 government representatives and 12 Romani representatives, as well as the Commissioner for Human Rights and his deputy.

The 1993 Citizenship Law, created when the Czech Republic and Slovakia split, is a continuing despite partial remedies legislated in 1996. Under the 1993 law 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, these 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, the 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.

The UNHCR and the Council of Europe repeatedly have criticized the 1993 law for its disproportionately discriminatory impact on Roma. Without Czech citizenship under the law, many Roma who are long-term residents or were born in the Czech Republic have no right to work, vote, or receive health insurance and other social benefits. The 1996 amendment permitted the Interior Ministry to waive the requirement for a clean criminal record and allowed several thousand Roma to obtain citizenship. By December a total of 3,956 applicants had received waivers of the clean criminal record requirement, 1,368 in 1998. However, thousands more await resolution of their citizenship status. Citizenship petitions were rejected or discontinued in 468 cases. By October the Czech Helsinki Committee's citizenship advisory section still was assisting approximately 6,000 Roma to resolve their citizenship status, a process that can take from 6 to 9 months. Advisers estimate that anywhere from 10,000 to 15,000 additional persons remain undocumented. One adviser cited cases where local authorities informed places of employment, schools, benefit offices, and local police when Romani applicants made citizenship applications, thereby preventing them from receiving current benefits (or causing them to lose those they may have had), as well as notifying authorities that the applicants were deportable.

By mid-year approximately 800 minor children in foster care who lack Czech citizenship or permanent residency status were registered by the Helsinki Committee citizenship project. The actual number is believed to be higher as only one-third of foster care facilities communicate such cases to the citizenship project. Typically, the children are ethnic Roma who formally were 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, leaving them without the benefits of citizenship or residency. Some may 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 harsh consequences of releasing a child with unresolved citizenship or permanent residency status.

Isolated incidents of violence against nonwhites continued. In March a Congolese doctor was beaten in Prostějov; a judge later handed down more lenient sentences for the attackers than the law prescribed, citing their later repentance for the crime. Skinheads in separate incidents in Prague metro stations in May attacked two Indians and an Algerian. Skinheads also attacked and beat a nonwhite American in the Prague metro in November. In March a 19-year-old skinhead who killed a Sudanese student in Prague in November 1997 was sentenced to 14, years in prison.

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 1998.

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.

There were four strikes in the agricultural sector and one each in the education and transportation sectors.

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

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 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. In December the Government increased the minimum wage from approximately \$86 (2,650 crowns) to approximately \$108 (3,250 crowns) per month. The average is approximately \$375 (11,600 crowns) per month. Average net wages are 2.1 times as high as official sustenance costs. The minimum wage provides a sparse standard of living for a worker and family, although allowances are available to families with children that raise the standard of living to an adequate level. Retraining efforts, carried out by district labor offices, seek to provide labor mobility for those at the lower end of the wage scale. The enforcement of minimum wage standards was not an issue during the year.

The law mandates a standard workweek of 42 hours. It also requires paid rest of at least 30 minutes during the standard 8- to 8,-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, although the local employment office may permit overtime above this limit. 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 problematic, 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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