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## 1999 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor  
U.S. Department of State, February 25, 2000

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### CZECH REPUBLIC

The Czech Republic is a constitutional parliamentary democracy with a bicameral Parliament. Following elections in June 1998, Prime Minister Milos Zeman formed a minority 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 1998 by a narrow margin and remains an internationally recognized advocate of human rights and social justice. Although the country essentially has completed the reform of political structures initiated after the 1989 "Velvet Revolution," some institutions are still in a state of transformation. The judiciary is independent legally but is hampered by structural and procedural deficiencies and a lack of resources.

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, some members of the police committed human rights abuses.

The economy is market-based, with over two-thirds of gross domestic product (GDP) produced by the private sector. The economy recently has contracted as the transition to a full market economy stalled because of unfinished structural reforms, including industrial restructuring, privatization, modernization of the commercial code, and transparency in decisionmaking. The sharpest recession in the country's history occurred in 1998 when the economy contracted by 2.7 percent. Inflation has been brought down sharply in recent years, while unemployment reached 8 percent and was expected to reach double-digit levels by 2000 as long overdue industrial restructuring was implemented. 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 1998 reached approximately \$5,500.

The Government generally respects the human rights of its citizens; however, problems remain in several areas. Occasional police violence remains a problem. Lengthy pretrial detention and long delays in trials are problems, due to a lack of resources for the judicial system. There is some violence and discrimination against women. Discrimination and sporadic skinhead violence against the Romani community remain problems. Trafficking in women and children is a problem. In January the Government formed a Human Rights Council, headed by the Commissioner for Human Rights, to advise the Government on human rights issues and prepare legislative proposals for improving human rights in the country.

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

##### a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

In February police launched an investigation into the 1945 murder of 30 Sudeten Germans in Tocov, a small town outside of Karlovy Vary. In November police ended the investigation after they were unable to find any persons who could confirm the testimony of German witnesses or who could remember the names of those Czechs who allegedly carried out the murders.

##### 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; however, police occasionally use excessive force and abuse their authority. In April the Czech Helsinki Committee released a report that documented widespread police violence.

Police were criticized for a forcible intervention on May 1, when they pushed approximately 300 anarchists away from a demonstration route planned by an equally large group of skinheads. Although the skinhead rally was registered legally with city authorities and the anarchist demonstration was not, some human rights activist leaders and commentators questioned the action as a form of police protection for neo-Nazis. In June police were criticized for failing to control demonstrators at the "Global Street Party," a demonstration of some 5,000 anarchists and radical environmentalists, when fringe groups deviated from the planned route and attacked a television station, restaurant franchises, and a Western embassy building.

The police force has been restructured significantly, and many new officers have been recruited since the 1989 revolution. Nevertheless, public approval ratings for police remain low, and corruption remains a problem. During the year, 345 members of the national police force were charged with criminal offenses, half of which were committed off duty. These include cases of police corruption, which can and do result in prosecutions. The most common offense cited was policemen fining motorists for traffic offenses and then keeping the money. The April Czech Helsinki Committee report also documented corruption and discrimination against women during recruitment of officers

(see Section 5). Police sometimes failed to take sufficient action in cases of threats or attacks against Roma.

In March authorities charged a police officer in Ostrov for making racial insults against a group of Roma. The same officer was sentenced to a 1-year suspended sentence for wearing a swastika in public in 1998. However, he was suspended from the police force only after he made racial insults.

The investigation of a special police unit alleged to have used excessive force to contain a group of anarchists and radical environmentalists rioting in downtown Prague in 1998 is ongoing. In November an official from the police force's investigative office said that up to four officers could face charges of abuse of power and unwarranted use of force in connection with the incident.

The case of a Brno city police officer charged with using excessive force to break up a late night party outside a theater in 1995 still was awaiting a formal court decision at year's end. In the meantime, the officer continues to serve on the police force but faces suspension or other internal disciplinary action if convicted.

The trial of three Communist-era investigators charged with torturing political prisoners in the 1950's is currently before the District Court in Uherske Hradiste. In May two former police officials were sentenced to 31/2 and 3 years for their part in the police intervention against demonstrators on November 17, 1989; they appealed the decision, which still was pending at year's end.

The Office for the Documentation and Investigation of the Crimes of Communism (UDV--see Section 1.e.) continued to investigate cases of torture and misconduct from the Communist era.

Skinhead violence against Roma and other minorities remained a problem (see Section 5).

Prison conditions meet minimum international standards. There is overcrowding in some prisons; as of August the prison system was at 118 percent of capacity. As of December, there were 23,054 prisoners in the country. There are 9,890 prison guards, or 1 guard for every 4 prisoners. Attorney and family visits are permitted. The authorities follow these guidelines in practice.

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 lack of experienced police investigators and qualified judges, together with a still evolving legal environment, have contributed to a backlog of court cases. The Ministry of Justice estimates that 400 judges are needed to fill vacant positions. Pretrial detention may last legally as long as 4 years for cases considered "exceptionally grave" under the Criminal Code. Pretrial detention for most crimes may last as long as 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 is now 5 months and 21 days. At year's end, the number of pre-trial detainees was 6,919, about one-third of the total prison population.

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. By the first half of 1997 (latest available statistics) a total of 851 "Slovaks" had been expelled administratively or judicially by the authorities. A February 1998 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. Courts have not imposed expulsion sentences since the implementation of a new citizenship law, which allows "Slovaks" and others to legalize their status.

#### 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 Judiciary is hampered by structural and procedural deficiencies and a lack of resources.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. In addition, the separate Constitutional Court has final authority for 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 decided against them. The authorities observe these rights in practice.

The 1991 lustration law, passed to prevent Communist-era collaborators from enjoying senior government 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 August the special government office handling lustration requests processed approximately 6,000 lustration certificates at the request of individuals, bringing the total since 1991 to 366,000. During the year, some 2.7 percent of applicants did not receive confirmation of a clear record because of suspected

collaboration, a slightly lower percentage than the overall average of 3.2 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," although more recent data are not available.

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 law has been criticized for violating human rights principles prohibiting discrimination in employment and assigning collective guilt. It also has 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 is an independent part of the Czech Police Office of Investigations. The UDV is empowered to launch and conduct prosecutions and propose filing suits to state attorney's offices. In investigations of 2,116 cases under its jurisdiction, it has recommended action against 79 individuals, with 49 ending in criminal charges. Sentences were handed down in eight cases. By year's end, charges were dropped in 320 of the pending cases for various reasons, including lack of evidence, amnesty, or death of the accused. In addition, three cases had reached the trial phase and are to be decided in the next few months. The UDV also is working with Charles University to prepare "moral trials" to discuss crimes whose offenders cannot be punished due to their death or the expired statute of limitations on the cases. 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 citizens to hazardous waste after the nuclear accident in Chernobyl. Although the statute of limitations for many of the Communist-era crimes under investigation by the UDV was set to expire in 2000, Parliament voted in December to suspend the statute of limitations for serious crimes committed during the Communist regime and enabled the UDV to continue investigating these cases. In late August, a prosecutor for the UDV asked the Prosecutor General to indict former Communist officials Milos Jakes and Jozef Lenart. The two were to be charged with high treason for attending a meeting at the Soviet Embassy in Prague on the day after the 1968 Warsaw Pact invasion and for discussing the creation of a new "workers' and farmers'" government; they were not indicted by year's end. In December the Supreme Court ruled that a criminal case against a Communist-era judge should be reopened. A district court ruled earlier that Pavel Vitek, who was one of the judges in a show trial against seven persons who were accused falsely of murdering Communist officials in 1951, could not be tried for his role in the case because the statute of limitations had expired. However, the Supreme Court ruled that Vitek could be tried for aiding and abetting murder.

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 generally respect these prohibitions in practice, and violations are subject to effective legal sanction.

In February and March armed police in Rokycany conducted several searches without warrants of Romani homes, after local Romani activists sent a letter to the mayor protesting racial discrimination. The house of the son of prominent Roma rights activist Ondrej Gina also was searched. The Roma filed complaints against the police for these searches. In November Rokycany authorities charged Gina with inciting racial hatred and damaging the city's reputation (see Section 2.a.).

On December 27, former Health Minister Ivan David alleged that a bugging device was installed in his office a few months prior to his resignation on December, although he produced no evidence to substantiate his claim.

### 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 broadcast media continue to operate under outdated and insufficient laws, which are now in the process of being replaced by legislation conforming to European Union norms. A Communist-era law against "defamation of the Republic" was revoked in 1997.

The electronic media are independent. There are 3 national 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, although a widely publicized dispute about the channel's ownership and alleged fraud and serious commercial misconduct by the license holder is now the subject of international arbitration. Citizens also have access to foreign broadcasts via satellite, cable, and 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 must approve its members. The Council can issue and revoke radio and television licenses and monitors programming. The Council was criticized widely during the year for its lack of initiative and ineffective action in addressing a high profile ownership dispute at the country's largest private television channel.

In April Amnesty International placed the country on its blacklist of countries that violate freedom of speech and expression because of the criminal arrest of reporter Zdenek Zukal in 1998. Zukal faces three charges of criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc. Zukal had been charged originally with slander for publishing documents he knew--or should have known--to be forgeries. Local authorities later changed the charge to false accusation 1

day before a planned presidential pardon; the new charges still were pending at year's end.

In November the mayor and city council of Rokycany formally pressed charges against the prominent national Romani leader Ondrej Gina for remarks that he allegedly published about the mayor and the city on an Internet site about alleged discrimination against Roma. Local police concluded that these remarks constituted a criminal act and turned the case over to the state prosecutor for action. The mayor and city council argued that Gina's remarks were malicious enough to constitute "defamation of the Czech nation" and "harm to the reputation of the city of Rokycany at home and abroad." The charges against Gina include slander, assault on a public office, and inciting racial discord. The case was still pending at year's end. Earlier in the year, Rokycany police conducted a search without a warrant of the home of Gina's son, after Gina sent a letter to the mayor protesting racial discrimination (see Section 1.f.).

On June 23, a Prague court prohibited Tomas Kebza, deputy chairman of the rightwing Republican Youth Party and editor of the weekly Republika, from publishing for 10 years for his two articles that contained anti-Semitic and pro-Nazi views and that were aimed at suppressing the rights of other citizens (see Section 5).

In May the Government approved a press bill, which was criticized strongly by media experts. The most controversial provision, which would require the press to present responses from persons or parties who believe that their reputations have been sullied by media reports, even if the information was correct, was later removed. Opponents of the measure maintained that this provision would create an unfair burden on the press and represented an unwise regulation of free expression. In December the amended version of the bill was approved by the lower house of Parliament but returned to the Senate for further changes. Those modifications are still pending. International NGO's and the Council of Europe, which criticized the legislation, are to continue monitoring this process closely.

In May the Parliament passed a freedom of information act that was to take effect on January 1, 2000. The law provides for freedom of access to information under the control of state and local authorities as well as other institutions affecting the rights of citizens.

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, and 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 otherwise would jeopardize the safety of the participants. Police generally do not interfere with spontaneous, peaceful demonstrations for which organizers lack a permit. Police arrested some skinheads at a May 1 rally (see Section 5).

The law forbids political party activity at universities (see Section 2.a.).

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; during the year the Supreme Court cancelled the registrations of six parties that existed only on paper. The cancellations, part of a policy begun by the 1998 interim government to maintain an active registry, were mere formalities, as the organizations in question had ceased to exist in practice. 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 withheld arbitrarily. Prime Minister Zeman has called periodically for the Interior Ministry to reexamine or cancel the official registrations of skinhead organizations and others 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 registered officially 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. For any churches that the World Council of Churches already has recognized, only 500 adult members permanently residing in the country are necessary. Churches registered prior to 1991 are not required to meet these conditions. The Jewish community, which numbers only a few thousand, constitutes one such exception. One group, the Unification Church (UC), was denied registration in January when the Department of Churches determined that it had obtained the required proof of membership by fraud; the UC is contesting the decision in court. 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.

Missionaries for various religious groups, including the Church of Jesus Christ of Latter-Day Saints and Jehovah's Witnesses, are present in the country and proselytize without hindrance. In March and May respectively, the Government established two church-state commissions to improve church-state relations. One is a "political" commission with the presence of all parties currently in Parliament, and the second is a "specialist" commission composed of experts including lawyers, economists, and church representatives. The commissions advise the Government on church-state relations, the status of churches and methods of their financing, and church-related property questions.

A court in Jicin stripped a woman who was a former member of Jehovah's Witnesses of guardianship of her 6-year-old daughter, for allegedly not taking her daughter to the doctor but instead to Jehovah's Witnesses meetings and for preventing her from socializing with other children. The court granted custody to the father and allowed the mother to see her daughter for only 6 hours per month. Further details about the case and the role of the mother's former religious affiliation in the court's decision are not available.

### 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, and the Government respects these provisions in practice. Czechs who emigrated during the period of Communist rule frequently return to visit or

live. A law passed in September permits such persons to regain Czech citizenship without having to relinquish a foreign citizenship that they acquired during that time. Citizenship is not revoked for political reasons.

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 Government provides first asylum and cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Czech Republic is both a transit and destination country for migrants. 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 recognized refugees. As of August, the Government granted citizenship to 3,200 former citizens of Slovakia and 564 former citizens of other countries; however, the new citizenship law passed in September is expected to enable thousands more "Slovaks" to become citizens (see Section 5). In April the Government established temporary protection status for Kosovar Albanian refugees and opened 7 humanitarian centers to house 825 refugees relocated from overcrowded camps in Albania and the Former Yugoslav Republic of Macedonia. According to estimates by the UNHCR, there were between 2,000 and 3,000 more unregistered Kosovar Albanians in the country who were staying in hotels along the border with Germany and were waiting to be smuggled into that country. By fall most of these refugees returned to Kosovo at their own request.

In the last 8 years, 21,824 asylum applications were filed, of which 1,857 received formal refugee status for resettlement. As of December 1, 62 persons had received refugee status out of a total of 6,489 applications. A total of 17,877 foreigners have requested asylum in the country since 1990, and 1,817 (approximately 10 percent) qualified for asylum status. Citizens from Afghanistan, the former Yugoslavia, India, Sri Lanka, and Iraq submitted the most asylum requests during the year. In addition, migrants from economically disadvantaged countries in Central and Eastern Europe often enter the country to take up illegal residency or in transit to the West. In 1998 border police had prevented a record 44,000 illegal entry attempts, which more than doubled the average of the preceding 3 years. During the first half of the year, 15,400 illegal migrants were stopped at the borders, many of whom were citizens of the former Yugoslavia.

A growing concern is the smuggling of 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. The authorities are working with neighboring countries to tighten border controls. In December Parliament passed new legislation on residence and visas. The new law restricts considerably previous rules for change of status and extension of stay and requires visas in advance for everyone but tourists. In January military observation patrols were instigated along the Czech-Slovak border to enhance police efforts. In June a record 91 illegal migrants were caught crossing the Czech-Slovak border on foot. An organized crime investigation involving Czech-German police in April broke up an international ring believed to have smuggled thousands of persons over the past 5 years. Police arrested 43 suspects, and an additional 9 were arrested in Germany. Illegal

migrant groups in these cases were composed primarily of persons from Ukraine, Iraq, Afghanistan, the former Yugoslavia, and Sri Lanka, many of whom 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 are eligible to vote by secret ballot in nationwide 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 lacked voting and other rights due to restrictions under the existing citizenship laws. However, the new citizenship law passed in September is expected to remedy the situation for thousands of such persons (see Section 5).

The Government of Prime Minister Milos Zeman took office in August 1998. The Government consists almost exclusively of members of the Prime Minister's left-of-center Social Democratic party, the first nonrightist government since 1989. In addition to the largest opposition party, (former Prime Minister Vaclav Klaus' Civil Democratic Party), which has agreed to tolerate and support the Government, the opposition consists of the Communist Party and a coalition of four small 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 then can override that veto by a simple majority.

There are no restrictions, in law or in practice, on women's participation in politics; however, they are underrepresented, and relatively few women hold high public office. None of the 16 cabinet ministers in the Government at year's end were 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. The President of the Senate, elected in December 1998, 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. 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 Parliament.

Most of the estimated 200,000 to 250,000 Roma have not been fully integrated into Czech political life (see Section 5). 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 currently one representative of Romani background in the Parliament.

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

Human rights groups operate without government restriction, and government officials 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); there are also many single-issue groups.

On July 8, Parliament passed the final legislation needed to create a \$14 million (500 million Czech crowns) endowment to be used by 39 NGO's that work on issues of social welfare, health, culture, education, human rights protection, and the environment.

In September 1998, U.N. Human Rights Commission expert Petr Uhl was appointed to a newly created position as Commissioner for Human Rights. The Human Rights Commissioner serves as head of the government Committee for Nationalities and of the Interministerial Commission for Romani Community Affairs, established in 1997 (see Section 5). In January a Council for Human Rights was established with 10 representatives of government ministries and 10 human rights activists. The Council for Human Rights was created to advise the Government on human rights issues and propose legislation to improve the observation of human rights in the country.

In December the Parliament passed legislation mandating the establishment of the office of the ombudsman, which was to be created in 2000. The legislation provides for Parliament to select an ombudsman for a 6-year term from a pool of candidates nominated by the President and the Senate.

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.

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

The Constitution 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; however, some studies by experts indicate that it likely is common. Public debate about it is rare, despite the efforts of womens' groups to focus public attention on the problem. In late 1998, the Government introduced a comprehensive awareness and prevention program designed to address issues

of trafficking, abuse, and violence against women. ROSA, an NGO that helps women in trouble, estimates that 1 in 10 women in domestic situations suffer from emotional or physical abuse, and that 30 percent of the abusers are university educated. The press occasionally reported on the problem of violence against women and trafficking in prostitutes. A 1998 research study conducted by Prague's Sexological Institute indicated that 13 percent of women are forced into sexual intercourse under threat of violence. Spouses or partners are responsible for 51 percent of rapes, with an additional 37 percent of the attacks committed by men known to the victims. Only 12 percent of rape victims are attacked by complete strangers. According to police statistics, there were 675 rapes reported countrywide in 1998, although researchers at the Institute estimate that only 3.3 percent of rape victims report the crime to the police. Approximately 80 percent of criminal rape cases are solved. Gender studies experts reported that women were ashamed to report rape or speak about it, and that the police were not equipped to help, either by attitude or training. However, to improve police responsiveness and prosecution efforts, the Ministry of Interior started training officers in protocols for investigating family violence and sexual crime cases in 1998.

According to Elektra, a help center for abused women, rape victims can seek psychological help through any help line or crisis center. Crisis centers that help rape victims include White Circle of Safety, an association for crime victims that provides free psychiatric and legal help, and Riaps, a help line that counsels persons who experience any kind of trauma. A total of 54 state supported shelters with 771 beds accept women who have been raped or abused 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.

Legislation does not address spousal abuse specifically; 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 approximately \$100 (3,000 Czech crowns--approximately one-fourth of the average monthly wage). Repeated misdemeanor attacks do not impose stricter sanctions on the abuser. The police are training specialist personnel to deal with domestic violence; however, they do not yet engage in regular contact with welfare and medical services. However, in 1998 the Police Academy and secondary police schools introduced, into both the introductory and continuing education curriculums, instructional material to improve the identification and investigation of domestic violence and sexual abuse cases and to sensitize police to the treatment of victims.

Forced prostitution (pimping) is illegal; prostitution is not, although local communities have the right to regulate it and enforce restrictions. The Interior Ministry estimates that up to 25,000 persons currently earn a living from the sex industry. Prostitution and erotic businesses are particularly prevalent in the border regions with Germany and Austria, where international vehicular traffic is heaviest. Trafficking in prostitutes is forbidden by law, and trafficking in women is a problem (see Section 6.f.).

The media rarely mention the issue of sexual harassment. 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. However, during the year a university student became the first woman in the country to win a sexual harassment suit.

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, though they are employed disproportionately in professions where the median salary is relatively low. 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 senior positions. In April the Czech Helsinki Committee released a report documenting police discrimination against women during recruitment of officers.

A 1991 employment law bans discrimination on the basis of sex; 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. Employers often use openly such factors as age, sex, and lifestyle in their employment solicitations.

## 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 (see Section 6.f.) continued to receive press attention during the year. In February a British former disc jockey and three other foreigners went on trial on charges of pedophilia. If convicted, they face up to 8 years in prison or up to 15 years if the court finds exacerbating circumstances. A March press report indicated that Central Europe is becoming more popular as a destination for pedophiles due to its convenient location and low risk of sexually transmitted disease. Some experts estimate that the number of visits to the country, primarily by West Europeans, for the purpose of abusing children has increased 20 percent since 1997. Dissemination of child pornography, whether by print, video, CD-rom, or the Internet is a criminal act. These laws are enforced; in January police in Decin brought charges against a man who placed an advertisement on the Internet offering child pornography on CD-rom. He was convicted and sentenced to 1 year in prison. Court convictions against persons guilty of child sex abuse are reported routinely in the media.

Since 1990 the number of reported cases of child abuse roughly doubled; this increase appears to be the result of increased awareness of the problem and more effective police training and action. Laws criminalize family violence, physical restraint, sexual activity, and other abuse of a minor. A Children's Crisis Center was established in 1995 and is 70 percent state supported. The Fund for Endangered Children estimates that the total

number of children suffering from physical, psychological and sexual abuse is 20,000 to 40,000, but only about one-tenth of such cases are registered by the police. About 50 children die each year as a result of abuse and violence within the family. 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 often are 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. In June the European Roma Rights Center (ERRC) filed a lawsuit with the Constitutional Court on behalf of 12 Romani families in Ostrava, alleging that the disproportionate number of Romani children in special schools constitutes de facto racial segregation throughout the educational system.

### 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 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 access is improving, many buildings and public transportation remain inaccessible to those in wheelchairs. In Prague 19 metro stations (nearly 50 percent of the total) and 2 bus lines are now accessible by the disabled. 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, as of June Nadace Charty 77 had contributed more than over \$44,000 (1.5 million Czech 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

On June 23, a Prague court prohibited Tomas Kebza, deputy chairman of the rightwing Republican Youth Party and editor of the weekly Republika, from publishing for 10 years for two articles that contained anti-Semitic and pro-Nazi views and that were aimed at suppressing the rights of other citizens (see Section 2.a.).

On November 1, Minister of Interior Vaclav Grulich reported that the Ministry sent letters to two extremist organizations warning them that they were violating human rights. The Patriotic Front and the National Alliance had 30 days to respond to the Ministry in writing. The two organizations held a demonstration in Prague on October 28, at which the National Alliance leader told those gathered that the Holocaust was "an invention."

On December 20, in a display on the struggles of the extremist rightwing Republican Party that was hung in front of the local party headquarters in Decin, photographs of

President Havel, Prime Minister Zeman, Civic Democratic Party leader Klaus, and Freedom Union chairman Jan Ruml were labeled "Jewish Free Masons and Murderers of the Czech Nation." The exhibit also included a list of "Jews and Jewish Half-Breeds" in politics that included the names of Havel, Zeman, and Klaus. The list was removed a few days later.

In March one young man in Trutnov was sentenced to 18 months in prison for his role in the 1998 desecration of 41 tombstones in a Jewish cemetery. The courts sentenced three other youths arrested in connection with the same incident to suspended sentences of 18 months. In February police in Plzen arrested 12 leaders, producers, and distributors of racist, Fascist, and anti-Semitic materials. 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 popular prejudice, as is affirmed repeatedly by public opinion polls. Nearly one-quarter of the respondents in a February opinion poll admitted to racial intolerance, while 16 percent said that they were intolerant of other nationalities. A court case charging editors of a Republican Party magazine (leaders of this extreme rightwing party espouse virulently anti-German and anti-Romani policies) with publishing offensive statements against Roma was filed with a Prague district court in January 1998 and was still before the court at year's end.

The State funds television and radio programs for Roma on public stations and also supports Romani press publications. There is one full-time Romani anchorman on Czech Television. During the year, more and better information on Romani issues was becoming available in the mainstream press and other sources. To improve media reporting on Romani issues, a Romani journalism course was established in the College of Publicity, and the first graduates finished in February. There has been a Department of Romani Language Studies at Charles University in Prague since 1991, and additional university-level Romani language study programs exist in Usti nad Labem and Brno.

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 often are 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, although other "dark-skinned" individuals come under the same attacks. During the first 6 months of the year, 238 persons were charged with "racially motivated" crimes. An estimated 5,000 to

6,000 skinheads are active in the country. The Documentation Center for Human Rights recorded 1,500 racially-motivated attacks over the past 8 years, in which nearly 30 persons died. In 1998 police recorded a total of 138 "racially motivated crimes," nearly half of which were committed by juveniles. However, police and courts sometimes are reluctant to classify crimes against Roma as racially motivated, and the actual figures likely are higher.

In January six skinheads were charged with committing a racially motivated attack in 1998 on a 63-year-old disabled Romani man at the Havlickuv Brod railway station.

On July 17, a group of skinheads attacked a 27-year-old Rom in a bar in Jesenik with pool cues, pool balls, and other objects, as they shouted racial epithets at him. Police charged six persons involved in the attack with defamation of race and disturbing the peace. According to a local Romani NGO, there were more than 10 racially motivated attacks in Jesenik during the year, but the police did not investigate most of them.

On August 4, three skinheads attacked Jana Chalupova and Jakub Polak in a restaurant near the district court of Karvina, where Polak was representing the family of a Rom who was killed by skinheads in 1998. Chalupova is the head of public relations for the President's administration.

On August 27, some 30 skinheads attacked several Romani homes in a village near Jaromerice nad Rokytinou, which resulted in injuries to 2 Roma and damage to several cars and houses. The raid lasted approximately 1 hour, and the skinheads threw bricks and stones at the Roma. The police launched an investigation into the attack and charged 12 persons with rioting, property damage, and violence, although they were not charged with racially motivated crimes.

On November 20, some 30 skinheads attacked between 60 and 70 Roma in a restaurant in Ceske Budejovice; 6 persons were injured. Police subsequently charged 23 skinheads with racially motivated violence; they now face sentences of up to 3 years in prison.

On January 11, a court charged a 21-year-old student from Plzen with disseminating Fascist propaganda. The student had created an Internet web site with Fascist symbols and a photograph of a youth giving the Hitler salute. The student was convicted of promoting racial discord and unlawful limitation of the rights and freedoms of other citizens.

On February 20, police in Holoubkov detained six members of Sturmdivision-Battalion 43, a new paramilitary group that vowed to honor the legacy of the Nazi Wehrmacht.

Police continued to investigate a November 1998 incident that occurred in the city of Hodonin, during which a group of skinheads brutally attacked an elderly American citizen for apparently defending a young Rom whom the skinheads were harassing while dining in the same restaurant. After exchanging words with the man, the skinheads waited for him outside, and after a short chase, attacked him and left him seriously injured and unconscious on the ground. The incident was captured by the security cameras of a nearby gasoline station. Charges later were filed against the main attacker, and the local district court is scheduled to hear the matter in early 2000.

In February the High Court in Prague confirmed the sentences of two men involved in the

1997 racially motivated murder of Romani mother Helena Bihariova; in 1998 one received 8 1/2 years in prison for murder, and the second received 15 months for breach of the peace, after his sentence was reduced from 6 1/2 years. Also in February, the Justice Minister filed a complaint against the High Court for annulling the convictions, on technical grounds, of three skinheads found guilty in a retrial in 1998 of murdering Tibor Danihel in 1995. Authorities detained 11 suspects for terrorizing Romani residents in Domazlice in 1997. A court later acquitted 10 of the suspects, while the remaining suspect was convicted of disturbing the peace (he later was pardoned during a general presidential amnesty and is now free.)

In January a district court in Prague acquitted Miroslav Sladek, the leader of the extreme rightwing Republican Party, of charges of inciting racial and ethnic hatred, on the grounds that his statements are protected by freedom of speech provisions in the law. His party espouses virulently anti-Roma and anti-foreigner policies.

In February a court sentenced former mayor and current city council member of Obrnice Jan Hrabak to 6 weeks in jail or a fine of \$850 (30,000 Czech crowns) for using racial epithets against a Rom in 1998.

There was no progress in the case of the 1998 death of Milan Lacko; the court's 1998 verdict was not appealed during the year, and the case appears to be closed. However, the skinheads convicted for attacking Lacko now are facing additional charges for appearing at the trial wearing swastikas and for making racial jokes and insults to the media and members of the victim's family in the courthouse. The case is scheduled to be decided in early 2000.

Prime Minister Zeman consistently called for the cancellation of the official registration of groups sympathetic to the skinhead movement, but no action has been taken to date. A February police raid in Plzen led to the arrest of 12 skinhead leaders, distributors, and producers of Nazi materials. The raid also netted piles of Fascist and racist materials, including membership lists, indicating that the group was part of a large, well-organized movement with ties to the United Kingdom, Sweden, Hungary, and Slovenia. Those arrested were charged with dissemination of Fascist propaganda, an offense with a maximum penalty of 8 years in prison. The raid was executed prior to a planned skinhead rally in Line, near Plzen, and forced the cancellation of the event. The case did not go to trial by year's end. On May 1, hundreds of skinheads held a rally on a small island in Prague, and police arrested a few dozen of the skinheads. Government officials criticized city officials for permitting the rally. Also in May, police carried out a series of raids on racist and rightwing extremist groups. Police interrogated some 100 persons and arrested 1 person on charges that included promoting a group that seeks to suppress human rights and freedoms.

There were also occasional Roma-instigated assaults on local law enforcement personnel during the year. In January two Romani men from Bilina were sentenced to 10 months' imprisonment with a 2-year probation, and 12 months' imprisonment with a 5-year probation for physical assault on police officers. Local Romani organizations generally criticized these attacks and offered their assistance in the investigations. In November three Roma who assaulted policemen in Usti nad Labem in 1998 were sentenced to 16 months in jail for a racially motivated crime.

Racial and ethnic tensions and discrimination in society were the subject of increased media attention during the year. Even when federal authorities have spoken out on these issues, local attitudes often have proven impervious to change. In June the local city council in Usti nad Labem voted to proceed with its long-delayed decision to construct a 6-foot high, 195-foot long wall between a primarily Romani apartment complex and its residents' neighbors across the street. Authorities modified the plan to include a children's playground and repave the street, but the Government again criticized the construction of the wall as a symbol of segregation and approved a plan to refer the matter to Parliament should the city council proceed with its plan. In August the city announced that it was proceeding immediately with construction, but the district government ordered the construction stopped, citing discrepancies in the building permit. In October the city ignored this and proceeded with construction. The wall was built overnight on October 13, with about 80 police officers present to prevent any violence. Mayor Ladislav Hruska described the wall as a "symbol of law and order." On October 18, the Government appointed Deputy Minister of Interior Pavel Zarecky as its special mediator to resolve the issue of the wall. In November the Government negotiated the removal of the wall after it agreed to give the city government \$85,000 (3 million Czech crowns) to improve social conditions in the town. However, the city council announced that it would use a portion of the money to buy up the houses of Czech neighbors who refused to live next to the Roma. "Now it will be a real ghetto," commented Timor Bada, a local Roma activist.

The Government has been wrestling over plans to remove a pig farm in Lety from the site of a World War II Romani concentration camp and build a memorial in its place. A team headed by the Human Rights Commissioner officially recommended the farm's removal and a public collection to finance it, but the Government in April decided against taking action due to budgetary constraints. A January public opinion poll showed that 11 percent of respondents were willing to participate in financing the Lety project, and less than one-quarter of those polled were aware that Roma were persecuted under the Nazi regime. Some Romani organizations and the Czech Helsinki Committee protested the Government's decision and in May began an international boycott of Czech pork organized by the Romani National Congress. On May 18, the Government agreed to spend \$28,600 (1 million Czech crowns) on improvements to the monument in Lety. During World War II, 327 Roma, including 241 children, died in the camp. The pig farm was built on the site in 1974.

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. In April the Human Rights Commissioner unveiled a 12-point proposal to combat discrimination and "give advantage to Romani firms in placing public orders." The proposal was being considered by the Government at year's end.

The integration of Romani children into mainstream schools frequently is 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 constitute 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 June 12 Romani families filed suit in the Constitutional Court to protest the "de facto segregation" of Romani children into special schools. The lawsuit requested the establishment of a compensatory educational fund, an end to racial segregation within 3 years, and the development of an educational reform plan. However, the Constitutional Court rejected the complaint in November and stated that it did not have the power to order the Ministry of Education to create programs to end racial discrimination. The Ministry of Education later took steps independently to implement some of the recommended changes. In December the Parliament approved legislation allowing qualified Romani students, previously relegated to the special schools, to return to attend mainstream secondary or upper-level public schools. The legislation was drafted by Parliament's sole Romani representative and constituted a significant step in opening access to higher education to the Romani minority.

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. Nearly 90 zero grades were open during the year, and another educational initiative continued placing Romani "assistant teachers" into the primary and special school system. Their function is to help teachers communicate with Romani 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 percent of the children who attend zero-grade training successfully enter and remain in mainstream schools. During the year, the Education Ministry began using joint Romani-Czech language textbooks in 60 elementary schools to help overcome the barrier in the early school years between Romani children and non-Romani speaking teachers. Local NGO's support additional studies and private initiatives to prepare Romani children for mainstream schools. Some Roma refuse to cooperate with compulsory vaccinations for children or are refused treatment by general practitioners who have full quotas of subsidized patients. In 1998 the Labor Ministry created and filled 58 district-level positions (out of 81 districts nationwide) with "Roma advisors" or "Roma assistants" to advise local authorities on Romani issues. Eventually 20 Roma were placed in the 58 available positions, and many have made a significant contribution to their community. However, 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.

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. Some restaurants, pubs, and other venues refuse service to Roma and post signs prohibiting their entry. In July 2 discos in Plzen denied entry to 5 Romani students, prompting a boycott of the clubs by over 600 students at West Bohemia University. The

club owners eventually apologized. In some cases, local authorities intervened to have such signs removed, although in a 1998 retrial a Rokycany pub owner was acquitted of refusing to serve Romani patrons in 1996. The state attorney appealed the verdict, and the case was heard during the year; a decision is expected in early 2000. In October the Hotel Imperial in Ostrava agreed to pay an out-of-court settlement of \$715 (25,000 Czech crowns) to three Roma who it refused to serve in 1998. In October press reports revealed that certain unemployment offices regularly mark the records of persons who appear to be Roma with the letter "R." The findings of a subsequent government inquiry into the matter suggested that the problem was not as widespread as originally reported; however, authorities still took steps to prevent this practice in the future, including updated instructions and clarification of existing policy from the Ministry of Work and Social Affairs regarding the administration of databases and personal records, and more frequent audits by Ministry officials at the regional employment offices. Moreover, press accounts during the year revealed that Czech Airlines marked the names of persons believed to be Roma with the letter, "G," for "gypsy," supposedly to alert authorities in the United Kingdom about potential asylum seekers. Officials in the United Kingdom denied ever requesting such information from the airline. The practice reportedly was discontinued at mid-year.

In June approximately 100 residents of the town of Krnov signed a petition against Roma, complaining that they are noisy on the street, listen to loud music, make messes, and spoil the neighborhood. In August residents of the Horni Kosovo district in Jihlava also were collecting signatures for an anti-Roma petition, and there were reports of a similar petition drive in Znojmo in the spring.

Beginning in 1997, when over 1,200 Roma submitted applications for refugee status in Canada and the United Kingdom, Romani families have continued to emigrate. At the end of 1998, 70 percent of the applicants (737) in Canada were granted asylum. An additional 171 asylum seekers applied in 1998. The numbers applying to the United Kingdom have increased substantially in spite of the fact that most of these requests are denied. By year's end, Romani applicants had filed over 1,790 requests for asylum, a record. Because this number represents only those requests filed by the "head of the household" (one application per family), the actual number of Romani asylum seekers for the year is estimated to be between 6,000 and 7,000. Roma from the Czech Republic also filed record numbers of asylum applications in Finland and Belgium. Human Rights Commissioner Uhl noted that an estimated 10,000 Czech Roma have emigrated in the last 3 years. In July a four-person Romani family reportedly was granted asylum in France.

The Government and some local municipalities began implementing programs designed to deal with drug addiction and crime prevention in the Romani community during the year. Since these programs still are at different stages of implementation, their initial effectiveness is uncertain.

The Interministerial Commission for Romani Community Affairs was created in 1997 to analyze government measures proposed by individual ministries, to collect information and to inform the Romani community about government activities, to allocate grants to supplementary programs for the Romani community, and to deal with issues covering housing, education, and discrimination. In December 1998, the Commission was expanded to include 12 government representatives and 12 Romani representatives, as well as the Commissioner for Human Rights and his deputy. The revamped Commission

has taken an increasingly active role in resolving disputes between Romani communities and their non-Romani neighbors in towns such as Usti nad Labem and Rokycany, as well as promoting positive initiatives. Other government initiatives have included the organization of a team of specialized "Romani-inspectors," who are authorized to penalize shop and restaurant owners who refuse service to Roma, and increased training and seminar activity to promote understanding and tolerance. There also was an active effort underway during the year to identify, train, and recruit qualified Roma to serve in law enforcement. The national police academy introduced a course in Romani language and culture, which was designed to facilitate police officers' improved communication and response to the Romani communities in their precincts.

In February the Cabinet submitted to Parliament a draft law to allow former Czechoslovak citizens who have lived in the country since 1993 to claim citizenship by simple declaration. This bill was created to remedy the de facto stateless situation of some Czech Roma, who were estimated to number between 10,000 and 20,000 persons. The bill passed both houses of Parliament and was signed into law on September 23. The law also regularizes the status of children in foster care who lacked citizenship or permanent residency status. However, the law only provides for citizenship for those who have resided primarily in the country since 1993. Certain persons who went abroad for extended periods, including some asylum seekers and those expelled from the country by authorities, may face added difficulty in filing for citizenship under the new law. Nor does the law provide benefits to those who were denied citizenship and benefits between 1993 and 1999.

## 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 during the year.

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.

During the year, there were strikes in the transportation and equipment manufacturing sectors, as well as a significant coal miners' strike in which a large group of workers refused to leave the mines until their demands for new wage and job security negotiations were met. The miners stayed underground in protest for 2 days before the issue was resolved. There were also several demonstrations in front of Parliament and government headquarters protesting the growing problem of nonpayment of wages by some large manufacturing firms.

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 generally is 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 generally is not used; however, trafficking in women and children for the purpose of forced prostitution is a problem (see Section 6.f.).

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 July the Government increased the minimum wage from approximately \$108 (3,250 Czech crowns) per month to \$115 (3,600 Czech crowns), the second raise in 6 months. The monthly average is approximately \$375 (11,600 Czech 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. 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 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, 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.

#### f. Trafficking in Persons

Specific laws prohibit trafficking in women and children, and trafficking in women and girls for the purpose of forced prostitution is a problem. Law enforcement officials report that the Czech Republic is both a transit and destination country for traffickers in women from farther east. Organizing prostitution or pandering also is illegal and 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.)

There have been numerous convictions of traffickers as a result of proactive investigative efforts on the part of law enforcement officers. The Czech Police Organized Crime Division includes a Unit on Trafficking in Persons, established in 1995, which cooperates with other nations to enforce these laws.

A May raid in Chomutov led to the arrest of 4 gang members and the release of 27 Ukrainian women who had been forced into prostitution by the gang. A March raid in Spain broke up an international ring that trafficked Czech and Slovak women into prostitution.

The full extent of trafficking in children is unknown; however, convictions of child sex offenders are reported routinely in the media. For example, the conviction of a British national for pedophilia was covered widely during the year, as were the cases of several German citizens who were detained in cities near the Czech-German border and who reportedly had traveled regularly to the country for the purpose of soliciting sexual activity from adolescents (particularly young Roma). Following these incidents, police personnel took measures to prevent this type of "sexual tourism" more effectively. Police enhanced patrols in high-risk areas, enforced curfew-type policies more actively, and raised public awareness of the issue through the media.

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[Europe and NIS Index](#) | [Table of Contents](#) | [1999 Report Homepage](#) | [Human Rights Reports Index](#)