



## Czech Republic

### Country Reports on Human Rights Practices - [2000](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 23, 2001

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 comprised almost exclusively of 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 legally independent 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), reports to the Parliament and the Prime Minister's office through the Foreign Minister, who is a Deputy Prime Minister. 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 80 percent of the gross domestic product (GDP) produced by the private sector. After 2 years of contraction, the economy grew by 2.8 percent during the first three quarters of the year. Inflation dropped to 3.9 percent, while unemployment leveled off at 8.8 percent. The work force is employed primarily in industry, retail trade, and construction. Leading exports are machinery and transport equipment, and intermediate manufactured products. The GDP per capita in 1999 stood at approximately \$5,400 (186,300 Czech crowns).

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. Since January 1999, the Human Rights Council, headed by the Commissioner for Human Rights, has advised the Government on human rights issues and prepared legislative proposals for improving human rights in the country. In December the Parliament named former Justice Minister Otakar Motejl as Ombudsman 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 or other extrajudicial killings.

b. Disappearances

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 used excessive force and abused their authority.

In May police clashed with anarchists attempting to disrupt a skinhead rally; the anarchists complained of being singled out for arbitrary arrest and beatings. Similar allegations were made after police prevented anarchists from disrupting neofascist rallies in October and November.

During violent antiglobalization protests surrounding the September International Monetary Fund (IMF)/World Bank meetings in Prague, 123 police officers were injured, many by cobblestones thrown by rioters (see Section 2.b.). Police arrested 900 protesters for destruction of property, disturbing the peace, blocking roadways, and attempting to disrupt the meetings. Most were released within 1 or 2 days. Police brought charges against 20 persons; by December 6 all had been released on bail. After their release, many of those detained complained of poor treatment and abuse before and during their detention. Most complaints were of illegal detention; overcrowded cells; lack of food and toilet facilities; no immediate access to lawyers or telephones; and rough treatment, strip searches, and intimidation by police and prison officials. Some protesters stated to NGO's monitoring police behavior that they had seen numerous people whom they believed had been beaten by the police and prison officials. One Spanish and two Danish protesters claimed police beat them while they were in custody. A Polish protester, who is suing the Czech police, stated that uniformed police had beaten him repeatedly over the course of his 24-hour detention, during which he had been chained in his cell, denied access to a lawyer, and not allowed to use toilet facilities. Numerous foreign demonstrators claimed that they were arrested despite behaving peacefully. Arrested protesters also reported that police and prison officials were wearing masks and were not wearing or were covering their identification numbers. A South Korean scientist and visiting professor at Charles University not participating in the protest was arrested and held for 24 hours. He complained of abuse while in detention.

Government officials expressed satisfaction with overall police conduct during the protests, although they did not reject the possibility of misconduct by individual officers. However, local and international human rights organizations expressed concern about police behavior during the protests; 15 members of the European Parliament sent an open letter to government leaders urging a thorough investigation. In October the Ministry of the Interior initiated an investigation into complaints of police misconduct. By year's end, the Ministry of the Interior had received 373 complaints, 60 of which led to investigations. Only two cases of possible police misconduct were found (one for illegal fingerprinting and one for a covered identification number). No misconduct was found in the case of the Danes, the Spaniard, or the South Korean; the case of the Polish protester was still ongoing. Several other cases were still under investigation at year's end, including that of a police officer photographed standing over a fallen protester wielding a club. Other cases were suspended for lack of evidence. An NGO monitoring the police gathered testimony of police misconduct from over 50 protesters and filed at least 2 lawsuits against the police. That organization has expressed dissatisfaction with the Ministry of the Interior's investigations.

According to press reports, an American/Austrian dual citizen detained during the riots jumped from a police station window, breaking her leg. She stated through her attorney that she had paid a fine for participating in the riots but had not been released at that time. In addition she complained of "aggressive and improper" police behavior toward her during detention. The Ministry of the Interior investigation into her complaint found no police misconduct.

The police force has been restructured significantly; the majority of officers have been recruited since the 1989 revolution. Public approval ratings for the police reached a 10-year high after their overall good performance during the IMF/World Bank meetings. Petty police corruption remains a problem, although enforcement against it has improved. During the year, 389 members of the police force were charged with criminal offenses, a 12 percent increase over 1999, which the authorities credit to better enforcement efforts. The most common offenses cited were police officers fining motorists for traffic offenses, then keeping the money, and auto accident insurance fraud. Punishments include suspension from duty, fines, and prison sentences. Police sometimes failed to take sufficient action in cases of threats or attacks against Roma.

In December police officer Marian Telega was sentenced to 18 months in prison and 2 1/2 years' probation for his involvement in the 1998 death of Rom Milan Lacko. Telega drove the car that hit and killed Lacko after he was beaten by skinheads and left in the road (see Section 5). In September Rom Martin Tomko accused a Brno police officer of stopping him in the street and, after an argument, beating him and leaving him unconscious in a park. Three police officers have been charged with inflicting bodily harm.

In October a Prague court rejected a complaint against 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.

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 one of the three Communist-era investigators charged with torturing political prisoners in the 1950's ended in acquittal in January. The trial of the other two was postponed for health reasons (see Section 1.e.). The case of two former secret police officers accused of torturing dissident Vladimir Hucin was still being investigated at year's end. The Office for the Documentation and Investigation of the Crimes of Communism (UDV) continued to investigate cases of torture and misconduct from the Communist era (see Section 1.e.).

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

Prison conditions meet minimum international standards. There is overcrowding in many prisons, but it declined during the course of the year. In March the general director of the prison service announced that the country's prisons would temporarily refuse entry to convicts who have been sentenced to 2 years in prison or less. In February and March, prisoners in several facilities rioted and staged hunger strikes to protest overcrowding, deteriorating facilities, and insufficient food and clothing. The protests ended after a week. In May the prison system was at 120 percent of capacity, in some areas as high as 180 percent; there were approximately 23,000 prisoners in the country. By year's end, the system was at 110 percent of capacity; some prisons were at 135 percent. There were 21,547 prisoners and 9,890 prison guards. Women and men are housed separately. Attorney and family visits are permitted. The authorities follow these guidelines in practice.

The Government permits visits by human rights monitors. However, during the IMF/World Bank protests, observers were not allowed into two detention facilities in Branik and Ocelarska Street (see Section 4).

#### 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, combined with a still evolving legal environment, have contributed to a backlog of court cases. The Ministry of Justice estimates that 300 judges and 88 prosecutors 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 195 days. As of November, the number of pretrial detainees was 6,353, about one third of the 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 (that was expected to affect three-fourths 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 was less than 5 years' imprisonment. However, according to one 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 in 1999, which allows "Slovaks" and others to legalize their status. There have, however, been complaints from Roma activists that local officials in some areas are refusing to process Czech citizenship applications for "Slovak" or stateless Roma families (see Section 5).

#### 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. Structural and procedural deficiencies as well as a lack of training and resources hamper the effectiveness of the judiciary. Ministry of Justice proposals for judicial reform, including term limits for Constitutional Court judges, a mandatory retirement age for judges, and measures to streamline the legal process, failed in Parliament at several points throughout the year. In October Justice Minister Otakar Motejl resigned after Parliament repeatedly rejected his attempts at broad judicial reform.

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 (vetting) law, passed to prevent Communist-era collaborators from taking up 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 December 31, 2000, overriding a veto of President Havel. In February the Chairman of the Government's privatization agency was dismissed after presenting a falsified lustration certificate clearing him of cooperation with Communist-era state security. In November the Chamber of Deputies again extended the validity of the law over the veto of President Havel until a new civil service law and security law are passed and implemented. The extended law exempts from the lustration process people born after December 1, 1971, an exemption not included in the earlier version. Some private employers also have required applicants to produce lustration certificates proving noncollaboration. By October the special section of the Interior Ministry handling lustration requests had processed 8,200 lustration certificates, bringing the total since 1991 to 395,500. During the year, 3 percent of the applications did not receive confirmation of a clear record, in line with the 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. Twenty such suits were filed during the year; court decisions were still pending at year's end.

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. In its November assessment report on the Czech Republic for European Union (EU) accession, the European Commission again noted the need to eliminate the law.

Some actions taken by state authorities and the Communist Party during the 1948 to 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. As of October, the UDV had investigated 2,756 cases under its jurisdiction, and recommended action against 152 individuals. Charges have been filed in court against 44 persons. Nine of those have been sentenced; five were placed on probation and four received unconditional sentences, the longest of which was 5 years' imprisonment. Nearly 2,000 cases have been dropped due to the death of suspects or witnesses, various presidential amnesties, or statutes of limitation. The trial in Uherske Hradiste of three Communist officials charged with torturing political prisoners in the 1950's ended in January. One of the three was acquitted; the case was postponed against the other two for health reasons (see Section 1.c.). The UDV is still working with Charles University to prepare "moral trials" to discuss crimes whose offenders cannot be punished due to their death or to 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 this year, Parliament voted in December 1999 to suspend the statute of limitations for serious crimes committed during the Communist regime and enabled the UDV to continue investigating these cases. In September the Interior Ministry extended the UDV's mandate indefinitely and broadened the period of years it should investigate to include 1945 through 1948.

In July the case of Communist-era judge Pavel Vitek was submitted to a regional prosecutor. 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 in December 1999 that he could be tried for aiding and abetting murder. The prosecutor had not yet returned the case to trial by year's end.

In February the Prosecutor General returned the case of former Communist officials Milos Jakes and Jozek Lenart to the UDV for further investigation. The two were to be charged with high treason for attending a meeting at the Soviet Embassy in Prague on the day after the Warsaw Pact invasion and for discussing the creation of a new "workers' and farmers'" government; they were not indicted by year's end.

The UDV also opened three new high-profile cases: The unexplained death in August 1967 of American citizen Charles Jordan, in which involvement of the Czech state security service is suspected; Communist officials' responsibility for and attempts to cover up a 1981 mining accident in which 65 miners were killed; and the alleged attempts of two former Communist officials to conceal and protect Nazi war criminal Werner Tutter in the 1960's. Prosecution of former Czechoslovak Premier and Interior Minister Lubomir Strougal relating to the arming of the People's Militia, a paramilitary force of the former Communist Party, was halted; he still faced charges of abuse of public office at year's end.

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.

Unlike in 1999, there were no reports of Roma filing complaints against the police for illegal searches during the year.

### 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 these rights 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 law was updated in February to conform to EU norms.

The electronic media are independent. There are 3 national television stations--1 public (with 2 separate channels) and 2 private--and more than 61 private radio stations in addition to Czech Public Radio. A third private television station, TV3, can be viewed only in certain regions or through cable and satellite. The leading television channel, Nova, is privately owned. International arbitration continues on a dispute over its ownership and alleged fraud and commercial misconduct by the station's license holder; several courts found in his favor during the course of the year. Citizens also have access to foreign broadcasts via satellite, cable, and the Internet.

On January 1, a new Freedom of Information Act took effect. 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.

In November President Havel signed an amendment to the Penal Code that imposes prison terms of between 6 months and 3 years for denying the Nazi Holocaust and the Communist genocide. The amendment also outlawed the incitement of hatred based on race, religion, class, nationality, or other group.

In February the lower house of Parliament approved a press bill, minus its most controversial provision requiring that the press present responses from persons or parties who believed their reputations had been sullied by media reports, even if the information were correct. Opponents of the measure maintained that this provision would create an unfair burden on the press and represented an unwise regulation of free expression.

A 13-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 continued to be the target of criticism 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. There is also a nine-member Czech Television (CTV) Council charged with oversight of the Public Czech Television. The Council became embroiled in a controversy over political influence on CTV in mid-December when it dismissed

the CTV general manager. The council hired a new manager 8 days later who was alleged to be subject to political influence. In protest, news staff began producing their own version of the principal CTV and public affairs programs. The newly appointed management was prevented from entering CTV studios and began simultaneous broadcast of its own news and public affairs programs. By year's end, the situation had not been resolved.

In January a Prague court dropped charges of defaming a people and inciting racial hatred against far-right National Alliance leader Vladimir Skoupy, who had questioned whether the Nazi Holocaust had taken place (see Section 5).

Charges of slander, assault on a public office, and inciting racial discord filed against prominent national Romani leader Ondrej Gina in November 1999 were dropped in March. The mayor and city council of Rokycany formally had pressed charges against Gina for remarks that he had published about the mayor and the city on an Internet site about discrimination against Roma. Local police had concluded that these remarks constituted a criminal act and turned the case over to the state prosecutor for action. The mayor and city council had 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 (see Sections 1.f. and 5.)."

In September police brought charges of abetting in the commission of a crime against two journalists who refused to reveal their source of information in a case involving an alleged slander campaign against a member of the Government. Such charges are usually brought only in cases in which police have no other means of solving a serious crime, such as murder. Journalists and journalists' professional organizations criticized the charges as an attempt to stifle freedom of the press. In October President Havel pardoned the two journalists, who then called for the case to continue in order to establish a legal precedent on the press' right to protect sources. A state attorney in November agreed to proceed with the prosecution; however, no trial had begun by year's end.

The closely watched false accusation and libel case of Zdenek Zukal continued. Zukal faces three charges of criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc. Originally Zukal had been charged 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. Zukal's trial has been delayed on numerous occasions and was ongoing at year's end.

At year's end, former television reporter Tomas Smrcek was awaiting trial on charges of deliberately endangering classified data. In a 1999 report on possible Czech intelligence service coverup of one of its official's drunk driving offense, Smrcek allegedly showed a classified document on the air. Smrcek faces up to 8 years in prison.

In October the far-right Republican Party (SPR-RSC) brought suit against the Human Rights Commissioner and the Ministry of the Interior for incitement to racial and ethnic hatred. The Ministry, at the proposal of the Human Rights Commission, has made a public tender for grant proposals for a study of the Republican Party (SPR-RSC) and its racist and anti-Semitic policies.

In September a member of the far-right Republican Party (SPR-RSC) was sentenced to 10 months in prison and 2 years' probation for spreading racial and national hatred. The man had placed photos of current Czech leaders in a display case with anti-Semitic labels (see Section 5).

In December publisher Michal Zitko was fined approximately \$53,000 (2 million Czech crowns) and given a 3-year suspended sentence and 5 years' probation for supporting and disseminating hate speech. Zitko had translated and published Adolf Hitler's "Mein Kampf" with no editorial commentary. The police seized 300 copies of the book. Also in December, a state attorney brought similar charges against Vit Varak for selling "Mein Kampf" on the Internet.

In December 1999, President Havel pardoned a Romani woman accused of defaming the Czech nation for comments she allegedly made about the construction of a wall dividing Roma and Czech communities in Usti nad Labem (see Section 5).

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 these

rights in practice; however, it may restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or otherwise jeopardize the safety of the participants. Permits are normally required for demonstrations, but police generally do not interfere with spontaneous, peaceful demonstrations. In October police detained around 900 antiglobalization protesters rioting outside the IMF/World Bank meetings (see Section 1.c.) and pressed charges against 20 of them.

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. 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. Prime Minister Zeman has called periodically for the Interior Ministry to reexamine or cancel the official registration of skinhead organizations and others propagating racial hatred or fascism. In March the Ministry of the Interior cancelled the registration of a neo-Nazi organization that had propagated anti-Semitic sentiment (see Section 5). In October the Ministry also refused to register the National Party, an extreme right-wing organization, as a civic association (see Section 3). It also started an investigation into the charter and program of the far-right Patriotic Republican Party.

### c. Freedom of Religion

The Constitution provides for freedom of religion, 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 1999 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. In July the Ministry of Culture requested a clarification from the Jehovah's Witnesses addressing their beliefs concerning blood transfusions. The Society for the Study of Sects and New Religious Trends, a religious observer NGO, accused the Jehovah's Witnesses of concealing the religion's restrictions on blood transfusions during its 1993 registration process. 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.

In March and May 1999, the Government established two commissions to improve church-state relations. One is a "political" commission with representation from the main parties currently in the lower chamber of 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, as well as church-related property questions. Members of the commissions also have advised the Ministry of Culture on a proposed new Law on the Freedom of Religious Belief and on the Status of Churches and Religious Societies. The proposal being considered is modeled on the religious registration law in effect in Austria. It would impose a two-tiered registration system, lowering the membership requirement for the first tier (non-profit religious association with limited tax benefits) to 300, but raising the membership requirement for the second tier (full religious association with benefit of state funding and property rights) to approximately 20,000. The new law would also impose a 10-year observation period on all first-tier organizations wishing to obtain second-tier status. Currently registered churches would automatically receive second-tier status. The proposed changes have been criticized by some unregistered religious groups (including the Muslims and the Church of Scientology) and nongovernmental observers as prejudicial against minority religions. Some argue that government agencies for the dissemination of information on "harmful sects" assume that the groups on which they maintain such information are automatically suspect, when in fact they are legitimate religious organizations.

Missionaries for various religious groups, including the Church of Jesus Christ of Latter-day Saints and Jehovah's Witnesses, are present in the country. Although they proselytize without hindrance within the country, a more restrictive law on visas for resident foreigners has complicated their efforts and drawn criticism. The new law went into effect January 1. It requires that aliens apply for work visas before entering the country and provide financial information when doing so. The law is aimed at stopping illegal workers and does not specifically prohibit religious workers.

In March the Government negotiated a framework agreement on the protection and preservation of the remnants of a medieval Jewish cemetery uncovered in 1997 at a commercial construction site in downtown Prague. More than 100 sets of remains removed by archaeologists in 1999 were to be reburied at the site. The remaining graves on the site were to be encased in cement. The Government agreed to pay \$1.2 million (45

million Czech crowns) in compensation to the Czech Insurance Company, owner of the site. Twenty-five adjacent parcels believed to contain intact graves from the same cemetery were designated a national cultural monument. Minister of Culture Pavel Dostal published an editorial piece in July concerning the negotiations over the cemetery that many observers considered anti-Semitic. Dostal denied any anti-Semitic intent. In September the remains were buried in the New Jewish Cemetery in Prague instead. Although the local Jewish community considers the matter settled, some international Jewish groups expressed dissatisfaction at the manner in which the Czech Insurance Company implemented the March agreement.

#### 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 rights in practice. Czechs who emigrated during the period of Communist rule frequently return to visit or live. A law passed in September 1999 permits such persons to regain 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. A new law on asylum that came into effect on January 1 improves refugee processing. It establishes a list of "safe countries of origin" from which applicants are unlikely to receive asylum, provides financial support for towns with refugee camps, and increases access to legal advice for asylum seekers. No independent body has been established to handle the appeals of those denied refugee status. 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. Two reception centers, six camps, and six integration centers are provided for recognized refugees. As of the end of 1999, the Government granted citizenship to 3,200 former citizens of Slovakia and 564 former citizens of other countries. The new citizenship law passed in September 1999 enabled thousands more "Slovaks" to become citizens (see Section 5).

From 1993 to 1999, 20,434 asylum applications were filed, of which 838 received formal refugee status for resettlement. During the year, 8,773 applications for asylum were filed. Through August, 100 applications were approved. In 1999, 79 persons received refugee status out of a total of 7,217 applications. Persons from Afghanistan, Russia, Slovakia, Ukraine, Sri Lanka, and India submitted the most asylum requests during the first half of the year. Of the 441 asylum applicants from the Russian Federation, 212 are Chechens. 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 1999 border police prevented 32,325 illegal entry attempts, down by 25 percent from 1998. Through the end of November, 30,651 illegal migrants were stopped at the borders. The camps set up in 1999 for Kosovar Albanian refugees are closed and there is not a significant number of Kosovar Albanian refugees who remain in the country.

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 and a law criminalizing the "illegal crossing of the state border." The authorities are working with neighboring countries to tighten border controls. In December 1999, Parliament passed new legislation on residence and visas. The new law considerably tightens previous rules for change of status and extension of stay and requires visas in advance for everyone but tourists. The number of illegal migrants detained by Czech authorities declined by 25 percent from 1998 to 1999, a result of stepped-up efforts and international cooperation. The number of illegal migrants detained by Czech authorities through September is roughly the same as over the same period in 1999. Illegal migrant groups were composed primarily of persons from Romania, Moldova, Ukraine, Afghanistan, India, Bulgaria, and Vietnam. 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 national, regional, and local elections. Elections for 14 new regional governors and parliaments were held November 12. These were the first elections for the new regional-level administration, created to improve citizens' access to democratically elected institutions. The elections were free and fair but turnout was low. 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. Political parties must register with the Ministry of the Interior. In October the Ministry denied registration to the far-right National Party because its constitution granted its leader a veto and prohibited its members from joining other associations. In December the Ministry publicly announced that it was conducting an investigation of the constitution of the far right Patriotic Republican Party to determine if the party should be deregistered. A new citizenship law passed in September 1999 remedied the situation for some persons, predominantly Roma, who were enfranchised under the former Czechoslovakia but who 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 previous citizenship laws (see Section 5). Amendments to the election law passed in July make it possible for nonresident Czechs to vote in national elections for the first time.

The Government of Prime Minister Milos Zeman took office in July 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 formally agreed to support the minority Social Democratic Government under certain conditions, the opposition consists of the Communist Party and a coalition of four small centrist and center-right parties. The Constitution mandates elections to Parliament at least every 4 years, based on proportional representation. In July the Parliament approved a new system with 35 smaller electoral districts in place of the former 8 large electoral districts. The new law also lowers government subsidies to political parties and raises the percentage of votes needed for parties running in coalition to enter Parliament. To enter Parliament, a single party must obtain 5 percent of the votes cast in the election; however, coalitions must obtain 5 percent of the votes per party (i.e. a three-party coalition would have to receive 15 percent of the votes cast to enter Parliament). The President and a group of opposition senators have challenged the law's constitutionality, complaining that the new law discriminates against small parties and prevents free political competition. An amendment to the party financing law enacted in September over a presidential veto increases the government subsidy to Members of Parliament and Senators. 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 of all members.

There are no restrictions, in law or 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 was a woman. A "shadow" cabinet comprised of prominent women politicians and activists was formed in March. The 200-member Chamber of Deputies has only 30 female deputies, including 1 deputy speaker. There are 10 female senators in the 81-member 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. For the most part, these Slovaks define their interests in the context of national 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 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 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.

During the IMF/World Bank protests in September, members of the nongovernmental legal observer teams (OPH) were not allowed into two facilities where arrestees were being held. Despite agreeing before the protests to an access procedure for OPH observers, police at stations in Branik and Ocelarska Street refused entry to observers. During the investigation of possible police misconduct that followed (see Section 1.c. and 2.b.), the police and Ministries of Justice and Interior were responsive to OPH's views.

In July 1999, Parliament passed 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 June the Government's Council for Nongovernmental Organizations announced it would be dedicating an additional \$37.5 million (1.5 billion Czech crowns) for organizations

focusing on human rights and the environment.

Former U.N. Human Rights Commission expert Petr Uhl has served as the Government's Commissioner for Human Rights since 1999. 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). A Council for Human Rights with 10 representatives of government ministries and 10 human rights activists was established in January 1999. The Council for Human Rights advises the Government on human rights issues and proposes legislation to improve the observation of human rights in the country.

On December 12, pursuant to legislation passed a year earlier, the Chamber of Deputies elected former Justice Minister Otakar Motejl "Public Rights Protector" or Ombudsman. Motejl, a political independent, resigned from the justice post in October. No Deputy Ombudsman was selected. By year's end, Motejl was still hiring and training staff, opening his office, and beginning public outreach. The Ombudsman will address citizens' complaints of violations of civil and human rights and freedoms by government entities. However, he will have no legal power to sanction offending individuals or offices.

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. In November the Government signed the European Charter on Minority and Regional Languages; the Chamber of Deputies continued debate on a law on ethnic minorities at year's end. 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, and women face discrimination in employment.

#### Women

The actual extent of violence against women is unknown; however, some studies by experts indicate that it is more common than publicly acknowledged. Public debate about it is rare, despite the efforts of women's groups to focus public attention on the problem. The Government maintains 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 strangers. According to police statistics, there were 500 rapes reported countrywide during the year, 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 the Interior runs a training program in protocols for investigating family violence and sexual crime cases.

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 are located in most major cities and towns and accept women who have been raped or abused; local NGO's provide medical and social assistance to women. According to NGO's, the situation has improved in recent years, but there are still 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 result in stricter sanctions on the abuser. The police are training specialized personnel to handle 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 sex shops 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.).

Sexual harassment, long ignored by the media and by society, was the focus of more attention during the year. A new labor law approved in May includes a definition of and prohibition against sexual harassment. The law defines sexual harassment as unwanted, inappropriate or offensive sexual behavior, acceptance or rejection of which could be interpreted by another employee as affecting her status in the workplace. A recent study commissioned by the newspaper Lidove Noviny noted that nearly half of the country's working women have been subjected to sexual harassment in the workplace. 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 have previously been ignored or dismissed. In 1999, however, a university student became the first woman to win a civil sexual harassment lawsuit.

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 20 percent, although the gap is narrowing. In May Parliament approved legislation banning discrimination in hiring and employment based on sex. Women enjoy equal property, inheritance, and other rights with men. The unemployment rate for women exceeds that for men by about one-third (10 percent to 7.8 percent) and a disproportionately small number of women hold senior positions.

A 1991 employment law bans discrimination on the basis of sex; however, in practice employers remained free to consider sex, age, or even attractiveness when making hiring decisions, since this did not necessarily constitute "discrimination" under then current legal interpretation. Employers often openly used such factors as age, sex, and lifestyle in their employment solicitations. July 1999 and May 2000 amendments to the law explicitly prohibit employment discrimination based on a variety of factors, including sex, race, skin color, sexual orientation, language, faith, health and family status. Repeated offenses are punishable by fines of up to one million Czech crowns. By midyear, the employment office in Plzen had warned around three dozen companies of discriminatory language in their classified job listings. No fines were levied; the discriminatory passages were removed in each case.

#### Children

The Government demonstrated 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. Education is free and compulsory from age 6 to age 15.

Child abuse and trafficking in children (see Sections 6.c. and 6.f.) continued to receive press attention during the year. The conviction of a group of foreigners for pedophilia was covered widely as were reports of pedophile activities in border areas with Germany. A British disc jockey and three other foreigners were convicted in May on charges of pedophilia and sentenced to 33 months in prison. Press and government reports throughout the year indicated that Central Europe is still a popular 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. In July the Government approved a National Plan Combating Commercial Sexual Abuse, giving the Ministry of the Interior coordinating responsibilities. Laws against child pornography are enforced; in January a Czech was sentenced to 1 year in prison for offering a child pornography CD-ROM on the Internet. 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. Between 50 and 100 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 1999, 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 segregation throughout the educational system. The Ostrava Court in October 1999 dismissed the case, stating that despite evidence of a pattern of discrimination, individual cases of discrimination had not been proved since due process with respect to psychological evaluation and testing with parental consent had been followed in each child's case. The Court also ruled that it was not competent to force the Ministry of Education to provide non-discriminatory education. In April the ERRC took the case to the European Court of Human Rights in Strasbourg; a decision is pending. In February an amendment to the law governing schools eliminated the restriction on "special school" graduates from applying to regular secondary schools (see Section 5).

#### 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. Many buildings and means of public transportation remain inaccessible to those in wheelchairs, although access is improving. In Prague 22 of 48 metro stations and 4 bus lines are accessible to the disabled. A 1994 Economic Ministry regulation and an update to the 1998 Construction Code require architects to ensure adequate access for the disabled in all new building projects, as well as in older buildings undergoing restoration. These regulations are applied in practice. In July the Government passed a law requiring access for the disabled to all museums. Also in July the Government required the State Fund for Transportation to provide transportation subsidies for the disabled. 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. These NGO's report that, although problems persist, the situation of the disabled is receiving more attention and is vastly improved from that of 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

In January a court in Jeseník sentenced Jiri Tuma to 10 months in prison for displaying racist and anti-Semitic symbols in public and propagating a movement that suppresses citizens' freedoms and rights. Also in January a court dropped charges of inciting racial hatred against Vladimir Skoupy, a leader of the National Alliance. At an October 1999 rally, Skoupy had questioned whether the Holocaust had ever occurred. A local prosecutor stated that because Holocaust denial was not illegal (a law passed in September criminalizes Holocaust denial) and because Skoupy's comments were not insulting or belittling, he could not be convicted (see Section 2.a.).

In March Minister of Interior Vaclav Grulich officially disbanded and canceled the registration of the National Alliance, an extreme right-wing, neo-Nazi organization whose leaders consistently have propagated anti-Semitic sentiment and publicly questioned the occurrence of the Holocaust (see Section 2.b.). The Patriotic Front, an extreme right-wing association accused of denying the Holocaust, was warned by the Interior Ministry in November 1999 that it was violating human rights and fundamental freedoms. A month later, the Association changed its charter to eliminate offending sections and has made no further public anti-Semitic statements.

At an April rally, members of the National Alliance and another extreme right-wing entity, the Patriotic Front, threatened to deface or remove explanatory plaques installed at the urging of the North American Boards of Rabbis in March on the historic Charles Bridge in Prague. The plaques, in Czech, English, and Hebrew, describe the origin of a medieval sculpture of Christ on the Cross--one of many sculptures on the bridge--that bears an offensive Hebrew inscription.

In December 1999, as part of a display on the struggles of the extremist right-wing Republican Party (SPR-RSC) 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. A member of the Republican Party responsible for the display was arrested in January and in September

sentenced to 10 months in prison and with 2 years' probation for spreading hatred and racism (see Section 2.a.). In December a publisher, Michal Zitko, was fined \$53,000 (2 million Czech crowns) and given a 3-year suspended sentence and 5 years' probation for supporting and disseminating hate speech. He had published without editorial comment or annotation a Czech-language version of Hitler's "Mein Kampf." (See Section 2.a.) In December a state attorney brought charges of disseminating hate speech and propagation of a movement aimed at suppressing rights and freedoms against Vit Varak for selling "Mein Kampf" on the Internet.

The case of a man charged with organizing a ring in Plzen that produced and distributed racist, fascist, and anti-Semitic materials was ongoing at year's end. In February 1999, police arrested 12 members of the ring and confiscated numerous racist publications, along with membership lists, indicating that the group was part of a large, well-organized movement with ties to groups in several other European countries. Charges were dropped against all others involved, but the leader still faces up to 8 years in prison for supporting and propagating a movement aimed at suppressing rights and freedoms. In December police in Zlin uncovered another group distributing neo-Nazi recordings, publications, and badges. A 21-year-old woman was charged with suppressing rights and freedoms. Police confirmed the existence of over 20 underground magazines with small circulations propagating fascism, racism, and anti-Semitism.

In February 1999, police in Plzen arrested 12 leaders, producers, and distributors of racist, fascist, and anti-Semitic materials. The raid netted large amounts of fascist and racist materials, including membership lists, indicating that the group was part of a large, well-organized movement with ties to groups in several other European countries. Those arrested were charged with supporting and propagating a movement dedicated to the suppression of the rights and liberties of citizens, an offense punishable by up to 8 years in prison. The owners of the firms charged with having produced the fascist and anti-Semitic materials face the loss of their operating licenses. The case against those arrested is still pending. 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 65 percent of the respondents in a September opinion poll admitted to an unfavorable opinion of Roma and to racial intolerance, with more than 50 percent saying that there were too many non-Czechs living in the country. A court case charging editors of a Republican Party (SPR-PSC) magazine (leaders of this extreme right-wing party espouse 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. Until July there was one full-time Romani anchorman on television. He was placed on administrative leave after being charged with tax and welfare fraud and after the resolution of his case did not return to the air. There is one full-time anchorman of Ghanaian background on TV Nova. During the year, more and better information on Romani issues became available in the mainstream press and other sources. A November poll showed that a majority of Czechs (53 percent) believe that the media cover Romani issues well. To improve media reporting on Romani issues, a Romani journalism course was established in the College of Publicity, and the first students graduated in February of 1999. 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. An estimated 5,000 skinheads are active in the country. The Documentation Center for Human Rights recorded more than 1,800 racially motivated attacks over the past 8 years, in which nearly 32 persons died. Last year police recorded 364 "racially-motivated or extremist crimes," up from 316 in 1999. However, police and courts sometimes are reluctant to classify crimes against Roma as racially motivated, and the actual figures likely are higher.

In November 1999, 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. In July the trial of the 23 skinheads began; the process is currently ongoing.

In August 1999, 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. The skinheads threw bricks and stones at the Roma while yelling racist epithets. Police charged 12 persons with rioting, property damage, and violence, although they were not charged with racially motivated crimes. A decision in the case was still pending at year's end.

In July 1999, 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. In January a court ruled that the assault was not an organized attack and therefore the six could not be tried as a group. The court then found four of the attackers not guilty and placed two of them on probation. In July the Justice Ministry filed a complaint before the Supreme Court against the court's decision to try each defendant separately. In August the court overturned the previous verdict and criticized the lower court for its ruling that the attack was not an organized one. The case returned to the lower court for a new decision based on the Supreme Court's instructions.

In a November 1998 incident in the city of Hodonin, a group of skinheads 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. During the trial, the prosecution presented evidence that the defendant had a previous conviction for shooting a pistol into a group of Romani youth in front of a nightclub (he was subsequently pardoned by President Havel). On July 19, a judge convicted him of attempted bodily harm and disturbing the peace, rejecting the more serious charge of assault with racial motivation. He was given a 2-year suspended sentence, the most lenient allowable. The judge also declined to impose any monetary sanction on the defendant. The judge ruled that as the victim had, according to testimony by an expert medical witness, suffered no permanent physical damage (a claim disputed by the victim), a stiffer sentence was unwarranted. In November an appeals court again rejected the prosecutor's contention that race had been a motive in the attack. The court lengthened the sentence by 6 months, still suspended, and 3 years' probation. The court also imposed on the defendant a fine of \$3,000 (12,000 Czech crowns) to cover the victim's medical expenses.

The sentences of three skinheads found guilty of the 1995 murder of Rom Tibor Danihel were confirmed. The Justice Minister had filed a complaint in 1999 against the High Court for annulling the convictions on technical grounds.

Rom Milan Lacko died in 1998 after being beaten by a group of skinheads, then being hit and killed by a vehicle driven by police officer Marian Telega (see Section 1.c.). In 1998 the skinheads charged with beating Lacko then leaving him in the road were given suspended sentences. The court absolved the attackers of responsibility for Lacko's death, placing the blame on the truck that allegedly hit him. After that acquittal, five skinheads were fined and given prison terms of 12 to 14 months for appearing at the trial wearing swastikas and making racial jokes and insults to the media, the victim's family, and supporters in the courthouse. The case was re-opened in October when experts testified that Lacko had died as a result of being hit by a car driven by a police officer. In December the court sentenced four young men to sentences of 3 years in prison, 1 year in prison, 2 years of probation, and 11/2 years of probation. All four were found to be indirectly responsible for Lacko's death; the one defendant who admitted to attacking the victim was convicted of attempting to cause bodily harm and given the longest sentence. Police officer Marian Telega was given an 18-month sentence and 21/2 years' probation.

Prime Minister Zeman consistently called for the cancellation of the official registration of groups sympathetic to the skinhead movement. In March the Minister of Interior officially disbanded and canceled the registration of the National Alliance, an extreme right-wing, neo-Nazi organization whose leaders consistently have propagated anti-Semitic and anti-Roma sentiment (see Section 2.b.). A 1999 police raid in Plzen led to the arrest of 12 skinhead leaders, distributors, and producers of Nazi materials. Another extreme right wing group, the Patriotic Front, changed its charter to eliminate offending sections after being warned in November 1999 by the Interior Ministry that it was violating human rights and fundamental freedoms. The raid also netted large amounts 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. Charges were dropped against all but the leader, who faces up to 8 years in prison

for supporting and propagating a movement aimed at suppressing rights and freedoms.

In July a series of attacks against Roma and Romani homes and facilities took place in Rokycany. On July 5, three young men attacked a group of six Roma in Osek, near Rokycany. Two victims were slightly injured. The attackers were charged with race defamation and organized assault. On July 14, an unknown perpetrator broke a window at a Romani community center run by Romani activist Ondrej Gina and threw gasoline into the facility; no fire ignited. The same night, Gina received anonymous racist phone calls and a bomb threat at his home. Also that night, a group of young men on motorbikes threw Molotov cocktails at the house of another Rom, Jiri Gina (no relation to Ondrej Gina). Three 17-year-old members of a previously unknown group, Czech Lion (Cesky Lev), were arrested and charged with a racially motivated attack. At year's end, investigation of the case continued; the three accused were not in police custody.

In August a state prosecutor filed charges of tax evasion and welfare fraud against Ondrej Gina; his son, Ondrej Gina Jr.; and Gina Jr.'s wife. Gina Jr., the only Romani anchorman on Czech television, took administrative leave from his job. In October a court halted proceeding against Gina Jr. and his wife after they admitted to having presented false information on their tax return and fraudulently collecting social benefit payments. They agreed to pay back around \$650 (25,000 Czech crowns). Gina Jr. did not return to his previous anchorman position. In November additional charges of fraud relating to management of Romani Community funds were filed against the elder Gina. The investigation against him was ongoing at year's end. Several Romani organizations have accused Rokycany authorities of racism and selective prosecution.

In September three policemen in Brno allegedly stopped Rom Martin Tomko arbitrarily on the street, asked for his identity documents, then, after an argument, beat Tomko and left him unconscious in a park (see Section 1.c.). In December two of the policemen were charged with abuse of public office and inflicting bodily harm. The third, who was off duty at the time of the attack, was charged with disturbing the peace and inflicting bodily harm.

Other attacks were reported throughout the year. In January in Novy Jicin a man attacked two Roma men at a disco while shouting racial slurs. He was charged with defamation of a nation or race and with rioting. The case was still pending at year's end. In February a group of approximately 15 skinheads, cheered on by bar patrons, attacked and beat five Roma in a bar in Nachod while shouting racial epithets. One attacker was charged with rioting, but no racial motive was ascribed to the attack by investigators. In July on a road near the village of Osek, three men followed, verbally harassed, and then attacked six Roma. Police charged the three with rioting and defamation of race. Both cases are still pending.

In November media reported on a Romani family in Ostrozka Nova Ves that received racist threats during the year. On one occasion an unknown person broke a window in their home, leaving a letter with a swastika threatening to kill them unless they moved out of town. Police were still investigating the case at year's end.

There were reports of racially motivated Roma-instigated attacks on others during the year. In October a Rom attacked townspeople with a hatchet while shouting racist insults. A July Ministry of Interior report indicated that Roma were the perpetrators in 12 percent of racially motivated attacks in 1999.

In August the founder of an NGO dedicated to improving Czech attitudes towards ethnic minorities received violent, racist threats via e-mail and telephone. In September thousands of Czech mobile phone users received electronic messages on their phones promising free phone time for every Roma they killed.

Racial and ethnic tensions and discrimination in society continued to be the object of much media attention during the year. Even when federal authorities have spoken out on these issues, local attitudes often have proven impervious to change. In October 1999, local authorities in Usti nad Labem built a wall dividing a Romani apartment complex from its non-Romani neighbors across the street. After a national and international outcry against the wall, the Government negotiated its removal in November 1999, agreeing to provide a grant of \$250,000 (10 million Czech crowns) to improve social conditions in the area. The houses of Czechs who refused to live near the Romani community were bought for \$79,000 (three million crowns); one of the houses was converted into a new police station; the others remain unoccupied. A playground was opened on the street in September and trash is now collected regularly there (neighbors' complaints of children playing in the street and uncollected trash littering the area had led to the proposal of the wall's construction). A portion of the dismantled wall now stands in the municipal zoo. In a February opinion poll, however, three-fourths of those surveyed blamed the wall controversy on the Roma's inability to adapt to rules of normal social behavior. Several NGO-supported projects aimed at improving Czech/Roma relations in the area were started during the year.

In October the Committee for the Compensation of Romani Holocaust Victims unveiled commemorative plaques at the site of a Romani concentration camp in Lety. In 1999 the Government provided \$12,500

(500,000 Czech crowns) for the project when a poll showed that only 11 percent of respondents were willing to assist in financing the Lety Project (and less than one-fourth were aware that Roma were persecuted under the Nazi regime). The Government completed the transfer of archives related to the site to the U.S. Holocaust Memorial Museum. In 1999 the Human Rights Commission recommended the removal of the pig farm built on the site in 1974, yet it remains.

Roma wishing to integrate face practical difficulties in the areas of employment and education. Estimated unemployment among Roma is 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. An amendment to the Labor Code prohibits hiring and employment discrimination based on ethnic origin, but no enforcement statistics are yet available. Under the law, individual Roma do not have the right to file discrimination complaints; action must come from governmental authorities. 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 June the Government approved a Plan for Roma Integration aimed at combating discrimination against the Romani community. The plan tasked the Human Rights Commissioner with proposing legislation in 2001 designed to give advantage to Romani firms in placing public orders.

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, after a psychological exam, 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 1999 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 1999 and stated that it did not have the power to order the Ministry of Education to create programs to end racial discrimination. In April the families took the case to the European Court of Human Rights in Strasbourg; a decision is pending. The Ministry of Education later took steps independently to implement some of the recommended changes. In December 1999, the Parliament revoked the restriction on students in special schools from applying 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 addition the Ministry of Education is working on changes to the psychological exam given to Czech children that many claim is culturally biased against Romani children. Children are assigned to "special schools" based on poor results on the exam.

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. More than 100 zero grades now operate throughout the country. 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. 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. According to the Ministry of Education, there are now 200 Romani assistant teachers in the school system, which is an increase from 144 last year. In 1999 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. The Ministry of Education ordered a textbook for use in schools on the cultural and historical roots of the Romani minority and on successful members of the Romani community. 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.

"Roma advisors" or "Roma assistants," created by the Interior Ministry to advise local authorities on Romani issues, now serve in all 73 of the country's district offices and at the Prague, Brno, Ostrava, and Plzen town halls. Over 60 percent of the advisors are Roma. The positions, originally slated for elimination at the time of a scheduled federal restructuring, will continue under the title of "regional advisors for ethnic minorities" beginning in 2003. Many advisors have made a significant contribution to their communities, but some Romani communities have complained of advisors' ineffectiveness and called for their removal. The advisors themselves have in some cases felt hindered by the lack of procedural instructions for carrying out their duties

and a clear legal mandate.

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. The only Romani Member of Parliament reported having been denied entry to restaurants and clubs on numerous occasions. A civil court awarded her damages this year from a club owner in Brno who had refused her entry. Rokycany pub owner, Ivo Blahout, who in 1995 refused to serve Romani patrons, was fined \$200 (8,000 Czech crowns) in May. He had been acquitted previously three times; he appealed the sentence but no decision had been made by year's end.

There were occasional reports of anti-Roma petitions, which complained that Roma are noisy on the street, listen to loud music, make messes, and spoil the neighborhood. In January 400 residents of Karlovy Vary signed a petition against a plan to open a Romani cultural center in the Doubi town district.

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. The numbers applying to the United Kingdom have decreased; most requests for asylum there are denied. Roma began applying in greater numbers for asylum in other European countries such as Belgium, Finland, and the Netherlands, and in New Zealand. An estimated 10,000 Czech Roma have emigrated in the last 3 years. Roma activists state that the motive for the increased emigration is fear of racism, violence, and discrimination. A February poll indicated that 62 percent of Czechs believe the Roma are departing for economic reasons. In December the Government of New Zealand announced the imposition of a visa regime with the Czech Republic effective in 2001 in response to the growing number of Romani asylum applicants. The Honorary Czech Consul in New Zealand reacted by declaring that the Roma were not Czechs. The Ministry of Foreign Affairs strongly condemned his comment.

The Government and some local municipalities reported some success with programs designed to deal with drug addiction and crime prevention in the Romani community during 1999. In December 1998, the Interministerial Commission for Romani Community Affairs 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 in housing, education, and discrimination. The Commission was budgeted \$625,000 (25 million Czech crowns) for projects to assist in integration of Roma. There also was an active effort underway during the year to identify, train, and recruit qualified Roma to serve in law enforcement. The first group of police trainees completed the national police academy's course in Romani language and culture, designed to facilitate police officers' improved communication and response to the Romani communities in their precincts. One government initiative, the three "Romani-inspector" positions authorized to penalize shop and restaurant owners who refuse service to Roma, has been criticized for ineffectiveness and lack of resources.

In June the Human Rights Commission concluded its seven-month "Project Tolerance" campaign. The \$250,000 (10 million Czech crowns) project consisted of public opinion polls on Czech attitudes towards ethnic minorities and foreigners; "tolerance rides" (information campaigns in which Romani and non-Romani educators visited schools to talk about racism and the history of the different ethnic groups in the country); teacher training; funding for Romani cultural events; and a webpage. The campaign also included a series of billboards, radio, newspaper, and television advertisements designed to promote public discussion of racial tolerance and to improve public opinion toward Roma. In September the commission announced that the project would continue for another year.

In September 1999, Parliament passed a 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 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 continuously 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. Roma activists claimed that some local officials are refusing to process Czech citizenship applications for "Slovak" or stateless Roma families in violation of the law. In one case a "Slovak" applicant was denied Czech citizenship illegally then required to leave the Czech Republic, thus losing his continuous resident status and voiding his citizenship claim. The law does not provide benefits to those who were denied citizenship and benefits and expelled between 1993 and 1999. Many local authorities and Roma are also apparently unaware that any changes to the citizenship law have been made.

#### 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.

There were no major strikes during the year. The Association of Independent Trade Unions, comprised of seven unions, staged a token strike protesting unpaid wages, unemployment, and pension reform in March, blocking a Prague road and halting train service in some areas.

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.

The 2000 ICFTU Annual Survey of Trade Union Rights alleges that some employers refused to bargain or used obstructive tactics to prevent collective agreements from being concluded.

There are 11 free trade zones. Their workers possess 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 Sections 6.d. and 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 Sections 6.c. and 6.f.). However, trafficking in children is a problem. Employment conditions for children aged 15 to 18 are subject to strict safety standards.

#### e. Acceptable Conditions of Work

The Government sets minimum wage standards. In June the Government increased the minimum wage by 500 Czech crowns to 4,500 per month, about \$113. Due to currency exchange rate shifts, this represented no change in dollar terms from the minimum wage of a year ago (approximately \$115 or 3,600 Czech crowns). The monthly average is approximately \$337 (13,473 Czech crowns) per month. Average net wages are 2.8 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 a problem during the year.

In May the standard workweek was reduced to 40 hours from 42 1/2, effective January 1, 2001. It also requires paid rest of at least 30 minutes during the standard 8-hour workday, as well as annual leave of 4 to 8 weeks, depending on the profession. Overtime ordered by the employer may not exceed 150 hours per year of 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. The Czech Republic is a source, transit, and destination country for trafficking in persons from the former Soviet Union, Africa, Asia, and the Middle East. Czech women and girls are trafficked to Western Europe, such as to Germany. Organizing prostitution or pimping 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. In February the Czech office of the International Organization on Migration (IOM) completed the first stage of an extensive information and media campaign aimed at educating women about avoiding entrapment in trafficking for prostitution schemes and providing information on organizations that assist victims of trafficking.

In March, 13 people were arrested in West Bohemia for luring women from Russia, Bulgaria, and Ukraine and forcing them into prostitution, among other charges. Also in March, a raid in Austria broke up an international ring that trafficked Czech and Hungarian women into prostitution. Police maintain close contact with the IOM and other NGO's in order to provide services to women left penniless and homeless after trafficking arrests.

The full extent of trafficking in children is unknown; however, convictions of child sex offenders are reported routinely in the media. For example, the May conviction of a group of foreigners for pedophilia was covered widely, 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 Czech Republic for the purpose of soliciting sexual activity from adolescents (particularly young Roma). Following these incidents, police personnel took measures to prevent this type of "sex tourism" more effectively. Police maintain patrols in high-risk areas, enforce curfew-type policies more actively, and work to raise public awareness of the issue through the media. In two separate cases in February, men in the Teplice region were arrested for providing Czech children to German pedophiles. Despite increased police efforts, press reports still indicate that in many border regions sexual tourism with adolescents continues. In November police conducted raids at 7 nightclubs in 4 districts of the country, arresting 10 persons.

[End.]