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## Czech Republic

### Country Reports on Human Rights Practices - [2005](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 8, 2006

The Czech Republic is a constitutional democracy of approximately 10.2 million persons. The bicameral parliament elects as head of state a president, who then appoints a prime minister as head of government. Free and fair elections held in 2002 resulted in a coalition government led by the Social Democratic Party. Although civilian authorities generally maintained effective control of the security services, some members of the security forces committed human rights abuses.

The government generally respected and protected the human rights of its citizens; however, the following human rights problems were reported:

- occasional violence and use of excessive force by the police
- lengthy pretrial delays
- widespread corruption at all levels of government
- violence and discrimination against women and children
- trafficking in persons
- violence and discrimination against the Romani minority

#### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearances

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, there were reports that police occasionally used excessive force. Unlike in previous years, there were no reports that police mistreated Roma.

The office for the documentation and investigation of the crimes of communism (UDV) continued to investigate actions taken by government authorities and Communist Party members during the 1948-1989 Communist regime. According to the office, 25 former Communist-era secret police (StB) officers were prosecuted for their participation in antidissident raids in the Asanace operation (a concerted campaign of harassment, torture, and abuse directed at opponents of the Communist regime during the 1970s and 1980s). Eighteen former secret policemen were sentenced to prison, with two additional sentences still pending; five other cases were still under investigation. Since 1989 the government has convicted 90 former StB officials and sentenced 26 to prison.

In September two former secret police agents were charged with the torture and persecution of dissidents during the 1970s. The trial was pending at year's end.

There were no developments in the case of police brutality alleged by a Briton and a New Zealander in April 2004. At year's end no action had been taken on their appeal of the decision to dismiss the case for lack of evidence.

The police reportedly used excessive force against concert attendees in July (see section 2.b.).

In January two police officers, Marek Vrstil and Karel Berousek, were convicted of assaulting a Romani family in their home in

Popovice u Jicina in 2003. One officer received a 20-month suspended sentence and 4 years' probation; the other received a 1-year suspended sentence and 3 years' probation. The judge stated at the sentencing that the prosecution had not adequately proven racial motives for the attack. In 2004 the three other police officers tried for the attack were found not guilty by the district court in Jicin.

The government increased awareness among police and prosecutors of racially and ethnically motivated crimes by integrating Roma-specific issues into training programs; gathering data on victimization rates; and researching anti-extremist strategies. Police and prosecutors showed greater awareness of the seriousness of crimes with racial and ethnic motivations, but observers nevertheless criticized the effectiveness and timeliness with which such crimes were investigated (see section 5).

#### Prison and Detention Center Conditions

Prison conditions generally met international standards, and overcrowding decreased during the year. The government permitted visits by independent human rights observers.

A July 2004 amendment to the law requiring half of an inmate's earnings from prison work to be returned to the government as reimbursement for damages, prison costs, or court costs spurred protest by roughly one-third of the one thousand inmates at Vinarice prison.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### Role of the Police and Security Apparatus

The national police are responsible for enforcing the law and maintaining order and were generally effective in doing so. The internal security service, an intelligence and information gathering service with no powers of arrest, reports to parliament and to the prime minister. Police corruption was a problem. The Ministry of Interior oversees the police, and the ministry's inspectorate is responsible for investigating allegations of police misconduct. The government continued to implement police reforms that included oversight measures, improved methods for reporting corruption, and better education and training for police.

According to Ministry of Justice records, the government conducted 115 bribery investigations during the year and convicted 89 public officials of abuse of authority. Of the 107 officials convicted for all corruption-related offenses, only 8 were sentenced unconditionally, with sentences of up to 5 years in prison. Many observers were dissatisfied with the minor cases of corruption often pursued by investigators, and with the generally ineffective investigations and prosecutions of larger-scale malfeasance.

During the year the government continued efforts to recruit Roma to serve in law enforcement and to improve police relations with the Romani community (see section 5).

#### Arrest and Detention

Persons suspected of crimes were apprehended openly, with warrants based on sufficient evidence and issued by a prosecutor, and brought before an independent judiciary. Police may detain persons without charge for up to 48 hours, during which time they have the right to counsel at government expense, although they may not contact family members. After 48 hours, police must have determination from a judge and prosecutor that the suspect will be charged before they can detain the suspect further. When the judge and prosecutor decide to charge the suspect, the suspect may contact family members. In some instances a judge may allow a person to be detained for up to 90 days before charges are formally filed to allow further criminal investigation ("investigative detention"). The law provides for bail except for certain serious crimes or to prevent witness tampering.

Lengthy pretrial detention was a problem. Under the law except for "exceptionally grave" offenses, pretrial detention may last no longer than two years. In practice the average length of pretrial detention during the year rose to 147 days, compared with 145 days in 2004. Thirty-five pretrial detainees were held for longer than 2 years, approximately 1.2 percent of all pretrial detainees. A suspect may petition investigating authorities at any time for release from detention.

#### Amnesty

During the year the president granted 51 amnesties for persons released from prisons or detention centers.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision; however, judicial effectiveness was hampered by political influence, structural and procedural deficiencies, and a lack of training and resources. There were allegations of judicial corruption, particularly surrounding bankruptcy and commercial courts. In April Usti nad Labem regional court judge Jiri Berka was arrested and charged with criminal conspiracy and other acts. The pretrial investigation was ongoing at year's end.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal, but a separate Constitutional Court adjudicates the constitutionality of legislation. Judges are nominated by the minister of justice and appointed for life by the president. The senate confirms Constitutional Court judges. Defendants may appeal the decisions of the district courts through several judicial layers to the Supreme Court. Noncriminal cases are handled by the administrative court system, of which the highest court is the supreme administrative court.

During the year several events occurred that damaged public perception of the judiciary's independence from improper political influence. In September long-time Chief State Prosecutor Marie Benesova was removed from her position following a series of disputes with Justice Minister Pavel Nemecek. Benesova was widely respected for her tough stand against corruption, and her removal led to concern that future prosecutors may be insufficiently insulated from political pressures.

In August the government extradited a member of the Qatari royal family who had been a long-time resident of Prague and who had been convicted of four counts of sexual abuse of minors. The government did so despite concerns that he would not face serious punishment in Qatar, and many observers questioned the ability of victims to seek legal redress through the court system.

In January 2004 the Ministry of Justice established a new hotline for citizens to report suspected judicial corruption. Through October the hotline received and reviewed 57 calls during the year, compared with 263 in all of 2004. An additional 47 written complaints were received, compared with 137 in 2004. Of all corruption complaints received, 56 percent concerned judges, 9 percent involved prosecutors, and 19 percent concerned other officials. The ministry resolved 68 percent of all reports through a direct response; 17 percent were forwarded to the corruption police for further investigation.

#### Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public, but juries are not used. Instead, a panel of judges rules on guilt or innocence in serious cases, with all other cases heard by a single judge. Defendants have the right to be present and to consult with an attorney in a timely manner and at state expense. Defendants may confront or question witnesses against them, and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants are presumed innocent and have a right of appeal. The law extends these rights to all citizens.

There is a significant backlog of cases. During the year the European Court for Human Rights (ECHR) received approximately one thousand complaints from Czech citizens, most related to the extended length of court proceedings.

#### Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice. However, there were reports of local governments using various methods to evict Romani residents. The government continued to investigate allegations of the forced sterilization of Romani women and prosecute accused perpetrators (see section 5).

Several cases involving the alleged involuntary sterilizations of Romani women proceeded in the courts. In September 2004 the European Roma Rights Center (ERRC) accused the government of continuing the forced sterilization policies of the former Communist regime. The ERRC and its partners asserted that this practice continued well after the fall of the regime and argued that often the victim's consent was either not obtained at all or was obtained under circumstances that rendered informed consent impossible.

Over the last 30 years a total of 78 women (10 of whom were non-Roma) have complained about forced sterilizations to the office of the ombudsman for human rights. During the year the ombudsman referred five cases against health systems workers and administrators for further criminal investigation and possible prosecution. Investigations were ongoing at year's end.

In November the district court in Ostrava ordered the Ostrava hospital to apologize to Helena Ferencikova, a Romani woman sterilized in 2001 following the birth of her second child. Ferencikova appealed the decision in order to seek monetary damages. The appeal was pending at year's end.

#### 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 generally respected these rights in practice. In October the NGO Reporters Without Borders issued a report citing the country for its strong protection of press freedoms.

The law mandates prison sentences between six months and three years for persons who deny Communist crimes or the Nazi Holocaust. Speech inciting hatred based on race, religion, class, nationality, or other group affiliation is also illegal and carries

a sentence of up to three years in prison.

The government can enforce legislation banning hate speech by stopping unauthorized concerts, gatherings, or activities (see section 2.b.). In two separate incidents in July and November, police halted neo-Nazi concerts in Zlata Olesnice and Libovske Udoli, respectively.

Denis Gerasimov, who was charged by police in January 2004 for having Nazi propaganda in his bag, was first found innocent in October 2004. His second trial concluded in April and resulted in another acquittal.

The independent media were active and expressed a wide variety of views without restrictions.

Observers criticized the December decision of Cesky Televisie (the publicly funded, government-owned television station) to cancel Bez Obalu, a popular program of political satire. The cancellation immediately followed criticism of the show by Prime Minister Paroubek, who had been frequently satirized on the program. Although the station cited the cost of producing the show as a factor in the decision, it also stated that it had applied the same standard of political balance that is used for news broadcasts.

There were no government restrictions on the Internet or academic freedom.

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice; however, the government may legally restrict meetings that promote hatred and intolerance, advocate the suppression of individual or political rights, or jeopardize the safety of participants. Permits normally are required for demonstrations, but police did not interfere with spontaneous, peaceful demonstrations during the year.

The government may enforce legislation banning hate speech by stopping unauthorized concerts, gatherings, or activities (see section 2.a.). In July several hundred police in the western town of Mlyncz forcedly dispersed individuals at an annual outdoor techno concert called "CzechTek" because the concert had not been adequately registered. Many nongovernmental organizations (NGOs) and observers alleged that police used excessive force in breaking up the concert. Dozens of injuries among both concertgoers and police resulted, and many fans were arrested. Following an outcry by media and human rights groups, the interior ministry initiated an investigation into the incident and cleared the police leadership of wrongdoing, although individual officers may face prosecution or disciplinary action at the conclusion of the investigation, which was ongoing at year's end. Two of the 18 concertgoers detained by police were formally charged with acts of violence against police. Their cases were pending at year's end.

### Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice. Organizations, associations, foundations, and political parties were required to register with local officials or the interior ministry. The law prohibits political party activities on university campuses but students are permitted to form their own political groups.

## c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

All religious groups officially registered with the culture ministry are eligible to receive limited tax benefits and government subsidies. In order to qualify for first-tier status, which provides tax exemption, groups must have 300 adult permanent resident members. If a group wishes to attain the second-tier registration level, which confers specific additional rights (such as teaching religion in state schools, delegating persons to perform clerical activities in the military, qualifying for government financial subsidies, and being entitled to perform marriages and establish church schools), the group is required to have been registered for 10 years and to obtain signatures equal to 1 per every 1,000 citizens based on the last census, or approximately 10,200 persons. Very few smaller or less-established religions were able to obtain the required signatures to obtain second-tier registration. Several unregistered religious groups have criticized the law as discriminatory against smaller religions. Religious organizations also have the option to register as a civic association rather than go through the tiered registration process. Religious groups registered prior to 1991, such as the small Jewish community, are not required to meet these conditions for registration. There are 26 officially recognized religious groups.

Unregistered religious groups may not legally own communal property, so they often formed civic-interest associations for this purpose. Unregistered religious groups otherwise were free to assemble and worship as they chose, and their members issued publications without interference.

There were no developments in the 2004 plans to construct mosques in Teplice and Orlova.

In January the supreme administrative court upheld the culture ministry's 2002 decision to abolish the state office that had administered confiscated Catholic Church lands since the late 1700s. According to Catholic Church officials, this point of

contention with the government, along with several other issues, slowed progress in the resolution of restitution claims. Although the government was committed to the restitution of Jewish and Catholic property seized under Nazi or Communist governments, the restitution of Catholic property was extremely slow and contentious in practice.

#### Societal Abuses and Discrimination

The country had a Jewish population of several thousand persons. There were a few anti-Semitic incidents during the year.

For example, in April vandals destroyed several tombstones in the Jewish cemetery in Hroznetin. Police investigation of the crime resulted in no arrests.

In February following charges of anti-Semitism by the Israeli ambassador, the local company Mountfield canceled a series of television advertisements featuring a derogatory and stereotypical portrayal of an orthodox Jew.

Following parliament's February 2004 approval of a law designating a Holocaust Remembrance Day, ceremonies were held on January 27 in Prague.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 78 persons during the year.

Current law establishes a list of "safe countries of origin" from which applicants are unlikely to be granted refugee status, but it does not automatically bar such applications. Applicants whose cases were denied could appeal to the appropriate regional court. In May parliament amended the law to require regional court decisions to be reviewed by a five-judge panel, which refers cases requiring further attention to the supreme administrative court. The amended law also stipulates that only exceptional cases may be appealed to the supreme administrative court following a rejection by the regional court. During the year over 4,000 persons applied for asylum, approximately 1,500 fewer than in 2004, continuing a downward trend that experts attributed to EU rules for applying for asylum. The government granted asylum to 251 persons, according to the interior ministry.

In August the Constitutional Court issued a decision that either asylum hearings be conducted in a language comprehensible to the applicant, or that the government provide an interpreter. This ruling was prompted by the appeal of Vasylyl Petriv, who had been denied asylum in 2003 but asserted that he had not understood the proceedings, which were conducted in the Czech language. Petriv received asylum after the Constitutional Court ruling.

The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

The most recent national elections were held in November 2004 for the senate, and were considered free and fair. Individuals and parties could freely declare their candidacy and stand for election.

In March the Romani Democratic Social Party was established to become involved in the coordination of government programs targeting Roma. In March the party announced its intention to field candidates in the 2006 general legislative elections.

Women and ethnic minorities were generally underrepresented in politics and government. There were 33 women in the 200-seat chamber of deputies and 10 women in the 81-seat senate. There were 2 women in the 20-member cabinet.

There were no members of minorities in the 200-seat chamber of deputies, the 81-seat senate, or the 20-member cabinet. One justice on the Constitutional Court was an ethnic Slovak. Of the estimated 150 thousand to 175 thousand Roma in the country, few were integrated into political life (see section 5). Few Roma served in local government, although some were appointed to advisory positions in government ministries, and each region appoints a Romani coordinator to monitor and mediate problems affecting the Romani community.

## Government Corruption and Transparency

Throughout the year corruption and abuse of office remained major problems.

Numerous polls highlighted public concern with corruption and low levels of public trust in the integrity and honesty of both government officials and political parties. The perception of widespread corruption and official abuse has fostered an environment of public mistrust of mainstream political parties. Transparency International reported that current procurement statutes were complicated and vulnerable to manipulation, that oversight mechanisms were weak, and that conflict of interest laws were generally ineffective. Biannual governance and anticorruption studies compiled by the World Bank have charted substantial and steady deterioration in the country since 1996 in indices of "government effectiveness," "regulatory quality," "rule of law," and "control of corruption."

On April 27, Prime Minister Stanislav Gross resigned in the midst of a corruption scandal over his ownership of a luxury apartment in Prague in spite of earning a modest government salary. During the subsequent controversy additional questions surfaced regarding other financial and business activities of both Gross and his family. Gross was replaced by Regional Development Minister Jiri Paroubek. The decision by police in December to close the case for lack of evidence was met with widespread public outcry.

In January the media reported that Gross, while serving as interior minister in 2002, had formed a special police unit that reported only to him and whose existence was concealed from parliament, the public, and other government entities. The unit operated in secrecy for two years, reportedly gathering information on political and business figures until its dissolution by the interior ministry.

In August Prime Minister Paroubek dismissed his chief aide, Jiri Dolezel, over allegations of corruption involving the privatization of the Unipetrol group. The aide reportedly solicited a \$200 thousand (approximately 5 million CZK) bribe during the sale of Unipetrol to a Polish company. In October Paroubek reluctantly authorized a parliamentary inquiry into the Unipetrol privatization. The investigation was ongoing at year's end.

During the year the media exposed several appointees or associates of Gross and Paroubek as alleged or confirmed members of the former Communist secret police. These individuals held office despite a lustration (vetting) law prohibiting certain former Communist Party officials, People's Militia members, and suspected secret police officials from holding a wide range of elected and appointed positions.

In October Marian Kus, a member of the ruling Social Democratic party executive committee, was forced to temporarily step down from his position during an investigation into charges that he had forged his lustration certificate, a document certifying that a person has been vetted by the government and (usually) cleared of cooperation with the Communist secret police.

A 2004 allegation that an opposition member of parliament had attempted to bribe another parliamentarian prior to a confidence vote in the government was investigated by police and dismissed for lack of evidence, with no action taken against either party.

In April 2004 18 customs officials working at the Moravia border were accused of accepting bribes of between \$6 and \$12 (151 to 302 CZK) from truck drivers seeking expedited inspections at the border. Their trial began in June and was ongoing at year's end.

Seven government ministries (justice, interior, agriculture, finance, transport, and regional development) have hotlines for citizens to report instances of corruption and malfeasance by ministry employees. Three other agencies have set up email addresses specifically for the public to report corruption.

The Ministry of Interior received 6,019 emails and 450 calls to its hotline (compared to 6,334 emails and 480 calls in 2004); most were requests for information on corruption. Only 35 of these calls and emails reported corruption; 5 of these alleged police corruption, and 30 concerned officials in other ministries. The ministry forwarded these 35 to the corruption police for further investigation.

The law provides for public access to government information. The government provided such access in practice for citizens and noncitizens, including foreign media. No prohibitive fees were used, and applicants may appeal a decision about information release within 15 days of a decision or if the time limit for processing a request is exceeded.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

In August the chamber of deputies expanded the powers of the government ombudsman, whose functions include the protection of human rights, including in cases involving people in jails, asylum institutions, and health and social institutions. The ombudsman can recommend, but not initiate, cases for prosecution or redress to other authorities.

## Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, societal discrimination against women and Roma persisted, and trafficking in persons was a problem.

### Women

The extent of violence against women was difficult to assess, but recent studies indicated that the problem was more widespread than reflected in official statistics. A 2003 Czech Academy of Science poll indicated that 59 percent of female respondents had experienced violence at least once in their lives and that most of these assaults were unreported. Approximately 23 percent of these victims had told no one of the attack. The few women who did report the incidents credited police with recommending that they seek specialized treatment and legal advice in addition to filing a police report.

The law recognizes domestic violence as a distinct crime, and those who commit acts of violence against relatives or domestic partners may receive sentences of up to three years in prison and longer under aggravated circumstances. Government efforts to investigate and prosecute cases of domestic violence improved dramatically during the year. Police investigated 421 cases of domestic violence, resulting in 134 convictions. Unconditional sentences were handed down for 26 offenders; the rest received suspended sentences or other penalties, including fines. In 2004 108 cases were investigated, with only one conviction resulting. Police reported that investigations continued to be hampered by the reluctance of many victims to report domestic violence or to testify against their partners.

The law prohibits rape, including spousal rape, and the government effectively enforced these provisions in practice. The law provides penalties for rape of 2 to 15 years in prison.

Many experts consider rape dramatically underreported. In the first 6 months of the year, there were 257 reported rapes, all of which were investigated. Police investigated 422 alleged rapes, resulting in 157 convictions. Unconditional sentences were handed down to 94 offenders, 48 of whom received sentences of 5 to 15 years' imprisonment. Although the number of investigations and convictions declined slightly from 2004, experts noted an upward trend in the number of rape convictions since 2001, which they attributed to improved police training, public awareness campaigns, and greater interaction and cooperation of police with NGOs, all of which have gradually facilitated victims' willingness to report the crime and to testify in court.

Police continued to train a few specialized personnel in handling cases of domestic violence and working with social service agencies. The government provided police and other professionals with training materials to better identify cases of domestic violence and sexual abuse. Koordona, an association of 13 NGOs, issued materials for victims to inform them of their rights and options. NGOs continued to distribute a specialized training manual for health care workers.

Victims of rape and domestic abuse could seek psychological counseling through a number of hotlines and crisis centers. NGOs reported that 107 government-supported shelters for such victims were located in most major cities and towns. NGOs also provided medical and social assistance to women on a local level. NGOs reported that there were not enough spaces available in shelters to meet the demand.

There were allegations during the year that forced sterilization of Romani women had taken place in previous years (see section 1.f.).

The law does not specifically prohibit prostitution, but it may be banned, limited, or regulated by local governments. Pimping is specifically prohibited. Prostitution was widespread in border areas and major cities throughout the country. NGOs reported that sex tourism was a problem and involved both female and male prostitutes, some of them juveniles.

Trafficking in women was a problem (see section 5, Trafficking).

The law prohibits sexual harassment; however, the government did not effectively enforce this provision in practice, and sexual harassment remained a problem. In August a survey commissioned by the labor and social affairs ministry found that 28 percent of women and 22 percent of men had experienced sexual harassment in the workplace. The report also indicated that sexually suggestive behavior was common in the workplace and often not considered harassment. A March 1 amendment to the law places the burden of proof on the person accused of sexual harassment. Those found guilty of sexual harassment can be fined up to approximately \$2,750 (70,000 CZK), dismissed from work, or sentenced to prison.

Women and men are equal under the law, including under family law, property law, and in the judicial system. Although women constituted approximately half of the labor force, they were more likely than men to be employed in professions with a lower median salary. According to recent statistics, women's median wages lagged behind those of men by almost 25 percent. The unemployment rate for women exceeded that for men, and a disproportionately small number of women held senior positions. The council for equal opportunities for men and women monitored gender issues and advised the government on its efforts to enforce equal gender rights.

## Children

The government is committed to children's right and welfare. The government provides free and compulsory education through age 15. The UN Children's Fund (UNICEF) reported a primary school enrollment rate of 90 percent from 2000 to 2004. Most children continued through secondary school. There were no statistics available on Romani attendance rates.

Girls and boys enjoyed equal access to government-provided health care and education at all levels.

Romani children were enrolled at disproportionately high rates in the remedial education system. However, the government continued taking steps to address the problem during the year. In May the ECHR heard a case brought by the ERRC on behalf of Romani students in Ostrava and other communities who were placed in remedial schools. The ECHR was unlikely to return a verdict following the government's announcement in January that it would abolish remedial schools. The government began closing certain remedial schools and integrating others by transferring slower students into new, "special" classes. NGOs reported mixed results with some regions effectively carrying out the new policy, while others suffered from an exodus of non-Romani Czechs.

Child abuse was a common problem. The law prohibits family violence, physical restraint, sexual abuse, and other forms of abuse of minors. During the year police investigated 643 cases, resulting in 845 offenders being prosecuted and 442 convicted under child negligence laws. In 2004 676 cases were investigated, resulting in 555 convictions. In 2004 676 cases were investigated, resulting in 555 convictions under child abandonment and endangerment laws. NGOs estimated that approximately 50 children died annually from domestic violence.

Although there were some reports that members of the Romani community married before reaching the legal age of 18, underage marriage was not a significant problem in the country.

The commercial sexual exploitation and trafficking of children was a problem (see section 5, Trafficking).

Children were engaged in prostitution for survival without third party involvement. NGOs have reported that many teenage prostitutes were

either runaways or products of orphanages and the foster care system. Some NGOs asserted that orphanages did not prepare young teens adequately to be self-sufficient upon reaching legal adulthood. A special police team was formed in 2004 specifically to deal with the sexual exploitation of children in Cheb, a town on the German border where sex tourism was a problem.

Male adolescents, some as young as 13 years old, engaged in prostitution for survival. NGOs that worked with these children attributed the problem to a dysfunctional foster care system that failed to provide adequate job skills for a modern economy while preventing unwanted children from being adopted by capable parents.

#### Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking to, from, and, to a smaller extent, within the country for sexual exploitation and forced labor was a problem.

Amendments passed in 2004 criminalize all forms of trafficking, including both internal and cross-border trafficking. Penalties for trafficking, including for the purpose of forced labor, include prison terms of 2 to 15 years and are generally commensurate with those for rape and sexual assault. Traffickers may also be prosecuted for organized prostitution and pimping, which are punishable by a prison term of up to 12 years if the victim is under the age of 15; however, penalties were significantly lower in practice.

The security policy department of the Ministry of Interior and the organized crime division of the national police had primary responsibility for combating trafficking, and worked to enhance coordination and cooperation with local and city police as well. The former first deputy of minister of the interior was assigned to be the national coordinator for trafficking issues. The security policy department was charged with collecting, analyzing, and reporting on all information relating to trafficking; monitoring the implementation of the national antitrafficking strategy; and overseeing all aspects of the model of support and protection of victims of trafficking in persons.

Although the government investigated and prosecuted cases of trafficking in persons, conviction rates were low. During the year police investigated 18 trafficking cases. Twelve of these cases were prosecuted, resulting in 20 convictions under the trafficking statute. Eight offenders received unconditional sentences of 1 to 5 years in prison, and 12 received suspended sentences. The authorities successfully prosecuted 12 traffickers in 2004, although only 3 of the convictions resulted in prison sentences of more than 1 year. During 2004 over 200 persons were charged with pimping, with 69 convictions resulting. Pimping charges were often used to prosecute traffickers because of the complexity of the trafficking statute.

The organized crime unit within the national police had a special department dedicated and specifically trained to combat trafficking in persons. The unit worked closely with its counterparts in Interpol and Europol, and also cooperated extensively with the European Union and other foreign countries in the investigation and prosecution of trafficking cases.

The country was increasingly a transit and destination country rather than a source country for trafficking victims. The majority of women trafficked into and through the country were from Ukraine, Russia, Belarus, Moldova, Lithuania, Romania, Bulgaria, Slovakia, China, and Vietnam; many were destined for the sex trade. They were usually trafficked onward into Western Europe and elsewhere, including the United States, sometimes via third countries. Czech women were trafficked into Western Europe (primarily Germany, Austria and the Netherlands) to work as prostitutes, though there have been cases of Czech victims as far away as Japan and Mexico. A small number of Czech women were trafficked to the United States. Foreign and Czech women and children were also trafficked within the country, often from areas of low employment, to Prague and the border regions with Germany and Austria and were occasionally sold from one organized trafficking unit to another. Small numbers of Czech men were trafficked to the United States for coerced labor.

Local sex trafficking victims were generally young women between 18 and 29 years of age from areas of high unemployment. Romani women were at the highest risk of being trafficked internally, often by a friend or relative. Girls raised in state-run homes, such as orphanages, were also at particular risk. According to government authorities, women already working as prostitutes were also particularly vulnerable to traffickers. Trafficked women were frequently offered jobs as models, maids, waitresses, and dancers through employment agencies and then forced into prostitution. Once in a destination country, traffickers ensured victims' compliance by confiscating their travel documents and using isolation, drug and alcohol dependence, violence, threats of violence toward the victim or her family, and the threat of arrest and deportation. Police reported that traffickers increasingly relied on violence to secure their victims' cooperation.

Labor trafficking remained a significant issue; the interior ministry reported that it was the most common form of trafficking in the country. The International Organization for Migration (IOM) and the NGO La Strada released a study during the year documenting victims from a wide variety of countries, including the former Soviet Union, South Asia, China, and Vietnam. Victims were both male and female and varied widely in age and in social and educational status. Local employers ranged from single families to local subsidiaries of major multinational European retail chains. The study carefully documented the highly sophisticated and organized nature of the organized crime syndicates that conducted trafficking operations. Although there were no available estimates of the numbers of victims trafficked into the country for labor, both government and NGO sources conceded that the problem was widespread.

Most traffickers were members of organized crime groups, often from Russia, Bulgaria, Ukraine, the former Yugoslavia, and East Asia, and worked in cooperation with local citizens. Domestic traffickers often served as a link between those in Russia and Ukraine and those in Western Europe.

There was no direct evidence of government complicity in, or tolerance of, trafficking in persons; however, NGOs suspected individual members of the border police of assisting illegal border crossings related to trafficking.

The government cooperated with IOM and NGOs to provide services to trafficking victims and to train police and investigators in how to handle trafficking cases.

The government provided psychological and social assistance to victims for 30 days; the victim had to decide within this period whether or not to cooperate with authorities. Victims who chose not to assist police with prosecution were offered voluntary return to their home countries; victims choosing to cooperate were eligible for residency visas for the duration of the criminal proceedings. Victims who

cooperated with police were eligible at the end of criminal proceedings to apply for permanent residency on humanitarian grounds. By the end of the year 35 women had entered the model program and had contributed testimony or information against trafficking organizations.

Observers criticized the fact that trafficking victims who cooperated with investigations had limited opportunities to obtain permanent residency. NGOs pointed out that recent changes in the law made it much more difficult for trafficking victims to apply for asylum, which granted them legal status to remain until a ruling was made on their asylum case (which can take years), rather than to cooperate with authorities under the program and generally be returned to their home countries once proceedings were concluded. Though victims may apply for permanent residency at the conclusion of their cooperation with the police, it was not automatically granted; only a few victims had been awarded such residency. During the year the government improved police training on recognizing victims for referral to the program.

Because of the stigma attached to trafficking, victims were frequently hesitant to return to their families or seek social service providers.

The crime prevention division of the interior ministry continued to implement a national strategy against trafficking. The Ministry of Justice organized several training sessions in trafficking issues for judges and prosecutors, and the Ministry of Interior continued offering training to police.

The interior ministry worked with the IOM to produce a demand-reduction campaign targeted at consumers of sexually exploited women and children in the areas along the country's border with Germany. The progress of the project was slowed by the difficulty of collecting such sensitive information from clients of sexual services. The NGO Caritas visited schools and asylum and reception centers to conduct awareness campaigns among potential victims about the risks of trafficking and the entrapment and coercion strategies used by traffickers. Other NGOs which also received government funding, such as La Strada and Rozkos Bez Rizika (Pleasure Without Risk), conducted seminars and published and distributed literature about the dangers of trafficking.

In September the government created the interdisciplinary committee on trafficking, which includes representatives from various ministries and NGOs. The committee met for the first time in November to begin coordinating the implementation of various requirements of the national antitrafficking strategy.

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and the government generally enforced these provisions effectively; however, persons with disabilities were unemployed at disproportionately higher rates.

The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice. Although access improved during the year, many buildings and modes of public transportation remained inaccessible. In Prague 26 of the 50 subway stations were wheelchair accessible; however, the majority of stations in the city center remained inaccessible. A growing number of bus lines and municipal tram lines were accessible to persons with disabilities. Most public schools lacked barrier-free access for students, although there was at least one barrier-free school in each district.

Following heavy international criticism from governments and NGOs for the use of caged beds in psychiatric facilities, the government decided in July 2004 to remove caged and netted beds from its mental health institutions by the end of that year. However, the ban was not fully implemented in practice because the government did not fully fund the transition, and cage and netted beds were only replaced as more modern means of restraint were brought into service. By the end of the year all caged beds had been eliminated from health care facilities, but a small number of netted beds still remained. In May an amendment to the law was passed to severely limit the use of such beds, pending their replacement and removal from the system. The beds may only be used to protect the patient or others from injury, and institutions must carefully document their use and immediately notify the patient's legal representative. Although the new amendment established much stricter guidelines regarding the conditions and use of restraints, NGOs criticized the law for not specifying which forms of restraint were appropriate for psychiatric patients. Netted beds remained legal for use in long-term care facilities for adults and children. There were no official statistics as to the number of beds in use during the year. In 2004 the government reported that of 9,657 beds in the country's psychiatric facilities, approximately 20 were cage beds and 100 were netted beds.

In August the government approved a national plan to aid persons with disabilities. The plan was drafted with the participation of the government council for disabled citizens, a permanent advisory body responsible for protecting the rights of persons with disabilities. The government's initial efforts to implement the plan focused on improving the quality and responsiveness of social programs serving persons with disabilities.

#### National/Racial/Ethnic Minorities

After ethnic Slovaks, the largest minority was the Romani population, estimated at between 150 thousand and 175 thousand persons. Roma faced disproportionately high levels of poverty, unemployment, interethnic violence, and illiteracy. Despite constitutional prohibitions against discrimination, there was no framework to implement those provisions in the civil or criminal law. Roma continued to face discrimination from potential employers and local and school officials, with only incremental improvements in recent years.

During the year latent societal discrimination against Roma often manifested itself in incidents of violence. Members and sympathizers of skinhead organizations were the most frequent perpetrators of interethnic violence, particularly against Roma and other "dark-skinned" persons. An estimated seven thousand skinheads were active in the country, although some observers believed the actual figure was higher.

Unlike in previous years, there were no incidents of police violence against Roma.

In September three men attacked a Romani couple in Prague. The victims were treated at a local hospital; the perpetrators were arrested and charged with assault and with the suppression of human rights and freedoms. The case was still pending at year's end.

In May a Prague court awarded a Romani student approximately \$4 thousand (100 thousand CZK) as compensation for the brutal 2002 attack against him at a tram stop by four non-Romani youths.

There were no developments in the cases of assaults on Roma in Ostrava, Broumov, and Krnov in 2004.

The law prohibits employment discrimination based on ethnicity; however, Roma continued to face discrimination in both employment and education. Precise figures for unemployment among Roma were unavailable, but the rate was disproportionately high. Some employers refused to hire Roma and asked local labor offices not to send Romani applicants for advertised positions.

Continuing a trend from previous years, Roma were increasingly able to find redress in court in cases of employment discrimination. For example, in March a Prague court found the Scorpion Club fashion boutique guilty of racial discrimination for not considering a Romani applicant for an advertised job opening. The boutique had been videotaped refusing to consider Vera Dunkova for the position and, minutes later, offering job information to a non-Romani applicant. The court awarded Dunkova approximately \$1 thousand (25 thousand CZK) and ordered an apology from the boutique.

Roma also faced discrimination in housing and other areas of everyday life. Police responded to complaints that some restaurants, bars, and other public places refused service to Roma and posted signs prohibiting their entry. Human rights groups reported that some municipalities attempted to force Romani families to leave, employing such tactics as evicting them from municipally-owned homes for alleged lapses in rent payments or coercing them to sign agreements that they did not understand that were then used to curtail existing housing contracts. While the human rights commissioner publicly criticized these evictions, the law affords municipalities substantial autonomy in such actions.

In October the Bohomin mayor and local officials attempted to evict dozens of families (most of whom were Romani) from their apartments following the municipal purchase of their low-income hostel from its private owner. According to numerous NGOs, there were no provisions for adequate housing for the displaced families. When the action was challenged in the courts, several families were ultimately allowed to stay for the duration of the court case, but the town employed several coercive measures, such as shutting off the tenants' utilities and using private security guards to restrict access to the remaining families. Police did not intervene in the case. The issue was ultimately resolved when a compromise was brokered through NGOs to allow the relocation of the remaining families. At year's end, the town was seeking to collect payment from the families for the security guards the town employed at the site.

In March a regional court in Ostrava ordered the owner of a club that refused service to three Romani patrons to pay a \$1,200 (approximately 30,000 CZK) fine and apologize to the trio for lowering their human dignity. A waitress involved in the incident was also fined.

There were allegations during the year that forced sterilization of Romani women had taken place in previous years (see section 1.f.).

The interministerial commission for Roma community affairs, which included 12 government and 14 Romani representatives, as well as the commissioner for human rights and his deputy, continued to take an active role in resolving disputes between Romani communities and their non-Romani neighbors. The commission also promoted antidiscrimination initiatives in housing and education. The Roma affairs coordinator of the Ministry of Foreign Affairs continued to function as the ministry's liaison with Romani groups, NGOs, and the diplomatic community.

#### Other Societal Abuses and Discrimination

Homosexuals face occasional incidents of violence, usually in Prague where they are more visible. The government took a few steps to address prejudice against gays. In December the lower house of parliament passed a law that recognizes the legal validity of gay civil partnerships.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides workers with the right to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 20 percent of the workforce was unionized, and the trend of steady decline in union membership continued. Most union members belonged to unions affiliated with the Czech-Moravian Chamber of Trade Unions, a national umbrella organization.

The law prohibits antiunion discrimination; however, the government did not effectively enforce this provision, and union discrimination occurred. Common discriminatory practices included firing union leaders, denying union members entry to meetings between employees and management, refusing to provide office space for unions, forcing members to cancel their memberships, offering financial incentives to dissolve union organization within a company, disparaging unions in statements to employees, monitoring union members, and refusing to withhold union dues. If found guilty of antiunion discrimination, employers are required to reinstate workers fired for union activity, although the court procedure was generally slow.

##### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for collective bargaining, which generally was carried out by unions and employers on a company basis. The scope for collective bargaining was more limited for civil servants, whose wages were regulated by law. However, the International Confederation of Free Trade Unions reported in 2004 that some employers attempted to prevent workers from organizing by means of direct and indirect pressure and attempted to render collective agreements null and void.

Workers have the legal right to strike if mediation efforts fail, with the exception of those in critical sectors such as health care, nuclear energy, oil and gas pipelines, air traffic control, firefighting, and telecommunications; workers in these industries have access to mediation. The law requires unions to provide employers with a list of strikers at least one day before a strike. There were no major strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5). According to the labor ministry, approximately 300 North Korean women worked in extremely harsh conditions in garment and leather factories in several locations throughout the country. The women were kept in tightly controlled environments, and their earnings were deposited into an account controlled by the North Korean embassy. The labor ministry investigated their situation and concluded that although the situation was "troubling" in several aspects, the women were working voluntarily.

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws and policies to protect children from exploitation in the workplace. The law stipulates a minimum working age of 15 years, although children with disabilities who completed special schools could work at the age of 14 years. Employment conditions for children aged 15 to 18 were subject to strict safety standards. The Ministry of Labor and Social Affairs effectively enforced these regulations in practice.

The commercial sexual exploitation and trafficking of children was a problem (see section 5).

e. Acceptable Conditions of Work

The labor ministry sets and enforces minimum wage standards. The national minimum wage was approximately \$287 (7,185 CZK) per month and provided a decent standard of living for a worker and family.

The law provides for a 40-hour workweek with at least 2 days of rest, and requires a paid break of at least 30 minutes during the standard 8-hour workday. Employers may establish up to eight hours per week of mandatory overtime, subject to the consent of the employee (in the form of the collective bargaining agreement or contract stipulating overtime), although the local employment office may permit additional mandatory overtime. Premium pay for overtime was dictated by the provisions of the employee's contract. The labor ministry effectively enforced standards for working hours and breaks.

The office of labor safety effectively enforced health and safety standards. Workers have the right to refuse work endangering their life or health without risking the loss of their employment, and they exercised this right in practice.

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