



U.S. DEPARTMENT of STATE

Czech Republic

Country Reports on Human Rights Practices - [2006](#)

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The Czech Republic is a parliamentary democracy of approximately 10.2 million persons. The bicameral parliament elected as head of state President Vaclav Klaus, who then appointed Prime Minister Mirek Topolánek as head of government. Free and fair parliamentary elections held in June produced an even split between right and left parties, and as a result no government was able to receive a vote of confidence. However, a series of short-term governments executed routine government functions, and all officials adhered to constitutional procedures. Civilian authorities generally maintained effective control of the security forces.

The government generally respected and protected the rights of its citizens; however, problems continued to be reported. Lengthy pretrial delays remained a problem within the judiciary. Widespread corruption was a systemic problem and resulted in several high-profile corruption cases involving members of parliament and other government officials in nearly all political parties and at the highest levels of government. Many politicians avoided prosecution due to loopholes in the law. Violence against children was commonplace, and wage discrimination against women lingered as a problem in the workplace. Trafficking in persons both for sexual exploitation and forced labor continued. Random violence by neo-Nazis against Roma and other "dark-skinned" minorities was common. The growth of Romani ghettos and lack of equitable education for Romani children was especially concerning.

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. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, and there were no reports that government officials employed them. Use of excessive force by the police was not a problem, although there were occasional cases of abuse. There was one case of police mistreatment of Roma (see section 5).

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 1948-89 Communist regime and documented previous cases. According to the office, 190 offenders were prosecuted in 96 criminal cases. Eight persons received two-to-five year prison sentences, and 21 persons received suspended sentences. As of the end of August, the office delivered to prosecutors 95 indictment recommendations for 121 persons. Based on these recommendations counsel prosecutors indicted 100 persons. Twenty-five 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 pending; five other cases remained under investigation. Since 1989 the government has convicted 90 former StB officials and sentenced 26 to prison.

Some politicians, mainly from the Communist Party, criticized and suggested closing the UDV without success. One Communist member of parliament, Josef Vondruska, was reported to have been involved in abuse of prisoners under the Communist regime. Although many abused political prisoners confirmed brutal treatment by Vondruska in the media, authorities did not bring legal charges against him.

According to the Ministry of Interior, nearly 800 former StB officers remained in the national police. In October the deputy head of the Prague police admitted to being a former StB officer and resigned his position. In January and April, an appeals court upheld the 2005 conviction of two former secret police agents on charges of torture and oppression of dissidents during the 1970s (Asanace operation) and increased their penalties from three to four years of imprisonment with supervision.

In April 2005 in Prague the police mistreated two minor brothers, who had been detained on suspicion of passing out illegal posters. The brothers were taken to a station, stripped, forced to do push ups, and beaten to the point where one boy bled and had a concussion. The case was not pursued by the inspectorate of the Interior Ministry; however, the League of Human Rights appealed the decision. During the year the two police officers involved were convicted of abuse and forced to resign their positions. The first officer was sentenced to 15 months' imprisonment, three years of probation upon release, and a three-year bar on serving in the military or the police. The second officer involved was sentenced to six months' imprisonment and one year of probation.

In a case of police brutality alleged by a Briton and a New Zealander in 2004, the judiciary considered the appeal but sustained the dismissal due to a lack of evidence.

On May 1, during a large neo-Nazi march in Prague, Katerina Jacques, who at that time was head of the government's human rights section and later became a Green Party member of parliament, was beaten and kicked by policeman Tomas Cermak when she refused to stop protesting against the neo-Nazis. Photos of the incident showed Jacques on the ground being struck by Cermak before being arrested. Police also detained the reporter who photographed the incident. Ten policemen, who were nearby but did not intervene, were under investigation. In June the local heads of police were demoted and the president of the police was denied promotion. Cermak's salary was reduced 10 percent for one month. In August inspectors for the Ministry of Interior recommended that Cermak be tried for abuse of office, violation of personal liberty, and assault. In September the Interior Ministry inspection unit dismissed the case against the policemen who watched and did nothing while Cermak beat Jacques. In November the state attorney decided against prosecuting Cermak, concluding that Cermak's behavior "constituted no crime."

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers. In March-April the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited the country. The CPT noted prison overcrowding and lack of space for individual prisoners as a continuing issue and recommended that the prisons and detention facilities work to meet the minimum norm of 12 feet square per prisoner. The CPT also highlighted the need to ensure that nonviolent prisoners are not held in cells with prisoners convicted of violent crimes.

The Czech Helsinki Commission in April found that while prisons met domestic regulations, half of the country's prisons were filled beyond capacity and as such did not meet international standards for physical conditions and activities available for prisoners.

d. Arbitrary Arrest or Detention

The constitution 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 they 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, although this system has been criticized for its lack of independence. The government continued to implement police reforms that included oversight measures, improved methods for reporting corruption, and better education and training for police. Impunity was not a problem.

According to the Ministry of Interior, police conducted 65 bribery investigations in the first half of the year and investigated 48 public officials for abuse of authority. During the same period, Ministry of Justice records indicated that 38 public officials were convicted of crimes relating to abuse of their authority, and eight were sentenced unconditionally. In addition, 43 offenders were convicted for bribery-related offenses, but only four were sentenced to prison with sentences of up to five years. Many observers were dissatisfied with the investigators' focus on minor cases of corruption and with the generally ineffective investigations and prosecutions of larger-scale malfeasance.

In February the biggest criminal trial in the history of the country started in the Prague Municipal Court. Thirty-six members of so-called Berdych gang, including five police officers, were accused of 36 different crimes including theft, extortion, murder, and kidnapping. The head of the gang, David Berdych, was convicted and sentenced to nine years in prison; other gang members received sentences ranging from eight to 14 years in prison. The trial continued through the end of the year due to the large number of witnesses.

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 antiextremist strategies. Police and prosecutors continued to show 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. During the year the government continued efforts to recruit Roma to serve in law enforcement and to improve police relations with the Romani community.

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. According to prison service data in July, the average length of detention was 145 days. Twenty-seven detainees, or approximately 1.1 percent of the pretrial detainee population, had been held for over two years. A suspect may petition investigating authorities at any time for release from detention.

Amnesty

During the year the president granted 21 persons amnesty for humanitarian reasons. Individuals were released from prisons or in many cases granted amnesty from deportation and released from detention centers.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice; however, judicial effectiveness continued to be 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.

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 continued to damage public perception of the judiciary's independence from political influence. In February President Klaus removed the chairwoman of the Supreme Court, Iva Brozova, from her post, stating that she was not satisfactorily performing her duties. Chairwoman Brozova sued and won reinstatement in September under a ruling by the Constitutional Court, which stated that the president lacked the authority to remove Brozova.

In April 2005 in Usti nad Labem, regional court judge Jiri Berka was arrested and charged with criminal conspiracy and fraud. This was the first case of a judge being indicted for conspiracy: under the law any arrest of a sitting judge must be approved by the president. The trial began in February and was expected to take more than a year since there are eight other defendants, including the head of the National Security Office. The government alleged that the criminal gang surrounding Berka embezzled nearly \$13.7 million (300 million crowns) from domestic companies.

The Ministry of Justice operated a hot line for citizens to report suspected judicial corruption. Through June, the hot line received 18 calls, compared with 57 calls in 2005 and 263 calls in 2004. Through June, the ministry received 26 written complaints of corruption, compared with 47 in 2005 and 137 in 2004. Observers attributed the public's decreasing use of the hot lines to the plethora of hot lines and a lack of confidence that the accused would be punished. Nearly every government ministry and many cities have sponsored their own anticorruption hotlines. Of all corruption complaints received, 26 percent concerned judges, 7 percent involved prosecutors, and 66 percent concerned other officials. The ministry resolved 66 percent of all reports directly, while 12 percent were forwarded to the corruption police for further investigation.

Trial Procedures

The constitution and law provide 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 rule 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 was a significant backlog of cases, but in certain areas the situation improved. For example, in 2005 the commercial courts adopted more simplified procedures, such as allowing electronic filing of certain documents, which reduced their wait time from months to weeks. During 2005 the European Court for Human Rights (ECHR) received approximately 1,000 complaints from citizens, mostly related to the extended length of court proceedings.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The government maintains an independent and impartial judiciary in civil matters. Access to courts to bring lawsuits seeking damages for, or

cessation of, human rights violations is not impeded. Administrative and judicial remedies for alleged wrongs are available.

Property Restitution

The 1991 Law on Restitution applied only to property seized after the Communists took power in 1948. In 1994 parliament amended the law to provide for restitution of or compensation for property wrongfully seized between 1938 and 1945. This amendment provided for the inclusion of Jewish private properties, primarily buildings, seized by the Nazi regime. Both the amendment and the original law require the claimants to be Czech citizens. This citizenship restriction unfairly impacted Czechs who obtained citizenship in the United States, as these naturalized citizens were required to forfeit their Czech citizenship under the terms of a 1928 treaty between the two countries. The treaty was finally abrogated in August 1997, by which time the 1992 and 1995 deadlines for filing claims had already passed. There were also claims outstanding for some Jewish communal properties (see section 2.c.).

In November the government extended financing of the Center for Documentation of Property Transfers of Cultural Assets of Holocaust Victims for five years. At the same time, parliament approved an amendment to the law on restitution which abolishes the deadline for filing art-related claims. The president signed the amendment in November. Except for art restitution, the deadlines in other fields of restitution had expired.

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

The constitution and law prohibit 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 forced sterilization of Romani women, without informed legal consent, in previous years and prosecuted accused perpetrators.

Several cases involving the alleged sterilizations of Romani women proceeded in the courts. In 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 87 women (approximately 10 of whom were non-Roma) have complained about forced sterilizations to the office of the ombudsman for human rights. In December 2005 the ombudsman published a report on the sterilization issue that recommended restitution to the victims. The ombudsman also referred five cases against health systems workers and administrators for further criminal investigation and possible prosecution in 2005. While investigations were ongoing, the government had otherwise not acted on the ombudsman's recommendations.

In November 2005 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 case was ongoing at year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. The independent media were active and expressed a wide variety of views without restriction.

The law mandates prison sentences of six months to 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. In contrast to 2005, police did not halt concerts affiliated with neo-Nazi groups.

Denis Gerasimov, who was charged by police in 2004 for having Nazi propaganda in his bag, was first found innocent in 2004. His second trial concluded in April 2005 and resulted in another acquittal. He was allowed to return to Russia, but another trial was planned for 2007.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. According to the government statistical office, 47 percent of persons age 10 and older reported using the Internet in the last three months of the year, and 70 percent of the population under the age of 55 reported using the Internet regularly.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide 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.

In August the police halted a neo-Nazi march in front of the Israeli embassy in Prague and arrested many of the participants, finding that many possessed weapons. No updates were available at year's end.

During the year there were rallies in several cities throughout the country organized by neo-Nazi and skinhead organizations. On May 1, the largest rally occurred in Prague, where more than 400 skinheads demonstrated and shouted fascist slogans.

The government may enforce legislation banning hate speech by stopping unauthorized concerts, gatherings, or activities. In December police terminated a late-night concert of approximately 120 neo-Nazis in Ceske Budejovice when one of the bands played racist music. The police arrested seven persons for inciting hatred of a group of persons or of limiting their rights and freedoms. There were no updates at year's end.

In July 2005 several hundred police in the western town of Mlync forcefully 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. In January then prime minister Paroubek and then interior minister Bublan refused to submit a report on the actions of the police during CzechTek. The ombudsman launched an independent investigation into the affair following widespread criticism of the crack-down. In January the ombudsman's office formally criticized the police for excessive use of force. Four policemen from the city of Cheb were accused of being especially harsh in dealing with concertgoers. The Ministry of Interior Inspection Office closed the case against the police, but the supreme prosecutor reopened the investigation in August. The supreme prosecutor's investigation was ongoing at year's end. The main organizer of the concert was tried for destruction of property but was found not guilty in October. The case against a second concertgoer was ongoing at year's end.

Freedom of Association

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

All religious groups officially registered with the Ministry of Culture 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 one per every 1,000 citizens based on the last census, or approximately 10,200 signatures. Very few smaller or less-established religions were able to obtain the required signatures to obtain second-tier registration. Several unregistered religious groups 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 were 26 officially recognized religious groups, of which nine were officially permitted to teach in state schools.

The Armenian Apostolic Church was in the final process of being registered.

The Muslim community, which was registered in 2004, applied to the Ministry of Culture for an exemption that would permit accelerated second-tier registration status. The community sought the right to hold classes on Islam in schools, have spiritual leaders in the army and prisons, administer schools, and conduct weddings. The application was denied based on opposition from the ministries of interior, justice, education and defense.

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

In January, 25 mainly Christian Democratic senators submitted to the Ministry of Culture a complaint against the November 2005 amended Church Law on the establishment and regulation of church-sponsored activities, including schools and churches. The senators asserted that the new law violates the constitutional separation of church and state.

There was no progress regarding the 2004 plans by the Muslim community to construct mosques in Teplice and Orlova. The Muslim community did not submit construction plans to Teplice's construction department and the plan to build a mosque in Orlova seemed to have been abandoned altogether.

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. In September the Supreme Court upheld rulings by the Prague City Court and Prague District Court that St. Vitus Cathedral at Prague Castle belongs to the Roman Catholic Church and not the state. The Church and the state fought over ownership rights of the cathedral for more than 13 years. While most communities returned private properties to their Jewish owners, some cases remained outstanding. During the year legal proceedings concerning the ownership of two religious properties began between the Brno Jewish community and the state. The proceedings were ongoing at year's end.

Under a 2000 law, stolen works of art, including religious art, were to be claimed by December. On November 3, the government extended financing of the Center for Documentation of Property Transfers of Cultural Assets of Holocaust Victims for the next five years. Parallel to that, parliament approved an amendment to the law on restitution that abolished the December deadline for filing art-related claims. The president signed the amendment on November 30. Except for art restitution, the deadlines in other fields of restitution expired.

Societal Abuses and Discrimination

The country had a Jewish population of several thousand persons. In general, public expressions of anti-Semitic sentiment were extremely rare, and Holocaust denial investigations and prosecutions were vigorously pursued by authorities. A small but persistent and fairly well-organized extreme right-wing movement with anti-Semitic views existed in the country. The Ministry of Interior continued its efforts to counter neo-Nazis, which included monitoring of their activities, close cooperation with police units in neighboring countries, and concentrated efforts to shut down unauthorized concerts and gatherings of neo-Nazi groups.

There were a few anti-Semitic incidents during the year, including reports of a large-scale attack planned against the Jewish community. For example, in March a nonactive synagogue in Krnov was vandalized with signs praising the Holocaust. In April obscenities directed towards Jews were spray-painted on a villa that belonged to a well-known Jewish family before the Second World War. On May 1, a large neo-Nazi march took place in Prague; police beat and kicked a human rights leader who was protesting against the neo-Nazis (see section 1.c.). In October vandals stole a bronze plaque from a former Nazi concentration camp outside Prague honoring the victims of fascism. Vandals also destroyed or damaged several tombstones in the Jewish cemetery in Hroznetin. Police investigation of these crimes resulted in no arrests.

In October a leading newspaper reported that the intelligence establishment had increased measures to prevent an alleged plot to kidnap and murder dozens of Czech Jews. Reportedly, Muslim extremists affiliated with an unnamed group planned to abduct Jewish residents of Prague and hold them hostage in the Jerusalem Synagogue, stage negotiations, then blow up the synagogue with its occupants. The government did not comment on these reports; however, it temporarily raised the national terrorist alert level and increased security near the most prominent Jewish institutions as well as other sites of security concern.

On November 18, at a concert attended by 250 skinheads held near Tabor, one of the participants gave the Nazi salute. There was no police intervention.

During the year police closed their investigations of the 2005 cases of vandalism of a synagogue and three Jewish memorials after being unable to identify the perpetrators. The cases involved vandalism of a Holocaust memorial in Teplice in August, the destruction of several doors and windows at a synagogue in Krnov and defacing of gravestones in a Jewish cemetery in Velky Pecin in September, and the defacing of a commemorative stone dedicated to a Jewish artist in Jihlava in October. Local Jewish organizations believed that police had conducted thorough investigations but understood that perpetrators in vandalism cases were difficult to apprehend.

There were several hate groups in the country that advocated violence against Jews. One neo-Nazi group, Narodni Odporu, petitioned President Klaus in August for permission to fight with the Iranian military against Israel and threatened violence against Jews and synagogues in the country if permission was denied.

The city of Prague declared 2006 as the year of Jewish culture celebrating the 100th anniversary of the Jewish Museum in Prague.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

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

The constitution and law prohibit 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. For humanitarian reasons, in December 2005 the government resettled 15 Uzbek refugees.

In 2005 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.

The 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 2005 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. This was done to streamline the asylum process and decrease abuse of the system by illegal migrants. The amended law also stipulates that only exceptional cases may be appealed to the Supreme Administrative Court following a rejection by the regional court.

In 2005 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. 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 constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

The most recent national elections were held in June for the Chamber of Deputies, the lower chamber of the parliament and in October for the seats in the Senate and municipal government posts.. Both elections were considered free and fair. Individuals and parties could freely declare their candidacy and stand for election.

On April 24, not long before national elections in June, skinheads violently attacked and swore at Deputy Chairman of the Communist Party Jiri Dolejs near the Prague metro due to his high standing in the Communist Party. The perpetrators in the attack were not caught or punished (see section 5).

Women and ethnic minorities were generally underrepresented in politics and government. There were 30 women in the 200-seat Chamber of Deputies and 10 women in the 81-seat Senate. There were two women in the 15-member Cabinet and five women on the 15-member Supreme Court.

There were no members of minorities in the 200-seat Chamber of Deputies, the 81-seat Senate, or the 15-member cabinet. One justice on the Constitutional Court was an ethnic Slovak. Of the estimated 200,000 to 250,000 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. The poll by the Growth from Knowledge (GfK) Agency in June indicated that only 18 percent of respondents trusted political parties. Transparency International reported in September that procurement statutes were complicated and vulnerable to manipulation, that oversight mechanisms were weak, and that public procurement 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. The World Bank's July report reported that bribery was on the rise and estimated that more than a quarter of businesses bribed public officials in order to receive preferential treatment in securing public tenders. Charges of corruption pervaded politics in the country and were levelled against nearly all political parties at the highest levels of government.

Political pressure and ineffective police investigative tools contributed to the lack of prosecutions of high-level corruption cases. For example, under the law there is no obligation for a suspect to prove the origination of his assets. Since the end of Communism there have been no convictions of high-level individuals for corruption. Many politicians have been able to avoid prosecution due to loopholes in the law.

In January member of parliament and Social Democratic Party whip Michal Kraus was accused of money laundering, fraud, and circumventing bankruptcy proceedings after he helped an accomplice invest money in cocoa plantations in Ghana. That same month, Kraus gave up his seat in parliament and left politics. The police investigation continued, although no charges had been filed by year's end.

Having been stripped of parliamentary immunity, member of parliament Vladimir Dolezal was investigated and later accused of corruption. The first indictment in March was withdrawn by the prosecutor and the case was reinvestigated. He was re-indicted in September for assisting in attempted bribery. He was accused of demanding \$35,000 (800,000 crowns) from businessmen on behalf of a Prague district counselor on a local zoning commission.

In July a member of the board of directors of the Czech Consolidation Agency, a government institution that buys problematic assets and loans from state-owned companies and banks to assist through restructuring, and several other individuals were arrested and charged with large-scale corruption for insider trading and bribery. The group was allegedly bribed to sell bailout claims to other entities at prices much

lower than their real value. The police seized more than \$19 million (420 million crowns) in accounts held by the three main suspects and froze securities worth more than \$11 million (250 million crowns).

The head of the police unit fighting organized crime, Jan Kubice, was accused by the Interior Ministry Inspection Office of abuse of official power in October. Shortly before the June elections, Kubice presented a report to the members of the parliamentary Defense and Security Committee that alleged a link between the top officials of the ruling Social Democratic Party and organized crime. By doing so, Kubice went around standard procedure of reporting the issue to the police president. The report subsequently leaked to the press shortly before the June elections. Experts maintained that Kubice's decision to inform the parliamentarians was an act of desperation as the lives of two police officers were in danger.

In April 2005 Prime Minister Stanislav Gross resigned in a corruption scandal over his ownership of a luxury apartment in Prague in spite of earning only a modest government salary. During the subsequent controversy, additional questions surfaced in the media regarding other financial and business activities of Gross and his family. The decision by police in December 2005 to close the case for lack of evidence was met with widespread public criticism. The case was reopened during the year but again closed due to a lack of evidence.

In August 2005 former prime minister Jiri Paroubek dismissed his chief aide, Zdenek Dolezel, who also previously served as chief aide to former prime minister Gross, over allegations of corruption involving the privatization of the oil and refining company, Unipetrol. During the company's sale to Polish refining corporation PKN Orlen, the aide reportedly solicited a \$225,000 (5 million crowns) bribe. A parliamentary inquiry into the case that was authorized by Paroubek later in the year produced no result. Meanwhile, criminal proceedings were started in October by police against Dolezel and four other officials, including a deputy minister, member of parliament and mayor, on charges of attempting to siphon off large amounts of money from European Union (EU) structural funds. Police also investigated allegations that the group had plotted to kill Jan Kubice, head of the national police unit fighting organized crime. The case was ongoing at year's end.

In October 2005 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. No formal charges were brought against Kus.

In November 2005 Agriculture Minister Petr Zgarba resigned due to allegations that he had passed inside information to land speculators. Zgarba served as chairman of the special government commission that oversaw the sale of state-owned property. It was alleged that, based on the information passed by Zgarba, land speculators purchased land for discount prices before the general public was allowed to bid. The speculators paid \$2.3 million (50 million crowns) for property that was valued close to \$160 million (3.5 billion crowns). The police investigation did not result in charges against those involved, and the case was closed.

In 2004, 18 customs officials working at the Moravian/Austrian border were charged with accepting bribes of \$7 (150 crowns) from truck drivers seeking expedited inspections at the border. Their trial began in June 2005. During the year all received suspended sentences of one to two years and fines of \$480 to \$3,360 (10,000 to 70,000 crowns).

In 2005 the Ministry of Interior received 6,019 e-mails and 450 calls to its hot line (compared with 6,334 e-mails and 480 calls in 2004); most were requests for information on corruption. Only 35 of these calls and e-mails reported corruption; five of these alleged police corruption, and 30 concerned officials in other ministries. The ministry forwarded these 35 reports 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. The NGOs watch the application of law in practice and press the government to act when needed. Government officials were generally cooperative and responsive to their views.

The amended law on the ombudsman, formally called the Public Defender of Rights, came into effect on January 1. The ombudsman's responsibilities, which include authority to investigate complaints involving the activity or inactivity of authorities in public administration, were greatly expanded under the new law. The ombudsman's new tasks include performing regular visits to all government facilities where persons are detained or imprisoned. During these visits the ombudsman should examine the treatment these individuals receive, endeavor to ensure that their fundamental rights are respected, and increase their protection against mistreatment. The ombudsman operated without government or party interference, and the incumbent was reelected by parliament in December to fill an additional six-year term. The ombudsman was considered effective and had adequate resources to perform his investigations. The incumbent ombudsman was widely respected and enjoyed the government's cooperation. The ombudsman issues quarterly and annual reports on the efforts of his office in addition to specialized reports on topics of special concern.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, societal discrimination against women and Roma persisted, and trafficking in persons remained a significant problem, although the government made progress during the year in addressing the issue, specifically in the area of forced labor.

Women

Specialists indicated that violence against women was more widespread than reflected in official statistics. The most recent Stredisko Empiricky Vyzkumu (STEM) agency poll conducted in August found that 9 percent of persons had witnessed domestic violence, 13 percent were victims of such violence, and 1 percent admitted perpetrating acts of domestic violence. Eighty-four percent of citizens considered domestic violence to be a serious problem.

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 received extensive training on how to identify domestic violence cases and possible victims of domestic violence. In the first half of the year, the police investigated 229 cases of domestic violence; in the same period 234 aggressors were prosecuted. Courts convicted 125 perpetrators, of whom 22 were sentenced to prison and 95 received suspended sentences. The number of convictions was more than double that of previous years for the same six-month period. 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 two to 15 years in prison.

Many experts considered rape to be dramatically underreported. In the first six months of the year, there were 251 reported rapes, all of which were investigated. Police conducted investigations into 183 alleged rapes, and the courts convicted 74 offenders. Suspended sentences were given to 38 offenders, and 11 individuals were sentenced from five to 15 years in prison. 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.

Koordona, an association of 13 NGOs that deals with domestic violence, organized several events during the year, provided specialized training manuals for health care workers, and continued distributing materials to inform victims of their rights. Police continued to train select personnel to handle cases and work with social service agencies.

Victims of rape and domestic abuse could seek psychological counseling through a number of hot lines and crisis centers. For example, the Dona line had received 16,796 calls since 2001. Of these, 10,462 calls were regarding domestic violence; 869 of these calls came from maltreated seniors and 388 others from handicapped individuals. The typical victims of domestic abuse were mothers on maternity leave, business women, and individuals in early retirement.

The government continued to investigate allegations from previous years of the forced sterilization of Romani women and prosecute accused perpetrators (see section 1.f.)

The law does not prohibit prostitution, but it may be prohibited, 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. There are no laws addressing sex tourism. The Prague city government took action in June 2005 to ban the distribution of flyers advertising brothels at tourist destinations.

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 2005 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. 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 crowns), dismissed from work, or sentenced to prison. Most citizens did not consider sexual harassment a significant problem.

Women and men are equal under the law, including under family law, property law, and in the judicial system. Women constituted 43 percent of the labor force, although employment of women grew faster than employment of men. Women were more likely than men to be employed in professions with a lower median salary. Women's median wages lagged behind those of men by almost 25 percent. The unemployment rate for women was the lowest in four years but still 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.

In September the first civil case regarding gender discrimination was tried in the Prague District Court. The court ruled against a woman who claimed she was denied a management position solely based on her gender. She appealed the verdict, and the case was ongoing at year's end.

Children

The government is committed to children's rights and welfare. The government provides free and compulsory education through age 15 and is universal to all children. Most children continued through secondary school. Education opportunities for Roma were limited. The February 2005 UN Development Program survey on education of minorities found that only 25 percent of Roma ages 12 and above completed primary

education, compared with 73 percent of the majority population.

Romani children were enrolled at disproportionately high rates in the remedial education system, which effectively segregated them in substandard schools (see section 5, National/Racial/Ethnic Minorities).

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

Child abuse was a common problem. Over the previous 10 years, the number of physically abused children quadrupled, and the number of psychologically abused children was 12, times higher. The law prohibits family violence, physical restraint, sexual abuse, and other forms of abuse of minors. The Ministry of Labor and Social Affairs registered 7,500 cases of abuse or neglect in 2005. Social protection bodies annually proposed that an average of 1,835 children be removed from their families due to mistreatment. There were approximately 20,000 children living in children's facilities. Of those, more than 10,000 lived in social care institutes, almost 7,500 in orphanages and correctional institutions, and more than 1,500 in special homes for infants. Both domestic and foreign NGOs criticized the high number of children living in social care facilities.

During the first half of the year, police investigated 346 cases of child negligence or endangerment; 396 offenders were prosecuted and 234 were convicted. Of these, only five were sentenced to time in prison. In 2005, 643 cases were investigated, resulting in 442 convictions. 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).

In August 2005 the government extradited a member of the Qatari royal family and long-term Prague resident who had been convicted of four counts of sexual abuse of minors under the age of 15. The government did so despite allegations of corruption by the supreme prosecutor and understanding that the prince would likely face no punishment in Qatar.

Children were engaged in prostitution for survival without third-party involvement. NGOs 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.

In August the government issued an updated national plan to fight commercial sexual exploitation of children. There is a special police team dedicated to countering the sexual exploitation of children in Cheb, a town on the German border where sex tourism was common. During the year a German NGO opened a shelter focused on assisting abused and abandoned children in Cheb.

Male adolescents, some as young as 13, 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.

The country was a transit and destination point as well as 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 to Western Europe and elsewhere, including the United States, sometimes via third countries. Czech women were trafficked into Western Europe (primarily the United Kingdom, Germany, Austria, the Netherlands, and countries in Scandinavia) to work as prostitutes, although there were been cases of victims as far away as Japan. 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 men were trafficked to the United States for coerced labor.

Since 2004 NGOs estimated that more than 80 percent of all trafficking victims entered the country legally. This held true for both forced labor and sex trafficking.

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.

The International Organization for Migration (IOM) and the NGO La Strada released a study in 2005 documenting victims of labor trafficking from a wide variety of countries, including Romania, China, Vietnam, and countries in the former Soviet Union and South Asia. Victims were

both male and female and varied widely in age and in social and educational status. According to the Ministry of Interior, most victims were employed in construction, forestry, fishery, agriculture, and textile industries and paid \$800 to \$1,200 to have employment and housing arranged by traffickers. 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, Romania, Belarus, Moldova, and countries in 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.

The law criminalizes 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 two 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 first deputy of the Ministry of 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 and monitoring the implementation of the national antitrafficking strategy. The crime prevention department of the ministry oversaw all aspects of the program of support and protection of victims of trafficking in persons.

Authorities used a number of statutes to prosecute traffickers. Due to the complexity of the trafficking law, prosecutors frequently used other statutes, including laws prohibiting deprivation of liberty, rape, sex abuse, smuggling, extortion, oppression, and pimping, to prosecute traffickers. The government did not differentiate in its crime statistics between human trafficking and these other categories of crimes.

Although the government investigated and prosecuted cases of trafficking, conviction rates were low. During the first half of the year, police initiated five trafficking investigations and 11 prosecutions. One perpetrator was convicted under the trafficking statute and received a suspended sentence. In September police broke up a large prostitution ring that trafficked Czech and Slovak Romani women and girls to Norway. The police arrested 16 individuals in connection with the alleged crimes. More than 160 police were involved in the investigation, which lasted six months. The police estimated that, over the course of the investigation, the traffickers made \$550,000 (12 million crowns) from exploiting the Romani women and girls.

In 2005 police investigated 18 trafficking cases; 12 offenders were prosecuted and 20 convicted, eight of whom received suspended sentences. Through June police conducted 54 investigations for pimping; 84 perpetrators were prosecuted, and the courts convicted 29 individuals, 21 of whom received suspended sentences. During 2005, 206 persons were charged with pimping, and there were 69 convictions for pimping.

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 EU and other foreign governments in the investigation and prosecution of trafficking cases.

Labor trafficking, which the Interior Ministry reported was the most common form of trafficking in the country, remained a problem. During the year the government took significant steps to address labor trafficking. In April the trafficking department in the national police's organized crime unit created an additional section solely to investigate cases of forced labor; it began investigating three specific cases, which were ongoing at year's end. The Ministry of Interior also finalized plans to directly fund NGOs in Ukraine to assist job seekers in finding employment and housing and obtaining visas. NGOs estimated that this in-country effort to facilitate legal employment for Ukrainians would reduce the number of workers trafficked from Ukraine.

There was no 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 NGOs to provide services to trafficking victims and to train police and investigators in how to handle trafficking cases. There were nine victims who received assistance, including three victims of forced labor from Romania. The government assisted with international investigations, and law enforcement regularly cooperated with their counterparts in Europe and elsewhere; according to media reports, the government cooperated with Sweden, Italy, Germany, and other countries. Statistics on extradition are not broken down by crime.

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 and were eligible at the end of criminal proceedings to apply for permanent residency on humanitarian grounds. In June the government eased the process for trafficking victims to apply for permanent residency. By the middle of the year, 43 women had entered the program and contributed testimony or information against trafficking organizations. 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 government continued to implement the 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. In October the IOM and a

foreign embassy held a week-long program of workshops with foreign legal experts on forced labor for law enforcement, prosecutors, judges, NGOs, and labor inspectors.

The Ministry of Interior 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 that 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. NGOs also led a large antitrafficking public relations campaign complete with posters on public transportation in Prague in English, Russian, and Czech.

In September 2005 the government created an interdisciplinary committee on trafficking, which included representatives from various ministries and NGOs. The committee met regularly during the year to coordinate efforts in implementing the national antitrafficking plan.

Persons with Disabilities

The constitution and law prohibit 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, 27 of the 51 subway stations were wheelchair accessible; however, the majority of stations in the city center remained inaccessible. A growing number of bus 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.

The ombudsman is required to regularly visit all government facilities where persons with physical restrictions work to examine the treatment these individuals receive, ensure that their fundamental rights are respected, and increase their protection against mistreatment.

In April the Czech Helsinki Committee noted that, more than 17,000 adults and children with mental disabilities lived in social care homes, the majority of these under guardianship. In many cases, the guardian was actually the director of the institution, giving rise to possible conflicts of interest. Despite the 2005 passage of a law on the procedural aspects of guardianship, the committee expressed concern that the procedure by which someone was placed under guardianship remained inadequate, and violations similar to those in the civil commitment process persisted. For example, persons were unable to attend trial in many cases or they were uninformed about the decision to incapacitate them.

In August 2005 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.

Following heavy international criticism from governments and NGOs for the use of caged beds in psychiatric facilities, the government decided in 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 failed to fully fund the transition, and caged and netted beds were only replaced as more modern means of restraint were brought into service. Caged beds were used in social institutions to restrain clients with mental disabilities. In May 2005 the law was amended 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 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 and the lack of regulation on supervision and time limits. Netted beds remained legal for use in long-term care facilities for adults and children. NGOs estimated that as of April there were 700 netted and caged beds in use by institutions in the country. In 2004 the government reported that of 9,657 beds in the country's psychiatric facilities, approximately 20 were caged and 100 were netted.

National/Racial/Ethnic Minorities

After ethnic Slovaks, the largest minority was the Romani population, estimated at between 200,000 and 250,000 persons. Roma faced disproportionately high levels of poverty, unemployment, ethnic 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.

A STEM agency poll from May found that more than 75 percent of the population believed the government should not give more attention to the rights of the Romani minority. The same poll found that more than 66 percent of the population had a "negative relationship" towards Roma. Only 11 percent of poll respondents stated that they would tolerate a Romani neighbor without problems, while more than one third stated that they would be completely opposed to having a Romani neighbor. During the year latent societal discrimination against Roma often was manifest 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 7,000 skinheads were active in the country, although some observers believed the actual figure was higher.

In July two municipal policemen from Brno were accused of abuse of public office for allegedly attempting to force a 14-year-old Romani suspect to confess to assaulting the son of one of the police officers. The policemen allegedly took the suspect to the outskirts of town, where they beat him and put an unloaded gun into his mouth while pulling the trigger. In November the policemen were convicted of assaulting the Romani youth. They were both given two-year suspended sentences with five years of probation by the Brno City Court. The court also banned the policemen from serving on the police force for five years. The state attorney appealed the verdict due to the lenient sentences, and the case was pending before the Brno Regional Court at year's end.

In October the Ostrava court sentenced two skinheads to 18 and 22 months, respectively, for attacking and brutally beating seven Roma in 2005. The court acquitted two other individuals in the incidents due to poor police investigations.

There were no developments in the assault cases on Roma in Ostrava, Broumov, and Krnov in 2004, and no information was available on whether authorities prosecuted three men who were reportedly charged with attacking and beating a Romani couple in Prague in September 2005.

In August the regional court in Olomouc resentenced three skinhead youths who beat a Romani couple in their home in 2003. The youths broke into the couple's apartment under the false pretext that they were police officers. They then proceeded to attack the couple, hitting the pregnant women repeatedly with a cobblestone, causing her to lose the child, and stabbing her male partner. In 2004 the local court sentenced the three to probation. After the NGO and Roma community complained, the regional court returned the case in 2004 for more expert reviews. In June and September, the regional court increased the sentences of the two main perpetrators to three years and three months and three years and three months in prison, respectively. The third perpetrator was again sentenced to probation.

The constitution and law prohibit 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 estimated to be 75 percent or higher by the media. 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.

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, which 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 September, October, and November the mayor of Vsetin, Jiri Cunek, evicted a total of 360 Romani residents from their homes in the city, primarily for having missed rent payments. Many Roma were moved into prefab units that resembled stacked shipping containers outside the city. Cunek subsequently ran for and won a Senate seat in October. Although his actions were criticized in the press by human rights activists and members of his own party, Cunek in December was elected as chairman of the small but influential Christian Democrat Party. Cunek's victory and popularity were largely credited to his strong stand in solving Vsetin's Roma "problem". The forced eviction of Roma from different cities into ghetto communities outside of city limits was a growing problem to which the media paid increasing attention.

The government continued taking steps to address the problem of discrimination in the education of Romani children during the year. However, the European Monitoring Center on Racism and Xenophobia (EUMC) in May released a report criticizing the government's de facto segregation of Romani children by sending many of them to special schools for children with learning difficulties. In November the EUMC subsequently released another report which further criticized the country for segregating Romani, primarily in the access to education.

During the year the government continued closing or integrating remedial schools by transferring "slower" students into new, "special" remedial education classes pursuant to a January 2005 law that abolished remedial schools. However, NGOs asserted that the new special classes were still discriminatory and constituted a superficial "rebranding" of the old system. While some regions implemented the new policy successfully, others experienced an exodus of non-Romani citizens concerned that their children would have to attend school with Roma.

In February the ECHR dismissed a case brought in 2000 by the ERRC on behalf of Romani students in Ostrava and other communities who had been placed in remedial schools. The ECHR found that the students' rights were not violated because the schools were not specifically for Romani children, although the court mentioned concern over the disproportionate number of Romani children in the special schools. The ERRC appealed the decision to the Grand Chamber of the ECHR, which did not take any additional action by year's end.

The Czech Retail Inspection Office in cooperation with Romani organizations carried out 260 investigations in response to complaints of discrimination. The office employed two female Romani inspectors.

In September the Ministry of Labor and Social Affairs issued an exhaustive study of living standards in the Romani community and found that more than 330 ghettos were inhabited almost exclusively by Roma, and that the number of ghettos continued to grow. The study put the total population of these ghettos at 80,000, approximately a third of the country's Roma population. The study found these ghetto communities blighted by substandard housing and poor health conditions. Life in these ghettos compounded the unemployment problem in the Romani community. The ministry estimated unemployment in the ghettos to be 95 percent or higher, since it was nearly impossible for individuals to find employment near their homes. In November a report by the EUMC also criticized the existence and growing problem of Romani ghettos.

In Mlada Boleslav a number of Roma were forced to move when the town sold their public housing to a Romani entrepreneur, who moved them to villages outside of town. One woman sued the city because she did not receive substitute accommodation. In May the court upheld her complaints and ruled that the town must pay a fine of \$3,725 (80,000 crowns).

In October 2005 the Bohumin 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 allowed to stay for the duration of the court case, but the town, assisted by police, employed several coercive measures, including shutting off the tenants' utilities and using private security guards to restrict access to the remaining families. The issue was ultimately resolved when a compromise was brokered through NGOs to allow the relocation of the remaining families. In December 2005 the town sought to collect payment from the families for the security guards the town employed at the site. In July the appeals court in Ostrava upheld a lower court ruling imposing a fine on the Bohumin municipality for ceasing to supply hot water to the apartment residents during the winter. In October Police President Vladislav Husak apologized for the actions of the police in behalf of the municipality, when the police earlier refused to enforce the court order and assisted the city in evicting the residents.

The government failed to act on removal of a large pig farm on the site of a World War II Roma concentration camp in Lety. The government again announced its intention to buy and liquidate the farm but had not done so by year's end. The pig farm became an election issue when in January the small ultraright National Party erected a commemorative stone and plaque reflecting its view that the site was not a concentration camp but a labor camp. The stone and plaque were removed by local authorities after a national and international campaign.

Allegations persisted that forced sterilization of Romani women had taken place in previous years (see section 1.f.).

Positive actions taken by the government included passage in April of a long-term Roma integration plan that implemented an affirmative action program. The program provided for state-paid advisers to assist Roma in finding employment and special stipends for Romani secondary school students. In May the government was praised by the EUMC in May for beginning collection of anonymous data on the Roma that would assist the government in addressing the long-term needs of the Romani community. The National Gallery in Prague hosted an exhibit devoted to the history of the Romani Holocaust, and the parliament also hosted a photo exhibit of Romani victims of forced sterilization.

In addition, the Ministry of Labor and Social Affairs began work with NGOs to build capacity and to analyze the best means of utilizing EU Structural Fund monies to assist the Romani community.

The Interministerial Commission for Romani 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 Romani affairs coordinator of the Ministry of Foreign Affairs continued to function as the ministry's liaison with Romani groups, NGOs, and the diplomatic community.

The deputy prime minister, who at the same time served as the minister of labor and social affairs, was designated as the government's point person on problems affecting Roma. He served as the head of the government's councils on Romani community affairs and ethnic minorities.

Other Societal Abuses and Discrimination

During the year parliament failed to pass a new antidiscrimination act that would bring laws in line with the EU Racial Equality Directive. The House of Deputies failed to overcome a veto of the legislation by the Senate. In March parliament passed registered domestic partnership legislation, and the legislation went into effect in July. During the year 235 homosexual couples registered their partnerships with the government.

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 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 Ministry of Labor and Social Affairs, approximately 400 North Korean women worked in bakeries and garment and leather factories in several locations throughout the country. Most of their earnings were deposited into an account controlled by the North Korean embassy. The Ministry of Labor and Social Affairs in coordination with other relevant government agencies and NGOs investigated the situation numerous times throughout the year and concluded that working conditions at the factories and work contracts were within the confines of the law. They found that although the situation was "troubling" in several aspects, the women were working voluntarily and no labor laws had been broken. The government continued to follow the situation closely.

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. Employment conditions for children ages 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 Ministry of Labor and Social Affairs sets and enforces minimum wage standards. The national minimum wage was approximately \$331 (7,955 crowns) per month and provided a decent standard of living for a worker and family when combined with social benefits for low-paid workers.

The law provides for a 40-hour workweek with at least two days of rest and a paid break of at least 30 minutes during the standard eight-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 Ministry of Labor and Social Affairs 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.