



2008 Human Rights Reports: Czech Republic

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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The Czech Republic is a parliamentary democracy with a population of approximately 10.2 million. In February the bicameral parliament elected Vaclav Klaus as president and head of state for a second term. In 2006 free and fair parliamentary elections produced an even split between right and left parties in the Chamber of Deputies. After several months of political stalemate, a coalition government led by the conservative Civic Democratic Party (ODS) and Prime Minister Mirek Topolánek emerged in January 2007. Civilian authorities maintained effective control of the security forces.

The government generally respected and protected the rights of its citizens; however, reports of abuse by police at times were not adequately followed up, and there were long delays in the court system. Corruption persisted among both law enforcement and judicial personnel, and high level political intervention sometimes resulted in investigations being prematurely closed or reassigned to other jurisdictions. There were also reports of official corruption in the legislative and executive branches of government. Child abuse and trafficking of women and children for commercial sexual exploitation, and of men for forced labor, continued to be problems. Neo Nazis, members of the far right Workers Party, and skinheads attacked and harassed Roma and other minorities during the year. Societal discrimination against minorities, especially Roma, continued, and a lack of equitable education, housing, and employment opportunities for Roma persisted.

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.

In September the Prague City Court sentenced former Prague police officer Milan Pavlis to 10 years in prison for killing a 34 year old foreign tourist. The killing occurred when the inebriated policeman provoked a clash with the tourist and stabbed him to death.

Police charged a young man belonging to a local neo Nazi group in Příbram with killing a member of an antifascist organization. The killing took place in February during clashes between local neo Nazis and antifascists. The alleged perpetrator was a neo Nazi dressed in a German military uniform. He stabbed the victim, a protester belonging to the militant antifascist group Antifa, who died of his wounds.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that government officials employed them during the year. Police did not generally use excessive force.

In April the Prague City High Court upheld a lower court's acquittal of police officer Tomas Cermak, who was charged with abuse of power for assaulting the former head of the government's human rights section, Katerina Jacques, during a 2006 demonstration. Jacques was protesting a neo Nazi rally in Prague. A journalist, also detained, photographed the assault. The Interior Ministry imposed minor punishment, such as demotions, on the officers involved and closed its internal investigation of the incident on the grounds that no crime had been committed.

The government continued to investigate cases of forced sterilization, mainly of Romani women, since the 1970s. According to a 2005 report by the ombudsman, most allegations of forced sterilization date to the 1973-91 period. However, the nongovernmental organization (NGO) Group of Women Harmed by Sterilization (WHS) reported that its field research uncovered two recent cases, one in November 2008, the other in 2007. The alleged instance in November involved a 19-year old Romani woman from Karvina. WHS was gathering more information about the case at year's end. In the 2007 case, a social worker allegedly told the victim that she "had no choice" and if she did not accept sterilization, her children would be placed in state care. At year's end, WHS was seeking legal representation for the victim.

The Ostrava Regional Court ruled in October that a local hospital was liable for a wrongful sterilization performed on Romani woman, Iveta Cervenakova, 11 years prior and recognized her right to financial compensation of 50,000 thousand koruna (\$2,600) and an apology. The hospital appealed to the Olomouc High Court, which ruled in November that Cervenakova was not entitled to financial damages because the deadline for making such claims had passed. However, the high court upheld the requirement that the hospital apologize. Cervenakova appealed the decision to the Supreme Court in Brno. The case was pending at year's end. The WHS also indicated that 20 more women, both Roma and non-Roma, had alleged forced sterilizations, some before 1989 and others in the 1990s. These cases had not been investigated by year's end.

In 2007 the governmental Council for Human Rights proposed to pay each sterilization victim 200,000 korunas (\$10,400) in compensation, but the government rejected the proposal. At year's end the government was seeking assistance from the Institute for the Study of Totalitarian Regimes to establish the extent to which the sterilizations before 1989 were government policy and to what extent individual hospital and social workers were responsible.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers.

In a July 2007 report based on visits to the country in 2006, a delegation of the Council of Europe's Committee for the Prevention of Torture (CPT) reported that overcrowding in prisons continued to be a problem. The CPT recommended that detention facilities provide each prisoner with a minimum of four square meters (approximately 43 square feet). The report documented several cases of prisoners who were physically and sexually abused by other prisoners at the Valdice prison and noted that allegations of sexual abuse did not appear to have been taken seriously by prison officials. The report also highlighted the need to ensure that nonviolent prisoners were held separately from prisoners convicted of violent crimes.

Although the government disputed some of the CPT's findings, it continued to implement a number of the report's

recommendations for improved prison conditions, such as hiring and training more staff, offering inmates better work and leisure activities, and increasing the number of refurbished facilities. Additionally, the government provided sensitivity training to prison staff on how to identify and better protect "at risk" prisoners from violent inmates.

In October the prison service announced that, overall, the prison population was 107 percent of the intended capacity of the facilities. There were 20,500 prisoners in the country's prisons, 1,400 more than in 2007. However, in contrast to prisons, detention facilities were not overcrowded and provided each prisoner with the minimum required space.

The government permitted independent monitoring of prison conditions by local and international human rights groups, the media, and the ICRC. The CPT visited prisons and detention centers during the year; the ICRC did not. According to the Czech Prisons Service, there were numerous media visits to prisons during the year. All requests for visits were granted.

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 public order. While law enforcement bodies were generally effective, corruption remained a problem. The Interior Ministry oversees police actions and is responsible for investigating allegations of police misconduct. Observers believed that the ministry often whitewashed wrongdoing or prematurely terminated investigations of units under its control. Investigations that led to successful prosecution rarely resulted in lengthy sentences.

According to the Ministry of the Interior, police conducted 43 bribery investigations in the first eight months of the year and investigated 56 public officials for abuse of authority. During the same period, justice ministry records indicated that courts convicted 36 public officials of crimes relating to abuse of power, but only seven were sentenced to prison. Of these, five received sentences of up to five years and two received sentences of up to 15 years. Of the 21 public officials convicted of bribery related offenses, only one received a sentence of up to five years' imprisonment.

In September the Prague Municipal Court completed one of the trials in the long running and complex legal case against the "Berdych" gang, involving a conspiracy between criminal elements and members of the government's organized crime task force to kidnap, assault, and ransom wealthy businessmen. Since many of the defendants had already been convicted in earlier related trials for more serious crimes carrying longer prison sentences, the court did not impose additional prison time. Another related trial, focusing on the cooperation of the gang with five former members of an elite police detachment, began in August. It had not concluded by year's end.

Arrest and Detention

Authorities apprehended persons suspected of crimes openly, using warrants based on sufficient evidence issued by a prosecutor and brought before an independent judiciary. By law, police may detain persons without charge for up to 48 hours, during which time detainees have the right to counsel at government expense, although they may not contact family members. Police must receive a determination from a judge and a prosecutor of intent to bring charges before they can detain the suspect beyond 48 hours. Once the judge and prosecutor decide to charge the suspect, the suspect may contact family members. In some instances a judge may allow detention for up to 90

days before the suspect is formally charged to allow for further criminal investigation (investigative detention). The law provides for bail except for certain serious crimes or to prevent witness tampering.

Many persons interviewed by the 2006 CPT delegation claimed that they had not been permitted to contact a lawyer or informed of their rights until after police had questioned them.

Lengthy pretrial detention was a problem. Under the law, pretrial detention may last no longer than two years except for "exceptionally grave" offenses. According to prison service data for the first nine months of the year, the average length of pretrial detention was 90 days. Fifteen detainees, or approximately 0.66 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

The president granted amnesty to 46 persons for humanitarian reasons during the year.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice; however, judicial effectiveness was hampered by complicated procedural rules that often kept cases tied up for years in judicial uncertainty. Political influence, structural deficiencies, and a lack of specialized judicial training and resources also contributed to delays and undermined effectiveness. Credible allegations of corruption persisted throughout the judiciary, particularly in commercial and bankruptcy courts, and there was high level political interference in sensitive public corruption cases.

Several developments in earlier years eroded confidence in the independence of the judiciary. Beginning in March 2005, President Klaus refused to appoint dozens of judicial candidates under 30 years of age who were recommended to him as qualified. The president has also regularly blocked promotions of younger judges since he came to office in 2003. Critics charged that the failure to appoint younger judges blocked court reform efforts, while the president maintained that younger judges lacked the experience for full judicial responsibilities. In response to a June 2007 court ruling, Klaus appointed all but one of the younger judges he previously rejected. However, he continued to refuse to appoint one candidate, Petr Langer, despite a ruling in Langer's favor by the Supreme Administrative Court in May.

A number of legal cases involving judicial misconduct were in process during the year. They included the resumption in September of the regional court trial of former bankruptcy judge Jiri Berka, arrested in 2005 on charges of criminal conspiracy and fraud. His was the first indictment of a sitting judge for criminal conspiracy since 1989. The government alleged that a criminal group associated with Berka embezzled nearly 300 million korunas (\$15.6 million) from domestic companies and that Berka approved the dissolution of companies based on documents he knew to be fraudulent. The case was pending at year's end.

In June the Central Bohemian Court in Prague ruled that former supreme state prosecutor Marie Benesova did not have to apologize to six top level judicial officials who sued her for describing them as a "judicial mafia" that tried to influence the corruption investigation of then-deputy prime minister Jiri Cunek. The group appealed to the Prague High Court. The case was pending at year's end.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal and a separate Constitutional Court adjudicates the legality 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 decisions of the district courts through appellate layers to the Supreme Court. Civil cases are handled by the administrative court system, whose highest court is the Supreme Administrative Court.

In the first seven months of the year, the Ministry of Justice received only nine calls on its anticorruption hotline, two alleging corruption on the part of prosecutors and five alleging corruption on the part of judges. In the same period, the ministry received 32 written complaints of corruption concerning two prosecutors, 12 judges, and four other judicial officials.

Trial Procedures

The laws provide for the right to a fair trial, and the judiciary generally enforced this right.

Defendants enjoy a presumption of innocence. Trials are public, but juries are not used. In serious cases a panel of judges rules on the guilt or innocence of the defendant, while a single judge hears less serious cases. Defendants have the right to be present at trial and to consult an attorney in sufficient time to conduct a defense; the government provides an attorney without charge to defendants who cannot afford one. Defendants may confront adversarial witnesses and present witnesses and evidence on their own behalf. Defendants and their attorneys are entitled to access government held evidence relevant to their cases. Convicted persons have a right of appeal. The law extends these rights to all citizens.

There were case backlogs throughout the judicial system, whose impact was compounded by numerous judicial vacancies. In the first nine months of the year, the European Court of Human Rights (ECHR) received approximately 2,400 complaints concerning the country's judicial system, mostly relating to court delays.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution provides for a separate, independent judiciary in civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations; however, inefficiency and inadequate resources caused significant delays in case resolution. Available remedies include monetary damages, equitable relief, and cessation of harmful conduct.

Property Restitution

The law provides for restitution of properties confiscated under the Communist regime as well as restitution of, or compensation for, Jewish property wrongfully seized during the Nazi era. While it was still possible to file claims for artwork, the claims period for other types of property has expired. Significant claims for communal property, two in Brno and one in Turnov, were before the courts at year's end.

The comprehensive compromise settlement reached between the government and the churches in 2007 over restitution of properties of religious orders, and financial compensation to churches for loss of their properties, was awaiting parliamentary ratification at year's end. Protracted litigation between the government and the Catholic Church over the ownership of St. Vitus Cathedral continued, pending the outcome of an appeal by the church against earlier court rulings that declared the cathedral to be the property of the state.

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

The law prohibits such actions, and the government generally respected the privacy of individuals in practice.

Unlike in 2007, there were no reports of evictions of Roma from their homes.

Most of the Romani families evicted from their homes in Vsetin in 2006 and placed in new homes in the Prostejov region were having problems repaying the home loans provided by the city of Vsetin. The deadline for repaying the loans expired at the end of October. Although the families could face eviction for not repaying their loans, Vsetin city officials have indicated that they preferred to reach an agreement with the families. No action was taken by the Vsetin city administration either to renegotiate the loans or to evict the families.

Section 2 Respect for Civil Liberties:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights in practice. Independent media actively expressed a variety of opinions without outside restriction; however, members of the media complained that the country's weak libel protection law for journalists promoted an atmosphere of self censorship that discouraged serious, in depth, investigative reporting; however, there were no reports of threats of, or use of, lawsuits against media representatives during the year.

The law mandates prison sentences of six months to three years for persons who deny Communist era 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. There were no reports of prosecution on these grounds during the year.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e mail or chat rooms. Individuals and groups could and did engage in the peaceful expression of views via the Internet, including by e mail.

In September the district court in Havlickuv Brod sentenced two men to two and three years' imprisonment, respectively, for propagating Nazism. In 2003-04 the men published an Internet magazine, Last Generation, that included anti Semitic articles and Holocaust denial. Some articles called for the physical liquidation of Jews.

According to the government statistical office, 70 percent of the population under age 55 reported using the Internet regularly in 2007.

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 law provides for freedom of assembly, and the government generally respected this right in practice. The government may legally restrict meetings that promote hatred or intolerance, advocate suppressing individual rights, or jeopardize the safety of participants. Protesters are required to have permits for demonstrations, but

police generally did not interfere with spontaneous, peaceful demonstrations.

The government may prohibit concerts, gatherings, or activities that promote hate speech and did so on several occasions during the year. For example, in January authorities denied permission for a march by extreme right wing groups in Plzen, but they subsequently allowed the event to be held in March. Participants shouted anti Semitic slogans when passing the Plzen synagogue. In October the mayor of Litvinov prohibited a demonstration against the Romani community but subsequently approved a November 17 march by approximately 500 members of the far right Workers Party. Efforts by the participants to depart from the approved march route and attack a Romani settlement were thwarted by police intervention.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice; however there were some restrictions. Organizations, associations, foundations, and political parties were required to register with local officials or the Ministry of the Interior. While the law prohibits political party activities on university campuses, it permits students to form their own political associations. At year's end, authorities were seeking to ban the far right Workers Party on the grounds that it promoted racial animosity. The case was pending before the Supreme Administrative Court.

In March the Prague Municipal Court confirmed the 2006 Interior Ministry decision to ban the Communist Youth Union because the Union's statutes violated the law and the Constitution, especially the Human Rights Charter.

c. Freedom of Religion

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

There is a system of registration for religious groups that is administered by the Ministry of Culture. While registration of religious groups is not obligatory for assembly or worship, registered groups enjoy certain benefits under a two tier system which provides greater benefits, including the right to teach in schools, to larger and longer established groups. There were 30 officially registered religious groups, 10 of which had second tier status and were thus officially permitted to teach in state schools.

Organizations from both the Jewish and Muslim communities were registered. The small Muslim community of approximately ten thousand members generally operated freely and maintained two religious centers, in Prague and Brno. Plans for a mosque in Teplice were put on hold pending submission of construction diagrams.

Societal Abuses and Discrimination

There continued to be reports of societal harassment and discrimination against religious groups.

Although estimates varied, the country's Jewish population was believed to be approximately ten thousand. Public expressions of anti-Semitism were generally rare, but small, fairly well organized, ultranationalist groups with anti-Semitic views were active around the country. The Interior Ministry continued to counter such groups, monitoring their activities, increasing cooperation with police from some neighboring countries, and shutting down unauthorized neo-Nazi and skinhead rallies.

Several groups that advocated violence against Jews and other minorities were active. The number of rallies and demonstrations of extreme right groups increased during the year. Experts on extremist groups stated that a shift

from neo Nazi concerts to public political events represented an effort by these groups to legitimize themselves on the political stage prior to regional elections in October.

There were several anti Semitic incidents during the year. While police investigated all reported incidents, arrests were rare. Participants in a march of extreme right wing groups in Plzen in March shouted anti Semitic slogans when passing by the Plzen synagogue. Authorities prohibited the march for January but subsequently approved it for March.

In April bronze plaques from 824 tombstones of Holocaust victims at the National Cemetery in Terezin were stolen. Shortly after the theft, police arrested three men, and in November the district prosecutor's office charged them with theft. If convicted, the men could receive sentences of up to eight years in prison. The crime appeared not to have been anti Semitic, as the plaques were stolen to be sold as scrap metal. However, the damage caused to the Terezin Memorial was 2.5 million korunas (\$130,000).

Police made no arrests in anti Semitic incidents reported in 2007, including the February vandalism and theft at a memorial to the Jewish victims of a 1945 death march in the northern town of Ceska Lipa, the April desecration of a Jewish cemetery in Hranice na Morave, the spraying of Nazi and racist symbols throughout the city of Rychnov nad Kneznou, or the July vandalism in a 19th-century Jewish cemetery in Pisek.

The government sought to promote religious and social tolerance. In January President Klaus and the chairmen of both chambers of parliament joined the Holocaust memorial ceremony held in the Senate. Other political officials, including the prime minister and the chairman of the senate, participated in ceremonies promoting Holocaust remembrance and respect for the Jewish community. The government also sponsored interfaith dialogue.

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For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations to give protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention on the Status of Refugees and its 1967 protocol, and the government has established a system for the protection of refugees.

Immigration and refugee law established a list of "safe countries of origin" from which applicants were unlikely to be granted refugee status. However, this designation did not automatically bar applicants from consideration. Applicants whose cases were denied had a right of appeal to a regional court. The law requires regional court decisions to be reviewed by a five judge panel that has the authority to refer cases requiring further consideration

to the Supreme Administrative Court. The law stipulates that only exceptional cases may be appealed to the Supreme Administrative Court following rejection by the regional court.

Under a 2005 constitutional court ruling, the government must conduct asylum hearings in a language comprehensible to applicants or provide them with an interpreter.

According to interior ministry statistics for 2008, there were 64 asylum claims pending as of January. Nineteen additional applications were submitted during the year. The Interior Ministry granted asylum to 160 refugees, 69 persons were granted Czech citizenship, and 141 persons were granted subsidiary protection during the year.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. In June the government approved a "National Resettlement Program Strategy" developed by the minister of the interior, establishing a framework for a resettlement program. A pilot program was launched in October when a group of 37 Burmese refugees were brought from Malaysia to the Czech Republic.

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

The constitution and law provide citizens with 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 2006 for the Chamber of Deputies, the lower chamber of parliament. In October elections were held for one third of the seats in the Senate and for regional governments. The elections were free and fair.

In June police suspended their investigation of bribery allegations connected to the February presidential election, citing lack of evidence. The investigation involved charges by Senator Josef Novotny that Senator Vlastimil Sehnal, a representative of the ODS, offered him two million korunas (\$104,000) to vote for Vaclav Klaus.

Individuals and parties freely declared their candidacies and stood for election, and political parties operated without restriction or outside interference.

Women were underrepresented in politics and government. There were 31 women in the 200 seat Chamber of Deputies and 14 women in the 81 seat Senate. There were two women in the 15 member cabinet and five women on the 15 member Constitutional Court. Two women were elected governor in October regional elections.

Ethnic minorities were significantly underrepresented. The single member of a minority group, an ethnic Kazakh, served in the cabinet. One justice on the Constitutional Court was an ethnic Slovak. Few of the country's estimated two hundred thousand Roma were integrated into political life. Some Roma have been appointed to the national and regional advisory councils dealing with Roma affairs.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively and investigations suggested that public officials at times engaged in corrupt practices with impunity. Political pressure and ineffective police investigative tools contributed to the infrequent prosecution of high level

corruption. Disclosure of the origin of financial assets is voluntary for public figures. The absence of successful prosecutions for corruption (or of exoneration by the courts) has in turn contributed to public disenchantment and concerns over impunity.

The press continued to report suspicions of corruption. For example, in January the Prague city prosecutor dropped an investigation against Jan Kubice, formerly head of the police unit fighting organized crime. Kubice had been investigated on charges of abuse of power after he released a report to parliament in 2006 alleging a link between organized crime and top governmental officials. The charges against Kubice were based on allegations that he released the report in order to influence parliamentary elections later the same year.

In April Jiri Cunek returned to the cabinet and to his post as deputy prime minister. Cunek was the subject of a protracted investigation in 2007 for alleged corruption. The investigation was terminated in November 2007 by Jihlava district prosecutor Arif Salichov for lack of evidence, a decision confirmed by supreme state prosecutor Renata Vesecka in December 2007. Critics alleged that the investigation was closed due to political pressures. The investigation and its conclusions generated other lawsuits, including one involving former supreme state prosecutor Marie Benesova and a group of sitting and former justice officials (see section 1 e.).

An investigation by Czech and Swedish police and the United Kingdom's Serious Fraud Office continued into allegations that the British Swedish aerospace joint venture BAE Systems/SAAB bribed several members of parliament and ministry officials in 2002 to gain their approval for a multimillion dollar deal to replace the country's fighter jet fleet. An expose by Swedish Television in February 2007 led to the investigation. Three persons who were members of parliament at that time have acknowledged that they were approached and asked to accept large bribes but maintained that they refused.

In September 2007 the Ministry of the Interior established a new anticorruption hotline, administered by the country branch of Transparency International. During its first six months of operation, 727 persons used the hotline. In 339 cases, the reported corruption pertained to public tenders on the local level.

The law provides for public access to government information, and the government provided such access in practice. Applicants whose requests are turned down have 15 days to appeal. They may also appeal if authorities exceed the time limit for processing a request.

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 interference, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to human rights inquiries.

The ombudsman, formally called the public defender of rights, made regular visits to government facilities, examining the treatment of individuals and monitoring respect for fundamental rights. The ombudsman issued quarterly and annual reports on his office's activities in addition to reports on topics of special concern. The ombudsman operated without government or party interference, had adequate resources, and was considered effective.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The laws prohibit discrimination based on race, gender, disability, language, or social status; however, significant societal discrimination against Roma and women persisted. Trafficking in persons remained a problem.

Women

The law prohibits rape, including spousal rape, and the government effectively enforced these provisions in practice. The law provides penalties of two to 15 years in prison. While many experts considered rape to be significantly underreported, they noted an upward trend in the number of rape convictions since 2001. They attributed this trend to improved police training, public awareness campaigns, and greater interaction between police and NGOs. In the first eight months of the year, 397 rapes were reported, 243 of which were investigated. In the first six months of the year, courts convicted 86 offenders, giving suspended sentences to 26 individuals and prison sentences of five to 15 years to 15 individuals.

Experts believed that violence against women was much more widespread than suggested by the number of cases reported to authorities, due to the stigma associated with reporting such abuses. A 2006 sociological survey jointly conducted by the Czech Academy of Sciences and Charles University indicated that 38 percent of women suffered physical abuse by their partners at some point in their lives.

Domestic violence is a distinct crime that is punishable by up to three years in prison, with longer sentences under aggravated circumstances. Government efforts to investigate and prosecute cases of domestic violence improved during the year. Police received extensive training on identifying domestic violence cases. During the year police obtained the authority to remove violent abusers from their homes for 10 days. According to a report released by the NGO Bily Kruh Bezpeci (White Circle of Safety), a total of 343 offenders, including seven women, were removed from their homes in the first six months of the year.

In the first 11 months of the year, according to interior ministry statistics, 486 cases of domestic violence were reported, 382 investigations were completed, and authorities continued to investigate another 108 cases. In the same period authorities prosecuted 359 cases of domestic violence. During the first six months of the year, according to justice ministry statistics, five persons were sentenced to one year in prison, 28 persons were sentenced to two to five years, and one person was sentenced to 15 years. While most prosecutions resulted in conviction, the majority of convictions did not involve incarceration. Three quarters of the incidents involved domestic partners or spouses, with women constituting almost 90 percent of the victims. Children were the victims in most of the remaining cases. Alcohol played a major role in many domestic violence cases.

Koordona, an association of 13 NGOs dealing with domestic violence, provided specialized training manuals for health care workers and distributed materials informing victims of their rights. Police continued to train personnel selected to handle cases and to work with social service agencies. Several hotlines and crisis centers offered psychological counseling to victims of rape and domestic abuse. In the first six months of the year, for example, the Dona hotline received 2,034 calls compared to 1,949 calls in the same period in 2007; 995 of the calls related to domestic violence.

The law does not prohibit prostitution, but local governments may limit or regulate it. Pimping is illegal. Prostitution was widespread in border areas and major urban areas throughout the country. Foreigners visited the country for purposes of sex tourism, which involved both sexes, including some juveniles. There were no national laws addressing sex tourism.

The law prohibits sexual harassment; however, the government did not effectively enforce it, and sexual harassment remained a problem. The law places the burden of proof on the person accused of sexual harassment.

Those convicted can be fined up to 70,000 korunas (\$3,640), dismissed from work, or sentenced to prison.

The law grants men and women equal rights, including in family and property law matters. Women constituted 43 percent of the labor force. While their rate of employment grew faster than that of men, women's salaries for similar work lagged behind men's by almost 25 percent, and women were more likely to work in professions with lower median salaries than those chosen by men. The Council for Equal Opportunities for Men and Women monitored gender issues and advised the government on enforcing equal gender rights.

Children

The government was generally committed to children's rights and welfare.

While the government provided free, compulsory education through age 15, and most children continued through secondary school, government provided education opportunities for Romani children were limited and often insufficient.

According to the most recent data available, a 2005 UN Development Program survey on education for minorities, only 25 percent of Roma completed primary education, compared with 73 percent of the majority population. Romani children were enrolled at disproportionately high rates in remedial school systems, which effectively segregated them into a substandard education. In 2007 the ECHR ruled in one case that the placement of 20 Romani children in a school for mentally challenged pupils was discriminatory, since 90 percent of children in such schools were Roma.

The government continued steps to address discrimination in the education of Romani children during the year. It continued the policy of closing "remedial" schools and transferring "slower" students into new special education classes or so called "practical schools," pursuant to a 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 successfully implemented the new policy, others experienced an exodus of non Romani families concerned that their children would have to attend school with Roma. According to a study by the European Roma Rights Center and the Roma Education Fund, Roma were overrepresented in the practical schools that replaced remedial schools. However, authors of the study also acknowledged that placement of Roma in practical schools was often made at the request of their parents.

While the law prohibits family violence, sexual abuse, and other forms of mistreatment of minors, child abuse remained a problem. During the first half of the year, police investigated 92 cases of child negligence or endangerment; authorities prosecuted 42 alleged offenders; and courts convicted 35, sentencing eight of them to prison.

Social protection agencies reported that authorities remove approximately 1,900 children from their homes annually due to mistreatment. Both domestic and foreign NGOs were critical of the fact that as many as 20,000 children were living in children's facilities, including more than ten thousand in social care institutes, almost 7,500 in orphanages and correctional institutions, and more than 1,900 in special homes for infants.

Prison sentences for child abuse ranged from five to 10 years. In October six persons were sentenced to prison for child abuse in Kurim, where two young boys were severely abused by their mother and others. In September the district court in Usti nad Labem sentenced Antonie Staskova to 24 years in prison and Pavel Grepl to 20 years for the murder of Staskova's five year old son. In June police arrested Antonin Novak for the sexual assault and murder of a nine year old boy. Novak faced a possible sentence of life imprisonment.

In October 2007 President Klaus signed a law prohibiting possession of child pornography; previously only the manufacture and distribution of child pornography was prohibited.

Although some members of the Romani community married before reaching the legal age of 18, underage marriage was not a significant problem among other groups.

Some children were engaged in prostitution for survival without apparent third party involvement. NGOs reported that many teenagers in prostitution were runaways or products of orphanages and the foster care system. NGOs working with high risk children attributed the problem largely to deficiencies in the foster care system, which often failed to provide adequate job skills and promote the adoption of unwanted children by capable parents.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, trafficking to, from, and to a lesser extent, within, the country for sexual exploitation and forced labor continued to be problems. Russia, Slovakia, and other countries in Eastern Europe, as well as Vietnam, were the largest sources of trafficked persons. In most cases, victims were trafficked onward to Western Europe and in some cases to the United States. Czech women were trafficked to Western Europe, while foreign and local women, as well as children, were trafficked within the country, particularly to border regions, and were occasionally sold between organized trafficking syndicates. Small numbers of men were trafficked to the United States for forced labor. By some estimates, 80 percent of all foreign trafficking victims in the country entered legally.

Romani women were at the highest risk of internal trafficking; girls raised in state homes were also at high risk. According to government authorities, women already working in prostitution were particularly vulnerable to traffickers. Trafficked women were often promised jobs as models, maids, waitresses, and dancers through employment agencies. Traffickers coerced victims' compliance by confiscating their travel documents, exploiting their isolation and any drug and alcohol dependence, employing violence or threats of violence to the victims or their families, and threatening victims with arrest and deportation.

Most traffickers were involved in organized crime and entered the country from Ukraine, Russia, and East Asia. Domestic traffickers often served as links between East European and West European traffickers.

Penalties for trafficking range from two to 15 years in prison and are generally similar to penalties for rape and sexual assault. Authorities may also prosecute traffickers for organized prostitution and pimping, which are punishable by up to 12 years in prison.

In the first eight months of the year, police investigated six trafficking cases, authorities prosecuted two suspects, and courts sentenced two offenders to prison for up to five years. Also in the first eight months, authorities conducted 25 investigations of pimping and prosecuted 31 offenders; courts sentenced one defendant to up to fifteen years in prison, four to five year terms, two to one year, and gave 22 suspended sentences. Since the government often utilized other criminal statutes to prosecute traffickers, it was difficult to develop an accurate estimate of the total number of trafficking prosecutions and convictions.

An organized crime unit within the national police was dedicated to combating trafficking. It worked closely with its counterparts in Interpol and Europol and also cooperated extensively with the European Union and foreign governments in the investigation and prosecution of trafficking cases.

The government continued to make trafficking crimes a priority by introducing its third national strategy against trafficking to cover the period 2008-11. The Ministry of Justice organized several training sessions on trafficking

issues for judges and prosecutors, and the Interior Ministry continued offering specialized training to police. During the year authorities continued to carry out the national plan, updated in 2006, to combat the sexual exploitation of children. A special police team was established in Cheb, a town on the German border where sex tourism was common, to fight this growing phenomenon. The interdisciplinary committee on trafficking, which included representatives from various ministries and NGOs, continued to meet regularly to coordinate efforts to implement the national antitrafficking plan.

Labor trafficking remained a problem. An organized crime unit within the national police was dedicated to investigating cases of forced labor, which took place predominantly in the construction sector. In July 2007 the unit broke up a labor trafficking syndicate operated by Ukrainian nationals. Punishment for those who organize and support illegal migration was increased in June 2007.

The government cooperated with NGOs to provide services to trafficking victims and to train police and investigators in handling trafficking cases and referring victims for counseling. The government assisted with international investigations, and law enforcement authorities regularly cooperated with their counterparts in Europe and elsewhere.

The government provided psychological and social assistance to trafficking victims for 60 days after they were discovered. During this time victims had to decide whether to cooperate with authorities or return to their home countries. Victims choosing to cooperate are eligible for residency visas for the duration of the criminal proceedings and may thereafter apply for permanent residency on humanitarian grounds.

Starting in October 2007 the government liberalized procedures under which trafficking victims could apply for permanent residence, even when the support they provided fell short of testifying against traffickers. According to an interior ministry report, 22 victims participated in the government's victim protection and assistance program in the first nine months of the year. Three were Czech, six came from Ukraine, six from Romania, three from Brazil, and one each from Slovakia, Russia, Kyrgyzstan, and Uzbekistan. Fifteen of the participants were victims of trafficking for labor, and seven were victims of trafficking for commercial sex.

The Ministry of the Interior continued to work with the International Organization for Migration (IOM) on a campaign to reduce demand for commercial sexual services along the country's border with Germany. The NGO Caritas visited schools and asylum centers to conduct awareness campaigns among potential trafficking victims. Other NGOs that received government funding, such as La Strada and Rozkos Bez Rizika (Pleasure without Risk), conducted seminars and distributed literature describing the dangers and tactics of traffickers. NGOs also led a large multilingual antitrafficking public relations campaign on Prague's mass transit system.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the government generally enforced these provisions. However, persons with disabilities faced a shortage of public accommodations and were unemployed at disproportionately high rates.

The ombudsman and a team of colleagues from his office are required to make regular visits to all governmental and private workplaces of persons with physical restrictions to examine conditions, ensure that fundamental rights are respected, and advocate for improved protection against mistreatment.

In March a new government program to aid persons with disabilities, Mobility for All, was approved for the years 2008-15. The program was drafted with the participation of the Government Council for Citizens with Disabilities, a permanent advisory body. The plan includes programs to bring more persons with handicaps into the workforce and to reduce physical barriers to employment.

Approximately 60 percent of Prague's metro stations were accessible to persons with disabilities, and most buses and new tramcars have been configured to accommodate them. However, the majority of stations in the city center contained barriers. There were 294 barrier free high schools across the country as well as 50 barrier free institutions of higher learning, including universities.

In 2006 the Czech Helsinki Committee noted that more than seventeen thousand adults and children with mental disabilities lived in social care homes, the majority of these under legal guardianship. In many cases the guardian was also the institute's director, giving rise to claims of conflict of interest.

The use by psychiatric institutions of beds covered with protective netting to restrain patients with mental disabilities, which some advocates for persons with disabilities called unnecessarily cruel, remained a contentious issue. In 2007 the government amended the rules for use of coercive means in psychiatric institutions to add permissible alternatives to netted beds. Later in 2007, a media report alleged that five social care facilities continued to use netted beds. The findings were disputed by the government, which launched its own investigation. An investigative team of the Ministry of Labor and Social Affairs reported that it had not discovered any netted or cage beds in those facilities. They only found standard cribs with netted sides used by children for rest or sleep only. The upper parts of these cribs were not covered and the height of the sidepieces did not correspond to cage beds. The team also found that the cribs were not being used to restrict free movement. In long term care facilities, netted beds remained a legal means of restraining both adults and minors with mental disabilities who were deemed threats to themselves or others.

National/Racial/Ethnic Minorities

Minority groups in the country included Slovaks, Roma, Poles, Germans, Ukrainians, and Vietnamese. Roma faced high levels of poverty, unemployment, and illiteracy as well as widespread discrimination from potential employers and local and school officials.

Latent societal discrimination against the country's Romani population occasionally manifested itself in violence. Members and sympathizers of skinhead organizations were the most frequent perpetrators of acts of interethnic violence, particularly against Roma.

An estimated seven thousand skinheads were active in the country, although some observers put the actual figure much higher. During the year neo Nazi and skinhead rallies took place in several cities.

In July an interior ministry report reviewing extremism in 2007 confirmed that neo Nazi activity had increased and that more extremists were attending events armed, as evidenced by the increased number of weapons seized from both neo Nazi and left wing extremists at events in 2007. In January police arrested 30 neo Nazis in the Prague city center after they attacked a Chinese bistro, causing more than fifty thousand korunas (\$2,600) in damage, and then marched through neighboring streets. Police confiscated numerous weapons from the detainees.

In February the high court in Olomouc sentenced a Slovak citizen to 13 and one-half years in prison for the murder of a Romani man in Hodonin in May 2007. The Slovak was found guilty of setting the victim on fire. The high court also upheld the sentencing of an accomplice, who poured toluene (methylbenzene) on the victim. Two other accomplices received suspended sentences.

In April the state attorney filed charges against the former vice mayor of the Marianske Hory/Hulvaky district of the town of Ostrava, Jiri Jizersky, for alleged racist remarks about Roma. At a meeting to discuss the situation in the poor neighborhood called "Bedriska," Jizersky is alleged to have spoken of shooting its Roma inhabitants. In June the district court in Ostrava acquitted Jizersky of the crime of defamation, ruling that he had neither committed a crime nor intended to provoke the Roma.

In April approximately 30 Roma living in a ghetto in Prerov had to evacuate their building after someone apparently threw a smoke bomb into it. Firefighters were unable to identify the cause of the smoke. A genuine fire broke out in another part of town primarily occupied by Roma approximately 20 minutes later. It was unknown whether the two incidents were related. Police did not investigate the incidents.

In September the nationalist Workers' Party, with mostly skinhead membership, repeatedly attempted to stage an anti Roma march through a suburb of the city of Litvinov that is mainly inhabited by Roma. In October mounted police prevented clashes in Litvinov between approximately 400 neo Nazis and 300 Roma. Two persons, one police officer and one demonstrator, were injured, and four neo Nazis were detained. Police accused one of the four detainees of breach of public order. On November 17, in a further confrontation in Litvinov, an estimated one thousand police fought hundreds of well armed, right wing rioters, preventing them from attacking Roma. An estimated 500 members of the Workers' Party suddenly deviated from the route of their approved march and turned toward a largely Roma neighborhood. Police also had to contend with approximately 300 Roma men who gathered to defend their community. Seven demonstrators and seven police officers were injured; police arrested 15 protesters.

The law prohibits employment discrimination based on ethnicity; however, Roma continued to face discrimination in both employment and education. Precise figures were unavailable, but the unemployment rate for Roma was estimated to be approximately 75 percent. Some employers refused to hire Roma and requested that local labor offices not send them Romani applicants. Continuing a trend from recent years, the Romani community was better organized in its efforts to confront discrimination through the legal system.

Roma faced widespread discrimination in access to housing and other accommodations. Human rights groups reported that some municipalities attempted to force Romani families to leave, employing such tactics as evicting them from municipally owned homes because of alleged lapses in rent payments or coercing them to sign complex agreements they did not understand, which were then used to curtail existing housing contracts. Housing discrimination based on ethnicity is prohibited by law, and the ombudsman publicly criticized these evictions; however, the law also affords municipalities substantial autonomy in such actions. Restaurants, bars, and other public places at times refused to serve Roma.

A 2006 study of living standards among Roma by the Ministry of Labor and Social Affairs found that more than 330 ghettos were almost exclusively inhabited by Roma and that the number of ghettos continued to grow. The study put the combined population in these ghettos at eighty thousand, more than one-third of the Romani population. The study found that the ghettos were blighted by substandard housing and poor health conditions.

The government failed to remove a large pig farm on the site of a World War II concentration camp for Roma in Lety, citing a lack of funds. Instead, in 2007 the government allocated 50 million korunas (\$2.6 million) to build a memorial to Romani holocaust victims near the farm. Romani holocaust survivors rejected the idea and insisted that the pig farm be removed. In May several government officials, including the human rights and minorities minister, the education minister, and the deputy chairman of the senate, participated in a commemorative ceremony at Lety.

The government continued its long term integration plan for Roma, adopted in 2006. The program provided state paid advisers to assist Roma in finding employment and special stipends for Romani secondary school students. The Ministry of Labor and Social Affairs continued to work with NGOs to increase services to the Romani community.

The Interministerial Commission for Romani Community Affairs, coordinated by the minister for human rights and minorities, included 12 government and 14 Romani representatives, as well as the ombudsman; it 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.

Other Societal Abuses and Discrimination

There were no reported cases of violence or discrimination against persons based on sexual orientation.

There were no reports of discrimination against persons who were HIV positive.

Section 6 Worker Rights

a. The Right of Association

The law protects the workers' right to form and join unions of their choice without authorization or excessive requirements, and workers exercised this right in practice. Employees in the intelligence services and security organizations, including police forces, prison service, and military forces, may not be trade union members. Continuing a declining trend, less than 15 percent of the workforce was unionized. Approximately 75 percent of union members were affiliated with the Czech Moravian Confederation of Trade Unions, a national umbrella organization.

The law allows unions to conduct their activities without interference, and the government protected this right in practice. 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.

b. The Right to Organize and Bargain Collectively

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 are regulated by law. A labor code that came into force in December 2007 broadened the opportunities for collective bargaining both in the public and the private sectors.

The law prohibits antiunion discrimination; according to the Confederation of Trade Unions, there were occasionally reports of hidden forms of discrimination, but no concrete complaints.

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 women and children were trafficked for commercial sexual exploitation and also isolated cases of trafficking for forced labor. An organized crime unit within the national police was dedicated to investigating cases of forced labor. The government ended its program of bringing North Korean workers to the country for work in textile factories. Their work visas expired in February and were not extended.

d. Child Labor Practices 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 have completed special training may 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.

Children were trafficked within the country for commercial sexual exploitation.

e. Acceptable Conditions of Work

The Ministry of Labor and Social Affairs establishes and enforces minimum wage standards. The national minimum wage was eight thousand korunas (\$415) 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, two days of rest, and a paid break of at least 30 minutes during the standard eight hour workday. Subject to the consent of the employee, employers may establish up to eight hours per week of overtime; the local employment office may permit additional overtime. Premium pay for overtime is governed by the provisions of employment contracts. However, according to the IOM, the standard conditions of work were not always observed in situations involving migrant workers.

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.