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## 2009 Human Rights Reports: Czech Republic

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

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The Czech Republic is a multiparty parliamentary democracy with a population of approximately 10.2 million. Legislative authority is vested in the bicameral parliament, consisting of a Chamber of Deputies (Poslanecka snemovna) and Senate (Senat). The president, whom parliament elects every five years, is head of state; he appoints a prime minister from the majority party or coalition. In February 2008 the parliament elected Vaclav Klaus as president for a second term. The coalition government, led by the center-right Civic Democratic Party (ODS) and Prime Minister Mirek Topolanek, fell on March 24, and an interim government led by new Prime Minister Jan Fischer took office on May 8. Civilian authorities generally maintained effective control of the security forces.

European authorities reported that the government castrated some convicted sex offenders without their free and informed consent. Other notable human rights problems included official corruption, trafficking of persons for commercial sexual exploitation and labor, neo-Nazi and nationalist extremism directed at Roma and other minorities, and societal discrimination against Roma.

#### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, in January a Vietnamese man died in police custody in Brno. According to press reports, police beat the man, a suspected heroin dealer, in his apartment and encouraged a neighbor to kick him. On December 18, the Brno prosecutor brought charges against three police officers and the victim's neighbor in the Brno Regional Court. The three policemen were charged with abuse of power and face up to three years in prison. The neighbor was charged with the crime of bodily harm and faces up to 12 years in prison.

On July 17, the regional court in Prague sentenced 20-year-old Jiri Fous, a member of a local neo-Nazi group in Pribram, to 12 years and six months in prison for killing a member of an antifascist organization in February 2008.

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 the government generally respected these prohibitions in practice; however, compensation for coerced sterilizations and surgical castration of male prisoners convicted of sexual offenses were ongoing issues.

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According to a 2005 report by the National Defender of Rights (ombudsman), there were many allegations that doctors at state hospitals forcibly sterilized mainly Romani women in the 1973-91 period. In 2008 the nongovernmental organization (NGO) Group of Women Harmed by Sterilization (WHS) reported that its field research uncovered two cases of coerced sterilization in November 2008 and in 2007. The alleged instance in 2008 involved a 19-year-old Romani woman from Karvina; at year's end authorities had not opened an investigation into the allegation. In the 2007 case, a social worker allegedly told the victim that if she did not undergo sterilization two of her children would be placed in state care. In August police began investigating the case. In August the Budapest-based European Roma Rights Center provided and funded legal representation for the victim. At year's end the case was pending at the Prosecutor's Office in Frydek-Mistek. The WHS also identified 18 new cases of women, both Roma and non-Roma, who alleged they had been sterilized without their informed consent, some before 1989 and others in the 1990s. At year's end authorities had not opened investigations into the cases.

The Ostrava Regional Court ruled in October 2008 that a local hospital was liable for a wrongful sterilization performed on a Romani woman, Iveta Cervenakova, 11 years prior and recognized her right to compensation of 500,000 thousand korunas (\$27,600) and an apology. The hospital appealed to the Olomouc High Court, which ruled in November 2008 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, which it did. In April Cervenakova appealed the decision to the Supreme Court in Brno. At year's end there were no further developments in this case. On October 23, the Supreme Court dismissed a claim by another Romani woman, Helena Ferencikova, who demanded financial compensation from a hospital that performed an unwanted sterilization on her. In 2005 Ferencikova's case was the first involuntary sterilization case to reach the courts. On November 23, the interim government officially expressed regret over unauthorized sterilization of (mostly) Romani women, but interim prime minister Fisher stated that the issue of possible financial compensation should be left to the government formed after 2010 parliamentary elections.

In March and April 2008, a delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) visited psychiatric hospitals to follow up on concerns over the government's program of surgical castration of sex offenders, which continued during the reporting period. According to the Health Ministry, 94 sex offenders underwent surgical castration in the 10 years prior to April 2008. Six more reported between April 2008 and November 2009. The CPT believed patients did not give free and informed consent to surgical castration and that in most cases sex offenders requested castration because they feared long-term imprisonment as an alternative. The CPT reported that in 50 percent of the cases it reviewed, surgical castration was carried out on individuals who had committed nonviolent offenses, for example, repeated exhibitionism. Calling the practice "degrading," the CPT called upon the government to end it immediately. The CPT delegation criticized the government for withholding medical records and for providing inaccurate information on a number of occasions before, during, and after the visit.

In response the government stated that, according to the law, all patients must request the castration in writing and have their cases approved by an independent expert commission. It did not, however, address actual practice. The government did not consider the CPT's findings sufficient reason to abandon the sterilization program.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards. The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year.

During its follow-up visit in March and April 2008, the CPT visited Section E of Valdice Prison, which accommodates persons sentenced to life imprisonment as well as troublesome or dangerous high-security prisoners. It found that the treatment and conditions of detention of these prisoners continued to raise serious problems. These included concerns about physical and sexual abuse of vulnerable prisoners, failure to integrate prisoners sentenced to life imprisonment with the general prison population, the lack of a process for prisoners to appeal their placement in Section E, and an unresponsive staff. In reply the government stated it replaced a substantial part of its prison staff in mid-2008 and said positive changes had resulted.

In July the prison service announced that the prison population was 130 percent of the intended capacity of the facilities. There were an estimated 22,000 prisoners in the country's prisons, 1,500 more than in 2008.

The government permitted independent monitoring of prison conditions by local and international human rights groups and the media. According to the Czech Prisons Service, there were numerous media visits to prisons during the year. All requests for visits were granted.

In 2008 the government built 355 additional prison cells in four prisons with the goal of increasing the average prison cell size from four square meters (43 square feet) per prisoner to six square meters (65 square feet). Given the increase in the prison population, however, the goal was not met.

#### Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government 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 18 bribery investigations in the first eight months of the year and investigated 58 public officials for abuse of authority. According to ministry records, in the first half of the year courts convicted 21 public officials of crimes relating to abuse of power, but none was sentenced to prison.

On June 25, three members of the "Berdych" gang, including a former member of the Slovak rapid response police, were sentenced to six to 14 years in prison. The long-running and complex legal case against the gang involved a conspiracy between criminal elements and members of the government's organized crime task force to kidnap, assault, and ransom wealthy businessmen.

#### Arrest Procedures and Treatment While in Detention

Police arrest persons accused of criminal acts using warrants issued by a judge. The accused person must be turned over to a court within 24 hours, and a judge has an additional 24 hours to determine whether to prolong the individual's detention.

Police may arrest a person without a warrant under a number of circumstances: when they believe a prosecutable offense has been committed; when they consider it necessary to prevent further offenses or destruction of evidence; when they need to protect a suspect; or when a person refuses to obey police orders to move. Suspects arrested without a warrant must be informed promptly of the reason for their arrest, questioned, and either released within 48 hours or turned over to a court. If turned over to a court, a judge must decide whether to charge the individual within 24 hours. Only a person who has been charged with a crime may be held in custody.

A defendant in a criminal case has the right to choose a lawyer or have one provided by the state. The court determines whether attorneys' fees will be partially or fully covered by the state. The law provides for bail except for serious crimes or to prevent witness tampering. The authorities respected these rights in practice.

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 six months of the year, the average length of pretrial detention was 98 days. A suspect may petition investigating authorities at any time for release from detention.

#### Amnesty

The president granted amnesty to 69 persons for humanitarian reasons in the first 11 months of 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 delayed judgments for years. Political influence, structural deficiencies, and a lack of specialized judicial training and resources also contributed to delays and undermined effectiveness.

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, the highest court of which is the Supreme Administrative Court.

During 2008 the European Court of Human Rights (ECHR) found 12 violations by the country of the right to a fair trial and one violation of the right to an effective remedy under Articles 6 and 13, respectively, of the European Convention on Human Rights.

#### Trial Procedures

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

Defendants enjoy a presumption of innocence. Trials are public. 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; 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 persons.

There were case backlogs throughout the judicial system, a problem compounded by numerous judicial vacancies.

#### 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. Administrative remedies are also available.

#### 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 had expired. Two claims for Jewish communal property in Brno were before the courts at year's end. The Liberec regional government refused to return one property in Turnov without providing a reason.

The comprehensive compromise settlement reached in 2007 between the government and the churches, which offers restitution of properties of religious orders and financial compensation to churches for loss of their properties, had not been ratified by parliament 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 these prohibitions in practice.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Independent media actively expressed a variety of opinions without outside restriction.

In November 2008 a Prague district court fined journalist Sabina Slonkova 20,000 korunas (\$1,100) for refusing to reveal her sources in a court case regarding a leaked video published on the Web site aktualne.cz. The video showed a presidential advisor meeting with a lobbyist in a hotel before the February 2008 presidential elections. On February 6, an appeals court upheld the fine.

On April 1, a law criminalizing the publication of information obtained from police wiretaps went into effect. The law also criminalizes the publication of names of victims of serious crimes and the names of all victims younger than age 18. Journalists violating the law face fines of up to five million korunas (\$276,000) and prison sentences of up to five years. The International Press Institute criticized the law, asserting that its provisions are unclear, may inhibit investigative journalism, and provides no exception for the public interest.

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.

On April 24, the government arrested former U.S. Ku Klux Klan grand wizard David Duke and charged him with denying the Holocaust and inciting hate. The group National Resistance had invited Duke to speak at Charles University. After university officials canceled the speech, a small group of supporters gathered at a Prague restaurant, where police arrested Duke. The government ordered Duke to leave the country the following day. On September 29, the State Prosecutor's Office in Prague dismissed the charges due to lack of evidence.

As the result of a televised election advertisement that referred to a "final solution of the Gypsy question," the Prague Municipal State Attorney's Office filed charges in September against a member of the unregistered, ultranationalist National Party for inciting hatred based on race. In November a Prague district court gave a representative of the National Party a one-year suspended sentence and three years' probation for the advertisement.

#### 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 and did engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, approximately 58 percent of the country's inhabitants used the Internet.

#### 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 or prohibit gatherings, including marches, demonstrations, and concerts, 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.

On August 18, the law on assembly was amended, giving local governments additional time (three working days instead of three calendar days) to review demonstration applications. In June the government distributed a handbook to local governments designed to help local officials accurately apply the law regarding public gatherings.

In July police in Plzen arrested two persons on suspicion of supporting and promoting a movement aimed at suppressing human rights and freedoms. The arrests stemmed from a gathering of approximately 50 neo-Nazis for a celebration at a local restaurant. Police stated that when the party began to perform a song celebrating the National Resistance organization, they shut down the music, verified the identities of the persons present, and arrested the two individuals who were running the production.

##### Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice. The law, however, requires organizations, associations, foundations, and political parties to register with local officials or the Ministry of the Interior.

In September the government again proposed to dissolve the far-right Workers Party, with mostly neo-Nazi membership. The government first proposed dissolving the party in March, but the Supreme Administrative Court said the proposal was

poorly prepared and did not present sufficient evidence that the party represented a threat to democracy. At year's end the new, more comprehensive proposal was before the Supreme Administrative Court.

In August the Interior Ministry refused to register the Czech Sudeten German Association. The association demanded the abolition of President Edvard Benes' post-World War II decrees that led to the expulsion of Sudeten Germans from what was then Czechoslovakia and confiscation of their property. The Interior Ministry justified its refusal by citing a 1995 ruling of the Constitutional Court, which held that the post-war confiscation decree was legal and legitimate at the time. The ministry also referred to the 1997 Czech-German declaration in which the two countries' governments pledged not to burden their relations with the past. The association filed an appeal with the Prague Municipal Court. At year's end the case was pending.

### c. Freedom of Religion

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

Although registration is not obligatory for assembly or worship, the Ministry of Culture administers a two-tier system of registration for religious groups. Tier one status confers no benefits, but the larger and longer-established religious groups in tier two enjoy certain benefits, including the right to receive state subsidies and to apply to teach religion classes in schools.

To register, a group must submit a short description of the group and its teaching and goals, along with the signatures of 300 members. Examples of registered groups include the Roman Catholic Church, the Evangelical Church of Czech Brethren, and the Czechoslovak Hussite Church. Thirty-one groups are registered, 10 in tier one and 21 in tier two. Of the 21 tier two groups, 10 have official permission to teach in state schools.

Organizations from both the Jewish and Muslim communities were registered. The Muslim community of approximately 10,000 members generally operated freely and maintained two mosques in Prague and Brno. The Brno Muslim community's plan to build a second mosque in the city led to protests, including a small demonstration organized by the National Party on August 29. The local and national leadership of the Christian Democratic Party (KDU-CSL) also opposed the second mosque.

### Societal Abuses and Discrimination

There continued to be reports of societal harassment and discrimination against religious groups. In 2008, according to the OSCE's annual report on Hate Crimes in the OSCE Region, the police recorded 217 hate crimes, prosecuted 215 persons, and sentenced 97 persons. Prosecutions in the pretrial stage involved 41 persons.

Although estimates varied, the Jewish population was thought to number approximately 10,000. 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 rallies. In 2008, according to the OSCE's annual report on Hate Crimes in the OSCE Region, the government recorded 27 criminal offences with an anti-Semitic motive, two of them violent. The Federation of Jewish Communities reported 44 anti-Semitic incidents, including one attack on a person and two on property.

Several groups advocating violence against Jews and other minorities were active. The number of rallies and demonstrations of extreme right groups increased during the year.

In January vandals damaged the monument to Holocaust victims in Teplice. Police began an investigation of the case but closed it for lack of evidence.

On October 12, a court sentenced three men convicted of stealing bronze plaques from 824 tombstones of Holocaust victims at the Terezin National Cemetery in April 2008. The court handed down sentences of up to three and a half to four and a half years in prison; however, two of the three were sentenced in absentia. The crime appeared not to have been anti-Semitic, since the plaques were stolen to be sold as scrap metal.

In November the Ministry of Defense discharged two military officers with no severance or pension after reports surfaced that they had worn symbols of SS units on their helmets while serving in Afghanistan. Their immediate supervisors retired.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at <http://www.state.gov/g/drl/rls/irf/>.

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide 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 (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

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

#### Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The laws provide for the granting of refugee status or, for those who do not qualify for refugee status but are deemed in need of international protection, subsidiary protection, and the government has established a system for providing protection to refugees.

Because the law defines "safe countries of origin," from which applicants are unlikely to be granted refugee status, the Interior Ministry no longer accepts asylum applications from "safe" countries. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The Interior Ministry makes the initial determination on granting international protection. Applicants whose cases are denied may appeal to a single-judge regional court. Appeals of regional court decisions are reviewed by a five-judge panel composed of judges serving on the Supreme Administrative Court. The five-judge panel first determines if the case presents new problems or if the regional court made a grave error. If so, the panel reviews the substance of the claim.

The law provides that the government must conduct asylum hearings in a language comprehensible to applicants or provide them with an interpreter.

The law allows the government to detain asylum applicants for up to 120 days in reception centers. This provision particularly affected applicants lacking identity documents. According to the UNHCR, regional courts are obliged to review these cases expeditiously but in practice did not do so.

According to Interior Ministry statistics, 622 asylum claims were filed in the first eight months of the year. During the same period, the ministry granted refugee status to eight asylum seekers, and one person was granted subsidiary protection.

A pilot resettlement program was established in October 2008, when a group of 39 Burmese refugees were brought from Malaysia. On April 10, a resettlement agreement between the government and the UNHCR went into effect.

### 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 for the Chamber of Deputies, the lower chamber of parliament, took place in 2006. In October 2008 elections were held for one third of the seats in the Senate and for regional governments. Both elections were considered free and fair. On March 24, the coalition government led by the center-right Civic Democratic Party (ODS) fell, and on May 8 an interim government led by Prime Minister Jan Fischer took office. Parliament agreed to hold early national elections for the Chamber of Deputies on October 9-10, but the Constitutional Court canceled the elections, stating the method parliament used to call the elections was unconstitutional.

On June 5-6, the country held elections to the European Parliament that were considered free and fair.

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

There were 35 women in the 200-seat Chamber of Deputies and 14 women in the 81-seat Senate. There were three women in the 16-member interim cabinet and five women on the 15-member Constitutional Court. Two women were elected as governors in October 2008 regional elections.

One justice on the Constitutional Court and one member of the interim cabinet were ethnic Slovaks. Few of the country's estimated 200,000 Roma were integrated into political life. No Roma were members of parliament, had cabinet portfolios, or sat on the Supreme Court. Some Roma were appointed to national and regional advisory councils dealing with Romani affairs. Four Roma served in leadership roles in the Ministry for Human Rights and National Minorities.

### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not always implement the law effectively, and investigations suggested officials at times engaged in corrupt practices with impunity. The World Bank considered corruption to be a problem in the country.

The police anticorruption unit, as well as NGOs, stated that corruption in public procurement was a major problem. Political pressure and ineffective police investigative tools contributed to the infrequency of prosecution of high-level corruption. According to the police anticorruption unit, a major barrier was the lack of a "crown witness" process, where immunity can be offered to persons willing to testify against coconspirators. Although public figures must disclose the state of their finances each year, disclosure of the origin of financial assets is voluntary. There was a virtual absence of successful prosecutions of corruption.

Law enforcement agencies are responsible for combating government and private corruption. The police anticorruption unit investigated corruption allegations concerning high-level officials and major regional and local cases. It also investigated private individuals and companies accused of corruption. Other police units investigated lower-level cases. As of October 9, the anticorruption unit initiated 52 new cases during the year. Of these, six involved judges of whom two were cleared for lack of evidence, and the remaining four were under investigation at year's end.

The government eliminated the anticorruption unit of the military police as of October 1, redistributing the unit's responsibilities to other offices. The government cited budgetary reasons for the cuts, but allegations persisted that the unit was disbanded because it was successfully fighting corruption. The police anticorruption unit stated that it continued to work well with military police anticorruption officials despite the disbandment of the military unit.

The press continued to report allegations of corruption. On September 26, a national newspaper alleged that a reporter with a hidden camera posed as a casino owner and, purportedly in exchange for opposing a proposal to introduce a new fee on gambling machines, offered one million korunas (\$55,200) to several members of the major political parties. Only the Green Party member refused the offer outright. Two leaders of the Communist Party of Bohemia and Moravia (KSCM), Jiri Dolejs and Cenek Milota, resigned their party leadership positions after indicating to the reporter they were willing to take the bribe. Dolejs, who was also a member of parliament, did not resign from parliament. Ladislav Sustr, a member of parliament who had switched his allegiance to a new political party, TOP 09, also agreed to the bribe and resigned from parliament as a result. Members of the other parties deferred but did not directly refuse the bribe. The police anticorruption unit was investigating the case at year's end.

In October the media reported that the law school at the University of Western Bohemia in Plzen awarded numerous degrees in recent years to persons who did not earn them, including politicians, law faculty, police, customs agents, other state officials, and family members of mafia figures. Some allegedly obtained five-year law degrees in two months. The head of the country's accreditation commission, Vladimira Dvorakova, alleged that organized crime established the system with the goal of controlling these officials once in office. Dean Jiri Pospisil, brought in to address the scandal, fired former dean Jaroslav Zacharias and Vice Dean Ivan Tomazic from the faculty, and Vice Dean Milan Kindl resigned. The accreditation commission temporarily suspended the doctoral program in November, and in December an internal university investigation found that 14 of 63 doctoral degrees had serious shortcomings. The internal commission recommended that independent experts review the doctoral theses in the 14 cases.

An investigation by the United Kingdom's Serious Fraud Office into overseas bribery allegations against BAE Systems continued, including allegations that the British-Swedish aerospace joint venture BAE Systems/Saab bribed several members of the Czech parliament and ministry officials in 2002 to gain their approval for a multimillion-dollar contract to replace the country's fighter-jet fleet. Three persons who were members of parliament at that time acknowledged that they were approached and offered large bribes but maintained that they refused. In November the police anticorruption unit suspended its investigation of the Czech officials implicated in the case because investigators did not find any evidence of a criminal act.

Several ministries have anticorruption hotlines for citizens to report allegations. The Interior Ministry's anticorruption hotline, administered by the country branch of the NGO Transparency International (TI), received 3,049 calls in the first six months of the year, of which 235 were first-time callers. In 166 cases, TI identified corruption complaints, 14 concerning police corruption and 152 concerning public tenders at the local level.

Credible allegations of corruption throughout the judiciary persisted, as did allegations of high-level political interference in sensitive public corruption cases.

A number of legal cases involving judicial misconduct were ongoing during the year. In August the Regional Court in Tabor suspended the trial of former bankruptcy judge Jiri Berka, arrested in 2005 on charges of criminal conspiracy and fraud. The court said it needed more evidence.

The case filed against former supreme state prosecutor Marie Benesova for calling six top-level judicial officials a "judicial mafia" was pending at year's end. On October 22, the Constitutional Court returned the case to the original judge, who had held that Benesova did not have to apologize to the officials. The case was pending at year's end.

In the first nine months of the year, the Justice Ministry received 18 calls on its anticorruption hotline, 120 e-mail complaints, and 572 written complaints. Of this total, 10 communications alleged corruption on the part of judges and three alleged corruption on the part of prosecutors. One case concerning a judge was submitted to the police for investigation.

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

The Open Society Foundation, an NGO focusing on free access to information, reported that four cases regarding public access to information from local governments reached the courts during the year. Courts were receptive to the requests for information by the plaintiffs. In one case, the Regional Court in Usti nad Labem held that the regional governor's office must cover expenses for refusing to provide information to the NGO Children of the Earth about the office's rising budget. In another case, the Supreme Administrative Court held that the Czech energy company CEZ is a public institution that must provide information upon request.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups 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 made regular visits to government facilities, examining the treatment of individuals and monitoring respect for fundamental rights. He issued quarterly and annual reports on his office's activities in addition to reports on topics of special concern. He operated without government or party interference, had adequate resources, and was considered effective.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on sex, age, disability, race, ethnic origin, nationality, sexual orientation, religious faith, or personal belief. However, the government did not effectively enforce these provisions, and significant societal discrimination against Roma and women persisted. Trafficking in persons also remained a problem.

On June 17, parliament overrode the president's May 2008 veto of antidiscrimination legislation and adopted a comprehensive Antidiscrimination Act that harmonized the country's law with EU requirements.

#### Women

The law prohibits rape, including spousal rape, and the government effectively enforced this prohibition. The law provides penalties of two to 15 years in prison. Although experts considered rape to be 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 10 months of the year, 411 rapes were reported, 273 of which were investigated. In the first six months of the year, courts convicted 67 offenders, giving suspended sentences to some offenders and prison sentences to others.

Experts believed that violence against women was more widespread than suggested by the number of cases reported to authorities, due to the stigma associated with reporting such abuses.

Domestic violence is punishable by up to three years in prison, with longer sentences under aggravated circumstances. In 2008 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 778 offenders, including women, were removed from their homes during the year.

In the first 10 months of the year, Interior Ministry statistics indicated that 441 cases of domestic violence were reported and 330 investigations were completed; authorities continued to investigate additional cases. In the same period, authorities prosecuted 275 cases of domestic violence. Justice Ministry statistics indicated that in an eight-month period one person was sentenced to one year in prison, six persons were sentenced to two to five years, and three were sentenced to 15 years. While most prosecutions resulted in conviction, the majority of convictions did not involve incarceration. 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 hot lines 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 1,277 calls related to domestic violence, compared with 995 calls in the same period in 2008.

The law does not prohibit prostitution, but local governments may limit or regulate it. Pimping is illegal. Prostitution in border areas and major urban areas declined due to the economic slowdown and a crackdown by local governments. Sex tourism, which used to flourish in border areas, declined for the same reasons. An Interior Ministry report for the first six months of the year noted that there was a general trend of declining interest in commercial sexual services, especially in the regions bordering Germany and Austria. Due to the activities of local municipalities, street prostitution was forced out of public places. For example, the city of Cheb near the German border used a camera system to deter street prostitution. Cities in the interior also made progress reducing sex tourism. Prague, Brno, Plzen, and other cities adopted by-laws banning prostitution in public places. The number of erotic clubs or nightclubs decreased, and many were on the brink of closure.

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 defendant. Those convicted can be fined up to 70,000 korunas (\$3,860), dismissed from work, or sentenced to prison. According to a study conducted by the Gender and Sociology Section of the Czech Academy of Sciences in February, 25 percent of female respondents experienced sexual harassment at work.

Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children, and had the information and means to do so without discrimination, coercion, and violence. However, involuntary sterilization of Romani women continued to be a problem. In 2007 and 2008 there were reports that doctors had forcibly sterilized two Romani women.

Access to contraception was widespread, and the prevailing practice was to have skilled attendance at childbirth, including obstetric and postpartum care. According to NGOs, women and men were equally diagnosed and treated for sexually transmitted diseases, including HIV.

The law grants men and women equal rights, including in family and property law matters. According to Eurostat data for the first quarter of the year, the employment rate of women was 56.7 percent and women constituted 49.4 percent of the workforce. Women's salaries for similar work lagged behind men's by almost 24 percent, and women were more likely to work in professions with lower median salaries than those chosen by men. Nevertheless, it is unclear whether the salary gap was the result of discrimination against women, lack of access to proper professional training and preparation, or a

possible preference among women for more flexible, family-friendly jobs. The Council for Equal Opportunities for Men and Women monitored gender issues and advised the government on enforcing equal gender rights.

#### Children

Citizenship is derived from one's parents.

While the government provided free, compulsory education through age 15, Romani children were subject to discriminatory treatment. Romani children were enrolled at disproportionately high rates in remedial school systems, which effectively segregated them into a substandard education. According to the Ministry of Education, approximately 27 percent of Romani children, compared with 2 percent of non-Romani children, attended these "practical" schools during the year. In regular schools, Romani children were often segregated from the majority population, both due to their place of residence (often in a Romani majority neighborhood) and because school officials in regular schools at times separated Romani children for remedial instruction. During the year the government continued to address discrimination in the education of children.

Early in the year the Ministry of Education finalized two studies, one on education opportunities of children from excluded communities and the other analyzing teachers' individual approaches to students with special educational needs. Both studies pointed to unequal educational opportunities for Romani children. Sixty-five percent of Romani children from practical elementary schools enrolled in vocational high schools, many of which do not have final examinations in their curricula, and only 0.93 percent enrolled in regular high schools. The remaining 34 percent did not continue their education. Since the examinations offered at the completion of regular high school are required in order to enter a university, the large majority of Romani students who were in vocational schools without final examinations were effectively precluded from a university education. The Ministry of Education created a new Department for Equal Opportunities in Education to address these issues.

Although the law permits Romani curricula, no elementary school in the country used the curricula. The Romani language was taught as a foreign language at two secondary schools and several universities.

While the law prohibits family violence, sexual abuse, and other forms of mistreatment of minors, child abuse remained a problem. According to an ongoing 15-year study conducted by sexologists at the medical school of Charles University in Prague, 10 percent of children in the country have experienced sexual abuse. Seven percent were sexually abused at least once, while three percent were sexually abused repeatedly.

Social protection agencies reported that authorities remove approximately 1,800 children from their homes annually due to mistreatment. According to a report by the Ministry of Labor and Social Affairs in January, as many as 22,000 children were living in institutions, including more than 9,000 placed in care pursuant to a court decision.

Prison sentences for child abuse ranged from five to 10 years. In February the regional court in Hradec Kralove sentenced Antonin Novak to life in prison for the sexual assault and murder of a nine-year-old boy in 2008. Novak had already served more than four years in prison for previous sexual offenses. He had been released and ordered to attend outpatient treatment, which he failed to attend.

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

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. According to the Ministry of Interior's statistics, police investigated 26 cases of forced child prostitution in the first nine months of the year.

The minimum age for consensual sex is 15. Sexual relations with a child younger than age 15 is punishable by a prison term up to eight years. The law prohibits the possession, manufacture, and distribution of child pornography, which is punishable by imprisonment for up to six years.

In October police broke up the largest network of distributors of child pornography in the country's history. The distributors operated in Prague and parts of southern and northern Moravia. Of 160 suspects, 32 persons were detained. One quarter of the suspects were women. In November three civilian employees of the Ministry of Defense were detained. The operation involved approximately 1,000 police throughout the country. More than 300 computers containing pictures and videos with child pornography were confiscated. The perpetrators ranged in age from 20 to 80. At year's end the investigation was ongoing, with additional arrests possible.

#### Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, trafficking to, from, and within the country for sexual exploitation and forced labor continued to be a problem. Most women trafficked for commercial sexual exploitation came from Slovakia, Ukraine, Russia, and other republics of the former Soviet Union. NGOs also assisted trafficked women from Brazil and Vietnam. Destination countries included the Netherlands, Denmark, the United Kingdom, Switzerland, and Germany.

Major traffickers of women for commercial sexual exploitation were mostly foreigners who recruited women in their home countries through employment agencies by promising them jobs as models, maids, waitresses, and dancers. Traffickers coerced victims' compliance by stealing 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. The women also had to pay back fictitious "debts" arising from their travel and the cost of visas and housing.

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.

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 six months of the year, police investigated 13 trafficking cases involving seven Czech citizens and six foreigners. One person received a suspended sentence for trafficking. During the same period, authorities conducted 21 investigations into suspected pimping. The courts sentenced 44 persons for pimping; 11 persons received prison sentences of up to five years while 33 persons received 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 that were related to trafficking. Police investigated one case of trafficking in children in the first nine months of the year.

An organized crime unit within the national police was dedicated to combating trafficking. It worked closely with its counterparts in Interpol, Europol, and foreign governments. A separate organized crime unit within the national police focused on labor trafficking.

The government continued implementing its third national strategy against trafficking to cover the period 2008-11. The Justice and Interior Ministries organized several training sessions on trafficking issues for judges and prosecutors, and the Interior Ministry continued offering specialized training to police. The Interior Ministry and the Ministry of Foreign Affairs trained consular officers on trafficking issues, focusing on procedures leading to identification of victims of trafficking.

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 provided psychological and social assistance to trafficking victims for 60 days after they were discovered. During this time foreign 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. Trafficking victims no longer have to testify against their traffickers in order to obtain permanent residence. According to an Interior Ministry report, 13 victims participated in the government's victim protection and assistance program during the year. Eight of the participants were victims of trafficking for labor, and five were victims of trafficking for commercial sex.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://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 is 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. He made these visits throughout the year.

Through its program to aid persons with disabilities, Mobility for All, the government provided 112.5 million korunas (\$690,000) during the year to cosponsor 56 projects in towns and cities throughout the country, building barrier-free sidewalks, crossings, crossroads, and handicapped elevators in government institutions; purchasing barrier-free buses; and providing barrier-free access to government institutions, schools, libraries, galleries, and museums.

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, of 15 major metro stations in the city center, only five were barrier-free. There were 294 barrier-free high schools across the country as well as 50 barrier-free institutions of higher learning, including universities.

In prior years news reports and the UN Human Rights Council denounced the use of "cage beds" for young persons with severe mental and physical disabilities in several social care homes in the country. During unannounced visits to eight psychiatric institutions in the first half of the year, the ombudsman found that restraint beds were used in six geriatric psychiatric units. He found that in two of them net beds were used without approval of the physician. In his report the ombudsman cited lack of personnel as a major cause for the use of these beds.

#### National/Racial/Ethnic Minorities

Minority groups in the country included Roma, Ukrainians, Slovaks, Vietnamese, Poles, Russians, and Germans. Roma faced high levels of poverty, unemployment, and illiteracy as well as widespread discrimination in education, employment, and housing.

Latent societal discrimination against the Romani population occasionally manifested itself in violence. Members and sympathizers of neo-Nazi organizations were the most frequent perpetrators of acts of interethnic violence, particularly against Roma. Ultranationalists were also active.

The Interior Ministry estimated there were 4,000 active right-wing extremists in the country. During the year neo-Nazi and skinhead rallies or marches took place in several cities. Although the organizations operated separately, both the Workers Party and the National Party periodically announced they would be "patrolling" Romani neighborhoods or Romani gatherings to ensure no laws were being broken.

In 2008, according to the OSCE's annual report on Hate Crimes in the OSCE Region, 195 persons were charged with crimes motivated by racial or similar hatred. The two largest categories of crimes were assault (30) and incitement to hatred (35).

In May unknown persons attempted an arson attack against a Romani home in the village of Zdiby. No one in the home was injured. Police were investigating the case at year's end.

In August police arrested four men for throwing Molotov cocktails into the home of a Romani family in the town of Vitkov on April 19. The ensuing blaze injured three persons, including a two-year-old girl who was treated for second- and third-degree burns over 80 percent of her body. Police believed the attack was racially motivated and premeditated. The men, charged with attempted murder, face between 12 and 25 years in prison if convicted. The case against the men was pending at year's end.

In November 2008 an estimated 1,000 police officers used force to prevent an estimated 500 well armed, right-wing rioters in Litvinov from attacking Roma. Approximately 300 Romani men who gathered to defend their community were also involved in the melee. In January the state prosecutor dropped rioting and assault charges against 15 protestors. The only persons convicted in the confrontation were two Roma sentenced to 400 hours of community service for physically and verbally assaulting members of the Workers Party.

Starting October 1, the government stepped up police presence in Roma neighborhoods, including an increase from 21 to 31 officers in Janov, the Litvinov Roma neighborhood.

Police arrested a number of right-wing extremists during the year. On June 9, the special police unit for investigating organized crime (UOOZ) charged 10 neo-Nazis with supporting and promoting movements aimed at suppressing the rights and freedoms of the individual. Those arrested faced prison sentences of three to eight years if convicted. They remained in custody and their cases were pending at year's end. On October 21, UOOZ arrested 24 individuals on similar charges. Police President Oldrich Martinu said that several of the arrestees were linked to the neo-Nazi organization White Justice and had been trained by Lukas Sedlacek, a member of the Czech military. In response, the Ministry of Defense discharged Sedlacek with no severance pay or pension. Other arrestees were linked to the National Resistance, the Workers Party, and the Resistance Women Unity group. At year's end their cases were pending. In both June and October, extremists gathered to protest the arrests.

Eight men were on trial at year's end for a series of attacks on Roma in November 2008 in Sumbark, a neighborhood in Havirov with a large Romani population. Some of the alleged attackers were described as members of the group Thugs Havirov and one as a member of the National Resistance. One attack victim was severely beaten. The trial was adjourned to February 2010.

The government proceeded with plans to build a memorial for Romani Holocaust victims near the site of a World War II concentration camp for Roma in Lety. It allocated 21.5 million korunas (\$1.2 million) for the memorial and purchased property from three nearby municipalities. Because the site is currently a pig farm, Romani Holocaust survivors and

activists strongly rejected the government's plan and insisted that the pig farm be removed. The government rejected acquiring the pig farm as prohibitively expensive.

The law prohibits employment discrimination based on ethnicity; however, Roma continued to face discrimination in employment. Some employers refused to hire Roma and requested that local labor offices not send them Romani applicants. According to a 2008 joint study by the government and the World Bank, 55.8 percent of Roma of working age did not participate in the labor market (they were neither employed nor actively seeking employment), 5.2 percent were unemployed, and 12.2 percent did not have a job but reported income during the survey period.

Roma faced widespread discrimination in access to housing and other accommodations. While housing discrimination based on ethnicity is prohibited by law, NGOs stated that some municipalities still apply municipal regulations in a way that discriminates against certain socially disadvantaged groups, primarily Roma, including basing housing decisions on the reputation of the applicant and family in previous residences.

A 2006 Ministry of Labor and Social Affairs study found that more than 330 ghettos in the country were almost exclusively inhabited by Roma. The study put the combined population in these ghettos at 80,000, more than one third of the Romani population. The study found that the ghettos were blighted by substandard housing and poor health conditions. The author of the 2006 study, Ivan Gabal of the Gabal Analysis & Consulting research firm, believes the ghettos continue to grow. Beyond housing discrimination, reasons for the growth in Romani-dominated ghettos include unaffordable rents elsewhere and urban gentrification.

Lack of transportation limited work opportunities for Roma outside the ghettos and made Roma less likely to accept jobs far from home.

Restaurants, bars, and other public places at times refused to serve Roma.

The government continued implementing a long-term integration plan for Roma that 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 worked with NGOs to increase services to the Romani community.

The Interministerial Commission for Romani Community Affairs continued to take an active role in resolving disputes between Romani communities and their non-Romani neighbors and promoting antidiscrimination initiatives in housing and education. The Agency for Social Inclusion in Roma Localities, created in 2008 to coordinate and evaluate social integration efforts, is now operating in 15 communities.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Lesbian, gay, bisexual, and transgender organizations operated freely.

In June in the town of Tabor, members of the Workers Party attempted to disrupt a second annual gay pride march held by gay rights advocates. Police, including members of an anticonflict team, kept Workers Party members mostly separated from the march.

The government did not keep statistics regarding incidents of violence directed at individuals based on their sexual orientation or gender identity. A report by a government working group on issues involving sexual minorities indicated that physical and verbal attacks occur, although are often not reported.

There were some reported cases of discrimination against persons based on sexual orientation. A gay registered partner of a parent may not adopt the partner's child, although a gay, lesbian, bisexual, or transgender person not in a registered partnership may adopt.

### Other Societal Violence or Discrimination

As of June 1, the country requires citizens of certain countries who request long-term resident status to provide a medical record attesting that they are not HIV-positive.

### Section 7 Worker Rights

#### a. The Right of Association

The law protects workers' right to form and join unions of their choice without authorization or excessive requirements, and workers, including foreign and migrant workers, generally exercised this right in practice. Although the law applies equally to Czech and foreign workers, the latter generally did not join unions due to the short-term nature of their work or the lack of social interaction with Czech employees. An estimated 17 percent of the workforce was unionized, a decrease of approximately 8 percent from 2008, according to the Czech-Moravian Confederation of Trade Unions (CMKOS), a national umbrella organization. Approximately 75 percent of nonagricultural union members were affiliated with CMKOS. Agricultural workers made up 3 percent of the workforce; 60 percent of agricultural workers were members of the Trade Union of Agricultural Workers.

The law allows unions to conduct their activities without interference. While regulations entitle union members to conduct some union activities during work hours, the amount of time to which workers are entitled is not specified, leaving room for wide interpretation on the part of employers. CMKOS reported cases in which employers did not allow union members sufficient paid time to fulfill union responsibilities.

Workers generally have the legal right to strike if mediation efforts fail. However, unionized workers in certain professions may not strike. These professions include judges, prosecutors, police, and members of the military and other security forces. The law limits the right to strike for workers in health care, nuclear energy, oil and gas pipelines, air traffic control, firefighting, and telecommunications. Workers in these industries do, however, 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. Under the law only trade unions may legally represent workers, including nonmembers of trade unions. During the year trade unions affiliated with CMKOS negotiated collective agreements that covered 22 percent of the workforce, a 1.5-percent decrease from 2008.

The law prohibits antiunion discrimination. Despite this, CMKOS reported that in 2008 some employers pressured workers to give up their trade union activities by threatening either to fire them or to reduce their wages. A leading hotel group, CPI Hotels, indicated to all members and officers of the CMKOS-affiliated Trade Union of Catering, Hotel and Tourism workers (OSPHCR) that employment at the newly acquired Cernigov Hotel in Hradec Kralove would be conditional on their leaving the union. The local OSPHCR organization subsequently terminated its activities in March of that year. The OSPHCR reports that as of the end of the year, the Cernigov Hotel Trade Union chapter was not reconstituted. Moreover, during the year chapters operating in other hotels recently acquired by CPI Hotels also yielded to pressure from the new employer and terminated, or were planning to terminate, their activities. Nevertheless, no formal complaint against CPI was lodged.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that women were subject to conditions of forced commercial sexual exploitation. According to labor legislation, all workers with a valid working permit are treated equally. The State Bureau for Labor Inspection (SBLI), which enforces regulations on labor conditions, undertakes regular checks and deals with accusations of labor infringements. In 2008 SBLI undertook 108 checks of work agencies employing migrant workers. This reflected a 71 percent increase from 2007. According to SBLI, the result of checks undertaken included inconsistencies in work agreements, rejected salary bonus payments, and inconsistencies in working hours and overtime. No systematic discrimination based on citizenship, gender, age, or health status was proved.

In 2008 the government established an interministerial group to coordinate government efforts against trafficking and forced labor.

#### 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. Under the lead of the Ministry for Human Rights, the government adopted a strategic document in 2008 called "National Strategy of Prevention against Violence against Children for the Period 2008–2018." The document identifies several priorities such as zero tolerance of violence against children, support of primary prevention, professionalism of experts, and accessibility of services for endangered children. In April the ministry led a conference on promoting children's rights during the country's EU presidency term. A second conference in June focused on child violence and injury prevention and child mental health promotion.

The law sets 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. One exception in the regulations allows children to obtain permits from the Labor Office to work up to 12 months in specific artistic, cultural, sports or advertising activities. Nevertheless, the subject work must be age-appropriate, safe, and compatible with full-time school attendance. The work cannot hinder the child's development. Such activities cannot take place between 10:00 p.m. and 6:00 a.m. The SBLI effectively enforced these regulations in practice. Infringement of child labor rules is subject to fines of up to 2 million korunas (\$110,000). In 2008 SBLI reported only four minor cases of violations relating to the issuance of work permits. No fines, however, were imposed due to the relatively minor nature of the offences.

#### e. Acceptable Conditions of Work

The Ministry of Labor and Social Affairs establishes and enforces minimum wage standards. During the year the national minimum wage was 8,000 korunas (\$440) per month and provided a decent standard of living for a worker and family when combined with social benefits for low-paid workers. The minimum wage is determined by the government, following negotiations with employers and trade unions. The last update to the minimum wage occurred in January 2007. The minimum wage is enforced by the SBLI and is one of the main targets of the SBLI's checks, in response to reported violations of labor law, as well as regular and ad hoc controls.

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. If the employee agrees, employers may establish up to eight hours per week of overtime; the local employment office may permit additional overtime. Premium pay for overtime, equal to at least 25 percent of the average earnings, is governed by the provisions of the labor code.

According to the International Organization for Migration, the standard conditions of work were not always observed in situations involving migrant workers. Low-qualified foreign workers coming from less developed countries are sometimes dependent on job intermediaries to find and retain work. The job intermediary is usually someone from their home country who has developed professional ties in the Czech Republic. According to trade unions and NGOs, there have been cases of violations of labor conditions, as well as inhumane treatment of migrants, generally perpetrated by job intermediaries. Most commonly, salaries are paid to job intermediaries who garnish wages, resulting in subminimum wage or overtime without proper compensation for workers. Generally, such treatment occurs within migrant communities as a result of voluntary decisions by the migrant workers. There has been neither formal evidence nor formal complaints, and thus local authorities have few tools with which to intervene.

The SBLI effectively enforced health and safety standards. In 2008 numerous checks focused on health and safety standards, and occurred primarily (but not exclusively) in the construction, manufacturing, agricultural, and forestry sectors. Fines totaling 46 million korunas (\$2.5 million) were imposed for cases of substantial law infringement. 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.