



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2010 Country Reports on Human Rights Practices](#) » [Europe and Eurasia](#) » [Czech Republic](#)

## 2010 Human Rights Reports: Czech Republic

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 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, elected every five years by parliament, is head of state and appoints a prime minister from the majority party or coalition. In 2008 the bicameral parliament elected Vaclav Klaus as president for a second term. The elections for the Chamber of Deputies on May 28-29 were considered to be free and fair, as were elections on October 22-23 for one-third of the seats in the Senate. A coalition government, consisting of three center-right parties--the Civic Democratic Party (ODS), the Tradition Responsibility Prosperity party (TOP 09), and Public Affairs (VV)--is led by Prime Minister Petr Necas (ODS). Security forces reported to civilian authorities.

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

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

In January 2009 a Vietnamese man died in police custody in Brno. Police beat the man, a suspected heroin dealer, in his apartment. In August three police officers were convicted of abuse of power; one received a prison sentence of three and a half years, while the other two received a suspended sentence of three years and were prohibited from serving as public officials for five years. In December the police officers appealed the verdict citing new evidence.

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 during the year that government officials employed them; however, coerced sterilization of women and surgical castration of male prisoners convicted of sexual offenses were reported in previous years.

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 2007 and 2008. The WHS has reported no new cases after 2008. The alleged case in 2008 involved a 19-year-old Romani woman from Karvina. After a detailed joint investigation with the Karvina hospital, the WHS concluded that the woman had not been sterilized. In the 2007 case, a social worker allegedly warned the victim that, if she did not undergo sterilization, two of her children would be placed in state care. Police began investigating the case in August 2009. That same month the Budapest-based European Roma Rights Center (ERRC) provided legal representation for the victim. The WHS reported that the police closed the investigation in November 2009 after interviewing the woman, the social worker, representatives from WHS, and others finding no evidence of a crime. The woman has since formally withdrawn her accusation.

In November the UN Committee on Elimination of Discrimination against Women urged the Czech Republic to adopt legislative changes to prevent future coercive sterilizations and to address those that have already occurred. Specifically the committee urged the government to extend the three-year statute of limitations for bringing compensation claims in these cases and ensure that any time limit starts from the time of discovery of the consequences of the sterilization by the victim rather than from the time of injury. Furthermore, the committee recommended that the Czech Republic consider establishing an ex-gratia compensation procedure for victims of coercive sterilization whose claims have lapsed.

In 2009 the WHS also identified 20 previously unreported cases of women, both Roma and non-Roma, who alleged they had been sterilized without informed consent, some before 1989 and others in the 1990s. The WHS, in cooperation with the ERRC, sent formal complaints to the regional health authorities on behalf of the alleged victims to determine whether the hospitals performed sterilizations and, if so, whether they occurred without informed consent. Health authorities rejected 17 of the complaints because the clinics in question were operated directly at the national level by the Ministry of Health and not the regional authorities or because information was lacking. Three other cases were still pending at year's end.

The Ostrava Regional Court ruled in 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 financial compensation of 500,000 korunas (approximately \$27,600) and an apology. The hospital appealed to the Olomouc High Court, which ruled in 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 December 2009 the Supreme Court in Brno rejected Cervenakova's appeal, and in July she filed an appeal with the European Court of Human Rights (ECHR) in Strasbourg, which was pending at year's end.

In October 2009 the Supreme Court dismissed a claim by Romani Helena Ferencikova, who demanded financial compensation from a hospital that performed an unwanted sterilization on her. In November 2009 the interim government officially expressed regret over unauthorized sterilizations of women, mostly Romani women.

In October 2009 a delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) visited the country to follow up on concerns over the government's program of surgical castration of sex offenders. According to the Health Ministry, 94 sex offenders underwent surgical castration in the 10 years prior to April 2008. The CPT assessed that

patients did not give free and informed consent to surgical castration and found the practice to be "degrading." The CPT reported that in 50 percent of cases it reviewed, surgical castration was carried out on nonviolent offenders. The government denied that surgical castrations are "degrading" and did not end the practice; it did, however, publish guidelines for judiciary and healthcare officials outlining clear and strict requirements for the castration procedure and ensuring informed consent of sex offenders. In its report on the 2009 visit, the CPT discussed again concerns related to its inspection team members' access to medical documentation without prior patient agreement. Czech privacy laws prohibit the release of an individual's medical information without consent. The CPT called on the government to end immediately the use of surgical castration for the treatment of sex offenders and criticized the government for withholding medical records and providing inaccurate information on a number of occasions before, during, and after the visit.

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The CPT also criticized the context in which prisoners were offered the choice of castration or imprisonment, noting in its 2008-09 *General Report* that it was questionable whether consent to surgical castration will always be truly free and informed. Reporting on its findings during a separate visit to the country in 2008, the CPT noted that "a situation can easily arise whereby patients or prisoners acquiesce rather than consent, believing that it is the only available option to them to avoid indefinite confinement." 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 whether these laws were respected in 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 met most international standards. The government permitted visits by independent human rights observers, and such visits occurred during the year. However, prison overcrowding remained a problem.

The report by the CPT regarding its 2008-09 visit to the country identified several problems in Valdice Prison, which accommodated 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, which holds the more violent criminals; and unresponsive staff. In response, the government replaced a substantial part of its prison staff.

In September the prison population was 111 percent of the intended capacity of the facilities. The number of prisoners has increased steadily since 2002. As of August there were 21,979 prisoners in the country's prisons, of which 1,424 were women, 16 were juveniles, and 2,500 were pretrial detainees of both sexes. Of convicted prisoners, 61 percent had some type of employment in the prison to earn money.

Prisoners and detainees had reasonable access to visitors (three hours per week) and are permitted religious observance of their choosing. Authorities permitted prisoners and detainees to submit complaints to the Office of the Ombudsman without censorship, and the ombudsman investigated credible allegations of inhumane conditions in addition to his systematic prison control visits. In the first nine months of the year, the ombudsman received approximately 190 complaints regarding the prison service, including the high price of goods in the prison shop, inability to receive non-Czech cigarettes, and the use of shackles on prisoners considered to be extremely dangerous. In addition to prison visits, the ombudsman began monitoring cell conditions in police stations. In the first nine months, he visited 184 cells in 52 police stations.

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.

The government was in the process of building additional prison cells with the goal of increasing the average prison cell size from 43 to 65 square feet per prisoner and to decrease prison overcrowding.

The Czech Helsinki Committee also found continued prison overcrowding to be a problem and reported an increased number of complaints regarding health care in prisons. During their visits they found that hygienic conditions worsened in several prisons in late 2010, and the number of tuberculosis cases increased.

On January 1, the government amended the criminal code to allow house arrest as a measure designed to alleviate to prison overcrowding.

#### d. 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. Salary cuts at the Ministry of the Interior following government-wide fiscal austerity measures resulted in a lowered rate of retention among the national police force, especially among experienced detectives, which hampered the effectiveness of their work. Corruption remained a problem among law enforcement bodies. The Ministry of the Interior oversees police actions and is responsible for investigating allegations of police misconduct. Observers believed that the ministry sometimes whitewashed wrongdoing or prematurely terminated investigations of units under its control.

On October 5, the Ministry of the Interior announced the reorganization of the Foreigners' Police, an independent police force that handled all applications for and problems with long-term residency. Their responsibilities and some personnel will be distributed to regional police offices, effective January 1, 2011, in an effort to improve the quality of immigration and residency procedures. The change responded to numerous allegations made by the government and NGOs of corruption and inefficiency within the Foreigners' Police.

#### 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 must question and decide whether to hold the individual further within 24 hours.

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.

The Ministry of Justice, which oversees the prison system, also inspected prisons throughout the year. However, investigations into complaints by prisoners are conducted by the Ombudsman's office. NGOs, such as the Helsinki Commission, also monitored prison conditions.

Lengthy pretrial detention was a problem; however, the situation was reportedly improving. 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 94 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 2009 and 38 in the first nine months of 2010.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice; however, political pressure occurred in some instances and judicial effectiveness was hampered by complicated procedural rules that at times delayed judgments for years. Structural deficiencies and a lack of sufficient specialized judicial training also contributed to delays and undermined effectiveness.

#### 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 three judges rules on the guilt or innocence of the defendant, while a single judge hears less serious cases. In trial courts (on the district level) the panel of judges is composed of one professional judge, who is the chair, and two lay judges identified from the public. Appeals and cases originating in regional courts have only professional judges. 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.

The length of trial procedures decreased, and case backlogs throughout the judicial system have been reduced by fully staffing judicial positions at the local level at the expense of regional and high courts.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Regional Human Rights Court Decisions

During the year the ECHR entered 11 judgments against the Czech Republic. The ECHR found several violations of the right to liberty and security, to a fair trial, to undisturbed use of property, and respect of family rights. During 2009 the ECHR accepted for review 726 of 2,074 complaints against the Czech Republic (a comparable number to 2008). The ECHR asked the government to provide further information concerning 15 complaints, and judgments were delivered in six cases (compared with 16 in 2008). The ECHR found two violations by the country of the right to liberty and security and one violation of the right to a fair trial.

The government complied with ECHR decisions; however, it only took limited action in the areas of compensation for forcibly sterilized women and inclusive education for Romani children. In November the European Roma Rights Center filed a complaint with the Committee of Ministers in Strasbourg, which is charged with overseeing implementation of ECHR rulings, stating that the Czech Republic failed to comply with European law by not integrating Romani children into mainstream schools.

#### 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. 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. Although it was still possible to file claims for artwork, the claims period for other types of property has expired. Two claims for Jewish communal property in Brno remained before the courts at year's end. In 2009 the Liberec regional government refused without explanation to return one property in Turnov.

Parliament failed to ratify before the May general elections the comprehensive compromise settlement reached in 2007 between the government and the churches over restitution of properties of religious orders and financial compensation to churches for loss of properties. The legislative process now must start over. On May 25, the government and the Catholic Church resolved protracted litigation over the ownership of St. Vitus Cathedral when the president and Archbishop Duka signed an agreement providing that the state is the sole owner of the property. The agreement provides that the church will administer the cathedral as the metropolitan church, while the state will secure necessary material assistance. Under the agreement the church dropped its appeal at the Constitutional Court against earlier court rulings.

#### 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 were active and expressed a wide variety of views without restriction.

The law mandates prison sentences of six months to three years for persons who deny Communist-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.

In June eight members of National Resistance, a neo-Nazi group, were indicted in Prague on charges of supporting and promoting Nazism. The individuals posted propaganda materials in public places and organized neo-Nazi events. The defendants each faced multiple counts with a possible total of eight years in prison if convicted. The trial was postponed, and two defendants, who had been held without bail since October 2009, were released on bail in December.

In April 2009 parliament passed a law that criminalizes the publication of information obtained from police sources such as wiretaps. The law also criminalizes the publication of names of victims of serious crimes and the names of all crime victims

younger than age 18. Journalists violating the law face fines of up to five million korunas (approximately \$276,000) and prison sentences of up to five years.

In June an administrator of iDNES.cz news server filed criminal charges against a contributor nicknamed "Kraxna" for threats against his life and family. Kraxna had frequently cursed and threatened the administrator for removing racist comments from group boards. The administrator filed the charges after the contributor threatened to kill his son and mentioned the son by name, heightening concern over the threat. Police investigated the case and arrested Kraxna for committing violence against a group or individual members of a group. The offender confessed to the crime and promised not to commit the crime again in the future. As a result, Kraxna received a six-month suspended sentence.

In September 2009 the Prague Municipal State Attorney's Office filed charges against a member of the ultranationalist, unregistered National Party for speech inciting hatred based on race for a televised election advertisement that referred to a "final solution of the Gypsy question." In November 2009 a Prague district court handed a National Party representative 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 2009, approximately 63.5 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

The law provides for freedoms of assembly and association, and the government generally respected these rights in practice.

##### 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.

In August 2009 parliament amended the law on assembly to provide local governments additional time (three working days instead of three calendar days) to review demonstration applications. The government distributed a handbook to local governments designed to help local officials accurately apply the law regarding public gatherings.

##### 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.

On February 17, a Supreme Administrative Court ruling dissolved the far-right Workers Party (DS), which had mostly neo-Nazi membership. The court ruled that party's program contained xenophobia, chauvinism, homophobia, as well as a racist subtext. Members of the DS reorganized into the Workers' Social Justice Party (DSSS) and unsuccessfully ran in local and Senate elections, receiving less than 1 percent of the vote.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/drl/irf/rpt/).

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 internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

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

On October 5, the minister of the interior announced the dissolution of the Foreigners' Police, which had handled all applications for and problems with long-term residency and transfer of those responsibilities to the ministry's Department of Asylum and Migration Policy (see section 1.d.).

Protection of Refugees

The law provides for the granting of asylum or refugee status and the government has established a system for providing protection to refugees. Temporary protection for individuals who may not qualify as refugees is available based on EU laws. However, no such protection has yet been granted.

Because the law defines "safe countries of origin" from which applicants are unlikely to be granted refugee status, the Ministry of the Interior no longer receives asylum applications from "safe" countries. "Safe country of transit" laws do apply to asylum seekers who transit through Canada, the United States, or Switzerland. The applications of these individuals can be denied. However, each case is reviewed individually.

In practice the government generally 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 Ministry of the Interior 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 Ministry of the Interior requires medical proof of homosexuality from individuals seeking asylum for reasons of fear of persecution in their home country due to their sexual orientation. The Ministry of Health, which oversees the process, conducts a "phallographic test" on these asylum seekers. Asylees are connected to a machine that monitors blood flow to sexual organs while viewing heterosexual pornographic images. If the machine detects a response to the images, the

Ministry of the Interior denies the application for asylum. The European Union Fundamental Rights Agency has criticized the use of the test as a violation of the European Convention on Human Rights. The Ministry of the Interior contended that the test has been conducted in fewer than 10 cases and with the full written consent of the individual.

The law allows the government to detain asylum applicants who attempt to enter the country via an international airport for up to 120 days. This provision particularly affected applicants lacking identity documents.

Refugees are considered to have equal legal status with permanent residents and may work without restrictions. In addition, refugees are entitled to special integration assistance based on the State Integration Program, which provides access to Czech language courses, assistance with employment, and access to accommodations. Access to the public health care system is automatic once refugee status is granted. The children of refugees are subject to the laws regulating the education of minors residing in the country. Asylum applicants must wait one year in order to work without restrictions.

According to Ministry of the Interior statistics, there were 626 asylum claims submitted in the first eight months of the year. Almost half of the requests (47.2 percent) were repeat submissions from asylum seekers whose applications were previously rejected by the relevant authorities. The ministry granted refugee status to 62 asylum seekers and granted subsidiary protection, de facto refugee status for those who do not qualify for asylum, to 54 persons.

In April 2009 a resettlement agreement between the government and the UNHCR formalizing the country's resettlement program went into effect. A pilot resettlement program was established in 2008. In 2009 the first group of 19 Burmese refugees was brought from Malaysia to the country. The government resettled an additional 39 Burmese refugees during the year. Due to financial constraints, plans for continued participation in the resettlement program have been postponed indefinitely.

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

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

#### Elections and Political Participation

On May 28-29, the country held elections for seats in the Chamber of Deputies, the lower chamber of parliament. The center-right Civic Democratic Party (ODS) formed a coalition with two new parties, the right-of-center Tradition Responsibility Prosperity Party (TOP 09) and centrist Public Affairs (VV). On October 22-23, elections were held for one-third of the seats in the Senate and for municipal governments. Both elections 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 44 women in the 200-seat Chamber of Deputies, including the speaker and two of three deputy speakers, and 15 women in the 81-seat Senate. There were no women in the 15-member cabinet and five women on the 15-member Constitutional Court. One of the country's 13 regional governors was a woman.

One justice on the Constitutional Court was an ethnic Slovak. 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 Commission for Human Rights and National Minorities, which the new government downgraded from ministry status.

### 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 officials sometimes engaged in corrupt practices with impunity. According to World Bank governance indicators, corruption was a problem in the country.

Corruption in public procurement was a major problem. Political pressure; insufficient or ineffective legislation requiring disclosure of origin of assets, regulating public procurement, and lobbying; ineffective police investigative tools; and a limited number of experienced investigators at regional levels contributed to the infrequent prosecution of high-level corruption. According to the police anticorruption unit, a major barrier was the lack of an adequate government witness process through which immunity from prosecution could be offered to persons willing to testify against coconspirators. Also, a lack of a specialized prosecutorial body limited effective prosecution of complex corruption cases. The current system requires multiple parts of a case to be handled by various responsible bodies. This often created obstacles in linking all existing evidence collected by law enforcement bodies. Although public figures must disclose the state of their finances each year, disclosure of the origin of financial assets is voluntary.

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 some private individuals and companies accused of corruption. Other regular police units investigated lower-level cases. According to the Ministry of the Interior, police conducted 86 bribery investigations in 2010, handed over 37 cases of bribery for prosecution, twice as many as in 2009, and investigated 57 public officials for abuse of authority. In the first half of the year, records of the Ministry of Justice indicated that courts convicted 35 public officials of crimes relating to abuse of power, of which two were sentenced to prison, 24 were released on probation, and eight received fines. Of the 43 public officials convicted of bribery-related offenses (19 for receiving a bribe and 25 for offering a bribe), six were sentenced to prison, 27 were released on probation, and nine received fines. As of October 1, the anticorruption unit investigated 66 cases of public corruption, one of which involved a judge. Eight investigations were completed and handed over to the courts. The trials did not begin by year's end. In 2009 the police anticorruption unit investigated six cases involving judges, of whom two were cleared for lack of evidence; the remaining four were under prosecution at the regional prosecutors' office in Prague.

In October 2009 the government eliminated the anticorruption unit of the military police and redistributed 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 military corruption. The police anticorruption unit stated that it continued to work well with military police anticorruption officials, despite the disbanding of the military anticorruption unit.

The press continued to report allegations of corruption.

In February allegations appeared in the press based on conversations recorded in a cafe by journalists posing as businessmen that government officials and political parties had received kickbacks during the negotiation of contracts sometime between 2004 and 2008 for the purchase of Pandur military vehicles manufactured by the Austrian company Steyr. Then prime minister Jan Fischer called for an investigation, and a joint Czech-Austrian investigation was pending at year's end.

On September 1, *Mlada Fronta Daily* (MFD), a national newspaper, printed a transcript of conversations between then deputy defense minister Jaroslav Kopriva and lobbyists. The tapes indicated that they were negotiating a no-bid contract for hundreds of millions of korunas for mortars. During two conversations, the deputy minister and the lobbyists detailed what they allegedly knew about how similar corrupt procurements occurred in the past and described how it was possible to launder money. The minister of defense immediately fired Kopriva and created a subcommittee to investigate all procurements in the ministry. The results were pending at year's end. Police were also investigating the case.

In November MFD printed allegations by a U.S. businessman and former ambassador to the Czech Republic that in February 2008 then deputy defense minister Martin Bartak solicited a multimillion-dollar bribe. The former ambassador stated that the minister requested the bribe in exchange for assistance in resolving a dispute involving the former ambassador's company and one of its key suppliers. Bartak was placed on administrative leave from his duties pending the results of an investigation.

On December 14, MFD published allegations by Libor Michalek, chief of the State Environmental Fund, that he was asked by Martin Knetig, an advisor to the minister of environmental affairs, to manipulate a public tender to provide funds for his party, the Civic Democrats, as well as to finance the political career of Minister Pavel Drobil. Michalek recorded the conversations, including one with the minister, in which he allegedly offered Michalek a senior position in the ministry in exchange for destroying the taped conversations. Immediately after the publication of the story, Minister Drobil fired Knetig and Michalek. Minister Drobil tendered his own resignation shortly afterwards. The police are investigating the allegations.

In September 2009 MFD reported that one of their journalists posed with a hidden camera as a casino owner and purportedly offered one million korunas (approximately \$55,200) to several members of major political parties in exchange for opposing a proposal to introduce a new fee on gambling machines. Three politicians accepted the offer but did not receive any money. After a police investigation, it was determined that no crime had been committed, and the case was closed. One of the politicians remains in parliament.

On September 7, a Brno court sentenced former mayor Ales Kvapil and lobbyist Radovan Novotny to seven years in prison for seeking a four million koruna (\$220,000) bribe from a developer to allow a building project to go forward. The key evidence in the case was the developer's secret taping of his meetings with the convicted individuals.

On September 17, police announced two corruption investigations in Kolin and Znojmo. Anticorruption police in Znojmo were investigating the mayor and deputy mayor for manipulation of public tenders. The Kolin deputy mayor was recorded demanding a one million koruna (approximately \$55,000) bribe for providing land to a businessman at a reduced price.

In October 2009 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 officers, customs agents, other state officials, and family members of mafia figures. 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. The report led to the firing of several school administrators. After a year of investigations, 200 diplomas were found to be suspicious.

An investigation by the United Kingdom's Serious Fraud Office into overseas bribery allegations against BAE Systems, 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 multi-million dollar contract to lease jet fighters, concluded with a fine to BAE Systems/Saab. The suspended Czech investigation has been reopened and continued at year's end.

Several ministries have anticorruption hotlines for citizens to report allegations. The Ministry of the Interior's anticorruption hotline, administered by the country branch of the NGO Transparency International (TI), received 4,653 calls in the first six months of the year. TI registered 400 new clients (i.e. callers who ask for advice or guidance) and identified 290 corruption complaints, 67 concerning the judiciary, 41 concerning police, 79 concerning property rights and construction permits, and 43 concerning public procurement. Almost one-third of the complaints (122) concerned municipal officials.

Credible allegations of corruption persisted throughout the judiciary, as did allegations of high-level political interference in sensitive public corruption cases. In the first nine months of 2009, 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.

There were a number of court cases involving judicial misconduct during the year. On April 6, Jiri Berka, a bankruptcy judge in the town Usti nad Labem, was found guilty of criminal conspiracy for his part in a bankruptcy fraud scheme involving 11 other individuals. He and eight other defendants were each sentenced to nine years' imprisonment. An appeal was pending at year's end.

On September 7, the Prague High Court stripped Supreme Court deputy chair Pavel Kucera of his judgeship, the harshest possible administrative penalty, for influencing the investigation into corruption allegations surrounding former deputy prime minister Jiri Cunek. The court found that Kucera had violated his duties as judge and undermined trust in the judiciary. Kucera appealed the verdict. In November the minister of justice suspended him from serving as an active judge, and Kucera resigned the following day, effectively closing the disciplinary proceedings against him.

The law provides for public access to government information, and the government usually provided such access in practice to citizens and noncitizens, including foreign media. NGOs reported an increasing number of denials over the past two years, especially at the local level and on the use of public finances. Applicants whose requests are denied have 15 days to appeal. They may also appeal if authorities exceed the time limit for processing a request.

According to the government, several cases involving public access to information from local governments reached the courts during 2009. Courts were reportedly receptive to the requests for information by 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 generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

After the May 10 death of ombudsman Otakar Motejl, the office was vacant for several months due to the parliament's failure to agree on a replacement. On September 7, the parliament elected Pavel Varvarovsky, a former constitutional judge, to the position. Representatives from the Office of the Ombudsman made regular visits to government facilities, examining the treatment of individuals and monitoring respect for fundamental rights. They issued quarterly and annual reports on the office's activities in addition to reports on topics of special concern. The office operated without government or party interference, had adequate resources, and was considered effective. In the first nine months of the year, the ombudsman received 4,320 complaints. In 2009 the ombudsman received 7,321 complaints, 53 percent of which fell within his mandate; 5,433 calls were made to the information hotline requesting simple advice. The ombudsman opened 702 inquiries in 2009.

In July the government decided to return the Ministry of Human Rights to the level of a commission, decreasing its authority. The body had been elevated to a ministry in 2007. On September 15, the cabinet voted to dismiss former minister Michal Kocab from the position of commissioner. Although the government stated at the time that a replacement

would be named within a week, the position remained vacant at year's end. NGOs criticized the decision to make the ministry a commission and the failure to name a permanent commissioner, claiming these indicated a lack of government concern over human rights issues.

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

The law prohibits discrimination based on gender, 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.

In June 2009 parliament overrode the president's 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 these provisions in practice. 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 eight months of the year, 432 rapes were reported, 250 of which were investigated. In the first six months of the year, courts convicted 92 offenders, giving prison sentences to 54 offenders and suspended sentences to 35 individuals.

On January 1, an amendment to the penal code criminalizing stalking went into effect. Offenders convicted of stalking can be sentenced to up to three years in prison. The law broadens the criminal offenses under which law enforcement may arrest and prosecute perpetrators of domestic violence. In connection with implementation of the new law, the Ministry of the Interior provided training to counselors, social workers, and law enforcement officials who work with these persons.

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 authority to remove violent abusers from their homes for 10 days. In the first eight months of the year, NGO Bily Kruh Bezpeci reported that 723 offenders, including women, were removed from the home. In 2009 a total of 778 offenders were removed.

In the first eight months of the year, interior ministry statistics indicated that 407 cases of domestic violence were reported, and police investigated 295 cases. In the first six months of the year, authorities prosecuted 220 cases of domestic violence. Justice ministry statistics indicated that, in the first six months of the year, 141 individuals were convicted of domestic violence: 28 individuals were sentenced to prison, and 113 were given suspended sentences. Alcohol played a major role in many domestic violence cases, along with drugs, work-related stress, and gambling. The NGO Bily Kruh Bezpeci reported that, in the first eight months of the year, 638 children witnessed acts of domestic violence. In 2009, 911 children reportedly witnessed such acts.

Police continued to train personnel selected to handle domestic violence cases and to work with social service agencies. However, due to high turnover, many personnel lack practical experience in dealing with these problems. Several hotlines and crisis centers offered psychological counseling to victims of rape and domestic abuse. In the first eight months of the year, for example, the Dona hotline received 3,140 calls related to domestic violence compared with 4,090 calls in 2009.

Sex tourism in border areas and major urban areas declined due to the economic slowdown and a crackdown by local governments. The Ministry of the Interior also noted a general decline in demand for commercial sexual services in 2009

and the first eight months of the year, especially in the regions bordering Germany and Austria. Cities in the interior also made progress reducing sex tourism. Prague, Brno, Plzen, and other cities adopted by-laws prohibiting prostitution in public places. The number of erotic nightclubs decreased, and many were reportedly on the brink of closure.

The law prohibits sexual harassment; however, the government did not effectively enforce it, and sexual harassment remained a problem. Czech law, in compliance with the EU, places the burden of proof on the defendant. Those convicted can be fined up to 70,000 korunas (approximately \$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 2009, 25 percent of female respondents experienced sexual harassment at work.

Couples and individuals generally 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, or violence. Involuntary sterilization of Romani women was a problem in past years but not reported this year; in 2007 and 2008, there were reports that doctors had coerced two Romani women to be sterilized (see section 1.c.).

Access to contraception was widespread, and the prevailing practice was to have skilled attendance at childbirth, including obstetric and postpartum care. Estimates compiled by international organizations indicated that there were approximately 8 maternal deaths per 100,000 live births in the country in 2008. 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 second quarter of the year, the employment rate of women was 56.1 percent, and women constituted 42.7 percent of the workforce. Women's salaries for similar work lagged behind men's by just over 26 percent, and women were more likely to work in professions with lower median salaries than those chosen by men. It was 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 often subject to discriminatory treatment. Romani children were enrolled at disproportionately high rates in remedial school systems, known as "practical" schools, which effectively segregated them into a substandard education. According to the Ministry of Education, approximately 27 percent of Romani children attended "practical" schools during the year, compared with 2 percent of non-Romani children. During the year 7,800 students attended practical schools, two-thirds of whom were Romani. In regular schools Romani children were often segregated from the majority population due both 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. The government continued to address discrimination in the education of children during the year. However, the decision to place a child in a practical school is made by a judge based on a social worker's recommendation. Judges are obliged to follow legal criteria in determining that a student be placed outside the regular education system. The Ministry of Education introduced recommended changes to the placement system to reduce the number of children placed in "practical" schools; these recommendations were not legally binding, however. In November following a country visit, Council of Europe's Commissioner for Human Rights Thomas Hammarberg stated, "There has been virtually no change on the ground in the Czech Republic since the European Court of Human Rights found three years ago that the country had discriminated against Roma children by educating them in schools for children with mental disabilities."

In 2009 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. Approximately 65 percent of Romani children from "practical" schools enrolled in vocational high schools, many of which did not have final examinations in their curricula, and only 0.93 percent enrolled in regular high schools. 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. In 2009 the Ministry of Education created a new Department for Equal Opportunities in Education and in March 2010 approved the Plan for Inclusive Education to address these problems. However, in October the new minister of education halted all work on the plan. Two employees of the ministry charged with implementing changes to "practical" schools resigned due to reservations over the new direction taken by the ministry. The minister of education stated that he would present new decrees for the inclusion of Romani students in February 2011.

Local governments offered free preschool education to children who may be unprepared to enter or perform well in the school system for social or economic reasons. In order to increase school attendance, some local governments linked school attendance by children with welfare payments to parents. Other localities funded teaching assistants in basic schools who worked closely with families to ensure regular attendance, often going to homes before school to collect students.

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. As of January 1, a minor is defined as any child under the age of 18. 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; 7 percent were sexually abused at least once, while 3 percent were sexually abused repeatedly.

Under the lead of the Ministry for Human Rights (since downgraded to a commission), the government in 2008 adopted a 10-year national strategy for preventing violence against children. The document identified several priorities, including adopting a policy of zero tolerance for violence against children, support for preventive measures, further education for experts, and increasing the accessibility of services for endangered children. In April 2009 the ministry led a conference on promoting children's rights during the country's EU presidency. A second conference in June 2009 focused on child violence, injury prevention, and child mental health promotion.

In May 2009 the government introduced the National Coordination Mechanism for Locating Missing Children. The project combined existing tools to locate quickly missing children. Since its inception, the project recorded a 95 percent success rate in locating missing children through close cooperation between mobile telephone operators, the media, and the public.

According to a report by the Ministry of Labor and Social Affairs in 2009, as many as 22,000 children were living in institutions, including over 8,000 placed in care pursuant to a court decision. Efforts to provide care to children were hampered by a lack of coordination among agencies and across regions. In 2009 the government implemented a three-year national action plan for the care of foster children to provide preventive care to families and thereby reduce institutionalization.

The 2010 penal code introduces protections of children in accordance with the Convention on the Rights of the Child. Prison sentences for those found guilty of child abuse were increased up to 12 years or 18 years in case of the death of a child. The Ministries of the Interior and Justice have implemented use of special interviewing rooms for child victims and witnesses. A child victim is not required to give additional testimony in any future court proceedings when specially trained police follow the special interview requirements (presence of psychologists, and, in some cases, judges and defense attorneys).

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 Ministry of the Interior statistics, police investigated 30 cases of commercial sexual exploitation of children in the first six months of the year, compared with 46 cases in all of 2009.

The minimum age of consensual sex is 15. Sexual relations with a child younger than age 15 is punishable by a prison term up to eight years or, in the case of the death of the child, up to 18 years. The law prohibits the possession, manufacture, and distribution of child pornography, which is punishable by imprisonment for up to eight years.

In October 2009 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 the 160 suspects involved, 32 were detained. One-quarter of the suspects were women. In November 2009 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.

In the first six months of the year, the Ministry of Justice reported that seven persons were convicted for production or other handling of child pornography. One person received a prison sentence and six received suspended sentences.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti-Semitism

Although estimates varied, the country's Jewish population was believed to be approximately 10,000. Public expressions of anti-Semitism were rare, but small, fairly well organized ultranationalist groups with anti-Semitic views were active around the country. The Ministry of the Interior continued to counter such groups, monitoring their activities, increasing cooperation with police from neighboring countries, and shutting down unauthorized rallies. In 2009 according to the Ministry of Interior, police recorded 48 criminal offenses with an anti-Semitic motive, representing an increase of 78 percent over 2008. The Federation of Jewish Communities reported 28 anti-Semitic incidents, none of which was an attack on a person. Attacks included damage to property and spray painting of anti-Semitic remarks and Nazi symbols.

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

In January 2009 vandals damaged the monument to Holocaust victims in Teplice. Police investigated the case but closed it for lack of evidence. However, Teplice municipal officials, local police, and representatives of the local Jewish community introduced quarterly meetings to monitor and evaluate the overall situation.

In November 2009 the Ministry of Defense discharged, without severance pay or pension, two military officers, based on reports that they had worn symbols of German SS units on their helmets while serving in Afghanistan. Their immediate supervisors retired.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* 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. His office made these visits throughout the year.

In 2009 through its program to aid persons with disabilities, Mobility for All, the government provided 112.5 million korunas (approximately \$6.25 million) 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 were 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 in the country as well as 50 barrier-free institutions of higher learning, including universities.

In prior years, media reports and the UN Human Rights Council sharply criticized the use in several social care homes of "cage beds" for young persons with severe mental and physical disabilities. During unannounced visits in 2009 to 25 psychiatric institutions, the ombudsman found that restraint beds were used in most geriatric psychiatric units. He found that net beds, enclosed areas, and sedatives administered without a physician present were often used to restrict patients' freedom of movement. In his report the ombudsman cited the 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 varying levels of discrimination in education, employment, and housing.

Societal prejudice against the country's 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. 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 gatherings to ensure that no laws were being broken.

On March 14, a Molotov cocktail was thrown into a bedroom of a Romani home in the settlement of Bedriska. A 14-year-old girl was asleep in the room at the time. The cocktail failed to explode upon impact, resulting in no injuries and little damage to the home. Local police arrested a neighbor and her minor son on charges of attempted murder. Although police determined that the attack was not racially motivated, activists said it could not be ruled out. On December 10, the regional court in Ostrava sentenced the boy to a three-year suspended sentence for attempted reckless endangerment and his mother to an 18-month suspended sentence for not stopping her son from throwing the cocktail.

On May 12, the regional court in Ostrava opened the trial against Jaromir Lukes, David Vaculik, Ivo Mueller, and Vaclav Cojocar, who were accused of throwing Molotov cocktails into the home of a Romani family in the town of Vitkov in April 2009. Three persons, including a two-year-old girl who was treated for second- and third-degree burns over 80 percent of her body, were injured in the resulting fire. On October 20, the court found all four guilty of attempted murder and property damage. The judge found the crime to involve extraordinary circumstances that allowed for more stringent sentencing. Vaculik, Mueller, and Lukes received 22-year sentence, and Cojocar received a 20-year sentence. These are the longest sentences ever handed down for a racially motivated crime. The four were also required to pay seven million korunas (\$389,000) for the child's medical expenses and a further 10.072 million korunas (\$560,000) to the child and her family for pain and suffering. The convicted persons immediately appealed. The appeals court will hear the case in 2011.

On November 27, Pavel Louda, mayor of Novy Bydzov, posted a statement on the city's official Web site declaring a "war on gypsies." In the statement he collectively blamed all Roma for rapes and thefts in the town and declared that the citizens wanted the Roma to "disappear." He threatened to undertake repressive measures in order to bring the Roma under control. The prime minister and other government officials released statements condemning the mayor's actions. Neo-Nazi groups immediately began Internet discussions on ways to exploit the situation and how to organize "Janov 2," a reference to the violent patrols of neo-Nazi groups culminating in a violent clash with police in Janov in 2008. They officially offered to send "monitoring teams" to patrol the city. At the close of the year, no patrols had been conducted.

In December police opened an investigation of a young Czech man for promoting Nazism on Facebook. The man placed photos, video, music, and personal opinions supporting Nazi and neo-Nazi actions.

In May 2009 unknown persons attempted an arson attack against a Romani home in the village of Zdiby. No one in the home was injured. Police investigated the case but have made no arrests.

Police arrested a number of right-wing extremists during 2009. In October 2009 UOOZ, the police Unit for Combating Organized Crime, arrested 24 individuals and charged 18 with supporting and promoting movements aimed at suppressing the rights and freedoms of the individual. Police president Oldrich Martinu stated that several of those arrested were linked to the neo-Nazi organization White Justice and had been trained by Lukas Sedlacek, a member of the Czech military. The Ministry of Defense discharged Sedlacek from the military without severance pay or pension. Other arrestees were linked to the National Resistance, the Workers Party, and the Resistance Women Unity group. In June the district court of Benesov found 11 of the defendants guilty, sentencing two individuals to 30 months' imprisonment, one individual to two years' imprisonment, two teenagers to one year in a juvenile detention center, and the others to a 30-month suspended sentence.

In 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 2009 the state prosecutor dropped rioting and assault charges against 15 protesters. 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. As a direct result of the incident, the government stepped up the police presence in Romani neighborhoods, including increasing the police presence in Janov, the Litvinov Romani neighborhood, from 21 to 31 officers.

During the year eight men stood trial for a series of attacks on Roma in 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 group National Resistance. One attack victim was severely beaten. On December 17, the regional court in Ostrava found the defendants guilty; sentencing was deferred until the sentence for one of the defendants in an unrelated assault case was processed.

In its 2009 annual report on hate crimes, the Organization for Security and Co-operation in Europe (OSCE) reported that 188 persons were prosecuted and 103 persons were sentenced for crimes motivated by racial or similar hatred.

Over the previous two years, police focused greater attention on combating promoters of extremism. The Security Information Service (BIS), the country's civilian domestic intelligence agency, reported at the start of May that right-wing extremist activity decreased in the country during the first six months of the year. BIS stated that developments involving neo-Nazis were particularly influenced by police raids in 2009 against members of extremist parties and the prohibition of the Workers' Party. The service believed that extremist groups were less unified than in the past.

The government completed construction work on a memorial for Romani victims of the Holocaust near the site of a World War II concentration camp for Roma in Lety. A new information center about the Romani Holocaust is also complete. In 2009 the government allocated 21.5 million korunas (approximately \$1.2 million) for the memorial and purchased property from three nearby municipalities. Because the actual site of the concentration camp is currently a pig farm, Romani Holocaust survivors and activists 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 (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 applied municipal regulations in a way that discriminated against certain socially disadvantaged groups, primarily Roma, including basing housing decisions on the reputation of the applicant and family at previous residences.

A 2006 Ministry of Labor and Social Affairs study found that more than 330 "excluded" localities or ghettos in the country were almost exclusively inhabited by Roma. Some ghettos consisted only of several houses on the outskirts of towns and some were just individual houses in towns and cities. The study estimated the combined population in these ghettos at 80,000, or more than one-third of the country's Romani population. The study found that the ghettos were blighted by substandard housing and poor health conditions. The author of the study, Ivan Gabal of the Gabal Analysis & Consulting research firm, believed the size of the ghettos was continuing to grow. Beyond housing discrimination, reasons for the growth in Romani-dominated ghettos included unaffordable rents elsewhere and urban gentrification.

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

The government continued implementing a long-term integration plan for Roma coordinated by the Agency for Social Inclusion in Roma Localities. The agency was created in 2008 to synchronize and evaluate social integration efforts by

ministries and municipalities. One of the most successful programs was Usvit, piloted in 2009 in the town of Most and the socially excluded area of Chanov. The Ministry of the Interior, the local government, the police force, and NGOs in the town of Most and neighborhood of Chanov collaborated to provide improved housing, train Romani mentors to ensure that Romani offenders complete probation to avoid incarceration, hire police assistants to prevent crime, provide inclusion training to teachers, offer debt education training to young girls, and ensure media coverage of successful Roma. The program was expanded to seven additional excluded areas and encompassed 28 ongoing projects.

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

Lesbian, gay, bisexual, and transgender (LGBT) organizations operated freely in the country.

On June 26, gay rights advocates held the third annual gay pride march in Brno. Members of the National Resistance protested the event but were kept away from the marchers by police. In June 2009 when the parade was held in Tabor, members of the Workers Party attempted to disrupt the march, but a police anticonflict team mostly separated them from marchers.

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 occurred, although they often were 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 LGBT person not in a registered partnership may adopt.

#### Other Societal Violence or Discrimination

As of June 2009 the country required citizens of certain countries who request long-term resident status to provide a medical record proving 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 10 percent of the workforce was unionized, a decrease of approximately 7 percent from 2009, according to the Czech-Moravian Confederation of Trade Unions (CMKOS), a national umbrella organization. Approximately 90 percent of nonagricultural union members were affiliated with CMKOS. Agricultural workers made up 2.9 percent of the workforce; 42 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 involved in health care, nuclear energy, oil and gas pipelines, air traffic control, firefighting, and telecommunications. Workers in these sectors do, however, have access to mediation. The law

requires unions to provide employers, in writing, with the total number of strikers and a list of the members of the strike committee or contact persons for negotiation purposes at least three days 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 level. The scope for collective bargaining was more limited for civil servants, whose wages are regulated by law. Under the law trade unions are the only bodies that may legally represent workers, including nonmembers of trade unions. During the year trade unions affiliated with CMKOS negotiated collective agreements that covered 25 to 30 percent of the workforce.

The law prohibits antiunion discrimination; nonetheless, CMKOS reported that in 2008 and 2009 some employers pressured workers to give up their trade union activities by threatening either to fire them or to reduce their wages. In 2008 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 2009. The OSPHCR reported that, as of September 2010, the Cernigov Hotel trade union chapter had not been reconstituted. During 2009 individual members of the OSPHCR working at Gomel Hotel in Ceske Budejovice, the other hotel recently acquired by CPI Hotels, reportedly also yielded to pressure to either terminate their union membership or their employment. The union has not filed a formal complaint against CPI. The OSPHCR reported that some employees of another hotel owned by the CPI chain, the Clarion Congress Hotel in Prague, expressed general interest in organizing a trade union chapter.

According to CMKOS, the number of violations of labor law and trade union rules increased during the year. CMKOS attributed the increase to the impact of the global economic downturn. However, union and nonunion employees were often not willing to file formal complaints or to testify against their employers due to fears of job loss, reduced wages, or degraded labor conditions. CMKOS-affiliated trade unions did not report many of the violations to CMKOS. Only eight of 32 unions responded to the questionnaire on antiunion discrimination distributed by CMKOS, and some of these requested to remain anonymous in all reporting. The questionnaire did find examples of violations including administrative obstacles to the collective bargaining process, unauthorized unilateral changes in wages, and threats to terminate union activities or face dismissal.

There are no special laws or exemptions from regular labor laws in export processing zones.

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

The law prohibits forced or compulsory labor; however, there were reports that men and women, including migrant workers, were subject to conditions of forced labor in the country. For more information, see the Department of State's annual *Trafficking in Persons Report* at <http://www.state.gov/g/tip>.

In June two men were found guilty of trafficking for the purpose of labor exploitation by the regional court in Usti nad Labem. It According to several NGO sources, the government, in an effort to address the high unemployment of third country nationals, d

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. The minimum legal working age is 15. Employment conditions for children ages 15 to 18 were subject to strict safety standards. Children may obtain a permit from the Labor Office to work up to 12 months in artistic, cultural, sports, or advertising activities,

subject to the conditions that the 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 State Bureau for Labor Inspections (SBLI) effectively enforced these regulations in practice. Infringement of child labor rules is subject to fines of up to two million korunas (approximately \$110,000). During the year the SBLI did not report any cases of child labor law violations involving children less than 15 years old. With respect to children ages 15 to 18, the SBLI reported 14 cases of administrative violations of child labor law during the year. However, no fines were imposed due to the minor nature of the offenses.

#### 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 (approximately \$420) per month and provided a decent standard of living for a worker and family when combined with social benefits for low-paid workers. The last update to the minimum wage occurred in 2007. The minimum wage is enforced by the SBLI and was one of the main targets of SBLI inspections.

The law provides for a 40-hour workweek, two days of rest, and a break of at least 30 minutes during the standard eight-hour workday. Employers may require up to eight hours per week of overtime when work needs demand but may not require more than 150 hours of overtime in a calendar year. Additional overtime is subject to the consent of the employee. Premium pay for overtime, equal to at least 125 percent of the average earnings, is governed by the provisions of the labor code.

During the year SBLI inspectors conducted 5,472 labor code enforcement checks. The SBLI imposed fines totaling 23 million korunas (approximately \$1.2 million) for substantial violations of the labor code involving contracts, wages, overtime pay, and rest periods.

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 were sometimes dependent on temporary employment agencies to find and retain work. According to trade unions and NGOs, migrants sometimes worked under substandard conditions and were subject to inhumane treatment by these agencies. Most commonly, salaries were paid to the agencies, which then garnished wages, resulting in workers receiving subminimum wages, working overtime without proper compensation, or working without any compensation at all. Since migrant workers seldom filed formal complaints of such abuses, authorities had few tools with which to intervene. The SBLI undertook regular inspections and dealt with accusations of labor infringements. During the year the SBLI inspected 89 work agencies employing migrant workers. According to the SBLI, the inspections revealed inconsistencies in work agreements, denials of salary bonus payments, and inconsistencies involving working hours and overtime. Although the SBLI did not establish any cases of systematic discrimination based on citizenship, gender, age, or health status, labor law violations were most frequently reported in cases where equal labor and wage conditions differed for permanent staff and temporary workers hired by agencies.

In accordance with the labor code, an employer is obliged to provide safety and health protection in the workplace, maintain a safe and healthy work environment, and prevent health and safety risks. The SBLI effectively enforced health and safety standards. During the year 12,012 checks focused on health and safety standards and occurred primarily (but not exclusively) in the construction industry and in the manufacturing, transport, agricultural, and forestry sectors. The inspections occurred both proactively and reactively during the year. Fines in excess of 20 million korunas (approximately \$1.1 million) were imposed for cases of substantial infringement of the law. 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. Workers have both the right and obligation to strengthen the efforts for protecting safety and health in the workplace by

complying with health and safety standards. The number of registered injuries in the workplace decreased 9 percent from 2009, while the number of fatal accidents increased by 3 percent over 2009.

[Back to Top](#)