

CZECH REPUBLIC

EXECUTIVE SUMMARY

The Czech Republic is a multiparty parliamentary democracy. 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 in May 2010 were considered free and fair, as were October 2010 elections for one-third of the seats in the Senate. Security forces reported to civilian authorities.

During the year societal discrimination against the country's Romani population was a serious problem, and human rights observers criticized the government's efforts to overcome it as inadequate. Official corruption remained a problem, despite enforcement efforts, as was trafficking in persons, particularly labor trafficking and exploitation.

Other human rights problems included instances of prison overcrowding, delays in the delivery of justice, violence against women, sexual and other abuse of children, anti-Semitism, and discrimination against labor unions and migrant workers.

The government took steps to prosecute and punish officials who committed abuses, both in the security services and elsewhere in the government, but pockets of impunity existed.

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.

On April 6, the High Court raised from 3.5 to 10 years the sentence of a police officer convicted in the 2009 beating death of a Vietnamese man in Brno. It sent the cases against two other officers convicted in the attack back to a lower court for reconsideration.

b. Disappearance

There were no reports of politically motivated disappearances, kidnappings, or abductions.

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.

In August the Supreme Court overturned a regional court verdict that denied compensation for the forced sterilization of a Romani woman in 1997. The Supreme Court ruled the lower court should reconsider the case, stating that some individual compensation cases may be recognized even if the statute of limitations had expired before the case was filed.

Prison and Detention Center Conditions

Overcrowding and insufficient staff were the main problems in the prison system and led to poor sanitary conditions and security risks. The Czech Helsinki Committee found continued prison overcrowding to be a problem and reported an increased number of complaints regarding health care and sanitation in prisons. Prisoners had access to potable water, but limited access to hot water was a sanitation issue, as only prisoners who work were permitted daily hot showers. All other prisoners were allowed hot showers only once a week.

In the first 11 months of the year, there were three deaths in prisons and one in a detention facility. The deaths were all due to natural causes. While no official numbers were available regarding tuberculosis, unofficial sources reported an increase in cases.

The ombudsman's office reported that problems in Valdice Prison, including inmate-on-inmate violence, were a consequence of inadequate funding. Valdice Prison holds prisoners serving life sentences as well as dangerous or high-security prisoners.

In November the total prison population was 113.5 percent of the intended capacity of 20,500 inmates. Facilities that held detainees prior to sentencing were at 109.3 percent of intended capacity. Facilities for holding prisoners serving their sentences were at 114 percent of intended capacity. Of the 23,269 persons in the

country's detention and prison facilities as of November 1, 488 were women and 211 were juveniles. Pretrial detainees of both sexes, held separately, constituted 9 percent of the total. Juveniles were not housed with adults. There were no reports of worse prison conditions for women than for men. There were no reports of inadequate recordkeeping in the prison system. Individual prisons did not have ombudsmen, but the Office of the Ombudsman investigates prisoner complaints throughout the system.

Prisoners and detainees had reasonable access to visitors (three hours per week) and were permitted to attend religious services. 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 routine prison visits. In the first six months of the year, representatives of the ombudsman visited 35 locations, including prisons and police stations, to monitor cell conditions.

The Ministry of Justice, which oversees the prison system, also inspected prisons throughout the year. The government permitted independent monitoring of prison conditions by local and international human rights groups, such as the Helsinki Commission, and the media.

The law allows house arrest and alternative sentencing as a measure to alleviate prison overcrowding. During the year house arrest was used in 180 cases.

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. The Ministry of Interior oversees the police and is responsible for investigating allegations of police misconduct. Corruption remained a problem among law enforcement bodies during the year.

In January the Ministry of Interior transferred to regional police offices the responsibilities and some of the personnel of the Foreigners' Police. The Foreigners' Police is an independent police force that handled all applications for, and problems with, long-term residency. The transfer was described as an effort to

improve the quality of immigration and residency procedures. The change responded to numerous allegations by the government and nongovernmental organizations (NGOs) of corruption and inefficiency within the Foreigners' Police. Responsibility for granting residency permits was transferred to the Ministry of Interior.

Arrest Procedures and Treatment While in Detention

In most cases, police use warrants issued by a judge to arrest persons accused of criminal acts. They may arrest a person without a warrant when they believe a prosecutable offense has been committed and consider an arrest necessary to prevent further offenses or destruction of evidence or to protect a suspect, or when a person refuses to obey police orders to move.

Police must turn over to a court within 24 hours a person arrested on a warrant. A judge then has an additional 24 hours to decide whether to continue to hold the individual. 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 police turn the detainee over to a court, a judge must decide within an additional 24 hours whether to charge the individual. Only a person who has been charged with a crime may be held for a longer period.

The law provides for bail except for serious crimes or to prevent witness tampering. A defendant in a criminal case may request a lawyer immediately upon arrest. If a defendant cannot afford a lawyer, the state will provide one. The court determines whether attorneys' fees will be partially or fully covered by the state. Authorities respected these rights in practice.

Pretrial Detention: Under the law, pretrial detention may last no longer than two years except for "exceptionally grave" offenses. A suspect may petition investigating authorities at any time for release from detention. According to prison service data for the first nine months of the year, the average length of pretrial detention was 74 days.

Amnesty: The president granted amnesty for humanitarian reasons to 46 persons in 2010 and to 17 in the first nine months of 2011.

e. Denial of Fair Public Trial

The law provides for an independent judiciary and the government generally respected judicial independence in practice. Complicated procedural rules at times delayed judgments for years. Bureaucratic issues, including staffing shortages and limited specialized judicial training hampered effectiveness. In the first half of the year, the average length of a criminal prosecution was 50 days at the district level and 332 days at the regional level. During the same period, the average length of court procedures was 199 days at the district level and 716 days at the regional level.

In most instances authorities respected court orders and carried out judicial decisions.

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 consult an attorney; the government provides an attorney without charge to defendants who cannot afford one. Defendants have the right to be present at trial, 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.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

In the first nine months of the year, the European Court of Human Rights (ECHR) entered 13 judgments against the Czech Republic. The ECHR found violations of the right to liberty, to a fair criminal trial, and of access to a court in a commercial dispute. Other cases criticized the absence of adversarial proceedings before the

constitutional court and the excessive length of judicial proceedings. The country generally sought to comply with the judgments.

In November 2010 the European Roma Rights Center (ERRC) filed a complaint with the Committee of Ministers of the Council of Europe (COE), which is charged with overseeing implementation of ECHR rulings, asserting that the government failed to comply with European law by not integrating Romani children into mainstream schools (see section 6). The ERRC requested that the Committee of Ministers require concrete steps towards the integration of Romani students. The COE committee's review continued at year's end.

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. Plaintiffs may appeal unfavorable rulings to the ECHR. Administrative remedies are also available.

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

Status of Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press. The law mandates prison sentences of six months to three years for persons who deny Communist-era crimes or the Nazi Holocaust. "Speech" in any form that incites 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 4, the regional court in Brno set aside the convictions of six members of the now-banned Workers' Party for inciting hatred; defaming a nationality, ethnic

group, and race; and supporting a movement seeking the suppression of human rights and freedoms. The regional court sent the case back to the lower court for another hearing.

Freedom of Speech: Individuals were free to criticize the government publicly or privately or discuss matters of general public interest without reprisal.

Freedom of Press: Independent media were active and expressed a wide variety of views with few restrictions.

On August 1, an amendment to a 2009 “muzzle law” entered into force. The 2009 law makes it a criminal offense to publish information obtained from wiretaps and other police sources, the names of victims of serious crimes, and the names of victims of any crime if they were younger than age 18. The new amendment allows journalists to release such information if they consider it to be in the “public interest.”

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without court orders. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

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 April 9, police disbanded an ecumenical service organized in response to a planned and approved neo-Nazi march in the town of Krupka. The media reported that police used force against the attendees of the service, and the local town hall fined the organizers. Under the law religious gatherings may assemble without the prior permission of authorities, although the law does not indicate which gathering would take precedence in these circumstances. The police stated that the planned march had precedence. Courts later dismissed the fines.

Freedom of Association

The constitution and law provide for freedom of association, and while the government generally respected this right in practice, the law required organizations, associations, foundations, and political parties to register with local officials or the Ministry of Interior. Groups that incite hatred based on race, religion, class, nationality, or other group affiliation or use banned symbols, can be dissolved or banned by the courts or refused registration permission by the Ministry of Interior.

On August 17, the Supreme Administrative Court dissolved the right-wing National Party, which had de facto ceased operations in 2009, for administrative reasons. The party was known for its anti-Romani and Euro-skeptic opinions, as well as an ad calling for the “Final Solution” to the Romani “issue” by having all Roma deported to India.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/j/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.

Protection of Refugees

Access to Asylum: 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 is available based on EU laws.

Safe Country of Origin/Transit: By law the Ministry of Interior accepts asylum applications from persons arriving from or through countries deemed to be safe as defined by law. Such applications are most often refused, but authorities review all cases individually and may approve exceptional cases. During the year there were no reports or complaints regarding the safe country of origin or transit policy.

Nonrefoulement: 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.

Refugee Abuse: 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.

Durable Solutions: A resettlement program between the government and UNHCR continued on an ad hoc basis. The program resettled 25 people during the year, mainly from Afghanistan, Belarus, and Uzbekistan.

Temporary Protection: Authorities granted subsidiary protection, a de facto refugee status for those who do not qualify for asylum, to 178 persons during the year.

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

Recent Elections: In May 2010 the country held elections for seats in the Chamber of Deputies, the lower chamber of parliament. In October 2010 elections were

held for one-third of the seats in the Senate and for municipal governments. Both elections were considered free and fair.

Participation of Women and Minorities: There were 45 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 two women in the 15-member cabinet. Fifteen percent of judges were women, including five women on the 15-member Constitutional Court. One of the country's 13 regional governors was a woman.

One justice of 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.

Representatives from the 12 national minority groups were included in the 31-member Government Council for National Minorities, an advisory group that includes government officials. Each minority group may nominate up to three representatives to the council.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but 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. Factors contributing to the infrequent prosecution of high-level corruption included the absence of a system for granting immunity to persons willing to testify against co-conspirators, the lack of a specialized prosecutorial body, inadequate legislation requiring disclosure of source of assets, the use of anonymous bearer bonds, lax regulation of public procurement, weak rules governing the financing and lobbying activities of campaigns and parties, ineffective police investigative tools, a lack of rules to protect whistleblowers and civil servants from political pressure, political pressure on prosecutors intended to disrupt investigations, and the limited number of experienced investigators at regional levels.

During the year the government took several steps to prevent and combat corruption. An agreement between the parties in the governing coalition obligates the ruling coalition parties to adopt legislation to address the shortcomings identified above. In January the cabinet adopted a 58-point national anticorruption strategy for 2011 and 2012 that identifies necessary legislative and regulatory changes and provides a timeline for their implementation. The Ministry of Interior issues regular public reports on fulfillment of the strategy. While the government has made progress on completing the strategy, it has fallen behind its own timeline on several points.

Legislation that took effect in September eliminated the requirement that all defense procurement transactions be conducted through middlemen and significantly restricted the use of sole-source procurement, thereby reducing opportunities for corruption. The parliament enacted legislation introducing corporate criminal liability beginning on January 1, 2012. Parliament also amended the criminal code to strengthen guidelines for sentencing persons found guilty of corruption and expanded the use of investigative tools such as wiretaps in corruption investigations. The government strengthened rules for disposal of municipal and regional properties.

A police anticorruption unit investigated corruption allegations against high-level officials and major regional and local perpetrators, as well as some private individuals and companies. Regular police units investigated lower-level cases. According to the Ministry of Interior, during the first half of the year police pursued 105 bribery cases (30 for offering a bribe, 71 for receiving a bribe, and four for indirect bribery) and investigated 35 public officials for abuse of authority, an increase from the previous year. According to the Ministry of Justice, courts convicted 40 public officials for abuse of power, including three who were sentenced to prison and 34 released on probation. Six officials were fined. Of 57 public officials convicted of bribery-related offenses (18 for receiving a bribe, 38 for offering a bribe, and one for indirect bribery), nine were sentenced to prison and 44 were released on probation. Ten officials were fined. From January through September, the specialized anticorruption police unit, which has responsibility for high-profile corruption cases, investigated 66 cases of public corruption. Investigators completed eight cases and forwarded them for prosecution.

The press continued to report allegations of corruption.

In April two members of the junior governing VV party (a conservative liberal political party), including the head of the party's parliamentary caucus, accused Minister of Transport Vit Barta of bribing them to remain loyal to the party. Barta denied that the funds he provided to the members were bribes, describing them as loans, but he admitted that the cash payments might have broken laws against money laundering. He and party colleagues claimed that the accusations were an effort to fracture the newly formed party, which had risen to prominence on an anticorruption platform. Barta resigned his position, saying he would not return to high office until his name was cleared. The party expelled the two parliamentarians while a third resigned. In September the parliament stripped Barta of his immunity so that the investigation could continue, a move supported by Barta and his party. In October police charged Barta and a former party member with bribery, and the investigation continued at year's end.

In November Minister of Justice Jiri Pospisil removed Vlastimil Rampula, the high state's attorney, who allegedly played a role in leaking the testimony of an Austrian witness in the investigation of alleged kickbacks paid to government officials and political parties during negotiations for the purchase of military vehicles from an Austrian company. Rampula's alleged interference in other corruption investigations reportedly was another reason for his dismissal.

In December prosecutors brought charges of attempted fraud and bribery against two unnamed individuals in a case involving allegations by a U.S. businessman (and former U.S. ambassador to the Czech Republic) that in 2008 then deputy defense minister Martin Bartak solicited a multimillion-dollar bribe in exchange for assistance in resolving a dispute involving the former ambassador's company and one of its key suppliers. In December prosecutors brought charges of attempted fraud and bribery against two unnamed individuals.

Several ministries had anticorruption hotlines for citizens to report allegations. The Ministry of Interior's anticorruption hotline, administered by the government watchdog NGO Oziveni, received 1,107 calls in the first nine months of the year. Oziveni identified 574 relevant complaints, including 38 concerning the judiciary, 136 concerning police, 156 concerning property rights and construction permits, and 74 concerning public procurement.

Credible allegations of corruption in the judiciary persisted, particularly in connection with bankruptcy and financial criminal proceedings. In October Justice Minister Pospisil filed a criminal complaint against Judge Jan Kozak, vice chair of the Brno Regional Court, accusing him of assigning bankruptcy cases to judges out

of order. Kozak had assigned himself a high-profile bankruptcy case involving a clothing manufacturer. The complaint was reportedly based on information contained in an annual report by the Czech Security Information Service in September. The case was pending at the end of the year. Pospisil also filed disciplinary complaints against Kozak and his superior, Judge Jaromir Porizek.

The law provides for public access to government information, and the government usually provided such access to citizens and noncitizens, including foreign media. NGOs reported an increasing number of denials during the previous 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.

The law obliges legislators, members of the cabinet, and other selected public officials to make annual asset declarations. However, asset declarations can only be viewed in person based on written request and are often general and lacking in information. Only assets gained since taking up one's public function must be reported.

Several cases involving requests for public access to information reached the courts during the year, and courts were reportedly receptive to the plaintiffs. The Supreme Administration Court ruled against the efforts of the Ministry of Finance to conceal the identities of past recipients of tax-forgiveness rulings. When the ministry required the plaintiff, the economic daily newspaper *Hospodarske Noviny*, to pay for the reproduction of records, requesting 250,000 korunas (approximately \$12,830) for the full record, the newspaper accessed a smaller number of documents with financial support from the Open Society Fund.

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 governmental restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: Representatives from the Office of the Ombudsman made regular visits to government and private facilities where residents have limited movement, (i.e., prisons, orphanages, and senior citizens' homes), examining the treatment of individuals and monitoring respect for

fundamental rights. The office issued quarterly and annual reports on its 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 six months of the year, the ombudsman received 3,716 complaints, 181 regarding the prison, police, and military services. Of the total, 57 percent fell within the office's mandate. In the same period, the information hotline received 5,307 requesting simple advice. The ombudsman opened 724 inquiries in 2010.

On February 15, the prime minister named Monika Simunkova to be the new human rights commissioner, filling a position that had been vacant since September 2010. NGOs continued to criticize the government's 2010 decision to downgrade the commission from the ministerial level, claiming that it showed a lack of government concern for human rights problems.

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. The government did not effectively enforce these provisions. Significant societal discrimination against Roma persisted, and trafficking in persons also remained a problem.

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, and carries a penalty of two to 15 years in prison. The government effectively enforced these provisions. 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 six months of the year, 312 rapes were reported, 169 of which were investigated. Courts convicted 95 offenders, 53 of whom received prison sentences and the remainder were given suspended sentences. In 2010, 586 rapes were reported, of which 377 were investigated, and 172 offenders were convicted, of whom 100 received prison sentences, while the remainder were given suspended sentences.

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. Police have the authority to remove violent abusers from their homes for 10 days. In the first six months of the year, the NGO Bily Kruh Bezpeci reported that 719 offenders, including women, were removed from the home.

In the first six months of the year, Interior Ministry statistics reported 356 cases of domestic violence, and police investigated 262 cases. During the same period, 140 individuals were convicted of domestic violence, of whom 41 received prison sentences and 98 were given suspended sentences. Alcohol, drugs, work-related stress, and gambling played a major role in many domestic violence cases.

Police continued to train personnel selected to handle domestic violence cases and to work with social service agencies. Several hotlines and crisis centers offered psychological counseling to victims of rape and domestic abuse. In the first six months of the year, for example, the Dona hotline received 1,939 calls related to domestic violence, compared with 4,035 in 2010.

Sexual Harassment: The law prohibits sexual harassment; but the government did not effectively enforce the law, 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 (\$3,880), dismissed from work, or sentenced to prison. According to a 2009 study conducted by the Gender and Sociology Section of the Czech Academy of Sciences, 25 percent of female respondents had experienced sexual harassment at work.

Offenders convicted of stalking can be sentenced to up to three years in prison. In the first half of the year, 339 cases of stalking were reported to police, who transferred 229 to prosecutors for further investigation. Courts convicted 93 individuals of stalking in the first half of the year, of whom 10 received prison sentences and 68 were given suspended sentences. In 2010 courts convicted 83 individuals, giving prison sentences to 13 and suspended sentences to 61. Six individuals received other forms of punishment, while three received no punishment at all.

Sex Tourism: Sex tourism remained a problem. Due in part to a crackdown by local governments, sex tourism in border areas and major urban areas decreased during the year.

Reproductive Rights: 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. Access to contraception and skilled obstetrical care was widespread.

Discrimination: The law grants men and women equal rights, including in family and property law matters. According to data from the Czech Statistical Office for the second quarter of the year, 57 percent of women were employed, constituting 43 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 less well-paid professions than men. The Council for Equal Opportunities for Men and Women monitored gender problems and advised the government on enforcing equal gender rights.

Children

Birth Registration: Citizenship is derived from one's parents. Any child with at least one citizen parent is automatically a citizen. Births are registered immediately.

Child Abuse: Although illegal in many forms, child abuse remained a problem. 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 experienced such abuse repeatedly.

Prison sentences for those found guilty of child abuse range up to 12 years, or to 18 years in the case of the death of a child. The ministries of interior and justice 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 (including the presence of psychologists and, in some cases, judges and defense attorneys).

Child Marriage: The minimum legal age for marriage is 18. Some members of the Romani community married before reaching the legal age.

Sexual Exploitation of Children: 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 minimum age of consensual sex is 15. The law prohibits the possession, manufacturing, and distribution of child pornography, which is punishable by imprisonment for up to eight years. According to Ministry of 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 2010. There were also reports that some children engaged in prostitution without apparent third-party involvement.

In the first six months of the year, the Ministry of Justice reported that courts convicted 32 individuals and gave them suspended sentences for production or other handling of child pornography. Nine individuals were convicted for misuse of a child for pornography production (with one receiving a prison sentence and eight receiving suspended sentences).

On October 4, police raided more than 30 homes as part of a nationwide operation against child pornography and took into custody 10 suspects for the production and distribution of child pornography. More than 60 computers were confiscated as part of the raid. Charges were pending and police expected the number of suspects to rise.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

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 right-wing groups with anti-Semitic views were active around the country. The Ministry of Interior continued to counter such groups, monitoring their activities, increasing cooperation with police from neighboring countries, and shutting down unauthorized rallies. While the number of rallies and demonstrations by extreme-right groups increased during the year, few were anti-Semitic in tone.

On August 14, unknown vandals spray-painted an anti-Semitic symbol on a memorial to the Jewish victims of the Holocaust in Ostrava. Police were investigating the case.

In 2010 the Ministry of Interior recorded 28 criminal offenses with an anti-Semitic motive. During the same period, the Federation of Jewish Communities reported

16 anti-Semitic incidents, including damage to property, spray-painting of anti-Semitic remarks and Nazi symbols, threats, and intrusions.

Throughout the summer and fall, leading government officials, local NGOs, and Jewish groups called for the resignation of Ladislav Batora, head of the Ministry of Education's personnel department. Batora has links to anti-Semitic, anti-Roma, racist, and far-right organizations.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

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

Of Prague's 57 metro stations, 30 were accessible to persons with disabilities, including only five of the 15 major stations in the city center. A majority of buses and new tramcars have low-floor entry doors to accommodate passengers with disabilities. The metro, bus, and tram systems provide stop announcements and equipment for visually impaired riders.

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.

The government continued its program to aid persons with disabilities, Mobility for All, and selected 16 additional projects for funding. Mobility for All aims to build barrier-free sidewalks, crossings, crossroads, and handicapped elevators in government institutions, purchase barrier-free buses, and provide barrier-free access to government institutions, schools, libraries, galleries, and museums.

National/Racial/Ethnic Minorities

Minority groups in the country included Roma, Ukrainians, Slovaks, Vietnamese, Poles, Russians, and Germans. Roma, who numbered approximately 200,000 experienced high levels of poverty, unemployment, and illiteracy and faced varying levels of discrimination in education, employment, and housing. Societal prejudice against the country's Romani population at times resulted in violence. Throughout the year extremists targeted Romani neighborhoods as venues for their protests and occasional violence. Police investigated several incidents of torches or Molotov cocktails being thrown at Romani houses. Extremist groups also marched through Romani areas carrying torches and chanting slogans. Some human rights organizations criticized the government's response to discrimination against Roma as inadequate.

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 right-wing extremist groups held rallies or marches in several cities. In a report released on September 3, the Organized Crime Unit of the police estimated there were 500-600 active neo-Nazis in the country and approximately 5,000 persons who openly sympathized with the movement.

The Workers' Party (DS), which was conspicuous for its hostility to Roma and other minorities, was banned in February 2010, but it was replaced by the Workers' Party for Social Justice (DSSS) soon afterward. DSSS and DS membership and leadership were virtually the same.

The national media gave disproportionate coverage to crime and acts of violence committed by Roma compared with similar behavior on the part of the majority population or other minorities.

Some mainstream politicians have been outspoken in their criticism of Romani communities. Their statements often vilified the Romani minority, blaming it for community problems and assigning collective guilt for crimes. Some politicians called for municipalities to move Romani residents to the outskirts of town into what is often substandard housing, ban alcohol in areas with high Romani populations, and limit residency options for Roma who commit multiple minor crimes.

Beginning on August 26, a series of anti-Roma protests took place in the North Bohemian region in response to two incidents of Romani violence towards the ethnic Czech population. Each weekend for several weeks, local residents, joined

by right-wing extremists, marched through the region, including the towns of Varnsdorf, Rumburk, and Novy Bor. On several occasions protesters turned violent, and police intervened to protect Romani residents. The marches differed from previous marches in that a majority of the protesters were local residents rather than neo-Nazis or other extremists.

On March 18, an appeals court reduced the sentence of Ivo Mueller, one of four persons convicted of a 2009 Molotov cocktail attack on a Romani family that seriously injured a two-year-old girl. The original 22-year sentence was reduced to 20 years. The court upheld the sentences of the other attackers, as well as monetary compensation to the family.

Although a 2009 law prohibits employment discrimination based on ethnicity, Roma continued to face discrimination in employment, access to housing, and in schools. Some employers refused to hire Roma and requested that local labor offices not send them Romani applicants. There were few prosecutions under the law during the year. An estimated 57 percent of Roma were unemployed. In areas with a high percentage of Romani residents, unemployment among Roma was close to 90 percent according to the Agency for Social Inclusion in Roma Localities.

Authorities took few measures to counter discrimination against Roma in access to housing and other accommodations. While housing discrimination based on ethnicity is prohibited by law, NGOs stated that some municipalities applied municipal regulations in ways 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 newly adopted Strategy to Combat Social Exclusion, which contains provisions regarding access to housing, was designed to streamline the process.

According to new estimates, there were more than 400 “excluded” localities, or ghettos, in the country, and all were inhabited almost entirely by Roma. These ghettos were often blighted by substandard housing and poor health conditions. Beyond housing discrimination, reasons for the growth in Romani-dominated ghettos included urban gentrification and unaffordable rents elsewhere.

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

A decrease in social benefits during the year had a disproportionate impact on Romani families already hit by the high rate of unemployment and the difficulty of finding affordable housing.

Romani children were often subject to discriminatory treatment. In a November statement, the international human rights NGO Amnesty International asserted that four years after an ECHR ruling that the practice was illegal, the authorities had “failed to address the problem of systematic segregation of Romani children in the schools.” Romani children were enrolled at disproportionately high rates in remedial schools, known as “practical” schools, which effectively segregated them into a substandard educational system. According to the Ministry of Education, approximately 27 percent of Romani children attended “practical” schools during 2010, compared with 2 percent of non-Romani children. In regular schools, Romani children were often segregated from the majority population 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. The decision to place a child in a practical school is made by a judge based on a social worker’s recommendation.

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.

During the first half of the year, more than 50 experts at the Education Ministry resigned from a working group that was supposed to design a plan for improving education for disadvantaged children. They asserted that the minister gave insufficient attention to the issue. The ministry announced plans to commission further studies on inclusive education, but NGOs maintained that several similar studies were already available. Civil society and political leaders criticized the minister for appointing to a senior position at the Ministry of Education an official who had previously been a candidate for parliament on an extremist party ticket. They interpreted the appointment as a sign of the government’s lack of serious interest in solving the inclusive education issue.

On September 23, the cabinet adopted the Strategy for Combating Social Exclusion with the aim of improving education, housing, security, regional development, employment, and family/social/health services for socially excluded or disadvantaged individuals, many of whom were members of ethnic and other minorities. The program is the responsibility of the Agency for Social Inclusion,

established in 2008 to coordinate social integration efforts. The agency oversaw continuing projects in 33 localities during the year.

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

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 governmental working group on problems involving sexual minorities indicated that physical and verbal attacks occurred but were rarely reported.

There were some reported instances of discrimination against persons based on sexual orientation or gender identity. For example, lesbian, gay, bisexual, and transgender (LGBT) couples may not adopt a child, nor may a gay man or lesbian in a partnership adopt his or her partner's biological child, although single LGBT individuals may adopt.

Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of workers to form and join unions of their choice without authorization or excessive requirements. It permits them to conduct their activities without interference. Workers in most occupations have the legal right to strike if mediation efforts fail. The law provides for collective bargaining, which generally was carried out by unions and employers on the company level. The law prohibits antiunion discrimination.

The scope for collective bargaining was more limited for civil servants, whose wages are regulated by law. By law only trade unions may legally represent workers, including nonmembers. When planning a strike, unions are required to inform employers in writing of the number of strikers and a list of the members of the strike committee or contact persons for negotiation. While regulations entitle union members to conduct some union activities during work hours, they do not

specify how much time workers may use for this purpose, leaving room for diverse interpretations on the part of employers.

Workers, including some foreign and migrant workers, generally exercised the right to organize and join free labor unions, to strike, and to bargain collectively. This right covers both citizens and foreign workers, but the latter generally did not join unions due to the often short-term nature of their work or the lack of social interaction with citizen employees. According to the Czech Moravian Federation of Trade Unions (CMKOS), the number of violations of labor law and trade union rules increased during the year. CMKOS attributed the increase to the economic recession. Responses to a questionnaire CMKOS submitted to its affiliates during the year elicited a number of instances of violations and discrimination, including administrative obstacles to the collective bargaining process, unauthorized unilateral wage changes, and threats of dismissal if they did not terminate their union activities. Employees, both union and nonunion, were often unwilling to file formal complaints or to testify against their employers due to fear of job loss, reduced wages, or worsening labor conditions. According to CMKOS, employees usually filed complaints only if their jobs were immediately threatened or after a job loss.

CMKOS reported cases in which employers did not allow union members sufficient paid time off to fulfill their union responsibilities. Employees of the Prague State Opera reported bullying and threats of dismissal in response to their protests against a planned merger of the opera with the National Theater.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, but there were reports that men and women, including migrant workers, were subject to conditions of forced labor in the country.

Since 2009 police investigations have identified more than 2,000 persons who asserted that they had been exploited by labor agencies under contract to the state-owned forestry concern Lesy CR. According to several NGO and police sources, more victims in the Lesy CR forestry worker case came forward during the year. The workers signed contracts to plant trees but in some cases were not paid by employers, who claimed that the contracts were for “training.” Work conditions were harsh, and workers reported often going without food. Police coordinated investigations with officials in surrounding countries to track cases of exploited workers who had returned home after leaving their forestry jobs. Licenses of some

of the smaller labor agencies in the country were suspended, but authorities filed no formal charges during the year.

Also see the Department of State's *Trafficking in Persons Report* at <http://www.state.gov/j/tip>.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum legal working age is 15. Employment conditions for children ages 15 to 18 were subject to strict standards of safety, permitted hours, and noninterference with education. Infringement of child labor rules is subject to fines of up to two million korunas (\$103,000). The State Bureau for Labor Inspections (SBLI) effectively enforced these regulations. During the year the SBLI did not report any cases of child labor law violations.

d. 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 (\$410) per month. By comparison, the "Existence Minimum Cost," described as the minimum amount needed to satisfy the basic needs of a working-age adult for a month, was 2,200 korunas (\$115). Enforcement of the minimum wage was one of the primary objectives of SBLI inspections.

The law provides for a 40-hour workweek, two days of rest per week, and a break of at least 30 minutes during the standard eight-hour workday. Employees are entitled to 20 days of paid annual leave. Employers may require up to eight hours per week of overtime to meet increased demand, but not 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 5,440 labor code enforcement checks. The SBLI imposed fines totaling 19.3 million korunas (\$990,000) for substantial violations of the labor code involving contracts, wages, overtime pay, and rest periods. There are 720 labor inspectors in the country.

According to the International Organization for Migration, the standard conditions of work were not always observed in situations involving migrant workers. Relatively unskilled foreign workers from less developed countries were

sometimes dependent upon 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 fewer opportunities to intervene.

The SBLI undertook regular inspections and dealt with accusations of labor infringements. During the year, it conducted 95 checks of work agencies employing migrant workers. According to the SBLI, the inspections revealed inconsistencies in work agreements, denials of salary bonus payments or on-time salary 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 labor and wages conditions for permanent staff differed from those of temporary workers hired by agencies.

The labor code obliges an employer 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, 8,805 checks focused on health and safety standards, primarily in construction and in the chemical, manufacturing, transport, and heavy machine industries. The inspections occurred both proactively and reactively during the year. Fines in excess of 14.6 million koruna (\$749,000) were imposed in cases where infringement of the law was substantial. The number of registered injuries in the workplace increased by 2.7 percent from 2010, and fatal accidents increased by 8 percent during the same period. The vast majority of injuries and deaths occurred in the construction industry. Employees of small to medium-sized companies often avoid using protective gear, although the employer provides it. Injuries often occur due to underestimation of risks by the employee and a lack of consistent control or supervision by the employer.