U.S. DEPARTMENT of STATE

Czech Republic

Country Reports on Human Rights Practices - 2007
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The Czech Republic is a parliamentary democracy with a population of approximately 10.2 million. In 2003 the bicameral parliament elected Vaclav Klaus as president and head of state. In June 2006 free and fair parliamentary elections produced an even split between right and left parties in the Chamber of Deputies. Several months of political stalemate followed, during which a series of short-term governments executed routine government functions. In January a coalition government led by the conservative Civic Democratic Party (ODS) and Prime Minister Mirek Topolanek emerged. Civilian authorities generally maintained effective control of the security forces.

The government generally respected and protected the rights of its citizens; however, problems with both law enforcement and judicial corruption persisted, and high-level political intervention sometimes resulted in investigations being prematurely closed or reassigned to other jurisdictions for handling. There were some reports of police mistreatment of detainees and official tolerance of inmate-on-inmate abuse in one prison. There were reports that police failed to provide detainees access to an attorney. Child abuse and trafficking in persons for sexual exploitation and forced labor continued to be problems. Random violence, rallies, and vandalism by neo−Nazis and skinhead groups against Roma occurred throughout the year. Societal discrimination against minorities, especially Roma, continued, and a lack of equitable education, housing, and employment opportunities for Roma persisted.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that government officials employed them during the year. Police did not generally use excessive force. Although there were individual cases of police brutality in recent years, none were reported during the year.

On July 12, the Council of Europe's Committee for the Prevention of Torture (CPT) released its report on visits carried out by a CPT delegation to the country in March-April and June 2006. While most persons interviewed during the visits about their experience in police custody indicated they had not been mistreated, the delegation received and investigated a few allegations of police mistreatment consisting of being punched, kicked, and struck with various objects during police interrogation. Juveniles were among the persons making such accusations. The report also expressed concern over the use of physical restraints in prisons. At the Valdice Prison, the CPT delegation reported that physical restraints appeared to be used for punishment. In one case, prison officials strapped an inmate to a bed for 26 hours, released the inmate for three hours to an isolation cell, then strapped the inmate to a bed for another 17 hours. The delegation also heard reports that police had handcuffed persons to metal rings in uncomfortable positions in certain police stations and that persons in police custody, in the districts of Liberec and Ostrava, were given either no food or meager amounts of food during detention, particularly during weekend periods.

In July the government responded to the CPT Report and stated they had adopted the majority of the CPT's recommendations as part of new, more rigorous written protections for prisoners.

In October a Prague court acquitted police officer Tomas Cermak of abuse of power in connection with a 2006 assault on the former head of the government's human rights section, Katerina Jacques, who was protesting against a neo-Nazi rally in Prague. A journalist recorded Cermak beating Jacques while other officers stood nearby during the assault. Police also detained the journalist who photographed the incident. The Ministry of Interior meted out light punishments, such as demotions, to accountable individuals and closed its internal investigation of the incident after concluding that a crime had not been committed. An initial review of the case by the Supreme Prosecutor's Office supported this conclusion. The case, however, had not been officially closed by year's end.

Prison and Detention Center Conditions

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

Following its 2006 visits to the country, the CPT delegation reported that prison overcrowding continued to be a problem. The CPT recommended that detention facilities provide each prisoner with a minimum of 12 square feet. The delegation documented several cases of prisoners who had been physically and sexually abused by other prisoners at the Valdice Prison and noted that allegations of sexual abuse did not appear to have been taken seriously by prison officials. The report also highlighted the need to ensure that nonviolent prisoners were held separately from prisoners convicted of violent crimes.

While the government disputed some of the CPT's findings, it adopted many of the report's recommendations for improved prison conditions, such as hiring and training more staff, offering inmates better work and leisure activities, and increasing the number of refurbished facilities. Additionally, the government provided sensitivity training to prison staff on how to identify and better protect "at-risk" prisoners from violent inmates.

The government permitted independent monitoring of prison conditions. In April 2006 the Czech Helsinki Commission found that while prisons met domestic regulations, half of the country's prisons were filled beyond capacity and did not meet international standards for physical conditions and activities for prisoners. The commission also reported a lack of adequate medical treatment.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

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

According to the Ministry of Interior, police conducted 75 bribery investigations during the year and investigated 97 public officials for abuse of authority. During the same period, Ministry of Justice records indicated that 78 public officials were convicted of crimes relating to abuse of power, but only one was sentenced to prison. There were 59 persons convicted of bribery−related offenses, but only one was punished with a sentence of up to five years' imprisonment.

In June the country's most significant criminal proceeding, the trial of the "Berdych" gang, resumed in Prague. The case involved an elaborate conspiracy, established in the late 1990s, between elements of the criminal underworld and members of the country's organized crime task force to kidnap, assault, and ransom wealthy businessmen. Associates of the gang, posing as police force commandos and wearing uniforms, weapons, and carrying search warrants supplied by their police coconspirators, robbed, kidnapped, and killed one of the victims. In another case, the victim was never found and was presumed to be dead. At year's end authorities prosecuted 51 persons, including five former police officers. Authorities found 42 individuals guilty and sentenced them to seven to 13 years in prison. Authorities sentenced the head of the gang, David Berdych, to 15 years in prison for blackmailing officials and he also faced additional charges.

During the year Minister of Interior Ivan Langer implemented a series of police reforms intended to streamline the bureaucracy and raise management qualifications of police officers. In some cases the reforms led to vacancies in key positions, but while staffing shortfalls in the general force reportedly existed, the country had a high ratio of police per capita. There were no reported instances in which police forces failed to respond to societal violence.

Arrest and Detention

Persons suspected of crimes were apprehended openly, with warrants based on sufficient evidence and issued by a prosecutor, and brought before an independent judiciary. Police may detain persons without charge for up to 48 hours, during which time they have the right to counsel at government expense, although they may not contact family members. After 48 hours, police must receive determination from a judge and prosecutor that the suspect will be charged before they can detain the suspect further. When the judge and prosecutor decide to charge the suspect, the suspect may contact family members. In some instances a judge may allow a person to be detained for up to 90 days before charges are formally filed to allow further criminal investigation (investigative detention). The law provides for bail except for certain serious crimes or to prevent witness tampering.

During its 2006 visits to the country, the CPT delegation found that the right of access to an attorney at times became effective after a person had been detained. Many persons interviewed by the delegation claimed they had not been permitted to contact a lawyer or even informed of their rights until after they had been questioned by criminal police. The delegation found that, in most cases, detained persons were not allowed to contact a lawyer until a protocol specifying the charges against them had been drawn up and presented to them to sign.

Lengthy pretrial detention was a problem. However, in its July response to the CPT report, the government replied that the majority of detained persons made initial contact with an attorney soon after charges were brought.

Under the law, except for "exceptionally grave" offenses, pretrial detention may last no longer than two years. According to prison service data in July, the average length of pretrial detention was 145 days. Twenty-seven detainees, or approximately 1.1 percent of the pretrial detainee population, had been held for over two years. A suspect may petition investigating authorities at any time for release from detention.

Amnesty

Through the end of the year, the president granted 52 persons amnesty for humanitarian reasons.

e. Denial of Fair Public Trial

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

During recent years several incidents have eroded confidence in the independence of the judiciary. In March President Klaus refused to appoint dozens of new judges to the bench. Though an exception in the law allows judges younger than 30 to be appointed to the bench, Klaus has regularly blocked promotions of younger judges since he came to office in 2003. Critics charged that the failure to appoint younger judges has blocked court reform efforts, while President Klaus maintained that younger judges lacked the experience for full judicial responsibilities. In June the Prague city court ordered Klaus to provide a legal justification for his refusals or begin appointments within six months. Criticism from the Ministry of Justice and additional lawsuits followed; in September Klaus relented and appointed 22 trainee judges.

In 2006 President Klaus removed the chief justice of the Supreme Court, Iva Brozova, from her post, alleging that she failed to carry out her official duties in a satisfactory manner. Brozova, regarded as politically independent, alleged that Klaus's attempt to remove her was politically motivated. The Constitutional Court reinstated Brozova, holding that while the president has the authority to appoint Supreme Court justices, he lacks the power to remove them. In December Brozova faced disciplinary proceedings for unrelated charges of financial mismanagement. The disciplinary case was pending at year's end.

In September the regional court in Tabor resumed the trial of former bankruptcy judge Jiri Berka, who was arrested in 2005 on charges of criminal conspiracy and fraud. This was the first case of a sitting judge being indicted for criminal conspiracy. The government alleged that a criminal group associated with Berka embezzled nearly $16.8 million (300 million korunas) from domestic companies and that Berka approved the dissolution of companies based on documents he knew to be fraudulent. The trial was ongoing at year's end.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal and a separate Constitutional Court adjudicates the legality of legislation. Judges are nominated by the minister of justice and appointed for life by the president. The Senate confirms constitutional court judges. Defendants may appeal decisions of the district courts through appellate layers to the Supreme Court. Civil cases are handled by the administrative court system, of which the highest court is the Supreme Administrative Court.

During the year the Ministry of Justice received 34 calls on its anticorruption hot line, compared with 18 calls during the same period in 2006 and 57 calls in 2005. Through June the ministry received 16 written complaints of corruption, compared with 26 in the same period last year and 47 in 2005. Observers attributed the decreasing number of corruption reports to an increase of official and NGO-sponsored hot lines and a public perception that persons reported would ultimately not receive punishment. Of the corruption complaints received in 2006, 57 percent concerned judges, 12.5 percent involved prosecutors, and 31.5 percent concerned other officials.

Trial Procedures

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

Trials are public, but juries are not used. In serious cases a panel of judges rules on the guilt or innocence of the defendant, while less serious cases are heard by a single judge. Defendants have the right to be present at trial and to consult with an attorney in a timely manner, and at state expense if they cannot afford their own representation. Defendants may confront adversarial witnesses and present witnesses and evidence on their own behalf. The accused and their attorneys are entitled to access government−held evidence relevant to their cases. Defendants are generally presumed innocent and have a right of appeal.

There was a significant backlog of cases throughout the judicial system, the impact of which was compounded by numerous judicial vacancies. During 2006 the European Court of Human Rights (ECHR) received approximately 2,755 complaints concerning the Czech judicial system, mostly relating to court delays. This was approximately a three-fold increase over 2005.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution provides for a separate, independent judiciary in civil matters; however, inefficiency and issues with resource management caused significant delays in case resolution. Available remedies include monetary damages, equitable relief, and cessation of harmful conduct.

Property Restitution

The law provides for restitution of properties confiscated under the communist regime as well as restitution of or compensation for Jewish property wrongfully seized during the Nazi era. However, the law requires claimants to hold Czech citizenship. This requirement disadvantaged individuals who lost their Czech citizenship under a 1928 U.S.-Czech bilateral treaty, part of which required the surrender of Czech nationality upon becoming a United States citizen. Although the treaty was repealed in 1997, the deadline for filing claims already passed. There were also outstanding claims for Jewish communal properties.

In November 2006 the government enacted an amendment to the restitution law to abolish the deadline for filing art-related restitution claims.

After years of disagreement between the government and churches, a comprehensive compromise settlement was reportedly reached over the restitution of religious properties or compensation in cases where restitution cannot be accomplished. The proposal must still clear several administrative hurdle, and was not expected to become law before 2009. In September the Supreme Court ruled that Prague castle's St. Vitus Cathedral belongs to the state, not the Catholic Church, ending a 13-year legal battle. Negotiations between the two sides over control of the property had not concluded by year's end.

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

The law prohibits such actions, and the government generally respected the privacy of individuals in practice. However, there were reports that local governments used various methods to evict Romani residents.

In October the regional court in Ostrava ruled for the first time that a local hospital was liable for the wrongful sterilization of a young Roma woman, Iveta Cervenakova, in 1997, establishing a precedent with regard to victims of forced sterilization. According to the ruling, Cervenakova will receive $28,000 (500,000 korunas). Eighty-seven mostly Romani women have complained to the ombudsman for human rights that they were forcibly sterilized over the last 30 years, most prior to 1989. In 2005 the ombudsman examined the sterilization cases and concluded that sterilizations without informed consent occurred both before and after 1990. In July the government decided to compensate each victim approximately $11,000 (200,000 korunas).

In November 2005 the district court in Ostrava ordered the Ostrava hospital to apologize to Helena Ferencikova, a Romani woman sterilized in 2001 following the birth of her second child. Ferencikova appealed the decision to seek monetary damages. The case was pending at year's end.

Section 2 Respect for Civil Liberties:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights in practice. Independent media actively expressed a variety of opinions without outside restriction; however, members of the media complained that the country's weak libel protection law for journalists promotes an atmosphere of self-censorship, which discouraged serious, in-depth investigative reporting.

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 October a Prague court convicted Denis Gerasimov, a member of a Russian neo-Nazi rock band, in absentia. Authorities charged Gerasimov with possessing Nazi-related materials during a 2004 visit to the country, for which he was sentenced to 15 months in prison.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e−mail or chat rooms. Individuals and groups could and did engage in the peaceful expression of views via the Internet, including by e-mail. According to the government statistical office, approximately 50 percent of persons age 10 and older reported using the Internet in the last three months of the year, and 70 percent of the population under the age of 55 reported using the Internet regularly.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice; however, the government may legally restrict meetings that promote hatred or intolerance, advocate suppressing individual rights, or jeopardize the safety of participants. Protesters are required to have permits for demonstrations, but police generally did not interfere with spontaneous, peaceful demonstrations during the year.

The government can ban concerts, gatherings, or activities that promote hate speech. In October the Prague city council rejected a petition by a right-wing extremist group to march through the Jewish quarter of Prague to protest the country's involvement in Iraq. Based on the planned timing of the protest on November 10, which coincided with the anniversary of Kristalnacht, the council declared the demonstrators' intent was to incite racial hatred. The organizers filed legal action to compel the city to permit the march, and in October the Prague city court overturned the city's decision to ban the march. Prominent leaders, such as President Klaus and former president Havel, publicly opposed the marches and appealed to the courts to deny permission for the march. In October an appeals court ruled that the organizers' petition was invalid and the city was within its rights to deny the permit.

Criminal charges were dropped against 25 neo-Nazis who were arrested in August 2006 for possession of weapons during a march in front of the Israeli embassy in Prague.

During the year there were neo-Nazi and skinhead rallies in several cities. In October approximately 500 neo-Nazis and their sympathizers gathered at a mostly peaceful rally in Brno. On May 1, riot police in Prague were called on to separate large groups of right wing extremists and anarchists during May Day rallies there. In late 2006 police terminated a concert of approximately 120 neo-Nazis in Ceske Budejovice when one of the bands played music with racist lyrics; police arrested seven persons for incitement to hatred. No information was available at year's end about these cases.

Clashes between police and individuals at an annual outdoor techno concert in the town of Mlynec, "CzechTek," in 2005 resulted in no criminal action against the police. Many NGOs and observers alleged that the several hundred police officers present used excessive force in breaking up the concert. Following widespread criticism, the ombudsman launched an independent investigation into the police crack-down. In January 2006 the ombudsman's office formally criticized the police for excessive use of force. A 2006 review by the Supreme Prosecutor's Office, however, validated an internal police report that found insufficient evidence to bring charges against the officers involved.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice. Organizations, associations, foundations, and political parties were required to register with local officials or the Ministry of Interior. While the law prohibits political party activities on university campuses, students are permitted to form their own political associations.

c. Freedom of Religion

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

Religious groups registered with the Ministry of Culture were eligible for limited tax benefits if they qualify for first−tier status. To qualify for this status, religious groups must show that they have 300 adult permanent resident members. If a group wishes to attain second−tier status, which confers additional rights, including teaching its religion in public schools, performing religious services in public institutions, and receiving government-subsidized salaries, the group is required to be registered with the ministry for 10 years and obtain approximately 10,000 signatures. Few smaller or less−established religions were able to obtain the required signatures to obtain second−tier registration.

In November the Constitutional Court rejected a 2006 petition filed by 25 senators, mainly Christian Democrats, who complained that the law on religious registration violates the constitutional separation of church and state. Several unregistered groups had also criticized the law as discriminatory, as they were unable to meet the membership requirements. Religious groups that were registered prior to 1991, such as the small Jewish community, were not required to meet these conditions.

There were 29 officially recognized religious groups, of which nine were officially permitted to teach in state schools. In late 2006 the Armenian Apostolic church withdrew its application for registration without providing a reason.

The small Czech Muslim community, of approximately 10,000 members, generally operated freely and maintained two religious centers in Prague and Brno. Plans for a mosque in Teplice were put on hold pending submission of construction diagrams. A similar project in Orlova was abandoned. In 2006, after being registered for only two years, representatives of the Muslim community filed a special request for accelerated second−tier status. The community sought the right to hold classes on Islam in schools, have spiritual leaders in the army and prisons, administer schools, and conduct weddings. The application was denied based on opposition from the ministries of interior, justice, education, and defense.

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

After years of disagreement, the government and the Catholic Church reportedly reached a compromise over the restitution of Church properties.

While most cities and towns returned communal properties to Jewish associations, there were two significant restitution cases pending in Brno at year's end.

Societal Abuses and Discrimination

There continued to be some reports of societal abuses and discrimination. While estimates varied, the country had an approximate Jewish population of 10,000 persons. In general, public expressions of anti-Semitism were rare, but a small, fairly well-organized ultra-nationalist movement with anti−Semitic views was active around the country. The Ministry of Interior continued to counter such movements, monitoring their activities, increasing cooperation with police from some neighboring countries, and shutting down unauthorized neo-Nazi and skinhead rallies.

Several groups advocating violence against Jews and other minorities operated in the country. In October one such group, Narodni Odpor (National Resistance), was denied permission to march through Prague's historical Jewish quarter on the anniversary of Kristalnacht. However, hundreds of neo-Nazis, including from neighboring countries, defied the ban and clashed with anarchists during the demonstrations.

There were several anti−Semitic incidents during the year. While police investigated all reported incidents, arrests were rare.

In February vandals damaged a memorial to the Jewish victims of a 1945 death march in the northern town of Ceska Lipa. A bronze menorah, 17 stars of David used to commemorate each victim who died during the march, and bronze plaques with the names of the victims were stolen.

In April vandals desecrated a Jewish cemetery in Hranice na Morave, a small town in the east of the country, during Passover. Several tombstones were destroyed. Also in April vandals sprayed Nazi and racist symbols through the city of Rychnov nad Kneznou. The graffiti, including swastikas, SS symbols, and the German phrase "Juden raus" (Jews get out), appeared on a memorial to victims of World War II, storefront windows, and streets.

In July dozens of gravestones in a 19th century Jewish cemetery in Pisek were overturned, and five of the tombstones were destroyed.

The government made positive attempts to promote religious and social tolerance throughout the year. In May President Klaus honored the victims of the Holocaust by attending a memorial service at the former Nazi concentration camp in Terezin. Prime Minister Topolanek attended the unveiling of a restored "hidden" synagogue inside the camp, and the Education Ministry sponsored a number of seminars on Holocaust education at the camp. The Ministry of Culture also funded several interfaith dialogue efforts. A number of ministers and parliamentarians also took part in protests against neo-Nazis in November on the anniversary of Kristalnacht.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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

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

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

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention on the Status of Refugees and its 1967 protocol. The government established a system for the protection of refugees, including protecting them against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. During the year the government adjudicated 1,675 individual claims for asylum or refugee status and granted protection to 183 individuals.

The government also provided temporary protection to individuals who did not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 144 people in the first six months of the year.

In July Czech authorities, acting on an Interpol arrest warrant, detained two Uzbek nationals after they crossed the border from Germany. In 2005 the Uzbeks had been given political refugee status by Germany after they fled political unrest in their home country. Uzbek authorities had demanded Czech authorities extradite the pair to face charges for murder. The Czech government conducted a full investigation and, after three weeks, agreed to release the Uzbeks to Germany.

During 2005 the Czech Republic settled 15 Uzbek nationals in the country.

Immigration and refugee law established a list of "safe countries of origin" from which applicants were unlikely to be granted refugee status. However, this designation did not automatically bar applicants from consideration. Applicants whose cases are denied have a right of appeal to the appropriate regional court. The law requires regional court decisions to be reviewed by a five-judge panel that has the authority to refer cases requiring further consideration to the Supreme Administrative Court. The law also stipulates that only exceptional cases may be appealed to the Supreme Administrative Court following a rejection by the regional court.

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

Section 3 Respect for Political Rights: The Right of Citizens

to Change Their Government

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

Elections and Political Participation

The most recent national elections were held in June 2006 for the Chamber of Deputies, the lower chamber of the parliament, and in October 2006 for one-third of the seats in the Senate and municipal governments. The elections were considered free and fair. Individuals and parties freely declared their candidacy and stood for election, and political parties operated without restriction or outside interference

Women and ethnic minorities were significantly underrepresented in politics and government. There were 30 women in the 200-seat Chamber of Deputies and 11 women in the 81-seat Senate. There were two women in the 15-member Cabinet and five women on the 15-member Constitutional Court.

There was only one minority, an ethnic Kazakh, in elected chambers or in cabinet positions. One justice on the Constitutional Court was an ethnic Slovak. Few of the country's estimated 200,000 Roma were integrated into political life. Some Roma have been appointed to regional advisory councils dealing with Roma affairs.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively and investigations suggest that public officials at times engaged in corrupt practices with impunity. Political pressure and ineffective police investigative tools contributed to the lack of prosecutions of high-level corruption cases. For example, under the law disclosure of the origin of financial assets is voluntary. Since the end of Communist rule in 1989, there have been few prosecutions and rarely any convictions of high-level figures for corruption.

Corruption remained a widespread problem in the country. The absence of successful prosecutions or public exonerations has contributed to public disenchantment and concerns over impunity. The World Bank's worldwide governance indicators reflect that corruption was a problem; these World Bank governance and anticorruption studies have charted a steady deterioration in the country since 1996 in the areas of government effectiveness, regulatory quality, rule of law, and combating corruption. These reports concluded that bribery was on the rise and estimated that more than a quarter of businesses bribed public officials to receive preferential treatment to secure public tenders.

Several major corruption scandals occurred or resurfaced during the year. In September anticorruption police opened an investigation into a questionable multimillion dollar stock deal by former prime minister Stanislav Gross. According to the investigation, Gross allegedly netted several million dollars after he sold his shares of a Czech power company, Moravia Energo. Media reports also alleged that a third party repaid Gross's initial investment debt. In 2005 Gross was forced to resign his post after media reports uncovered his unexplained ownership of a Prague luxury apartment on a modest government salary. Police closed the case for lack of evidence, a decision which generated considerable public criticism.

Based on what it stated was a lack of evidence, the State Attorney's Office in July halted a sweeping investigation into allegations that lobbyists offered bribes to several government officials to secure a limited number of state-issued licenses to sell biofuel, a move that was criticized in the media. In 2005 former prime minister Gross' administration created the potential for corruption when it announced that only contractors with licenses could compete for the lucrative alternative fuel rights. This arrangement was unusual in the European Union (EU), where open bidding for bio-ethanol contracts was the norm. After the arrest of six individuals associated with the

transaction, the government abandoned the licensing requirement. The Prosecutor's Office, in dismissing the investigations, stated that the underlying acts were committed by local and regional officials acting in their private, as opposed to their official, capacities.

In December the supreme state prosecutor concluded that there was insufficient evidence to prosecute Jiri Cunek, former vice prime minister and chairman of the Christian and Democratic Union–Czechoslovak People's Party (KDU-CSL) party on bribery charges. According to police, Cunek, as mayor of the city of Vsetin in 2002, accepted a $25,000 (450,000 koruna) bribe from a real estate development company, raising questions of impunity. Critics allege that the case was closed due to political pressures.

In February Czech and Swedish police and the United Kingdom's Serious Fraud Office began investigating allegations by Swedish Television that the British-Swedish aerospace firm BAE Systems/SAAB bribed several members of the Czech parliament and officials in certain ministries in 2002 to gain their approval for a multimillion dollar deal that would have replaced the country's fighter jet fleet. Three parliamentarians at that time acknowledged that they were approached and asked to accept large bribes, but refused. The case remained ongoing at year's end.

Current law only mandates voluntary financial disclosures for public figures. In January the Ministry of Interior disbanded the well-regarded financial police as part of Minister Langer's police reform efforts. Their functions were taken up by other parts of the police apparatus. In general economic conditions in the country were sufficiently strong that, with the possible exception of cases involving low-paid civil servants, corruption could not be considered a function of financial need.

In August the Prague city court ordered a new hearing for former parliamentarian Vladimir Dolezal who was acquitted of attempted bribery charges in March after allegedly soliciting $39,000 (700,000 korunas) from a member of the Prague zoning committee in 2006. In August Dolezal's accomplice, Tomas Hrdlicka, was acquitted of related charges.

Former member of parliament (MP) and Social Democratic party whip Michal Kraus, who gave up his seat in parliament when he was accused in 2006 of money laundering, fraud, and circumventing bankruptcy proceedings, reentered local politics during the year. While police conducted investigations into the circumstances of the case, no formal charges against him were filed.

In July 2006 Radka Kafkova, a member of the board of directors of the Czech Consolidation Agency, a government institution that buys problematic assets from state-owned and other companies, was arrested and charged with large−scale corruption for insider trading and bribery. The police seized more than $21.25 million (380,000,000 korunas) in accounts held by the three main suspects and froze securities worth more than $12.3 million (220,000,000 korunas). While prosecutions began in 2006, the cases remained open at the end of the year.

In December the head of the police unit fighting organized crime, Jan Kubice, resigned from his position. In October 2006 the Interior Ministry inspection office accused Kubice of abuse of official power. Shortly before the June 2006 elections, Kubice presented a report to parliament that alleged a link between organized crime and top officials of the ruling Social Democratic Party, who subsequently lost power. While no further action was taken regarding the merits of Kubice's contentions, the political outcry that followed made it difficult for him to remain in his post.

In the first seven months of the year, the Interior Ministry received 310 calls to its anticorruption hot line; there were 600 and 450 calls in 2006 and 2005, respectively. Most calls were requests for information on corruption. Only 48 complaints were filed in 2006, and 23 in the first seven months of the year. The Ministry of the Interior operated an anticorruption Web page (www.korupce.cz), which provided information on corruption and anticorruption measures, events, and how to file a complaint. In September the Ministry of the Interior established a new anticorruption hot line which was administered by the country branch of Transparency International.

In 2005 former prime minister Jiri Paroubek dismissed his chief aide, Zdenek Dolezel, over allegations of corruption involving the privatization of the oil and refining company, Unipetrol. A parliamentary inquiry into the case authorized by Paroubek produced no results. Criminal proceedings against Dolezel and four other officials, including a deputy minister, a member of parliament, and a mayor, on charges of attempting to divert large amounts of money from EU structural funds also failed to lead to any prosecutions.

The law provides for public access to government information. The government provided such access in practice. Applicants may appeal rulings to restrict access to information within either 15 days of the decision, or if the time limit for processing a request has been exceeded.

Section 4 Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government interference, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to human rights inquiries.

The amended law on the ombudsman, formally called the Public Defender of Rights, came into effect January 2006. The ombudsman has greatly expanded responsibilities under the new law, including' performing regular visits to government facilities, examining the treatment of individuals, and ensuring respect for their fundamental rights. The ombudsman issued quarterly and annual reports on his office's efforts in addition to reports on topics of special concern. The ombudsman operated without government or party interference and was reappointed during the year to a six-year term.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The laws prohibit discrimination based on race, gender, disability, language, or social status; however, significant societal discrimination against Roma and women persisted. Trafficking in persons remained a problem, although the government made progress during the year to address the issue.

In June the cabinet approved a new antidiscrimination bill; a third reading in parliament is required for the bill to be enacted. In harmony with EU directives, the bill expands the authority and staff of the Ombudsman's Office to provide legal assistance to victims of discrimination, including by providing wide investigatory powers.

Women

The law prohibits rape, including spousal rape, and the government effectively enforced these provisions in practice. The law provides penalties for rape of two to 15 years in prison. While many experts considered rape to be significantly underreported, they noted an upward trend in the number of rape convictions since 2001. This trend was attributed to improved police training, public awareness campaigns, and greater interaction between police and NGOs. In the first six months of the year, there were 591 reported rapes, 396 of which were investigated. Courts convicted 70 offenders, giving suspended sentences to 21 individuals and prison sentences from five to 15 years to 14 individuals.

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

Domestic violence is a distinct crime that is punishable by up to three years in prison, with longer sentences under aggravated circumstances. Government efforts to investigate and prosecute cases of domestic violence improved during the year. Police received extensive training on identifying domestic violence cases. Starting this year police can remove violent abusers from their home for 10 days. According to a report released by the NGO Bily kruh bezpeci (White Circle of Safety), a total of 665 offenders, mostly males, were removed from their homes in the first nine months of the year. In 32 cases the eviction was ordered twice in the same household.

In 2006, according to an Interior Ministry report released in June, courts tried about 82 percent of all domestic violence cases. In 2005 the rate was 77 percent. While most prosecutions resulted in convictions, the majority of convictions did not involve jail time. Three quarters of the incidents involved domestic partners or married couples, with women constituting 91 percent of the victims. Children mainly accounted for the remaining cases. Alcohol played a major role in many domestic violence cases.

Koordona, an association of 13 NGOs dealing with domestic violence, provided specialized training manuals for health care workers, and distributed materials to inform victims of their rights. Police continued to train select personnel to handle cases and work with social service agencies. Victims of rape and domestic abuse could also seek psychological counseling through a number of hot lines and crisis centers. Between 2001 and the first six months of 2007, the Dona line, for example, received 16,916 calls, 10,521 of which regarded domestic violence.

The government continued to investigate allegations from previous years of the forced sterilization of Romani women.

The law does not prohibit prostitution, but it may be limited or regulated by local governments. "Pimping" is prohibited under the law. Prostitution was widespread in border areas and major urban areas throughout the country. Sex tourism was also a problem and involved both female and male prostitutes, some of them juveniles. There are no national laws addressing sex tourism, although the Prague city government took action in 2005 to ban advertising of brothels at tourist destinations.

The law prohibits sexual harassment; however, the government did not effectively enforce this provision in practice, and sexual harassment remained a problem. A 2005 survey commissioned by the Ministry of Labor and Social Affairs found that 28 percent of women and 22 percent of men had been sexually harassed at work. The law places the burden of proof on the person accused of sexual harassment. Those found guilty of sexual harassment can be fined up to $3,750 (70,000 korunas), dismissed from work, or sentenced to prison.

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

In July an appellate court upheld a decision to reject a woman's claim that she had been denied a management promotion based solely on her gender. The case, the first gender discrimination action brought in the country, was tried in 2006.

Children

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

The government provides free, compulsory education through age 15. While most children continued through secondary school, education opportunities for Romani children were limited and often insufficient. A 2005 UN Development Program survey on education of minorities found that only 25 percent of Roma completed primary education, compared with 73 percent of the majority population. Romani children were enrolled at disproportionately high rates in remedial school systems, which effectively segregated them into a substandard education.

While the law prohibits family violence, sexual abuse, and other forms of mistreatment of minors, child abuse remained a problem. During the first half of the year police investigated 116 cases of child negligence or endangerment; 53 offenders were prosecuted, and 46 were convicted. Of these 11 were sentenced to time in prison. The Ministry of Labor and Social Affairs registered 7,500 cases of abuse or neglect in 2005; of these, 643 cases were criminally investigated, resulting in 442 convictions.

Social protection agencies reported that approximately 1,900 children were removed annually from their homes due to mistreatment. Both domestic and foreign NGOs criticized the high number of children living in social care facilities. There were approximately 20,000 children living in children's facilities. Of these, more than 10,000 lived in social care institutes, almost 7,500 in orphanages and correctional institutions, and more than 1,900 in special homes for infants.

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

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

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking to, from, and, to a lesser extent, within the country for sexual exploitation and forced labor continued to be a problem, despite government efforts to improve the situation.

The Czech Republic was a transit, destination point, and a source country for trafficking victims. Eastern Europe, the Russian Federation, China, and Vietnam were the largest sources of trafficked persons. In most cases, these individuals were trafficked onward to Western Europe and in some cases the United States. Czech women were trafficked to Western Europe. Foreign and Czech women, as well as children, were trafficked inside the country, particularly to border regions, and were occasionally sold between organized trafficking syndicates. Small numbers of men were trafficked to the United States for coerced labor. By some estimates, 80 percent of all trafficking victims entered the country legally.

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

Most traffickers were also involved in organized crime and came from Ukraine, Russia, and East Asia. Domestic traffickers often served as links between East European traffickers and those in Western Europe.

Penalties for trafficking range from prison terms of two to 15 years and are generally similar to penalties for rape and sexual assault. Traffickers may also be prosecuted for organized prostitution and pimping, which are punishable by up to 12 years. Courts imposed significantly lower punishments, which were often suspended. Observers stated that the negligible sentences follow from the judiciary's failure to fully appreciate trafficking's wide-ranging negative social consequences.

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

During the year police investigated 20 trafficking cases; five offenders were prosecuted and four convicted, one of whom received a suspended sentence. Through June police conducted 39 investigations of pimping. The government often utilizes other criminal statutes to prosecute traffickers, making an accurate estimate of the number of actual trafficking cases difficult to ascertain. Fifty-five perpetrators were prosecuted, leading to 34 convictions, 28 of which resulted in suspended sentences.

The national police have an organized crime unit specifically to combat trafficking. The unit worked closely with its counterparts in Interpol and Europol and also

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

The government continued to make combating trafficking a priority by implementing the national strategy against trafficking. The Ministry of Justice organized several training sessions in trafficking issues for judges and prosecutors, and the Ministry of Interior continued offering specialized training to police. In 2006 the government issued an updated national plan to fight the sexual exploitation of children. A special police team in Cheb, a town on the German border where sex tourism was common, was established to fight this growing phenomenon. The interdisciplinary committee on trafficking, which included representatives from various ministries and NGOs, met regularly during the year to coordinate efforts to implement the national antitrafficking plan.

Labor trafficking, which the Interior Ministry reported was the most common form of trafficking in the country, remained a problem. In 2006 the national police organized crime unit created a section that solely investigates cases of forced labor. In July the unit had its first major success when it broke up a labor trafficking syndicate operated by Ukrainian nationals. Police stated that since 2004 the Ukrainians had lured 50 compatriots and workers from Bulgaria to the country with promises of agricultural employment. When they arrived, the gang seized their passports and forced them to work under inhumane conditions. According to the Ministry of Interior, most victims paid traffickers the equivalent of $900 to $1,400 (16,000 to 25,000 korunas) to have employment and housing arranged. Although there were no accurate estimates, the government and NGOs stated that the trafficking of persons for forced labor was widespread.

While there was no evidence of government tolerance of or involvement in trafficking in persons, some NGOs believed that members of the border police assisted illegal border crossings that facilitated trafficking. In June President Klaus signed into law an amendment that provides stricter punishments for those who support and organize illegal migration. The stricter standards are a precondition for the country's entry into the EU's Schengen zone.

The government also cooperated with NGOs to provide services to trafficking victims and train police and investigators on how to handle trafficking cases and refer victims to counseling. The government assisted with international investigations, and law enforcement authorities regularly cooperated with their counterparts in Europe and elsewhere.

The government provided psychological and social assistance to trafficking victims for 60 days, a significant increase over the former 30-day period. During this period, victims must decide whether to cooperate with authorities or return to their home countries. Victims choosing to cooperate are eligible for residency visas for the duration of the criminal proceedings and can thereafter apply for permanent residency on humanitarian grounds. Starting in October the government eased procedures for trafficking victims to apply for permanent residency even when the support they provide falls short of testifying against traffickers. Since 2006 seven men and women have obtained permanent residency through the program.

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

Persons with Disabilities

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

An ombudsman is required to regularly visit all government facilities where persons with physical restrictions work to examine conditions, ensure fundamental rights are respected, and advocate for improved protection against mistreatment.

In 2005 the government approved a four-year national plan to aid persons with disabilities. The plan was drafted with the participation of the government council for citizens with disabilities, a permanent advisory body. The plan has resulted in programs aimed at bringing more handicapped persons into the workforce and reducing physical barriers to employment. In the first nine months of the year, the government approved 14 projects to build barrier-free street crossings and entrances to institutions. Funding will mostly come from local budgets.

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

In 2006 the Czech Helsinki Committee noted that more than 17,000 adults and children with mental disabilities lived in social care homes, the majority of these under guardianship. In many cases the guardian was also the institute's director, giving rise to claims of conflict of interest.

Following heavy international criticism in 2004, the government passed legislation ordering the removal of all caged beds from state psychiatric and other facilities. The removal of the beds took several years to complete, and there was some dispute over whether the beds remained in use. In 2007 the government amended this legislation to add permissible alternatives to the use of caged beds. A media investigation during the year alleged that five social care facilities continued to use caged beds, though the findings were disputed by the government, which launched its own investigation. Caged beds were used to restrain patients with mental disabilities deemed threats to themselves or others. Beds covered with protective netting, however, remain legal for use in long−term care facilities for adults and children.

National/Racial/Ethnic Minorities

The largest minority groups in the country were Slovaks, 225,000 persons; Roma, 200,000 persons; Poles, 52,000 persons; Germans, 40,000 persons; Ukrainians, 22,000 persons, and Vietnamese, 20,000 persons. Of these, Roma faced disproportionately high levels of poverty, unemployment, and illiteracy and continued to face widespread discrimination from potential employers and local and school officials.

Latent societal discrimination against the country's Roma population occasionally manifested itself in violence. Members and sympathizers of skinhead organizations were the most frequent perpetrators of acts of interethnic violence, particularly against Roma. An estimated 7,000 skinheads were active in the country, although some observers put the actual figure much higher.

In November a regional court in Brno convicted four men of the assault and killing of Jan Toth, a 26-year-old Romani man. On May 17, the four attacked Toth, kicked and beat him, and eventually set him on fire. Toth died five days later. While the assailants claimed they attacked Toth because he was a drug addict, some of the gang, including the main attacker, admitted they had previously supported neo-Nazi causes. While stating that the racial motive for the crime was not established by the evidence, the court noted the especially brutal nature of the murder and sentenced the main attacker, Juraj Lukas, to 13−and−a−half years in prison. The court gave the other accomplices one−year suspended sentences for assault.

In July the Supreme Court confirmed the two-year prison sentences of two Brno police officers for abuse of office after they assaulted and pistol-whipped a 14-year-old Romani youth in 2006. The officers were previously convicted of assault at the trial level but given only suspended sentences.

In August the regional court in Olomouc sentenced two skinhead youths who beat a Romani couple in 2003 in their home, causing the woman to miscarry, to 24 months in prison. In 2004 the local court had sentenced the attackers to probation.

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

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

Roma faced widespread discrimination in housing and other accommodation. Human rights groups reported that some municipalities attempted to force Romani families to leave, employing such tactics as evicting them from municipally owned homes for alleged lapses in rent payments or coercing them to sign complex agreements they did not understand, which were then used to curtail existing housing contracts. While the human rights commissioner publicly criticized these evictions, the law affords municipalities substantial autonomy in such actions. Restaurants, bars, and other public places at times refused to serve Roma.

In 2006 then-mayor of Vsetin, Jiri Cunek, evicted 360 Romani from their homes in the city. Many Roma were moved outside city limits and given substandard housing. Cunek subsequently won a Senate seat in the 2006 elections. Although his actions were criticized by the press, human rights activists, and even members of his own party, Cunek was later elected as chairman of the small but influential KDU-CSL and became the vice premier in the government. In September police closed an investigation after concluding that Cunek's actions did not violate the law. The Vsetin Roma filed an administrative appeal.

In 2006 the Ministry of Labor and Social Affairs issued a study of living standards in the Romani community, which found that more than 330 ghettos were almost exclusively inhabited by Roma, and that the number of ghettos continued to grow. The study put the population in these ghettos at 80,000, more than a third of the country's Romani population. The study found the ghettoes were blighted by substandard housing and poor health conditions.

The government continued taking steps to address discrimination in the education of Romani children during the year. However, the European Monitoring Center on Racism and Xenophobia (EUMC) released a 2006 report criticizing the government's de facto segregation of Romani children by sending many of them to special schools for children with learning difficulties. The EUMC released another report which further criticized the country for segregating Romani in their access to education.

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

In November the appeals body of the ECHR reversed an earlier decision by the court and found that the government had engaged in indirect discrimination against Roma children in the field of education. The appellants, 18 Czech children of Roma origin from the Ostrava region, had requested review of the ECHR's 2006 decision, which held that placing Roma children in special schools for children with learning difficulties did not amount to discrimination, as these schools were not specifically established for Romani students. On appeal, however, the ECHR reversed the original finding and concluded that the practice disproportionately affected Romani children, as nearly 90 percent of the students assigned to the school were Roma. The court ruled that this situation violated the antidiscrimination provisions of the European Convention on Human Rights.

In May the court ruled that the city of Mlada Boleslav must pay a fine of $4,500 (80,000 korunas) to the regional government for forcibly evicting a number of Roma. In 2006 the city sold some of its publicly-owned housing to a Romani entrepreneur, who then forced Roma tenants out. City police cooperated in the action by enforcing the evictions. The chief of police later apologized for his role in the removals.

The government failed to remove a large pig farm on the site of a World War II concentration camp for Roma in Lety, citing a lack of funds. The pig farm became an election issue in 2006, when the small ultra right National Party erected commemorative markers reflecting its view that the site was not a concentration camp but merely a work camp. The markers were removed by local authorities after a national and international campaign.

Allegations persisted that forced sterilization of Romani women had taken place in previous years.

Positive actions taken by the government to ease the hardships of Roma included passage in 2006 of a long−term Roma integration plan which makes use of affirmative action. The program provided for state-paid advisers to assist Roma in finding employment and special stipends for Romani secondary school students. Additionally, the National Gallery in Prague hosted an exhibit devoted to the history of the Roma during the Holocaust; parliament hosted a photo exhibit of Romani victims of forced sterilization; and the media began paying greater attention to the living conditions of the Roma. During the year the Ministry of Labor and Social Affairs worked with NGOs to increase services to the Romani community and analyze the best means of utilizing EU Structural Fund monies for that purpose.

The Interministerial Commission for Romani Community Affairs, which included 12 government and 14 Romani representatives as well as the commissioner for human rights, continued to take an active role in resolving disputes between Romani communities and their non−Romani neighbors. The commission also promoted antidiscrimination initiatives in housing and education. The Romani affairs coordinator of the Ministry of Foreign Affairs continued to function as the Ministry's liaison with Romani groups, NGOs, and the diplomatic community.

The minister for human rights, Dzamila Stehlikova, was designated the government's point person on problems affecting Roma and other minorities.

Other Societal Abuses and Discrimination

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

Section 6 Worker Rights

a. The Right of Association

The law protects the worker's right to form and join unions of their choice without authorization or excessive requirements, and workers exercised this right in practice. Continuing a declining trend, less than 15 percent of the current workforce was unionized. Prior to 1989, workers were strongly encouraged to become members of labor unions, but since 1989 there has been a steady decline in labor union membership rates as a result of economic transformation and privatization, as well as efforts to get rid of the stigma of the former communist regime. About 75 percent of union members were affiliated with the Czech−Moravian Confederation of Trade Unions, a national umbrella organization.

The law prohibits antiunion discrimination; however, in practice individual cases of discrimination were reported. Common complaints of discriminatory practices included firing of union leaders, forcing members to cancel their membership, and disparaging unions in statements to employees. If found guilty of antiunion discrimination, employers are required by law to reinstate workers fired for union activity, although the court procedure was generally slow to resolve complaints. According to the Confederation of Trade Unions, in some instances hidden forms of discrimination persisted and court redress was often slow.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for collective bargaining, which generally was carried out by unions and employers on a company basis. The scope for collective bargaining is more limited for civil servants, whose wages are regulated by law.

Workers have the legal right to strike if mediation efforts fail, with the exception of those in critical sectors such as health care, nuclear energy, oil and gas pipelines, air traffic control, firefighting, and telecommunications; workers in these industries have access to mediation. The law requires unions to provide employers with a list of strikers at least one day before a strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that persons were trafficked for commercial sexual exploitation and agricultural labor. According to the Ministry of Labor and Social Affairs, in keeping with international sanctions against North Korea, the government has ended its program of bringing North Korean workers to the country for work in textile and food processing factories. In previous years, as many as 400 North Korean women had worked in bakeries and factories around the country. Most of their earnings were deposited into an account controlled by the North Korean embassy. While some observers claimed that the program amounted to forced labor, NGO and government investigations concluded work conditions were "within the law." According to police, as of the end of the year, 130 workers remained in the country. Their work visas were scheduled to expire in February 2008, and the government stated it would not issue any additional visas to North Korean workers.

d. Child Labor Practices and Minimum Age for Employment

The government effectively enforced laws and policies to protect children from exploitation in the workplace. The law stipulates a minimum working age of 15 years, though children with disabilities who have completed special training can work at the age of 14. Employment conditions for children ages 15 to 18 were subject to strict safety standards. The Ministry of Labor and Social Affairs effectively enforced these regulations in practice. The trafficking of children for commercial sexual exploitation was a problem.

e. Acceptable Conditions of Work

The Ministry of Labor and Social Affairs sets and enforces minimum wage standards. The national minimum wage was approximately $450 (8,000 korunas) per month and provided a decent standard of living for a worker and family when combined with social benefits for low-paid workers. The law provides for a 40-hour workweek, two days of rest, and a paid break of at least 30 minutes during the standard eight-hour workday. Subject to the consent of the employee, employers may establish up to eight hours per week of mandatory overtime; the local employment office may permit additional overtime. Premium pay for overtime is governed by the provisions of employment contracts.

The Office of Labor Safety effectively enforced health and safety standards. Workers have the right to refuse work endangering their life or health without risking the loss of their employment, and they exercised this right in practice.

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