

CZECH REPUBLIC 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Czech Republic is a multiparty parliamentary democracy. Legislative authority is vested in a bicameral parliament, consisting of a Chamber of Deputies (Poslanecka snemovna) and a Senate (Senat). The president is head of state and appoints a prime minister from the majority party or coalition. On October 5 and 6, the country held local and senate elections. In January voters also re-elected President Milos Zeman to another five-year term. Observers considered both elections free and fair.

Civilian authorities maintained effective control over the security forces.

Human rights issues included crimes involving violence or threats of violence against members of the Romani minority.

The government took steps to prosecute and punish officials who committed abuses in the security services and elsewhere in the government.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits such practices. In September the Czech General Inspection of Security Forces (GIBS) investigated two police officers from Ceske Budejovice, who were later charged with felonies for torturing a 32-year-old handcuffed Romani man and forcing him to confess to a crime he did not commit. The case was pending.

The public defender of rights, or ombudsperson, also criticized police regarding excessive use of power by a police officer leading to the death of a mentally disabled patient who started acting uncontrollably at a hospital. The officer used a taser, which in combination with two sedative injections caused the death of the patient.

Prison and Detention Center Conditions

High prison populations and overcrowding, poor sanitary conditions in some prisons, cases of mistreatment of inmates, and generally unsatisfactory conditions for inmates with physical or mental disabilities remained the main concerns during the year.

Conditions in migrant detention facilities run by the government improved as the number of migrants from the Middle East, Africa, and Asia entering the country significantly decreased. Children remained with their families in one detention facility for irregular migrants but were able to leave the facility when accompanied by staff. International observers criticized the length of detention for families with children, as it took weeks on average to adjudicate a case.

Physical Conditions: Prison overcrowding was a problem. Facilities for prisoners serving their sentences were at almost 105 percent of capacity in the first seven months of the year in prisons for men. There was no overcrowding in prisons for women.

According to the Czech Prison Service, there were 34 deaths in prisons and detention facilities in 2017, of which 10 were suicides and eight were still under investigation. The rest were due to natural causes.

The ombudsperson reported that, in general, prison conditions noticeably improved, but conditions of imprisonment for convicts with physical or mental disabilities remained unsatisfactory. She also noted inadequate prison health care standards due to a lack of physicians motivated to work in prisons.

In January the regional court confirmed one- and one-and-a-half year suspended sentences for three police officers for degrading treatment of a female detainee who was under the influence of alcohol.

Administration: Public prosecutors are responsible for regular prison visits, a circumstance that was welcomed by the ombudsperson. The ombudsperson investigated credible allegations of inhuman conditions and made random checks.

Independent Monitoring: The government permitted independent monitoring of prison conditions by local and international human rights groups and by the media. The ombudsperson raised concerns, however, about the refusal of police to allow a monitoring officer to accompany expelled foreigners in escort vehicles as provided by the law.

Improvements: The Prison Service established a transparent system for relocating convicts to prisons closer to their homes. In August the Ministry of Justice increased salaries of working prisoners for the first time in 18 years.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Role of the Police and Security Apparatus

The national police report to the Ministry of Interior and are responsible for enforcing the law and maintaining public order, including protecting the border and enforcing immigration law. The GIBS, which reports to the Office of the Prime Minister, oversees police, customs, fire fighters, and the prison service, and is responsible for investigating allegations of misconduct. The Ministry of Defense oversees the Army of the Czech Republic. GIBS inspectors investigated allegations of criminal misconduct and carried out “integrity tests,” or sting operations, to catch violators in action. In 2017 inspectors opened proceedings in 251 cases nationwide.

Corruption remained a problem among law enforcement bodies and the most common forms of corruption were leaking information for payments; unauthorized use of law enforcement databases, typically searching for derogatory information; unlawful influencing of law enforcement procedures; blackmail; allowing prohibited items into prisons; and accepting bribes to for traffic offenses. The GIBS reported that the decrease of numbers of corruption crimes since 1994 may reflect a shift of criminal activities to cyberspace.

In March the GIBS charged a customs officer and a civilian employee of the Czech Customs Service for indirect bribery and misuse of public official power for trying to influence the customs proceedings for financial benefit.

Civilian authorities maintained effective control over the Ministry of Interior, the GIBS, and the Army, and the government has effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment of Detainees

In most cases police use judicial warrants to arrest persons accused of criminal acts. Police may make arrests without a warrant when they believe a prosecutable offense has been committed, when they regard arrest as necessary to prevent further offenses or the destruction of evidence, to protect a suspect, or when a person refuses to obey police orders to move.

Police must refer persons arrested on a warrant to a court within 24 hours. A judge has an additional 24 hours to decide whether to continue to hold the individuals. For suspects arrested without a warrant, police have 48 hours to inform them of the reason for the arrest, question them, and either release them or refer them to a court, after which a judge must decide within 24 hours whether to charge them. Authorities may not hold detainees for a longer period without charge.

The law provides for bail except in cases of 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 government provides one. The court determines whether the government partially or fully covers attorneys' fees. Authorities generally respected these rights.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. In most instances authorities respected court orders and carried out judicial decisions.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants enjoy the right to a presumption of innocence and the right to receive prompt and detailed information about the charges against them (with free interpretation as necessary). They have the right to a fair and public trial without undue delay, the right to be present at their trial, and the right to communicate with an attorney of their choice or have one provided at public expense if they are unable to pay. They generally have adequate time and facilities to prepare a defense and have the right to free interpretation as necessary from the moment charged through all appeals. Defendants have the right to confront prosecution or plaintiff witnesses and present their own witnesses and evidence. They cannot be compelled to testify or confess guilt. Convicted persons have a right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution provides for a separate, independent judiciary in civil matters and for lawsuits seeking remedies for human rights violations. Available remedies include monetary damages, equitable relief, and cessation of harmful conduct. Nongovernmental organizations (NGOs) reported increased coherence between criminal and civil procedures that simplified the process for victims, although remedies and relief still required a lengthy legal process and were difficult to obtain, particularly for members of disadvantaged groups, such as the Romani minority. Plaintiffs may appeal unfavorable rulings that involve alleged violations of the European Convention on Human Rights to the European Court of Human Rights. Administrative remedies are also available.

The law recognizes children, persons with disabilities, victims of human trafficking, and victims of sexual and brutal crimes as the most vulnerable populations. It lists the rights of crime victims, such as to claim compensation and access to an attorney.

Property Restitution

The law provides for restitution of private property confiscated under the communist regime as well as restitution of, or compensation for, Jewish property seized during the Nazi era. Although it was still possible during the year to file claims for artwork confiscated by the Nazi regime, the claims period for other

types of property had expired. The law allows for restitution and compensation for property of religious organizations, including Jewish religious communities, confiscated under the communist regime. Churches are also to receive compensation of 59 billion Czech korunas (\$2.4 billion) for property that is not returnable. The law requires that the state pay compensation over a period of 30 years while simultaneously phasing out state subsidies for registered religious groups over a 17-year period.

The government has laws and mechanisms in place, and local NGOs and advocacy groups reported that the government made significant progress on resolution of Holocaust-era claims, including for foreign citizens, although outstanding claims remain. Some NGOs outside the country continued to push for more progress, particularly on the disposition of heirless property and complex cases involving non-Czech citizens.

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

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press. The law provides for some limitations to this freedom, including in cases of hate speech, Holocaust denial, and denial of communist-era crimes.

Freedom of Expression: The law mandates prison sentences of six months to three years for persons who deny communist-era crimes or the Holocaust. The law prohibits speech that incites hatred based on race, religion, class, nationality, or other group affiliation and provides for prison sentences of up to three years for violations.

Press and Media Freedom: Independent media were active and expressed a wide variety of views. Concerns that consolidated ownership of Czech media outlets

could influence politics increased after the May 2017 release of audio recordings allegedly showing the then-finance minister and present prime minister, Andrej Babis, instructing a reporter at one of Babis' newspapers to write a negative article about a political rival. Babis denied any wrongdoing.

In October 2017 President Milos Zeman attacked the media at a news conference, where he brandished a dummy Kalashnikov rifle bearing the inscription "for journalists." In May he "joked" that a few journalists should be "liquidated" because "there are too many of them."

The law providing limits on denial of communist-era crimes and the Holocaust and on hate speech applies to the print and broadcast media as well as online newspapers and journals.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

The law prohibits, among others, speech that denigrates a nation, race, ethnic or other group of persons; incites hatred towards a group of persons or advocates the restriction of their civil rights; and publicly denies, questions, endorses, or vindicates genocide.

According to Czech Statistical Office data from 2017, 77 percent of households had internet access but only 30 percent had high-speed internet during the year.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. In 2017 the Constitutional Court sided with President Zeman in his refusal to appoint three professors in 2015, despite that the law requires the president to do so, and all nomination requirements were fulfilled. The court ruled that a letter sent by the president to the minister of education rejecting the three appointments was sufficient despite that it did not provide a justification for the decision.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedom of peaceful assembly and association and the government generally respected these rights.

Freedom of Peaceful Assembly

The government may legally restrict or prohibit gatherings, including marches, demonstrations, and concerts, if they promote hatred or intolerance, advocate suppressing individual rights, or jeopardize the safety of the participants.

Freedom of Association

The law requires organizations, associations, foundations, and political parties to register with the Ministry of Interior. The courts may dissolve or ban, and the Ministry of Interior may refuse to register, groups that incite hatred based on race, religion, class, nationality, or other affiliation or that use prohibited symbols.

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Acts of physical intimidation and, vandalism, remained a serious concern. NGOs focusing on migration issues reported an increase in telephone and email threats, including death threats (see section 6, Other Societal Violence and Discrimination).

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum, and the government has an established system for providing protection to refugees and other specifically endangered foreigners.

According to Ministry of Interior statistics for the first eight months of the year, the average length of asylum procedures was 67 days. The length of asylum procedures in 92.6 percent of all cases met the requirements of the Law on Asylum. In the remaining cases, applicants for asylum received information about the new deadline for completing the asylum procedure in compliance with the law. Under the law, the Ministry of Interior should decide on asylum cases within six months of the date of the asylum application if the applicant has submitted all required documents.

Safe Country of Origin/Transit: The country generally adheres to the Dublin III Regulation, which calls for authorities to return asylum seekers to the first EU country they entered. The Ministry of Interior accepted asylum applications from persons arriving from or through countries deemed to be safe, as defined by law. Authorities usually did not grant international protection to these applicants but reviewed all cases individually.

Freedom of Movement: As a result of the implementation of a voluntary returns system, the length of detention of illegal migrants and rejected asylum seekers in detention was shortened. Under the law migrants facing deportation or waiting for voluntary repatriation because of ordered deportation can be detained for a maximum of 180 days. If there were children accompanying the adults, the deportation procedure could last no more than 90 days with no possibility of further extension. Vulnerable persons, including families, cannot be detained if they apply for international protection.

According to a Ministry of Interior report in September, there were approximately 70 migrants detained in facilities in the country. According to the report, during the year there were five persons in a detention facility specifically designed for vulnerable groups of persons, single women without children, and families with children. The Interior Ministry reported there were no displaced children in the country during the year.

Durable Solutions: A national resettlement and integration program managed by the government in close cooperation with UNHCR continued. Under the *State Integration Plan*, beneficiaries of international protection are entitled to temporary accommodation, social services, Czech language training, and assistance with

finding employment and permanent housing. Children are entitled to school education.

The government agreed to resettle 400 refugees from the Middle East, including Turkey, based on voluntary EU quotas. In June 2017 the government decided, however, to suspend this resettlement program, citing security concerns.

The Ministry of Interior effectively used the system of voluntary returns. In January 2017, faced with increasing numbers of foreigners in difficult economic situations willing to return home, the ministry started its own program of assisted voluntary returns from the Czech Republic to the countries of origin in addition to the voluntary return program managed by the International Organization for Migration. In 2017 the ministry assisted approximately 400 persons to return to their country of origin. In the first seven months of the year, approximately 225 persons were voluntarily returned to their countries of origin.

Temporary Protection: The government also provided temporary protection (called “subsidiary protection” in the EU) to individuals who may not qualify as refugees. As of September 1, subsidiary protection was granted to 90 persons. Under EU guidelines individuals granted subsidiary protection are eligible for temporary residence permits, travel documents, access to employment, equal access to health care and housing, and school education for children.

Stateless Persons

According to UNHCR statistics, there were approximately 1,500 stateless persons in the country at the end of 2017. The Ministry of Interior reported 12 stateless persons who applied for international protection during the year. The country did not grant refugee status to stateless persons but provided subsidiary protection in six cases by September. Under certain circumstances stateless persons can obtain citizenship.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In October 2017 the country held parliamentary elections. In January voters re-elected Milos Zeman to a five-year term as president in the country's second direct presidential election. Observers considered both elections free and fair, and there were no reports of irregularities.

Participation of Women and Minorities: No laws limit the participation of women or minorities in the political process, and they did participate. Women and minorities remained underrepresented in elected bodies. Four of 15 government ministries are headed by women.

Participation of Roma in politics and governance remained minimal in comparison to their estimated percentage of the population. There were no Romani members of parliament, cabinet ministers, or Supreme Court justices. There were some Romani appointees to national and regional advisory councils dealing with Romani affairs. Two Romani candidates ran unsuccessfully in senate elections. Roma were elected to 13 seats in local governments.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. An offender may face up to 12 years in prison and property forfeiture. The government generally implemented the law effectively, although officials sometimes engaged in corrupt practices with impunity. Court procedures were administratively demanding and courts sometimes artificially prolonged the cases in order to allow for lower sentencing.

Corruption: In September 2017 a newly assigned district court judge in Jicin sentenced two district judges from Litomerice to relatively light penalties for accepting bribes in exchange for influencing legal proceeding. The original presiding judge in the case was removed from the case to provide for more lenient sentencing from the new judge.

Financial Disclosure: The asset disclosures of public officials are available on the internet in a very limited form or by request submitted to the Ministry of Justice. The Ministry of Justice can impose penalties of up to 50,000 koruna (\$2,000) for noncompliance, but this measure did not prove to be much of a deterrent. The law requires also judges, prosecutors, directors of research institutions, and selected professional army personnel to disclose their assets. Their information is not available to the public for security reasons.

After the Czech NGO Law in Public Interest turned to the courts several times to force the release of asset disclosures by high-level officials in the Office of the President, Presidential Chief of Staff Mynar released his asset report in November 2017, but only for 2016.

In 2017 financial limits were introduced for financing political parties and electoral campaigns. Additionally, the government created an office to monitor compliance with the new regulations, although most parties manage to find a way around these regulations.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without governmental restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views; however, some high-level politicians, including President Zeman and Zlin regional governor Jiri Cunek, disparaged some NGOs in public remarks.

Government Human Rights Bodies: The new government abolished the post of the Minister for Human Rights. The director of the Section for Human Rights at the Office of the Government holds the position of the commissioner for human rights.

The Office of the Government had several advisory and working-level bodies related to human rights, such as the Government Council for Human Rights, the Interministerial Commission for Romani Community Affairs, the Council for National Minorities, the Anticorruption Committee, and the Board for People with Disabilities.

The Office of the Public Defender of Rights (ombudsperson) operated without government or party interference and had adequate resources. Human rights observers generally regarded it as effective. The office issued quarterly and annual reports to the government on its activities in addition to reports and recommendations on topics of special concern. The most frequent discrimination complaints reported to the ombudsperson related to discrimination based upon health conditions, disabilities, and ethnicity.

In addition to the public defender of rights, there were ombudspersons for security forces and for education.

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

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, and provides a penalty of two to 10 years in prison for violations, with longer sentences in aggravated circumstances. The government enforced these provisions.

Observers, however, reported prosecutors and judges often lacked knowledge of the subject, and there was a shortage of experienced judicial experts. Demanding criminal procedures required repeated testimonies of victims contributing to their further traumatization. Only half of the sentences were unconditional prison terms.

At the beginning of the year, Prague High Court refused an appeal of a prosecutor who claimed that a suspended sentence of three years in prison with five years of probation was insufficient for a 38-year-old stepfather who sexually abused his six-year-old stepdaughter. In October, however, after an extraordinary appeal by the supreme prosecutor, the Supreme Court returned the case to the lower court.

The government provided funding for some NGOs that continued to offer immediate social, legal, and psychological services to rape victims, but long-term services were underfunded.

NGOs noted in particular the underreporting of violence against women in immigrant communities, where victims often feared losing their immigration status.

Domestic violence is punishable by up to four years in prison, with longer sentences in aggravated circumstances. Police have the authority to remove violent abusers from their homes for 10 days. The law limits to six months the total time, including extensions, a removal order can remain in effect. The Ministry of Interior reported that, in the first eight months of the year, police removed 838 offenders from their homes.

In late 2017 the Supreme Court reviewed a domestic violence case from 2014 and confirmed a decision of a district court in Brno. The defendant only received a conditional sentence of 30 months in prison with 36-month probation despite severe psychological and physical abuse he inflicted on his wife between 2012 and 2013. The abuse involved slapping her and kicking her in the stomach days after

her miscarriage, regular threats and humiliations, and forbidding her to look for a job, all in the presence of their son. The woman had to be hospitalized due to the injuries she sustained.

The law also provides protection against domestic violence to other persons living in the household, especially children and seniors. The government supported a widely used hotline for crime and domestic violence victims.

Sexual Harassment: The antidiscrimination law prohibits sexual harassment and treats it as a form of direct discrimination. Penalties for conviction may include fines, dismissal from work, or imprisonment for up to eight years. Police often delayed investigations until the perpetrator committed serious crimes, such as sexual coercion, rape, or other forms of physical assault.

In reaction to several reported cases of sexual harassment at universities between teachers and students, the Ministry of Education organized a nationwide workshop focusing on the issue and produced an instructional video.

Offenders convicted of stalking may receive sentences of up to three years in prison.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law grants men and women the same legal status and rights, including under family, religious, personal status, labor, property, nationality, and inheritance laws. Women sometimes experienced discrimination in the area of employment and payment (see section 7.d.).

Children

Birth Registration: Children derive their citizenship from their parents. Any child with at least one citizen parent is automatically a citizen. Children born to noncitizens, such as asylum seekers or migrants, retain only the citizenship of their parents. Authorities registered births immediately.

Child Abuse: Prison sentences for persons found guilty of child abuse range from five to 12 years in the case of the death of a child.

NGOs estimated that 40,000 children experienced some form of violence each year. The Ministry of Labor and Social Affairs reported that in 2017 authorities removed approximately 530 children from parents based on the decision of the court due to abuse, exploitation, or mistreatment. In 2017 three children died due to abuse or mistreatment. A 2017 survey by the Czech Institute of Criminology found that approximately 40 percent of rape victims were children younger than 18 years of age, and 21 percent were children younger than 14.

Early and Forced Marriage: The minimum legal age for marriage is 18. Some members of the Romani community married before reaching legal age. The law allows for marriage at the age of 16 with court approval; no official marriages were reported of anyone younger than 16.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children and the possession, manufacture, and distribution of child pornography, which is punishable by imprisonment for up to eight years. The minimum age for consensual sex is 15. Sexual relations with a child younger than 15 is punishable by a prison term of up to eight years or more in the presence of aggravating circumstances. The law prohibits all forms of trafficking and prescribes punishments of two to 10 years in prison for violations, with longer sentences in the presence of aggravating circumstances. These laws were generally enforced.

To fight increasing problem of sexual exploitation of children on the internet, the Ministry of Interior in 2017 joined the European “Say No” campaign initiated by Europol.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

The country’s Jewish population numbered approximately 10,000. Public expressions of anti-Semitism were rare, but small, fairly well-organized right-wing groups with anti-Semitic views were active. The Ministry of Interior continued to monitor the activities of such groups and cooperated with police from neighboring countries.

In 2017 the Ministry of Interior recorded 27 criminal offenses with anti-Semitic motives. In January the Supreme Court upheld the verdict of a district court in Jihlava, which in March 2017 sentenced well-known anti-Semitic blogger Adam Bartos to a conditional year in prison for incitement to hatred. In a separate case, a Prague district court in January sentenced Bartos to a conditional two years in prison for incitement to hatred, libel, and genocide denial. Bartos appealed the verdict, and the case was pending at year's end.

In July a district court in Prague convicted the former secretary of the Freedom and Direct Democracy Party, Jaroslav Stanik, of hate speech. According to witnesses, in October 2017 Stanik expressed his view on the premises of the lower house of parliament that Roma, Jews, and homosexuals should be shot at birth. Stanik appealed the verdict and the case remained pending at the year's end.

In November police charged two men for placing a pig's head at a Holocaust and Romani victim memorial in Lety in February.

In 2017 the Ministry of Culture designated as items of cultural heritage 12 tombstones and tombstone fragments from a former Jewish cemetery in Prostejov (in Eastern Czech Republic), which itself was designated as a cultural monument in 2016. A foreign philanthropist continued to lead efforts to restore the cemetery, which was destroyed by the Nazis and later turned into a public park.

The government has an antiextremism strategy emphasizing prevention and education to combat hostility and discrimination toward the Romani community as well as address anti-Semitism and Holocaust education.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The ombudsperson acted as a mediator in many cases while only a few cases were prosecuted in the courts. Persons with disabilities continued to face a shortage of public accommodations. Economic growth and active employment measures led to a significantly decrease in the number of unemployed disabled persons.

According to the law, only children with significant disabilities should attend special schools with specially trained teachers. Many children with disabilities were able to attend mainstream primary and secondary schools and universities, but sufficient funding remains an issue.

In January the Office of the Public Defender of Rights (the ombudsperson's office) became a monitoring body under the UN Convention on the Rights of Persons with Disabilities. The ombudsperson made visits to governmental and private workplaces employing incarcerated or institutionalized persons, including persons with disabilities, to examine conditions, assure respect for fundamental rights, and advocate for improved protection against mistreatment. The ombudsperson's office reported the highest numbers of received complaints for discrimination were related to discrimination for disability. The ombudsperson specifically criticized discrimination of persons with disabilities at work and poor availability of dental services for persons with mental disabilities.

According to the Office of the Government, ministries were not complying with the law that requires 4 percent of the staff of companies and institutions with more than 25 employees to be persons with physical disabilities. Instead of employing persons with disabilities, many companies and institutions paid fines or bought products from companies that employed persons with disabilities, a practice that the National Disability Council and the ombudsperson criticized.

National/Racial/Ethnic Minorities

There were approximately 300,000 Roma in the country, and many faced varying levels of discrimination in education, employment, and housing and have high levels of poverty, unemployment, and illiteracy.

Hate crimes against Roma continued to be a problem. There were also instances of hate crimes against Africans and persons of South-Asian descent. Observers reported hate crimes are not sufficiently recognized by police, prosecutors, and judges, who often lacked will or adequate knowledge.

In October Czech police concluded an investigation and recommended prosecution of three men, ages 19, 20 and 23 for attacking a group of South Asians in Pisek. One of the victims ended up in hospital with injuries.

Despite legislative measures aimed at desegregation of Roma in education, according to a Ministry of Education study, more than 29 percent of students in special schools were Roma, compared with 3.6 percent in regular elementary schools. After the introduction in 2017 of a free compulsory year of preprimary education at the age of five to six years old, the enrollment of Romani children in kindergartens increased slightly but remained markedly below the levels for non-Romani peers. To support desegregation of Roma in schools, the government increased funding to provide additional support to students with special needs in mainstream schools.

Approximately one-third of Roma lived in “excluded localities” or ghettos. While the law prohibits housing discrimination based on ethnicity, NGOs stated that some municipalities discriminated against certain socially disadvantaged groups, primarily Roma, basing their decisions not to provide housing on the allegedly bad reputation of Romani applicants from previous residences.

The 2017 amendment to the law on persons with material need, which was intended to solve housing problems, in some cases had the opposite effect. The amendment allowed cities to declare certain areas as having an “increased occurrence of socially undesirable activity”. In such designated zones the government paid only a part of housing subsidies. Some cities started to use this instrument to get rid of Roma and other low-income citizens.

In September the European Roma Rights Center criticized President Zeman for his negative statements on Roma and in an open letter called for his resignation. Zeman had stated that the unemployed persons in one of the country’s villages he visited were exactly the Roma who were forced to work during communism under the threat of imprisonment.

Roma were the most frequent targets of hate speech on internet.

In September the district court in Tachov fined a woman 20,000 koruna (\$800) for posting threatening comments on the internet under a school photo of first graders from a local school. The children were mainly Romani, Arab, and Vietnamese, and the comments suggested sending them to gas chambers, shooting them, or throwing a hand grenade into the classroom. Police did not originally qualify the incident as a hate speech offense, but the supreme prosecutor requested a further investigation that led to the conviction.

In April the owners of a pig farm located on the site of a WWII-era concentration camp for Roma in Lety officially handed over the site to the Museum of Roma Culture, which will build a memorial to Roma victims. The government bought the site for 450 million koruna (\$18 million). In August the government released additional 111 million koruna (\$4.4 million) for the sanitation, demolition, and archeological research of the premises, which was a condition of foreign donors.

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

The country has antidiscrimination laws that prohibit discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in housing, employment, access to health care and the government generally enforced such laws. The country does not have specific hate crime provisions covering sexual orientation and gender identity. The number of incidents of violence based on sexual orientation was low, and local LGBTI leaders stated that citizens were largely tolerant of LGBTI persons.

To obtain legal gender recognition, transgender individuals are required to undergo surgical sterilization, a requirement the Council of Europe found contrary to member commitments on the protection of health.

HIV and AIDS Social Stigma

Persons with HIV/AIDS faced societal discrimination, although there were no reported cases of violence. The Czech AIDS Help Society reported a number of cases of discrimination, primarily in access to healthcare, especially due to the legal requirement to inform every doctor about the HIV positivity. The cases usually ended unsolved or in mediation. HIV/AIDS is classified as a disability under the antidiscrimination law, which contributed to the stigmatization of and discrimination against HIV-positive individuals. Individuals with HIV/AIDS often preferred to keep their status confidential rather than file a complaint, which observers believed led to underreporting of the problem.

In the case of wrongful termination of employment of a police officer who was HIV positive, the Municipal Court in Prague confirmed in November 2017 that HIV is a health disability. The court stated the antidiscrimination law should be applied, but the termination was in line with an applicable internal ministerial decree. The officer appealed to the Supreme Court.

The Czech AIDS Help Society reported the judicial system lacked qualified experts knowledgeable about technical HIV/AIDS issues, which led to wrongful criminal prosecution of about 30 individuals for allegedly spreading a contagious disease.

Other Societal Violence and Discrimination

According to the Security Information Service, the country's security intelligence agency, there were no violent anti-Muslim protests or demonstrations in 2016 or the first half of 2017. Anti-Muslim protests and sentiments largely shifted to social media.

In May the State Prosecutor's Office in Ceske Budejovice halted the prosecution of Martin Konvicka for alleged incitement of hatred against Islam due to a failure of authorities to secure timely evidence from the social network where Konvicka posted statements calling for the creation of concentration camps for Muslims and their physical annihilation.

NGOs actively worked to combat anti-Islamic attitudes, and several events promoting tolerance took place during the year.

In September the Municipal Court in Prague confirmed a decision of the district court that a female Muslim student could not wear a hijab to a secondary medical school. In the court's opinion, the school should stay a neutral environment in which no one is exposed to religious symbols. The student appealed to the Supreme Court.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions of their choice without authorization or excessive requirements. The law provides for the right to associate freely for both citizens and foreign workers, but the latter generally did not join unions due to the often short-term nature of their employment or the lack of social interaction with employees who were citizens.

The law provides for collective bargaining. It prohibits antiunion discrimination and does not recognize union activity as a valid reason for dismissal. Workers in

most occupations have the legal right to strike if mediation efforts fail, and they generally exercised this right.

Strikes can be restricted or prohibited in essential service sectors, including hospitals, electricity and water supply services, air traffic control, nuclear energy, and the oil and natural gas sector. Members of the armed forces, prosecutors, and judges may not form or join trade unions or strike. The scope for collective bargaining was limited for civil servants, whose wages were regulated 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 provide a list of the members of the strike committee or contact persons for negotiation. They must announce the strike at least three days in advance. 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.

The law protects union officials from dismissal by an employer during their term of union service and for 12 months after its completion. To dismiss a union official, an employer must seek prior consent from the employee's unit within the union. If the union does not consent, a dismissal notice is invalid.

The government worked to enforce such laws effectively and permitted unions to conduct their activities without interference. Government resources for inspections and remediation were adequate, and legal penalties in the form of fines were sufficient to deter violations.

The Czech-Moravian Federation of Trade Unions (CMKOS) complained that, under the law, employers are not required to consult with unions on matters related to individual employees or to seek mutual agreement on some workplace problems, hurting the ability of employees of small enterprises to maintain union rights.

According to CMKOS, employer violations of the labor law and trade union rules continued during the year. CMKOS reported a number of violations and cases of discrimination, including employers raising administrative obstacles to collective bargaining, and threatening to dismiss employees who asserted their union rights, refused to terminate union activities, or attempted to form unions. There were no cases of unequal treatment, or making unauthorized, unilateral wage changes reported. Sometimes, employers formed "yellow," employer-dominated trade

unions to thwart collective bargaining by splitting unity and capacity of action of employees.

According to CMKOS, some employers forced employees to work formally for a minimum wage to reduce labor taxes at the time of growing wages, with the remaining amount provided “under the table.” Nevertheless, proving a violation of the law was difficult. Employees, union as well as nonunion, often preferred to switch jobs rather than file a formal complaint. Employees would usually file complaints only if the employer stopped paying wages.

CMKOS still reported cases of employers not allowing union members sufficient paid time off to fulfill their union responsibilities or pressuring union members to resign their employment to weaken the local union unit. There were cases of bullying of union officials, including unreasonable performance evaluation criteria, excessive monitoring of work performance, and being targeted for disciplinary action or reduced financial compensation based solely on union participation.

During the year labor unions most frequently used strike alerts and strikes to advance their goals. Strikes and strike alerts predominantly targeted wages.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced these prohibitions. In the previous few years, inspections were more numerous and enforcing the law was more effective. Resources, inspections, and remediation were adequate. Penalties for violations of the law were sufficient to deter violations.

The government implemented legislation tightening regulation of potentially abusive labor agencies by raising requirements to enter the labor agency business, levying fines for illegal employment, and establishing limits on temporary employment of foreign nationals. A 2017 amendment to the Employment Act came into force in July that introduced a 500,000 koruna (\$20,000) fee for each employment agency to rid the system of “fly-by-night” operations. As a result more than 570 agencies lost authorization.

There were reports that men and women, including migrant workers, were subjected to trafficking for forced labor, typically through debt bondage. The Ministry of Interior reported 13 victims (11 women and two men) of forced labor in the first eight months of the year. Nine victims were from Philippines. Private

labor agencies often used deceptive practices to recruit workers from abroad as well as from inside the country, despite a very high work force demand on the country's labor market. Forced laborers often worked as domestic workers, babysitters, and in the massage industry.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The minimum age for employment is 15. Employment of children between the ages of 15 and 18 was subject to strict safety standards, limitations on hours of work, and the requirement that work not interfere with education.

The law permits children younger than 15 (or until completion of mandatory elementary education) to work only in certain areas: cultural and artistic activities, advertising, product promotion, and certain modelling and sport activities. A child younger than 15 may work only if he or she obtains a positive health assessment from a pediatrician and prior approval by the Labor Office. Work permits for children were issued for 12 months. Resources, inspections, and remediation were adequate. The State Bureau for Labor Inspections (SBLI) effectively enforced these regulations. Penalties for infringement of these laws and regulations were sufficient to deter violations. During the year the SBLI did not report any child labor law violations.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit any kind of discrimination based on nationality, race, color, religion, political opinion, national origin, sex, sexual orientation or gender identity, age, disability, HIV-positive status or presence of other communicable diseases, social status, or trade union membership.

In 2017 the SBLI conducted checks for unequal treatment and discrimination and imposed penalties for violations of discrimination laws, mostly noncompliance with the requirement to employ a specific number of persons with disabilities, discrimination based on gender and age, or the publication of discriminatory job advertisements that were sufficient to deter violations. According to CMKOS cases of labor discrimination usually involved gender pay gaps. During the year the Ministry of Labor and Social Affairs issued a new methodology for labor

inspectors on how to compare wages and many other tools that are freely available to the public on the internet.

In 2017 women made up 44.5 percent of the nonagricultural workforce. Women's salaries lagged behind those of men by approximately 21 percent.

Associations supporting HIV-positive individuals reported cases of discrimination. HIV-positive individuals are not legally obligated to report their diagnoses to their employer unless the diagnosis prevents them from executing their duties. Some employers dismissed HIV-positive employees due to prejudices of other employees. To avoid accusations of discrimination, employers justified such dismissals on administrative grounds, such as redundancy.

According to the ombudsman's report, discrimination at work consisted nearly one third of complaints delivered to the ombudsperson's office in 2017. Despite the existence of antidiscrimination laws, the government rarely enforced the law in cases involving employment. Employees were often unwilling to file formal complaints or testify against their employers due to fear of losing their jobs, having their wages reduced, or being transferred to positions with poorer working conditions.

One of the few discrimination rulings related to employment was decision of the district court in Ostrava in the case of age discrimination. The court ruled at the beginning of this year that a 62 year-old assistant working at the University of Ostrava should receive financial compensation of 50,000 koruna (\$2,000) and a public apology for unequal treatment due to her age. Younger employees were offered contract extensions for multiple years, while the claimant was offered a one-year extension.

e. Acceptable Conditions of Work

The Ministry of Labor and Social Affairs establishes and enforces minimum wage standards. The minimum wage is above the "minimum subsistence cost," which is defined as the minimum amount needed to satisfy the basic needs of a working-age adult for a month. 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 at least 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. The labor code requires premium pay for overtime that is equal to at least 125 percent of average earnings.

The government set occupational health and safety standards, which were appropriate for the country's main industries. 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.

SBLI inspectors conducted checks for compliance with the labor code and imposed penalties that were sufficient to deter violations. SBLI's labor inspection plan focused on sectors where there were typically high-risk working conditions, such as construction, agriculture, and forestry.

The SBLI is responsible for combating illegal employment. Labor inspectors prioritized inspections for illicit employment in those sectors that were especially vulnerable to illegal employment, such as the lodging/catering, retail, warehousing and logistic centers, agricultural, forestry, construction, and processing industries. Inspectors conducted numerous inspections in selected seasonal businesses, retail chains, and industrial zones. More than 65 percent foreign workers were EU citizens, mainly from Slovakia, Romania, Poland, and Bulgaria. The majority of the third-country citizen workers were Ukrainians and Russians, followed by Vietnamese and Mongolians. Some third-country citizens worked in the country with working permits valid only for other EU countries (mainly Poland), which put them into illegal status while being assigned work in the country. The majority of illegally employed foreigners were Ukrainians, Moldovans, and Vietnamese. Those groups were potentially at high risk for mistreatment. To strengthen the effectiveness of inspections, SBLI inspectors acted in conjunction with the Labor Office, the Social Insurance Bureau, the Licensing Office, foreign police, the Customs Office, and local police.

Employers sometimes ignored standard work conditions requirements in situations involving migrant workers. Relatively unskilled foreign workers from less developed countries were sometimes dependent on temporary employment agencies to find and retain work. Migrants sometimes worked in substandard conditions. Most commonly, salaries were paid to the agencies, which then garnished them, resulting in workers receiving subminimum wages, working overtime without proper compensation, or working without compensation. Since

migrant workers seldom filed formal complaints of such abuses, authorities had few opportunities to intervene.

The SBLI effectively enforced health and safety standards. Laws requiring acceptable conditions of work cover all workers equally in all sectors. During the year the SBLI conducted checks focused on health and safety standards. The inspections occurred both proactively and in response to complaints. Authorities imposed penalties that were sufficient to deter violations.

In 2017 the number of registered injuries in the workplace increased by 0.2 percent from 2016. Fatal accidents decreased by 8.7 percent during 2017. The vast majority of workplace injuries and deaths occurred in the agriculture, forestry, transport, construction, warehousing, and processing industries. According to the SBLI, the most common causes of injuries or fatal incidents included underestimated risk, falls from height, irresponsible application of dangerous work procedures and techniques, unauthorized conduct or stay in hazardous zones, and failure to observe bans. Employees of small and medium-sized companies often declined to use protective gear even though their employer provided it.

Workers may remove themselves from situations that endanger their health or safety without jeopardy to their employment, and the SBLI enforced this standard relatively consistently.