

CZECH REPUBLIC 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The 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. Voters re-elected President Milos Zeman to a second five-year term in 2018 and held elections for seats in the Chamber of Deputies in 2017. The most recent elections for one-third of the seats in the Senate were held in two rounds on October 2-3 and October 9-10. Observers considered the elections free and fair.

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 General Inspection of Security Forces reports to the Office of the Prime Minister and is responsible for investigating allegations of misconduct involving police, customs officials, fire fighters, and the prison service. General Inspection of Security Forces inspectors investigated allegations of criminal misconduct and carried out “integrity tests,” or sting operations, to catch violators in action. The Ministry of Defense oversees the Armed Forces of the Czech Republic. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included: crimes involving violence or threats of violence against members of the Romani community and some nongovernmental organization representatives, and the lack of accountability for violence against women.

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 the government or its agents committed arbitrary or unlawful killings. The General Inspection of Security Forces (GIBS) or military

police investigate whether security force killings were justifiable and pursue prosecutions.

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 torture and other cruel and inhuman treatment. The Office of the Public Defender of Rights (ombudsperson) called for an amendment to the criminal code to extend this prohibition to “degrading treatment” as well.

In its annual report, the ombudsperson recommended that: physical examinations in prisons, detention, and police stations be conducted without the presence of law enforcement officials, where possible; physicians’ reports include any observed links between the injuries or condition and possible mistreatment by the officials; and mandatory reporting by physicians include any observed mistreatment to authorities.

In May 2019 the Council of Europe’s Committee for the Prevention of Torture (CPT) reported problems in specific areas related to detention, including the practice of surgical castration of sex offenders as a condition for parole. Problems noted by the CPT and the ombudsperson persisted during the year, including occasional reports of excessive use of power by police (e.g., kicking and unduly tight handcuffing), especially during arrests; incidents of verbal abuse of a racist or xenophobic nature, and the practice of handcuffing persons to fixed objects in certain circumstances.

In 2017 GIBS charged two police officers with felonies for torturing a handcuffed Romani man and forcing him to confess to a crime he did not commit. Both officers were suspended from service and charged with abuse of power and extortion. One of the officers committed suicide in 2018. A district court found the other police officer guilty in February and assessed a financial penalty and one year in prison if the penalty was not paid. In April a higher court overturned the district court’s judgment on the grounds that vulgar threats and slaps in the face do not constitute torture but rather disciplinary oversteps. The Police Presidium initiated a disciplinary procedure to address the misconduct. No special measures

were adopted by the police to limit the handcuffing practices raised by the CPT; however, extensive training was provided.

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

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

Physical Conditions: Prison overcrowding improved but remained a problem. Facilities for male prisoners were at almost 101 percent of capacity in the first eight months of the year, a slight decrease from 2019. Observers noted the change was due to an increased use of alternative punishments, such as financial penalties and house arrests. Several prisons, however, remained at more than 120 percent of capacity.

According to the Prison Service, there were 40 deaths in prisons and detention facilities in 2019, the same as in 2018. Authorities ruled 11 deaths were suicides, and the remaining deaths remained under investigation.

The ombudsperson reported that conditions for convicts with physical or mental disabilities remained unsatisfactory. The ombudsperson also noted continued inadequate prison health care standards due to the lack of medical personnel.

Administration: Public prosecutors are responsible for regular prison visits, which the ombudsperson cited as a useful tool for monitoring conditions. 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, including the CPT, and by media. Monitoring was conducted less regularly in 2020 due to the restrictive measures imposed to prevent the spread of COVID-19.

Improvements: Several educational, psychological, and sociological programs were successfully introduced in detention centers and prisons. The Ministry of Justice reported success piloting an “open” prison facility without cells as well as

house arrests with the use of electronic bracelets. Despite a generally high prevalence of recidivism, only 3 percent of prisoners who were discharged from an “open” prison facility returned to prison. Children remained with their families in one facility for irregular migrants but were able to leave the facility when accompanied by staff.

Following the May 2019 CPT report, the government committee against torture adopted a resolution to address several specific areas, such as insufficient health care in state-run facilities and insufficient numbers and training of prison staff.

The Prison Service established a transparent system for relocating convicts to prisons closer to their homes. Relocation was not always possible, however, due to overcrowding and preventative measures related to the COVID-19 pandemic.

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.

Arrest Procedures and Treatment of Detainees

In most cases, police use judicial warrants to arrest individuals 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 individuals 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 judge who 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 attorney’s 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.

In December police detained and charged Prague High Court judge Zdenek Sovak for allegedly accepting bribes in exchange for influencing cases. Media reported that Sovak sought 50 million crowns (\$2.2 million) from construction company Metrostav and smaller amounts in other cases. The matter remained underway.

In July the disciplinary panel of the Supreme Administrative Court found Prague judge Alexander Sotolar guilty of misconduct for falsifying court records. Despite the justice minister's recommendations, Sotolar was not removed from the bench, which was widely criticized by observers and respected lawyers.

In September 2019 Prague High Court judge Ivan Elischer was taken into custody for the second time for attempting to influence witnesses. In 2018 he was accused of taking bribes, abuse of power, and preferential treatment in serious drug cases. Elischer allegedly accepted a bribe of one million crowns (\$43,500) in a drug crimes trial. The court case remained underway.

Nongovernmental organizations (NGOs) focusing on domestic violence law issues reported that the judges' lack of expertise in relevant law and the absence of continuing legal education requirements led to insufficient knowledge of new legal provisions governing cases and the specifics of complex cases. Judges are subject to disciplinary procedures for misinterpreting or misapplying the law, but cases affected by these errors were rarely dismissed on those grounds.

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 to receive prompt and detailed information about the charges against them. They have the right to a fair and public trial without undue delay, to be present at their trial, and 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 they are charged through all appeals. Defendants have the right to confront the prosecution or plaintiff witnesses and present their own witnesses and evidence. They cannot be compelled to testify or confess guilt. Convicted persons have the right to appeal; however, the procedures were sometimes lengthy.

An amendment to the criminal procedure code, which came into effect on October 1, obligates the state, instead of the perpetrator, to reimburse legal aid for victims. NGOs viewed the amendment as a significant improvement for victims.

NGOs reported that criminal investigations, trials, and other related procedures were significantly delayed by the closures of institutions due to the COVID-19 pandemic.

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. 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 or trafficking victims. Plaintiffs may appeal to the European Court of Human Rights unfavorable rulings that involve alleged violations of the European Convention on Human Rights. Administrative remedies are also available; however, many victims of violence did not seek remedies in civil courts following criminal trials because civil procedures require facing the perpetrator and recounting traumatic experiences.

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 government has laws and mechanisms in place for some restitution of private and religious property confiscated during Nazi occupation or the Communist era, but challenges remained, especially for claimants who do not have Czech citizenship. Areas posing significant issues include the disposition of heirless property and complex cases involving non-Czech citizens. Although it was still possible during the year to file claims for artwork confiscated by the Nazis, the claims period for other types of property had expired.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found on the Department's website at <https://www.state.gov/reports/just-act-report-to-congress/>.

By law religious groups receive an annual installment of the total sum of 59 billion crowns (\$2.6 billion) to be paid over a 30-year period in compensation for property seized during communism that cannot be returned.

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

The law prohibits such actions, and there were no reports 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. 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 Speech: The law prohibits speech that incites hatred based on race, religion, class, nationality, or other group affiliation. It also limits the denial of the Holocaust and Communist-era crimes. Individuals who are found guilty can serve up to three years in prison. The law is also applied to online, print, and broadcast media.

Appellate courts in two separate cases confirmed convictions of two men who posted online comments praising the 2019 fatal terrorist attack at a mosque in Christchurch, New Zealand. One man received a 30-month suspended sentence with a four-year probationary period. The other man received a three-year suspended sentence with a five-year probationary period.

The ombudsperson conducted a survey of 2016-19 case law concerning hate speech. The results indicated an increase in online hate speech and resort to courts, with one-third of the country's courts encountering hate speech cases. Some 60 percent of cases involved attacks on groups of individuals based on nationality, ethnicity, skin color, religion, or sexual orientation, and the remaining cases involved hate speech against a specific person or a group. Roma and Muslims were the victims in 49 percent and 23 percent of decisions, respectively. Men committed 94 percent of underlying incidents, and 83 percent took place on Facebook. More than 90 percent of perpetrators were convicted in trial court proceedings. The most frequent punishment was a suspended sentence averaging 10 months or a fine.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. President Zeman, his spokesperson, and parties on the far right and left publicly alleged bias in both public and private media outlets. The Freedom and Direct Democracy Party and the Communist Party openly sought to appoint politically polarizing figures to public media supervisory boards, raising concerns they were attempting to violate the political neutrality of these institutions. Parliament appointed six new members (out of 15) to the Czech Television Council. Observers raised concerns over the impartiality of some of the new members based on their public remarks skeptical of the need for independent media.

The law prohibits elected officials from controlling media properties while in office. Prime Minister Babis, who owned two prominent newspapers and other media outlets, placed the ownership of his media assets in a trust fund in 2017. Observers, however, maintained that this measure did not insulate media from the influence of the current government. In 2018 Transparency International (TI) lodged an administrative complaint arguing that Babis still controlled media assets. The regional government office reviewing the administrative complaint rejected TI's argument. The supreme public prosecutor declined TI's request to review the decision.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports 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 toward members of a group or advocates the restriction of their civil rights; and publicly denies, questions, endorses, or vindicates genocide.

Academic Freedom and Cultural Events

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

In June the Supreme Administrative Court upheld a lower court's rulings on the limits of President Zeman's role in appointing professors to Charles University. By refusing to appoint two professors in 2015 and 2018, the court ruled that Zeman had overstepped his constitutional authority. Zeman has so far not complied with the ruling, which requires him to act on the nominations without further delay.

b. Freedoms of Peaceful Assembly and Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://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.

From March to May, the government imposed a state of emergency due to the COVID-19 pandemic, with restrictions on freedom of movement inside the country and travel abroad. The government lifted the restrictions on travel abroad at the end of April and incrementally eased restrictions on internal movement as the pandemic eased.

Foreign nationals who were physically present in the country during the spring state of emergency were exempt from enforcement related to their immigration or residency status and were allowed to remain in the country up to 60 days after the expiration of the state of emergency.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide 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 serious concerns. NGOs focusing on migration issues reported continued telephone and email threats (see section 6, Other Societal Violence and Discrimination).

NGOs reported that some shelters in the country declined protections to migrants as a result of restrictions to address the pandemic. In one case a Syrian woman and her minor children were unable to gain access to a shelter for domestic violence survivors to escape an abusive husband or father due to COVID-19 restrictions. An NGO provided the woman and the children with housing and assistance.

The ombudsperson visited detention centers for asylum seekers in the second quarter of the year and reported “significant restrictions on rights.” Specifically, it noted that the measures imposed to prevent the spread of COVID-19 were excessive and “created an environment where individuals were treated as potential sources of infection rather than people.”

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

Under the law the Ministry of Interior should decide on asylum cases within six months if the applicant has submitted all required documents. According to the

ministry, during the first eight months of the year the average length of asylum procedures was 79 days. The length of asylum procedures in 90 percent of cases met all legal requirements. In the remaining cases, asylum applicants received information about new deadlines for completing the asylum process in compliance with the law. Observers criticized the length and substance of some decisions.

The European Court of Justice ruled in April that the Czech Republic failed to fulfill obligations under the European Commission's (EC's) 2015 temporary mechanism for the relocation of applicants for international protection (EU Relocation Scheme). The government has maintained a strong stance against mandatory quotas.

In 2018 the Ministry of Interior granted asylum to eight Chinese Christians who applied for asylum in 2016 but rejected 70 applications by other Chinese Christians. According to ministry officials, the rejected applicants were not able to prove their claims of persecution or that their lives were in danger as practicing Christians. Most of the rejected applicants appealed the ministry's decisions in court, and some cases were returned to the ministry for review. In November 2019, the Supreme Administrative Court stated that persecution does not have to be personal but may relate to a group and remanded the refused asylum applications to the ministry. In the meantime the ministry granted applications by two of the Chinese Christians for permanent residence and indicated it would accept similar applications for adjustment of status.

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 individuals arriving from or through countries deemed to be safe, as defined by law. Authorities reviewed all cases individually, but usually did not grant international protection to these applicants. There are 24 countries on the list of safe countries.

Freedom of Movement: The length of detention for illegal migrants and rejected asylum seekers was shortened due to implementing a voluntary return system. By law, migrants facing deportation may be detained for up to 180 days. If there are children accompanying the adults, detention can 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.

As of September there were 150 migrants in detention facilities in the country. Fourteen migrants were in a detention facility specifically designed for vulnerable groups, single women without children, and families with children. There were no forced or voluntary returns of families with minors during the year. The Ministry of Interior reported there were no displaced unaccompanied children in the country during the year.

Durable Solutions: The government generally rejected requests within the EU Relocation Scheme to accept designated numbers of refugees and asylum seekers, including a request by the Greek government to accept 40 unaccompanied children younger than age 14 from Greek refugee camps. The Ministry of Interior based its decision on alleged security concerns.

A national integration program managed by the government in close cooperation with UNHCR and NGOs continued. Under the *State Integration Program*, 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. As of July the government provided state funding for integration centers that were previously dependent on EU funding and introduced new integration measures, effective January 2021, to provide mandatory adaptation and integration courses for foreigners.

The Ministry of Interior started its own assisted voluntary return program in 2017 and effectively used it to help 1,574 individuals return to their country of origin. As of September 1, approximately 467 individuals had been voluntarily returned to their countries of origin.

g. Stateless Persons

The Ministry of Interior reported 519 stateless persons in the country at the end of 2019. UNHCR, however, estimated there were 1,394 persons that fell under its statelessness mandate at the end of 2019. The ministry reported five stateless persons applied for international protection and that four were granted asylum or subsidiary protection in 2019. The country did not have a legal definition of statelessness or a statelessness determination procedure. Stateless persons who do not possess a permanent residency permit were not entitled to receive an identity document. The law allows stateless persons to obtain citizenship after meeting certain criteria.

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 2018 voters re-elected Milos Zeman to a five-year term as president in the country's second direct presidential election. The country held elections for seats in the Chamber of Deputies in 2017. Elections for one-third of the seats in the Senate were held in two rounds on October 2-3 and October 9-10. Observers considered all elections free and fair, and there were no reports of significant irregularities.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. Participation by women and minority groups in elected bodies remained low in comparison to their estimated percentage of the population. Four out of 15 government ministries were headed by women. Women made up 23 percent of the Chamber of Deputies and 15 percent of the Senate.

Romani participation 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 judges. There were some Romani appointees to national and regional advisory councils dealing with Romani affairs. Roma were elected to 13 seats (out of 62,000) in local governments in 2018 elections. They received one seat (out of 675) in regional government elections in 2020.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Officials sometimes engaged in corrupt practices with impunity. An offender may face up to 12 years in prison and property forfeiture. Several high-level political figures were under investigation in various regions for manipulating public contracts (e.g., the highway toll system) and abuse of official power.

Corruption remained a problem among law enforcement bodies, and the most common forms of corruption included: leaking information for payments; the unauthorized use of law enforcement databases, typically searching for derogatory information; unlawful influencing of law enforcement procedures; and blackmail.

Media outlets reported on overpriced governmental procurements of COVID-19 personal protective equipment and discrepancies in its quality. The National Control Office was investigating the matter and was expected to produce an audit late in the year.

In January new legislation came into force preventing political candidates or close acquaintances from filling positions on supervisory boards in state-owned companies.

Observers criticized the tenuous position of principal prosecutors whom, under existing legislation, the government can remove from office without cause.

In November the government approved its fifth *Open Government Partnership* action plan which contains five commitments: anonymizing online publication of lower court decisions, implementing whistleblower protections, providing open data to enable public monitoring of the quality of education, increasing civil society participation in government processes, and increasing online transparency on the use of public funds.

Corruption: In October the Senate passed a resolution declaring Prime Minister Andrej Babis to be in conflict of interest due to his ownership of Agrofert, a recipient of EU subsidies, while serving in senior government positions. Babis placed his Agrofert shares into trust funds in 2017. The EC finalized its audit of structural funds and delivered the final report to the government in December. The government must respond within three months of the receipt. A final EC report on a parallel audit of EU agricultural subsidies is expected at the beginning of 2021.

In a separate case, Supreme Prosecutor Pavel Zeman compelled a lower-level prosecutor to reopen criminal proceedings in December 2019 to review allegations that Prime Minister Babis had improperly received investment subsidies from the EU for a development project. Babis allegedly temporarily transferred the Stork's Nest conference complex from his Agrofert conglomerate to family members in order to qualify for the EU subsidies. The case was pending at the end of the year.

A trial against a group of public officials from the Brno area commenced in September. The officials were charged with corruption and manipulation of public contracts amounting to 47 million crowns (two million dollars).

Financial Disclosure: Public officials' asset disclosures are available on the internet in a limited form or by request submitted to the Ministry of Justice. The ministry may impose penalties of up to 50,000 crowns (\$2,000) for noncompliance, but many politicians either did not comply or only partially fulfilled their obligation. The law also requires 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. The Constitutional Court ruled in March that financial disclosures of local politicians may also be withheld from the public on privacy grounds.

An amendment to the Free Access to Information Law that introduced new measures to strengthen citizens' right to information came into force in January. Under the new law, citizens can request a higher-ranking office to compel a subordinate office to provide requested information, absent grounds for refusal. The Office for Personal Data Protection has the right to issue similar orders and to review decisions not to provide information.

In August the Prague Municipal Court ruled that the Office of the President must publish salaries of its key employees after the Supreme Administrative Court asked the court to review its initial decision. The Supreme Administrative Court stated that the case was a clear example of the right to information taking precedence over the right to privacy.

Observers reported that a 2019 amendment to the Registry of Public Contracts law was not effectively implemented. The amendment partially canceled exceptions for major state-owned companies, such as Czech Energy Company, Czech Railways, and Prague Gas Company, and introduced an obligation to publish all private and grant contracts or repayable financial assistance in the registry. The registry is available to the public.

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 often cooperative and responsive to their views, although some politicians disparaged NGOs in public remarks.

Government Human Rights Bodies: The Office of the Government has a commissioner for human rights as well as several advisory and working-level bodies related to human rights, including the Government Council for Human Rights, the Council for Roma Minority Affairs, the Council for National Minorities, and the Board for Persons with Disabilities. The Governmental Council for Coordination of the Fight against Corruption was placed under the Ministry of Justice, and the Agency for Social Inclusion was placed under the Ministry of Regional Development.

The ombudsperson (public defender of rights) operated without government or party interference and had adequate resources. The ombudsperson's office issued quarterly and annual reports to the government on its activities in addition to reports and recommendations on topics of special concern.

Human rights observers generally regarded the office of the ombudsperson as effective. The new ombudsperson elected in March, however, was widely criticized by NGOs, the Romani community, and some politicians who contended the ombudsperson had publicly downplayed the extent of discrimination faced by Roma and other minorities. The ombudsperson also stated that the protection of human rights was not among the functions of his office. Many observers called for the establishment of an independent institute for human rights. In addition to the public defender of rights, the country has 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 did not consistently enforce the law effectively.

Observers reported prosecutors and judges in rape cases often lacked knowledge on the subject and cited a shortage of experienced judicial experts. Demanding criminal procedures required repeated victim testimonies that contributed to their

further traumatization. Penalties were often too low, and only half of all sentences included prison time.

NGOs and attorneys reported that an increasing number of victims of sexual violence did not meet the legal definition of a “particularly vulnerable victim,” attributing it to the court’s interpretation of the term. Victims were consequently not entitled to benefits such as free legal representation in courts. Victims of sexual violence were insufficiently shielded from “secondary or tertiary victimization,” which includes exposing them to attackers and asking about prior sexual history. In court proceedings, victims of sexual violence had the burden of proving lack of consent. Perpetrators of spousal rape, including brutal attacks, were frequently given inadequate sentences, including probation.

In July a regional court confirmed a lower court’s June decision that a victim of domestic violence did not qualify as a “particularly vulnerable victim” and therefore did not receive free legal representation. Her partner had repeatedly physically attacked her, choked her, and threatened her with a knife. The court based its decision on the victim’s financial means, ability to seek help, and a lack of evidence that she was at risk of secondary harm.

The government cut funding for NGOs working on gender issues by 40 percent, from seven million crowns (\$303,900) to four million crowns (\$173,700) during the year. The Ministry of Justice also kept funding for victims of crimes lower than in previous years, which affected NGOs that provide services to victims of sexual crimes or trafficking. NGOs reported the cuts led to limited services, limited prevention activities, and affected not only lobbying for equal opportunities for women and men, but also other services they provide to sexually abused women or victims of domestic violence. NGOs also reported funding problems for specialized services, including counselling for women in asylum houses. Many NGOs reported a significant increase in the number of clients and cases during the first COVID-19 state of emergency. NGOs noted women in immigrant communities underreported instances of violence due to fear their immigration status would be negatively affected.

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 states a removal order can remain in effect for a total of up to six months, including extensions. The Ministry of Interior reported police removed 1,256 offenders from their homes in 2019.

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

In July, Charles University and several NGOs issued a survey evaluating the impact on domestic violence of the restrictive measures imposed in the spring due to COVID-19. The survey concluded the government failed to respond to the increased number of cases. NGOs reported that courts adjourned most of the proceedings related to domestic violence and sexual abuse while they continued to process other, less serious, cases. The survey noted that NGOs filled the gap and introduced new online services, virtual consultations, and other support measures to assist the increased cases of domestic violence unaddressed by the government.

In February the Vodafone Foundation, police, and the NGO Rosa fully launched a new mobile application, Bright Sky CZ. The application enables endangered persons to document incidents of domestic violence and provides a list of nearby domestic violence support services. It also serves as a resource for family and friends to help those suffering from abuse. In the first five months, 1,300 persons downloaded the application, and users submitted more than 500 questionnaires regarding their safety (in 270 cases the questionnaire was done by a third person regarding a potential victim).

NGOs reported an increase in calls to domestic violence hotlines during the spring COVID-19 lockdown. Some attributed the increase to the rise in domestic violence during the COVID-19 related state of emergency, with some NGOs reporting up to a 40 percent increase in their workloads or clients. Others attributed the increase in calls to the fact that in-person assistance was not possible during the state of emergency. Police data did not reflect an increase in domestic violence, but many NGOs attributed this to the limited work of police officers during the state of emergency.

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

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 on the part of government authorities. Transgender individuals must undergo sterilization to obtain a sex change or receive legal gender recognition.

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 employment and wage discrimination (see section 7.d.).

Observers criticized measures implemented under the first COVID-19 state of emergency that prevented persons other than medical personnel from attending childbirths, on the grounds that it was an infringement on the parental rights of fathers and the rights of birthing women to have help and support.

Children

Although the number of children growing up in institutions has declined, the numbers were still very high. Observers criticized the length of foster care proceedings, the rising number of social work cases involving abuse or mistreatment, the lack of public housing, and difficulty accessing adaptive equipment for children with disabilities. Observers also criticized the lack of effective tools for identifying child victims in a timely manner. The lack of a centralized regulatory body or coordinated interministerial approach to child issues slowed the reform process.

In November the Council of Europe's European Committee of Social Rights criticized the country for the extensive and discriminatory placement of disabled and Romani children in institutional care, such as infant homes for small children. According to their findings, the problem concerned hundreds of children younger than age three, mainly from low-income families.

Birth Registration: Children derive 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 their parents' citizenship. Authorities registered births immediately.

Child Abuse: Prison sentences for persons found guilty of child abuse range from five to 12 years.

The Ministry of Labor and Social Affairs registered approximately 2,500 cases in which children experienced family violence. NGOs estimated 40,000 children experience some form of violence each year.

During the spring COVID-19 state of emergency, the government placed strict restrictions on the freedom of movement, subject to few exceptions such as procurement of food and medical services. In June the Children Crisis Center reported a twofold increase during the first half of the year in reported child abuse, including sexual violence. The center attributed the increase to social isolation, financial and psychological consequences of the pandemic and related restrictions, and the inability of children and families to access other assistance. In one case an abusive family member was returned to the household after his adult daughter asked for his removal because the emergency services could not place him in an open shelter or available housing.

Media reported several cases of child abuse that resulted in deaths, including several infants. Most deaths resulted from physical abuse by stepfathers or partners of mothers and involved substance abuse or mental health issues. Observers called for the establishment of a committee that would examine deaths of children and propose recommendations on systemic preventive measures. NGOs also called for increased support and funding to government agencies that provide legal assistance and social services to children.

In its annual report, the ombudsperson reported that facilities for short-term care of children in emergency situations were often used for unintended long-term housing, lacked expert psychological assistance for children, and did not communicate sufficiently with the children's families.

Child, 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.

In February a documentary film, *In the Net (V siti)*, premiered that followed online and in-person interactions between actresses posing as underage girls and real-life sexual predators and gained significant media attention. In the 10 days after they created three fake personal social media accounts, a total of 2,458 men contacted the women posing as underage girls. As a result of the film, police initiated nine criminal investigations on charges for illicit contact with a child, endangering the morals of a child, or possession of child pornography. The perpetrators were between the ages of 21 and 62; none had a prior criminal history. At least four men were convicted and received suspended sentences. One man had threatened to rape one of the actresses--who was posing as a 12-year-old--and attempted to blackmail her by posting her nude photos on social media. His case drew significant media coverage in November when he reached a plea agreement reducing the potential maximum sentence of 12 years to a three-year suspended sentence with five years' probation.

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/reported-cases.html>.

Anti-Semitism

There were approximately 10,000 Jews in the country. 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 extremist groups and cooperated with police from neighboring countries as well as the local Jewish community.

The Ministry of Interior recorded 23 criminal offenses related to anti-Semitism in 2019. The Federation of Jewish Communities reported 697 incidents with anti-Semitic motives in 2019, of which 95 percent were cases of hate speech on the internet. Police investigated the publisher of a Czech translation of an anti-Semitic book for children written by a German author in 1938.

In July the government approved the *2020 Counter Extremism and Hate Crime Strategy* that emphasized communication, prevention, and education to curb

extremism and combat hostility of radicals. The strategy also addressed extremism and hate crimes on the internet.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The ombudsperson acted as a mediator in most cases, and a small number of cases were prosecuted in the courts. Persons with disabilities continued to face a shortage of public social accommodations as well as accommodation on the market. Economic growth and measures to increase employment opportunities for persons with disabilities led to a significant decrease in the number of unemployed persons with disabilities, although the COVID-19 pandemic slowed that trend.

According to law, only children with significant disabilities should attend segregated schools with specially trained teachers. The government took steps that limited access of children with disabilities to educational support, including teaching assistants, citing budgetary constraints. A legal challenge to the changes was pending. Many children with disabilities were able to attend mainstream primary and secondary schools and universities, but funding for additional educational support such as teaching assistants and equipment remained insufficient.

In October an NGO published a report based on a survey of 335 Czech organizations that work with persons with disabilities. In the previous three years, 52 percent of the organizations encountered at least one case of violence against a person with disabilities, and one-third encountered violence based on prejudice. The organizations stated that many cases of violence against persons with disabilities were not reported; 18 percent of respondents stated that either they or their colleagues had previously been attacked in connection with their work. Respondents reported a broad range of prejudicial violence, including verbal insults and humiliation by strangers in public places; harassment and bullying in the school, workplace, and neighborhoods; and robbery, extortion, and physical assaults by family members or friends. Perpetrators included nurses in caretaker facilities, special education teachers, and state employees.

The NGO report cited a case in which a man at a train station attacked an adult who had a mild mental disability and visual impairment associated with difficulty in expression and poor spatial orientation. The perpetrator called the victim insulting names evoking the victim's disabilities, filmed the attack on his cell phone, and made derogatory comments against persons with disabilities in general.

In July the government approved its *National Plan for the Promotion of Equal Opportunities for Persons with Disabilities for 2021-2025*.

The ombudsperson's office is a monitoring body under the UN Convention on the Rights of Persons with Disabilities. In September the office held the first meeting of a newly established advisory body for persons with disabilities. The ombudsperson visited 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 criticized the lack of accommodations for disabilities in the railroad industry and assisted on cases in that field. The ombudsperson also criticized the lack of guide dog access laws.

The ombudsperson reported in October that courts had addressed 19 cases of discrimination based the grounds of disability from 2015 to 2019, in which the ombudsperson participated in 14. The cases alleged discrimination in employment, education, medical care, accessibility, and social inclusion. Plaintiffs sought and were entitled to various forms of relief, including monetary penalties and injunctions. The ombudsperson highlighted that the cases resulted in a number of positive outcomes, including recognition that HIV infection is a "physical disability"; judgments in favor of a man who was denied an apartment because of visual impairment and a child who was denied education because of an autism diagnosis; and an extension of the right of parents of a deceased girl with disabilities to file a complaint.

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

The ombudsperson reported 32 percent of proven discrimination cases from 2009 to 2019 were due to disabilities.

In 2019 a district court in Ceske Budejovice agreed with the ombudsperson that a teacher with a visual impairment was the victim of discrimination by the school principal, who bullied her and ultimately attempted to terminate her employment on the grounds of disability. The court granted the teacher compensation, and the school withdrew the notice of termination. During the year the ombudsperson similarly helped a visually impaired person after an appliance vendor failed to accommodate her disability. The penalty included additional training for the vendor's employees.

Members of National/Racial/Ethnic Minority Groups

There were approximately 300,000 Roma in the country, and many faced varying levels of discrimination in education, employment, and housing, as well as high levels of poverty, unemployment, and illiteracy. The government introduced some legal measures that were considered controversial and moved the Agency for Social Inclusion from the Office of the Government to the Ministry of Regional Development. The agency lost the capacity to coordinate work with different ministries.

Hate crimes against Roma and minorities continued to be a problem. In September a regional court in Ostrava sentenced a man to five years in prison for attacking and injuring a Romani man in a bar. The court determined that the attack was motivated purely by the victim's ethnicity. The judgment was subject to further appeals.

Government officials noted problems faced by dozens of Romani Czechs who returned from the United Kingdom during the year, both due to COVID-19 and Brexit. The returning citizens resettled primarily in areas with heavy concentration of Roma, such as the towns of Ostrava and Usti nad Labem, and confronted a lack of housing and social assimilation problems. Anticipating that more Roma would return from the United Kingdom due to Brexit, the Ministry of Labor and Social Affairs sent a representative to Czech consular offices in the United Kingdom to assist them.

School segregation remained a problem. NGOs reported there are approximately 12 schools that are fully segregated and 70 where more than half of the pupils are Roma. Observers criticized attempts by the Ministry of Education to limit the

availability of educational support and to undermine minorities' interests by amending the implementing regulations of well received 2016 legislation promoting integrated education.

Experts noted that the *Education Development Strategy 2020-2030* issued by the Ministry of Education lacks a specific action plan, funding, and delegation of responsibilities. Experts also noted that precise statistics on percentages of Romani students in public schools were missing, hindering the formulation of effective inclusion measures.

Approximately one-third of Roma lived in socially excluded communities and continued to face difficulties obtaining both public and private housing. Unemployment in these communities was 31 percent, compared with 6 percent or less in nearby areas before the COVID-19 pandemic. Some municipalities continued to use a 2017 amendment to the law addressing poverty, which reduced government housing subsidies in areas that cities designated as blighted, to push Roma and other low-income citizens into a city's periphery. Observers reported that this tool was even used against individual families to move them from their houses. Several senators initiated a constitutional complaint and requested the Constitutional Court to annul certain provisions of the law; however, the case remained pending. A government-funded investment program focused on building new public housing units and providing social services through two projects totaling 1.35 billion crowns (\$58 million) continued and was made available to more cities. The Agency for Social Inclusion continued to oppose a shipping-container housing proposal in the city of Most and provided alternate solutions for the Chanov housing division; the city continued with its program, however.

The government took steps to promote Romani culture and heritage. The Museum of Romani Culture received a property in Prague from the Ministry of Culture to serve as the site of a new cultural center. Demolition of a Communist-era pig farm at the site of a WWII concentration camp for Roma in the town of Lety was postponed due to COVID-19 pandemic, although the projected completion date of 2023 remained unchanged.

Roma were the most frequent targets of hate speech on the internet, and authorities took steps to address it. In October a regional court upheld a suspended sentence for a man who posted 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. The regional court denied the appeal.

In August police brought charges against an individual for posting an online article about an apartment building fire in the town of Bohumin in which 11 persons died. The article baselessly claimed the alleged arsonist and victims were Roma and used graphic and offensive language in reference to the victims and the incident. Charges carry a maximum sentence of three years in prison.

In March a court sentenced 13 individuals to suspended penalties (up to 16 months in prison with four years' probation) for online attacks against Romani singer Radoslav Banga. In 2016 Banga posted on Facebook that he had walked out of the Czech Nightingale music awards ceremony to protest an award given to Ortel, a band associated with the far right. In response hundreds of hate comments appeared on Facebook. One comment called for a "white homeland" and for minorities to be sent to the gas chambers.

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

Antidiscrimination laws prohibit discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in housing, employment, and 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. Local LGBTI leaders stated citizens were largely tolerant of LGBTI persons but feared society tended generally to be more divided and intolerant to minority groups.

Based on a 2019 survey by the ombudsperson, 86 percent of transgender persons reported experiencing discrimination in the previous five years, compared to 58 percent of lesbian and 33 percent of gay persons. More than one-third of surveyed LGBTI persons claimed they had faced discrimination in the previous five years, which was three times higher than for the general population. Of LGBTI survey participants, 91 percent indicated they did not report incidents of discrimination to authorities because they believed the incidents were either minor or that authorities would not take action. The most common locations where discrimination against LGBTI persons occurred were at work and school.

The law on victims of crimes covers lesbian, gay, bisexual and transgender minorities, but they are not considered "particularly vulnerable persons" and are

not entitled to additional legal protections, unlike children, seniors, and victims of trafficking or terrorism.

During Prague Pride Week in August 2019, an individual set fire to a rainbow flag and fired flares at visitors to Pride Village--the main site of the Prague pride activities. The perpetrator was conditionally sentenced to 10-months' imprisonment with a probation period of five years and assessed a monetary penalty.

NGOs reported a 50 percent increase in LGBTI children and teenagers who sought help in crisis centers during the COVID-19 pandemic. NGOs attributed the increase to the inability of LGBTI youth, some of whom have not publicly come out, to connect socially and in person with their peers in the LGBTI community.

Transgender individuals are required to be sterilized to obtain a sex change or receive legal gender recognition. The Council of Europe found this practice contrary to EU member commitments on the protection of health. The ombudsperson recommended the government submit amendments to relevant laws. In May 2019 the Supreme Administrative Court ruled, contrary to the European Court for Human Rights, the sterilization requirement was legitimate. The decision was challenged in the Constitutional Court, and the case was pending.

HIV and AIDS Social Stigma

Persons with HIV and AIDS faced societal discrimination, although there were no reported cases of violence. 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 and AIDS often preferred to keep their status confidential rather than file a complaint, which observers believed led to underreporting the problem. The Czech AIDS Help Society noted most insurance companies did not provide health insurance to persons with HIV and AIDS.

NGOs reported that some physicians refused to treat HIV-positive patients, and 67 percent of an estimated 3,500 HIV-positive persons in the country reported they were denied medical care at least once. Some patients were openly told that HIV was the reason for the denial. Observers were concerned that the COVID-19 pandemic may have led to reduced testing for HIV and resulted in fewer diagnoses.

Other Societal Violence or Discrimination

Observers noted violence and discrimination against NGO employees and foreigners.

Online hate attacks, including death threats, against the director of an NGO that provides legal support to hate crime victims, including different minority groups and migrants, continued in 2019 and 2020. The director received hundreds of hate emails. The perpetrator testified at court that the main motivation for his attacks was to force the director to stop devoting her time to protection of victims of hate crimes. Employees of NGOs focusing on persons with disabilities also reported verbal attacks.

NGOs actively worked to combat anti-Muslim attitudes and reported a decrease in reported incidents. In October 2019 the district court in Teplice gave suspended sentences to a couple for the 2018 attack on a Muslim woman and her husband. The couple confronted the woman and her husband in a park in Teplice with an air gun and threatened to kill them.

In April a female Muslim student from Somalia withdrew her lawsuit against her secondary medical school, which banned wearing a hijab in school. At the time of the withdrawal, the matter was pending before a trial court in Prague after the Supreme Court remanded the case, stating that religious pluralism must be respected. The plaintiff cited fears of threats and retaliation as her reasons for withdrawing the lawsuit.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers with the right to form and join independent unions of their choosing without authorization or excessive requirements. The law provides for the right to associate freely for both citizens and foreign workers. Unions are apolitical and independent of the state, and the state may not interfere in their internal affairs. The minimum number of members needed to form a union is three.

The law allows collective bargaining. It prohibits antiunion discrimination and does not recognize union activity as a valid reason for dismissal. The law requires reinstatement of workers fired for union activity. 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 health and social care facilities, fire brigades, public utility 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. 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.

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, the dismissal notice is invalid.

The government enforced applicable 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 commensurate with those for similar violations.

The Czech-Moravian Confederation of Trade Unions (CMKOS) reported violations of the labor law and trade union rules continued during the year. The CMKOS also reported violations and cases of discrimination, including employers raising administrative obstacles to collective bargaining, threatening to dismiss employees who asserted their union rights, including refusing to terminate union activities, or attempting to form unions. In 2019 a long-term union chairman was dismissed immediately after criticizing his employer's handling of an incident in the employer's factory, which led to the loss of workers' lives. The employee took the case to court, where it was pending at the end of the year.

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, and the government effectively enforced these prohibitions. Resources, inspections, and

remediation were adequate. Penalties were commensurate with those for similar violations.

Men and women from the Czech Republic, Bulgaria, Moldova, Mongolia, Nepal, Nigeria, the Philippines, Romania, Russia, Slovakia, Ukraine, and Vietnam are exploited in forced labor in the Czech Republic, typically through debt-based coercion or exploitation of other vulnerabilities, in the construction, agricultural, forestry, manufacturing, and service sectors, including in domestic work. In May the government approved a new national strategy to guide the government's antitrafficking efforts, including addressing forced labor. It did not, however, succeed in effectively screening vulnerable populations and did not adequately identify domestic or foreign victims mainly because of the COVID-19 pandemic. Private labor agencies often used deceptive practices to recruit workers from abroad, as well as from inside the country.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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 who have not completed mandatory elementary education) to work only in certain areas: cultural and artistic activities; advertising; product promotion; and certain modeling and sports 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 are issued for 12 months. Resources, inspections, and remediation were adequate. The State Bureau for Labor Inspections (SBLI) effectively enforced these regulations. Penalties were commensurate with those for other violations. The SBLI did not report any child labor law violations during the year.

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.

According to the ombudsperson's report, discrimination at work accounted for the greatest number of complaints to the ombudsman in 2019 (31 percent). Similar to the previous year, most complaints in 2019 were for discrimination based on age, gender, and disability.

A survey issued in October of all 90 discrimination cases addressed by courts in 2015-19 showed that 60 percent of them were employment related, mainly on the grounds of age and gender. Overall, 46 percent of the lawsuits were filed against public employers and 19 percent concerned alleged discrimination against workers in education. Some 60 percent of complainants in labor disputes in the courts were women. The court dismissed 46 percent of employment discrimination cases.

The government effectively enforced the law. Penalties were commensurate with those for similar violations, and inspection and remediation were sufficient to enforce compliance. The SBLI conducted checks for unequal treatment and discrimination in 2019 and imposed penalties for violations of discrimination laws, mostly for noncompliance with the requirement to employ a specific number of persons with disabilities, discrimination due to health conditions, gender, and age, or the publication of discriminatory job advertisements. The SBLI recorded a slight increase in cases regarding unequal treatment and discrimination at work in 2019 (269 cases) compared with 2018 (267 cases).

Women's salaries lagged behind men's by approximately 22 percent. The Ministry of Labor and Social Affairs started introducing a testing tool for employers that evaluates gender pay gaps in an organization as part of the "22 percent towards equality" project. The testing tool highlights pay gaps and sensitizes management to disparities in remuneration.

Associations supporting HIV-positive individuals reported cases of employment discrimination. HIV-positive individuals are not legally obligated to report their diagnosis to their employer unless it 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.

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 30-minute break 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 employee’s consent. 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 that were appropriate for the country’s main industries. The labor code requires employers to provide health and safety protections in the workplace, maintain a healthy and safe work environment, and prevent health and safety risks. Responsibility for identifying unsafe conditions remains with inspectors, who have the authority to make unannounced visits and initiate sanctions.

The government effectively enforced the law. Inspection and remediation were sufficient to enforce general compliance. SBLI inspectors conducted checks for labor code compliance and imposed penalties that were commensurate with those for similar violations. SBLI’s labor inspection plan typically focused on sectors with high-risk working conditions, such as construction, agriculture, forestry, handling of hazardous chemicals, and transport.

According to the CMKOS, the provisions of the employment law most frequently violated by employers in 2019 related to wages, overtime, and rest periods.

In September labor authorities and unions reported to the press that, during the COVID-19 pandemic, violations of the labor code by local companies increased. Most reported violations consisted of lowering wages in violation of employment contracts and performing layoffs under the pretense of business reorganizations. For example, employees of one metallurgy company complained that their employer ordered them to take annual leave and accept a reduction in work hours and wages, threatening to dismiss them if they did not comply.

There were 42,416 registered workplace injuries in 2019, which were 1,949 fewer than in 2018. There were 95 fatal accidents in 2019, compared with 123 in 2018. Most workplace injuries and deaths occurred in the agriculture, forestry, transport, construction, and processing industries. Fatal accidents were investigated. For example, when a worker not equipped with protective equipment fell off the roof of a building on which he was working, the SBLI concluded the employer did not take adequate technical and organizational measures to prevent the worker from falling from height and ordered compensation.