

# **CZECH REPUBLIC 2017 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 the senate (Senat). The president is head of state and appoints a prime minister from the majority party or coalition. On October 20 to 21, the country held parliamentary elections. In 2013 voters elected Milos Zeman to a five-year term as president in the country's first direct presidential election. Observers considered both elections free and fair.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included societal violence against Romani persons, which the authorities investigated and prosecuted.

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, and there were no reports that government officials employed them.

### **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.

The situation in migrant detention facilities improved significantly during the year as the number of migrants from the Middle East, Africa, and Asia entering the country significantly decreased. Children stayed with their families in one detention facility for irregular migrants but were able to leave the facility accompanied by staff.

Physical Conditions: Prison overcrowding was a problem. While an amnesty in 2013 temporarily relieved overcrowding, it did not improve services to prisoners, since the government cut prison staff proportionally. Facilities for prisoners serving their sentences were at almost 103 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 43 deaths in prisons and detention facilities in 2016, of which nine were suicides; 11 of the deaths were still under investigation.

The public defender of rights (ombudsperson) reported mistreatment of inmates in two prisons and generally unsatisfactory conditions of imprisonment for convicts with physical or mental disabilities. She also noted inadequate prison health care standards due to a lack of physicians motivated to work in prisons.

Prisoners had limited access to hot water, which posed sanitary problems.

Administration: The ombudsperson investigated credible allegations of inhuman conditions and made routine prison visits. On later visits, the ombudsperson reported that the conditions in the prisons noticeably improved.

Independent Monitoring: The government permitted independent monitoring of prison conditions by local and international human rights groups, such as the Helsinki Commission and the Council of Europe's Committee for the Prevention of Torture (CPT) and by the media.

Improvements: During the year the Prison Service accepted the ombudsperson's proposal to establish a transparent system for relocating convicts to prisons closer to their homes.

#### **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 General Inspectorate of Security Forces (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. Inspectors investigated allegations of criminal misconduct and carried out "integrity tests," or sting operations, to catch violators in action. In 2016 inspectors opened proceedings in 247 cases nationwide. Authorities reported that police committed 170 crimes in 2016, a decrease of 62 since 2015, while members of the prison service committed 44 crimes, an increase of 15. Customs officers committed 10 crimes, compared with 12 in 2015.

Corruption remained a problem among law enforcement bodies. In the first six months of 2016, police investigated 19 cases of corruption, compared with 174 cases in 2015. The GIBS reported this was the lowest number of such crimes since 1994 and may reflect a shift of criminal activities to cyberspace. Police also investigated 51 public figures for abuse of power.

The Ministry of Interior has a police ombudsperson who serves as a mediator within the ministry. All public safety personnel employed by the ministry, including civilians, can approach the ombudsperson with suspicions of possible wrongdoing or improper activities. The ombudsperson focused primarily on prevention, transparency, and repression. In cases of suspected criminal misconduct, she forwards the case to the GIBS, which investigates police officers. The law requires the police ombudsperson to share all information about cases with the GIBS upon request, which led to privacy and confidentiality concerns.

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.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons detained or arrested on criminal or other grounds were entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release/compensation if found to have been unlawfully detained.

### **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 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 filed 7,671 claims for agricultural property and 2,172 claims for nonagricultural property. Churches are also to receive compensation of 59 billion korunas (\$2.8 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, though 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.

In December 2016 the Prague Municipal Court overturned the acquittal of Jana Necasova, the wife and then chief of staff of former prime minister Petr Necas, as well as three military intelligence officers, on charges of corruption and unwarranted surveillance of Necas' former wife. The case was pending at the Prague District Court.

### **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 these rights. 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 without government restriction but there was a reported instance of a private media outlet restricting its reporters.

In January the National Council for Radio and Television Broadcasts (RRTV) cautioned public broadcaster Czech TV for violating the broadcasting law by presenting an unbalanced and biased report, *American Election Night*, in November 2016.

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. According to data from the Czech Statistical Office, more than 75 percent of households used high-speed internet during the year.

Authorities were increasingly willing to prosecute hate speech on the internet, although extremists often stymied their efforts by placing their pages on foreign servers beyond the reach of authorities. One such website, run by Slovak white supremacists, listed the names and addresses of many Czech lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons as well as Romani activists and advocates. In some cases, the supremacists hacked webpages, such as that of the Czech Helsinki Committee, and called for violence against individuals, such as the director of a major Romani NGO. In 2016 the courts fined several websites for publishing or allowing hate speech in internet discussions. Violations of the law on hate speech on the internet are punishable by up to three years in prison.

### **Academic Freedom and Cultural Events**

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

## **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedom of peaceful assembly and association. While the government generally respected these rights, there were complaints it unduly restricted freedom of peaceful assembly on one occasion.

### **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.

In May 2016 the Municipal Court in Prague received a complaint by citizens who wanted to stage a protest demonstration against the violation of human rights in China during the visit of the president of China to Prague in March. Although protesters announced the demonstration to authorities as required by law, police banned it upon the decision of the Prague municipality, allegedly for security reasons. The complainants claimed that the constitutional right to assembly could not be restricted by a decree, but only under the law on assembly. In March, the Municipal Court in Prague rejected the complaint, justifying the police ban as necessary to provide safety to persons in the square.

### **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/](http://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, vandalism, and inflammatory antimigrant rhetoric related to the European refugee and migrant crisis 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 or refugee status, and the government has established a system for providing protection to refugees.

According to Ministry of Interior statistics for the first half of the year, in 98.5 percent of all cases the length of asylum procedures met the requirements of the Law on Asylum that entered into force on January 1. In the remaining 1.5 percent of cases, applicants for asylum received information about the new deadline for completing the asylum process in compliance with the law. Under the new law, the Ministry of Interior should grant asylum within six months of the date the 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 denied such applications but reviewed all cases individually.

Freedom of Movement: As a result of implementation of a voluntary returns system, the length of detention of migrants and rejected asylum seekers in detention was shortened. Under the law, migrants facing deportation or waiting for voluntary repatriation can be detained for a maximum of 180 days. The average overall detention period was approximately 60 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 115 migrants detained in one facility in the country. According to the same report, during the year there were two families, each with one child, in a detention facility specifically designed for vulnerable groups of persons, individual women, and families with children. According to the Ministry of Interior there were no displaced children in the country during the year. The ombudsperson and NGOs reported significant improvement in conditions in detention facilities.

Durable Solutions: A national resettlement and integration program managed by the government in close cooperation with UNHCR continued. Under the *State Integration Plan* approved by the government in 2015, 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.

Following EU approval of a mechanism to relocate migrants and asylum seekers, the country relocated 12 Syrians from Greece in 2015. In addition, under an agreement between the EU and Turkey, the government originally agreed to resettle 1,301 persons from Turkey and 400 refugees from other countries, mainly from the Middle East. According to the Ministry of Interior, however, the government decided to suspend this resettlement due to security concerns.

The Ministry of Interior effectively used the system of voluntary returns. As of January 2017, the ministry realized 310 voluntary returns.

Temporary Protection: The government also provided temporary protection (called “subsidiary protection” in the EU) to individuals who may not qualify as refugees, assisting approximately 300 persons during the year. 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 1,502 persons in the country who fell under UNHCR’s statelessness mandate at the end of 2015. The Ministry of Interior reported 21 stateless persons who applied for international protection in

2016. The country did not grant refugee status to stateless persons but provided subsidiary protection in 16 cases in 2016. 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: On October 20 through 21, the country held parliamentary elections. In 2013 voters elected Milos Zeman to a five-year term as president in the country's first direct presidential election. Observers considered both elections free and fair, and there were no reports of any irregularities.

Participation of Women and Minorities: No laws limit the participation of women or minorities in the political process, and women and minorities did participate.

Roma participated in politics and were members of mainstream as well as Romani-specific political parties, although few of the country's estimated 300,000 Roma were integrated into political life. There were no Romani members of parliament, cabinet ministers, or Supreme Court justices. In the regional elections, Romani candidates had no success winning office. There were 59 Romani appointees to national and regional advisory councils dealing with Romani affairs. In April a Rom was appointed political deputy human rights minister.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials. An offender may face up to twelve years in prison and property forfeiture. The government generally implemented the law effectively, although officials sometimes engaged in corrupt practices with impunity.

Corruption: In May 2016 the High Court in Prague found Marek Dalik, a lobbyist and former advisor to former prime minister Mirek Topolanek, guilty of corruption. The case concerned the government's purchase of Pandur military armored vehicles from the Steyer Company. Dalik demanded an 18 million euro (\$21.6 million) payment from Steyer officials in exchange for mediating the

purchase. Dalik started his prison sentence in September 2016. Both Dalik and the supreme public prosecutor filed appeals to the Supreme Court, and in April the Supreme Court cancelled the verdict and returned the case to the High Court. In July the High Court pronounced a final sentence of five years in prison and 21.9 million koruna (\$1 million) in fines.

Financial Disclosure: The law obliges legislators, members of the cabinet, and other selected public officials to declare their assets annually. The public can view the declarations on a website, but access remained difficult because it required a time-sensitive password issued by the official's department. The information tended to be general and lacking in detail.

### **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.

Government Human Rights Bodies: Representatives from the Office of the Public Defender of Rights (ombudsperson) made regular visits to government and private facilities where residents had limited freedom of movement (that is prisons, orphanages, senior citizens' homes, and detention facilities), examining the treatment of individuals and monitoring respect for their fundamental rights. The office issued quarterly and annual reports on its activities in addition to reports and recommendations on topics of special concern to the government. The office operated without government or party interference and had adequate resources; human rights observers generally regarded it as effective and the conditions at the facilities are generally improving.

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

The Human Rights Ministry supported human rights without interference, and the Office of the Government supported several human rights-related councils.

### **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 15 years in prison for violations. The government effectively enforced these provisions.

NGOs noted in particular the underreporting of violence against women in immigrant communities, where victims often feared losing their immigration status. Some NGOs continued to offer increased social, legal, and psychological services to rape victims.

Domestic violence is punishable by up to three 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 six months of the year, police removed 1,022 offenders from their homes.

The law also provides protection against domestic violence to other persons living in the household, especially children and seniors.

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.

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, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

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 (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: NGOs estimated that 40,000 children experienced some form of violence each year. According to police and the Ministry of Interior, there were 259 cases filed in the first six months of the year, including for sexual abuse and commercial sex exploitation. Nine children died due to abuse or mistreatment in 2016. The Ministry of Labor and Social Affairs reported that in 2016 authorities removed 892 children from families and placed them in children's homes due to abuse or mistreatment.

Prison sentences for persons found guilty of child abuse range from five to 12 years in the case of the death of a 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 under 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 up to 18 years in the case of the death of the child. The law prohibits all forms of trafficking and prescribes punishments of up to 16 years' imprisonment for violations. These laws are effectively enforced. There were reports of children subjected to sex trafficking in the commercial sex industry.

In addition to strict punishments, the Ministry of Interior combats sexual exploitation of minors through seminars and lectures at schools and programs on public radio and television.

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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.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 around the country. The Ministry of Interior continued to monitor the activities of such groups, increase cooperation with police from neighboring countries, and shut down unauthorized rallies.

In 2016 the Ministry of Interior recorded 28 criminal offenses with anti-Semitic motives compared with 47 in 2015. A well-known anti-Semitic blogger continued his internet postings, including statements denying the Holocaust. In March he was sentenced to one year in prison with a two-year probation for incitement to hatred.

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 was designated as a cultural monument in 2016. A foreign philanthropist led efforts to restore the cemetery, which the Nazis had destroyed and which was later turned into a public park. A local school director's messages to parents, which mischaracterized the proposed restoration, alarmed them and led to 10 percent of the city's voters signing a petition against the project. The local mayor supported the petition, claiming the park provided needed access to a nearby school and residential parking. Soon thereafter, anti-Semitic hate speech appeared in social media and a local tabloid characterized the dispute as an orthodox Jewish attack on the city. Prime Minister Sobotka appointed his chief advisor, Vladimir Spidla, to mediate the dispute. In April a group of minors vandalized a symbolic tombstone of Rabbi Zvi Horowitz at Prostejov Cemetery; the case was dismissed due to the age of the perpetrators.

The government had 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/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government generally enforced these provisions. Nevertheless, persons with disabilities faced a shortage of public accommodations and were unemployed at disproportionately high rates. Most children with disabilities were able to attend mainstream primary and secondary schools and universities.

According to the law, only children with significant disabilities should attend special schools with specially trained teachers.

The ombudsperson is required to make regular visits to all 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 conducted such visits throughout the year. According to a report by the Ministry for Human Rights, during 2016 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. Only four of 25 government ministries and their branches met the requirement. 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 criticized.

## **National/Racial/Ethnic Minorities**

In the first half of the year, the Ministry of Interior reported 95 extremists were charged with criminal acts of violence or instigation of violence against national minorities, most often Roma. The authorities indicted 92 individuals.

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

In early 2016 a Romani NGO filed more than 10 criminal complaints against several social media sites for hate speech that targeted Roma and other minorities. The Prague 1 District Public Prosecution Office and police investigators opened investigations into four such cases; the cases are pending. According to the



Ministry of Interior, Roma were the victims of 25 criminal acts in 2016, compared with 33 in 2015.

In June the Czech Constitutional Court rejected a complaint filed by the town of Vsetin over its protracted dispute with Roma whom it evicted and forced to take up residence outside of the Zlin Region. The Romani evictees were seeking compensation from the town. The case was pending.

A white supremacist webpage registered outside the country listed the names and addresses of Romani activists and several high-profile individuals who either worked on Romani issues or expressed support for Roma in the past.

Only 24.3 percent of Romani children attended mainstream elementary school. The remaining Romani children attended special schools, which effectively segregated them into a substandard educational system.

Approximately one-third of Roma lived in “excluded localities” or ghettos. According to a 2015 report by the Ministry for Labor and Social Affairs, the number of ghettos doubled to 606 since 2006, and their population grew from 80,000 to 115,000.

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 supply housing on the allegedly bad reputation of Romani applicants from previous residences.

The Agency for Social Inclusion is responsible for implementing the government’s strategy to combat social exclusion, mainly among the Romani population. The minister for human rights and the minister for labor and social affairs made public statements in support of socially disadvantaged groups, in particular Roma, and advocated policies favorable to them within the government.

In July the owners of a controversial pig farm located on the site of a WWII Roma concentration camp in Lety announced that they had come to an agreement with the government to sell the farm for an undisclosed sum. According to the Ministry of Culture, the Museum of Roma Culture will build a memorial on the site.

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

The country has antidiscrimination laws that cover sexual orientation. In its report published in 2015, the European Commission against Racial Intolerance criticized the country for not having specific hate crime provisions covering sexual orientation and gender identity.

NGO contacts reported the number of incidents of violence based on sexual orientation was very low. Local LGBTI activists stated that citizens were largely tolerant of LGBTI persons.

### **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 health and dental care, and wrongful termination of employment or discrimination during the hiring process. The government took no action in most cases, since individuals with HIV/AIDS often preferred to keep their status confidential rather than file a complaint. HIV/AIDS is classified as a disability under the anti-discrimination law, which contributes to the stigmatization of and discrimination against HIV-positive individuals.

### **Other Societal Violence and Discrimination**

According to BIS (Security Intelligence Service) 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. NGOs reported instances of hate speech related to migration. Some politicians, including the president, the deputy prime minister, members of parliament, senators, and local politicians across the political spectrum, used antimigrant rhetoric with Muslims the main target.

Although the government publicly condemned anti-Islamic rhetoric, President Zeman continued to criticize Islam, calling it a “religion of death, and Islamic anticivilization.”

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

## **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. It permits them to conduct their activities without interference. The right to associate freely covers 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, following the trend of the previous several years. CMKOS reported a number of violations and cases of discrimination and unequal treatment, including employers raising administrative obstacles to collective bargaining; making unauthorized, unilateral wage changes; and threatening to dismiss employees who asserted their union rights, refused to terminate union activities, or attempted to form unions. 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 without a regular work agreement during a “trial period,” paying them only a minimum wage with the remaining amount provided “under the table” or not paying wages on time in violation of the labor law. Nevertheless, proving a violation of the law was difficult. Employees, union as well as nonunion, 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 moved to positions with poorer working conditions, regardless of the positive macroeconomics situation which includes low unemployment and a labor shortage. Employees would usually file complaints only if the employer stopped paying wages, their jobs were immediately threatened, or after a job loss.

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 targeted wages, obstacles in collective bargaining, excessive overtime, premium pay for overtime, concerns about the closure of a business without a follow-on social program, including reasonable compensation for disadvantaged employees such as single parent employees, or intended layoffs.

## **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.

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. Resources, inspections, and remediation were adequate. Penalties for violations were sufficient to deter violations.

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 seven victims of forced labor in the first eight months of the year. 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 [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

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 under 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 under 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 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. According to the 2015 analysis of socially excluded localities in the country conducted by the Gabal Analysis Company, unemployment within the Roma community was high, especially in socially excluded localities where it amounted to 80-85 percent. In the rest of the country, Romani unemployment was 39 percent, while among the non-Roma the rate was 3.3 percent.

In 2016 the SBLI conducted checks for unequal treatment and discrimination and imposed penalties 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.

In 2016 women made up 44 percent of the nonagricultural workforce. Women's salaries lagged behind those of men by approximately 24 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.

The government generally enforced the antidiscrimination laws involving employment effectively. According to the ombudsman's report, discrimination occurred in job advertisements, which mentioned criteria such as age, gender, physical disability, and nationality. 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.

#### **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, and construction industries. Inspectors conducted numerous inspections in selected, seasonal businesses, including outdoor swimming parks, ski resorts, gasoline stations, and service stations. 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 police.

Employers sometimes ignored standard work conditions requirements in situations involving migrant workers. More than 90 percent of migrant workers were Ukrainians, followed by Moldovans and Vietnamese. Migrant workers were most frequently employed in the construction industry and forestry. Many worked in the so-called shadow economy with no work permits and often faced hazardous and exploitative working conditions. 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 and were subjected to undignified treatment by these agencies. 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, primarily in the construction, manufacturing, transportation, agricultural, forestry, and heavy machine industries. The inspections occurred both proactively and in response to complaints. Authorities imposed penalties that were sufficient to deter violations.

In 2016 the number of registered injuries in the workplace increased by 1 percent from 2015. Fatal accidents decreased by 0.8 percent during 2016. The vast majority of workplace injuries and deaths occurred in the mining, 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 and/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 aimed to enforce this standard consistently.