

# CZECH REPUBLIC 2019 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 parliamentary elections in 2017. Observers considered both 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 (GIBS) 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. GIBS 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.

Significant human rights issues included crimes involving violence or threats of violence against members of the Romani community, foreign nationals, and some NGO representatives.

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.

#### **b. Disappearance**

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

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

The law prohibits such practices. In May the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its October 2018 visit to the country that assessed the treatment and safeguards afforded to individuals detained by police, and examined several prisons, a psychiatric hospital, and a facility managed by social services. CPT criticized laws allowing detained persons to be handcuffed to fixed objects in certain circumstances.

In 2017 GIBS investigated two police officers from Ceske Budejovice, who were later charged with felonies for torturing a handcuffed 32-year-old 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 charged officers committed suicide in December 2018. The Regional Prosecutor's Office indicted the second officer in May; his case was pending. The Romani man was released after the officers were charged.

The CPT, as well as the Office of the Public Defender of Rights (ombudsperson), noted occasional reports of excessive use of power (i.e., kicks and unduly tight handcuffing) by police, especially during arrests, as well as incidents of verbal abuse of a racist or xenophobic nature. The CPT also criticized laws allowing detained persons to be handcuffed to fixed objects in certain circumstances.

In August 2018 two male officers reportedly slapped and punched a female prison inmate in the face and kicked her left ear after she refused to get up from her bed and reportedly verbally and physically assaulted prison officers. The prisoner had a history of mental health problems. A doctor and dentist provided treatment for a broken tooth, and the case was reported to GIBS and the Regional Public Prosecutor's Office. GIBS concluded in February that no criminal offense was committed by staff. An internal investigation in the prison also concluded no administrative offense was committed.

### **Prison and Detention Center Conditions**

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

Observers criticized the length of immigration detention for families with children, as it took weeks on average to adjudicate a case.

Physical Conditions: Prison overcrowding remained a problem. Facilities for male prisoners were at almost 103 percent of capacity in the first eight months of the year, a slight decrease from 2018. Observers noted the change was due to an increased use of alternative punishments, such as financial penalties and house arrests. Several prisons, however, were at more than 120 percent of capacity.

According to the Prison Service, there were 40 deaths in prisons and detention facilities in 2018. Authorities ruled 13 deaths were suicides, and 24 were still under investigation. The rest were ruled to be due to natural causes.

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

The CPT criticized the frequent practice of handcuffing prisoners during medical consultations in outside healthcare facilities and the length of solitary confinement.

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.

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. The ombudsperson raised concerns about police refusal to allow a monitoring officer to accompany expelled foreign nationals in escort vehicles, as required by law.

Improvements: The CPT reported increased employment in some prisons. The Ministry of Justice continued testing a pilot project for an “open” prison facility without cells and house arrests with the use of electronic bracelets.

Conditions in government-run migrant detention facilities improved. Children remained with their families in one facility for irregular migrants but were able to leave the facility when accompanied by staff.

#### **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 September 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) for influencing the trial of several Vietnamese tried for suspected drug crimes.

The Judiciary Subcommittee of the Chamber of Deputies reviewed President Zeman's senior advisor in February for attempting to influence the decisions of judges in key courts. The subcommittee concluded the Supreme Administrative Court and the Constitutional Court's independence were not endangered. The subcommittee's determination the meetings were acceptable remained controversial.

### **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.

### **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. 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.

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 the restitution of private and religious property confiscated during Nazi occupation or the communist era. 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. Religious groups are to receive 59 billion crowns (\$2.6 billion) in compensation over a 30-year period to pay for property seized during communism that cannot be returned. In May President Zeman signed legislation introduced by the Communist Party that allowed all financial compensation paid to religious organizations to be taxed. In October the Constitutional Court struck down the legislation, noting that, while the state has the right to levy a tax in order to raise revenue, the objective in this case was to decrease financial compensation paid to religious groups.

Local NGOs and advocacy groups reported the government made significant progress on the resolution of Holocaust-era claims, including for foreign citizens, although outstanding claims remain. Some international NGOs continued to push for more progress, particularly on the 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 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 Expression: 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.

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 (SPD) 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.

The law prohibits elected officials from controlling media properties while in office. Prime Minister Babis placed ownership of his media assets in a trust fund in 2017. Critics alleged this situation could encourage self-censorship with respect to media coverage of the government.

Transparency International lodged an administrative complaint against Prime Minister Babis in August 2018, alleging that, despite moving his commercial holdings into two trusts in early 2017, Babis still controlled media properties. In January the municipal office where Babis resided determined he had a conflict of interest and imposed a fine of 200,000 crowns (\$8,600). The initial ruling was overruled twice by a higher court who halted the proceedings in September, stating it could not prove the prime minister influenced media through his company. Transparency International stated it would file a request with the Ministry of Justice 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 February Charles University initiated a second administrative appeal regarding President Zeman's refusal to appoint two professors, first in 2015 and again in 2018. The Municipal Court overturned President Zeman's 2015 decision in November 2018, noting at the time executive bodies do not have the authority to assess a candidate's qualifications following the regular nomination process.

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

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

### **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.

### **e. Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

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



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.

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.

According to the Ministry of Interior, during the first eight months of the year the average length of asylum procedures was 73 days. The length of asylum procedures in 90 percent of all 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. Under the law, the Ministry of Interior should decide on asylum cases within six months if the applicant has submitted all required documents. Observers criticized the length and substance of some decisions.

The ombudsperson's office issued an official complaint in February criticizing the Ministry of Interior for exceeding the legal deadlines for processing asylum applications for 78 Chinese Christians who filed asylum requests in 2016. The office also stated the ministry failed to inform parties about the deadline extension. In February 2018 the ministry granted asylum to eight individuals and rejected the remaining applications. According to ministry officials, the 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 April the Constitutional Court ruled former justice minister Robert Pelikan's March 2018 decision to extradite Russian hacker Yevgeny Nikulin violated Nikulin's rights because his asylum claim was still in process. The ruling prevents future extraditions from occurring while an asylum claim is still in process.

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. Authorities added 12 countries to the list of safe countries in March.

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 or waiting for voluntary repatriation because of ordered deportation can 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 75 migrants in detention facilities in the country. Five migrants were in a detention facility specifically designed for vulnerable groups, single women without children, and families with children. The Ministry of Interior reported there were no displaced children in the country during the year.

In December 2018 the Constitutional Court annulled some parts of the 2017 amendment to the foreigners' law ruling courts must still review the legality of detaining foreign nationals even after their release or deportation to ensure they were not detained illegally despite an attempt by the government to eliminate this procedure. The Constitutional Court also annulled a provision that halted foreign nationals' temporary or permanent residence proceedings if it became apparent they were in the country illegally or had a deportation order.

Durable Solutions: 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. In July the government amended the foreigners' law to include government funding for integration centers beginning July 2020. The centers were previously dependent on EU funding.

The Ministry of Interior runs a long-term program to resettle vulnerable persons with Czech roots back in the Czech Republic. Under the program, the ministry in 2018 resettled approximately 2,000 persons from Ukraine and Venezuela.

The Ministry of Interior started its own assisted voluntary return program in 2017 and effectively used it to help 378 individuals return to their country of origin in

2018. As of September 1, approximately 222 individuals had been voluntarily returned to their countries of origin in 2019.

Temporary Protection: The government provided temporary protection (called “subsidiary protection” in the EU) to individuals who may not qualify as refugees. As of September 1, subsidiary protection was granted to 66 individuals 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.

In July the Ministry of Interior granted subsidiary protection to eight Taiwanese fraud suspects detained in Prague. The group was arrested in February 2018 following a Chinese Interpol notice that it had defrauded Chinese women in Australia. The Prague High Court ruled in June the suspects could be extradited from the Czech Republic to China. The Ministry of Interior granted them subsidiary protection due to concerns they would not receive a fair trial in China.

#### **g. Stateless Persons**

The Ministry of Interior reported 521 stateless persons in the country at the end of 2018. UNHCR, however, estimated there were 1,502 persons that fell under its statelessness mandate at the end of 2018. The ministry reported 10 stateless persons applied for international protection and seven were granted subsidiary protection by September. The country did not have a legal definition and determination procedure. Stateless persons who do not possess a permanent residency permit were not entitled to receive an identity document. Under certain circumstances, stateless persons can obtain citizenship.

### **Section 3. Freedom to Participate in the Political Process**

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

#### **Elections and Political Participation**

Recent Elections: In January 2018 voters re-elected Milos Zeman to a five-year term as president in the country’s second direct presidential election. The country held parliamentary elections in 2017. Observers considered both elections free and fair, and there were no reports of significant irregularities.

Participation of Women and Minorities: No laws limit the participation of women or minorities in the political process. Women and minorities remained underrepresented in elected bodies. Four out of 15 government ministries are headed by women. Women make 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 justices. There were some Romani appointees to national and regional advisory councils dealing with Romani affairs. Roma were elected to 13 seats in local governments.

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

The law provides criminal penalties for corruption by officials, 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. Court procedures were administratively demanding, and courts sometimes artificially prolonged the cases to allow lower sentencing.

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.

In December the government passed legislation intended to prevent political candidates or close acquaintances from filling positions on supervisory boards in state-owned companies, beginning January 1, 2020. Candidates for these positions are to be selected in a clear, transparent process that prioritizes technical expertise and is reviewed by an advisory committee.

After 14 years of criminal proceedings, Judge Jiri Berka was sentenced to eight and a half years in prison in November 2018. He was arrested in 2005 on charges of criminal conspiracy and fraud for falsifying the bankruptcies of 10 companies, causing damages worth 264 million crowns (\$11.3 million). The appeals court lowered the penalty to seven years due to the length of the procedure, and Berka began serving his sentence in April.

On October 7, David Rath, a former minister of health and former governor of Central Bohemia, began serving a seven-year sentence after a four-year appeals process. Rath was sentenced in 2015 to seven years in prison and fined 10 million crowns (\$430,000) on charges of accepting a seven million crown (\$300,000) bribe in 2012. Observers criticized the case's length despite the existence of strong supportive evidence.

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

Corruption: In November the European Commission (EC) delivered a final audit examining Prime Minister Babis' potential conflict of interest due to his alleged continued control over his Agrofert conglomerate, which had been transferred into trust funds in 2017. As of year's end, the results of the audit had not officially been made public; the government is required to respond to the report in early 2020. In a separate case, Czech prosecutors reopened legal proceedings in December to review allegations that he had improperly received agricultural subsidies from the European Union.

Financial Disclosure: Public officials' asset declarations are available on the internet in a limited form or by request submitted to the Ministry of Justice. The Ministry of Justice can impose penalties of up to 50,000 crowns (\$2,000) for noncompliance, but many politicians either did not 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.

An amendment to the Free Access to Information law was passed in March that introduced new measures to strengthen citizens' right to information beginning in 2020. Under the new law, citizens would be able to request a higher-ranking office to compel a subordinate office to provide requested information, absent grounds for refusal. The Office for Personal Data Protection would now have the right to issue similar orders and to review decisions not to provide information.

Parliament amended the Registry of Public Contracts law in June and partially canceled exceptions for major state-owned companies, such as Czech Energy Company, Czech Railways, Prague Gas Company, and others. As of November 1, the companies were obliged to publish all private and grant contracts or repayable financial assistance at the registry if not subject to other exceptions, such as

contracts with a value of 50,000 crowns (\$2,000) or less. Observers complained sponsorship contracts, legal advisory, and media services would be excluded. 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. Additional proposals to restructure state financing for NGOs resulted in general uncertainty about future funding.

Government Human Rights Bodies: The government abolished the position of minister for human rights in 2018. The director of the Section for Human Rights at the Office of the Government holds the title of commissioner for human rights.

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

The ombudsperson operated without government or party interference and had adequate resources. Human rights observers generally regarded the ombudsperson as effective. The office issued quarterly and annual reports to the government on its activities in addition to reports and recommendations on topics of special concern. The most frequent discrimination complaints reported to the ombudsperson related to ethnic, disability, and age-based discrimination.

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

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

#### **Women**

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

Observers reported prosecutors and judges often lacked knowledge on the subject and that there was 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.

In March the Regional Court in Ostrava reduced the punishment from 33 months in prison to probation for a man who sexually abused his daughters. One of the daughters reported the case to police after another daughter, who was mentally handicapped, became pregnant. The court asserted the man needed to take care of the newborn baby.

The government announced in September it would cut funding by 70 percent for all NGOs working on gender issues. NGOs reported the cuts would lead to their closure or very limited services affecting not only lobbying for equal opportunities for women and men, but also other services they provide such as counseling and legal support to sexually abused women or victims of domestic violence.

NGOs reported some gynecological offices did not provide services to rape victims because they did not have access to rape kits and referred them to local hospitals. Once at a hospital, some staff told victims they needed either a police report or to come back with a police officer before they could conduct a rape examination.

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 1,282 offenders from their homes in 2018.

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.

The Vodafone Foundation, police, and the NGO Rosa launched a new mobile application, Bright Sky CZ, in October. 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.

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. The government agreed at the end of 2018 to reconsider compensating women who were involuntarily sterilized in the 1990s and early 2000s. Although the statute of limitations expired, the government was also considering a law that would frame conditions for such compensation and financial limits. Most sterilized women were Romani.

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.).

## **Children**

Although the number of children growing up in institutions has declined from 10,000 in 2011 to 8,500 in 2018, the Czech Helsinki Committee 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 made the reform process slow.

In February police detained a 20-year-old man in Louny suspected of violent behavior that resulted in the death of his girlfriend's three-year-old son. According



to observers, police did not take proper steps to prevent the death despite making several visits to the family.

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 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, although a 2018 UNICEF survey suggested 14 percent (175,000) of children may have suffered family violence. NGOs estimated 40,000 children experience some form of violence each year. Experts estimated 10 to 15 percent of those children received professional care. In 2018 the Ministry of Labor and Social Affairs reported authorities removed approximately 590 children from their parents based on court decisions due to abuse, exploitation, or mistreatment, which was 11 percent more than the previous year. Four children died due to abuse or mistreatment.

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.

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.

The Ministry of Interior recorded 15 criminal offenses related to anti-Semitism in 2018. The Supreme Court rejected an appeal from a man who previously received a suspended two-year prison sentence for incitement to hatred, libel, and genocide denial in August.

The Prague Municipal Court upheld the suspended one-year prison sentence for former Freedom and Direct Democracy Party (SPD) secretary Jaroslav Stanik in September. In October 2017 Stanik stated that Roma, Jews, and homosexuals should be shot at birth.

The government approved the 2019 *Counter Extremism and Hate Crime Strategy* in May that emphasized communication, prevention, and education to combat hostility and discrimination toward the Romani community and others. 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 accommodations. Economic growth and measures to increase employment opportunities for persons with disabilities led to a significant decrease in the number of unemployed disabled persons.

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

The Prague Municipal Court ruled a handicapped student had the right to a special assistant at a mainstream school. The court also ruled that the government must reimburse the parents for funding the special assistant because the school and region did not have sufficient funding.

The ombudsperson's office became a monitoring body under the UN Convention on the Rights of Persons with Disabilities in June 2018. The ombudsperson made visits to governmental and private workplaces employing incarcerated or institutionalized persons, including persons with disabilities, to examine conditions, assure respect for fundamental rights, and advocate for improved protection against mistreatment. The ombudsperson criticized workplace discrimination against persons with disabilities and the low availability of dental services for persons with mental disabilities, especially for persons on the autism spectrum who need examinations under general anesthesia.

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 more than 30 percent of proven discrimination cases from 2009 to 2018 were due to disabilities.

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

There were approximately 300,000 Roma in the country, and many faced varying levels of discrimination in education, employment, and housing, 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 April police investigated a man and woman for brutally assaulting five Romani children in Lipnik na Becnou. Two children received hospital treatment. The man and woman were charged in September with three felonies and faced up to five years in prison if convicted.

Despite approved legislative measures to promote integrated education, the estimated share of Romani children educated in special needs programs decreased from 13.2 percent to 12.7 percent in the last three years, compared to 1.1 percent of non-Romani students who were educated in special programs.

In September the ombudsperson and several NGOs, including Amnesty International, criticized an amendment to the Ministerial Decree on Special Education that decreased the maximum number of special assistants per classroom. The amendment omitted a provision stipulating that disabled students be educated in mainstream schools and enabled more special schools to be created for students with various kinds of disabilities, including mild mental disabilities. Observers asserted the amendment hindered progressive steps toward inclusive education. Future funding supporting Romani desegregation in schools and special needs students was uncertain.

Approximately one-third of Roma lived in socially excluded communities. While the law prohibits housing discrimination based on ethnicity, NGOs stated some municipalities discriminated against certain socially disadvantaged groups, primarily Roma, and based their decisions not to provide housing on the allegedly bad reputation of Roma. Unemployment in these communities was 31 percent, compared to 6 percent or less in nearby areas.

The 2017 amendment to the law addressing poverty, which was intended to solve housing problems, had the opposite effect in some cases. The amendment reduced government housing subsidies in areas that cities designated as undesirable for a variety of reasons, including poor living conditions and high crime. Some cities began to use this designation as an instrument to push Roma and other low-income citizens into a city's periphery. Several senators initiated a constitutional complaint and requested the Senate to annul certain provisions of the law. The case was pending at the end of September.

The government decided in April to launch an investment program focused on building new public housing units and providing social services through two

projects totaling 1.35 billion crowns (\$58 million). In December the city of Most approved funding to build housing out of shipping containers in the Chanov housing division. The ombudsperson and the Agency for Social Inclusion previously criticized the plan on the grounds it would contribute to residential segregation. The Agency for Social Inclusion also called for Chanov's gradual closure.

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

In April the Constitutional Court ruled a lower court was wrong not to consider Romani singer Radoslav Banga an injured party from racist online posts or to ask for his testimony during trial. 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 one commenter on Facebook called for a "white homeland" and for minorities to be sent to gas chambers. Authorities identified the commenter, a student, who was subsequently sentenced to 100 hours of community service for displaying sympathy towards a movement aimed at suppressing human rights and freedoms.

In the months following President Zeman's September 2018 comment suggesting Roma chose not to work, approximately 9,000 Roma posted photos of themselves working.

In 2018 the government bought a pig farm located on the site of a WWII-era concentration camp for Roma in Lety for 450 million crowns (\$18 million) and officially handed it over to the Museum of Romani Culture to build a memorial to Romani Holocaust victims. The Ministry of Culture also provided the museum with a facility in September to open a Roma and Sinti Center in Prague by 2023.

In August Communist leader Vojtech Filip blamed rising pork prices on the pig farm's closure. Filip claimed on Twitter the closure lowered pork production by 30 percent and questioned whether the pig farm overlapped with the former WWII site. His comments were denounced by the Museum of Romani Culture.

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

The country has antidiscrimination laws that prohibit discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in housing, employment, 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.

In May the ombudsperson issued the results of a survey on LGBTI rights. Approximately half of LGBTI persons surveyed reported believing lesbians and gays were able to live as they wish, while a third believed this was true for transgender persons. Among transgender persons, 86 percent reported experiencing discrimination in the last five years, compared to 58 percent of lesbian and 33 percent of gay persons. More than a third of LGBTI persons surveyed 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.

During Prague Pride Week in August, an individual set fire to a rainbow flag and fired flares at visitors to Pride Village--the main site of Prague Pride activities. The night before the event's parade, 20 liters of oil were poured onto a staircase near the end of the parade route. Pride week organizers also reported a similar incident at a gay nightclub in Ostrava during Ostrava Pride Week. Prague municipal cleaning services removed the oil before the parade, and police were investigating the incidents. Police also detained 10 far-right protesters who attempted to assault parade participants.

Transgender individuals are required to be sterilized in order 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 should submit amendments to relevant laws. In May the Supreme Administrative Court ruled, contrary to the European Court for Human Rights, the sterilization requirement was legitimate.

### **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 several cases of discrimination, primarily in access to health care, especially due to the legal

requirement to inform every doctor when a patient is HIV-positive. The cases were usually unsolved or ended in mediation. HIV/AIDS is classified as a disability under the antidiscrimination law, which contributed to the stigmatization of and discrimination against HIV-positive individuals. Individuals with HIV/AIDS often preferred to keep their status confidential rather than file a complaint, which observers believed led to underreporting the problem. The Czech AIDS Help Society noted most insurance companies did not provide health insurance to persons with HIV/AIDS.

The Czech AIDS Help Society reported the judicial system lacked qualified experts knowledgeable about technical HIV/AIDS issues. At the end of 2018, the NGO successfully lobbied to a regional health office in Prague to change procedures that previously resulted in some persons with HIV/AIDS receiving fines that year for unsafe sexual health practices.

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

Observers noted an increase in discrimination against foreign nationals as well as hate or violence against individuals with different political views. There were frequent verbal, online, and sometimes physical attacks on human rights activists, NGO representatives, and some politicians. Observers reported hate crimes were not sufficiently recognized by police, prosecutors, and judges, who often lacked either will or adequate knowledge.

After several racist online attacks in January against Czech-Ethiopian MP Dominik Feri that did not lead to any prosecution, two men attacked Feri at an event in April. Feri was hospitalized with light injuries. Although a witness heard one of the attackers address Feri using a racial slur, the prosecutor did not believe race played a factor in the assault. The prosecutor elected to postpone indicting the attackers. If the attackers do not commit a crime or misdemeanor within 15 months, the case will not go to court. Feri stated he did not intend to file a complaint and that the prosecutor's solution was "sufficient."

The director of an NGO that provides legal support to hate crime victims was the victim of online attacks, including death threats, on Facebook in two separate cases in 2017 and 2018. Police initially considered the first case a minor offense and imposed a 5,000 crown (\$200) fine. In the second case, an appeals court downgraded the case to a misdemeanor and moved the case to the local government at the beginning of the year. In both instances, prosecutors did not

believe the director was in danger, either because the posts were not on her personal profile or because she did not block the commenter.

In 2014 a hotel owner in Ostrava was fined 50,000 crowns (\$2,100) for refusing to accommodate Russian tourists unless they signed a form condemning the Russian government's 2014 occupation of Crimea. The owner appealed, and the Supreme Administrative Court ruled discrimination occurred but agreed to lower the fine. In April a Constitutional Court judge reviewed the owner's constitutional appeal and ruled business owners are free to refuse their services based on their personal opinion.

NGOs actively worked to combat anti-Muslim attitudes, although violence and hate against Muslims and their allies remained widespread. A prosecutor indicted a couple in June for the July 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. The case was pending. An anonymous person posted an article in reaction to the investigation, calling for the investigating officer to be killed and containing false information about the case. Although police began investigating the case, it was ultimately dropped.

In December the Supreme Court overturned the Prague Municipal Court's 2017 decision that a female Muslim student could not wear a hijab to a secondary medical school. The court stated religious pluralism must be respected.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides workers 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 must 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. 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. 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, the 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 Confederation of Trade Unions (CMKOS) reported violations of the labor law and trade union rules continued during the year. 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.

Union and nonunion employees often preferred to switch jobs rather than file a formal complaint. Employees would usually file complaints only if the employer stopped paying wages.

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 all forms of forced or compulsory labor, and the government effectively enforced these prohibitions. Resources, inspections, and remediation were adequate. Penalties were sufficient to deter violations.

Forced labor trafficking is the second most common form of trafficking after sex trafficking. There were reports men and women, including migrant workers, were subject to forced labor trafficking, typically through debt bondage. The Ministry of Interior reported 11 total victims (all women) of trafficking in 2018, compared to 14 victims (10 women and four men) in 2017. The victims were from the Philippines, Romania, Sierra Leone, the Slovak Republic, and Ukraine. Private labor agencies often used deceptive practices to recruit workers from abroad, as well as from inside the country, despite very high demand in the country's labor market. Foreign applicants that used private labor agencies mostly came from Romania, Bulgaria, the Philippines, and Nepal. Forced laborers often worked in the construction industry or seasonal types of work.

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 only work 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 for infringement of these laws and regulations were sufficient to deter 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.

The SBLI conducted checks for unequal treatment and discrimination in 2018 and imposed penalties for violations of discrimination laws, mostly noncompliance with the requirement to employ a specific number of persons with disabilities, gender and age-based discrimination, or the publication of discriminatory job advertisements. The SBLI recorded a decrease in unequal treatment and discrimination at work in 2018 compared to 2017. According to CMKOS, labor discrimination cases usually involved gender pay gaps.

Women's salaries lagged behind men's by approximately 22 percent.

In March Prague Gas, a state-owned company, apologized to a woman for discriminating against her while selecting a new financial manager. The woman sued in 2006 and requested an apology, appointment to the position, and financial compensation of one million crowns (\$43,000). In 2017 a court ordered the company to apologize, and the appellate court upheld the decision in November 2018. The courts rejected the woman's other claims. She asked the Supreme Court to review the decision.

At the beginning of the year, the Prague Municipal Court ruled a woman who was demoted from a management position two days before starting maternity leave faced gender discrimination. The court ordered a public apology and for a new judge to review the case, criticizing the previous judge for not requiring the Office of the Government to prove the woman was demoted for bad performance. The victim was the former head of the human rights section at the Office of the Government in 2011.

Associations supporting HIV-positive individuals reported cases of 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.

In November 2017 the Prague Municipal Court upheld the classification of HIV as a disability following the wrongful termination of an HIV-positive police officer.

The court also stated the termination was in line with an applicable internal ministerial decree. The Supreme Court reversed the Municipal Court's ruling in October 2018 and returned the case to the police president for final decision.

According to an ombudsperson's report, discrimination at work accounted for the greatest number of complaints delivered to the ombudsperson's office in 2018. Racial and ethnic discrimination made up the largest category of complaints followed by discrimination based on disability or age.

### **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.

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

Employers sometimes ignored standard requirements for work conditions in situations involving migrant workers. Relatively unskilled foreign workers from less developed countries were sometimes dependent on temporary employment agencies to find and retain work. Migrants sometimes worked in substandard

conditions. Most commonly, salaries were paid to the agencies, which then garnished them, resulting in workers receiving subminimum wages, working overtime without proper compensation, or working without compensation. Since migrant workers seldom filed formal complaints of such abuses, authorities had few opportunities to intervene.

There were 44,365 registered workplace injuries in 2018, 576 fewer than 2017. There were 123 fatal accidents in 2018, compared to 95 in 2017, largely due to a mining accident. Most workplace injuries and deaths occurred in the agriculture, forestry, transport, construction, warehousing, and processing industries. According to the SBLI, the most common causes of injuries or fatal incidents included: underestimated risk, falls from height, irresponsible application of dangerous work procedures and techniques, unauthorized conduct or remaining in hazardous zones, and failure to observe safety instructions.

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