

# CZECH REPUBLIC 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Czech Republic is a multi-party 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. In January voters elected Milos Zeman to a five-year term in the country's first-ever direct presidential election. Previously, parliaments elected presidents every five years. In the wake of the June collapse of the previously elected government, the Chamber of Deputies dissolved itself, triggering early elections that took place on October 25-26. Observers considered the elections free and fair. The two parties gaining the most seats, the Czech Social Democratic Party and the Action of Dissatisfied Citizens, formed a coalition government with the Christian Democrats. Authorities maintained effective control over the security forces. Security forces did not commit human rights abuses.

During the year societal discrimination and violence against the country's Romani population was a serious problem, and human rights observers criticized the government's efforts to address it as inadequate. Official corruption remained a problem, despite enforcement efforts.

Other human rights problems included violence against women; sexual and other abuse of children; anti-Semitism; trafficking in persons, particularly labor trafficking and exploitation; and discrimination against labor unions and migrant workers.

The government took steps to prosecute and punish officials who committed abuses in the security services and elsewhere in the government, but impunity persisted in some areas.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

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

#### **b. Disappearance**

There were no reports of politically motivated disappearances, kidnappings, or abductions.

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

The law prohibits such practices, and there were no reports during the year that government officials employed them.

Although the government abolished the use of net and cage beds in long-term care facilities in 2004, psychiatric hospitals continued to use them. The Ministry of Health strictly regulated their use. In May a Supreme Court decision returned to the Prague Municipal Court the case of a girl who died in a net bed in 2006. The girl's mother filed a lawsuit against the psychiatric hospital in Bohnice, claiming that the institution neglected treatment of the girl on the day she died and generally overused the net beds. Moreover, the mother claimed the hospital violated her daughter's human dignity by shaving her head and fixing her to a mobile restroom for an extended period. The Supreme Court ruled that it was incorrect to assume that the boundaries of human dignity are different for people with serious mental illnesses than for healthy people.

The human rights commissioner stated in August that there were no new cases of surgical castration of imprisoned sex offenders. In April 2012 a new health services law came into force that effectively reduced the number of surgical castrations of imprisoned sex offenders by tightening the rules governing the practice. For example, officials may order castration only upon the subject's written application and with the agreement of an expert committee. The new law also states that surgical castration would not qualify an imprisoned sex offender for release.

In February 2012 the government's Human Rights Council approved a resolution recommending the government provide ex-gratia compensation to women sterilized without their fully informed consent between 1971 and 1991. The majority of women eligible for compensation were Roma. The country has a three-year statute of limitations on filing lawsuits in such cases, and a debate continued whether this applies in cases where the woman was unaware of her sterilization until much later. The council recommended compensating women who did not have a reasonable opportunity to seek redress through the courts. In November 2012 the government reached an out-of-court settlement awarding

10,000 euros (\$14,000) to a victim of forced sterilization before the European Court of Human Rights (ECHR) could issue a final decision in the case. Discussion in the government continued on how to compensate the victims as a group.

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

In January a large presidential amnesty temporarily solved the problem of prison overcrowding, but some substandard sanitary conditions and security risks persisted.

Physical Conditions: Shortly before leaving office in March, President Klaus issued a blanket amnesty that released more than 6,400 prisoners. This temporarily resolved the perennial problem of prison overcrowding but did not improve services to prisoners, since the government cut the prison staff proportionally. At the beginning of August, the total prison population was 16,331, or 78 percent of the intended capacity of 20,844 inmates, a decrease of 33 percent compared with 2012. Facilities that held detainees prior to sentencing were at 93 percent of capacity. Facilities for holding prisoners serving their sentences were at 76 percent capacity.

Of the persons in the country's detention and prison facilities as of August, 896 were women and 110 were juveniles. Pretrial detainees of both sexes, held separately, were 14 percent of the total. Juveniles were not housed with adults. There were no reports of worse prison conditions for women than for men.

In the first six months of the year, there were 11 deaths in prisons and four in a detention facility. The deaths were reportedly all due to natural causes. Prisoners had access to potable water, but limited access to hot water was a sanitation problem, since prison authorities permitted only prisoners who worked and menstruating women to take hot showers daily. All other prisoners could take hot showers only once a week.

The Czech Helsinki Committee visited six pretrial detention centers in 2012 and concluded that the conditions were worse than in regular prisons. The committee received more than 600 complaints in 2012, most of them criticizing access to healthcare and unhygienic conditions. Prisoners complained that the prison staff accompanied them during visits to the doctor, not allowing for privacy. In addition, prisoners had to pay a standard fee of 30 koruna (\$1.50) for every doctor's appointment and each prescription, in addition to insurance fees.

According to the committee, in some cases in which prisoners did not pay the fee, prison doctors refused to treat them. Different detention facilities applied different standards when informing detainees of their right to access health care.

The ombudsman criticized the practice of body cavity searches aimed at preventing inmates from smuggling cell phones, weapons, and drugs into prisons. The ombudsman did not object to the searches as such, but maintained that officials should subject inmates to the strictest types of search only in well-founded cases.

Administration: There were no reports of inadequate recordkeeping in the prison system. The law allows house arrest and alternative sentencing. Officials used these mechanisms in 115 cases in the first half of the year and in 444 cases in 2012. Individual prisons did not have ombudsmen, but the Office of the Ombudsman investigates prisoner complaints throughout the system.

Prisoners and detainees had reasonable access to visitors (three hours per week) and could attend religious services. Authorities permitted prisoners and detainees to submit complaints to the Office of the Ombudsman without censorship, and the ombudsman investigated credible allegations of inhumane conditions in addition to his routine prison visits. In the first six months of the year, representatives of the ombudsman visited 15 detention facilities. The Ministry of Justice, which oversees the prison system, also inspected prisons throughout the year.

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

#### **d. Arbitrary Arrest or Detention**

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

#### **Role of the Police and Security Apparatus**

The national police, who report to the Ministry of Interior, are responsible for enforcing the law and maintaining public order. The General Inspectorate of Security Forces in the Office of the Prime Minister oversees the police, customs, and prison service, and is responsible for investigating allegations of misconduct. In 2012, 231 inspectors across the country opened proceedings in 118 cases.

Inspectors investigate allegations of misconduct, as well as carry out “responsibility tests,” or sting operations, to catch violators in action.

Corruption remained a problem among law enforcement bodies. According to the new inspectorate, the most common type of corruption in the internal security forces was simple bribery, such as traffic officers soliciting bribes at traffic stops.

In 2011 the Ministry of Interior created the position of police ombudsman, an official who serves as a mediator within the ministry. All public safety personnel employed by the ministry can approach the ombudsman with suspicions of possible wrongdoing or improper activities. The primary function of the police ombudsman was to settle internal disputes, such as complaints about improper hiring and firing practices or bullying in the police force. The ombudsman of the Czech Republic dealt with other cases. The office’s relationship with the General Inspectorate of Security Forces (GIBS), a relatively new body that investigates criminal cases in the police force and other security institutions, was not well defined. The law requires the Office of the Police Ombudsman to share all information about its cases with GIBS upon request, causing privacy and confidentiality concerns. Despite its limited powers, the office proved effective in making certain police procedures more transparent and helped to settle some disputes without lengthy court procedures.

### **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 warrants 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 turn over a person arrested on a warrant to a court within 24 hours. A judge then has an additional 24 hours to decide whether to continue to hold the individual. An arresting officer has 48 hours to inform a suspect arrested without a warrant of the reason for the arrest, question him or her, and either release the suspect or turn the suspect over to a court. If police turn the detainee over to a court, a judge must decide within an additional 24 hours whether to charge the individual. Authorities may not hold detainees for a longer period unless they are charged.

The law provides for bail except in the case 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 respected these rights.

Pretrial Detention: Under the law pretrial detention may last no longer than two years except for "exceptionally grave" offenses. A suspect may petition investigating authorities at any time for release from detention. In 2012 the average length of pretrial detention was 100 days.

Amnesty: The president granted amnesty for humanitarian reasons to 26 persons in 2012 and closed investigations in two cases. In January outgoing president Vaclav Klaus issued a large blanket amnesty releasing more than 6,400 prisoners.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence. The quality of judicial proceedings has improved and the length of investigations and prosecutions has steadily decreased over the last decade. In the first half of the year, prosecutors typically required an average of 53 days at the district level to determine whether to take a case to trial, and 364 days at the regional level. In the first half of the year, the average length of court proceedings was 177 days at the district level and 777 days at the regional level.

In most instances authorities respected court orders and carried out judicial decisions.

#### **Trial Procedures**

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

Defendants enjoy a presumption of innocence and have the right to prompt and detailed information about the charges against them. Trials are public. Juries are not used. In serious cases a panel of three judges rules on the guilt or innocence of the defendant, while a single judge hears less serious cases. In trial courts at the district level, the panel of judges is composed of one professional judge, who is the chair, and two lay judges drawn from the public. Appeals and cases originating in regional courts have only professional judges. Defendants have the right to consult

an attorney, and the government provides an attorney without charge to defendants who cannot afford one. Defendants have the right to be present at trial, confront adverse witnesses, and present their own witnesses and evidence. Defendants and their attorneys are entitled to access government-held evidence relevant to their cases. 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 there is court access to bring lawsuits seeking damages for, or cessation of, human rights violations. Available remedies include monetary damages, equitable relief, and cessation of harmful conduct. Such remedies and relief, however, 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 to the ECHR. Administrative remedies are also available.

A new law on crime victims' rights went into effect in August. 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 advocate; sets standards of treatment by the judiciary; and defines the framework for provision of other services. Victims of sexual crimes may choose the gender of the judge who will preside over the trials of their alleged assailants.

### **Regional Human Rights Court Decisions**

In the first seven months of the year, the ECHR entered two judgments against the country. The government generally complied with ECHR judgments. The government has been working closely with the Council of Europe to implement an ECHR decision on inclusive education, but implementation has been piecemeal and was incomplete six years after the initial ruling.

### **Property Restitution**

Several laws approved between 1990 and 2000 provided 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. In November 2012 parliament approved a bill that allows for restitution and compensation for church property confiscated under the Communist regime. The law became effective in January. There is a one-year period to file for restitution, and the state must pay it over the next 30 years while simultaneously phasing out state subsidies for registered religious groups in 17 years.

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

The law prohibits such actions, and the government generally respected these prohibitions.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press. The law provides for some exceptions to this freedom, for example, in cases of hate speech, Holocaust denial, and denial of Communist-era crimes.

Freedom of Speech: The law mandates prison sentences of six months to three years for persons who deny Communist-era crimes or the Nazi Holocaust. Speech that incites hatred based on race, religion, class, nationality, or other group affiliation is also illegal and carries a sentence of up to three years in prison.

In December 2012 two individuals released a collection of Czech translations of selected speeches by Adolf Hitler. Authorities charged the two with genocide denial, approval, or justification, which are all crimes under the law. The court case was ongoing.

#### **Internet Freedom**

There were no government restrictions on access to the internet or credible reports the government monitored e-mail or chat rooms without appropriate legal authority. Individuals and groups could engage in the free expression of views via

the internet, including by e-mail. According to the Czech Statistical Office, approximately 70 percent of individuals used the 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 – primarily U.S. – servers, out of the reach of the authorities.

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

In May the refusal of newly elected President Milos Zeman to make the ceremonial appointment of Martin Putna to the position of full professor at Charles University caused outrage among the academic community and prompted charges of infringement on academic freedom. The president's stated motive was Putna's participation in the previous year's Prague Pride parade that celebrated sexual minorities. In the face of public anger, the president allowed the professor to receive his professorship title from the minister of education.

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

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

#### **Freedom of Assembly**

The law provides for freedom of assembly, and the government generally respected this right. 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 participants. During the rash of anti-Roma protests in May-August, authorities banned several neo-Nazi gatherings using this section of the law. Protesters are required to have permits for demonstrations, but police generally did not interfere with spontaneous, peaceful demonstrations.

#### **Freedom of Association**

The constitution and law provide for freedom of association, and while the government generally respected this right, the law required 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 group affiliation or that use prohibited symbols.

In September the Interior Ministry refused to register the Czech Lions association due to its openly racist platform. The association was affiliated with the newly emerging Democratic Workers' Party, founded by defectors from the Workers' Social Justice Party (DSSS).

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide 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 internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

#### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or subsidiary protection, and the government has established a system for providing protection to refugees. Although the system was generally fair, some nongovernmental organization (NGOs) reported problems with the length of asylum procedures and the quality of some decisions. In the first half of the year, the government granted asylum to 53 persons.

Durable Solutions: A resettlement program involving the government and the UNHCR continued on an ad hoc basis.

Temporary Protection: The country provides "subsidiary protection" to individuals who do not satisfy the legal criteria for refugee status but who cannot return to their country of origin due to a real risk of serious harm. Under EU guidelines, individuals granted subsidiary protection are supposed to be entitled to temporary residence permits, travel documents, access to employment, and equal access to

health care and housing. In the first six months of the year, authorities granted subsidiary protection to 80 individuals.

The government continued to operate a joint medical evacuation program, providing for the medical treatment of civilians, mainly children, from conflict zones or other areas where adequate medical care was not available. During the year civilians from Burma, Syria, and Libya received treatment in the country.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

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

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

Recent Elections: In October the country held elections for seats in the Chamber of Deputies. In October 2012 elections took place for one-third of the seats in the Senate and for municipal government positions. Local and international observers considered these elections free and fair.

Participation of Women and Minorities: There were 37 women in the 200-seat Chamber of Deputies, and 14 women in the 81-seat Senate. As of year's end, women had been nominated to fill two of the 14 ministerial positions in the new coalition government. Women comprised 61 percent of judges, including five members of the 15-judge Constitutional Court (one seat was vacant). None of the 13 regional governors was a woman.

Few of the country's estimated 200,000 Roma were integrated into political life. There were no Romani members of the parliament, cabinet ministers, or Supreme Court justices. There were some Romani appointees to national and regional advisory councils dealing with Romani affairs.

Representatives from the 14 national minority groups were included in the 32-member Government Council for National Minorities, an advisory group that includes government officials. Each minority group may nominate up to three representatives to the council. In July the Czech Council for National Minorities voted to grant official minority status to the Vietnamese and Belarusian communities.

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

The law provides criminal penalties for corruption by officials. The government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity.

Corruption: Factors contributing to the infrequent prosecution of high-level corruption included inadequate legislation concerning disclosure of the sources of assets, weak rules governing the financing and lobbying activities of campaigns and parties, and limited funding for investigations.

In August the former governor of Central Bohemia, David Rath, went on trial. He was charged for possessing an alleged seven million koruna (\$350,000) bribe, carried in a wine box, when police arrested him in May 2012. Rath, a member of parliament (MP) and former minister of health, had allegedly received the bribe in connection with the granting of a tender for the reconstruction of a chateau. The Chamber of Deputies voted to strip Rath of his immunity in June 2012.

In June the special police unit against organized crime raided the Office of the Government, the central body of state administration, amid allegations of official corruption and misuse of power. Among those implicated were Prime Minister Petr Necas and his chief of staff, Jana Nagyova. Authorities accused Necas of offering positions in state-owned companies to three former MPs in exchange for their agreement to resign from parliament. Nagyova allegedly abused her power by ordering Military Intelligence to surveil Necas' wife. Nevertheless, authorities had not filed formal charges against them as of the end of November. The Supreme Court ruled in July that the three former MPs were protected by parliamentary immunity with regard to any negotiations about the positions they were offered and their decision to resign from parliament.

During the year the Necas government canceled the lifetime immunity of politicians, anonymous bearer shares, and the practice of "losovacka" (lottery), which previously allowed limitation of the number of candidates in public procurements by drawing lots.

The April 2012 procurement reform law lowered the threshold for the application of procurement rules to one million koruna (\$50,000). The law requires more than one bidder for all procurements and mandates publication of tender specifications. The law also requires bidders to disclose more of their ownership structure in the bidding process, but it contains some loopholes.

On October 2, the caretaker cabinet of Prime Minister Jiri Rusnok approved an anticorruption program that applies to all governmental departments and offices and went into effect immediately. Government agencies had until January 2014 to bring themselves into compliance. The anticorruption office in the Office of the Government is in charge of monitoring compliance.

The Senate brought a constitutional complaint of high treason against former president Klaus in accordance with article 65 of the constitution in connection with the general presidential pardon he announced at the beginning of the year. Many transparency NGOs criticized the pardon for its nonstandard scope and equated it with an attack on a constitutionally independent judiciary, the principles of the rule of law, and fundamental human rights. The pardon resulted in the cessation of several serious corruption investigations that had been underway for more than eight years. The Constitutional Court determined that it did not have the authority to rule on the constitutionality of such pardons and declined to hear the treason complaint.

A police anticorruption unit and an organized crime unit investigated corruption allegations against high-level officials and major regional and local perpetrators, as well as some private individuals and companies. Regular police units investigated lower-level cases. According to the Ministry of Interior, during the first half of the year, police pursued 75 bribery cases (55 for offering a bribe, 15 for receiving a bribe, and five for indirect bribery) and investigated 72 public officials for abuse of authority, an increase from the previous year. According to the Ministry of Justice, courts convicted 39 public officials for abuse of power, sentencing five to prison and fining or giving probationary sentences to 34. Courts also convicted 62 public officials of bribery-related offenses (14 for receiving a bribe, 44 for offering a bribe, and four for indirect bribery). They gave five of the officials prison sentences, placed 46 on probation, and fined or barred the remainder from future public service. In 2012 the anticorruption police unit, which has official responsibility for high-profile cases, investigated 97 cases of public corruption. Prosecutors remained relatively insulated from pressure not to pursue high-level corruption targets. Investigators forwarded 19 cases involving 86 individuals for prosecution. They also investigated five judges and one prosecutor, compared with three judges in the previous year and none in 2010. The unit froze 2.7 billion koruna (\$140 million) in assets in 2012, the greatest amount in the last several years.

There were several arrests and convictions involving misuse of EU funds, and distribution of EU funds was suspended in June 2012 because of accounting

problems. The distribution was resumed later that year. In July 2012 a court convicted the former director of the Northwest Regional Council, the entity responsible for distributing EU funds in the Liberec and Usti nad Labem regions, and sentenced him to seven-and-one-half years in prison and a 750,000 koruna (\$38,000) fine for taking bribes in connection with the granting of EU funds. Six other persons received conviction on similar charges, and others remained under investigation in connection with the case.

Whistleblower Protection: There was a lack of rules to protect whistleblowers and civil servants from political pressure.

Financial Disclosure: The law obliges legislators, members of the cabinet, and other selected public officials to declare their assets annually. Authorities introduced a central website in 2011 where the public can view the declarations, but access remained difficult because it required a time-sensitive password issued by the official's department. The information tended to be general and lack detail. Those subject to the law must only report assets gained after taking public office. The Supreme Audit Office is responsible for auditing executive branch disclosures, although it rarely verified the declarations. Parliament had jurisdiction over asset declarations for legislators, but did not verify them.

Public Access to Information: The law provides for public access to government information, and the government usually provided such access to citizens and noncitizens, including foreign media. NGOs reported inconsistent practices in releasing information and a reluctance to release information to the public proactively, especially information about the salaries of public officials, public tenders, and other uses of public finances. In some cases, such as public transportation schedules, traffic information, and meteorological data, government offices sold information to private companies in noncompetitive processes. Several cases involving access to public information reached the courts during the year, and courts were generally receptive to the plaintiffs' positions. Court decisions were implemented only when specific institutions were required to provide specific information. They were generally not implemented in the case of nonspecific rulings.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number 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.

Government Human Rights Bodies: Representatives from the Office of the Ombudsman made regular visits to government and private facilities where residents had limited movement, (i.e., prisons, orphanages, and senior citizens' homes), examining the treatment of individuals and monitoring respect for 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, had adequate resources, and human rights observers regarded it as effective. In the first six months of the year, the ombudsman received 4,288 complaints, 172 of which concerned the prison, police, and military services. Of the total, 58 percent fell within the office's mandate. In 2012 the ombudsman received a record 8,388 complaints, and the information hotline received 5,717 requests for advice. During the same period, the ombudsman opened 953 inquiries in response to complaints and 24 cases on the office's own initiative. Among suggestions of the ombudsman to the government were better access to free legal support for people in need, development of social housing legislation, better integration of minorities into mainstream schools, and lowering the fee for filing a discrimination complaint.

NGOs continued to criticize the government's 2010 decision to downgrade the position of the human rights minister to human rights commissioner, claiming that it reflected a lack of government concern for human rights problems. Government contacts confirmed the position was weak and insufficiently resourced.

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

The law prohibits discrimination based on gender, age, disability, race, ethnic origin, nationality, sexual orientation, religion, or personal belief. The government did not effectively enforce these provisions. The labor code does not protect against employment discrimination based on political conviction and membership or activity in political parties, trade unions, or employers' organizations. Significant societal discrimination against some minorities, including Roma, persisted.

One of the major issues noted by both the Office of the High Commissioner for Human Rights and the Ombudsman's Office was the prohibitively high fee for filing a discrimination complaint. The Ombudsman's Office received 253

complaints of discrimination, investigated 178, and found discrimination in 18 cases.

Leaders of the small Muslim communities in Hradec Kralove and Brno reported the situation in their respective cities improved during the year. Previously the communities had faced opposition to their plans to establish or expand their mosques. The Islamic Center in Hradec Kralove was completed, and the community in Brno cancelled the construction of a second mosque for financial reasons.

## **Women**

Rape and Domestic Violence: The law prohibits rape, including spousal rape, and carries a penalty of two to 15 years in prison. The government effectively enforced these provisions. Although experts still considered rape underreported, they noted an upward trend in the number of rape convictions. They attributed this trend to improved police training, public awareness campaigns, and greater interaction between police and NGOs. In the first six months of the year, authorities recorded 300 rapes and investigated 183 of them. Courts convicted 107 offenders, 52 of whom received prison sentences. The remainder received suspended sentences. In 2012, there were reports of 669 rapes. Authorities investigated 404 of those cases, and courts convicted 198 offenders, giving prison sentences to 93 and suspended sentences to the remainder.

Experts believed that violence against women was more widespread than suggested by the number of cases reported to authorities, due to the stigma associated with reporting such abuses. NGOs noted in particular the underreporting of violence against women in immigrant communities, where victims often feared losing their immigration status or lived in different cultural environments. NGOs also reported an increasing number of cases of violence against seniors, which also tended to be underreported.

Domestic violence is punishable by up to three years in prison, with longer sentences if there were aggravating circumstances. Police have the authority to remove violent abusers from their homes for 10 days. In the first seven months of the year, the NGO White Circle of Safety reported that police removed 802 offenders (some of them women) from the home. There were 1,405 police removals in 2012.

In the first six months of the year, the Interior Ministry reported 277 cases of domestic violence, and police investigated 157 cases. During the same period, courts convicted 153 individuals of domestic violence, sentencing 45 to prison, suspending the sentences of 107, and declining to penalize one.

The Ministry of Interior approved a National Action Plan for Domestic Violence Prevention for 2011-14 that focuses on support services for victims of domestic violence and their children, education of police, and behavior modification of perpetrators. The plan called for a study on the economic impact of domestic violence. The NGO ProFem published such a study in October 2012. It indicated that approximately 40 percent of women experienced domestic violence during their lifetimes and approximately 400,000 women experienced domestic violence annually. During 2010 prosecutors sought convictions in 343 cases of violence, which corresponded to approximately 2 percent of the number of incidents estimated in the ProFem report. During 2010 the total societal cost of domestic violence was estimated at 1.3 billion koruna (\$65 million), including the costs of law enforcement, prosecution, social services, health care, and unemployment and sick leave benefits.

NGOs complained that no specialization existed within the police for domestic violence cases. NGOs continued training police officers on the regional and local level to deal with victims of domestic violence, with a special focus on senior citizens. Police continued to work with social service agencies. Several hotlines and crisis centers offered psychological counseling to victims of rape and domestic abuse. In the first six months of the year, the Dona hotline received 1,727 calls related to domestic violence, compared with 3,944 during all of 2012. The Ministry of Interior's hotline for seniors, used by thousands of people yearly for various issues, registered 139 domestic crime related calls in 2012.

Sexual Harassment: The antidiscrimination law prohibits sexual harassment and treats it as a form of direct discrimination. A person who has been harassed can seek justice through the courts and request compensation for possible harm caused. The burden of proof is on the accused party, who has to prove that he or she did not discriminate against the accuser. Penalties for conviction may include fines of up to 70,000 koruna (\$3,500), dismissal from work, or a prison sentence. Police rarely investigated cases of sexual harassment. They often deferred investigations until the perpetrator committed serious crimes, such as sexual coercion, rape, or physical assault.

A doctor in Prague, who owns a hospital and formerly headed the Lions Club in Prague, received a 14-year prison sentence for sexually coercing and raping several of his employees. In June the Prague High Court rejected his appeal and upheld the sentence.

Offenders convicted of stalking may receive sentences of up to three years in prison. In the first half of the year, police received 284 reports of stalking. They transferred 160 to prosecutors for further investigation. Courts convicted 109 individuals of stalking in the first half of the year, of whom 14 received prison sentences and 83 were given suspended sentences. In 2012 courts convicted 216 individuals, giving prison sentences to 30, suspended sentences to 159, and other forms of punishment to the remaining 27.

Discrimination: The law grants men and women equal rights, including in family and property law matters. According to 2012 data from the Czech Statistical Office, 8.2 percent of women were unemployed, compared with 6 percent of men. In 2012 women constituted 43.8 percent of the nonagricultural workforce. Women's salaries lagged behind those of men by approximately 21.8 percent, and women were more likely to work in less well-paid professions than men. The Council for Equal Opportunities for Men and Women monitored gender problems and advised the government on enforcing equal gender rights.

## **Children**

Birth Registration: Children derive their citizenship from their parents. Any child with at least one citizen parent is automatically a citizen. Authorities register births immediately.

Child Abuse: Although illegal, child abuse remained a problem. Any person under the age of 18 is a minor. According to a 15-year study conducted by sexologists at the medical school of Charles University in Prague, 10 percent of children in the country experienced sexual abuse. Of these, 7 percent were abused at least once, while 3 percent experienced such abuse repeatedly.

Prison sentences for those found guilty of child abuse range from five years to 12 years in the case of the death of a child. The Ministries of Interior and Justice implemented use of special interviewing rooms for child victims and witnesses and by March had 43 in use. A child victim is not required to give additional testimony in any court proceedings when specially trained police follow the specific

interview requirements (including the presence of psychologists and, in some cases, judges and defense attorneys).

Forced and Early 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, but no marriages were reported under the age of 16.

Sexual Exploitation of Children: Sexual relations with a child younger than age 15 is punishable by a prison term of up to eight years or, in the case of the death of the child, up to 18 years. The minimum age for consensual sex is 15. The law prohibits the possession, manufacture, and distribution of child pornography, which is punishable by imprisonment for up to eight years. According to Ministry of Interior statistics, police investigated 22 cases of commercial sexual exploitation of children in the first six months of the year, compared with 96 cases in all of 2012. There were also reports that some children engaged in prostitution without the apparent involvement of outsiders.

In the first six months of the year, the Ministry of Justice reported that courts convicted 36 individuals for the production or handling of child pornography. Three received prison terms, while 33 received suspended sentences. Eleven individuals were convicted of misuse of a child for production of pornography, and three of them received prison sentences.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's country-specific information at [travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

## **Anti-Semitism**

Although estimates varied, the country's Jewish population was believed to number 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 2012 the Ministry of Interior recorded nine criminal offenses with anti-Semitic motives. During the same period, the Federation of Jewish Communities reported

16 anti-Semitic incidents, including damage to property, spray-painting of anti-Semitic remarks and Nazi symbols, threats, and intrusions. Authorities did not register physical attacks or direct threats against Jews during the year. The number of anti-Semitic articles on the internet increased from 26 in 2011 to 82 in 2012. A well-known anti-Semitic blogger, Adam Bartos, continued his anti-Semitic internet postings, sharply increasing their frequency during the presidential election campaign at the end of 2012. Among other things, he alleged that several candidates were involved in a “Jewish world conspiracy.”

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, mental, and other disabilities in employment, education, public transportation services, access to health care, and the provision of other government services. 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. Education officials placed a number of children with disabilities in special schools, or practical schools, intended for children with “mild retardation.” These schools did not prepare children for university-level education. Elementary school directors had the authority to accept or reject any student, based upon the school’s ability to meet the student’s individual needs. Mainstream schools commonly refused admittance to students with disabilities.

Of Prague’s 54 subway stations, 32 were accessible to persons with disabilities, including five of the 15 major stations in the city center. A majority of buses and new tramcars had low entry doors to accommodate passengers with disabilities, although only 20 percent of all trams and 10 percent of all tram stations were fully accessible. The subway, bus, and tram systems provided stop announcements and equipment for riders with vision disabilities.

The ombudsman is required to visit regularly all governmental and private workplaces employing incarcerated or institutionalized persons, including persons with disabilities, to examine conditions, ensure respect for fundamental rights, and

advocate for improved protection against mistreatment. The office made these visits throughout the year.

The Ministry of Labor and Social Affairs continued a program initiated in 2012 that helps persons with disabilities transition from institutional care to mainstream society. By the end of November, 450 people had successfully passed through the program.

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

Minority groups in the country included Bulgarians, Croats, Hungarians, Germans, Greeks, Poles, Roma, Ruthenians, Russians, Slovaks, Serbs, Ukrainians, and Vietnamese. In July the Czech Council for National Minorities voted to grant official minority status to the Vietnamese and Belarusian communities. The sizeable Vietnamese population, estimated to number approximately 58,000, had been attempting to obtain this status for several years. The status enables members of the two communities to receive, among other things, state support to maintain their language and culture.

Roma, who numbered an estimated 200,000, experienced high levels of poverty, unemployment, and illiteracy and faced varying levels of discrimination in education, employment, and housing. Societal prejudice against the country's Romani population at times resulted in violence. Some human rights organizations criticized the government's response to discrimination against Roma as inadequate. In August the European Roma Rights Center (ERRC) and Amnesty International issued a statement calling on authorities to act against anti-Roma violence. The ERRC counted 26 anti-Roma rallies during the year and released a report in July detailing 47 instances of attacks against Roma and their property between 2008 and 2012. These attacks left five Roma dead and 22 injured, including three minors.

The summer witnessed a series of anti-Roma marches and events – 21 by the end of August, according to police records. The summer culminated in simultaneous marches through multiple cities on August 24 with approximately 1,500 protesters and 1,000 counterprotesters. Police arrested 101 people, half of them in Ostrava, the capital of the Moravian Silesian region. The town experienced the heaviest clashes, with an estimated 600 participants inciting a street fight with the police. Approximately 400 marchers in Pilsen were met by the same number of opponents, but the demonstrations remained peaceful. Several hundred local residents joined several dozen known extremists during the marches in Ceske Budejovice and

Duchcov. In the rest of the cities involved (Brno, Decin, Jicin, and Vansdorf), the demonstrations were small and uneventful. President Milos Zeman sharply criticized the anti-Roma demonstrations.

The Security Information Service (BIS) reported that anti-Roma sentiments among a portion of the general public might become an even bigger problem for social stability than the activities of small extremists groups. The BIS pointed out that ordinary citizens had participated on a massive scale in previous anti-Roma demonstrations at the beginning of summer in Ceske Budejovice and Duchcov.

In 2010 authorities banned the Workers' Party, which was conspicuous for its hostility to Roma and other minorities, but the DSSS, with virtually the same membership and leadership, soon took its place. In September the Interior Ministry refused to register the Czech Lions due to their openly racist platform.

The New Year's amnesty announced by former president Vaclav Klaus released several infamous extremists. The amnesty also covered several perpetrators of brutal racist attacks. Several of these individuals had already become recidivists and were once again in custody. The release applied to prisoners who received sentences of one year or less but did not concern anyone in custody awaiting prosecution.

In June the regional court in Ostrava issued sentences for racially motivated, grievous bodily harm to defendants in the 2008 Havirov case, in which a group of masked youths attacked several Roma, causing serious injuries. The court sentenced one of the defendants, a juvenile at the time of the crime, to three years in prison and acquitted the others or placed them on probation. The High Court overturned the regional court's decision to award financial compensation to one of the victims, instructing him to go through what for him was a costly and lengthy civil proceeding in order to obtain it. The trial court had awarded him more than 500,000 koruna (\$25,000) for his pain and impaired position in society that resulted from his injuries. NGOs complained that the delays involved in the movement of the case between courts made fair judgment impossible.

The national media continued to give disproportionate coverage to crimes and acts of violence committed by Roma compared with similar behavior by the majority population or other minorities. Media outlets have displayed slightly more caution, however, following the 2012 case of a 15-year-old boy in Breclav who had falsely accused a group of Roma of assaulting him. National media coverage of the alleged attack initially led to widespread anti-Roma protests and later to public

outrage when the story proved to be false. Training for journalists by the Office of the Human Rights Commissioner and analysis by a Romani online news server led to somewhat more balanced reporting, at least on the national level.

In September *Prostejovský Vecerník* (Prostejov Evening News) published an article, “Gypsy attacks are multiplying!,” which included a photograph of a group of men angrily kicking a dark blue car. It was discovered that the photograph had been altered and that the original photograph, downloaded from an Asian news server, depicted Chinese sports fans on a spree of violence. *Prostejovský Vecerník*, with the aid of a photo editor, inserted an image of the face of a Romani man onto one of the Chinese figures. Several members of the Living in Brno initiative noticed the problematic piece online. They contacted the editors and demanded that they remove it. The editors refused to do so, saying they had done nothing wrong and that they would update the piece with additional information by the end of the week. The governing body of the Journalists’ Syndicate in Czech Republic passed a resolution declaring that the article not only contravened the syndicate’s code of ethics, but also violated the law.

In November the Senate rejected suggested legislation from the European Commission related to Roma integration, arguing that the disbursement of aid according to ethnic criteria is unconstitutional. During the debate on the proposal, a number of senators made anti-Roma statements. Representatives from prominent NGOs strongly criticized the speeches, but the local media provided limited reporting on the issue.

As of January 1, the Ministry of Interior increased funding for “crime prevention assistants,” who worked with municipal police forces in cities and towns throughout the country. There were 124 crime prevention assistants working in 41 cities; more than half of them were Romani. The assistants acted as mediators in disputes between Roma and other communities before they escalated. The EU funded 50 of the positions, while the Ministry of Interior paid for the remainder.

Approximately one-third of Roma lived in “excluded localities,” or ghettos. There were more than 400 such ghettos in the country, often with substandard housing and poor health conditions. Beyond housing discrimination, reasons for the growth in Roma-dominated ghettos included urban gentrification and rent increases.

The Czech Helsinki Commission examined multiple housing advertisements during the year, finding that not only Roma but also Vietnamese applicants experienced discrimination when seeking to rent both residential and business

locations. While the law prohibits housing discrimination based on ethnicity, NGOs stated some municipalities applied regulations in ways that discriminated against certain socially disadvantaged groups, primarily Roma, including basing housing decisions on the reputation of the applicant and family at previous residences. According to some organizations, there was evidence of skimming by landlords and possibly local government officials at government-subsidized housing complexes where rents were higher than on the private housing market. Because it was difficult for many Roma to secure other housing, they often had to pay higher rents than others did for public housing. There is currently no comprehensive strategy or legislation on social housing.

A disproportionately high number of Romani children attended remedial schools known as “practical schools,” which effectively segregated them into a substandard educational system. According to a 2012 report from the Ombudsman’s Office, approximately one-third of Romani children attended such schools, which provided little opportunity to continue to higher levels of education. Even in regular schools, officials often segregated Romani children from the majority population by basing placement on places of residence (often in a Roma-majority neighborhood) or a need for remedial instruction. An amendment to the law governing special education took effect this year, whose aim was to ensure that only children with verified mild mental retardation could be required to attend the practical schools. To measure progress, the Ministry of Education began a controversial initiative to count the Romani pupils in practical schools.

The Agency for Social Inclusion has responsibility for implementing the government’s Strategy for Combating Social Exclusion to improve education, housing, security, regional development, employment, and family/social/health services for socially excluded or disadvantaged individuals, many of whom were members of ethnic and other minorities. Some NGOs and other governmental entities criticized the Agency for Social Inclusion as ineffective in light of the increase in anti-Roma activity and what some view as a lack of tangible progress on Roma integration.

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

Antidiscrimination and hate-crime legislation exists but does not specifically cover lesbian, gay, bisexual, and transgender (LGBT) individuals. The law does not permit LGBT couples to adopt a child, nor may a gay or a lesbian person in a

registered partnership adopt his or her partner's biological child, although single LGBT individuals may adopt.

The government did not keep statistics regarding incidents of violence directed at individuals because of their sexual orientation or gender identity, but NGO contacts report that it was very low. Local LGBT activists stated that citizens were largely tolerant of the LGBT lifestyle. Nevertheless, in 2012, 36 percent of LGBT persons reported suffering discrimination and harassment due to their sexual orientation. Many LGBT persons chose not to reveal their sexual orientation. According to a survey by the European Agency for Fundamental Rights, only 11 percent openly spoke about their orientation in their work, and more than 80 percent of young respondents reported witnessing bullying of LGBT youths at school. Thirteen percent of respondents cited discrimination at work or while searching for a job.

While there were no impediments to LGBT organizations or to the annual Prague Pride Festival, President Milos Zeman initially refused to appoint an LGBT faculty member at Charles University to a full professorship, ostensibly because of his participation in Prague Pride in 2012 (see section 2.a.).

### **Other Societal Violence or Discrimination**

Persons with HIV/AIDS faced societal discrimination, although there were no reported cases of violence. The Czech AIDS Help Society (CSAP) reported a number of cases of discrimination, primarily in access to health care and dental care and wrongful termination of employment or discrimination during the hiring process. The government took no action in most cases, because individuals with HIV/AIDS often preferred to keep their status confidential rather than file complaints.

HIV/AIDS patients who suddenly became ill and required immediate medical attention faced significant challenges. Most often, this was due to their inability to access a physician or the refusal of auxiliary medical staff to allow such access. Even at hospitals with specialized HIV/AIDS clinics, only one physician often treated patients on certain days of the week. The CSAP reported a case of an HIV-positive man forced to undergo a surgical dental procedure in the hallway of a clinic because the staff did not want to have to disinfect the operating room after his treatment.

## **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 freely associate 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 citizen employees.

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 that include hospitals, electricity and water supply services, air traffic control, the nuclear energy sector, 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 grant consent, a dismissal order is invalid.

The government strived to enforce such laws effectively and permitted unions to conduct their activities without interference. The resources for inspections and remediation were adequate, and penalties were sufficient to deter violations.

Trade unions (the Czech-Moravian Federation of Trade Unions, or CMKOS) reported that legal amendments during the last year negatively affected the ability of employees of small enterprises to maintain union rights. The same amendments

reportedly ended the requirement that employers consult with unions on matters related to individuals or seek mutual agreement on some workplace problems.

According to CMKOS, the number of violations of labor law and trade union rules increased during the year. CMKOS reported a number of violations and cases of discrimination by employers, including 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. Nevertheless, proving a violation of the law was difficult. Employees, union and 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 subjected to poorer working conditions. According to CMKOS, employees usually filed complaints only if their jobs were immediately threatened or after a job loss. CMKOS also 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.

In 2011 and 2012, employers dismissed the chairwoman of a local unit of the Czech-Moravian Union of Civilian Employees of the Army from two successive positions, ostensibly due to redundancy. In both cases she successfully appealed the dismissal to the Supreme Court, claiming that the employer infringed upon her rights related to the protection of union officials. During the year she received a third dismissal notice, also justified by redundancy. At the end of November, her appeal against the dismissal was under review by the Supreme Court.

In September approximately 3,000 coal miners of the OKD Paskov (the Ostrava-Karvina Coal Mines) demonstrated in Ostrava, the regional center of Northern Moravia, against the intended closure of their workplace announced by the OKD Paskov owner, the NWR group. NWR was one of the leading employers in the region, which had one of the highest unemployment rates in the country.

#### **b. Prohibition of Forced or Compulsory Labor**

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

The government implemented legislation tightening the regulation of potentially abusive labor agencies by raising barriers to entry into the labor agency market, levying fines for illegal employment, and putting limits on the temporary

employment of foreign nationals. Passage of the new regulations resulted in a decrease in the overall number of labor cases. A court in Usti nad Labem issued a decision under specific labor trafficking provisions of the penal code during the year, with sentences ranging from five to nine years' imprisonment.

There were reports that men and women, including migrant workers, were subjected to forced labor, typically through debt bondage. Private labor agencies often used deceptive practices in recruiting workers from abroad.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **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 standards of safety, limitations on hours of work, and the requirement that work not interfere with education. Infringement of child labor rules is subject to fines of up to two million koruna (\$100,000). The State Bureau for Labor Inspections (SBLI) effectively enforced these regulations. During the year the SBLI did not report any cases of child labor law violations.

### **d. Acceptable Conditions of Work**

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 provisions of the labor code govern premium pay for overtime, which is equal to at least 125 percent of the average earnings.

The Ministry of Labor and Social Affairs establishes and enforces minimum wage standards. During the year the national minimum wage increased from 8,000 to 8,500 koruna (\$400 to \$430) per month. By comparison, the "minimum subsistence cost," defined as the minimum amount needed to satisfy the basic needs of a working-age adult for a month, was 2,200 koruna (\$110). Enforcement of the minimum wage was one of the primary objectives of SBLI inspections.

The government sets occupational health and safety standards. 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.

During the year, SBLI inspectors conducted 6,637 checks of compliance with the labor code. The SBLI imposed fines totaling 38.2 million koruna (\$1.9 million) for substantial violations of the code involving contracts, working conditions, wages, overtime pay, and rest periods. In 2012 there were 332 labor inspectors in the country. SBLI's labor inspection plan gave special emphasis to those sectors typically presenting risky working conditions such as construction, agriculture, and forestry.

As of January 2012, the SBLI became responsible for combating illegal employment. During the year labor inspectors prioritized inspections for illicit employment in those sectors that are especially vulnerable to illegal employment, such as the lodging/catering, retail, forestry, and construction industries. In addition, the 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, Social Insurance Bureau, Foreign Police, Customs Office, and other government authorities. In 2012 they conducted 30,258 inspections and imposed fines totaling 156.3 million koruna (\$7.8 million) for substantial violations of labor legislation involving contracts, wages and denied salary bonus payments, working hours and rest periods, and valid residency and working permits.

During the year the SBLI inspected 155 work agencies employing migrant workers. According to the SBLI, the inspections revealed inconsistencies in work agreements, denials of salary bonus payments or on-time salary payments and inconsistencies involving working hours, overtime, and breaks. For substantial infringements of labor legislation, the SBLI imposed fines totaling 2.8 million koruna (\$140,000). Although the SBLI did not establish any cases of systematic discrimination based on citizenship, gender, age, or health status, labor law violations were most frequently reported in cases where labor and wage conditions for permanent staff differed from those of temporary workers hired by agencies.

Standard work conditions were also not always observed 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 under substandard conditions and

were subjected to inhumane 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, 3,533 SBLI checks focused on health and safety standards, primarily in construction, catering and lodging services, manufacturing, transport, food processing, and heavy machine industries. The inspections occurred both proactively and in response to complaints. Fines in excess of 11 million koruna (\$550,000) were imposed in cases where infringement of the law was substantial.

In 2012 the number of registered injuries in the workplace dropped by 4.1 percent from 2011; injuries in the workplace categorized as serious decreased by 2.4 percent in the same period. Fatal accidents dropped significantly (by 23.4 percent) during 2012. From 2007 to 2012, the total number of registered injuries in the workplace dropped by 38.8 percent, exceeding by 13.8 percent the 25 percent EU target for the period. The vast majority of injuries and deaths occurred in the construction industry. Employees of small- and medium-sized companies often declined to use protective gear even though the employer provided it. Injuries often occurred when employees underestimated risks or employers failed to exercise consistent control or supervision of the workplace.