

CZECH REPUBLIC
COUNTRY ASSESSMENT

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**COUNTRY INFORMATION & POLICY UNIT
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HOME OFFICE, UNITED KINGDOM**

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1 SCOPE OF THE DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

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2. GEOGRAPHY

2.1 The Czech Republic is a landlocked state located in Central Europe covering an area of 78,866 square kilometres. It comprises the lands of Bohemia, Moravia and parts of Silesia. The country is bordered by Poland in the north, Slovakia (which together with the Czech Republic, formed Czechoslovakia between 1918 and 1992) to the east, Germany to the west and Austria to the south. The capital city is Prague (Praha in Czech), situated in central Bohemia, with an estimated population of approximately 1.2 million. Other important towns are Brno (population 0.38m), which is the administrative capital of Moravia, and Ostrava (0.32m), also situated in Moravia. **[1a][1b][1c]**

2.2 At the census of March 2001 the population of the Czech Republic was 10,230,060. Of this total, 90.4% were Czechs (Bohemians), 3.7% Moravians and 1.9% Slovaks; there were also small communities of Poles, Germans, Ukrainians, Vietnamese, Russians, Hungarians, Roma and Silesians. **[1c]** Although the 1991 census indicated that there are about 30,000 (0.3% of the population) Roma in the country, there are probably between 200,000 and 300,000. **[2]**

2.3 For further information on geography, refer to Europa Yearbook. **[1]**

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3. ECONOMY

3.1 The economy entered a three-year period of recession in mid-1996, to the extent that real GDP declined by about 4% from 1996 to 1999. However, growth resumed in the second quarter of 1999, driven both by exports and increasing domestic consumption. **[3a]** 2002 saw GDP growth fall to just 2%, compared to 3.1% and 3.3% in 2000 and 2001 respectively. **[44g]** The economy grew by approximately 4% in the first half of 2002, inflation decreased by 2% whilst national unemployment increased to 10% with some industrial centres facing labour shortages owing to demands from inward investors. **[3d][1d]** It was reported in February 2003 that unemployment had reached a "post-Communist high" at 10.2% in January 2003. According to the Labour Ministry 539,000 Czechs were registered as unemployed, an increase of 24,500 on December 2002. **[43]**

3.2 The Czech Republic is 39th in the UN's human development index, well inside the "high human development" category. Poverty is not widespread. In terms of absolute poverty, defined as income less than \$4 per day, 1% of the Czech population is poor. The Ministry of Labour and Social Affairs maintains an adequate minimum level of income for those in need of a safety net, although this will come under pressure as unemployment increases and budgets are constrained. The distribution of income in the Czech Republic shows significant regional variation. The GDP per capita in Prague is 86% of the EU average, but in northern Bohemia and northern Moravia it is half of this. **[2]**

3.3 A new banking law, which came into effect in January 2001, shifted the authority to appoint the governing board of the Czech National Bank from the President to the government. **[23]**

3.4 EU accession remains the main objective of economic and monetary policy. **[23]** In October 2002 the European Commission announced that the Czech Republic was one of ten states that are ready for EU accession in 2004, and stated an intention to sign accession treaties by Spring 2003. **[40]** However, since 1997, state debt has more than doubled and threatens to reach approximately 45% of the country's Gross Domestic Product, which could jeopardise the Czech Republic's entry to the Euro zone. According to the Maastricht criteria for joining the European Union state debt must not exceed 60% of a country's GDP. **[44h][44k]** Current EU rules also require member states to keep their public deficits below 3% of their GDP, whilst the Czech Republic's currently stands at 4.5%. **[44i]**

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4. HISTORY

4.1 In November 1989 the Communists lost power. Changing attitudes among the public were increasingly evident, with a greater readiness of those outside traditional dissident circles to demonstrate their support for radical changes. **[1a]**

4.2 The growing public assertiveness in Czechoslovakia was also influenced by what was happening in neighbouring countries. The appointment of a non-communist prime minister in Poland in August 1989 and the opening of the Berlin Wall were signals to the Czechs and Slovaks that the Soviet administration would no longer oppose change in the countries of the Eastern Bloc. **[1a]**

4.3 The event that would finally stimulate the displacement of the Communists came on 17 November 1989, when student participants in an officially sanctioned march in Prague to mark the anniversary of the Nazis' execution of Czech students 50 years earlier were brutally attacked by special police units. Following weeklong demonstrations which spread from Prague to the rest of the country, the entire Communist Party of Czechoslovakia (CPCz) leadership resigned on 24 November. The clearest indication that Communist rule had come to an end in Czechoslovakia came on 29 December 1989 when Vaclav Havel was elected president. **[1a]**

4.4 The first genuinely free general election since World War II was held in June 1990. The results indicated overwhelming support for parliamentary democracy, with a 96.4% turnout and the CPCz winning just 13% of the votes cast. In the Czech Republic, Civic Forum attracted one half of the votes cast, gaining a majority in the Czech legislature (127 of the 200 seats) and a majority of Czech seats in both houses of the Federal Assembly. **[1a]**

4.5 Before the next elections in mid 1992 it became clear that sharp differences had emerged over a range of fundamental policies. Two issues in

particular were to demonstrate divergence between the two federal partners: economic policy and character of the state. **[1a]**

4.6 Well before the 1992 election it became clear that it would be difficult to reconcile the Slovak desire for greater autonomy. Agreement was reached to bring the common state to an end and, on 1 January 1993 independent Czech and Slovak Republics came into being. In the Czech Republic a centre-right coalition led by Klaus remained in office for a full 4 year term. **[1a]**

4.7 The re-election of Klaus as chairman of the ODS in December 1999 led important figures within the party, including the former interior minister, Jan Ruml, to defect and form a new centre-right party called the Freedom Union (US).**[1a]**

4.8 In mid December 1997 Jozef Tosovsky was appointed independent Prime Minister and formed an interim government which did much to restore stability. In the early parliamentary elections of 19-20 June 1998 the three centre-right parties, the ODS, the KDU-CSL and the FU won 102 of the 200 seats but the bitter disputes between them made agreement on forming a coalition impossible. Since the CSSD emerged as the largest party with 74 seats (32.3% of the votes), President Havel, who had been re-elected earlier in the year, invited their leader, Zeman, to try to form a government. Unwilling to attempt a coalition with the communists (who won 24 seats) and unable to reach an agreement with the KDU-CSL and the FU, Zeman entered into an "Opposition Agreement" with Klaus' ODS, whereby the ODS undertook to refrain from a vote of no confidence in the government. In return Klaus was elected Chairman of the Chamber of Deputies and a number of other ODS deputies gained other important parliamentary posts.**[1a] [23]**

4.9 In late January 2000, the CSSD and ODS signed an extension to the opposition agreement, committing them to further cooperation on issues such as the state budget and electoral reform. The new agreement increased the government's stability and improved its chances of lasting a full term.**[1b] [23]**

4.10 The Czech Republic joined NATO in March 1999 and has been a member of the Organisation for Economic Co-operation and Development (OECD) since 1995. It opened accession negotiations with the European Union in 1998. The European Commission's reports of 1998 and 1999 on the country's progress towards accession noted slippage in structural and administrative reforms. The 2000 Report confirmed that The Czech Republic continues to fulfil the Copenhagen political criteria, and observed that significant efforts have been made to improve the situation of the Roma community, notably with regard to education; however, it was noted that a lasting improvement in the situation of the Roma would require sustained effort over time. Priority should also be given to implementing judicial and administrative reform, fighting economic crime and corruption, and dealing with prison overcrowding and trafficking in women and children.**[2] [4b]**

4.11 In October 2002 the European Commission announced that the Czech Republic would be ready for EU accession in 2004. The Commission's 2002 Regular Report noted continuing progress but noted a number of areas where further efforts are required, notably:

- a. The full implementation of the Civil Service Act as soon as possible
- b. Further reduction in the length of criminal proceedings, which will require additional resources and increased judicial training
- c. Increased efforts to fight corruption and economic crime
- d. d. More structural measures to remedy discrimination against Roma – comprehensive anti-discrimination legislation would be an important step forward **[4c]**

4.12 In May 2000, the Chamber of Deputies overruled a Presidential veto and endorsed a series of amendments to electoral legislation, including a provision to increase the number of electoral districts from 8 to 35. However, some of these amendments were abolished by the Constitutional Court in January 2001 following a further challenge by President Havel. The two houses of parliament must therefore agree on a new electoral law in time for the next elections, due in June 2002.**[18n] [23]**

4.13 The Government had cited decentralisation of public administration as a priority in its 1998 Manifesto, and had followed this up with legislation in 1999 and 2000 to establish 14 new regional assemblies, and to provide for power to be devolved to these assemblies in the fields of education, health, culture, transport, regional affairs and agriculture. Elections to thirteen of the new regional assemblies (excluding Prague) took place on 12 November 2000. Following these, the ODS formed alliances with members of the 'Quad coalition', rather than the CSSD, to control 11 of the assemblies. The remaining two regions are said to be controlled by CSSD-ODS coalitions.**[23] [4b]**

4.14 Elections were also held in November 2000 for one third of the 81 seats in the Senate. Of these, 16 were won by members of the 'Quad coalition', comprising the KDU-CSL, ODA, Freedom Union and Democratic Union, who now have a total of 39 senators. The CSSD lost 8 seats and the ODS lost 2, resulting in these parties no longer having a combined overall majority in the Senate. Only 20% of the electorate turned out for the second round of the Senate elections.**[22a] [23]**

4.15 In June 2001, the Czech Republic and the Vatican concluded negotiations on the wording of a treaty that would define a legal relationship between the two states. The document provides for bilateral cooperation in the fields of education, health care, the army and the prison services. The issue of restitution of property to the Catholic Church was not covered in the treaty.**[39a]**

4.16 Popular disillusionment with party politics was reflected in the low 58% turnout in the June 2002 general election, well below the 75% achieved in 1998. The elections were held under a new “compromise” electoral system that divided the country into 15 constituencies. The result was considered a victory for the Czechoslovak Social Democratic Party (CSSD) although its share of the vote declined slightly from the 1998 position, to 30.2%, equivalent

to 70 of the 200 seats in the lower house. The Civic Democratic Party (CDP), came a disappointed second with 24.5%. The communists surprised commentators by increasing their share of the vote by more than 7%, to 18.5%. The Quad Coalition had disintegrated earlier in the year and despite reforming as The Coalition (without the CDA), had lost public confidence and came in fourth place with 14.3%. CSSD leader Vladimir Spidla was invited by President Havel to form a new government and a 17 member coalition government was officially appointed on 15 July 2002. **[1d]** The governing coalition wobbled in September 2002 when Spidla asked three Freedom Union ministers to leave the Cabinet after one of the party's members of parliament voted against proposals to raise taxes to pay for recent flood damage. **[17a]** The situation appeared to stabilise when an amendment to the coalition agreement was agreed with the Freedom Union guaranteeing that all ten of its members of the lower house would vote along government lines on key issues. **[39b]**

4.17 In October and November 2002's Senate elections the ruling centre-left coalition had its strength reduced to 34 seats, a net reduction of 7, which resulted in the loss of its one seat overall majority. The opposition centre-right Civic Democratic Party achieved a total of 26 seats, an increase of 9. **[21b]** In the November 2002 Municipal elections, that were held in tandem with the Senate elections, the Civic Democratic Party (ODS) and independent candidates were most successful. **[44b]**

4.18 Vaclav Havel's Presidency came to an end on 2 February 2003, the constitution barring him from seeking re-election for a third term. In the following month presidential elections were held to elect his successor and, in the third round of voting, member and former leader of the Civic Democratic Party Vaclav Klaus narrowly achieved the necessary majority to be elected President. **[42]**

4.19 On 16 April 2003, President Vaclav Klaus and Prime Minister Vladimir Spidla signed the Czech Republic's EU accession treaty in Athens. The country will join the EU on 1 May 2004 if the Czech public approve the move in a referendum due to be held in mid-June 2003 and if the treaty is ratified by all the parliaments involved. **[44p]**

4.20 For history prior to 1989 refer to Europa Yearbook. **[1]**

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5. State Structures

The Constitution

5.1 The Czech Republic is a constitutional parliamentary democracy, with a bicameral parliament.

Citizenship

5.2 According to UNHCR, in 1969 Czechoslovakia became a federation and, while maintaining the internationally recognised Czechoslovak citizenship, for internal purposes created subsidiary Czech and Slovak citizenship. Those aged 15 and over and born in the Czech lands were

conferred Czech citizenship (*jus soli*). Those aged younger than 15 years or born after January 1969 were given the same citizenship as their parents (*jus sanguinis*). When the federation split in 1993 this internal citizenship, of no practical importance until then, was used to determine the initial body of citizens in the newly established Czech and Slovak republics.[8] Those citizens who were resident in the Czech lands received automatic citizenship of the Czech Republic [12] but those former Czechoslovaks with Slovak internal citizenship had to apply for Czech citizenship. They could do so if they met three conditions: release from Slovak citizenship, permanent residence in the Czech republic for at least 2 years and a clean criminal record over the last 5 years.[8]

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Political System

5.3 The President of the Republic is the Head of State. He is elected for a term of 5 years by both chambers of the legislature and may not be elected for more than two consecutive terms. He is also Commander of the Armed Forces, he appoints the Prime Minister, and on the latter's recommendation, the other members of the Council of Ministers.[1b] President Vaclav Havel was re-elected in January 1998 and remains an internationally recognised advocate of human rights and social justice.

5.4 Although the country essentially has completed the reform of political and economic structures initiated after the 1989 "velvet revolution", some institutions are still in a state of modification and transformation.[3a] The creation of fourteen regional assemblies in 2000 put in place a new level of public administration in the Czech Republic.

5.5 Legislative power is vested in two chambers, the Chamber of Deputies and the Senate. The Chamber of Deputies has 200 members, elected by proportional representation for a term of 4 years. The Senate has 81 members, elected for a term of 6 years. Every 2 years one third of the Senators are elected in two rounds of first past the post voting.[1b]

5.6 The legislature enacts the Constitution and laws, approves the state budget and the state final account and approves the electoral law and international agreements. It elects the President of the Republic (at a joint session of both chambers), supervises the activities of government and decides upon the declaration of war.[1b]

5.7 Members of both chambers of the legislature are elected on the basis of universal, equal and direct suffrage by secret ballot. All citizens over 18 years old are eligible to vote.[1b]

5.8 In May 2000, the Chamber of Deputies overruled a Presidential veto and endorsed a series of amendments to electoral legislation, including a provision to increase the number of electoral districts from 8 to 35. The increase in electoral districts would, in practice, favour the larger parties in general elections. However, some of the amendments, including the one for 35 districts, were abolished by the Constitutional Court in January 2001 following a further challenge by President Havel. The Interior Minister then

gave notice that a proposal for 14 electoral districts in would be put to Parliament – the government approved a draft bill in June 2001. A new, “compromise” electoral system, dividing the country into 15 constituencies, was enacted in time for the June 2002 general election. [18m] [18n] [1d]

5.9 The EU Accession Report for 2000 noted that the functioning of Parliament has been significantly improved through a more effective dialogue with the government and the streamlining of legislative scrutiny procedures. [4b] Improvements continue including the introduction of new mechanisms for enhancing communication between the government and parliament. [4c]

5.10 In March 2001 the Senate rejected an amendment to the Constitution approved fourteen months earlier by the Chamber of Deputies, which sought to curb the powers of the President and make it possible for parliament to dissolve itself. [18o]

5.11 The Council of Ministers is the highest organ of executive power. It is composed of the Prime Minister, the Deputy Prime Ministers and Ministers. It is answerable to the Chamber of Deputies. The President of the Republic appoints the Prime Minister, on whose recommendation he appoints the remaining members of the Cabinet. [1b]

5.12 Following the June 2002 general election, President Havel invited CSSD leader Vladimir Spidla to form a new government and a 17 member coalition government was officially appointed on 15 July. [1d]

5.13 In February 2003, member and former leader of the Civic Democratic Party Vaclav Klaus narrowly achieved the necessary majority to be elected President after Vaclav Havel stepped down on reaching the end of his second term. [42]

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Judiciary

5.14 Judges are appointed for life by the President and are independent in the exercise of their function. The judiciary consists of the Supreme Court, the Supreme Administrative Court, high, regional and district courts. The Constitutional Court is a judicial body protecting constitutionality. It consists of 15 judges appointed for a 10-year term by the President of the Republic with the consent of the Senate. [1b] The law stipulates that persons charged with criminal offences are entitled to fair and open public trials. They have the right to be informed of their legal rights and of the charges against them, to consult with counsel and to present a defence. The state provides lawyers for indigent defendants in criminal and some civil cases through the Bar Association. All defendants enjoy a presumption of innocence and have the right to refuse to testify against themselves. They may appeal any judgements decided against them. The authorities observe these rights in practice. [3a]

5.15 The European Commission's Reports on the Czech Republic's Progress towards Accession have highlighted the need for reform in the judicial system. The 2002 report records further progress, in particular the

introduction of a new system of administrative law and the implementation of a streamlined Criminal Proceeding Code. However, further efforts are required to reduce the length of court proceedings, particularly in civil cases. A new law that came into force in April 2002 introduced a first step towards self-government of the judiciary by the creation of judicial councils that have the status of consultative bodies at all court levels and measures to streamline the judicial process. The still evolving legal environment, combined with a lack of experienced police investigators and qualified judges has contributed to a continuing backlog of court cases. Nevertheless, in July 2002, the Ministry of Justice reported that 395 judges and 113 prosecutors had been identified to fill the respective 391 and 268 vacant positions. Overall the recent reforms need to be underpinned with additional resources and increased judicial training. The latter is developing well with the establishment of a Judicial Academy to provide lifelong training for the judiciary. [4c][3d]

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Legal Rights/Detentions

5.16 The law forbids arbitrary arrest and detention and the government observes this prohibition in practice. There were no reports of political prisoners in 2000. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel. The lack of experienced police investigators and qualified judges, together with a still evolving legal environment have contributed to a backlog of court cases. Pre-trial detention may last legally as long as 4 years for cases considered “exceptionally grave” under the Criminal Code. Pre-trial detention for most crimes may last as long as 2 or 3 years, with mandatory judicial review intervals beginning at the end of the first 6 months of detention. If the court does not approve continued detention during a judicial review, the suspect must be released. In practice few pre-trial detainees are held for longer than 2 years. The law does not allow bail for certain serious crimes. A suspect may petition the appropriate investigating authorities at any time for release from detention. Statistics of the Prisons Service indicated that, in 2002, the average length of pre-trial detention was 81 days. [3d][4b]

5.17 The International Helsinki Federation for Human Rights (IHF) highlighted a number of concerns about the judicial system in the Czech Republic. There were often incidents of failures and unsubstantiated delays in judicial proceedings, leading to miscarriages of justice because of the incompetent and inconsistent work of the police and prosecutors. The courts have tolerated the poor preparation of cases and rarely used alternative methods of proceedings and alternative sentences to imprisonment for minor offences. The IHF also noted that civil cases have sometimes dragged on for several years and in many instances, the delays could not be justified. Prolonged proceedings have often deterred people from pursuing cases through the courts.[5a]

5.18 In February 2000 the Czech government adopted an ambitious and comprehensive programme, ‘Concept of the Reform of the Judiciary’, to deal with the administration and structure of courts, the independence of the judiciary, training, and a complete re-codification of civil, criminal and commercial codes. Progress has been achieved in the passing of

amendments to the Civil and the Commercial codes which, with effect from January 2001, should simplify and accelerate civil proceedings. However, substantial draft amendments to the Criminal and Criminal Procedure Codes had, by November 2000, been rejected by Parliament as insufficiently prepared. **[4b]**

5.19 It was reported in May 2000 that the European Union was going to provide almost 22 million Czech crowns to support a project aimed at improving the work of the Czech judicial system and strengthening its independence. The money will go to the Czech Judges' Association and the Czech State Attorneys' Association. The goal of the project is to improve the co-operation between the Justice Ministry and the professional associations and strengthen the two organisations so that they are able to be efficient partners to state bodies. **[18a]**

5.20 A draft Act on the Special Protection of Witnesses was approved by the Chamber of Deputies on 27 February 2001, and was still to go to the Senate. It provides for the protection of witnesses in serious criminal cases, including those related to organised crime. Threatened witnesses will be given police protection, protection of their homes, relocation within the Czech Republic or abroad, social help and, in certain cases, disguised identities. **[24c]**

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Internal Security

5.21 The Constitution prohibits Cruel, inhuman, Degrading Treatment or Punishment, however, police occasionally used excessive force and abused their authority. **[3b]**

5.22 In May 2001, The Government concluded its investigation into alleged acts of police violence during the September 2000 protests against the meetings of the International Monetary Fund and the World Bank. The Interior Ministry concluded that police at two precinct stations most likely had committed criminal offences, but there was insufficient evidence to identify and take action against individual police officers. No action was taken against the police officer who was photographed standing over a fallen protestor with a raised club. A non-governmental organisation (NGO) that monitors the police filed two lawsuits alleging police misconduct towards the protestors, which remained pending at the end of 2001. **[3b]** A protestor's lawsuit alleging that the police had beaten and mistreated him during his detention after the September 2000 protests was still pending at the end of 2002. **[3d]** In July 2001, the UN Human Rights Committee also called on the Czech government to establish an independent body to receive and investigate complaints of police misconduct. **[16f]**

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Prisons and prison conditions

5.23 Women and men are held separately, juveniles are held separately from adults, and pre-trial detainees are held separately from convicted prisoners. Visits by families and lawyers are permitted and the authorities

follow these guidelines in practice. The government permits visits by human rights monitors, and the Ombudsman has the power to enter prison facilities without warning. [3a] [16e]

5.24 Prison conditions generally meet international standards: however, there is overcrowding in many prisons, although overcrowding declined during the course of the year. By mid-year the prison system was at 93% of capacity. A new facility allowing female inmates to care for their infants whilst incarcerated was opened on 1 October 2002. The ratio of prisoners to prison guards was approximately 3 to 1. [3b]

5.25 The International Helsinki Federation for Human Rights, in its 2000 report, mentioned a number of concerns about prison conditions. The prison system was described as expensive, obsolete and ineffective. Prisons were overcrowded, partly because imprisonment was overused as a punishment i.e. the courts were not giving sufficient consideration to available non-custodial punishments. The care of prisoners was insufficient in certain aspects, partly due to a shortage of funds. [5a] The Ministry of Justice has sustained efforts to improve the situation. [4c] According to a report in the daily Lidove Noviny in March 2003, the number of people serving a prison service decreased by over 3,000 persons in 2002, as compared with figures from the previous year. The paper credited the amendments to the Penal Code, which came into effect in January 2003, at least in part with the improvement as this has allowed a greater range of alternative penalties to custodial sentencing. [32i]

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Military Service

5.26 The 1993 Law on Military Service, as amended, provides that all men between the ages of 19 and 28 are liable for call-up. The current length of service is 12 months. Exemption is possible for domestic or medical reasons, and deferment is available for students. Reservist obligations pertain up to the age of 30; the maximum duration of reservist training is 12 days per year - 19 days for officers. [30]

5.27 Refusal to respond to call-up is punishable by six months to three years imprisonment, (Criminal Code, art.269). [30]

5.28 Every year, about 84,000 young men reach conscription age – there are, in 2001, about 27,000 conscripts in the armed forces. The Minister of Defence announced in May 2001 that the Czech armed forces will be fully professional (without conscripts) by 2007. [18v] [30] [31] The Government unanimously approved, on 13 November 2002, wide-ranging reform of the military, which would provide for a fully professional army by 2006. [21b] Although, according to the “Prague Post” newspaper, the Defence Minister had stated that by the end of 2004 compulsory military service should be abolished. [44f]

5.29 The institution of refusal to perform military service for reasons of conscience is provided for in Law no.18/1992 coll. on non-military service, which took effect on 16 January 1992. The right to conscientious objection, for

either ethical or religious reasons, is also enshrined in article 15 (3) of the Constitution. Conscripts are required to submit a written refusal to perform military duties within 30 days of call-up for service. In 2000, 14,160 young men chose to do non-military (civilian) service - the period for which is 18 months - instead of one year's military service. Non-military service is run by the Ministry of Labour and Social Affairs, in co-operation with local authorities, and individuals may be assigned to work in hospitals, environmental protection, forestry, municipal duties such as street cleaning, or in other public service duties.[16d] [18v] [30]

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Medical Services

5.30 Arrangements for medical treatment in the Czech Republic are set out in the (Czechoslovak) Health Care Act of 1966, updated and amended sixteen times since 1991.[27a] [29]

5.31 There is a public health insurance scheme in the Czech Republic, which is regulated according to the General Health Insurance Act. The scheme is financed by contributions from employees (4,5% of wage earnings) and employers (9% of wages paid). The State makes up the deficit, covering payments for children, people who are unemployed and claiming benefit, retired persons, students, and people in various other non-earning categories. [27a] [28] [29]

5.32 Medical treatment, funded by public health insurance, is available to all permanent residents in the country, regardless of their age, race or background, provided their health insurance payments are up to date or they are in a non-paying category. All patients, except those in prison, have a free choice of which doctor or institution to use.[27a] [28]

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Education System

5.33 As of 2000/01, the Czech Republic had 5,776 pre-primary schools, 4,032 primary and lower secondary schools. There are 1,728 upper secondary schools consisting of general, technical and vocational, along with 163 higher professional schools and 24 universities.[1d]

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6 HUMAN RIGHTS

6.A. Human Rights Issues

Overview

6.1 Since 1991 the Czech Republic has had a Charter of Fundamental Rights and Freedoms, Article 1 of which sets out the principle of the equality of individuals in their dignity and their rights. Article 3 of the Charter states that "fundamental human rights and freedoms are guaranteed to everybody

irrespective of sex, race, skin colour, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth or other status".[16b]

6.2 The Czech Republic is the successor of the Czech and Slovak Federal Republic, which ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1966, and became a Party to the Convention, which it directly incorporated into its legislation. Despite the ratification, the Czech Republic has not yet adopted legislation prohibiting all forms of racial discrimination.[16a]

6.3 The Czech Republic is also a Party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as other international human rights instruments. The Czech Republic ratified the European Convention on Human Rights in 1992 and the framework Convention for the Protection of National Minorities in 1997.[16a]

6.4 The Czech Republic fulfils the Copenhagen political criteria for accession to the European Union. The criteria, as laid down by the Copenhagen European Council in June 1993, stipulate that the country must have achieved "stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities".[4a] [4b]

6.5 According to the US State Department Report for 2001, the Government generally respects the human rights of its citizens; however, problems remain in certain areas, including occasional police violence, lengthy pre-trial detention and other delays in the judicial system, and trafficking in women and children. The Roma minority remains exposed to racial discrimination. Roma suffer disproportionately from poverty, unemployment and illiteracy, and are subject to popular prejudice. Sporadic acts of violence by skinheads against members of this minority have continued to occur.[3a]

6.6 There were no reports in 2002 of political or other extra-judicial killings and there were no reports of politically motivated disappearances. The Constitution prohibits torture and there were no reports of such practices.[3d]

6.7 The law prohibits exile and the Government observes this right in practice. Since 1993 local courts and foreign police have expelled to Slovakia "Slovaks" without proper citizenship or residency papers. Some of these expulsions involve "Slovak" Roma who have never been to Slovakia. By the first half of 1997, a total of 851 Slovaks had been expelled administratively or judicially by the authorities. A February 1998 presidential amnesty (which was expected to affect three quarters of all expulsion sentences issued between 1 January 1993 and 2 February 1998) granted an amnesty to those receiving expulsion sentences for crimes in which the punishment is less than 5 years' imprisonment. According to one unnamed NGO some courts have not implemented this amnesty. Courts have not imposed expulsion sentences since the implementation of new citizenship law, which allows "Slovaks" and others to legalise their status.[3a]

6.8 The law provides for the equality of citizens and prohibits discrimination. Health care, education, retirement and other social services generally are provided without regard to race, sex, religion, disability or social status. In practice Roma face discrimination in such areas as education, employment and housing.**[3a]**

6.9 The Law on Ethnic Minorities was approved by the Chamber of Deputies on 24 May 2001, and by the Senate in June. It applies to 12 ethnic minorities living in the Czech Republic, and provides that, in communities where at least 10% of the population is of an ethnic minority, signposts and street names will be bilingual.**[32c]** Apart from provisions for the use of minority languages in education, other legislation includes:
Law No. 335/1991 on Courts and Judges: Every person has the right to use their own language before a court. The cost of an interpreter must be covered by the State.
The Penal Code, Law No. 141/1961: Covers the right to use one's own language in criminal proceedings.

6.10 Human rights groups operate without government restriction and government officials generally are co-operative and responsive to their views. The best known human rights groups are the Czech Helsinki Committee and the Tolerance Foundation (an umbrella organisation) and there are many single issue groups.**[3a]**

6.11 On 8 July 1999 Parliament passed the final legislation needed to create a \$14 million (500 million Czech crowns) endowment to be used by 39 NGOs that work on issues of social welfare, health, culture, education, human rights protection and the environment. In June 2000, the Government's Council for Non-governmental Organisations announced it would be dedicating an additional \$37.5 million (1.5 billion Czech crowns) for organisations focusing on human rights and the environment.**[3a]**

6.12 The EU Commission reports regularly to the European Council on progress made by each of the candidate countries of Central and Eastern Europe in preparation for membership. This includes an analysis of the situation in respect of the political conditions set by the European Council (democracy, rule of law, human rights, protection of minorities).**[4]**

6.13 The post of **Human Rights Commissioner** was established in September 1998. The Commissioner serves as head of the government Council for Nationalities and of the Interministerial Commission for Romany Community Affairs, established in 1997. This latter commission analyses government measures proposed by individual ministries, to collect information and to inform the Romany community about government activities, to allocate grants to supplementary programmes for the Romany community and to deal with issues covering housing, education and discrimination. In December 1998 the Commission was expanded to include 12 government representatives and 12 Romany representatives, as well as the Commissioner for Human Rights and his deputy. The revamped Commission has taken an increasingly active role in resolving disputes between Romany communities and their non-Romany neighbours in towns such as Usti nad Labem and Rokycany. Jan Jarab replaced Peter Uhl as Human Rights Commissioner in

March 2001. On November 26, the Council gave a government grant of \$54,000 (2 million Czech crowns) to the NGO People in Need to support an ongoing media campaign against extremism. **[3a] [18k]**

6.14 In each House of Parliament there is a petition committee for human rights and nationalities, which includes a subcommittee for nationalities. The government-sponsored Council for Nationalities advises the Cabinet on Minority affairs. In this body, Slovaks and Roma have three representatives each, Poles and Germans, two each and Hungarians and Ukrainians, one each. There is also a government commission staffed by members of the NGO and journalistic communities that monitors interethnic violence. In December 1998 a Council for Human Rights was established with 10 representatives of government ministries and 10 human rights activists. This body was created to advise the Government on human rights issues and propose legislation to improve the observation of human rights in the Country. Commissioner Uhl was appointed chairman of the Council. **[3a]**

6.15 The Government announced its intention to establish an independent state institution, the Office for Ethnic Equality, which will observe breaches of the laws on discrimination and impose sanctions. It will be answerable to parliament in its work. The Office will be responsible for observing the elimination of all forms of discrimination. **[6]**

6.16 In December 1999 the Parliament passed legislation mandating the establishment of the office of Public Defender of Rights (Ombudsman), to be created in 2000. The legislation provides for Parliament to select an Ombudsman for a 6 year term from a pool of candidates nominated by the President and the Senate. **[3a] [16b]** In December 2000, Parliament elected former Justice Minister Otakar Motejl as Ombudsman. Former Charter 77 spokesperson Anna Sabatova was appointed Deputy Ombudsman. This new institution is expected to be effective in enhancing the protection of citizens against any inappropriate treatment by State institutions and administration offices, including any actions which might involve signs of racial discrimination or which are otherwise inconsistent with the law or the principles of a democratic legal state. The Ombudsman is empowered to deal with complaints from individuals concerning the police, prison services and medical facilities, in addition to government ministries, district offices and other state bodies. Though the Ombudsman has no direct power to sanction the authorities, his powers being limited to notifying a superior organ, or the Government, he may propose the instigation of disciplinary action or criminal proceedings against police or public officials, and the payment of damages (compensation) to aggrieved individuals. The Ombudsman is also authorised to recommend the annulment or amendment of legal regulations. An opinion survey conducted in March 2001 showed that the institution of Ombudsman has the support of the vast majority of the Czech citizens. **[3a] [16b] [18h] [18i] [18j] [4b]** By the end of October 2002 the Ombudsman had received 4,619 requests by Czech citizens for assistance. **[3d]**

6.17 According to a news report by the CTK News Agency in Prague, Prime Minister Spidla stated, on 13 April 2003, that Human Rights are being observed in the Czech Republic so no resolute changes are necessary. He reportedly admitted that protracted court disputes were still a major problem

but had stated that the Justice Minister had been assigned to tackle the required changes in legislation. Jan Jarab, the Human Rights Commissioner, was to make a number of recommendations the following day regarding victims of home violence, state citizenship status and an anti-discrimination bill, among other things. [32k]

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Freedom of Speech and the Media

6.18 The law provides for freedom of speech and of the press, and the Government respects this right in practice. Individuals can and do speak out on political issues and freely criticise the Government and public figures. A wide variety of newspapers, magazines, and journals, owned by a variety of Czech and foreign investors, are published without government interference. However, there has been some criticism that because of foreign ownership of the printed media, it is estimated that 55% of Czech dailies are owned by the German media, regional newspapers have lost their unique local flavour. [44n][44o] The press and broadcast media continue to operate under outdated and insufficient laws, which are now in the process of being replaced by legislation conforming to European Union norms. A Communist-era law against "defamation of the Republic" was revoked in 1997. [3a]

6.19 The electronic media are independent. There are 3 national television stations, 1 public and 2 private, and more than 60 private radio stations in addition to Czech Public Radio. The leading television channel, Nova, is privately owned, although a widely publicised dispute about the channel's ownership and alleged fraud and serious commercial misconduct by the license holder ~~is now~~ was the subject of international arbitration. This resulted in the Czech Republic being ordered to pay Central European Media Enterprises over CZK 10 billion (approximately \$355 million) by an International Arbitration Tribunal in March 2003. [44c][44j] Citizens also have access to foreign broadcasts via satellite, cable, and the Internet. [3a]

6.20 The Television and Radio Council has limited regulatory responsibility for policymaking and answers to the Parliamentary Media Commission, which exercises broad oversight of the Council and must approve its members. The Council can issue and revoke radio and television licenses and monitors programming. In March 2000, the parliamentary Media Commission dismissed the Television and Radio Council on the grounds that Czech Television had failed to fulfil its public service role. The 2002 EU Accession Report still considered that the Council needs to exercise its responsibilities more effectively and needs to maintain its political independence. The Council had been widely criticised for its lack of initiative and effective action in addressing an ownership dispute at the country's largest private television station. [3a] [4b] [4c]

6.21 In June 1999, a Prague court prohibited Tomas Kebza, deputy chairman of the rightwing Republican Youth Party and editor of the weekly *Republika*, from publishing for 10 years for his two articles which contained anti-Semitic and pro-Nazi views and which were aimed at suppressing the rights of other citizens. [3a]

6.22 In May 1999 Parliament passed a Freedom of Information act which was to take effect on 1 January 2000. The law provides for freedom of access to non-classified information under the control of state and local authorities, as well as other institutions.[3a] In February 2000, the lower house of Parliament approved a press bill, excluding its most controversial provision requiring that the press present responses from persons or parties who believed their reputations had been sullied by media reports, even if the information were correct. Opponents of the measure had maintained that this provision would create an unfair burden on the press and represented an unwise regulation of free expression.[3a]

6.23 Charges of slander, assault on a public office, and inciting racial discord filed against prominent national Romani leader Ondrej Gina in November 1999 were dropped in March 2000. The mayor and city council of Rokycany formally had pressed charges against Gina for remarks that he had published about the mayor and the city on an internet site about discrimination against Roma. Local police had concluded that these remarks constituted a criminal act and turned the case over to the state prosecutor for action. The mayor and city council had argued that Gina's remarks were malicious enough to constitute "defamation of the Czech nation" and "harm to the reputation of the city of Rokycany at home and abroad.[3a]

6.24 A law passed in September 2000 criminalises Holocaust denial.[3a]

6.25 The Czech Television Council (RCT) oversees Public Czech Television; the Law on Czech Television forbids RCT members from serving the interests of any political party or movement. In 2000 the RCT consisted of nine members, seven of whom had been nominated by the CSSD and ODS.[3a] [23] [18p] [18q]

6.26 A new Radio and Television Broadcasting Act was passed in June 2001, when the Chamber of Deputies overruled a Presidential veto on it. The Act revises licensing procedures for broadcasters, introduces EU content quotas, specifies the powers of the Broadcasting Council, and increases the ratio of advertising time on commercial stations.[28b]

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Journalists

6.27 In September 2000 police brought charges of abetting in the commission of a crime against two journalists who refused to reveal their source of information in a case involving an alleged slander campaign against a member of the Government. Such charges are usually brought only in cases in which police have no other means of solving a serious crime, such as murder. Journalists and journalists' professional organisations criticised the charges as an attempt to stifle freedom of the press. In October 2000, President Havel pardoned the two journalists, who then called for the case to continue in order to establish a legal precedent on the press' right to protect sources. In March 2001 the prosecutor's office determined that no criminal offence had occurred and dropped the case against the two journalists.[3a] [3b]

Freedom of Religion

6.28 The principal religion in the Czech Republic is Christianity. The largest denomination is the Roman Catholic Church.[1b] The Constitution provides for religious freedom and the government respects this right in practice. The state subsidises all religions that are officially registered with the Ministry of Culture. There are 21 state recognised religions. To register a church must have at least 10,000 adult members permanently residing in the country (but see paragraph 6.30 below). For any churches that the World Council of Churches has already recognised, only 500 adult permanent residents are required. Churches registered prior to 1991 are not required to meet these conditions. The Jewish community, which numbers only a few thousand, constitutes one such exception. Unregistered religious groups such as the small Muslim minority may not own community property legally although they are otherwise free to assemble and worship in the manner of their choice. Their members can and do issue publications without interference.[3a]

6.29 Missionaries for various religious groups, including the Church of Jesus Christ of Latter Day Saints and Jehovah's Witnesses, are present in the country and proselytise without hindrance. They must, however, obtain a long-term residence and work permit if they intend to remain in the country for more than 30 days. In March and May 1999 respectively, the government established two church state commissions to improve church state relations.[3a][3d]

6.30 In July 2000 a bill was introduced which would provide for a two-tier system of registration of churches and religious societies. On the first level of registration, a church or religious society would acquire the status of an association, and on the second level they would be given special rights such as the rights of exercising their activities in schools or in the army, or the right to conclude marriages. The second level would only be achieved if the organisation has been active for 10 years since they were first registered, and if they have as members at least 0.2% (about 20,000) of permanent residents of the Czech Republic. The bill, however, provides for the lowering of the number of members necessary for 'first-level' registration, from 10,000 to 300. Some representatives of the established churches have criticised the proposed new legislation on the basis that it will limit their freedom to decide on their internal (business) affairs, while some new, smaller religious groups have been critical of the requirements for second-level registration. The bill was approved, became the Law on the Freedom of Religious Belief and on the Status of Churches and Religious Societies and entered into force on 1 January 2002. [18e][18w][3d]

6.31 Various leaders of the Muslim community in the Czech Republic have denounced the terrorist attacks of 11 September in the US. The Chairman of the Islamic Foundation in Brno rejected the use of the term "Islamic terrorists" in connection with those events, but added that 'only a few' Muslims in the Czech Republic had been verbally attacked by people from the majority population.[18x]

Freedom of Association and Assembly

6.32 The Constitution provides for the right of persons to assemble peacefully, and the Government respects this right in practice, although it may restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or otherwise would jeopardise the safety of the participants. Permits are normally required for demonstrations, but police generally do not interfere with spontaneous, peaceful demonstrations for which organisers lack a permit. **[3a]** A group of about 50 people was reportedly able to protest against the country's planned accession into the European Union in March 2003 and, in April 2003, a 300-strong antiwar protest that reportedly took place in Prague was uninhibited by the authorities. **[44e][44i]**

6.33 Several times during the year, skinhead groups organised concerts, which drew participants and audience members from neighbouring countries. The police closely monitored these concerts. In April 2002 Interior Minister Gross expressed his displeasure with the concerts and urged police to make use of existing laws against incitement to racial hatred and suppression of civil rights to prosecute organisers and participants. On 22 May 2002, eight persons were charged in connection with a skinhead concert that took place in April 2002. Four were accused of "supporting and promoting movements designed to suppress civil rights and freedoms." The other four were accused of "publicly expressing sympathies for fascism". **[3a]** These cases remained pending at the end of 2002. **[3d]**

6.34 The law forbids political party activity at universities. The Constitution provides for the right of persons to associate freely and to form political parties, and the Government respects this right in practice. Either the Government or the President may submit a proposal to the Supreme Court calling for a political party to be disbanded; during 1999 the Supreme Court cancelled the registrations of six parties that existed only on paper. The cancellations, part of a policy begun by the 1998 interim government to maintain an active registry, were mere formalities, as the organisations in question had ceased to exist in practice. Organisations, associations, foundations, and political parties are required to register with local officials or at the Interior Ministry, but there is no evidence that this registration is either coercive or withheld arbitrarily. **[3a]**

6.35 Associations whose purpose is to deny or restrict the personal, political or any other rights of citizens for their ethnicity, sex, race, origin, political or other conviction, religion and social status; to incite hatred and intolerance for such reasons; to support violence or otherwise infringe on the Constitution and laws are prohibited. The former Prime Minister, Zeman, has consistently called for the cancellation of the official registration of groups sympathetic to the skinhead movement. In March 2000 the Minister of the Interior officially disbanded and cancelled the registration of the National Alliance, an extreme right-wing, neo-Nazi organisation whose leaders consistently have propagated anti-Semitic and anti-Roma sentiment. **[3a] [16b]** In November 2002 the National Party, which had previously been refused registration because its position did not uphold constitutional principles, was registered by the Interior Ministry pursuant to an order of the Supreme Court. **[3d]**

Employment Rights

6.36 The Government sets minimum wage standards, which provides a decent standard of living for a worker and family. Average net wages are 2.8 times higher than official subsistence costs and Government subsidies are available to families with children. Retraining efforts, carried out by district labour offices, seek to provide labour mobility for those at the lower end of the wage scale.[3a]

6.37 In January 2001, a new law took effect establishing a 40 hour work week, a decrease from the 42 hour work week in the previous year. The law requires a paid rest period of a least 30 minutes during the standard 8 hour workday, as well as annual leave of 4 to 8 weeks, depending on the profession. Overtime ordered by the employer may not exceed 150 hours per year or 8 hours a week as a standard practice, although the local employment office may permit overtime above this limit. The Labour Ministry enforces standards for working hours, rest periods and annual leave.[3a]

6.38 Government, unions and employers promote worker safety and health standards, but conditions in some sectors of heavy industry do not meet these standards, particularly those awaiting privatisation. The Office of Labour Safety is responsible for enforcement of health and safety standards. In 2001 there were 93,289 reported accidents at work, compared to 92,906 in the year 2000. [3d] Workers have the right to refuse work endangering their life or health without risk of loss of employment.[3a]

6.39 The law prohibits anti-union discrimination and provides for collective bargaining but while the former was adhered to some employers interfered with the latter, according to the Annual Survey of Trade Union Rights 2002. There were no major strikes throughout the year 2002.

People Trafficking

6.40 The law prohibits trafficking in persons, however trafficking in women and girls for the purpose of sexual exploitation was a problem. The Czech Republic is a country of origin, transit and destination country for trafficking in persons.[3a]

6.41 The penalties for trafficking are roughly commensurate with those for rape and sexual assault. The Government investigates and prosecutes cases of trafficking in persons, although the conviction rates are low. According to police statistics there were 139 trafficking related arrests during the year 2002. The authorities co-operate extensively with other Central and Eastern European countries, European Union members and the United States during investigation and prosecution of trafficking cases.[3a]

6.42 Police maintain close contact with the IOM and other NGO's in order to provide services to women after trafficking arrests. The Government does not provide direct assistance to victims, but does refer them to NGO's that provide

assistance. The Government provides funding to some of these NGO's. Returnees are frequently loath to return to their families or ask for help due to the stigma attached to having been trafficked.[3a]

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Freedom of Movement

6.43 The law provides for freedom of movement to travel domestically and abroad, as well as for emigration and repatriation, and the Government respects these provisions in practice. Czechs who emigrated during the period of Communist rule frequently return to visit or live. A law passed in September 1999 permits such persons to regain Czech citizenship without having to relinquish a foreign citizenship that they acquired during that time. Citizenship is not revoked for political reasons.[3a]

6.44 As of August 1999, the Government granted citizenship to 3,200 former citizens of Slovakia and 564 former citizens of other countries; however, an amendment to the Citizenship law in September 1999 was expected to enable thousands more 'Slovaks', primarily Roma, to become citizens. (See 'Roma - Citizenship Laws') In April 1999 the Government established temporary protection status for Kosovar Albanian refugees and opened 7 humanitarian centres to house 825 refugees relocated from overcrowded camps in Albania and the Former Yugoslav Republic of Macedonia. According to estimates by the UNHCR, there were between 2,000 and 3,000 more unregistered Kosovar Albanians in the country who were staying in hotels along the border with Germany and were waiting to be smuggled into that country. By the autumn most of these refugees returned to Kosovo at their own request.[3a]

6.45 The law includes provisions for granting refugee and asylum status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provides first asylum and co-operates with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organisations in assisting refugees. About 5% of all applicants are granted refugee status. On 21 September 2001, the Chamber of Deputies approved a new asylum bill - which came into effect on 1 February 2002 -, which Interior Minister Stanislav Gross said was designed to speed up the asylum procedure and minimise its abuse, and 'eliminate refugees who apply for asylum for purely economic or social reasons'. Some of the provisions are:

1. Asylum applications must be processed within 30 days, whereas this procedure has been taking several months;
2. Individuals may not re-apply for asylum within two years of having been refused;
3. Applicants will no longer be permitted to work;

Medical care available to asylum seekers will now be limited to that covered by public health insurance

6.46 There has been a substantial increase in the number of people claiming asylum in the Czech Republic. In 2001 there were more than 18,000 asylum applications, compared to 8,788 in the year 2000. Ukraine, Moldova and

Romania have been the main countries of origin for this year. [32a][3d] The CTK Czech News Agency reported on 12 April 2003 that a draft report on human rights observance states that there are almost 250,000 foreigners living legally in the Czech Republic and that, of this number, 75,000 have permanent stay visas and 156,000 hold long-term visas. [44m] A significant number of Roma from the Slovak Republic seek asylum in the Czech Republic – 723 in 2000, 388 in 2001 and 472 up to 7 October 2002. [32g] The number of Slovak seekers has grown in recent months, with 135 applications in September 2002 which to Ostarva regional Roma association chairman Mikulas Horvath, proves that discrimination against Roma in the Czech Republic is not so strong as to force Roma to emigrate. [32h] According to a report by Slovak Radio on 11 April 2003, Slovak Roma are migrating to the Czech Republic because of the lack of jobs in Slovakia and also because of the xenophobia and racism they experience there. [32j] However, other sources, such as the United States Department of State Report on Human Rights Practices - 2003, indicate that Roma continued to emigrate or wished to emigrate in 2002. [3d]

6.47 Following an agreement between the Czech and UK governments in February 2001, a pre-clearance scheme was instituted at Ruzyně Airport in Prague on 18 July, whereby all travellers to the UK were given or refused leave to enter the UK prior to checking in for their flights. Decisions on admission to the UK, in accordance with the requirements set out in the UK Immigration Rules, were made on the individual merits of each case and on a non-discriminatory basis. The scheme was initially withdrawn on 9 August, but has since been re-introduced for limited periods. Roma activists in the United Kingdom have criticised the controls, alleging that they are “racist”, as they appeared to be targeting Roma. In July 2001, the Romani Civic Initiative and the Democratic Union of Roma filed a lawsuit against the Czech Government alleging that the selective screenings by British officials restricted the right to travel and that many Roma were denied permission to travel on the basis of the ethnicity alone. The case remained pending at the end of 2002. [3d]

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6.B Human Rights - Specific Groups

Ethnic Groups

Roma

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Roma in Europe

6.48 The term Roma is used as a generally accepted generic name for the group of people who speak a Romany tongue and/or share a common ethnic identity, culture and history. The term "Gypsy" is considered by many to be pejorative. It is estimated that over 12 million Roma live in the world today. Roma generally came from India after the 10th century and have been living in various parts of Europe ever since. The number in Europe is estimated to be at least 8 million, with the majority, almost 6 million, living in central and eastern Europe.[7]

6.49 There are Roma communities in seven of the ten countries of central and eastern Europe who have applied to join the European Union:

Country	Estimated number of Roma
Bulgaria	700,000 – 800,000
Czech Republic	180,000 - 300,000
Hungary	550,000 - 600,000
Poland	50,000 - 60,000
Romania	1,800,000 - 2,500,000
Slovakia	480,000 - 520,000
Slovenia	8,000 - 10,000

6.50 Despite many common traditions, the Roma communities today are made up of diverse branches and clans, with many different cultures, dialects and languages between them. Due to their nomadic way of life, they have had difficulties in establishing and defending their basic human rights. As a minority group Roma communities suffer from social and cultural exclusion in most European countries.[7]

6.51 The problems of marginalisation are particularly severe in the central and eastern parts of Europe where Roma have suffered in the transition of the countries towards market economies. The problems most commonly faced by Roma populations are racism and discrimination, low levels of education, high unemployment (50-90%), health standards well below those of the mainstream population and very poor housing conditions.[7]

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History of Roma in the Czech Republic

6.52 The Roma population in the Czech Republic is constantly dispersing, according to information from 1989, with around 43,000 in northern Bohemia, 30,700 in northern Moravia, 15,500 in western Bohemia, 14,300 in central Bohemia, 13,250 in eastern Bohemia, 12,000 in Prague and 12,000 in southern Moravia. According to the Czech Helsinki Committee, in Prague, the Roma are concentrated in the old industrial districts, that is to say, Prague 3, 4, 5 and 8. According to the Committee, in the last demographic study, registration according to ethnic origin was no longer permitted.**[9]**

6.53 The Roma living in the Czech Republic belong to several sub-ethnic groups. 80% of them are referred to as the Slovak Roma. Most of them speak dialects related to the East Slovakian Roma language, while a small proportion speak dialects related to the Central and West Slovakian Roma languages. The second largest group of Roma (about 20,000) are the Vlax (Vlaxiko) Roma, who speak their own dialect which differs considerably from the Slovak Roma dialect. They lived nomadically until 1959 when various restraints began to be applied to prevent them from travelling.**[16b]**

6.54 The third group are the Hungarian Roma who speak Hungarian, and who in censuses usually claim to be Hungarian. There are an estimated 15,000 of them. The fourth group of Roma are the original Czech and Moravian Roma, of whom only about 600 survived the Nazi genocide. This population is integrated. The Sinti (German Roma) who had lived in the Czech territory before the Second World War, were also practically exterminated.**[16b]**

6.55 According to representatives in Prostějov's Social Services Department, there is also a small group of Olah Roma who do not want to accept the authorities. According to the director of SOZE, there is also a small group of Ukrainian Roma, which has a very bad relationship with other Roma groups. Several sources, including the Czech Helsinki Committee, stress that the original Roma who were exterminated during the Second World War were well educated and well integrated. According to the Ministry of the Interior, the Roma are very family orientated and traditionally have many children. At the beginning of the 1980s, 51% of the Roma population were under 18 years old and 38% were under 15 years old.**[9]**

6.56 It is estimated that about half a million European Roma were exterminated in the Nazi concentration camps during the Second World War. **[9]** After the war and subsequent deportation from Czech Sudetenland to Germany of thousands of Czechs of German ethnicity, thousands of Roma were settled, often forcibly from Slovakia to western Bohemia to fill newly vacant flats and factory jobs. Communist Czechoslovakia's policy toward Roma ranged from forced settlement and employment, to assimilation and forced integration as a cultural and ethnic group.**[8]**

6.57 Under Communism, the Roma were treated as a socially disadvantaged group, which therefore needed various forms of social support. This resulted in a large proportion of the Roma relying on State support. According to Petr Tulia, leader of the Democratic Alliance of Roma party in Valasske Mezirici, under Communism there were special Roma

commissioners and the Communist authorities' aim was to assimilate the Roma population.[9]

6.58 Following the fall of Communism in the then Czechoslovakia in November 1989 the situation of the Roma improved in some respects and deteriorated in others. According to UNHCR, on the one hand, Roma continue to be recognised as a national minority, have formed political and cultural organisations and like other Czech citizens have the opportunity to enjoy the benefits of political and economic freedom. On the other hand however, with the transition to a market economy, the Roma have become increasingly marginalised relative to the majority Czech ethnic population, both socially and economically. Moreover, dormant anti-Roma attitudes, suppressed under the Communist system emerged in the forms of societal discrimination and less frequently in violent attacks. This increased marginalisation and feeling of vulnerability has led some members of the Roma community to seek a better future through migration.[8]

6.59 In addition to the dire economic situation faced by Roma, the preferred social distance maintained by many Roma further contributes to the placement of Roma on the fringes of Czech society. While it is understandable given the history of Roma vis-à-vis dominant cultures it may be viewed as an added obstacle to successful integration. The resulting rift in community relations is often expressed as a conflict in social values.[8]

6.60 Gypsy King Joseph Smolka, of the Olach Roma community, died in Opava in August 1999. He was succeeded in 2001 by Jan Lipa, who was reportedly elected King by 300 of the clan's most influential families. He has sought to stop Olach families in the Czech Republic from leaving to seek asylum in other countries. There are estimated to be half a million Olach Romanies world-wide, but only about 20,000 of them live in the Czech Republic.[18ac] [38a]

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Current conditions facing the Roma community

6.61 The Czech authorities and the representatives of non-governmental organisations and Roma community associations admit that Roma continue to be the victims of intolerance and discrimination in various forms, particularly in employment, education, and housing. They may also be exposed to violence perpetrated by members of extreme right-wing organisations, or skinheads. Roma also suffer disproportionately from poverty, illiteracy and disease.

[3a][16a] Several sources, including UNHCR in Prague, stress that the government is aware of these problems and has already taken several significant steps to address them, but that the solutions require both time and money. **[9]** In August 2002, the Prime Minister made an unprecedented appeal to the Roma community that they should remain in the country, rather than emigrate as many do, and work with the Government and majority population to overcome both their economic and social difficulties. **[3d]**

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Employment

6.62 The Roma minority is affected by very high unemployment. In its 1997 report, the Council of Nationalities estimated that 70% of Roma were unemployed and that this figure was as high as 90% in some areas, while the general unemployment rate at the time was 5%. The EU Commission Report for 2000 also estimates Roma unemployment at 70 - 90 %. The majority of Romany job-seekers recorded by the Labour Offices belong in the 'difficult to employ' category, characterised by low skills, long-term unemployment and combinations of handicaps. Many are qualified only for low-paying jobs as manual labourers. A higher than average share of the Romany population applies for partial or full disability pensions due to the occurrence of advanced stage malignant diseases resulting from the neglect of preventative health practices or the lack of available medical care in areas with above average Romany populations. **[3a] [4b] [16a] [16b]**

6.63 Government initiatives announced in April 1999 to improve Roma access to employment include the following:

1. Legislative initiatives to prohibit discrimination (the 1999 Employment Act prohibits discrimination) **[16b]**,
2. The establishment of an independent government institution with the mandate to monitor and sanction discriminatory practices, and
3. Preference to Roma firms in the award of government contracts.**[8]**

6.64 In June 2000, the national minimum wage was increased by CzK500 to CzK4, 500 per month. **[3a]**

6.65 The UN Human Rights Committee has urged the Czech government to make greater efforts to provide training to Roma in order to equip them for suitable employment and create job opportunities for them, as well to adopt further measures to ensure the effectiveness of existing legislation against discrimination.**[16f]**

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Education

6.66 The level of education among Roma is particularly low, most finishing their schooling prior to completion of the ninth grade (nine years of schooling is compulsory in the Czech Republic). According to the 1991 census, less than 2% of Roma over the age of 15 have attended or completed secondary school.**[8]**

6.67 A high proportion of Roma children are transferred at an early age to remedial special schools for children with educational difficulties (SEN schools), subject to their parents' consent and on the basis of controversial psychological tests. These schools are viewed by some as institutions for the mentally disabled or socially maladjusted. Remedial special schools receive

more funds per student and have a better teacher to child ratio than mainstream schools, but graduates have lesser opportunities for further study and employment. Estimates are that over two thirds of Roma children are transferred or directly enrolled in SEN schools, and make up 50% or more of the pupils in these schools. **[3a] [16b] [16c]**

6.68 The Ministry of Education is reported to be working on changes to the psychological tests which determine whether a child should be sent to a remedial special school. These tests have been criticised as not taking account of language difficulties, or of the cultural and social differences between Roma and non-Roma children. **[3a] [16b]**

6.69 In December 1999, Parliament revoked the restriction on children in special schools from applying to attend mainstream secondary schools. **[3a]**

6.70 In June 1999, twelve Roma families from Ostrava, supported by the European Roma Rights Centre, an NGO based in Budapest, filed a case in the Constitutional Court to have their children's placement in special schools declared unlawful on the basis that the disproportionate number of Roma children in special schools constitutes *de facto* racial segregation. The Constitutional Court rejected the complaint in November 1999. In April 2000 the families took their case to the Court of Human Rights in Strasbourg, where it is still pending. **[3a] [4b]** It was announced by the Education Minister in January 2002 that, in the long-term, it was planned that special schools would be phased out and pupils would be mainstreamed into regular classrooms. **[3d]**

6.71 The Czech government's recent policy initiatives in education for Roma include:

1. More emphasis on preparatory classes,
2. Romany assistants in schools and remedial classes,
3. Measures to eliminate language barriers,
4. Romani as an auxiliary teaching language,
5. An individual approach based on smaller classes and specialised teacher training. **[8]**

6.72 In 1993 the government created the framework for a number of year long programmes (called zero grades) to prepare disadvantaged youths for their first year in school. Many districts with high concentrations of Roma participate in the programme, which is funded by local authorities. More than 100 zero grade facilities now operate throughout the country. Some districts tracking local Roma student's report that up to 70% of the children who attend zero grade training successfully enter and remain in mainstream schools. **[3a]**

6.73 Another initiative introduced Roma "assistant teachers" into the primary and special school system. Their function is to help teachers communicate effectively with Roma pupils and encourage co-operation

between schools and Romany parents. According to the Ministry of Education, there were 200 Roma assistant teachers in the school system in 2000, up from 144 in 1999. **[3a]**

6.74 During 1999 the Education Ministry began using joint Romani-Czech language textbooks in 60 elementary schools to help overcome the barrier in the early school years between Romany children and non-Romany speaking teachers. Local NGO's support additional studies and private initiatives help prepare Romany children for mainstream schools. **[3a]**

6.75 The Ministry of Education has recommended that schools include in their syllabus multicultural education programmes, including Roma history, culture and traditions. Publishers of history and civics textbooks are now required to include content on ethnic minorities.**[4b] [8] [16b]**

6.76 On 22 May 2001, a Government bill for the reform of the Czech education system was rejected ('returned for re-working') in the Chamber of Deputies. The proposed law would have meant, amongst other things, the end of 'special schools' for children with learning difficulties. Opposition members said that a provision in the bill to establish schools as 'educational legal entities' would have disadvantaged private and church schools, and that the government had not consulted sufficiently with interested parties in preparing the legislation. The Chamber of Deputies called on the Cabinet to re-prepare the bill, but the Education Minister said there would not be time to do so before the 2002 parliamentary elections.**[18aa]**

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Housing

6.77 Housing has become an acute problem for the Czech population in general, especially in areas where employment is more readily available. For many Roma, the situation is markedly worse. There are large concentrations of Roma on the outskirts of cities, some communities lacking easily accessible water, electricity and sanitation facilities. In addition to a lack of resources to enter the private housing market, Roma sometimes face discrimination in obtaining flats. According to several polls asking the question over the last few years, Roma are the least preferred neighbours compared to all other nationalities or ethnic groups.**[8]**

6.78 Since the restitution process launched after the 1989 revolution, Roma have been frequently moved to "substitute flats" of a substantially lower standard, sometimes in exchange for financial compensation and in some cases not receiving any compensation due to the absence of a lease or vague lease provisions.**[8]**

6.79 Unemployment and very low income often result in Roma families being unable to pay the rent. Non-payers are then often moved and concentrated into certain housing sites where various social problems cumulate as a result. Even though there are also non-Roma among these non-payers, the proportion of Roma in these sites is so high that they gain a distinctly ethnic character.**[16b]**

6.80 The erection of a wall in Usti nad Labem in 1999 (soon demolished), to separate Roma and non-Roma, is one of the most severe expressions of the tensions which sometimes characterise relations between the Roma and majority population. On 17 June 1999 the local municipal council in Usti nad Labem resolved to construct a 1.8 metre high 'ceramic fence' in Maticni Street, between a primarily Roma-occupied tenement complex and houses with non-Roma residents across the street. The municipality justified the measure on the grounds of neighbourhood tensions between the two groups of residents: Roma children allegedly were too noisy until late at night; Roma families who lived off the recycling of old goods had piled up large quantities of unusable objects; non-Roma residents claimed to have been attacked by the Roma, while the latter complained that they had been insulted by the former. Uncollected trash littering the area was cleared and a children's playground was opened on the street, but efforts at reconciliation between the residents did nothing to remove tensions.

6.81 The Czech Government stated that it regarded the municipality's plan as both serious and disquieting; the project was a breach of human rights, above all of human dignity and equality of individuals before the law. Nevertheless, the municipality and district council announced in September 1999 that construction would proceed, claiming that it was for soundproofing purposes. Building started on 5 October, was interrupted by protests, and then completed overnight on 13 October. On the same day (13 October), the Chamber of Deputies annulled the decision of the town and district councils and directed the government to resume negotiations with a view to dismantling the construction.

6.82 The wall attracted national and international condemnation. President Havel visited the town and he and the government made clear their opposition to the barrier. Human Rights Commissioner Petr Uhl and, later, Deputy Interior Minister Pavel Zarecky were involved in negotiations with the local authorities. In November the government negotiated the removal of the wall and agreed to provide a grant of CZK 10 million to address the problems of inter-ethnic coexistence in the Nestemice District. However, the local authority announced that it would use a portion of this money to buy up the houses of residents who refused to live next to the Roma. The wall was finally demolished on 24 November 1999, six weeks after it had been built. **[3a]**
[16a]

6.83 A Government resolution of September 1999 requires the Minister for Regional Development to "support projects of housing programmes and involve Roma organisations and firms in the implementation of the projects and in deciding on the allocation of the flats so built." There are difficulties as municipalities do not have sufficient funds to finance the building of new blocks of flats for rent, to be built with the participation of Roma. But at a local level, several projects have been implemented. For example, in April 2000 the government provided CzK 32.5 million for the reconstruction of two apartment blocks in Brno, occupied mainly by Roma families. The government has also acted as guarantor for reconstruction funding from the Council of Europe Development Bank. **[16b]** **[4b]**

Citizenship laws

6.84 The Roma had been designated as “Slovaks” in 1969, because many of them or their parents had moved from Slovakia to the Czech lands to occupy the lands vacated by the expelled Sudeten Germans. Slovakia in 1993 did not want to consider the Roma in the Czech lands as its citizens either, so this group of Roma was stateless.[12]

6.85 Thousands of Roma either did not apply for Czech citizenship, could not pay the required administrative fees, or could not meet the criteria and were thus considered Slovak citizens and aliens in the Czech Republic, despite having no genuine links to Slovakia. Roma, often having strained relations with local authorities and having a low level of education, had difficulty with the complicated option procedure. As most rights and benefits, such as employment, social welfare and education are tied to permanent residency, obtaining Czech citizenship is also not seen as the highest priority in a community often struggling to meet their daily needs. Finally, the high incidence of petty crime and the difficulty in proving official rather than factual residence also excluded many from obtaining Czech citizenship.[8]

6.86 After much criticism from international organisations such as UNHCR, and the Council of Europe and from local NGO's, an amendment was passed in April 1996 providing the Minister of the Interior the discretion to waive the clean criminal record requirement. By the end of October 1997 the requirement was waived in 98% of the 1,800 applications lodged. In early November 1997 the government announced that such waivers would be provided to all those who applied, including those previously denied.[8]

6.87 In September 1999 Parliament approved an amendment to Czech citizenship law facilitating access to Czech citizenship for citizens of the former Czechoslovakia and other residents in its territory.[5a]

6.88 An amendment to the citizenship law (Act 194/1999) came into force in September 1999, which would allow the thousands of de facto stateless, most but not all thought to be Roma, to opt for Czech citizenship. This amendment acknowledged the unlimited right of option for citizenship for former Czechoslovaks who had been residing in the Czech Republic at least from the date of the disintegration of Czechoslovakia. Such persons can, without a set deadline, obtain Czech citizenship by making a declaration to that end. The amendment removed the “clean criminal record” requirement, allowed for continuing Slovak citizenship and recognised factual permanent residence rather than the more difficult to obtain official permanent residence. It provided for dual citizenship on a relatively large scale because most prospective new citizens under this amendment would also be Slovak citizens, as the law did not require them to give up their Slovak citizenship. The UNHCR and local NGO's made a significant contribution during the preparation of this legislation.[8] [5a]

Racial prejudice

6.89 Apart from economic and social factors, the situation of the Roma is the result of age-old prejudices which are reportedly widespread among the population. **[16a]** On occasion Roma are not served in restaurants or are denied entry to discotheques or other privately owned venues. A pub owner in Rokycany was fined CzK 8000 in May 2000 after refusing to serve Roma patrons. The Roma Member of Parliament, Monika Horakova, has reported that she had been denied entry to restaurants and clubs on several occasions. A civil court awarded her damages in May 2000 from a club owner in Brno who had refused her entry; however, she has been unable to seek redress in a criminal court for the same matter. The government has set up a team of specialised Romany inspectors who are authorised to penalise shop and restaurant owners who refuse service to Roma, but this has been criticised as ineffective and under-resourced. **[16a][3a][26a]**

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Racially Motivated Attacks

6.90 Anti-Roma violence comes primarily from extreme right-wing skinhead groups, several of which have been active in the Czech Republic since 1990. The Communist regime in power until 1989 did not allow significant manifestations of racism to take place. There are estimated to be 5-6,000 skinheads. **[3a][16a]** The groups currently in existence are similar to each other in their outward manifestations but their ideologies vary: Some profess Czech nationalism, while some others affiliate with supranational neo-Nazi associations operating all over Europe. Right-wing extremists demonstrate hatred for groups differing from the majority population, especially the Roma, through street gatherings, concerts, publication of recordings and periodicals, and also verbal and physical attacks. **[16b]**

6.91 The Ministry of the Interior Report on the issue of Extremism in the Czech Republic in 1999 states that the majority of Czech skinheads are not organised and the cases of criminal offences, especially of a violent nature, committed by skinheads are mostly isolated actions of individuals. There are a number of small neo-Nazi, fascist or ultranationalist organisations which contribute to inciting racial hatred: the Report on Extremism contains details on these. **[24a]**

6.92 In 2000, police recorded 364 “racially-motivated or extremist” crimes, up from 316 in 1999. This number includes cases of physical violence, as well as cases involving verbal abuse (without physical violence), distribution of racist printed or recorded material, incitement, displaying fascist symbols, etc. However the actual incidence of racial crime is likely to be somewhat higher, due to incidents not reported to the police. The US State Department or EU Commission reports do not record any racially motivated attacks in 1999 or 2000 in which a person died. **[3a][24a]**

6.93 In 1998 official statistics indicated that 184 persons had been sentenced for racial offences. **[16a]** Of the 316 crimes reported to the police in 1999, 273 cases have been solved. **[4b]**

6.94 Following the murder of a Roma by skinheads in May 1995 the penal code was changed to include stiffer penalties for crimes determined to be racially motivated.[8] The amendment became effective on 1 September 1995, and states that if certain criminal acts such as murder, bodily harm, or damage to a third party's effects are committed on anybody for his or her race, ethnicity, political conviction, religion or absence of religion, then such circumstances must be treated as justifying a stricter punishment.[16b]

6.95 Racist motivation has been included in the definition of several offences, such as murder, violence causing death, mutilation or incapacity for work, blackmail or damage to property, leading to such offences being more severely sanctioned. Similarly, harsher penalties apply to offences involving racism and xenophobia, including defamation of the nation or race and incitement to racial hatred.[16a] State Prosecutors were directed to seek the highest sentences in crimes where race was a factor and police were instructed to diligently investigate such acts. A special unit in the criminal police was formed to combat extremist groups and since 1 January 1996 each District Police Department has an expert to combat racial violence.[8]

6.96 The US State Department Report for 2000 gives some examples of recent incidents and developments, including the following:

6.97 In February 1999 the Justice Minister filed a complaint against the High Court for annulling the convictions, on technical grounds, of three skinheads found guilty of the murder of Tibor Danihel in 1995. In May 1999 the Supreme Court overruled the annulment and the case returned to the High Court, where the skinheads' prison sentences were confirmed. [3a][8]

6.98 On 20 November 1999 some 30 skinheads attacked between 60 and 70 Roma in a restaurant in Ceske Budejovice; 6 people were injured. Police subsequently charged 23 skinheads with racially motivated violence and damage to property; the trial began in the district court in July 2000. In March 2001, the court convicted 21 of the 23 defendants, finding the other two not guilty. Six of the skinheads were sentenced to between 12 and 16 months in prison. Another ten, who were first offenders, were given conditional sentences of between 18 and 24 months with a three-year probation period. Five of the convicts, who were under 18 at the time of the crime, each received 10 months in prison with a one-and-a-half year probation period. [3a][32f]

6.99 In March 2000 the Minister of Interior officially disbanded and cancelled the registration of the National Alliance, an extreme right-wing, neo-Nazi organisation whose leaders consistently have propagated anti-Semitic and anti-Roma sentiment. [3a]

6.100 In July a series of attacks against Roma and Romani homes and facilities took place in Rokycany. On July 5, three young men attacked a group of six Roma in Osek, near Rokycany. Two victims were slightly injured. The attackers were charged with race defamation and organised assault. On July 14, an unknown perpetrator broke a window at a Roma community centre run by Romani activist Ondrej Gina and threw gasoline into the facility; no fire

ignited. The same night, Gina received anonymous racist phone calls and a bomb threat at his home. [3a]

6.101 In September 2000 three policemen in Brno allegedly stopped Rom Martin Tomko arbitrarily on the street, asked for his identity documents, then, after an argument, beat Tomko and left him unconscious in a park. In December two of the policemen were charged with abuse of public office and inflicting bodily harm. The third, who was off duty at the time of the attack, was charged with disturbing the peace and inflicting bodily harm. [3a]

6.102 In November 2000 media reported on a Romani family in Ostrozka Nova Ves that received racist threats during the year. On one occasion an unknown person broke a window in their home, leaving a letter with a swastika threatening to kill them unless they moved out of town. Police were still investigating the case at year's end. [3a]

6.103 In December 2000 four skinheads and a police officer, Marian Telega, were sentenced in the Karvina District Court for their involvement in the May 1998 death of Milan Lacko, a 40-year old Romany man, in Orlova. Telega drove the car that hit and killed Lacko after he had been beaten by skinheads and left unconscious in the street. Nearly a thousand Romanies, and some senior politicians, attended the funeral. The four skinheads were first arrested in 1998, shortly after the incident. At their initial trial, the four were given suspended sentences after the court absolved them of direct responsibility for Lacko's death; the evidence accepted at the time was that Milan Lacko had stumbled into the road some time after being assaulted and was hit by a lorry. (Five other skinheads were subsequently fined and given prison terms of 12 to 14 months for appearing at the trial wearing swastikas and making racial jokes and insults to the media and the victim's family.) In September 1999, however, the Regional Court overturned the decision and ordered a new investigation. Experts found that Lacko had died as a result of being hit by a small car, rather than a lorry as originally claimed. In December 2000, the four far-right skinheads were re-tried in the Karvina District Court, together with the police officer who was found to have driven the car. The court found that the skinhead attack was racially motivated, and sentenced one of the perpetrators to three years in prison, another to one year in a juvenile correctional facility, and the other two to probational punishments. The driver of the car received a suspended sentence. The lawyer representing the Lacko family strongly criticised the court's statement and sentences. Some commentators noted that, while the re-trial did not answer all the questions in this case to everyone's satisfaction, it did at least show that judges are prepared to re-examine such cases and root out the truth; and that there is a growing readiness on their part to recognise racially motivated crimes and punish them with custodial sentences. [3a][18s] On 25 May 2001, a court in Ostrava re-qualified the sentences of the four skinheads, finding that two of the youths were guilty of physical assault resulting in death, not the lesser offence of grievous bodily harm. The court increased their probational sentences, and also confirmed the prison sentences of the two other attackers.[33b]

6.104 There were also reports of Roma-instigated attacks on others during 1999 and 2000. A July 2000 Interior Ministry Report indicated that Roma were the perpetrators in 12 per cent of racially motivated attacks in 1999. [3a]

6.105 On 21 July 2001, a 30-year-old Roma man, Ota Absolon, was stabbed to death at a discotheque in the North Moravian town of Svitavy. Police arrested a 22 year old skinhead, Vlastimil Pechanec, and charged him with racially- motivated murder. Ota Absolon's funeral was attended by about 200 people, including the Human Rights Commissioner and the Deputy Ombudsman. **[18t]**

6.106 More recent developments and incidents, as reported in the US Department of State Report 2002, include, in August 2002; the attack of two Roma in Prerov when the perpetrators were arrested and the arrest of a man in connection with an attack on two Roma in July 2002. There were also several cases from 2001, some of which still remained pending at the end of 2002. These included the detention of several skinheads and Roma for hooliganism following an altercation in April 2001, the stabbing of a Roma in June 2001 and the conviction of Vlastimil Pechanec for a racially motivated attack, which was also upheld at the appeals court. 23 skinheads were denied an appeal against their convictions of March 2001 when they were found guilty of an attack on 60-70 Roma in a restaurant. **[3d]** A 23-year-old skinhead was found guilty of the racially motivated murder of a Rom in March 2003 and was sentenced to 17 years in prison, although he does plan to appeal against the verdict. **[44d]**

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Measures taken to improve the situation

6.107 The UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance stated that the Czech Government's readiness to recognise the facts already constitutes vital progress towards solving the problems confronting the Roma. **[16a]**

6.108 The Czech Government adopted a plan of action in 1999 entitled *Ground concepts of Government policy towards members of the Roma community with a view to facilitating their integration into society*. This had been submitted by the Chairman of the Inter-Ministerial Commission for the Affairs of the Roma Community. This document proposes a series of legal and institutional measures intended to eliminate discrimination against Roma in all spheres and to promote their culture with a view to better integration. There are measures to improve the position of Roma in the labour market, changes in the educational system, democratic development of Roma representation, and support of the co-operation between Roma organisations and local and regional authorities. The Czech Government's basic position is that the integration of the Roma as a national minority is absolutely necessary and that Roma ethnicity is an asset which enriches the country. **[16a][16b]** In continuation of this policy, the Government allocated several million dollars at various times throughout 2002 to projects designed to promote the integration of the Roma community. **[3d]**

6.109 The measures include submitting a bill to Parliament on the prohibition of discrimination on grounds of race, nationality, ethnic origin and colour.

[16a] An independent Office of Racial Equality to observe and impose sanctions for breaches of this law will be established.**[6]**

6.110 The Czech Government has undertaken to implement a series of measures to achieve equality by 2020. All persons in need will benefit, regardless of nationality, race or ethnic origin. Action will cover access to education and higher qualifications for members of the Roma community, and other similarly affected groups. There will be special classes, preparatory classes and courses, scholarships for Roma students and certain preferential treatment of Roma companies in placing orders.**[16a]**

6.111 There will be changes in the education system to include the dismantling of the language barrier, reducing the number of children going into 'special schools' through the extension of 'zero grade' classes and a review of psychological testing, using Romany as a supplementary teaching language, and employing Romany assistant teachers in schools. The government has introduced three day courses to train teachers in conflict prevention and in communication with people from different cultural backgrounds.

[3a][16a][16b]

6.112 The Czech Government recognises the Romany language and culture as incontestable cultural values of Czech society. The Romany dialects will enjoy State protection and State support. Knowledge of Roma culture and history, as well as the culture and history of other minorities, will be incorporated into the general education of all children. Education and training at all schools will be multicultural.**[16a]**

6.113 Associations whose purpose is to incite hatred and intolerance, support violence, or otherwise infringe on the Constitution and laws, are prohibited. In March 2000 the Minister of the Interior officially disbanded and cancelled the registration of the National Alliance, an extreme right-wing, neo-Nazi organisation whose leaders have propagated anti-Roma sentiment. In December 1999 the Patriotic Front, a right-wing extremist group with 80 - 100 registered members, was compelled by the Interior Ministry to withdraw publicity material containing objectionable racial material and given 30 days to change its statutes and programme, or face dissolution. The leaders of another extremist organisation, the National Castist Front, have been imprisoned for crimes of violence. **[3a][16b][24a]**

6.114 Judges and officials involved in criminal procedures will be provided with training on racism and Roma. The Ministry of the Interior has three new Roma officials who have the opportunity to influence security policy.**[16a]**
[16b]

6.115 An inter-departmental Commission on Community Affairs was established in 1997. It is chaired by the Commissioner for Human Rights of the Czech Republic and includes representatives of various ministries and 12 representatives of the Roma community. The Commission supervises the implementation of the Government's plan of action for the Roma **[16a]**, to collect information and to inform the Romany community about government activities, to allocate grants to supplementary programmes for the Romany community and to deal with issues covering housing, education and

discrimination. The Commission has taken an increasingly active role in resolving disputes between Romany communities and their non-Romany neighbours in towns such as Usti nad Labem and Rokycany as well as promoting positive initiatives. **[3a]**

6.116 Several non-governmental organisations and community associations provide legal or social support to Roma. The Roma Movement concerns itself with education. The Prague Human Rights Documentation Centre monitors the activities of extreme right wing organisations, while the European Roma Centre gives legal aid to victims of racism and discrimination.**[16a]**

6.117 Measures to improve the employment prospects for Roma are part of the National Employment Plan of May 1999, as well as in a subsequent package of additional measures adopted in June 1999. An amendment to the Employment Act includes an anti-discrimination provision. In order to improve the situation of those with placement difficulties in the labour market the government has approved provisions, which will create favourable conditions in schools and special schools for the transition of pupils to secondary and apprentice training establishments. They will establish a network of offices to co-ordinate labour market demands with the abilities of job applicants by 31 December 2000. They will implement and extend re-socialisation and re-training programmes and create conditions allowing the increase in the employment of job applicants in the labour market by 31 December 2000.**[10]**

6.118 Amendments to the Citizenship Act have helped to resolve problems relating to the acquisition of Czech citizenship for many Roma. **[16c]**

6.119 The national police academy has also introduced a course in Romany language and culture, which is designed to facilitate police officers' improved communication and response to the Roma communities in their precincts; the first group of police trainees completed this course in 2000. The Ministry of the Interior has included the issue of extremism in the teaching programmes of police schools and academies at all levels. In 1999, two policemen were prosecuted for racially motivated crimes. There was an active effort underway during 2000 to identify, train and recruit qualified Roma to serve in law enforcement. In addition, a bridging course is available to Roma candidates who have not completed secondary education, but who wish to be trained for service in the police. **[3a][24a]**

6.120 The European Commission Regular Report on Accession of 2002 noted that some additional activities have been undertaken to improve the difficult situation facing the Roma. However, more structural measures are needed in order to achieve significant results in remedying discrimination in access to education, housing and employment. The adoption of comprehensive anti-discrimination legislation would be an important step in this regard. **[4c]**

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Roma organisations and political parties

6.121 In common with other central and eastern European countries, there is a low level of participation by Roma voters in Czech elections. Consequently, most of the estimated 150,000-175,000 Roma are still not fully integrated into political life. **[3d]** In order to be represented in the Chamber of Deputies an individual party must receive at least 5% of the votes in an election. In a coalition of two parties, 7% is required and in a coalition of 3 parties, 9% etc. Such a system presents difficulties for ethnic minorities in the Czech Republic when the minority itself does not constitute 5% of the adult population who are entitled to vote. This applies to Roma who only have a slim chance of being represented by their own party in the Chamber. They must therefore seek to enter coalitions with other parties or get a Roma candidate on another party's list of candidates. **[9]**

6.122 Czech Roma parties are the Roma Civic Initiative (ROI) and the Democratic Alliance of Roma. Of the two parties, the ROI is larger. **[9]** There is one Romany MP in the Chamber of Deputies - Monika Horakova.

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Romany Civic Initiative (*Romska Obcanska Iniciativa* – ROI)

6.123 The ROI was founded in 1989 and is structured like other political parties and has 160 local divisions. It is a member of the International Romany Union. **[9]**

6.124 The party took part in the country's first elections in June 1990 in a coalition with the Civic Forum, an umbrella organisation for a series of parties and movements. In this election the coalition won a total of 127 of 200 seats and of these the ROI won 5. However, after the election in 1992 the ROI was not represented in the Chamber of Deputies for long, but has been politically active as a party in other connections and regularly publishes political manifestos. Prior to the 1998 elections, the ROI entered into a co-operation agreement with the Freedom Union (US) but, following a dispute over the content of the US manifesto, the ROI ceased collaboration. **[9]**

6.125 Stefan Licartovsky was elected Chairman of ROI at the fifth ROI conference in January 2001, replacing Emil Scuka who had become IRU President. At a meeting in Kladno in August 2001, the ROI signed a unification agreement with four smaller Roma organisations in order to be able to negotiate more effectively with the Czech government. **[37a]**

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The Democratic Alliance of Roma (DAR)

6.126 Established in 1994 as the Romany Civic Association; became the Democratic Alliance of Roma in March 1998. Party chairman is Petr Tulija, a town councillor and building contractor. DAR has had several members elected to local authorities by forming alliances with non-Roma political parties. The party head office is in Valasske Mezirici. **[9]**

Other Roma organisations

6.127 The vice-president of the ROI states that there are around 35 Roma NGO's in the Czech Republic, which are active in many different areas. On the Radio Prague homepage of its internet site there is mention of 24 NGO's alone which are involved in human rights, culture and education. Some of them work in Cupertino with international Roma organisations or Eastern European Roma organisations and with international humanitarian aid organisations. This applies for example, to the Open Society Fund, which in various ways actively supports the establishment and existence of Roma NGO's. Of the NGO's there are some which work for the co-existence with the majority of the population, for example, the Bridges Foundation and the Civil Rights and Tolerance Movement. [9]

The International Romani Union (IRU)

6.128 The IRU is an international Romany organisation based in Prague. The IRU's main goals are to politically unite Roma around the world and to achieve international recognition of a Romani Nation – a 'nation without a state'. The IRU has a parliament, cabinet and court of justice; Emil Scuka is president.

6.129 A small group of Roma intelligentsia convened at the First World Romany Congress (WRC) in London in 1971, and established the International Romani Committee as the continuation of the International Gypsy Committee. The delegates adopted an international Romani flag and anthem, and the chakra wheel symbol, and formalised the use of the term *Rom* in place of *Gypsy*. In 1972 the organisation became a member of the Council of Europe. At the Second WRC in 1978, the organisation was re-named *International Romani Union*. Subsequent World Congresses were held in Germany in 1981 (with 600 delegates) and in Poland in 1990. After a gap of 10 years, the Fifth WRC was held in Prague in July 2000, attended by over 250 delegates from around the world. The Congress adopted a Charter which expresses the ideals of the Romani nation; one of the working groups reported that linguists had made progress in standardising the Romani alphabet and vocabulary. President Havel sent a letter of welcome to the congress and the chairman of the Chamber of Deputies, Vaclav Klaus, addressed the meeting. [18f] [18g] [34]

6.130 On 4 April 2001, a Memorandum of Understanding and Co-operation was concluded between the IRU and the Czech Republic Ministry of Foreign Affairs. [35] There is to be further co-operation between the IRU and the Czech government, but not at the exclusion of other international Roma organisations. [34] [35]

Roma National Congress (RNC)

6.131 The RNC, based in Germany, is the other major international Roma organisation. Chairman is Rudko Kawczynski, who is also a European MP (representing the German Green Party) and was a founding board member of the European Roma Rights Centre. Affiliated to the RNC is the internet-based news service: www.romnews.com. [36]

6.132 For further information on organisations dealing with Romani Human Rights, Culture and Education and also Romani Political Parties and Associations, see 'Foundations and Organisations Concerned with the Romani Minority'. [45]

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Roma represented in State administration and public bodies

6.133 Regarding the employment of Roma in state administrations, the vice-president reported that in 1997 the ROI arranged the employment of at least one Romany in each of the Ministries. At present, Roma are employed in the Ministry of Education, the Ministry of Youth and Sports, the Ministry of Labour and Social Affairs, the Culture Ministry and the Ministry of Foreign affairs. [9]

6.134 In 1998 the Interior Ministry placed 58 "Roma advisers" or "Roma assistants" at district level to advise local authorities on Romany issues. By 2000, all 73 of the country's district offices, as well as the Prague, Brno, Ostrava and Pizen town halls, were served by such advisors, 60% of whom are Roma. [3a]

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Roma and the media

6.135 The law provides for freedom of speech and the press and the government respects this right in practice. A wide variety of newspapers, magazines and journals owned by a variety of Czech and foreign investors are published without government interference. [3a]

6.136 The State funds television and radio programmes for Roma on public stations and also supports Romany press publications. During 1999 more and better information on Romany issues was available in the mainstream press and other sources. [3a]

6.137 *Romano kurko* is a weekly newspaper, published in Brno, primarily orientated to political events that concern the Roma minority; the majority of articles are in Czech. The Democratic Alliance of Roma in Valasske Mezirici publishes a monthly youth magazine by the name of *Kereka*. The magazine has received a one off State grant of CzK500,000. *Amaro Gendalos*, a monthly magazine with reports, interviews and other articles about matters concerning the Roma, is published with support from the Culture Ministry. Most content is in Czech, but some columns are Romani. The publication includes a chapter on Romany history and a column on the grammar and vocabulary of the Romani language. [9][33c]

6.138 Radio Prague has regular broadcasts for and about the Roma population. At the end of February 1999 the first group of Roma completed a special training course in journalism with the focus on the reporting of Roma conditions.[9]

6.139 A new biweekly newspaper for Roma was launched in February 1999, published by the Society of Romanies in Moravia, with the support of the government. Editor in chief of *Romano hangos* (The Romany Voice) is the society's chairman Karel Holomek. One of the main aims of the publication is to contribute to mutual communications between the Roma and majority society as well as understanding amongst the Roma themselves.[13]

6.140 In September 1999 there was the first national conference to help Romany advisers deal effectively with the media.[14] An article in the Czech daily *Lidove noviny* about the Czech media and minority groups said that although relatively great attention was paid to racism, minority members remain the object of the media reporting not its authors. The Roma for example did not take an active part in the creation of the image of the Czech Republic in the media or indeed in advertising, except in campaigns against racism. There was a recent improvement with the first Romany presenter on public Czech television and when another 16 Roma finished a special journalist course earlier in the year. Ethnic minorities cannot however, simply rely on their gradual involvement in the traditional media and they must create their own independent media aimed a narrow group of readers, which enable them to openly express their opinion, much like prestigious US magazine *Ebony*.[15]

6.141 Ondre Gina jr., the first Roma news anchorman on Czech Television, took administrative leave from his job in October 2000 after he and his wife had been accused of tax and social benefit fraud. Proceedings against them were dropped when they admitted to the charges and agreed to repay an amount of CzK 25,000. Gina did not return to his previous position as a news presenter, but continues to appear on Roma programmes and to work on the Czech TV news desk. [3a][18r]

6.142 In November 2002, the first Romany radio in Europe, called Rota, launched Internet broadcasting which will focus mainly on Romany problems in the Czech Republic as well as the rest of the world. [44a]

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Roma culture

6.143 There is a Roma museum in Brno, which is reportedly the only one of its kind in Europe. It was founded in 1991 on the initiative of a series of individuals. It receives a subsidy from the Culture Ministry for daily operation, but must supplement it with money from funds. The museum has concentrated on research into Roma history and culture, and it has collaborated with Canada among others. It has thus set up a collection of research literature and a special library, and the director of the museum has said that more and more Czech students, including ethnology students, are

studying Roma conditions. The aim of the Roma museum is to make Roma and their culture more visible and to strengthen the Roma identity. The museum would like to have more contacts with museums and ethnological institute in Europe. The city of Brno has drawn up a strategic plan to improve inter-ethnic relations and to integrate the 16,000 Roma in the city. The plan includes educational and vocational training projects, cultural projects (theatre, publication of Romani language periodicals, production of a CD of Roma music), and projects for improving Roma living conditions, as well as the museum of Roma culture. **[9] [16a]**

6.144 In October 2000, Peter Stojka, a Czech Rom, received CzK120, 000 from the government to publish "I came from afar", a 140-page volume of traditional poetry. "Ten years ago, this would have been unthinkable", he said. **[18ad]**

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Women

6.145 In late 1998 the government introduced a comprehensive awareness and prevention programme designed to address issues of trafficking, abuse and violence against women. ROSA, an NGO which helps women in trouble, estimates that 1 in 10 women in domestic situations suffer from emotional or physical abuse. The press occasionally reported on the problem of violence against women and trafficking in prostitutes. According to police statistics there were 503 rapes reported countrywide in 2002 although some researchers estimate that between only 3.3% and 7% of rape victims report the crime to the police. Approximately 80% of criminal rape cases are solved and, according to the Ministry of Justice, there were 126 convictions on rape allegations in 2002. **[3d]** Gender studies experts reported that women were ashamed to report rape or speak about it and that the police were not equipped to help either by attitude or training. However, to improve police responsiveness and prosecution efforts, the Ministry of Interior started training officers in protocols for investigating family violence and sexual crime cases in 1998. There are many NGOs and crisis centres, which provide shelter and psychiatric and legal help to crime victims including victims of rape. **[3a]**

6.146 Legislation does not address spousal abuse specifically, however, the Criminal Code covers other forms of domestic violence. An attack is considered criminal if the victim's condition warrants medical treatment (incapacity to work) for 7 or more days. If medical treatment lasts less than 7 days the attack is classified as a misdemeanour and punished by a fine. Repeated misdemeanour attacks do not impose stricter sanctions on the abuser. The police are training specialist personnel to deal with domestic violence, but they do not yet engage in regular contact with welfare and medical services. However, in 1998 the Police Academy and secondary police schools introduced, into both the introductory and continuing education curricula, instructional material to improve the identification and investigation of domestic violence and sexual abuse cases and to sensitise police to the treatment of victims. **[3a]**

6.147 Forced prostitution is illegal; prostitution is not, although local communities have the right to regulate it and enforce restrictions. Trafficking women for the purpose of forced prostitution remains a problem, as is the case throughout central and Eastern Europe. The Czech Republic is a source, transit and destination country for the such trafficking. There are laws specifically forbidding this activity and there has been co-operation between the authorities and third countries to try to enforce them. **[3a][4b]**

6.148 Up until 2000, there were no legal definitions or laws prohibiting sexual harassment. However, during 1999 a university student became the first woman in the country to win a sexual harassment suit. An amendment to the Labour code, which came into effect in January 2001, makes sexual harassment in the workplace illegal, although studies conclude that approximately 50% of all women have experienced sexual harassment in their place of work. **[18b] [5b][3d]**

6.149 Women are equal under the law and in principle receive the same pay for the same job. Principles of employment and work conditions are regulated by law, the main instruments being the Bill of Human Rights, the Labour Code and the Law on Employment. Women represent roughly half of the labour force, but they are employed disproportionately in occupations where the average salary is relatively low. Womens' average wages lag behind those of men by roughly 25% although the gap is narrowing. The Labour Code, as amended in May 2000, explicitly prohibits discrimination against employees on the basis of gender, marital status, family status, or obligations towards the family and employers could face fines of up to \$33,333 for repeated offences. Nevertheless employers do continue to be discriminatory when advertising jobs and making employment decisions. **[3d]** The Labour Code also sets conditions concerning the working hours of women to allow for time to be spent with their children (shorter working hours, free weekends, ban on overtime, etc). Women have equal property and inheritance rights. **[3a][25][5b]**

6.150 There are no restrictions, in law or in practice, on women's participation in politics; however, they are under-represented, and relatively few women hold high public office. In June 2002 Hana Marvanova, who had become the first woman to head a parliamentary party a year earlier resigned as leader of the Unie Svobody (Freedom Union) Party. 2 of the 16 cabinet ministers in the Government at the end of 2002 were women, however, of the 200 member Chamber of Deputies only 34 of the deputies are female and the senate contains only 10 female senators out of 81 members. The situation is better in the judicial system: about 50% of judges are women. **[3d][25]**

6.151 The Czech Republic signed the optional protocol to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) in December 1999. **[4b]**

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Children

6.152 The government demonstrates its commitment to children's welfare through its programmes for health care, compulsory education (age 15 in

state schools and 14 in special schools) and basic nutrition. Girls and boys enjoy equal access to health care and education at all levels. **[3a]**

6.153 Paedophilia and dissemination of child pornography are criminal acts, and these laws are enforced. For example, four foreign nationals were sentenced in May 2000 to terms of 33 months in prison on paedophilia charges. In January 2000, a Czech national was imprisoned for a year for offering a child pornography CD-ROM on the internet. Court convictions against other persons guilty of child sex abuse have been reported routinely in the media. **[3a]** On 1 July 2002 changes in the law on child pornography took effect which expanded the definition of child pornography and included a special provision to cover the dissemination of child pornography through mass media, including the internet. **[3d]**

6.154 Since 1990 the number of reported cases of child abuse has roughly doubled. This increase appears to be the result of increased awareness of the problem and more effective police training and action. Laws criminalise family violence, physical restraint, sexual activity and other abuse of a minor. A children's crisis centre was established in 1995 and is 70% state supported. In 2000 the Ministry of Justice reported a 6% decrease in the number of neglect and welfare cases: 5,894 in 2000, compared to 6,207 in 1999. **[3a]**

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Homosexuals

6.155 Consensual homosexual behaviour between adults was decriminalised in 1961. However some homosexual acts could still be punished under Article 244 of the Penal Code - sex with a person of the same gender under 18 years of age, exploitation of a dependant person (e.g. relationship between a teacher and student), or sex for money. The punishments were higher than for similar heterosexual offences. **[19]**

6.156 This was amended in 1990, when Article 244 was excluded from the Penal Code, and the age of consent became 15 years for both homosexual and heterosexual behaviour, and homosexual prostitution was no longer regulated by the criminal law. **[19]**

6.157 There are no anti-discrimination laws to protect homosexuals. The inclusion of "sexual orientation" in the Constitutional list of human rights and freedoms was rejected by Parliament in 1991. The legal status of persons living in the common household is recognised. This can be applied to gay and lesbian couples, who have the right to inherit and continue to live in the shared accommodation, even if one partner dies intestate. However it may be necessary to prove that the couple really lived together. **[19]**

6.158 There have been attempts in recent years to enact legislation to provide for registered partnerships, but these have been rejected by parliament. **[11] [19]**

6.159 There are 21 gay and lesbian organisations in the Czech Republic, which are covered by the umbrella organisation SOHO. Lambda, a

campaigning organisation founded in 1989, was officially registered by the authorities in 1990.[19]

6.160 There was an attack by skinheads on a gay club in Liberec on 11 August 2001. Those responsible have been accused of breach of peace, damaging property and supporting totalitarian movements, and face sentences of up to five years in prison if found guilty. It was only the second attack of this kind since 1989.[18u]

6.161 The International Social Survey Programme, carried out in 2000, showed that Czechs rank among the most tolerant nations towards homosexuality. In the survey, Czechs came third after the Netherlands and Germany.[18u]

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Political Activists

6.162 Opposition groups, including political parties, function openly and participate without hindrance in the political process. Citizens may join political organisations or vote for the political party of their choice without government interference. [3a]

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Jews

6.163 A small but fairly well organised extreme rightwing movement with anti-Semitic views still exists within the Czech Republic. A number of measures were taken by the Ministry of the Interior to counter the neo-Nazis, such as increased monitoring of their activities, closer co-operation with neighbouring countries' police units and forceful efforts to shut down unauthorised gatherings. Nevertheless, the neo-Nazis were able to perpetrate some attacks on Jews, such as the throwing of a smoke bomb into a bookshop where the Chief Rabbi was in attendance and the defacing of a memorial to Jewish victims of the Holocaust, both of which occurred in June 2002. [3c][3d]

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6C Human Rights - Other Issues

People with Disabilities

6.164 The disabled suffer disproportionately from unemployment and the physically disabled experience difficulty in obtaining access to buildings and public transport. Access to education can be a problem due to the lack of barrier free access to public schools although there is at least one barrier free school in each district. A 1994 Economic Ministry regulation requires architects to ensure adequate access for the disabled in all new building projects as well as in older buildings undergoing restoration. This regulation is applied in practice. Businesses in which 60% or more of the employees are disabled qualify for special tax rates. Since July 2000 the State Fund for Transportation has been required to provide transportation subsidies for the

disabled. Numerous NGOs support social assistance programmes to diminish the disadvantages faced by the disabled. NGOs also report that, although problems persist, the situation of the disabled is receiving more attention and is vastly improved from only a few years ago. **[3a]** Despite the improvements, 2 wheelchair users filed a complaint with the European Court of Human Rights in February 2002 alleging that the Government had, by failing to enforce requirements for barrier-free access, violated the rights of citizens with disabilities. However the case was dropped in June 2002 when the court ruled that the complaint was inadmissible. **[3d]**

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ANNEXES

ANNEX A:

CHRONOLOGY

July 1960

New constitution was enacted: Czechoslovakia was renamed the Czechoslovak Socialist Republic.

1963

Prime Minister Siroky was replaced by Jozef Lenart, who launched mildly reformist New Economic Model. Communists purged in the 1950s were rehabilitated.

5 January 1968

Alexander Dubcek, leader of the Communist Party of Slovakia (CPS), became First Secretary of the Communist Party of Czechoslovakia (CPCz).

April 1968

Central Committee of the CPCz adopted an Action Programme, which proposed constitutional and economic reforms.

3 August 1968

Representatives of the Communist parties of member countries of the Warsaw pact (except Romania) met in Bratislava (Slovakia) to discuss Czechoslovakia's "Prague Spring" reforms.

20-21 August 1968

Warsaw Pact troops invaded Czechoslovakia. Dubcek and other government and Party leaders were abducted to Moscow.

1 January 1969

Federal system of government introduced.

17 April 1969

Gustav Husak replaced Dubcek as First Secretary of the CPCz.

1 January 1977

A group of dissidents, including Vaclav Havel, the playwright, published the "Charter 77" manifesto which demanded an end to the abuse of civil and political rights.

December 1987

Milos Jakes replaced Husak as General Secretary of the CPCz.

21 August 1988

Large anti-government demonstrations took place in Prague, on the 20th anniversary of the 1968 Soviet invasion.

16 January 1989

A large demonstration took place to mark the 20th anniversary of Jan Palach's suicide. Vaclav Havel and 13 dissidents were arrested (international protests later secured Havel's release).

1 May 1989

The traditional May Day rally was disrupted when police dispersed demonstrators protesting against human rights violations.

21 August 1989

Several thousand people took part in demonstrations in Prague on the 21st anniversary of the Soviet invasion.

28 October 1989

Anti-government demonstrations took place on the 71st anniversary of the establishment of a Czechoslovak state.

17 November 1989

Students participating in an officially sanctioned demonstration were attacked by riot police. 140 people were injured. Later some 300 opposition activists from various non-Communist organisations united to form Civic Forum, a broad anti-government coalition (in Slovakia its counterpart was known as Public against Violence – PAV).

24 November 1989

With protests and strikes continuing to take place, the general secretary of the CPCz and all other members of the Presidium of the Central Committee and the Secretariat of the CPCz resigned. Dubcek returned to Prague and spoke to a large crowd in Wenceslas Square.

28 November 1989

Civic Forum officially registered as a legal organisation.

29 November 1989

Federal Assembly abolished the CPCz's constitutional monopoly on power.

10 December 1989

New federal government with a majority of non-Communist members. Husak resigned as President.

28 December 1989

Dubcek was elected Chairman of the Federal Assembly. The following day, it elected Vaclav Havel as President of Czechoslovakia.

1 February 1990

Abolition of the StB (Statni bezpecnost - secret police) was announced.

6 February 1990

Petr Pithart appointed Prime Minister of the Czech Republic.

7 February 1990

The National Front, the Communists' political organisation was disbanded.

27-28 March 1990

Federal assembly approved new laws guaranteeing freedom of association and freedom of the press and allowing exiles to reclaim their citizenship

29 March 1990

Name of the country was changed to the Czech and Slovak Federative Republic

27 May 1990

Vaclav Klaus, federal minister of Finance, announced a reform-orientated budget

June 1990

Elections to the Federal assembly took place. Civic Forum (in Bohemia and Moravia) and PAV (in Slovakia) won an overall majority. A coalition government was formed with participation from all major parties, except the CPCz.

5 July 1990

Havel re-elected president for a transitional 2 year period.

12 December 1990

Federal Assembly approved constitutional legislation delimiting the powers of the federal, Czech and Slovak governments.

23 February 1991

Civic Forum formally disbanded; its members formed two new political parties – the conservative Civic Democratic Party (ODS) and the liberal Civic Movement.

2 March 1991

Thousands of people took part in demonstrations in Moravia demanding autonomous status for their region.

10-14 March 1991

Large demonstrations in Slovakia in favour of independence for the Republic. President Havel was attacked by the crowds when he visited Bratislava.

27 April 1991

The Civic Movement officially constituted itself as an independent political party.

21 June 1991

Withdrawal of Soviet forces which had been stationed in Czechoslovakia since 1968 was completed.

1 July 1991

Leaders of the member countries of the Warsaw Pact met in Prague to complete the dissolution of the organisation by formally ending the work of its Political Consultative Committee.

5-6 June 1992

At federal and republican legislative elections there were strong performances by the Movement for a Democratic Slovakia (MDS) and other parties favouring separation between the Czech lands and Slovakia. However, the pro-federal ODS became the single largest party, the successors to the Communists (Left Bloc in the Czech Lands, Party of the Democratic Left in Slovakia) came third and fourth. Negotiations commenced between the ODS and the MDS to form a federal government. Meanwhile Meciar was appointed Slovak Prime Minister.

July 1992

A transitional federal government was appointed, dominated by members of the ODS and MDS, with Jan Strasky of the ODS as Prime Minister. Czech politicians accepted that total separation of Czech lands and Slovakia was preferable to the compromise measures proposed. Vaclav Klaus was appointed Prime Minister of the new Czech Government. Three rounds of voting in the Federal Assembly failed to elect a new president, with the MDS and Slovak National Party blocking re election of Havel, who duly resigned.

26 October 1992

A Customs Union Treaty and other accords were agreed between the Czech and Slovak Governments.

25 November 1992

The Federal Assembly adopted legislation enabling the constitutional disbanding of the federation, with the assets divided 2:1 in the Czech Republic's favour, in accordance with the balance of population.

December 1992

A treaty of good neighbourliness, friendly relations and co-operation was signed between the two Republics, followed by the exchange of diplomatic relations. A new Constitution of the Czech Republic was adopted, the Czech National Council became the Chamber of Deputies (lower house) retaining the existing 200 members. Czechoslovakia, Hungary and Poland signed an agreement with the European Community granting them associate member status.

1 January 1993

Separation of the Czech Republic and Slovakia took effect.

26 January 1993

Havel elected President of the Czech Republic.

June 1993

At the Congress of the Communist Party of Bohemia and Moravia (CPBM), neo-Stalinists were expelled and reformists left to form a new party, the Party of the Democratic Left.

July 1993

Former Czechoslovak Communist regime was declared illegitimate and criminal. Border controls were introduced on Czech-Slovak frontier to stem flow of “third party” refugees, mainly heading for Germany; Slovak citizens however, were to be unaffected.

March 1994

The Czech Republic joined NATO's Partnership for Peace programme of military co-operation.

September 1994

A law introduced new qualifications of 2 years established residence and 5 years without any criminal record for nationality and associated rights and benefits.

August 1995

Former Czechoslovak Communists who had co-operated with the USSR in suppressing the 1968 Prague Spring uprising were charged with treason.

28 November 1995

The Czech Republic became the first former Communist country to join the Organisation for Economic Co-operation and Development (OECD).

January 1996

The Ministers of the Interior of the Czech Republic and Slovakia approved a treaty to finalise the Czech-Slovak border (following opposition among citizens to be transferred to Slovak jurisdiction, the Chamber of Deputies rejected the treaty in April). The Prime Minister Klaus submitted the Czech Republic's application to join the EU.

31 May–1 June 1996

In the Czech Republic's first general election as an independent state the ODS-led government alliance won 99 seats – ODS 68, Christian Democratic Union – Czechoslovak People's Party (KDU-CSL) 19, Civic Democratic Alliance (ODA) 13 – 2 seats short of the overall majority; the opposition Czech Social Democratic party (CSSD) won 61 seats, the CPDM 22 and the Association for the Republic – Republican Party of Czechoslovakia (AFR-RPC) 18. Negotiations on the formation of a new government involved the ODS, KDU-CSL, ODA and CSSD, but not the CPBM and AFR-RPC.

27 June 1996

Klaus was re-appointed Prime Minister of a minority coalition government which included the ODS, KDU-CSL and ODA. Milos Zeman the leader of the CSSD was appointed Chairman (speaker) of the Chamber of Deputies.

15-16 November 1996

Only 30% of the electorate voted in the delayed Senate elections; after a second round on 22-23 November the ODS had 32 of the 81 seats and CSSD 25.

August 1997

Hundreds of Roma sought asylum in Canada and the UK, claiming persecution and drawing international attention to allegations of institutional racism in the Czech Republic.

30 November 1997

Premier Klaus and the government resigned, after the withdrawal of the KDU-CSL and ODA from the coalition, following allegations of corruption against the ODS.

13 December 1997

Klaus was convincingly re-elected Chairman of the ODS at a special congress defeating Ruml by 227 to 72.

17 December 1997

Jozef Tosovsky, hitherto central bank governor, was appointed Prime Minister to head a "caretaker", largely non-political administration supported by the old coalition in advance of an early general election.

18 January 1998

A new party, the Freedom Union (FU) was established by 30 of the 69 CDP deputies. Ruml was elected leader.

20 January 1998

Havel was re-elected president for a second 5 year term.

15 April 1998

The Chamber of Deputies approved Czech membership of the NATO.

19-20 June 1998

In the general election the CSSD gained 32.3% of the votes cast and 74 seats in the 200 seat Chamber of Deputies, the CDP gained 27.7% of the poll and 63 seats, the other parties to gain representation in parliament were the CPBM (24 seats) the CDU-CPP (20) and the FU (19).

17 July 1998

Zeman appointed Prime Minister of a minority CSSD government following an agreement with Klaus' ODS.

16 March 1999

The Czech Republic joined NATO.

October 1999

The municipality of Usti nad Labem constructed a wall in front of houses occupied by members of the Roma community, ostensibly to shield residents opposite from noise and disorder. Following national and international condemnation, the wall was demolished on 24 November.

January 2000

The ODS reaffirmed its conditional agreement to maintain the minority CSSD government.

November 2000

'Quad coalition' parties gained ground in Senate elections, resulting in the CSSD and ODS losing their combined overall majority in this house.

Source [1a] [1b] [1c]

2000 October - Start-up of first reactor at Temelin nuclear power plant causes outcry in neighbouring Austria which threatens to block Czech EU membership.

2001 January - The biggest street protests since the overthrow of Communism and a strike by journalists lead to the resignation of Jiri Hodac as director-general of state television. Hodac is widely seen as a political appointee and accused of compromising editorial independence.

2001 April - Vladimir Spidla elected chairman of ruling Social Democrats after Prime Minister Milos Zeman steps down as party boss. Zeman stays on as prime minister until elections due in 2002.

2001 November - Czech government and Austria's Chancellor Schuessel move to settle dispute over Temelin nuclear power plant by agreeing tough measures to improve safety and monitor impact on environment.

2001 December - EU summit includes Czech Republic on list of 10 countries expected to join in January 2004.

2002 April - Parliament votes unanimously to reject calls by neighbouring countries for the repeal of the post-war Benes decrees which led to the expulsion of over two and a half million ethnic Germans.

2002 June/July - The Social Democratic Party led by Vladimir Spidla tops the poll in elections but wins only 70 seats in the 200 seat parliament. Spidla forms coalition with centrist alliance of Christian Democrats and Freedom Union. The Communists come third in the election with 41 seats, scoring by far their best result since the Velvet Revolution.

2002 August - Prague suffers its worst flooding in 200 years as torrential rain batters central Europe; other towns and villages across the country are also devastated. The floodwaters spare the city's historic Old Town. Source **[41]**

2002 October/November – A European Commission Report concluded that the controversial Benes Decrees were not a barrier to the Czech Republic becoming a member of the EU. Source **[21a]** This was confirmed by a European Parliament ruling on 20 Nov., although the EP did state that EU membership guarantees equal rights for all citizens of the EU which would render any legal judgements based on the decrees as invalid. Senate elections occurred that saw the ruling centre-left coalition's strength reduced to 34 seats and the elimination of its 1 seat majority. Source **[21b]**

2003 February – Vaclav Klaus, member and former leader of the opposition centre-right Civic Democratic Party (ODS), was elected President in the third round of votes after failing to achieve the necessary majority of votes required for victory. Source **[42]**

2003 16 April - President Vaclav Klaus and Prime Minister Vladimir Spidla signed the Czech Republic's EU accession treaty in Athens. Source **[44p]**

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ANNEX B:

PROMINENT PEOPLE

President	Vaclav Klaus
Prime Minister	Vladimir Spidla
Deputy Prime Ministers	Stanislav Gross; Pavel Rychetsky; Cyril Svoboda; Petre Mares
Foreign Affairs	Cyril Svoboda
Interior	Stanislav Gross
Finance	Bohuslav Sobotka
Defence	Jaroslav Tvrdik
Justice	Pavel Rychetsky
Industry and Trade	Jiri Rusnok
Transport	Milan Simonovsky
Environment	Libor Ambrozek
Agriculture	Jaroslav Palas
Regional Development	Pavel Nemecek
Health	Marie Souckova
Education	Petra Buskova
Information Technologies	Vladimir Mlynar
Culture	Pavel Dostal
Central Bank Governor	Zdenek Tuma
Ombudsman	Okatar Motejl
Human Rights Commissioner	Jan Jarab

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ANNEX C:

POLITICAL ORGANISATIONS

Alternative 2000 (*Alternativa 2000*): Founded 1998.

Association for the Republic-Republican Party of Czechoslovakia

(*Sdruzeni pro republiku-Republikanska strana Ceskoslovenska*): Founded 1989. Extreme right wing. Chair: Miroslav Sladek

Christian Democratic Union-Czechoslovak People's Party (*Krestanska a demokraticka uni - Ceskoslovenska strana lidova – KDU-CSL*): Founded 1992. Chair: Cyril Svoboda.

Civic Democratic Alliance (*Obcanska demokraticka alianca - ODA*):

Founded 1991 following a split in Civic Forum. Chair: Michael Zantovsky

Civic Democratic Party (*Obcanska demokraticka strana- ODS*): Founded 1991 following a split in Civic Forum; merged with Christian Democratic Party in 1996. Chair: Mirek Topolanek.

Communist Party of Bohemia and Moravia (*Komunisticka strana Cech a Moravy - KSCM*): Founded 1991 as a result of the reorganisation of the former Communist Party of Czechoslovakia. Leader: Miroslav Grebenicek.

Communist Party of Czechslovakia: Founded 1995 as Party of

Chzechoslovak Communists; renamed 1999; Sec.-Gen.: Miroslav Stepan

Conservative Consensus Party (*Strana konzervativni smlouvy*): Founded 1998 by former members of the right-wing faction of the CDA.

Countryside Party: Founded 1996 to promote the interests of rural areas.

Czech Right (*Ceska pravice*): Founded 1994; Conservative

Czech Social Democratic Party (*Ceska strana socialne demokraticka- CSSD*): Founded 1878, re-established 1989. Chairman: Vladimir Spidla.

Democratic Left (*Strana demokraticka levice*): Chair: Josef Meel

Democratic Socialist Party (*Strana demokratickeho socialismu*): Founded 1997 by merger of the Left Bloc and the Party of the Democratic Left; Chair: Marie Stiborova

Democratic Union (DU) (*Demokraticka unie*): Right-wing; Chair: Ratibor Majzlik

Free Democrats-Liberal National Social Party (*Svobodni demokrate - Liberalni strana narodne socialni*): Formed in 1995 with the merger of the Free Democrats (formerly Civic Movement) and the Liberal National Social Party (formerly Czechoslovak Socialist Party). Chair: Jiri Dienstbier.

Freedom Union (*Unie svobodny- US*): Founded 1998 following a split in the Civic Democratic Party. Due to merge with Democratic Union (DEU) on 1 January 2002. Chair: Hana Marvanova.

Green Party (*Strana zelenych*): Founded 1989; Chair: Emil Zeman

Moravian Democratic Party: Founded 1997 by a merger of the Bohemian-Moravian Union of the Centre and the Moravian National Party; Chair: Ivan Drimal

Union for Europe (*Unie pro Evropu*): Founded 2000.

Source [1d][21c]

The Coalition: Formed in 1998 as the Quad Coalition, it comprised four right-of-centre parties: Civic Democratic Alliance (CDA), Christian Democrats (KDU-CSL), Freedom Union (US), and Democratic Union (DEU). Collapsed early 2002 and reformed as The Coalition without the CDA.

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SOURCES

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