

Czech Republic¹

IHF FOCUS: police misconduct; conditions in prisons; ethnic minorities (Roma); trafficking in human beings; women's rights; seniors' rights; asylum seekers and immigrants.

During 2002, positive developments were observed in the sentencing policies of the courts which led to a decrease in the number of inmates and people in custody. The gradual improvements in police operation which had been observed in the past years appeared to have come to a legislative standstill, and police misconduct remained a serious concern.

Discrimination against Roma remained at a high level, particularly in the fields of employment and housing, while Romani children who were not mentally handicapped continued to be over-represented in schools designed for mentally retarded children.

Despite new legal regulations, the policy of equal opportunities was at its initial stage in the Czech Republic, and women faced discrimination particularly in the labor market. The results of a survey by the Czech Helsinki Committee on the situation of elderly people painted a gloomy picture of how the system of social care was not flexible enough to meet their needs.

The amendments to the Asylum Act introduced restrictive legal regulations to asylum policy. Combined with poor definitions and broad interpretations of the legal provisions, the result was a dramatic deterioration of the rights of asylum seekers. While the situation of foreigners with residence permit improved slightly in comparison to the previous years due to improvements in the field of integration, authorities still tended to interpret the act to the disadvantage of foreigners.

Police Misconduct

People's confidence in the police force remained at the same level as in the past two years, with 55-60% expressing trust in the police force, at a level higher than their trust in other state bodies. At the same time, numerous complaints were received about police inactivity and inadequate or illegal behavior by some police officers. Although in recent years some progress has been made towards better respect of European standards in police work, the developments appeared to have inexcusably stagnated in 2002.

While the main problems in 2002 were related to the work of individual police officers and insufficient structural changes in the police force to correspond to modern policing, there were positive developments in police training, and progress was made by police divisions in the detection of corruption as well as in the fields of organized crime and drug trafficking.

The medium and high level police management left a lot to be desired and the practical police work fell short of the standards prescribed by international instruments and codes. Moreover, there were allegations of corruption among police officers which, however, remained unsubstantiated. The situation was worst among the border police, foreigners' police and the traffic police; several reports were received about taking bribes and misconduct towards foreigners.

Random police violence remained a problem in 2002. The findings of the Czech Helsinki Committee showed that police officers frequently resorted to verbal abuse when

¹ Based on information from the Czech Helsinki Committee.

dealing with suspects of minor crimes, they used excessive force or direct violence when it was not necessary, or, on the other hand, remained inactive when they were expected to protect people and solve crimes.

Cooperation between the police force and the Czech security service was insufficient, in some cases also cooperation between national and regional police forces.

Conditions in Prisons²

During the last five years, the penitentiary system in the Czech Republic has undergone essential changes: among other things, it has launched reforms and undergone significant changes in its staffing. As a result of better training, staff competences have improved, and increasing attention has been paid to the respect for basic human dignity and the basic human rights of prisoners. In addition, prison reforms have brought about improvements in the treatment of prisoners, management and logistics.

Nevertheless, due to the poor financial situation of the penitentiary system as a whole, coupled with not necessarily optimal staffing and fiscal policies of the state, the reform of the prison system has not progressed as promptly as desired.

Recent reforms in the penitentiary, judicial system and legislation – particularly amendments to the Criminal Code – resulted in 2002 in the decrease of the number of prisoners. This was partly due to changes in the sentencing policy of the courts: courts no longer automatically handed down prison sentences for minor crimes, and community service and other alternative sentences were used much more frequently than in previous years. As a result of this and other reforms, while by November 2001 the total number of prisoners was 14,979 and those in custody 5,522, the respective numbers decreased to 12,980 and 3,493 as of the end of November 2002. Notwithstanding these positive developments, the total number of the prison population in the Czech Republic remained well above the European average.

The decrease in the prison population also opened up possibilities for better communication between prisoners and prison staff, and for improved accommodation of prisoners. Yet, many areas of the prison system required further development and improvement. While the training of prison staff generally improved, there was a serious lack of professionals such as psychologists, pedagogues, and medical doctors. Moreover, idleness remained a problem due to the lack of work and opportunities for leisure time activities.

Physical conditions were poor – not only for prisoners but also for the prison staff, all contributing to a negative and hopeless atmosphere. Prisoners continued to be accommodated in large wards with as many as 12 (and even more) inmates living in one cell. Possibilities for activities outside the prison buildings were scarce, as a result of which most prisoners spend 24 hours a day on their wards. The hygienic conditions and food were highly substandard, and communication between co-inmates was difficult.

The practice of disciplinary measures was not unified in all prisons throughout the country. Positive changes were often introduced only in a few facilities, which resulted in widely varying conditions between different prisons.

The status of foreigners in Czech prisons was disadvantaged due to problems in communication. Those coming from the former USSR faced acts of revenge by fellow

² This section is based on findings of visits to prisons in Kurim, Praha – Pankrac, Vinarice, Praha – Ruzyne, Valdice, Svetla nad Sazavou, Praha-Repy, Pardubice, Ceske Budejovice, Jirice, Ostrov nad Ohri, Ostrava, Karvina, Opava, Plzen, Brno, Vsehrdy, Litomerice, Hradec Kralove, and Teplice.

prisoners because of the 1968 Soviet invasion to Czechoslovakia. Problems related to judicial proceeding added to the discriminatory situation.

In 2002, the Czech Helsinki Committee dealt with complaints from 308 prisoners, with approximately one third complaining about judicial proceedings and the rest about the penitentiary system, including conditions in prisons, problems during transfers to other prisons, inadequate medical care, substandard food and hygiene as well as the lack of safety. There were also complaints about problems with correspondence and tutoring, difficulties in receiving parcels from outside the prison, and the right to possess a radio, a television set or other private items.

As for medical care, prisoners complained about unexplained changes of diet or medication when transferred to another facility; restricted access to or forced medical examinations; disinterest on the part of medical personnel in the patient's condition or the adoption of a routine or superficial approach (also due to the examination of as many as 40-60 patients a day).

Moreover, there were serious safety problems in many penitentiaries. Prisoners claimed that prison administrations were reluctant to protect them from violence by other inmates and by prison staff, to discipline aggressors, and to take measures to prevent future incidents. Filing a complaint was mentioned by prisoners as one of the most risky activities for a prisoner because it as a rule provoked acts of revenge against which no precautions were taken by prison administrations.

Prisoners complained that they were underpaid for the work they accomplished and the regulations of payment (or pocket money) were unclear and sometimes intentionally "misunderstood." In addition, there were problems with receiving money from outside the prison or sending it out.

The complaint mechanisms were inconsistent and only a small, although gradually increasing, percentage of the filed complaints were accepted as justified by the Czech penitentiary service. Although the low number of complaints could partly be attributed to poor evidence and difficulties in substantiating many complaints, prisoners felt that the responsible authorities were reluctant to investigate the complaints fearing loss of reputation and due to incompetence.

Ethnic Minorities

Roma Minority

Although during 2002 the Czech Republic was accepted for accession to the European Union in 2004, minority rights and more specifically, the rights of the Czech Roma community, remained low on the government's agenda.³

Serious violations of the Roma community's economic and social rights continued in a virtually systematic manner. In 2002 estimates of unemployment among Roma ranged from 70% to 90%, as compared to the national average estimated at 9%. Discrimination against Roma by employers, as well as by government employment officers, was extensive and although legislation existed prohibiting discrimination in hiring and in the work place, this

³ This lack of impetus was contributed to by the fact that there were no special rights ensuring parliamentary participation for minorities, and hence only one Romani representative in parliament. EUMAP, *Monitoring the EU Accession Process: Minority Protection in the Czech Republic 2001*, at www.eumap.org/reports/content/10/203/html/300/#BProtectionfrom

was undermined by the fact that victims alleging discrimination did not have the right to file complaints. The legislation in place also failed to define what conduct amounted to racial discrimination and failed to provide for effective sanctions in cases of a breach.⁴

Grave violations of the rights of the Roma community to adequate housing continued in 2002. The health of Czech Roma, which was significantly worse than that of the rest of the Czech population, continued to be adversely affected by the inferior and inadequate housing conditions, which the Roma often endured in 2002. Municipal authorities failed to accommodate Roma and non-Roma families according to the same standards. Commonly Roma applicants were consigned to segregated areas with substandard or unsafe accommodation such as *holobyty*, housing, which was usually located far from the central town or city areas, and was without basic facilities such as garbage collection, hot water and standard bathroom amenities.⁵

In 2002 the UN Committee on Economic, Social and Cultural Rights published its concluding observations on the Czech Republic, following its consideration of the report submitted by the state party on its obligations under the International Covenant on Economic, Social and Cultural Rights. While noting its general concern at the high level of discrimination against Roma in the fields of employment and housing, the committee commented specifically on the over-representation of Romani children in schools designed for mentally retarded children.⁶ Despite years of criticism by international and domestic organizations, in 2002 there was still widespread recognition that remedial special schools were full of Romani children who were neither mentally handicapped nor suffered from learning disabilities.⁷ The Czech government failed again in 2002 to successfully address this issue, with the Czech parliament once more rejecting a new school act, which laid down a procedure for the phasing out of the special schools system.⁸ As a result, Romani children with no mental difficulties were effectively denied their right to education, and there existed no legal recourse in the Czech Republic to challenge this hazardous form of racial discrimination.⁹

In a positive development, in 2002 the High Court of Justice took the unprecedented step of awarding non-pecuniary damages to a Rom.

- Mr. Kovac, who, in the court's words, had suffered a gross violation of human dignity, when he was refused access to a nightclub in the city of Karlovy Vary, was

⁴ *Written Comments of the European Roma Rights Centre (ERRC) Concerning the Czech Republic. For Consideration by the United Nations Committee for Economic, Social and Cultural Rights at its 28th Session, April 29- May 17, 2002*, at http://errc.org/publications/legal/UN_Czech_April_2002.doc

⁵ *Ibid.*

⁶ *Concluding Observations of the United Nations Committee on Economic, Social and Cultural Rights: Czech Republic*, June 5, 2002, at

[www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.76.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.76.En?Opendocument); and ERRC, "United Nations Committee for Economic, Social and Cultural Rights, Reviews Czech Republic," in *Roma Rights*, No. 3-4, 2002, at http://errc.org/rr_nr3-4_2002/snap12.shtml.

The European Commission also found continued widespread discrimination in the areas of education, employment and housing. *European Union Regular Report 2002 on the Czech Republic's Progress Towards Accession*, at www.europa.eu.int/comm/enlargement/report2002/cz_en.pdf

⁷ *Written Comments of the European Roma Rights Centre (ERRC) Concerning the Czech Republic. For Consideration by the United Nations Committee on Economic, Social and Cultural Rights at its 28th Session, April 29-May 17, 2002.*

⁸ *European Union Regular Report 2002 on the Czech Republic's Progress Towards Accession*, at www.europa.eu.int/comm/enlargement/report2002/cz_en.pdf

⁹ *Written Comments of the European Roma Rights Centre (ERRC) Concerning the Czech Republic. For Consideration by the United Nations Committee on Economic, Social and Cultural Rights at its 28th Session, April 29-May 17, 2002.*

awarded non-pecuniary damages.¹⁰ Monitors hoped that the award of damages for non-pecuniary loss in this case signaled increased willingness on the part of the judiciary to recognize and compensate discrimination against Roma. However in most other similar discrimination cases, the judiciary and other authorities failed to vindicate the human rights violations of Roma litigants.¹¹

Unwarranted and unindicted police violence against Roma continued in 2002 and the European Commission noted in its report on the Czech Republic's accession progress, that decisive legislative measures were needed to combat racially motivated violence, including cases of police violence against Roma.¹²

- The European Roma Rights Centre reported the case of a Roma man, Mr. Pecha, who died in police custody having reportedly fallen out of a window. The police claimed Pecha committed suicide, however the Environmental Law Service (ELS) expressed its disbelief in this claim. The ELS, who took over the legal representation of the man's partner, noted that on two separate occasions its members were denied access to the case file, in violation of article 65 of the Czech Criminal Procedure Code. Also according to the ELS, members of Pecha's immediate family were, on different occasions, refused copies of the death certificate and the autopsy report. When it was finally granted access to the case file, two months after the death, the ELS expressed its concern that officers of the Police Inspectorate may have manipulated the file. The ELS later reported that the investigation into the case had been officially postponed in September 2002 and it was not resumed before the end of 2002.¹³

In 2002 there was also sustained failure on the part of the authorities to effectively investigate, prosecute and penalize civilian racist violence against Roma citizens.¹⁴

- On January 28, a group of skinheads attacked an apartment building inhabited by Roma in Prague. Witnesses called the police who reportedly arrived on the scene in time to detain a number of the attackers, one of whom, previously accused of several racially motivated violent crimes, was reportedly a member of a neo-Nazi organization. In February the victims, afraid to file a complaint due to the threat of retaliation, sought resettlement by the City Council, however this request was refused. Later in the same month the police unit charged with investigating the incident claimed that they could not proceed with investigations or accusations until the injured parties filed complaints. Because the Roma involved were too scared to do this, all of the detained suspects were released.¹⁵

Another feature of the Czech system, which also contributed to the phenomenon of inadequate results in cases of racial violence against Roma in 2002, was the Czech Interior Ministry's application of a strict standard for what counted as racially motivated crime. Often crimes in which the perpetrators were not explicitly heard shouting racist epithets were

¹⁰ ERRC, "Legal Defence of Roma in the Czech Republic," in *Roma Rights*, No. 2, 2002, at http://errc.org/rr_nr2_2002/snap6.shtml

¹¹ ERRC, "Denial of Justice in Czech Race Crimes," in *Roma Rights*, No.1, 2002, at http://errc.org/rr_nr1_2002/snap15.shtml

¹² *European Union Regular Report 2002 on the Czech Republic's Progress Towards Accession*, www.europa.eu.int/comm/enlargement/report2002/cz_en.pdf

¹³ ERRC, "Suspicious Death of Romani Man at Police Station in the Czech Republic," in *Roma Rights*, No.3-4, 2002, at http://errc.org/rr_nrl_2002/snap15.shtml

¹⁴ ERRC, "Continued Racist Violence against Roma in the Czech Republic," in *Roma Rights*, No.3-4, 2002, at http://errc.org/rr_nr3-4_2002/snap11.shtml

¹⁵ ERRC, "Violence against Roma in the Czech Republic," in *Roma Rights*, No.1, 2002, at http://errc.org/rr_nrl_2002/snap28.shtml

discounted as racial attacks, despite the fact that other evidence pointed to racial motivation.¹⁶

Due to the general anti-Roma atmosphere, the departure of Roma from the Czech Republic continued in 2002. However, because in most cases Roma applications for refugee status in other countries were refused, Roma often found themselves faced with deportation or with the prospect of living illegally in foreign countries.¹⁷

Trafficking in Human Beings¹⁸

On December 10, the Czech Republic signed the Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons, Especially Women and Children, supplementing the Convention, and on December 13, it signed the UN Convention on Transnational Organised Crime.

On July 1, an amendment to article 236 of the Criminal Code (on trafficking in women) entered into force. Article 246 became an article on “trafficking in humans for the purpose of sexual relations.” However, the definition of the offence still only targets sexual relations, which does not correspond with the significantly broader definition of the protocol.

The problem of regulating the stay of victims in the Czech Republic was not satisfactorily resolved in 2002, as the question was still regulated primarily by article 35(1)(a), the granting of a visa in order to permit a stay of Act No. 326/1999 Coll. “On the Residence of Aliens Act in the Czech Republic.” In practice, this visa was not guaranteed to all trafficked persons, who were in many cases perceived as committing the crime of staying in the Czech Republic illegally and were expelled from the country. There were two primary problems with this: on the one hand, there were no legal provisions regulating the situation of migrant victims of trafficking in the Czech Republic as such. At the same time, the alien police received no internal direction on the treatment of victims of trafficking.

Healthcare and the social security system were not generally available to victims of trafficking, who often experienced the effects of social segregation. The assistance was provided exclusively by NGOs.

In 2002 an inter-ministerial working group to combat trafficking in human beings was established. The group (including the Ministry of Interior, Ministry of Justice, the Supreme Public Prosecutor, the Ministry of Labor and Social Affairs and the Ministry of Health) aimed to find a comprehensive solution to the problem of trafficking in human beings within the framework of state administration.

Also in 2002, a Czech-German-Polish working group was founded at the level of deputies of the Ministry of Interior to deal with cross-border crime issues, including sex tourism and illegal migration. An advisory committee dealing with trafficking in women, established at the instruction of the Ministry of Interior, has existed since 2001. The committee is comprised of representatives of GOs, NGOs and IGOs.

In 2002, La Strada continued to provide services in all three areas of its work: prevention, lobbying and support to trafficked women. Thirty-nine educational events for 838

¹⁶ Ibid.

¹⁷ *The Guardian*, Kate Connolly, “The Rights of Roma,” August 1, 2001, at <http://guardian.co.uk/elsewhere/journalist/story/0,7792,530762,00.html>; and ERRC, “Collective Expulsions of Roma around Europe,” in *Roma Rights*, No.3-4, 2002, at http://www.errc.org/tr_nr3-4_2002/snap1.shtml

¹⁸ Based on information provided by La Strada Czech Republic.

participants were organized, the hotline accepted 288 calls and 36 women were assisted through the long-term assistance program.

Women's Rights

Czech legislation was not yet fully harmonized in the field of equal opportunities for women and men, although the prohibition of discrimination on the basis of sex was introduced in 2002 and efforts have been made to reduce the phenomenon. There was relatively low public awareness in the Czech Republic on equal opportunities, as well as other gender issues and their enforcement. Despite a general acknowledgement that inequalities did exist, there was little understanding of the need to reinforce the specific protection of rights based on gender. This attitude has endured since the communist era, and is changing only gradually.¹⁹

Given the public's low awareness about equal opportunities, the Czech Helsinki Committee, together with partner organizations, launched a project on the "Implementation of the Policy of Equal Opportunities for Men and Women in the Job Market in the Czech Republic." The aim of the project was to help women who believe they have been discriminated against in the labor market and who want to actively defend themselves against discriminatory practices by employers. Specifically, it aimed to inform women of their rights and how to exercise them in concrete situations.

The results of an inquiry carried out by the Czech Helsinki Committee in the spring of 2002, in which 520 women took part, showed that the majority of respondents had an approximate idea about concrete manifestations of discrimination. In contrast to that, they had little knowledge about the possibilities of defending themselves against discriminatory practices. The survey also showed differences in the level of approaches in areas with a high level of unemployment: for example, women were afraid to defend themselves against discrimination because they feared that they would lose their job and would not be able to find another one. Within the project, women were also given financial assistance to initiate judicial proceedings in clear cases of discrimination.

- A female job applicant, who met all the criteria required by an employer – a state institution – received a written confirmation that her application had been rejected because the employer preferred a younger employee. The applicant, assisted by the Czech Helsinki Committee, lodged a complaint with the Labor Office for a breach of law and employment regulations, and sued the employer requiring financial compensation for moral damage. The case was pending as of the end of the year.
- A woman who was employed in a bank had faced serious harassment by her superior for years. For example, she was given impossible deadlines to accomplish her tasks, her personal problems were taken up in front of business partners, and she faced verbal offenses. Despite complaints to the employer, the bank never took any measures to stop harassment. On the contrary, after she had filed a written complaint, the bank director threatened her with criminal proceedings. With help of the Czech Helsinki Committee, she filed a complaint to the Municipal Court of Prague in spring 2002. As a result, the bank dismissed her superior and offered the woman extrajudicial financial compensation.

¹⁹ Open Society Institute, *Executive summary of the Czech Republic in "Monitoring the EU Accession Process: Equal Opportunities for Women and Men,"* EU Accession Monitoring Program, November 2002.

Seniors' Rights

The United Nations Second World Assembly on Ageing, held in Madrid in April 2002, adopted an international plan for the future care of the aging population. It was followed by the February 15 Resolution No. 485 of the Czech government for the period 2003-2007.

The 2002 findings of the Czech Helsinki Committee about the situation of the aging persons gave a gloomy picture. The system of social care was not flexible enough to meet the needs of the aging population. Also Law No. 20/66 on health care focused preventively mainly on young and working age people. The unsatisfactory situation could be attributed to the fact that, in recent years, measures have been initiated to improve the situation, but they have remained uncompleted.

The Czech gerontologists and the Czech Geriatric Association have undertaken efforts to improve the desperate state of affairs, but they have been unable to carry out effective and successful work. Moreover, also in 2002, tuition in gerontology and geriatrics in medical faculties was insufficient as was post-graduate tuition for physicians in those fields. As a result, there was an acute lack of specialized gerontology departments and practices. Regular hospitals were full and occupied with ill elderly people who received less attention than people of productive age. Geriatric physicians still had no possibility of prescribing health aids or special geriatric medicines for seniors, although doing so would be beneficial from both economic and organizational points of view.

Cooperation with the Ministry of Health and the Ministry of Social Care on the problems with the elderly was cumbersome, tedious and often unsuccessful.

Rehabilitation after operations, injuries, strokes and neural illnesses was inadequate and, according to official recommendation, should not exceed a period of three months. Such a short period failed to help patients with long-term illnesses and those who, as a result of illness or injury, were bedridden.

There were initiatives to set up hospices for terminal patients, but for those who were bedridden and in need of constant medical care but not terminal cases there were no places available in different institutions.

The Czech Helsinki Committee emphasized that it was necessary to redefine health and social care for those patients whose health is stabilized but who still need constant long-term health care and nursing. For this group of people, the situation was worst in Prague, the capital, because of the high percentage of elderly persons living there.

To solve the situation, the Czech Helsinki Committee said, it is necessary that the Ministries of Health and Labor and of Social Affairs cooperate closely. The committee recommended that specific hospital wards be better adapted to the needs of elderly people. Moreover, it must be ensured that there is a sufficient number of beds and proper care for patients who do not have precisely stated diagnosis but whose state is acutely deteriorating, or those who suffer from multiple diseases and tend to remain in limbo as specialized departments do not accept them. Sometimes such patients have been transferred from one clinic to another and, in the worst cases, they have ended up at home again without adequate care and therapy. In addition, it is necessary to establish financially accessible non-stop domestic care and nursing services for those who – with regular outside care – can still stay in their homes.

Finally, there is an acute need for institutions for the elderly who can no longer take care of themselves but are not eligible for senior citizens' homes or other similar facilities. The problems, can be solved only with close cooperation and agreement between the health

care system and the social domain.

Asylum Seekers and Immigrants

Asylum Seekers

The amendments to the Asylum Act (No. 2/20032 Col.), which came into force on February 1, 2002, introduced very restrictive legal regulations to the asylum policy. Combined with poor definitions and broad interpretations of the legal provisions, the result was a dramatic deterioration of the rights of asylum seekers.

Among other things, the amendments restricted repeated asylum applications: after a rejection, a new asylum claim could generally be considered only in two years' time.

Further, the "safe third country" rule was radically tightened: according to the new rule, even the countries through which an applicant passed on his way to the Czech Republic were automatically considered to be "safe third countries." Subsequently, the application would be handled in the accelerated procedure as "manifestly unfounded," unless the applicant was able to prove that in his/her case the country of transit was not a "safe country." In the accelerated procedure, the authorities must decide on the case within 30 days, and rejected applicants had only seven days (instead of the normal 15) to file an appeal.

Generally – except for a few cases – the fear that the "safe third country" rule would be abused by the authorities to increasingly use the accelerated procedure was not confirmed. This provision was mostly used in the cases of foreigners coming from Ukraine and Moldova, with the "safe third countries" being Poland and Slovakia.

In addition, the reasons for terminating an asylum procedure were extended. Now it became possible to stop the proceeding if the applicant tried to cross the state border. Moreover, the former requirement of consent of the applicant to conduct the asylum proceeding in a language other than his or her native language was removed.

Furthermore, conditions for family reunification were tightened, giving authorities space for broad interpretations about whether the criteria for family reunification had been met, and drastic limitations were introduced to the possibility for an applicant to receive financial assistance from the state and to leave a refugee reception center of the Ministry of Interior.

Asylum applicants were not allowed to work legally for 12 months after submitting an asylum application. Only after that period could they apply for a work permit, and only for a specific job.

Also on the negative side, asylum seekers and other foreigners could be placed in detention camps for 180 days upon their arrival. Earlier, they were released from the camps as soon as they had filed an asylum claim.

Moreover, a most disturbing practice was the holding of juvenile applicants in these camps despite the fact that the conditions in those camps were in no manner suitable for children and amounted to violations of the rights of the child. Particularly, unaccompanied juvenile applicants should not be held in such camps at all.²⁰ The holding of foreigners in detention camps was criticized by the ombudsperson and discussed in the governmental

²⁰ According to the Czech Helsinki Committee, fewer unaccompanied children were held in the camps towards the end of the year.

Commission for the Prevention of Torture and Inhuman or Humiliating Treatment or Punishment.

The new Asylum Act also prescribed stricter regulations for living outside reception camps, and the police chose to interpret them even more restrictively. The regulations required that every six months an owner of an apartment where refugees stayed must submit a statutory declaration about their whereabouts. However, the authorities failed to inform asylum seekers of this provision; many found out about it only when they applied for extension for their visas, which was refused. Some landlords suspected that their tenants were involved in illegal acts because of the repeated requirements to submit statements about their whereabouts, others used this fact as a means to push up rents.

A new reception center was established in the transit area of Prague international airport. While in early 2002 NGOs faced difficulties when trying to get access to that area, towards the end of the year access was usually granted.

According to the new Asylum Act, the maximum period for receiving financial assistance was three months instead of the previous indefinite period, however, in 2002, the applicants frequently had to wait for months before the payments started, placing individuals – and particularly families with children – in a very difficult situation. Similarly, according to the new provisions, asylum seekers were able to receive medical care only in medical institutions, which had signed contracts with the Ministry of Interior. In some regions, particularly in Prague, this had led to a catastrophic situation with a serious lack of medical professionals; in cases of specialists such as dentists and gynecologists virtually no medical care was available.

Both the asylum and the appeal procedures were unduly long (the minimum was two years).

In addition, asylum seekers faced problems when they wanted to marry, apply for work permits and other practical issues due to their lack of awareness of laws and other provisions among the responsible authorities. Also, asylum seekers were not aware of their rights, nor did they turn to seek assistance from the ombudsperson.

On the positive side, an independent judicial review of administrative decisions was introduced.

Immigrants

The situation of foreigners with residence permits (on the basis of Act No. 326/1999 Col and with amendments adopted in 2002 or the Residence Act) improved slightly in comparison to the previous years due to improvements in the field of integration. New concepts of integration of foreigners were developed both by the state authorities and NGOs in cooperation with the Ministry of Culture with the aim of facilitating minorities' participation in Czech cultural life and undertaking efforts towards overcoming xenophobic attitudes. In practice, however, authorities tended to interpret the act to the disadvantage of the foreigners.

The conduct of the Foreigners Police towards their clients was unprofessional and raised strong suspicions of xenophobic attitudes. Moreover, the lack of transparency in their activities added to this problem. Foreigners Police often applied the law in a wrong way and failed to inform foreigners of their rights, both factors had an adverse affect on the foreigners' legal situation.

There were still no commonly approved regulations about the administration of

citizenship. The Act on the Acquisition and Loss of Citizenship was not linked to the Act on Residency of Foreigners, and both were written so vaguely that they allowed for broad interpretation and discretion by authorities. As a result, the application of the laws was unpredictable, a fact which led to increased insecurity also among long-term foreign residents about their future in the Czech Republic. Moreover, such imprecision led to corruption.

Providing health care to those foreigners who did not have a permanent residence permit was a serious problem in 2002, because only those with permanent residence could be insured within the public health insurance system. Others had to take out a private medical insurance for themselves. In cases in which an insurance company refused to give insurance or prolong it (as was frequently the case with people in poor health), a foreigner had no access to public health care. In some cases insurance companies also refused to insure babies born in the Czech Republic who were in poor health or handicapped because of the foreseeable possible high payments to the clients.

Generally, Czech authorities did not recognize a necessity to grant permanent residency for humanitarian reasons although this was provided by the law: they rather left this decision to a court of appeal to rule upon appeal. In a similar vein, Foreigners Police sometimes illegally revoked residence permits on the grounds of a staged marriage if a foreigner divorced his/her spouse within a period that the police deemed to suggest a staged marriage, or if the police simply judged – also without sufficient evidence – that a marriage was entered into solely for the purpose of receiving a residence permit. In such cases, police did not thoroughly investigate the background but simply ordered the foreigner to leave the country without taking into consideration his/her possible lengthy stay in the Czech Republic although the law allowed for continued stay on grounds based on reasons of private life.

Individuals who had committed a crime were also often revoked residence permits:

- A foreigner had lived in the Czech Republic with permanent residency rights since the 80s. In the 90s, he engaged in criminal activity and was in jail for several years. When serving his term, his residence permit expired and he was not able to extend it from prison. However, one of the prerequisites for receiving a residence permit was a clear criminal record. The only way for him to be able to stay in the country was to apply for a residence permit on humanitarian grounds because he had a partner in the Czech Republic as well as other social contacts, the only language he spoke was Czech, and he had lived there for almost 20 years. Despite all these facts, as of the end of 2002, it appeared that his residence permit would not be prolonged.
- An Afghan citizen, who had lived in the Czech Republic for almost 10 years, was married to a Czech citizen, had a child who was a Czech citizen, and ran a gastronomy business in that country, had not been granted Czech citizenship despite annual applications since 1995. Following the latest application, authorities reportedly stated that the reason for not granting citizenship was that he was not of any use to the Czech Republic as he had paid so few taxes. His family situation was not taken into consideration.