

CZECH REPUBLIC 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Czech Republic is a multiparty parliamentary democracy. Legislative authority is vested in a bicameral parliament, consisting of a Chamber of Deputies (Poslanecka snemovna) and a Senate (Senat). The president is head of state and appoints a prime minister and cabinet ministers. Voters elected representatives to the Chamber of Deputies on October 8 and 9 and re-elected President Milos Zeman to a second five-year term in 2018. The most recent elections, for one-third of the seats in the Senate, were held in two rounds in October 2020. Observers considered the elections free and fair.

The national police report to the Ministry of Interior and are responsible for enforcing the law and maintaining public order, including protecting the border and enforcing immigration law. The General Inspection of Security Forces reports to the Office of the Prime Minister and is responsible for investigating allegations of misconduct involving police, customs officials, fire fighters, and the prison service. General Inspection of Security Forces inspectors investigated allegations of criminal misconduct and carried out sting operations to catch violators in action. The Ministry of Defense oversees the armed forces. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included credible reports of: crimes involving violence or threats of violence against members of minority groups, mainly the Romani community and the lesbian, gay, bisexual, transgender, queer, and intersex community; and the lack of accountability for violence against women.

The government took steps to prosecute and punish officials who committed abuses in the security services and elsewhere in the government.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There was one report that the government or its agents may have committed an arbitrary or unlawful killing. The General Inspection of Security Forces or military police investigate whether security force killings were justifiable and pursue prosecutions.

On June 12, a Romani man died while or after he was restrained by several police officers. According to videos that appeared on social media, police officers knelt on the man's back and neck while he was prostrate. Some media outlets reported that the European Commission requested an independent investigation into the matter. High-level officials, including Prime Minister Andrej Babis and Interior Minister Jan Hamacek, spoke out in support of police on social media and criticized the victim's reported behavior and substance abuse. On June 24, the General Inspectorate of Security Forces announced at a press conference that based on the available facts and the preliminary results of the autopsy, it found no evidence the police officers "committed a criminal act" and would not initiate disciplinary proceedings. The final medical expert opinion issued in October did not offer additional details. The family of the Romani man initiated at least one criminal complaint that was still pending in November. In September the deputy public defender of rights (deputy ombudsman) opened an investigation into the death, which she finalized in November and expected to release in December.

b. Disappearance

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

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

The law prohibits torture and other cruel and inhuman treatment.

In its 2020 annual report, the ombudsman again recommended amendments to

laws regulating the treatment of persons in detention facilities. The report highlighted that some less serious forms of “ill-treatment” (mistreatment) were not punishable and that persons in some facilities that impose restrictions on movement (e.g., psychiatric institutions, senior homes) do not have access to an independent investigative body.

In June the military police recommended that a prosecutor bring charges against four unidentified members of the special-forces unit of the army. The recommendation was based on the investigation of a 2018 interrogation and subsequent death of an Afghan commando. The soldiers and the victim were engaged in the NATO mission in Afghanistan, and the soldiers reportedly interrogated the victim after he killed a Czech soldier. According to media reports, military police recommended that two of the four accused be charged with the use of force and failure to follow orders and the other two with not providing assistance and violating the rules of conduct. The prosecutor’s decision on whether to file charges was pending as of September.

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

The main concerns for prison conditions included high prison populations, overcrowding, poor sanitary conditions in some prisons, mistreatment of inmates, lack of medical staff, lack of support programs and services inside prisons, and generally unsatisfactory conditions for inmates with physical or mental disabilities.

Physical Conditions: Prison overcrowding improved but remained a problem. On average facilities for prisoners were at almost 95 percent of capacity in the first eight months of the year, a decrease from 2020. Observers noted, however, that the lower numbers were mainly caused by delays in criminal proceedings related to the COVID-19 pandemic and more frequent use of alternative sentences. Several prisons remained at more than 110 percent of capacity.

According to the Prison Service, there were 23 deaths in prisons and detention facilities in 2020, compared to 40 in the previous year. All cases were investigated. There was a notable increase in deaths from suicide, with 17 cases reported in 2020 compared to 11 in 2019.

The ombudsman's report for 2020 noted that many types of detention centers had significant problems related to social isolation and restrictions on movement due to COVID-19 pandemic measures. The ombudsman also highlighted intrusive restraining measures of patients in psychiatric departments.

Administration: Specialized public prosecutors are responsible for regular prison visits, which the ombudsman cited as a useful tool for monitoring conditions. The ombudsman investigated credible allegations of inhuman conditions and made random checks.

Due to the COVID-19 pandemic, many prisoners faced either a ban on all visits or restriction on the number of visitors to one person, which in some cases prevented prisoners from receiving visits from their children. In some cases, administrators allowed for virtual visits using Skype. After advocacy by the ombudsman, the restrictions on visitor numbers were revised to allow visits by family or close friends and relatives.

In November 2020 the Constitutional Court ordered a new investigation into the 2018 alleged abuse of a prisoner by six prison guards in one of the country's highest-security detention facilities. The prisoner, who was on hunger strike, alleged that he fell to the ground and was attacked by four guards while being escorted to the prison's complaint department. When he was taken in handcuffs to the doctor for treatment, two guards allegedly threw him down the stairs at the infirmary. The General Inspectorate of Security Forces suspended the case after a yearlong investigation, a decision supported by prosecutors. The Constitutional Court found that the prisoner's rights to an effective investigation and other legal protection were violated and ordered an additional investigation, which continued as of year's end. In a separate case, in May the General Inspectorate of Security Forces initiated a criminal investigation of 15 guards in a different prison who allegedly verbally and physically abused prisoners from February 2020 to January 2021. If convicted, some face three to 10 years in prison for abuse of official authority.

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

Monitoring was conducted less regularly due to restrictive measures imposed to prevent the spread of COVID-19.

Improvements: The government introduced new guidelines on providing medical treatment to prisoners that were designed to increase prisoners' privacy, permit reporting signs of any mistreatment, and ensure the security of medical personnel.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

In most cases, police use judicial warrants to arrest individuals accused of criminal acts. Police may make arrests without a warrant when they believe a prosecutable offense has been committed, when they regard arrest as necessary to prevent further offenses or the destruction of evidence, to protect a suspect, or when a person refuses to obey police orders to move.

Police must refer individuals arrested on a warrant to a court within 24 hours. A judge has an additional 24 hours to decide whether to continue to hold the individuals. For suspects arrested without a warrant, police have 48 hours to inform them of the reason for the arrest, question them, and either release them or refer them to a judge who must decide within 24 hours whether to charge them. Authorities may not hold detainees for a longer period without charge.

The law provides for bail except in cases of serious crimes or to prevent witness tampering. A defendant in a criminal case may request a lawyer immediately upon arrest. If a defendant cannot afford a lawyer, the government provides one. The court determines whether the government partially or fully covers attorney's fees. Authorities generally respected these rights.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. In most instances authorities

respected court orders and carried out judicial decisions.

In 2019 Prague High Court judge Ivan Elischer was taken into custody a second time for attempting to influence witnesses. In 2018 he was accused of taking bribes, abuse of power, and preferential treatment in serious drug cases. Elischer allegedly accepted a bribe of one million crowns (\$45,200) in a drug-crimes trial. In November the Prague Municipal Court sentenced the judge to nine years in prison. The sentence was subject to appeal.

Trial Procedures

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

Defendants enjoy the right to a presumption of innocence and to receive prompt and detailed information about the charges against them. They have the right to a fair and public trial without undue delay, to be present at their trial, and to communicate with an attorney of their choice or have one provided at public expense if they are unable to pay. They generally have adequate time and facilities to prepare a defense and have the right to free interpretation as necessary from the moment they are charged through all appeals. Defendants have the right to confront the prosecution or plaintiff witnesses and present their own witnesses and evidence. They cannot be compelled to testify or confess guilt. Convicted persons have the right to appeal; however, the procedures were sometimes lengthy.

Nongovernmental organizations (NGOs) reported that some criminal investigations, trials, and other related procedures were still delayed by the closures of institutions due to the COVID-19 pandemic.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution provides for a separate, independent judiciary in civil matters and for lawsuits seeking remedies for human rights violations. Available remedies include monetary damages, equitable relief, and cessation of harmful conduct.

NGOs reported increased coherence between criminal and civil procedures that simplified the process for victims, although remedies and relief required a lengthy legal process and were difficult to obtain, particularly for members of disadvantaged groups such as the Romani minority or trafficking victims. Plaintiffs may appeal unfavorable rulings that involve alleged violations of the European Convention on Human Rights to the European Court of Human Rights. Administrative remedies are also available; however, many victims of violence did not seek remedies in civil courts following criminal trials because civil procedures require facing the perpetrator and recounting traumatic experiences.

The law recognizes children, persons with disabilities, victims of human trafficking, and victims of sexual and brutal crimes as the most vulnerable populations and lists the rights of crime victims, such as to claim compensation and access to an attorney. In July a new amendment to the law on the protection of crime victims added rape victims and victims of domestic violence to the category of the most vulnerable victims.

Property Seizure and Restitution

The government has laws and mechanisms in place for some restitution of private and religious property confiscated during Nazi occupation or the Communist era, but challenges remained, especially for claimants who are not citizens. Areas posing significant issues include the disposition of heirless Holocaust-related property and complex cases involving noncitizens. Although it was still possible to file claims for artwork confiscated by the Nazis, the claims period for other types of property had expired.

By law, religious groups receive an annual installment of the total sum of 59 billion crowns (\$2.6 billion) to be paid over a 30-year period in compensation for property seized during communism that cannot be returned.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in July 2020, can be found on the Department's website at: <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home,

or Correspondence

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the media. The law provides for some limitations to this freedom, including in cases of hate speech, Holocaust denial, and denial of Communist-era crimes.

Freedom of Expression: The law prohibits speech that incites hatred based on race, religion, class, nationality, or other group affiliation. It also limits the denial of the Holocaust and Communist-era crimes. Individuals who are found guilty can serve up to three years in prison. The law is also applied to online, print, and broadcast media.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media were active and expressed a wide variety of views. President Zeman, his spokesperson, and political parties on the far right and left publicly alleged bias in both public and private media outlets. The Freedom and Direct Democracy Party, the Communist Party, and to a lesser degree the governing ANO party openly sought to appoint politically polarizing figures to public media supervisory boards, raising concerns they were attempting to violate the political neutrality of these institutions. Observers raised concerns over the impartiality of some of the new members based on their public remarks skeptical of the need for independent media. In September parliament dismissed a member of the public media supervisory board due to her active involvement and candidacy for a political movement in the October elections.

The law prohibits elected officials from controlling media properties while in office. Prime Minister Babis, whose company Agrofert owned two prominent newspapers and other media outlets, placed control of these assets into trust funds in 2017. Observers maintained that this measure did not insulate media from the influence of the government. In September the municipal government with jurisdiction over Prime Minister Babis due to his place of residence found him in breach of the media ownership law and fined him 250,000 crowns (\$11,300). The ruling was the result of the second administrative complaint filed by Transparency International in January, which alleged that Babis controlled media assets despite their placement into trusts. The regional government office, which in 2019 overturned a similar ruling based on Transparency International's first complaint in 2018, annulled the decision of the municipal office on the grounds that the issue was addressed two years previously.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

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

In January the Supreme Administrative Court dismissed President Zeman's complaint against the court's decision regarding the appointment of professors to Charles University. By his refusal to appoint two professors in 2015 and 2018, the court had ruled that Zeman overstepped his constitutional authority. As of October, Zeman had not complied with the ruling, which required him to act on the nominations without further delay.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights. The government restricted freedoms of peaceful assembly or association in connection to COVID-19 pandemic under the state of emergency.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

From October 2020 to April, the government declared a state of emergency due to the COVID-19 pandemic, with restrictions on freedom of movement inside the country and limitations on entry into the country.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government stated that it generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Access to Asylum: The law provides for granting asylum or refugee status, and the government has an established system for providing protection to refugees and other specifically endangered foreign nationals.

Some NGOs claimed statements from political leaders discouraged refugees from seeking asylum. The leaders, including Prime Minister Andrej Babis and Interior Minister Jan Hamacek, stated numerous times that asylum seekers did not wish to settle in the country and that the country did not accept "illegal migrants." Babis stated in June that he "does not want a Muslim Europe."

An NGO claimed that persons detained at the Prague airport from Syria, the Palestinian Territories, Afghanistan, and Turkey were denied entry into the country without being advised of their legal options and access to asylum. The NGO

reported that the information was based on the reports by the passengers' contacts or relatives. The Ministry of the Interior reported that the foreigners' police provide each person seeking international protection at the airport (the country's only non-EU point of entry) with an information leaflet available in several languages. The checkpoint at the airport through which all non-Schengen arrivals must pass also contains a UNHCR poster informing passengers of the right to seek international protection.

NGOs have reported concerns that the Interior Ministry would stop distributing grants for legal assistance to migrants under the European Commission's Asylum, Migration, and Integration Fund, which constitute a large part of one NGO's budget. The ministry would instead fund such assistance by awarding funds from its budget to private law firms. Negotiations regarding the extension of the fund program continued as of October.

The law governing appeals from asylum denials was amended, effective August 2. Under the new law, according to immigration attorneys, persons coming from "safe" countries must leave the country while awaiting the outcome of an appeal of initial asylum application denial absent a court order allowing them to stay; persons whose appeals are denied while waiting in the airport cannot file a second appeal to the Supreme Administrative Court, which will generally no longer entertain appeals beyond the second one.

Under the law, the Ministry of Interior must decide on asylum cases within six months if the applicant has submitted all required documents. According to the ministry, during the first eight months of the year the average length of asylum procedures was 75 days. The length of asylum procedures in more than 90 percent of cases met all legal requirements. In the remaining cases, asylum applicants received information about new deadlines for completing the asylum process in compliance with the law. Observers criticized the length and substance of some decisions.

The Interior Ministry reported that as of June all the remaining Chinese Christian asylum seekers, who originally applied for asylum in 2016 based on religious persecution and whose cases went through appeals and remands, received subsidiary protection. The ministry reported that some of the original applicants

were no longer in the country, although an NGO reported that the applicants they represent have ceased communications with the government for fear of reprisals from the People's Republic of China.

Safe Country of Origin/Transit: The country generally adheres to the Dublin III Regulation, which calls for authorities to return asylum seekers to the first EU country they entered. The Ministry of Interior accepted asylum applications from individuals arriving from or through countries deemed to be safe, as defined by law. Authorities reviewed all cases individually, but usually did not grant international protection to these applicants. There are 24 countries on the list of safe countries.

Abuse of Migrants and Refugees: The ombudsman visited detention centers for asylum seekers at the end of 2020 and concluded that individual rights were significantly restricted and the measures imposed to prevent the spread of COVID-19 were excessive. Neither women nor other at-risk groups were separated from men, and the detainees had limited access to fresh air and legal and psychological counselling. Another control visit was planned for the end of the year.

An NGO reported that two Vietnamese men were sexually abused at a refugee center by another detainee in July 2020 and that the administrators had not taken adequate measures, such as revising housing assignments, to prevent similar incidents. The Interior Ministry commented that the offender was sentenced later in the year to six years of prison and to nonmaterial damage compensation of 72,000 crowns (\$3,300) and that various measures were implemented, such as 24/7 video surveillance, emergency telephones, and increased physical checks.

Freedom of Movement: Asylum seekers are generally not detained or limited in free movement within the country. By law, persons facing deportation may be detained for up to 180 days. If there are children accompanying the adults, detention can last no more than 90 days with no possibility of further extension. The average length of detention for illegal migrants and rejected asylum seekers was shortened to 55 days due to the government's implementation of a voluntary return system. Vulnerable persons, including families, cannot be detained if they apply for international protection.

As of September there were 160 migrants in detention facilities in the country. A total of 10 migrants were in a detention facility specifically designed for at-risk groups, single women without children, and families with children. There were no forced returns of families with minors. The Interior Ministry reported there were no displaced unaccompanied children in the country.

Durable Solutions: The government generally rejected requests within the EU Relocation Scheme to accept designated numbers of refugees and asylum seekers.

In August the government transported 169 Afghan interpreters and other then and former employees of its diplomatic and military missions, as well as their families, to the country; 151 refugees filed for asylum; 118 received it; the rest moved to other countries. Some of the arrivals had residency permits. An NGO reported that the asylum cases were processed in approximately four weeks and that the evacuees entered a government-funded integration program. The Interior Ministry reported that it was assisting Afghan families with finding housing, which was a challenge due to a shortage of available apartments.

A national integration program managed by the government in close cooperation with UNHCR and NGOs continued. Under the *State Integration Program*, beneficiaries of international protection are entitled to temporary accommodation, social services, language training, and assistance with finding employment and permanent housing. Children are entitled to school education. The Ministry of Interior started its own assisted voluntary return program in 2017 and effectively used it to help 1,996 individuals return to their country of origin. As of September 1, approximately 202 individuals had been voluntarily returned to their countries of origin.

Temporary Protection: The government provided temporary protection to some individuals who may not qualify as refugees. In 2020 and 2021, following the unrest after presidential elections in Belarus in August 2020, the government assisted 89 citizens of Belarus under the Interior Ministry's MEDEVAC Health and Humanitarian Program. In addition to transportation, health, rehabilitation, and psychological care, the government provided accommodation, meals, social worker services, interpreter services, seasonal clothing, and communication devices. The government provided five million crowns (\$229,000) to the program.

Some of the evacuees were enrolled in language programs that would enable them to enter the country's universities.

g. Stateless Persons

The Ministry of Interior reported 503 stateless persons in the country at the end of 2020. UNHCR listed 1,502 persons as stateless in its 2019 statistics for the country. The ministry reported that 11 stateless persons applied for international protection and that seven were granted asylum or subsidiary protection in 2020.

In March the Supreme Administrative Court ruled that persons awaiting the outcome of their application for stateless status should enjoy the same governmental support (e.g., housing, health insurance, right to remain in the country) as refugees awaiting asylum application determinations. As of August the government amended the law governing foreigners to include a procedure for determining statelessness that, if successful, will result in granting long-term visas and an identity document. Some NGOs criticized the “shift” of procedures related to the determination of “statelessness” from the asylum laws to the laws governing foreign nationals due to lessened benefits to the applicants.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: Voter elected representatives to the Chamber of Deputies on October 8 and 9. In 2018 voters re-elected Milos Zeman to a five-year term as president in the country's second direct presidential election. Elections for one-third of the seats in the Senate were held in two rounds in October 2020. Observers considered all elections free and fair, and there were no reports of significant irregularities.

Participation of Women and Members of Minority Groups: No laws or practices limit the participation of women or members of historically marginalized

groups in the political process, and they did participate. Participation by women and minority groups in elected bodies remained low in comparison to their estimated percentage of the population. Four out of 15 government ministries were headed by women. For the first time, more than 30 percent of candidates running in the parliamentary elections were women. As a result of the October elections, 51 of the 200 members of the Chamber of Deputies were women, representing an increase from 23 percent in the previous session to 25 percent.

Romani participation in politics and governance remained minimal in comparison to their estimated percentage of the population. There were no Romani members of parliament, cabinet ministers, or Supreme Court judges. There were some Romani appointees to national and regional advisory councils dealing with Romani affairs. Roma were elected to 13 seats (out of 62,000) in local governments in the 2018 elections. Roma received one seat (out of 675) in regional government elections in 2020

There were only six Romani candidates and one Czech-Vietnamese candidate in the October parliamentary elections out of total of 5,260 candidates.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Officials sometimes engaged in corrupt practices with impunity. An offender may face up to 12 years in prison and property forfeiture. Several high-level political figures were under investigation in various regions for manipulating public contracts and abuse of official power.

Corruption remained a problem among law enforcement bodies and at various levels of bureaucracy, and the most common forms of corruption included: leaking information for payments; the unauthorized use of law enforcement databases, typically searching for derogatory information; acceptance of bribes in connection with criminal proceedings and other procedures (e.g., issuance of permits) and unlawful influencing of law enforcement procedures.

Observers criticized the tenuous position of principal prosecutors whom, under

existing legislation, the government could remove from office without cause. Observers also criticized the continued lack of legal protections for whistleblowers and regulations on lobbying.

The government took some steps to implement its fifth *Open Government Partnership* action plan which contains commitments to anonymize online publication of lower court decisions, implement whistleblower protections, provide open data to enable public monitoring of the quality of education, increase civil society participation in government processes, and increase online transparency on the use of public funds. Implementation of the plan was delayed by the COVID-19 pandemic and the parliamentary elections.

In February parliament approved legislation requiring transparency regarding the real (or “beneficial”) ownership of companies. The law bars anonymously owned companies from applying for public subsidies or tenders, although in its final version it does not authorize officials to challenge discrepancies or irregularities in a company’s ownership structure, absent a court finding.

Corruption: In May, the European Commission issued a final report on an audit of EU agricultural subsidies received by Prime Minister Babis’ Agrofert, which – like a 2020 final audit report of EU structural subsidies – concluded that Babis is in conflict of interest due to his concurrent ownership of Agrofert and position as the prime minister, despite the 2017 placement of Agrofert assets into trust funds. Prime Minister Babis and the government disagreed with the findings of both audit reports on the grounds that Babis complied with national law and took no action. In August the European Commission again requested steps to address the conflict of interest outlined in the reports and warned it would stop future EU subsidy payments if no action was taken.

In a separate case, a prosecutor was still reviewing allegations that Prime Minister Babis had improperly received investment subsidies from the EU for a development project, following a recommendation by police in September to file criminal charges against Babis and a former associate. Babis allegedly temporarily transferred the Stork’s Nest conference complex from his Agrofert conglomerate to family members to qualify for EU subsidies in 2007. The criminal proceeding in the case was initiated in 2016, dismissed by the prosecutor in 2019, and reopened

later that year by the country's top prosecutor.

In November the municipal court found former Deputy Education Minister Simona Kratochvilova and former head of the Czech Soccer Association Miroslav Pelta guilty in a case involving manipulation of sports subsidies in 2017. Together, they caused damage estimated at up to 175.8 million crowns (\$7.9 million).

Kratochvilova was sentenced to six and one-half years in prison and a fine of two million crowns (\$90,000). Pelta was sentenced to six years in prison and a fine of five million crowns (\$220,000). The judgment was subject to appeal.

A trial against a large group of public officials and companies from the Brno area accused of corruption and manipulating public contracts amounting to 47 million crowns (two million dollars) took place in September 2020. The prosecutor recommended 14 years' imprisonment for the highest-ranking regional politician implicated in the case. The court was scheduled to announce its decision in December.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without governmental restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views, although some politicians disparaged NGOs in public remarks.

Government Human Rights Bodies: The Office of the Government has a commissioner for human rights as well as several advisory and working-level bodies related to human rights, including the Government Council for Human Rights, the Council for Roma Minority Affairs, the Council for National Minorities, and the Board for Persons with Disabilities. The Governmental Council for Coordination of the Fight against Corruption was placed under the Ministry of Justice, and the Agency for Social Inclusion was placed under the Ministry of Regional Development.

The ombudsman operated without government or party interference and had

adequate resources. The ombudsman's office issued quarterly and annual reports to the government on its activities in addition to reports and recommendations on topics of special concern.

Human rights observers generally regarded the office of the ombudsman as effective. The ombudsman elected in March 2020, however, was widely criticized by NGOs, the Romani community, and some politicians, who contended he had publicly downplayed the extent of discrimination faced by Roma and other minorities. The ombudsman also stated that the protection of human rights was not among the functions of his office.

In addition to the public defender of rights, the country has ombudsmen for security forces and for education.

Newly approved government strategies on Roma issues and children require the establishment of separate ombudsmen for these two groups.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape, including of women and men, including spousal rape, as well as domestic or intimate partner violence, and provides for a penalty of two to 10 years in prison for violations, with longer sentences in aggravated circumstances.

A survey published in October found that 9 percent of women over the age of 18 and 2 percent of men reported they had been raped, and that 54 percent of women reported having encountered some form of sexual violence or harassment.

The government did not consistently enforce the law effectively and NGOs called for revising the definition of the crime of rape to focus on the victim's lack of consent and not on the evidence of violence. Women's advocates pointed out that rape survivors who do not resist rape out of fear for their life or safety often lack evidence that both the investigators and the courts typically required (e.g., bruises, bleeding, and other injuries).

Observers reported prosecutors and judges in rape cases sometimes lacked knowledge on the subject and cited a shortage of experienced judicial experts. Penalties were often too low, and only half of all sentences included prison time.

In June parliament amended the law on the protection of victims of crimes to include survivors of rape and domestic violence among “particularly vulnerable victims” and thereby entitle them to benefits, such as free legal representation in courts, shared burden of proof, and compensation, and shield them from “secondary or tertiary victimization.” Perpetrators of spousal rape, including brutal attacks, were frequently given inadequate sentences, including probation. Observers acknowledged that conditional sentences were more often correctly combined with restraining orders that effectively protected victims from perpetrators.

NGOs cited continued lack of funding as a constraint on their ability not only to lobby for equal opportunities for women and men, but also to provide other services to sexually abused women or survivors of domestic violence. NGOs highlighted that, under the government-funded program providing free legal assistance to survivors, NGOs and persons providing pro bono assistance to survivors receive a much lower hourly fee than court-appointed attorneys.

Domestic violence is punishable by up to four years in prison, with longer sentences in aggravated circumstances. Police have the authority to remove violent abusers from their homes for 10 days. The law states a removal order can remain in effect for a total of up to six months, including extensions. The Ministry of Interior reported police removed 1,170 offenders from their homes in 2020, a small drop in removals despite the COVID-19 pandemic outbreak.

The government supported a widely used hotline for gender-based violence crimes, including domestic violence.

In February Charles University and the Sociological Institute conducted research into the impact of the COVID-19 pandemic on domestic violence. The research showed that the pandemic contributed to the frequency and intensity of domestic violence and raised the threshold for survivors reporting or seeking help from institutions. The research also showed that the most frequent types of violence

were psychological forms difficult to prove. Sexual violence was present in fewer than half of the cases. NGOs reported that demand for support services increased significantly during the pandemic, in some cases by 50 percent compared to the same period in previous years, although intervention centers, police, and social departments for child protections did not record an increase in official cases.

In November 2020 IKEA's Czech subsidiary, in cooperation with several nonprofit organizations, launched a two-year campaign to counter domestic violence. The company contributed 3.8 million crowns (\$174,000) to provide domestic abuse survivors with necessary assistance and accommodation.

Sexual Harassment: The antidiscrimination law prohibits sexual harassment and treats it as a form of direct discrimination. If convicted, penalties may include fines, dismissal from work, and up to eight years in prison. Police often delayed investigations until the perpetrator committed serious crimes, such as sexual coercion, rape, or other forms of physical assault.

Survey results published in October found that 54 percent of all adult women experienced some form of sexual violence or harassment. Thirty-three percent of women reported verbal harassment, 31 percent reported unwanted or unconsented touching, 17 percent reported acts involving unwanted photographs or videos, and 12 percent reported unwanted or unconsented kissing.

Offenders convicted of stalking may receive sentences of up to three years in prison.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Transgender individuals are required to be sterilized to obtain gender altering surgery or receive legal gender recognition (see Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity, below).

The government does not allow women access to artificial insemination if using the cells of an anonymous donor without the written consent of their partner, and medical providers can only use artificial insemination for opposite-sex couples. Unmarried persons, persons who do not have consent from a partner, and lesbian,

gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons are ineligible to receive treatment.

Some observers reported that Roma faced obstructions in access to health care in general, including to reproductive health care.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Women must cover the costs of emergency contraception themselves.

In July, after a decade of advocacy, the government passed legislation compensating women who were involuntarily sterilized between 1966 and 2012. Eligible women are entitled to compensation of 300,000 crowns (\$14,000). According to some estimates, more than 1,000 women, primarily Romani, were sterilized without their knowledge or full and informed consent during that period.

Discrimination: The law grants men and women the same legal status and rights, including under family, religious, personal status, labor, property, nationality, and inheritance laws. Women sometimes experienced employment and wage discrimination.

In March the government approved the *Strategy for Equality of Women and Men 2021-2030*. Experts noted the document is more comprehensive than the previous 2014 strategy and applauded the scope and specificity in addressing electoral representation, pay gaps, availability of childcare, and security, among other issues. The government acknowledges that the country continues to significantly lag other EU member states in gender equality. Observers cited continued obstacles to achieving gender equality, including women having most household and childcare responsibilities, and professional and societal stereotypes.

There were NGO reports that allegations of hate crime, including hate speech, targeted at women based on gender are not taken seriously or handled adequately by the police and the courts. The director of a leading NGO focusing on hate crimes was unable to obtain relief in court, including the Constitutional Court, after she received more than 100 emails containing sexually explicit content and death threats from a man. The Constitutional Court reasoned that the director was a public figure and should expect and ignore such communications.

In March the Supreme Administrative Court upheld a fine for distributing an advertisement depicting an almost naked female body unrelated to the services offered by the company. The court stated that by distributing a leaflet promoting a business and completely unrelated photographs of the almost naked female body, the company discriminated against the female sex and diminished human dignity. Observers noted this decision sets an important precedent for gender discrimination efforts.

Systemic Racial or Ethnic Violence and Discrimination

Laws prohibit discrimination and hate speech against racial and ethnic minorities. In January the ombudsman stated that Roma had problems finding housing because they “devastate housing stock” and not because of discrimination. Several NGOs asserted that such statements discourage Roma from pursuing discrimination complaints through the Public Defender of Rights office that the ombudsman heads. In February, 16 NGOs and several representatives of the government’s Roma rights councils, acting in a nonofficial capacity, signed an open letter demanding that Prime Minister Babis and other high-level political figures distance themselves from the ombudsman.

The situation of the Romani minority remained one of the country’s most pressing problems. Despite partial successes, marginalization, social exclusion, and territorial segregation of some Roma continued. Moreover, Roma faced daily prejudice, intolerance, and discrimination in education, housing, and employment.

In May the government approved a new *Strategy for Roma Equality, Inclusion and Participation for 2021-2030*, the drafting of which was led by Romani representatives. According to observers, the strategy required more research and data collection to address a lack of data and statistics on the Romani community. The strategy also called for the establishment of an ombudsman specializing in Romani issues.

Approximately one-third of Roma lived in socially excluded communities and continued to face difficulties obtaining both public and private housing. In August the Constitutional Court annulled a 2017 amendment to the law addressing poverty. This amendment had reduced government housing subsidies in areas that

cities designated as blighted. Some municipalities used this law as a tool to push Roma and other low-income citizens into their city's periphery. A government-funded investment program to build new public housing units and provide social services through two projects totaling 1.35 billion crowns (\$61.1 million) continued.

Hate crimes against Roma and minorities continued to be a problem. An NGO reported that a man physically attacked a Romani teenage boy for having a verbal dispute with a teenage girl. The man slapped the boy, told him that he could not speak to a white girl in that manner, and damaged the boy's hearing aid.

The government took steps to promote Romani culture and heritage. The Museum of Romani Culture received a property in Prague from the Ministry of Culture to operate as a new cultural center. The Museum confirmed that despite some COVID-19-related delays in the reconstruction process, the center should open in March 2023 as originally planned. Demolition of a Communist-era pig farm at the site of a WWII concentration camp for Roma in the town of Lety was postponed due to COVID-19 pandemic, although the projected completion date of 2023 remained unchanged. The museum reported limited success in getting information about the Romani people, their history, and their culture incorporated into the country's general educational program.

NGOs also reported a case of discrimination against a woman from Algeria who lives and works in the country. She alleged workplace discrimination, stating that colleagues at work called her a "black parasite" and praised Israel for "bombing Arabs."

Children

Birth Registration: Children derive citizenship from their parents and not by birth within the country's territory. Any child with at least one citizen parent is automatically a citizen. There have been no reports of denial or lack of access to birth registration on discriminatory basis. Authorities registered births immediately.

Education: In June, the Supreme Administrative Court ruled that COVID-19 pandemic emergency measures implemented by the Ministry of Health that

restricted the operation of secondary and higher vocational schools and conservatories were illegal. The court stated the whole country could not be considered at risk of an outbreak at the time of closure.

NGOs reported that school children who do not speak Czech as their first language did not receive sufficient language support, and that the problem has been increasing with the rising number of foreigners residing in the country. Starting with the 2021-22 school year, NGOs reported that 200 students in elementary schools will start receiving instructions in the Czech language but noted that access should be expanded to more elementary school children and to the secondary level of education as well. In its 2020 annual report, the ombudsman's office recommended changes to entrance examinations for high schools and universities that would accommodate students whose native language is not Czech.

School segregation of Romani children remained a problem. Following the 2007 judgment of the European Court of Human Rights in *D.H. and Others v. Czech Republic*, the government is obliged to prevent the inappropriate placement of Roma into segregated schools and to integrate them into schools with the general population. Children who attended segregated schools were found to have lower academic attainment and fewer employment opportunities due to lower quality of education and decreased social integration. Despite legislative changes in 2016 to expand the use of inclusive education, the situation improved only slightly, and in 2020 the Council of Europe requested more details regarding obstacles to improvements. An estimated 10.5 percent of Romani pupils were still educated in segregated programs, and the share of Romani pupils in segregated programs stood at 24.2 percent (compared to 26.2 percent in 2016), which far surpassed the percentage of Roma in the general population, which was estimated by the government in 2017 at 2.2 percent.

The government provided technical support to Romani students during the pandemic so they could participate in online education. It also offered free summer tutoring camps, but only a small number of Roma participated.

Medical Care: With the exception of children under the age of two months, to whom access to public health insurance was extended during the year, children of foreigners who are long-term residents in the country but not citizens are not

entitled to public health insurance.

Child Abuse: Prison sentences for persons found guilty of child abuse range from five to 12 years. The law requires citizens to report suspected cases of child abuse. The government reported that child abuse is more prevalent among socially excluded families, households suffering from poor communication and stress, households inhabited by persons addicted to substances or gambling, foreigners and ethnic minorities, children of juvenile parents, young single mothers and other disadvantages persons, and children who are homeless or disabled. Infants and toddlers are more frequently subject to abuse because of their inability to defend themselves.

The Ministry of Labor and Social Affairs registered approximately 2,000 cases of abused or exploited children in 2020, a slight decrease from 2019. NGOs reported, however, that three times more children called crisis hotlines in 2020 than in 2019. They also reported that there were more cases of attempted suicide among children and violence against children and between children, which they attributed to isolation during the COVID-19 pandemic and more time spent on the internet.

Advocates for children reported improved collaboration among representatives from the Ministries of Education, Social Services, Health, and Interior. The Interior Ministry, in close collaboration with advocacy groups and other ministries, distributed special cards (KID cards) for early identification of endangered children to schools, police, doctors, and other specialists who working with children. The cards outline indicators of possible child abuse and recommended steps that may be taken in response.

In April police charged a social worker for failing to attempt to see a six-year-old Romani girl who was declared missing in 2017, during repeated visits to the girl's place of residence. The social worker faces up to three years in prison. The girl's grandmother was sentenced to eight years in prison in 2018 for severely abusing the girl and her young brother prior to the girl's disappearance. Observers sharply criticized the placement of the children with the grandmother, who had earlier been sentenced for abuse of her own children.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18.

The law allows for marriage at the age of 16 with court approval; no official marriages were reported of anyone younger than 16.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children and the possession, manufacture, and distribution of child pornography, which is punishable by imprisonment for up to eight years. The minimum age for consensual sex is 15. Sexual relations with a child younger than 15 is punishable by a prison term of up to eight years, or more in the presence of aggravating circumstances. The law prohibits all forms of trafficking and prescribes punishments of two to 10 years in prison for violations, with longer sentences in the presence of aggravating circumstances. These laws were generally enforced.

A February 2020 documentary film, *In the Net (V siti)*, followed online and in-person interactions between actresses posing as underage girls and real-life sexual predators, gaining significant media attention and resulting in several charges against the predators. In September, a 38-year-old foreign national was sentenced to 15 months in prison for contacting an underage girl on the internet in May and trying to arrange a personal meeting with her. The man was previously subject to probation and legally expelled from the country in February, based on activities shown in *In the Net* as well as separate charges of creating child pornography.

Institutionalized Children: In August the government passed legislation that will largely close so-called infant care centers by 2025. The move followed a 2020 finding by the Council of Europe's Committee on Social Rights that the institutionalization of children, particularly Romani children and children with disabilities, was widespread and discriminatory.

The infant centers are government-funded institutions for children up to three years old. Experts had criticized the centers for a variety of reasons, including their cost, quality of care, unavailability of specialist (e.g., psychologists, psychiatrists, therapists) care, and the fact that children admitted to the centers must be separated from their parents to receive government assistance. The new legislation increases payments to foster parents and retains infant centers only for the care of abandoned or seriously disabled children. Supporters of the legislation urged the government to assist parents at home or enable parents battling substance abuse and similar

problems to retain their children, including by bringing them to rehabilitation centers. Opponents of the legislation, most notably members of the Communist Party, argued that the abolition of infant centers would deprive children of government-provided housing and care and claimed the country lacked enough foster families.

The ombudsman visited psychiatric hospitals for children during the year and noted that conditions are humane but, in many cases children lacked the right to participate in the decision-making process about their placement into these facilities. Moreover, there was little standardization of these admissions processes between facilities. Consequently, in August, the Ministry of Health recommended that all psychiatric institutions introduce greater participation of children in decisions regarding their care and requested a more coordinated approach be taken by care providers.

In its 2020 annual report, the ombudsman also noted that children in institutionalized care were deprived of contact with parents and other family members due to COVID-19 restrictions.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were approximately 10,000 Jews in the country; approximately 3,000 are registered members of the Federation of Jewish Communities. Public expressions of anti-Semitism were rare, but small, well-organized right-wing groups with anti-Semitic views were active. The Ministry of Interior continued to monitor the activities of such groups and cooperated with police from neighboring countries as well as the local Jewish community.

The Ministry of Interior recorded 27 criminal offenses related to anti-Semitism in 2020. The Federation of Jewish Communities reported 874 incidents with anti-Semitic motives in 2020, of which 98 percent were cases of hate speech on the

internet.

In June, police charged the publisher of a book on the grounds of denying the Holocaust and justifying genocide.

In January police charged the publisher of a calendar that featured figures of the Third Reich with propagating a movement aimed at suppression of human rights and freedoms.

In June the government approved the *2021-2026 Counterextremism and Hate Crime Strategy* that emphasized communication, prevention, and education to curb extremism and combat hostility of radicals. The strategy also addressed extremism and hate crimes on the internet.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Persons with disabilities face challenges accessing public buildings and public transportation on an equal basis with others. The country does not have a unified law governing access for disabled persons. Instead, specific pieces of legislation in each area (education, transport, health, construction) contain accessibility provisions linked to technical or EU-approved standards. Experts reported that only buildings built since 2009 or modifications to older buildings require compliance with the standards, so access to older buildings posed a problem. The government at times enforced these provisions effectively. Government communication is not always accessible, and the government often relies on the public television service to fill this gap. There was a general absence of videos in sign language and materials in easy-to-read format for persons with intellectual or psychosocial disabilities on government websites. Some progress has been made in making websites and mobile applications accessible for persons with visual impairments because of the implementation of an EU directive on accessibility of public resources.

Early in the year, the government began implementing the new *National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2021-2025*, the seventh such plan since 1992. As were previous plans, the new plan is structured around the UN Convention on the Rights of Persons with Disabilities. Experts viewed the approval and implementation of the plan as a positive step but noted that recommendations under previous plans were not always implemented.

The ombudsman conducted a survey in 2020 to identify shortcomings related to the rights of persons with disabilities. The survey identified restrictions on disabled persons' legal capacity to make financial judgments and to vote as the most significant issues, calling them a "deprivation of rights." Nearly half the persons with disabilities under guardianships had court restrictions on their voting rights. In July the Interior Ministry, in cooperation with the Ministry of Labor and Social Affairs, issued guidelines to social service facilities regarding the ability of their clients, including persons with disabilities, to exercise the right to vote. The guidelines specifically focused on the October 8-9 parliamentary elections. The guidelines clarified, among other things, the legal right to vote, restrictions on the right to vote, and accommodations and support that must be provided to persons housed in the facilities for them to exercise their voting rights.

The ombudsman's annual report for 2020 noted an undated case of a disabled woman who was thrown out of a taxi because she was accompanied by her service dog. The ombudsman also described shortcomings in early care for children with disabilities, the employment of persons with disabilities in public administration, equal access to prenatal and postnatal care for pregnant women, and homes for persons with disabilities.

According to law, only children with significant disabilities should attend segregated schools with specially trained teachers. Many children with disabilities were able to attend mainstream primary and secondary schools and universities, but funding for additional educational support such as teaching assistants and equipment remained insufficient. The ombudsman's office reported that 14.2 percent of primary school students and 5.9 percent of secondary school students were persons with disabilities, they however noted that the percentages are based on the enrollment only and a significant portion of school-aged persons with disabilities may not be enrolled.

NGOs noted an increase in reports of violence against persons with disabilities, especially persons with mental disabilities.

Disability was among the most common grounds for alleged discrimination in cases submitted to the ombudsman in 2020. Of the 353 claims of discrimination filed with the ombudsman, 77 were based on alleged discrimination due to disability. In the courts, approximately 23 percent of equal treatment cases were based on claimed disability, making it the most frequently invoked grounds for claiming discrimination in 2020.

In July the Constitutional Court overturned a Prague court's decision in the case of a rape victim with autism spectrum disorder/Asperger syndrome. The victim, who had identified as female since childhood, was repeatedly raped by one or more other patients in a boys' psychiatry ward where she was placed pursuant to a court order at the age of 12. The Prague court awarded the victim less than one-fifth of what she sought in damages, in part because it found that the victim was unable, due to her disability, to understand the interference with her fundamental rights to inviolability and privacy. The Constitutional Court found the award amount inadequate and ruled that a victim's compensation cannot be reduced based on the injured party's incomplete understanding of interference with her fundamental rights.

In May a district court in Prague delivered the first-ever decision on reasonable accommodation of a public service employee. The plaintiff, a prison educator with a physical disability, sought reassignment to a work location closer to his home due to negative effects of a long, 180-mile commute on his health. The court found that the employer's refusal to provide the accommodation amounted to discrimination on the grounds of disability and ordered the employer to cover lost wages and pay damages.

The ombudsman's office noted problems related to restrictions on free movement and other emergency measures imposed due to the COVID-19 pandemic. For example, lockdowns in residential homes for the elderly and persons with disabilities lasted for a disproportionately long period and exceeded by a month the lockdown measures for the general population.

In September parliament passed legislation that allows schools to provide additional health services. One change specifically allows an estimated 4,000 children with diabetes to receive assistance with insulin injections from health service providers at school instead of relying on their teacher's willingness to help.

HIV and AIDS Social Stigma

Persons with HIV and AIDS faced societal discrimination, although there were no reported cases of violence. HIV and AIDS were classified as a disability under the antidiscrimination law, which contributed to the stigmatization of and discrimination against HIV-positive individuals. Individuals with HIV or AIDS often preferred to keep their status confidential rather than file a complaint, which observers believed led to underreporting the problem. The Czech AIDS Help Society noted most insurance companies did not provide health insurance to persons with HIV and AIDS. NGOs reported that some physicians refused to treat HIV-positive patients.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

In June President Zeman stated that he “does not understand transgender people,” that persons who undergo surgery to change their gender are “committing the criminalized act of self-harm,” and that transgender persons are “disgusting.” A leading NGO in the field viewed the comments as psychologically harmful to LGBTQI+ persons and as inciting hatred. An NGO that provides legal assistance to hate crime victims reported that it received five referrals shortly after Zeman's statement.

An NGO reported that while attacks on Roma remained the most prevalent form of hate crime (verbal and physical), there was a significant increase in attacks on LGBTQI+ individuals during the year. The NGO noted an increase (from two to eight) in such cases reported to it between the first and the second quarters of the year.

In August a young man who identified as nonbinary, accompanied by his 74-year-old grandfather, was attacked by several men in Prague. The grandfather fell and

suffered head injuries during the attack and later died in the hospital. An NGO assisting the victim reported that police were not treating the incident as an attack motivated by sexual orientation.

In June a group of eight persons attacked Jakub Sary, the editor of a gay magazine, as well as his same-sex partner and three friends in Prague because Sary and his partner were holding hands. Sary lost teeth and suffered injuries on his head and body. He reported to the media that police on the scene became dismissive of the incident when they were told the attack was provoked by Sary and his partner holding hands.

Several LGBTQI+ individuals complained to the ombudsman that their blood donations were refused on the grounds that they had unprotected sex in the previous six months, although all blood samples are tested for all sexually transmitted diseases. No similar refusals were made regarding blood donations by heterosexual persons.

Official change of gender is only available to persons who undergo gender reassignment surgery. Transgender individuals are required to be sterilized to obtain gender altering surgery or receive legal gender recognition. Gender altering surgery is allowed for single or divorced persons who have a minimum of one year of hormonal therapy and “acting” as the person of the desired gender. The Council of Europe found this practice contrary to EU member commitments on the protection of health. The ombudsman recommended that the government submit amendments to relevant laws. In May 2019 the Supreme Administrative Court ruled, contrary to the European Court for Human Rights, that the sterilization requirement was legitimate. The decision was challenged in the Constitutional Court, where the case was pending as of year’s end.

Laws prohibit discrimination against LGBTQI+ persons in housing, employment, and access to health care, and the government generally enforced such laws. The country does not have specific hate crime provisions covering sexual orientation and gender identity. Laws allow registered partnerships of same-sex couples but not marriage. The law on victims of crimes covers lesbian, gay, bisexual, and transgender minorities, but they are not considered “particularly vulnerable persons” and are not entitled to additional legal protections, unlike children,

seniors, victims of trafficking or terrorism, and, as of July, rape and domestic violence victims.

Other Societal Violence or Discrimination

In August a Finnish soccer player of African origin alleged that a Czech soccer player called him a “monkey” during a match, resulting in a 10-game ban for the Czech player. In another reported case, a Czech club banned fans from attending games following a racial insult and filed a criminal complaint against them. Observers note that the Czech Football League and individual clubs have been historically lukewarm and ineffective in their response to racist abuse against players at home and abroad.

NGOs actively worked to combat anti-Muslim attitudes and reported a decrease in reported incidents.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers with the right to form and join independent unions of their choosing without authorization or excessive requirements. The law provides for the right to associate freely for both citizens and foreign workers. Unions are apolitical and independent of the state, and the state may not interfere in their internal affairs. The minimum number of members needed to form a union is three.

The law allows collective bargaining. It prohibits antiunion discrimination and does not recognize union activity as a valid reason for dismissal. The law requires reinstatement of workers fired for union activity. Workers in most occupations have the legal right to strike if mediation efforts fail, and they generally exercised this right.

Strikes can be restricted or prohibited in essential service sectors, including health and social care facilities, fire brigades, public utility services, air traffic control, nuclear energy, and the oil and natural gas sector. Members of the armed forces, prosecutors, and judges may not form or join trade unions or strike. Only trade

unions may legally represent workers, including nonmembers. When planning a strike, unions are required to inform employers in writing of the number of strikers and provide a list of the members of the strike committee or contact persons for negotiation. Strikes are permitted only in negotiations over collective agreements and can only be undertaken after mandatory mediation lasting at least 20 days. Unions must announce the strike at least three days in advance.

The law protects union officials from dismissal by an employer during their term of union service and for 12 months after its completion. To dismiss a union official, an employer must seek prior consent from the employee's unit within the union. If the union does not consent, the dismissal notice is invalid.

The government enforced applicable laws effectively and permitted unions to conduct their activities without interference. Government resources for inspections and remediation were adequate, and legal penalties in the form of fines were commensurate with those for similar violations.

The *Global Rights Index 2021*, a report produced by the International Trade Union Confederation, alleged that Amazon warehouses in the country were under surveillance to monitor "security risks, including labor organization and trade union presence." Collected data included information about union protests and strikes, including the number of participants and whether leaflets were being handed out. Other surveillance activities reportedly included infiltrating Facebook groups and creating false social media profiles to investigate employees who led protests. In 2020 the *Global Rights Index 2021* gave the country "Rating 2," stating that repeated violations of workers' rights occurred in the country.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, and the government effectively enforced these prohibitions. Resources, inspections, and remediation were adequate. Penalties were commensurate with those for similar violations.

Men and women from the country, Slovakia, Ukraine, Romania, Bulgaria, Moldova, Mongolia, Nepal, Nigeria, the Philippines, Russia, and Vietnam were exploited in forced labor, typically through debt-based coercion or exploitation of

other vulnerabilities, in the construction, agricultural, forestry, manufacturing, food processing, and service sectors, including in domestic work. Private labor agencies often used deceptive practices to recruit workers from abroad, as well as from inside the country. For example, after arriving in the country, workers from abroad were given job offers that differed from what they had been promised prior to arrival. Their rejection of a job offer on these grounds typically meant they lost money invested in travel to the country and threatened their ability to support families and children who remained in their country of origin. In 2020 women from abroad were frequently hired through such deceptive practices to work in factories, poultry farms, or hairdressing studios.

In August amendments to the foreigners and employment acts entered into force that introduced fines for employers who allow or benefit from “disguised employment,” a system of sophisticated chains of supply contracts in which a company outsources work to an employment pseudo-agency lacking necessary permits to provide such employment activities. The pseudo-agency provides workers, often foreigners without necessary work or residence permits or even Czech employees without proper contracts, necessary insurance, and protections. This system opens a space for exploitation of workers or forced labor, since such workers are often in vulnerable positions. A fine of up to 10 million crowns (\$440,000) can be imposed on employers using “disguised employment” in addition to intermediaries facilitating such employment.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The minimum age for employment is 15. Employment of children between the ages of 15 and 18 was subject to strict safety standards, limitations on hours of work, and the requirement that work not interfere with education.

The law permits children younger than 15 (or who have not completed mandatory elementary education) to work only in certain areas: cultural and artistic activities; advertising; product promotion; and certain modeling and sports activities. A child

younger than 15 may work only if he or she obtains a positive health assessment from a pediatrician and prior approval by the Labor Office. Work permits for children are issued for 12 months. Resources, inspections, and remediation were adequate. The State Bureau for Labor Inspections (SBLI) effectively enforced these regulations. Penalties were commensurate with those for other violations. The SBLI did not report any child labor law violations during the year.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit any kind of discrimination based on nationality, race, color, religion, political opinion, national origin, sex, sexual orientation or gender identity, age, disability, HIV or other communicable disease status, social status, or trade union membership.

According to the ombudsman's report, discrimination at work accounted for the greatest number of complaints to the ombudsman in 2020 (approximately 27 percent). Like the previous year, most complaints in 2020 were for discrimination based on age, gender, and disability. The ombudsman's office, for example, helped an employee after his employer refused to extend the employment contract due to his age. In this case, the ombudsman's arguments contributed to an amicable conclusion of the court proceedings, including compensation for nonpecuniary damages.

The government effectively enforced the law. Penalties were commensurate with those for similar violations, and inspection and remediation were sufficient to enforce compliance. The SBLI conducted checks for unequal treatment and discrimination in 2020 and imposed penalties for violations of discrimination laws, mostly for noncompliance with the requirement to employ a specific number of persons with disabilities, discrimination due to health conditions, gender, and age, or the publication of discriminatory job advertisements.

Women's salaries lagged those of men by approximately 20 percent. The Ministry of Labor and Social Affairs continued using a testing tool for employers that evaluates gender pay gaps in an organization as part of the "22 percent towards equality" project. The testing tool highlights pay gaps and sensitizes management to disparities in remuneration.

Associations supporting HIV-positive individuals reported cases of employment discrimination. HIV-positive individuals are not legally obligated to report their diagnosis to their employer unless it prevents them from executing their duties. Some employers dismissed HIV-positive employees due to the prejudices of other employees. To avoid accusations of discrimination, employers justified such dismissals on administrative grounds, such as redundancy.

e. Acceptable Conditions of Work

Wage and Hour Laws: The Ministry of Labor and Social Affairs establishes and enforces minimum wage standards. The minimum wage is above the “minimum subsistence cost,” which is defined as the minimum amount needed to satisfy the basic needs of a working-age adult for a month. Inspections for compliance with the minimum wage were one of the primary objectives of SBLI inspectors.

The SBLI detected 2,610 violations of wage and hour laws in 2020 and imposed penalties of 9 million crowns (\$415,000). Violations of wage, hour, and overtime laws were common in the wholesale, retail, food, hospitality, land transport, construction, and security services sectors.

While SBLI inspectors have the authority to make unannounced inspections and initiate sanctions, they are not responsible for enforcement of wage and hour laws. Employees can seek enforcement of wage and hour laws through judicial recovery. Observers reported judicial recovery can be very lengthy and hard to get, especially for foreign worker.

The law provides for a 40-hour workweek, two days of rest per week, and a 30-minute break during the standard eight-hour workday. Employees are entitled to at least 20 days of paid annual leave. Employers may require up to eight hours per week of overtime to meet increased demand but not more than 150 hours of overtime in a calendar year. Additional overtime is subject to the employee’s consent. The labor code requires premium pay for overtime that is equal to at least 125 percent of average earnings.

Occupational Safety and Health: The government set occupational health and safety standards that were appropriate for the country’s main industries. The labor code requires employers to provide health and safety protections in the workplace,

maintain a healthy and safe work environment, and prevent health and safety risks. Responsibility for identifying unsafe conditions remains with inspectors, who have the authority to make unannounced visits and initiate sanctions. Workers have the right to remove themselves from dangerous situations without jeopardy to their employment.

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

There were 35,071 registered workplace injuries in 2020, 7,345 fewer than in 2019. There were 108 fatal accidents in 2020, compared with 95 in 2019. Most workplace injuries and deaths occurred in the agriculture, forestry, transport, construction, and processing industries. Fatal accidents were investigated. For example, when an agricultural worker died after being injured by cattle, the SBLI concluded the employer did not take adequate organizational and technical measures to prevent the fatal injury and imposed a penalty.