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Summary record of the 9th meeting

Held at the Palais des Nations, Geneva, on Friday, 18 February 2022, at 11 a.m.

Chair: Mr. Abdel-Moneim

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* Reissued for technical reasons on 24 February 2022.

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The meeting was called to order at 11 a.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Third periodic report of Czechia (continued) (E/C.12/CZE/3; E/C.12/CZE/QPR/3; E/C.12/CZE/RQ/3)

1. *At the invitation of the Chair, the delegation of Czechia joined the meeting.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting with the State party.
3. **Mr. Janeček** (Czechia), speaking via video link, said that, although that the coronavirus disease (COVID-19) pandemic had affected employment in Czechia, government measures had successfully mitigated the impact. The number of jobseekers had gone from 215,000 in late 2019 to 292,000 in late 2020 and currently stood at 267,000. During the pandemic, one of the Government's main priorities had been to preserve jobs. Under the "Antivirus" employment support programme, which had cost some 50 billion koruny (CZK) in public funds and benefited some 1,073,000 workers, or 37 per cent of workers in the private sector, the Government had subsidized wages for people who had not been able to work because of illness or quarantine or because their employer had not been able to maintain operations on account of measures to stop the spread of the virus. The programme provided for three regimes. The first, which was the only one still running, provided 80 per cent compensation, with a limit of CZK 39,000 per worker per month, to cover situations in which an employer had been forced to close or limit operations because of measures taken to stop the spread of COVID-19 or in which workers were required to quarantine. The second regime – the only one that paid 100 per cent of the wages lost, with a limit of CZK 50,000 per worker per month – was aimed at employers that had been forced to severely limit or shut down their operations because of measures taken to stop the spread of COVID-19. The third regime, which had stopped being applied in late 2021, provided 60 per cent compensation, with a limit of CZK 29,000 per worker per month, for those whose employers had experienced financial difficulties as a result of the pandemic.
4. The Strategic Framework for Employment Policy until 2030 was aimed at increasing employment through a specialized approach tailored to the needs of different groups. Its pillars were: the forecasting and assessment of the changing needs of the labour market; the introduction of measures tailored to specific groups of jobseekers and to specific regions; adaptation to the changing circumstances of the labour market, such as digitalization and robotization in manufacturing; and efficient labour market policy. Currently, the unemployment rate stood at just 3.6 per cent, the lowest in Europe. The Government's labour policy placed special emphasis on vulnerable groups, including young persons, persons with disabilities, parents of small children, older people, people suffering from social exclusion and the long-term unemployed. No data was collected on Roma in connection with the labour market, but they were likely covered by the groups of the socially excluded and the long-term unemployed. Despite the pandemic's negative impact on the labour market, the employment goals set for 2020 had been met.
5. As indicated in the replies of Czechia to the list of issues in relation to its third periodic report (E/C.12/CZE/RQ/3), there was no reliable data on employment in the informal economy, only rough estimates. Labour inspections did not show that illegal employment had decreased. In fact, there had been a sharp increase in the number of foreigners – a group likely to be targeted for illegal employment – in the labour market. However, as a result of changes to legislation, stricter requirements had been introduced for labour agencies to obtain a licence, and responsibility for ensuring decent working conditions for agency workers was now shared by agencies and hiring entities. Lastly, recognizing that the lengthy and complex procedure for obtaining a work permit likely deterred foreigners from seeking work through legal channels, the Government planned to make the necessary changes to expedite that procedure and make it more transparent.

6. Noting that the minimum wage was now double what it had been a decade previously, he said that the Government, with the support of social partners, planned to introduce automatic indexing of the minimum wage so that it would not have to be renegotiated on a yearly basis. It was hoped that the result would be increased transparency and better management of expectations for workers. Based on labour inspection findings, the minimum wage was guaranteed in the vast majority of standard employment relationships; the risk of non-compliance was higher in the case of non-standard agreements.

7. The gender pay gap, while still high, had dropped by 3 per cent since 2015, from 22.5 per cent in 2019 to 18.9 per cent currently. Ongoing efforts to continue narrowing the pay gap included a gender equality project launched by the Ministry of Labour, which involved the commissioning of studies on gender equality at work, the provision of guidance to institutions and employees, and the introduction of Logib, a salary verification tool that made it possible to compare one's own salary with the average salary in one's region for a given occupation, thus providing useful information for salary negotiations. The verification tool was based on Swiss software and provided straightforward, reliable results for companies with more than 50 employees. Its use was entirely voluntary.

8. The limitation on the right to strike of categories of persons such as members of the armed forces or security services was in line with article 4 of the Covenant and with the Charter of Fundamental Rights and Freedoms, which formed part of the constitutional order in Czechia. The general principle was that the right to strike could be limited only by law, and that any limitation must be essential for the protection of State security, the public order or the rights and freedoms of others. The quorum of voting employees needed for a strike to be called in the context of a dispute over a collective agreement, an issue that had also been raised by the European Committee of Social Rights and the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization, had been decided in agreement with the representatives of social partners, from whom there had been no indication of any concerns about the quorum set. Generally, if employers and trade unions could not come to an agreement in the negotiation of a collective agreement, mediation or arbitration services were proposed. Since those solutions were usually successful, strikes were relatively rare. In addition, a new paragraph had been added to the Labour Code a few years previously, providing for the subsidizing of the activities of social partners to promote social dialogue and collective bargaining. Every year, the Government paid between CZK 30 and 40 million to trade unions and employee organizations.

9. Pension reform was under discussion, and it was possible that the rules for pension entitlements might be eased in the future. The Government had negotiated 21 bilateral social security agreements with States outside the European Union whose nationals worked in Czechia. It did not seek or enter into agreements with States that showed no interest in doing so or which had social security systems that were incompatible with such agreements.

10. **Ms. Holuřová** (Czechia), speaking via video link, said that it was not possible under Czech law to limit a person's legal capacity in everyday matters. Furthermore, a regulation adopted in 2014 made it impossible to fully deprive a person of legal capacity; it also provided for support measures for persons with disabilities in taking legal decisions. The Ministry of Justice monitored the application of those measures. While some limitations on legal capacity were possible, there had been a shift since 2017, based on the case law of the Constitutional Court and the Supreme Court, from the application of reduced legal capacity to the use of alternative support measures. In 2021, the Ministry had launched a comprehensive analysis, which was to involve the participation of organizations representing persons with disabilities, of the current legal system to address the needs of persons with disabilities in their legal capacity for decision-making in all areas of life. It was expected that the results of the analysis would lead to legal amendments and awareness-raising initiatives targeted at State and non-State entities, families, physicians and others. The Judicial Academy was carrying out a project aimed at improving access to justice for vulnerable groups, one aspect of which was the training of judges, public prosecutors and other justice system workers in the protection of human rights.

11. **Mr. Machačka** (Czechia), speaking via video link, said that combating all forms of gender-based violence was part of the new Gender Equality Strategy 2021–2030, which provided for, inter alia, enhanced measures to prevent gender-based violence, improved

access to assistance for victims and the development of systemic solutions to gender-based violence. Recommended measures included the tackling of stereotypes and the debunking of myths about domestic violence; training for police, teachers, social workers and health-care workers; and support for services such as help lines and shelters. Following a survey on sexual harassment, the public authorities had developed a handbook on how to prevent, report and eliminate harassment; dissemination of the manual had been accompanied by training for public civil servants. Each authority was expected to designate a focal point for reporting allegations of corruption and sexual harassment. If a case of sexual harassment was reported, an investigation would be conducted, after which a mediator might be appointed to resolve the situation and to prevent its recurrence.

12. **Ms. Shin** (Country Task Force) said that she would like to know whether the judiciary and the general public were aware of the importance of supported decision-making in recognition of the legal capacity of persons with disabilities and of reasonable accommodation for their access to justice.

13. **Ms. Lemus de Vásquez** (Country Task Force) asked whether the State party had considered ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

14. **Mr. Uprimny**, speaking via video link, said that, in view of the large gap in labour force participation between men and women, he would be interested to hear about any measures taken to increase women's participation in the labour market. He would like to know why no statistics were collected on Roma participation in the labour market and would welcome the estimated figures on the extent of the informal economy.

15. **Mr. Emuze** (Country Rapporteur) said that he would like to know whether the unemployment rate for persons with disabilities was comparable to the generally low unemployment rate in the State party. He wondered whether the State party was taking steps to ensure adequate staffing of the medical assessment service to avoid delays in processing requests for disability benefits and continuity of operations following the retirement of current staff.

16. **Ms. Baršová** (Czechia), speaking via video link, said that the Government Board for Persons with Disabilities had established a working group, which included representatives of non-governmental organizations, various ministries and the Office of the Public Defender of Rights (Ombudsperson), to address issues related to persons with limited legal capacity. The working group had decided to focus on awareness-raising, beginning with the production of an easy-to-read information leaflet on the topic.

17. **Mr. Janeček** (Czechia) said that the Government was not considering ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It had decided not to ratify ILO Convention No. 189 because an analysis had shown that there were no more than about 1,400 domestic workers in the country, most of whom were self-employed. Moreover, it was unclear whether ratification would entail amendment of the Constitution.

18. The gender gap in labour force participation, one of the largest in Europe, had multiple causes. Women took an average of three years off work after childbirth, for reasons including a lack of childcare facilities for children under the age of 3 and the low availability of part-time jobs and flexible working arrangements. In addition, social benefits had historically been more generous for stay-at-home parents. Given that 98 per cent of the parents who stayed at home to raise children were mothers, gender stereotypes were clearly a factor. Addressing the gap was a priority for the Government: investments made in recent years had increased preschool capacity and there were plans to introduce lower social security contributions for part-time work. Furthermore, the coronavirus disease (COVID-19) pandemic had led to greater acceptance of flexible working arrangements.

19. Data on Roma participation in the labour force was not collected because historical experience had shown that administrative data on ethnicity could be abused. Roma persons themselves were often reluctant to disclose their ethnicity in the census and other official records. There were estimates of the proportion of gross domestic product represented by the

informal economy, but the number of informal workers was unknown. Most were thought to be self-employed persons who illegally declared only part of their earnings.

20. The unemployment rate for persons with disabilities followed general employment trends: it had increased during the COVID-19 pandemic and decreased again when the economy had recovered. Subsidies were paid to employers who hired persons with disabilities, and companies with more than 25 employees were required to meet a quota of 4 per cent of employees with disabilities. Other measures to promote the employment of persons with disabilities included tax incentives and occupational rehabilitation. The Government was looking at ways to address the delays in medical assessments by the service dealing with payment of disability benefits and the service's ageing workforce, but no solution had yet been found.

21. **Ms. Shin** said that she would like to hear about any plans to address the high number of children placed in institutional facilities. She wondered whether the National Strategy for the Protection of Children's Rights included specific measures to provide alternative living environments for such children. She would appreciate more information on the process of finding new homes for children under the age of 3 who were currently in institutions.

22. She wished to know the extent of the shortfall in the number of foster homes available. It would be helpful to have information about planned measures to recruit adequate numbers of foster parents and whether additional incentives and assistance would be provided. She would like to know why the interministerial Committee on Children's Rights was not functioning. She also wondered whether the Government planned to establish a unified care system for vulnerable children placed in institutions. She would be interested to learn about any measures being considered to address the issue of large numbers of children being labelled "anti-social" and put into institutions through civil proceedings, without receiving any legal assistance.

23. She wondered whether any plan or strategy was in place to support persons with disabilities, especially intellectual or psychosocial disabilities, to live independently in the community rather than in institutions. She wished to know about any measures being taken to remove the requirement in the gender affirmation procedure for sterilization, which had been found to be a violation of human rights. She would appreciate information about policy measures to raise awareness on lesbian, gay, bisexual, transgender and intersex persons among law enforcement personnel, teachers and the general public. It would be helpful to have information on any research or data collection regarding intersex persons, including the percentage of persons born intersex and the number and impact of medically unnecessary operations performed on intersex children.

24. She wished to know what proportion of eligible fathers had taken two weeks of paternity leave since the allowance had been increased and whether any other measures had been adopted to encourage men to assume a more equal share of childcare. It would also be helpful to learn whether a long-term strategy had been developed to combat ingrained gender stereotypes.

25. The amounts set for the subsistence minimum and the minimum standard of living, as defined in the Act on Subsistence Minimum, had been increased only once since 2006, which meant that both had been continuously decreasing in real terms. It would be useful to know how many persons had an income that was less than the subsistence minimum, what steps would be taken to secure a decent standard of living for persons in relative poverty and whether the Government planned to increase the amounts in 2022 in view of the recent spike in inflation.

26. Noting that housing benefit-free zones had been declared unconstitutional in 2021, she wondered what plans had been developed with regard to social housing and other housing benefits, in particular for persons belonging to marginalized or disadvantaged groups, such as members of the Roma community.

27. She would be grateful if the delegation could provide examples of the measures adopted to mitigate the negative impacts of climate change which had been identified in the State party's second voluntary national review as the focus of its humanitarian aid efforts.

28. Given the restrictive conditions of eligibility for public health insurance in the State party and the coverage exclusions, waiting periods and reimbursement limits associated with private health insurance, she would like to know what steps had been taken to ensure access to health insurance for foreign nationals. With regard to victims of forced sterilization, she wished to know whether the Government planned to abolish or at least extend the time limit for submitting a claim for compensation.

The meeting was suspended at 12.15 p.m. and resumed at 12.35 p.m.

29. **Ms. Jůzová Kotalová** (Czechia), speaking via video link, said that the Act on the Social and Legal Protection of Children had recently been amended to establish 3 years as the minimum age at which a child could be placed into institutional care of any kind; the amendment would take effect in the coming years. There had been a 50 per cent reduction in the number of the youngest children in institutional care in the country; around 200 children aged under 3 years currently remained in institutions. The downward trend observed in recent years was a result of more children being placed in foster care or returned to their families, provided that return was safe and a support package was in place. It was hoped that, within two or three years' time, there would no longer be any children aged under 3 years in institutional care.

30. There were currently around 5,000 foster carers and 18,000 children in foster or kinship care. The most recent amendments to the Act on the Social and Legal Protection of Children had increased financial support for organizations of foster carers and benefits for foster carers, linking them to increases in consumer prices; kinship carers had been granted the right to financial support for the first time. It was expected that the most recent changes would create the need for around 3,000 additional foster carers.

31. The main focus for the coming years was to reduce the number of children who were removed from their families and return children who had been removed, while providing support to enable them to remain in their families and ensuring that family services were delivered where and when needed. It could be expected that around half of the approximately 8,000 children in institutional care in Czechia would want to return to their families. The Government's objectives in that regard were set out in the National Strategy on the Protection of Children's Rights.

32. Several attempts had been made to remedy the fragmentation of care services. According to a recent government policy statement, the care system was to be consolidated under the Ministry of Labour and Social Affairs within the next four years. More rapid progress was being made at the regional level, with major steps having been taken to consolidate care services in at least half of the country's regions.

33. Although children with behavioural problems were sometimes placed in the same institutions as children who had been found guilty of criminal offences, the two groups were subject to different regimes. The Government was working to coordinate the provision of individual support for children in institutions. As part of an ongoing project, the Ministry of Labour and Social Affairs had inspected over 100 institutions across the country to observe the conditions of care, provide recommendations and carry out reassessments of children's needs.

34. **Ms. Baršová** (Czechia) said that the Government recognized the importance of developing a more modern approach to disability issues, and the Convention on the Rights of Persons with Disabilities was serving as a source of inspiration in that regard. Czechia had recently ratified the Optional Protocol to the Convention. Deinstitutionalization was addressed in several sections of the National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2021–2025, as was the need to reform psychiatric care. A care allowance had been introduced for persons who left alternative institutional or family care and still qualified as dependents. It was noted in the National Plan that the provision of adequate housing, suitable assistance services and compensatory aids was essential to ensuring that persons with disabilities were able to live independently in a home environment and participate fully in public, social and cultural life. The measures adopted to support independent living, such as the provision of outpatient social services, were intended to allow persons with disabilities to remain in their homes. Emphasis was placed on improving the coordination of support and ensuring that social services were affordable and of high quality.

The Ministry of Labour and Social Affairs financed a number of programmes to provide social services in support of independent living, including personal care, reading and interpreting. Through the subsidy programmes of the Ministry of Regional Development, work had been carried out to ensure barrier-free access to apartments in 369 buildings, and elevators had been installed in over 1,000 apartment buildings.

35. **Mr. Abashidze** (Country Task Force) said that he wished to know whether a new plan had been adopted to replace the Long-Term Plan for the Development of the Educational System for 2019–2020, how it differed from the previous one and what procedures had been introduced to identify special educational needs. As the Plan concerned primary and secondary education only, he wondered whether similar plans had been developed for the preschool and higher education levels.

36. It would also be interesting to know whether a new plan had been adopted to replace the Action Plan for Inclusive Education for the period 2019–2020 and whether it was different from the previous one. In that context, it was unclear what methodology was used to identify persons belonging to the various categories mentioned in the State party's replies to the Committee's list of issues, such as "pupils with disabilities", "children with behavioural problems" and "university students with special needs". It would be helpful to learn whether a programme to develop and update the resource base of private universities had been introduced to complement the existing programme for public universities, how many private higher education institutions operated in the State party and how many students attended such institutions, both in absolute terms and as a proportion of the total number of students.

37. With regard to the report of the Czech School Inspectorate on the quality and effectiveness of education and the educational system in 2018/19, he wished to know what criteria had been used to assess quality and whether those criteria had been applied equally to private and State educational institutions. He would be grateful for statistical data on the decrease in the percentage of Roma pupils educated in accordance with the annex to the Framework Educational Programme for Basic Education governing the education of children with mild intellectual disabilities, including the current trends.

38. In the context of the recent amendment of Decree No. 27/2016 Coll., on the education of pupils with special educational needs and gifted pupils, he would appreciate clarification regarding the data used to evaluate the provision of education for children, pupils and students with special educational needs and regarding the changes made to the financing of teaching assistant posts. What progress had been made in that regard? He would be grateful if the delegation could comment on the apparent incompatibility of the State party's policy on the education of foreign nationals and refugees with contemporary international law on the rights of the child.

39. He wished to know whether a new policy had been adopted to replace the 2015–2020 State Cultural Policy and, if so, what challenges it addressed and what measures it provided for. In view of the explanation given in the State party's replies, that the Policy had been implemented through "subsequent strategic documents", he would be grateful for clarification regarding the legal mechanisms involved in that process and the hierarchy among the various texts. It was also unclear what was meant by "informal cultural education". Lastly, he would be grateful for further information on the implementation of the National Strategy for Open Access to Scientific Information 2017–2020. In particular, he wondered whether the necessary legislative amendments had been submitted to Parliament and, if so, what their content was.

The meeting rose at 1 p.m.