



Economic and Social Council

Distr.: General
16 January 2012

Original: English

Committee on Economic, Social and Cultural Rights

Implementation of the International Covenant on Economic, Social and Cultural Rights

**Second periodic reports submitted by States parties under
articles 16 and 17 of the Covenant**

Czech Republic*

[30 November 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. General part.....	1-28	3
II. Special part.....	29-363	8
Article 2: Exercise of the rights recognized in the Covenant	29-41	8
Article 3: Equal rights of men and women	42-66	10
Article 4: Restrictions of the rights recognized in the Covenant	67-68	14
Article 6: Right to work.....	69-138	14
Article 7: Equitable and satisfactory working conditions.....	139-161	27
Article 8: Trade unions	162-171	31
Article 9: Social security	172-186	32
Article 10: Protection of and assistance for families, mothers, and children	187-219	36
Article 11: Right to an adequate living standard	220-256	42
Article 12: The right to physical and mental health	257-318	49
Article 13: The right to education	319-356	60
Article 15: The right to cultural life and scientific progress.....	357-363	67
 Annexes*		
I. Information about the fulfilment of final recommendations to the initial periodic report (E/1990/5/Add.47).....		69
II. Tables		

* Annex II can be consulted in the files of the Secretariat.

I. General part

1. The Czech Republic presents its second periodic report on the fulfilment of undertakings resulting from the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as the "Covenant"), including the information about measures aimed at the implementation of the Concluding observations in accordance with the Articles 16 and 17 of the Covenant and the Concluding observations of the Committee on Economic, Social and Cultural Rights (hereinafter referred to as the "Committee") in its role of the inspection body of the Covenant, which have resulted from the discussion on the initial report of the Czech Republic (E/1990/5/Add.47) which took place at the 3rd, 4th, and 5th meetings of the Committee on 30 April and 1 May 2002 (E/C.12/2001/SR.3-5) and at its 23rd meeting on 15 May 2002, where the Committee adopted the final recommendations (E/C.12/1/Add.76).

2. The second periodic report has been prepared in accordance with the general instructions by the Committee for the preparation of periodic reports and covers the period from 1 January 2000 to 31 December 2006. The Czech Republic has thus focused in the report on changes related to the protection of rights guaranteed by the Covenant and on its response to the above-mentioned final recommendations of the Committee.

3. The report presents the adopted legal, administrative and other provisions that document the progress achieved in the fulfilment of undertakings resulting from the Covenants. The relevant tables with statistical data are presented in the Annex and are only referred to by the report. As regards information about measures adopted on the local level (see 1.2.1), the report presents illustrative examples from the practice of individual regions.

Census

4. The last census in the Czech Republic took place in 2001. According to a balance based on the final processing of results of the 2001 census, the Czech Republic had on 31 December 2002 a total of 10,204,000 inhabitants. On 30 September 2006, the Czech Republic had 10,280,968 inhabitants.¹

5. The following minorities have been living traditionally and for a long time in the Czech Republic: the Bulgarian, Croatian, Hungarian, German, Greek, Polish, Roma, Russian, Ruthene, Serbian, Slovak, and Ukrainian minority. Only 11,716 people registered themselves as the Roma nationality during the last census. According to qualified estimates, however, there have been about 200,000 Roma people living in the Czech Republic, who have been generally considered Roma and who associate themselves on various occasions with this community.

6. These minorities have also their representatives in the Government Council for National Minorities, which is the advisory and initiating body of the government for issues related to minorities and their members.² The position and situation of the above-mentioned minorities are described by the annual evaluation report, which is reviewed by the government and presented for information to the Parliament of the Czech Republic.³

¹ Data from the Czech Statistical Office.

² Established by the Act No. 273/2001 Coll. on rights of minority members and on changes in some laws as amended.

³ These reports are publicly available on the website of the Government Council for National Minorities (http://wtd.vlada.cz/pages/rvk_rnm.htm) and also in hard copy published by the Office of

Reports presented to the government by the Government Council for Roma Community Affairs have also an important informative value.⁴

Table No. 1a: Population by the type of residence and sex (1 March 2001)

Table No. 1b: Population by nationalities (1 March 2001)

Table No. 1c: Females by nationality (1 March 2001)

1.1 Assumption of international commitments

7. The Czech Republic still holds the opinion that international documents (instruments and agreements) should be ratified only after the basic legal, organisational and other conditions for compliance with requirements contained in such documents have been put in place. In 2000–2006, the Czech Republic ratified or acceded to the following international agreements related to the observation of rights stipulated by the Covenant.

8. All requirements of the International Labour Organisation Convention No. 138 concerning Minimum Age for Admission to Employment have been fulfilled in the new Labour Code,⁵ which will come into force on 1 January 2007. The government has adopted the proposal for ratification of this Convention,⁶ which was discussed by the Parliament of the Czech Republic⁷ as of 31 December 2006.

9. The Czech Republic acceded to the European Union (hereinafter referred to as “EU”)⁸ on 1 May 2004. The EU objectives fully correspond with undertakings resulting from the Covenant; thus, the accession of the Czech Republic to the EU represents further contribution to the full implementation of the rights recognised by this Covenant.

1.2 Changes in the nature of the system

1.2.1 Establishment of higher territorial self-governing units (regions)

10. Higher territorial self-governing units (regions) were established in 2000. There are a total of 14 regions in the Czech Republic, including the Capital City of Prague, which hold the position of a region. The Act on Regions (No. 129/2000 Coll.)⁹ regulated basic issues related to their position, powers, organisation, and coverage. At the same time, the existing local authorities exercising state administration — the district offices — were closed down. A substantial part of their competences was transferred to municipalities with

the Government of CR.

⁴ In 2005, the government took note (by Resolution No. 276 of 9 March 2005) of the Report on the Situation of Roma Communities in the Czech Republic in 2004. The Report has been published on the website of the Office of the Government (www.vlada.cz).

⁵ Act No. 262/2006 Coll., the Labour Code, as amended.

⁶ No. 871 of 19 July 2006.

⁷ The possibility of ratification of further covenants will be discussed with social partners within a special Working Group of the Council for Economic and Social Accord on the co-operation with the International Labour Organisation in the following years.

⁸ According to Article 2 in the Treaty Establishing the European Community, the Community shall have as its task to promote throughout the Community, by establishing a common market and an economic and monetary union and by implementing common policies or activities, a harmonious, balanced and sustainable development of economic activities, a high level of employment and of social protection, equality between men and women, sustainable and non-inflationary growth, a high degree of competitiveness and convergence of economic performance, a high level of protection and improvement of the quality of the environment, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States.

⁹ Act No. 129/2000 Coll. on Regions, as amended.

extended powers and some agendas have been transferred to regional offices and other administration authorities. Like a municipality, a region is a public corporation having its own assets and acting in its own name in legal relations. It is also responsible for consequences ensuing from these relations.

11. Like municipalities, regions, exercise self-administration and state administration tasks under delegated powers. In general, self-administration covers issues related to the development and functioning of the territorial unit. The delegated state administration is subsidised by the state and includes measures that usually relate to the mandatory expenditures of the state budget.

12. Regions are managed by regional assemblies. Regions can establish legal entities and organisational complements (organisations) for the fulfilment of their tasks. Regional authorities are the regional council, the governor of the region, and the regional office.

13. The regional council is the executive regional authority operating within its independent competencies and is accountable to the regional assembly for the exercise of its delegated competencies. When determined by the law, the council can decide on matters within its delegated competencies. The council consists of the governor, one or more deputies of the governor and other council members. Acting within its delegated competencies and within the limits of the law, the regional council issues regional regulations (legal regulations), provided that the region has been empowered to do so by the law. In so stipulated by a special law, the governor can establish special bodies for the exercise of delegated competencies. The regional office, acting within its independent competencies, fulfils tasks imposed by the regional assembly and the council and also controls activities of the municipal bodies exercising delegated competencies.

14. The income of the budgets of municipalities as territorial self-governing units is comprised mostly of the revenue from own assets and asset rights of the municipality, revenues from own economic activities, from economic activities of legal entities. Another income consists of subsidies from the state budget and from state funds.

1.2.2 *Public Defender of Rights*

15. The office of the Public Defender of Rights (hereinafter referred to as the “Ombudsman”) was established in 2000 by the Act on the Public Defender of Rights (No. 349/1999 Coll.).¹⁰ The Ombudsman protects people against actions of authorities and other institutions, if they are in conflict with the law or do not correspond with principles of a democratic rule of law and good governance, as well as against their inaction, thereby contributing to the protection of fundamental rights and freedoms.

16. Responsibilities of the Ombudsman cover ministries and other state administration authorities, including their subordinated administration authorities, and some other bodies. The Ombudsman’s responsibilities do not encompass the Parliament, the President and the Government, the Supreme Audit Office, intelligence services of the Czech Republic, authorities active in criminal proceedings, state attorneys and courts, with the exception of state authorities responsible for administration of courts.

17. The Act on the Public Defender of Rights was amended several times since the establishment of this institute. The amendment by the Act No. 381/2005 Coll., effective as from 1 January 2006, could be considered as the principal one. Under this amendment, the Ombudsman became the national prevention mechanism under the Option Protocol of the

¹⁰ Act No. 349/1999 Coll. on the Public Defender of Rights, as amended.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹¹

18. Responsibilities of the Ombudsman were supplemented by the above amendment with the task of organising systematic visits of all places (facilities) where people having their freedoms restricted are or can be found, notwithstanding whether such people have their freedom restricted on the basis of a decision or an order by the public authority, or because of their actual circumstances.¹² His work should result in the creation and consequent enforcement of certain standards of treatment of such people, which should be observed by individual kinds of these facilities. The reports on these visits are published in an appropriate way. Expert practitioners are invited to participate in those visits in order to ensure the maximum possible professional nature of the results.

19. The Ombudsman and employees of his Office are authorised (even without prior notice) to visit facilities (whether state or private ones) hosting people restricted in their freedom. They are also authorised to speak alone with persons they choose, to inspect any space in the facility, to study documents and other documentation, to ask questions, to assess or to criticise. After each such visit, the Ombudsman prepares a report including recommendations of specific remedial measures, which is sent to the facility (or to its founder) for comments and strives gradually to persuade the facility or its founder to take steps leading to improvement of the relevant conditions. In case of conflicting opinions, the Ombudsman may inform the supervisory authority or publish his opinion.

1.2.3 *Advisory and working bodies of the government*

20. The Czech Government is assisted in its activities by specialised advisory and working bodies. The following new advisory bodies, which are also active in the areas covered by the Covenant, were founded in the period under review, i.e. in 2000–2006.

21. The Government Council for National Minorities participates in the support of mostly cultural activities by members of minorities. The Council is an advisory and initiating body of the government for issues related to minorities and their members.¹³

22. In 2001, the government founded the Government Council for Equal Opportunities for Men and Women, which prepares proposals leading to the promotion and achievement of equal opportunities for women and men. In particular, the Council reviews and recommends to the Government basic conceptual directions in promotion of equal treatment of women and men.¹⁴

¹¹ Signed by the Czech Republic on 13 September 2004 and ratified in June 2006 (Notice of the Ministry of Foreign Affairs No. 78/2006 Coll.).

¹² Including, for example, asylum facilities of the Ministry of Interior, i.e. admission, residential and integration asylum centres, social care facilities, particularly social care institutions and senior homes, healthcare facilities, particularly treatment institutions and establishments of social and legal protection of children, i.e. facilities for children who require immediate assistance.

¹³ The Council was founded by the Act on Rights of Members of National Minorities (No. 273/2001 Coll.).

¹⁴ The Council also coordinates basic directions of ministerial concepts in the area of equal opportunities for women and men, establishes priorities for projects of ministries supporting the implementation of equal opportunities for women and men, and identifies current problems related to equal opportunities in the society.

23. In 2003, the Government also founded the Government Council for Sustainable Development as a permanent advisory, initiating and coordinating body in the area of sustainable development and strategic management.¹⁵

24. The Government Council for Seniors and Population Ageing was founded in 2006.¹⁶ The Council strives to create conditions for healthy, active and decent ageing and for equal treatment of seniors in all fields of life, for the protection of their human rights and for the development of inter-generation relations in families and in the society.

25. The Government Council for Roma Community Affairs is involved in ensuring full enjoyment of the rights granted by the Covenant also to the Roma, who have been threatened more than other ethnic minorities by discrimination, social exclusion and poverty.¹⁷ Apart from representatives of competent state authorities, the membership of the Council also includes representatives of Roma communities (some of whom are, at the same time, activists of important non-governmental non-profit Roma organisations).

26. The purpose and the objective of the Council is to assist in the integration of the Roma community in the society, i.e. to ensure equal treatment of its members. The Council co-operates with non-governmental non-profit organisations and is also involved in the framework allocation of funds designated for support of projects of integration of the Roma community. The recipients of these subsidies are non-governmental non-profit organisations. The Council Office also administers the programme of Support of Social Field Work. Recipients of these subsidies are municipalities.

1.3 Support and cooperation with non-governmental non-profit organizations

27. Through the Foundation Investment Fund,¹⁸ the Czech Republic provides funding to the Foundation for Development of Civic Society (NROS), which supports non-profit organisations assisting threatened and disadvantaged groups, defending human rights and democratic values, contributing to mutual coexistence and tolerance of minorities in the society, or otherwise activating the citizens' interest in the local development and public life. The main objective of the Foundation's activities is the provision of contributions within individual grant programmes to specific projects implemented by non-governmental non-profit organisations registered in the Czech Republic. These are, for example, civic associations, public benefit societies, or special-purpose church facilities.¹⁹ In 1999–2004, contributions worth 2.382 billion CZK were distributed from the Foundation Investment Fund to a total of 73 foundations.

¹⁵ The Resolution of Czech Republic Government No. 778 of 30 July 2003. The Council Statute was approved by the Resolution of Czech Republic Government No. 836 of 6 August 2003.

¹⁶ The Czech Government Resolution No. 288 of 22 March 2006.

¹⁷ The Council was established by the Resolution of Czech Republic Government No. 581 of 17 September 1997, at that time as the Inter-Ministerial Commission for Roma Community Affairs. It was renamed to Council in 2001. Its activities are governed by its Statute, which was approved by the Resolution of Czech Republic Government No. 10 of 28 January 2004.

¹⁸ The National Property Fund of the Czech Republic founded the joint stock company Foundation Investment Fund in 1993 (based on a task imposed upon it by the Resolution of Czech Republic Government No. 510 of 29 July 1992 concerning review and approval of privatisation projects).

¹⁹ One of the current programmes is, for example, the programme Human Rights, the objective of which is to provide support to activities of non-governmental non-profit organisations focused on promotion of the development and protection of human rights and fundamental freedoms declared in the Universal Declaration of Human Rights and in other international conventions, the improvement of relations between minorities and the mainstream society, and promotion of rights and equal status of minorities in the Czech Republic, as well as non-discriminatory procedures, including measures of combating racism and xenophobia.

28. An important mechanism of cooperation with the state administration in the field of human rights and involvement of civil society is the Government Council for Human Rights and its committees, particularly the Committee for Economic, Social and Cultural Rights. Not only individual ministries, but also trade unions, representatives of the academic community and a total of 60 non-governmental organisations were invited in August 2006 to send to the Government Council Secretariat materials for the preparation of the second periodic report. The Czech Government Council for Human Rights reviewed the report on 19 April 2007 and adopted a resolution recommending the government to approve the report.

II. Special part

Article 2

Exercise of the rights recognized in the Covenant

29. The Constitution of the Czech Republic²⁰ (the “Constitution”) stipulates in its Article 4 that the fundamental rights and freedoms shall be protected by judiciary power. Courts provide protection of rights of parties to legal relations and decide on their rights and obligations in the manner stipulated by the law.

30. The Charter of Fundamental Rights and Basic Freedoms²¹ (the “Charter”) regulates the right of every person to seek his or her rights in an established way with independent and impartial courts and, in specified cases, also with other authorities. Article 3 lays down general prohibition of discrimination, which applies to all kinds of legal relations. Thus, it guarantees protection against discrimination to all subjects of these relations without any exceptions.²²

31. Following its accession to the EU, the Czech Republic has been bound by judgments of the EC Court of Justice and the Court of First Instance.

2.1 Legal provisions implementing the rights recognized in the Covenant

32. This Chapter describes only legislative measures taken to implement the rights granted by individual legal norms, i.e. those regulating possibilities of the parties to seek with courts and other authorities the protection of their right not to be discriminated, whenever such right has been threatened or breached.

33. As Czech legislation contains detailed provisions prohibiting discrimination legislation in the field of labour law, the report presents in its Article 6 information about individual laws identifying areas where discrimination is banned.

34. Generally, with regard to other than labour areas, a legal action for protection of personality may be filed in accordance with the Civil Code (No. 40/1964 Coll.),²³ according to which any natural person has the right to protection of his/her personality, particularly

²⁰ Constitutional Act of the Czech National Council No. 1/1993 Coll.

²¹ Resolution No. 2/1993 Coll. of the Presidium of the Czech National Council of 16 December 1992 on the Declaration of the Charter of Fundamental Rights and Basic Freedoms.

²² “Everyone is guaranteed the enjoyment of her fundamental rights and basic freedoms without regard to gender, race, colour of skin, language, faith and religion, political or other conviction, national or social origin, membership in a national or ethnic minority, property, birth, or other status.”

²³ Act No. 40/1964 Coll., the Civil Code, as amended.

his or her life and health, civil honour and human dignity, privacy, his or her name and expressions of a personal nature.

35. Procedures applied by courts and parties to civil court proceedings are regulated by the Civil Procedure Code (No. 99/1963 Coll.),²⁴ which establishes everyone's right to turn to the court to seek protection of his or her right that has been threatened or breached. In matters of protection against discrimination on the basis of gender, race or ethnic origin, religion, faith, world view, disability, age or sexual preference, parties may also be represented by a legal entity founded under a special law, whose activities registered in its statutes include protection against such discrimination. Such legal entity acts through its authorised employee or member. Victims of discrimination may be represented by non-governmental organisations.

36. As regards the relation between a citizen and the state, administrative decisions are reviewed by administrative courts. The Administrative Procedure Code (No. 150/2002 Coll.)²⁵ regulates powers and jurisdiction of courts and other related issues, like the organization of courts and position of judges and procedures to be applied by the courts, parties to proceedings and other people involved in administrative judiciary.

37. When a party seeks court protection under the Administrative Procedure Code and claims that he or she has been discriminated against by an administrative authority on the above grounds, he or she could be also represented by a legal entity founded under a special law, whose activities registered in its statutes include protection against such discrimination. Victims of discrimination may be represented by non-governmental organisations.

38. Everyone has also the right to submit a motion to the Ombudsman (see 1.2.2 above).

39. Prior to the adoption of the Labour Inspection Act (No. 251/2005 Coll.),²⁶ only labour offices acted as inspection bodies in the area of observation of labour-law regulations. The Act further integrated inspection activities in the area of work safety and working conditions within the competencies of the Ministry of Labour and Social Affairs into a single system of inspection bodies, comprised of the State Labour Inspection Office and regional labour inspection offices. At the same time, the Act establishes conditions for the co-operation between labour inspection and other controlling bodies in this area. The newly founded State Labour Inspection Office (SÚIP) and the regional labour inspection offices (OIP) supervised by it have assumed a part of the agenda of these bodies, specifically the control of compliance with the prohibition of discrimination resulting from labour-law relations, including remuneration and wage compensation, which is the area regulated by the Labour Code (the employment area has remained within competencies of labour offices). If the discriminated person is a member of a trade union organization, he or she has also the right to turn to the trade union body, which has the right to participate in solution of disputes resulting from labour-law relations.

40. Labour offices (see also Article 6 below) supervise the compliance with labour-law regulations in the area of employment and may penalise employers who have breached the prohibition of discrimination.

41. Controlling activities in the consumer protection area are carried out by the Czech Commercial Inspection. Most of such controls are based on reports by citizens and citizens' initiatives. The discrimination issue is also a focus of a number of other inspections, which are always a part of general inspections of retail establishment. The Inspection also co-

²⁴ Act No. 99/1963 Coll., Civil Procedure Code, as amended.

²⁵ Act No. 150/2002 Coll., Administrative Procedure Code, as amended.

²⁶ Act No. 251/2005 Coll. on Labour Inspection, as amended.

operates with the Police of the Czech Republic and with trade licensing offices. Findings are registered in a summary database on the basis of which repeated inspections of retail establishments which were the subject of the relevant submissions are organised.

Table No. 2.1: Number of submissions in the consumer protection area

Article 3

Equal rights of men and women

42. The right to the equal treatment and protection against discrimination is considered by the legal system of the Czech Republic as inherent, inalienable, non-prescriptible, and not subject to repeal (Article 1 of the Charter).²⁷ Individual laws adopted for the elimination of discrimination of women, the Roma and people with disabilities are discussed in detail in articles regulating individual areas of potential unequal treatment. This chapter provides only information about measures adopted only for protection of these groups which exceed the area of individual articles.

3.1 Educational programmes – human rights education

3.1.1 Primary and secondary schools

43. Education in the area of human rights has been included into all current documents used in the education towards citizenship.²⁸ The process and results of activities of individual schools in regions are continuously monitored and assessed by the Czech School Inspection.

44. Significant attention to the provision of equal opportunities for women and men is paid in the process of granting approvals to textbooks (a list of approved textbooks is kept by the Ministry of Education, Youth and Sports (hereinafter referred to as the “Ministry of Education”). If a textbook is to be approved, it must manifest, among others, the compliance with all aspects of the principle of equal opportunities for men and women. The issue of equal treatment of men and women, including unacceptability of violence against women, has been included in educational programmes of primary and secondary schools (see 13.2).

3.1.2 Teachers

45. The Summer School for teachers of civic education and social sciences has been organized annually for 13 years). The programme includes the issues of terrorism, violence and bullying, multicultural education, rights and responsibilities of a citizen in the multicultural society, and the issue of the Roma minority living in the Czech Republic. The Summer School is attended every year by about 120 primary and secondary school teachers.

²⁷ The prohibition of discrimination in education is implemented in the Czech Republic also on the basis of Article 3(1) of the Charter, which stipulates that “Everyone is guaranteed the enjoyment of their fundamental rights (i.e. including the right of education established in the Article 33 of the Charter) and basic freedoms without regard to gender, race, colour of skin, language, faith and religion, political or other conviction, national or social origin, membership in a national or ethnic minority, property, birth, or other status”.

²⁸ The most often used name of this subject, which is the basic one in providing education to citizenship in the vocational education system, is civics. The issue of the position of men, women and minorities in society is also represented in topics of subjects like civics and history, but also in vocational subjects (dealing with issues of psychology, law and economy related to the relevant specializations).

46. The Terežín Memorial and the Educational and Cultural Centre of the Jewish Museum in Prague have received the accreditation by the Ministry of Education for the “Education of teachers about the Holocaust, anti-Semitism and racism” and may now organise workshops for primary and secondary school teachers called “How to teach about the Holocaust”. About 1,500 teachers had been trained by 30 June 2006. After attending the workshop, they will become trained methodologists for teaching about the Holocaust at primary and secondary schools in the Czech Republic.

3.1.3 *Programmes supporting minorities*

47. The Government Regulation No. 98/2002 Coll., as amended, establishing conditions and methods of provision of subsidies from the state budget for activities of members of national minorities members and for promotion of integration of the Roma community came into force in 2002. Based on this Regulation, individual ministries propose every year in their respective state budget chapters for every budgetary year a specific binding indicator related to activities of members of national minorities or to activities of the national minorities, including a specific indicator related to promotion of integration of Roma community members.

48. The Programme to Promote Education in the Languages of National Minorities and Multicultural Upbringing,²⁹ which sets conditions and method of provision of state budget subsidies for activities of members of national minorities and for promotion of integration of Roma community members, has been declared every year since 2002. The Programme is focused on language, social, cultural and other educational activities for children and youth of the national minorities.

49. The Ministry of Education supports projects focused on schools with a significant number of students from ethnic minorities and on the creation and implementation of educational programmes, on education towards human rights, democratic citizenship, multicultural upbringing and education, the issues of immigration, the Holocaust and education of assistants for socially disadvantaged pupils and students. Subsidies to these projects amount every year to about CZK 12 million and are increasing every year. Employees of the Ministry of Education participate in the European Youth Campaign for Diversity, Human Rights and Participation — “All Different — All Equal”. The objective of this Campaign is to motivate young people to participate actively in the building of a peaceful society based on diversity among nations and on social inclusion with the spirit of tolerance and mutual respect and understanding.

3.2 **Policy of equality of men and women**

50. The concept of the state policy of equality of men and women is formulated in the government document “Government Priorities and Procedures for the Enforcement of Equality of Men and Women” (hereinafter referred to as the “Priorities”), which includes basic provisions and tasks, the fulfilment of which is assessed by the government every year. Measures set forth in this document are updated according to achieved results and changes.

51. The document focuses on the promotion of the principle of equality of men and women, on legal safeguards of the prerequisites for equality of men and women, and on increasing the level of legal awareness, ensuring equal opportunities in the access to education and economic activities, and on suppression of violence against women. A Summary Report on the Implementation of the Priorities is prepared annually and is

²⁹ Government Directive No. 98/2002 Coll.

presented to the government for approval. More detailed information about the document “Priorities” can be found in the Second Periodic Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/CZE/2) (paragraph 7 and information on Article 3).

52. Individual ministries are charged within the “Priorities” programme with the following tasks: to promote, by specific measures, the selection of suitable candidates for positions in the government bodies and for managerial positions at the ministries and administrative authorities and institutions managed by the ministries; to promote the principle of equality of women and men at the meetings of the Council of Economic and Social Accord and in its working teams and groups, particularly with regard to remuneration and working conditions; to support educational, qualification and re-qualification programmes helping women find suitable jobs.

53. Further details about individual laws adopted to ensure equal participation of women in the labour market and equal wages for the same work are discussed in 6.1.1.

3.3 Seniors

54. According to a survey of the Ministry of Labour and Social Affairs (the “Ministry of Labour”), age discrimination is the most frequent form of discrimination. Deeply rooted stereotypes and prejudice about ageing and seniors play their role in this respect.

55. The National Programme of Preparation for Ageing for the period 2003–2007 (hereinafter referred to as the “Programme”)³⁰ was adopted in 2002. This strategic document emphasises prevention of discrimination and protection of human rights of the elderly in various areas of life, and the creation of a society for people of all ages. The Programme includes measures in the areas of labour market and employment, pension system reform, housing, health care, social services, education, transport, etc. The Government Council for Seniors and Population Ageing was founded in 2006 on the basis of the first report on the fulfilment of the Programme and with regard to the necessity of co-operation of all stakeholders. The Programme will be updated in 2007.

56. The Programme is based on the International Action Plan on Ageing adopted in Madrid in April 2002 and on other U.N. documents and emphasises protection and implementation of economic, social, cultural, civil and political rights of seniors.

57. The priorities and objectives established in the Programme were also reflected in activities of individual ministries, both in their legislative measures and also in their support of projects implemented through subsidy and other programmes and in priorities of their own staffing policies and other activities.

58. The Ministry of Labour organised in November 2005 an international conference on the “Position and Discrimination of Seniors in the Czech Republic”, which was attended by leading experts and representatives of important non-profit organisations from the Czech Republic and from abroad. The experience from this area should be followed up by recommendations and proposals of the Government Council for Seniors and Population Ageing.

59. A number of activities and initiatives contributing to the conceptual solution of some specific senior issues take place at the regional and local levels. The support of regional and local activities in this area and the issue of demographic ageing have been included in the relevant conceptual documents because no independent regional and local programmes on ageing have been prepared.

³⁰ The Resolution of Czech Republic Government No. 485 of 15 May 2002.

60. The Czech Republic participates in the international project “From Isolation to Integration”, which focuses on the integration of socially excluded seniors. A regional plan of social integration of seniors, including the methodology for its creation and implementation, is being prepared within the project, together with a database of innovative provisions and examples of best practice.³¹

61. Research activities are very important for the formulation of adequate population ageing policy. The Research Institute of Labour and Social Affairs has published its report “Age discrimination – ageism: introduction into theory and occurrence of discriminatory approaches in selected areas with emphasis on the labour market,” which deals with the problem in both theoretical and empirical ways. The Research Institute also works on the project “Age Mainstreaming”, which should contribute to taking account of the demographic development and of seniors’ needs in the creation of policies and concepts in various areas and at various levels.

62. In the area of health care, the issue of discrimination affects a number of systemic health care elements. The Government Council for Seniors and Population Ageing has established a “Working group for health care and social policies, health care and social services”, which will focus, inter alia, on the development of a differentiated geriatric care and services, on the utilisation of modern gerontological principles in health care and social services, including the issue of dignity and protection of human rights of seniors in the area of health care and social services.

3.4 The Roma

63. In the 2001 census, 11,746 people registered as the Roma, which represents 0.1148% of the total number of the population (6,149 men and 5,597 women). This number is almost three times less in comparison with 1991. This information is considered by experts as underestimated. The combination of the Czech and Roma national origin was stated by 698 people, the combination of the Slovak and Roma national origin by 77 people and the combination of Moravian and Roma national origin by 9 people. People registering as the Roma have got the least favourable structure of education, when only 6.6% of them have completed secondary, higher or university education. 65.4% of the Roma have only elementary education.

64. The Ministry of Labour ordered in 2005 the preparation of an “Analysis of the socially excluded Roma localities and of the absorption capacity of subjects active in this area”. The main objective of this analysis was obtaining basic information about the situation of socially excluded Roma localities through blanket mapping of the situation in individual areas of their occurrence and understanding of processes influencing living conditions in various types of these localities. At the same time, the analysis identified the possibilities and extent of absorption capacity of individual bodies operating and providing services in this area.³²

65. The main outcome of this project is an electronic interactive map providing descriptive information about living conditions in the surveyed Roma localities in the Czech Republic which are socially excluded or threatened by the social exclusion, together with contacts to individual bodies active in this area. Another outcome is a summary analytical brochure containing necessary accompanying information, particularly with

³¹ www.i2i-project.net.

³² These are mostly non-governmental non-profit organisations, organisations founded by municipalities and regions, municipalities, regions, labour offices, businesses, natural persons, etc.

regard to an analysis of the current situation and possible directions of future strategic development.³³

66. The conclusions indicate that the prevention of the social exclusion of Roma people living in the Czech Republic could be achieved particularly by close co-operation of individual ministries with other partners at regional and local levels (municipalities, regions, schools, non-governmental non-profit organisations, etc.) and by system changes in the area of housing, promotion of employment and education, or by the expansion of competencies of field social workers.

Table No. 3.4a: Population registering as the Roma by level of education – 2001 Census

Table No. 3.4b: Population registering as the Roma by economic activity and by age – 2001 Census

Table No. 3.4c: Population registering as the Roma by economic activity and sex – 2001 Census

Article 4

Restrictions of the rights recognized in the Covenant

67. Some human rights may be restricted in two types of general emergency – in military crises situations and non-military (civil) emergencies. Unlike the possibility of restricting certain human rights in civil emergencies, possible restrictions of human rights in military situations were not changed in the period under review.

68. Details in this respect are presented in Article 4 of the Second Periodic Report on the Performance of Obligations Arising from the International Covenant on Civil and Political Rights.

Article 6

Right to work

6.1 Equal treatment

6.1.1 Legislation

69. The basic laws regulating the right to work are the Employment Act and in the Labour Code. Apart from these two basic laws, the legislation also includes other special laws like, for example, the Service Act (No. 218/2002 Coll.).³⁴

70. Equal treatment and prohibition of discrimination in the exercise of the right to work are governed by the new Employment Act (No. 435/2004 Coll.),³⁵ which imposes upon parties to legal relations to the duty to treat equally all natural persons claiming their right to work. It prohibits both direct and indirect discrimination on the basis of a number of grounds.³⁶ The Act also prohibits making discriminatory offers and requesting certain

³³ See www.mpsv.cz/files/clanky/3043/Analyza_romskych_lokalit.pdf.

³⁴ Act No. 218/2002 Coll. on Service of Public Servants in Administration Offices and on Remuneration of These and Other Employees in Administration Offices.

³⁵ Employment Act No. 435/2004 Coll., as amended. This Act superseded the original Employment Act No. 1/1991 Coll.

³⁶ Gender, sexual preference, racial or ethnic origin, nationality, citizenship, social origin, birth, language, health status, age, religion or faith, possessions, marital or family status or family

information contravening good morals and personal data that do not serve the fulfilment of employers' obligations established by a special law.

71. Direct discrimination is defined in the Employment Act as a conduct where, based on specified discriminatory grounds, an individual (natural person) is, has been or would be treated less favourably than the treatment which is, has been or would be used with respect to another person in a comparable situation.

72. Indirect discrimination is a conduct where, due to specified discriminatory grounds, a seemingly neutral decision, differentiation or procedure is less or more favourable to an individual than to another individual. Indirect discrimination on the grounds of health condition also includes adoption or omission to adopt provisions which are necessary in a specific situation to ensure the access of a disabled person to employment.

73. Harassment means an activity that is rightfully considered by the other individual as unwelcome, inappropriate or offensive and the intent or consequence of which leads to degradation of the individual's dignity or to the creation hostile, humiliating or flustering environment. Harassment based on specific discrimination grounds is considered discrimination. Sexual harassment means any form of unwelcome verbal or other than verbal manifestation of sexual nature, aiming at or resulting in a breach of personal dignity, especially when it creates intimidating, hostile, humiliating, degrading or offensive environment.

74. As to foreigners, the Employment Act stipulates that citizens of other member states of the European Union and their family members have the same legal status in legal relations regulated by this Act as citizens of the Czech Republic, unless this Act determines otherwise.³⁷ The same legal regulation applies also to citizens of third countries; however, such citizens must fulfil employment conditions established in this Act, particularly obtain a work permit. (See also 6.4.)

75. Following the adoption of the Labour Inspection Act (see below), the Employment Act penalizes only transgressions and administrative offences that may be committed by an individual or a legal entity by breaching the prohibition of discrimination or failing to ensure equal treatment.

76. Relations between employees and employers established not earlier than as of taking up of duties are regulated by the Labour Code (No. 65/1965 Coll.).³⁸ The Labour Code also regulates agreements on work performance, agreements on performance of the working activities and labour law relations where the employment relationship of an employee is established by election or appointment. Definitions included in the Labour Code are identical with those used in the Employment Act, when it comes to the prohibition of direct or indirect discrimination based on a number of grounds, or of harassment or sexual harassment.³⁹ Activities including instigation, abetting or causing pressure leading to discrimination are also considered as being discriminatory. Different treatment is not considered as discrimination if it results from the nature of the work activities or from the context that the relevant reason represents an essential and decisive requirement for the

obligations, political or other conviction, membership and activities in political parties or movements, in trade unions or employers' organisations; discrimination based on the pregnancy or maternity is considered gender discrimination. Activities initiating, instigating or causing pressure leading to discrimination are also considered as discrimination.

³⁷ Council Directive (EEC) No. 1612/68 of 15 October 1968 on the freedom of movement of workers within the Community.

³⁸ Act No. 65/1965 Coll., Work Code, as amended.

³⁹ Harassment on the grounds of sex, sexual preference, racial or ethnic origin, health disability, age, religion or belief, and sexual harassment are considered discrimination.

performance of the work which is to be performed by the employee and is necessary for the performance of such work; however, the purpose pursued by such exception must be justified and the requirement must be reasonable.

77. A temporary provision by the employer aimed at ensuring equal representation of men and women in hiring employees, vocational training and as regards opportunities to reach a certain function or other position at work is not considered as discrimination, provided that such measure is justified by uneven representation of men and women in the employer's organization. However, such measure applied by the employer process must not be detrimental to an employee of the opposite sex, whose qualities are higher than those of the newly hired employee. In case of breach of rights and obligations resulting from equal treatment or of discrimination, the Labour Code stipulates the right of the employee to demand that the defaulting party desists from such breach, to seek elimination of consequences of such breach and to receive adequate satisfaction.

78. The amendment of the Act on Professional Soldiers (No. 221/1999 Coll.)⁴⁰ includes the provision binding all service bodies to treat equally all applicants for the military and all soldiers, when creating conditions for their service, particularly as regards professional training and service promotion, remuneration, other monetary rewards and cash value performance. This provision prohibits discrimination of applicants and soldiers because of their race, skin, gender, sexual preference, faith and religion, nationality, ethnic or social origin, possessions, birth, marital or family status or family obligations, pregnancy or maternity, or because a woman soldier is breastfeeding.

79. The Labour Inspection Act (No. 251/2005 Coll.) has also partially changed the legal treatment of transgressions and administrative offences as regards equal treatment. These transgressions are now defined in two legal regulations – in the above-mentioned Labour Inspection Act and in the Employment Act. Apart from breaching of the general prohibition of discrimination established in the Labour Code, the Labour Inspection Act considers as discriminating also unequal treatment of employees in remuneration for work and provision of other monetary performance, in professional training, career promotion, persecution of employees who seek their rights in a legal way and failure to review the employee's grievance with him/her.

80. The Order by the Minister of Defence "Enforcement of the principle of equality of men and women in the sphere of action of the Ministry of Defence" (No. 29/2002 in the Journal of the Ministry of Defence) introduces provisions in the area of organisation, situation prevention and education in promoting the equality principle and the prohibition of discrimination on the basis of sex.

6.1.2 Measures of non-legislative nature

81. By Ministerial Decree "Principles of recruitment, selection and hiring procedure of the Ministry employees",⁴¹ which regulates principles of hiring employees, the Ministry of Industry and Trade prohibits any discrimination at the ministry. Until the present, the Ministry has not had to resolve any complaint relating to racial, ethnic or other discrimination in hiring employees. Similar internal standards regulating the principles of recruitment, selection and hiring of employees have been accepted by the vast majority of ministries.

82. The Ministry of Labour has adopted a number of measures promoting equal treatment of people in its "National Employment Action Plan for 2004–2006" and also in

⁴⁰ Act No. 221/1999 Coll. on Professional Soldiers, as amended.

⁴¹ Decree of the Minister No. 9/2005.

the material called “Timetable for the institutional, factual, and time safeguards for 2005 – 2006”. The membership of the Commission for Management of Works on the National Action Plan, which was established in connection with the National Action Plan, includes social partners (e.g. the Czech-Moravian Confederation of Trade Unions).

83. One of the priorities for the Council for Population Ageing has been the improvement of the position seniors at the labour market. Therefore, the Council has established a “Working Group for the labour market, lifelong education and material security” and also a “Working group for the promotion of information, social participation and removal of discrimination of seniors”. One of the main objectives of the work by these groups is the preparation of measures preventing discrimination of seniors, ensuring their equal position in the labour market, and respecting of specific needs and risks to which seniors are exposed.

6.2 Inspection activities and job procurement

84. Supervision over compliance with regulations in the area of labour-law relations, which is regulated in the period under review by the Labour Code (No. 65/1965 Coll.), has been carried out since 1 July by the State Labour Inspection Office (see 7.3).⁴² Before that date, these activities had been carried out by labour offices. According to the Labour Inspection Act (No. 251/2005 Coll.), a breach of the prohibition of discrimination or of the equal treatment principle may be penalised by a fine up to CZK 400,000.

85. Inspection activities in the area of employment, which are regulated the Employment Act (No. 435/2004 Coll.), are still carried out by labour offices. According to the Employment Act, a breach of the prohibition of discrimination or of the equal treatment principle may be penalised by a fine up to CZK 1 million.

86. Job procurement is mainly the task of labour offices – public employment agencies which are established, guided and funded by the Ministry of Labour from its budget through the Administration of Employment Services.⁴³ The position of work offices is currently regulated in the Employment Act (No. 435/2004 Coll.).

87. Employment agencies (non-governmental, private), which also procure jobs, were established in accordance with the International Labour Organisation Convention No. 181 of 1997 on Private Employment Agencies. They also mediate employment. As of 15 September 2006, there were 1,477 employment agencies operating in the Czech Republic, which provided employment services for a charge.

88. The procured employment must correspond with the health condition of the individual and, if possible, also with his/her qualifications, skills, the current length of employment, accommodation possibilities and transport accessibility of the workplace.

89. The Employment Act pays particular care to job procurement for people originating from socially and culturally disadvantaged environment. Services which are not directly related to job search but which enhance the position of these people at the labour market, particularly education and social inclusion are gaining importance.

90. The Ministry of Labour has been monitoring data about violations of the labour-law regulations due to discrimination since the third quarter of 2004.

⁴² The new Labour Code (the Act No. 262/2006 Coll.), which became effective on 1 January 2007, mostly takes over the existing provisions.

⁴³ Labour offices were established by the Legal Measure of the Presidium of the Czech National Council No. 306/1990 Coll. of 20 July 1990 on the establishment of labour offices.

91. Complaints⁴⁴ concerning administration of employment and labour, which were received by the Ombudsman in 2005, were directly related to legislative changes made in 2004, particularly to the new Employment Act (No. 435/2004 Coll.), which may be considered as the most important among them. The expansion of application of rules of administrative procedure to acts taken by labour offices which had been previously of a factual nature (registration, termination of registration) and the cancellation of the criterion for termination of registration represented by proved intent to frustrate coordination have brought important increases in the number of submissions related to unjustified termination of registration of job seekers.⁴⁵

Table No. 6.2: Data on violations of prohibition of discrimination in the 3rd quarter 2004

6.3 Unemployment benefits

92. Methods and terms of provision of unemployment benefits are regulated by the Employment Act (No. 435/2004 Coll.). A job seeker who has met the condition of being employed for at least 12 months in the last three years before applying for job procurement is entitled to unemployment benefits. The percentage rate of the unemployment benefits is 50% of the average monthly net wage or taxable income during the first three months and 45% of the average monthly net wage or the taxable income thereafter. If an applicant does not fulfil the above condition, a number of other activities could be considered as the so-called alternative employment period.⁴⁶

93. A job seeker who has started re-training together with the presentation of his/her application, gets the benefit in the amount equal to 60% of the average net monthly wage or taxable income during the re-training period, and if he/she does not take up a suitable job thereafter, the labour office registers him or her as a job seeker and offers him or her vacancies. After the expiry of the support period, such person receives allowances from the social security system until he or she finds a job.

6.4 Employment of foreigners

94. Obligations of employers employing foreigners or dealing with job seekers from abroad are regulated in the Employment Act (No. 435/2004 Coll.). See also 6.1.

95. The accession of the Czech Republic to the EU on 1 May 2004 changed conditions of employment of foreigners in the Czech Republic. Citizens of member states of the European Union and their family members are not considered foreigners by the Employment Act and have the same legal status as the citizens of the Czech Republic and free access to the labour market in the Czech Republic.⁴⁷

⁴⁴ There were 60 submissions presented in this area in 2005.

⁴⁵ Like in 2004, a non-negligible part of the received submissions challenged the provision in the Employment Act which prevented the registration of full-time students after they reached 26 years of age.

⁴⁶ The period of job training of a disabled, taking full disability pension, the compulsory military service (substitute service), personal care for a child younger than 4 years of age or of a child younger than 18 years of age with long-term severe disability requiring extraordinary care, personal care of almost or fully helpless or a partly helpless individual older than 80 years of age who lives permanently with the job seeker and they jointly cover the costs of their needs, long-term voluntary service exceeding on average at least 20 hours in a calendar week and performed on the basis of an agreement between the volunteer and the dispatching station which has obtained the accreditation by the Ministry of the Interior, and the period of continuous preparation for future profession, not exceeding 6 months.

⁴⁷ The same legal position as the Czech citizens is also held by citizens of Norway, Liechtenstein, and Iceland, including their family members, and also citizens of Switzerland and their family members.

96. Other foreigners can work in the Czech Republic if they have received a work permit and a residence permit, unless the Employment Act states otherwise. Labour offices may extend work permits issued to foreigners, even repeatedly, but always for not longer than 1 year. In some cases, the work permit is not required.⁴⁸ The observation of these obligations is monitored by labour offices.

97. The aim of the five-year pilot project Selection of Qualified Foreign Workers, which has been implemented since 2003, is to attract to the Czech Republic foreign experts who can fill the labour market gaps and who can integrate with their families into the Czech society. A total of CZK 21.3 million have been spent on the implementation of this project from 2003 to the end of 2006.

98. A total of 1,996 job seekers from other EU countries and Switzerland registered with labour offices in the period from the accession of the Czech Republic to EU to the end of 2004. Those were people who had lost their jobs in the Czech Republic (notwithstanding whether they had been living in the country before the accession of the Czech Republic to EU) and people who had come as unemployed from another EU country looking for a job in the Czech Republic.⁴⁹ A total of 151,736 foreigners were employed in the Czech Republic on 31 December 2005. This number includes 55,210 foreigners employed on the basis of a valid work permit, 2,659 foreigners who were not obliged to obtain a work permit and 93,867 EU citizens, including their family members.⁵⁰ There are also foreigners working as entrepreneurs on the basis of trade licenses in the Czech Republic.⁵¹

Their employer must only inform in writing the relevant labour office according to the place of work about these people commencing their work. When these people terminate their employment, the employer or a legal entity or a natural person must report this to the relevant labour office within 10 calendar days from the termination of the employment or secondment.

⁴⁸ Among others, these are foreigners with the permitted permanent residence and foreigners who are family members of diplomats, consulate employees or family members of employees by international government organisation based in the Czech Republic, provided that reciprocity has been guaranteed under an international agreement concluded in the name of the government, or foreigners who have been granted asylum.

⁴⁹ Their registered number was 2,886 on 31 December 2004. A total of 3,610 persons were registered in 2005 (2,436 persons in the comparable period May-December 2005, i.e. by 440 persons more). The number of registered persons at the end of 2005 was 3,230, i.e. by 348 persons more on the year-on-year basis. The growth dynamics in the number of newly registered job seekers from EU countries slightly increased. There were 4,080 of these job seekers registered in 2006. At the same time, 4,329 job seekers cancelled their registration, and 2,574 of whom found a job. The number of job seekers from EU registered with labour offices reached 3,309 on 31 December 2006. When compared with December 2005, their number increased by 79 people. The growth dynamics in the number of job seekers from EU countries slightly increased, while the total unemployment declined. The job seekers from EEA represent only about 0.74% of the total number of job seekers.

⁵⁰ According to the job classification, the most numerous group of foreigners was employed in the Class 7 of KZAM (a job classification prepared on the basis of the international standard ISCO-88, which fully respects the ISCO-88 principles) — trades people and skilled manufacturers, processors and repairers (28%), followed by the Class 9 — labourers and unskilled workers (almost 27%). According to OKEČ (industry classification of economic activities), most foreigners worked in processing industry (almost 35%) and in construction (almost 22%). Most of them belonged to the age group of 25–39 years (more than 46%) and to the age group of 40–54 years (almost 28%).

⁵¹ On 31 December 2006, the number of foreign entrepreneurs was 65,700, which represented a decrease by 1,500 in comparison with the same period in 2005. The issuance of trade licences is within the competence of the Ministry of Industry and Trade.

6.5 Employment of people with disabilities

99. The new Employment Act (No. 435/2004 Coll.) has brought a number of changes compared with the previous law. In particular, the maximum amount that can be provided by a labour office for the creation of a protected job⁵² or a protected workshop⁵³ was increased (from CZK 100,000 to about CZK 140,000) and the amount of contribution to people with more severe disabilities was increased (up to CZK 200,000).⁵⁴ The Act has established the possibility of provision for a contribution to a partial coverage of operating costs of a protected job in case of a disabled self-employed person, which emphasises the efforts to promote self-employment.

100. People with disabilities are classified by the Employment Act among the group to which labour offices pay increased attention with regard to job procurement. These people are also supported by work rehabilitation, are employed in protected jobs and protected workshops and receive so-called contributions for promotion of employment of people with disabilities. Health condition is also a reason for which discrimination is has been prohibited, and the refusal or omission to adopt measures which are necessary in a specific case to ensure access to a job for a disabled person is also considered as indirect discrimination.

101. The amendment of the Pension Insurance Act (No. 155/1995 Coll.)⁵⁵ in 2005 repealed the former legal regulation of concurrence of partial disability pension and income from gainful activities. Due to this amendment, the amount of income from gainful activities has no longer any impact on the amount and payment of the partial disability pension. In the past, that kind of pension used to be curtailed or its payment suspended when the stipulated income limits were exceeded.

102. Subsidies provided for promoting the employment of people with disabilities (provided under the Employment Act No. 435/2004 Coll.) are an important instrument in the area of employment of people with disabilities. Another instrument is the “Programme of support of renewal or improvement of tangible fixed assets”,⁵⁶ which serves for establishing job opportunities of people with disabilities. In 2006, a total of 93 employers received subsidies under this programme in the total of amount of CZK 103,815 thousand. This resulted in the maintenance of 3,159 jobs and in the creation of 310 new jobs suitable for people with disabilities.

103. Furthermore, the National Plan for Equalization of Opportunities for People with Disabilities ended in 2005. This plan, which had started in 1998, aimed at the improvement of living conditions for people with disabilities.

104. The Programme of Increasing Transport Safety and Improvement of Its Accessibility to People with Reduced Motion and Orientation Ability, which was announced in 2002 and which was later renamed the National Development Programme of

⁵² A protected job is the job created by an employer for a person with a disability on the basis of a written agreement with the work office.

⁵³ A protected workshop is the employer’s workplace established on the basis of an agreement with the labour office and adapted for the employment of people with disabilities. The average restated number of such employees must reach at least 60% of employees employed therein a year.

⁵⁴ The maximum amount which the labour office may provide for the partial coverage of operating costs of a protected job has also increased (from CZK 40,000 to about CZK 50,000), and in the case of a protected workshop to about CZK 70,000. The amount of contribution to a person with more severe disability increased to about CZK 100,000.

⁵⁵ Act No. 155/1995 Coll. on Pension Insurance, as amended by Act No. 168/2005 Coll.

⁵⁶ Government Resolution No. 341 of 23 March 2005.

Mobility for All, promotes access to transport and removes access barriers in state and public institutions and service facilities.

105. Another similar action is Operational Programme Human Resources Development 2004–2006, which aims, inter alia, at the integration of specific groups threatened by the social exclusion (people with disabilities and the Roma people).

106. In 2001, the Czech Republic joined the 1st round of the EQUAL Community Initiative, which focuses on the fight against all forms of discrimination and inequalities at the labour market.

107. The development of the number of job seekers with disabilities registered with labour offices in the period 2001–2006 is shown in the table (for data see tables in 6.7.1.1). A positive slightly decreasing trend was reported in 2006, as opposed to 2005, when the number of people with disabilities was kept at approximately the same level, except for seasonal fluctuation.

108. Despite the above, the share of people with disabilities in the total number of job seekers registered by labour offices significantly increased in 2005, particularly due to the significant decrease in the total number of unemployed people. The average share of people with disabilities in the total unemployment increased from 13.6% to 14.6%.

6.6 Employment

6.6.1 *Employment policy*

109. The Czech government has created a system of public employment services preparing, formulating and implementing the employment policy. This policy is formed by the Ministry of Labour and labour offices. Their respective responsibilities are defined in the Employment Act (No. 435/2004 Coll.).⁵⁷

110. The main objective of the employment policy is the achievement of the best possible development of employment and increasing motivation and activation of looking for, finding and keeping jobs. Special emphasis is put on regions with the above-average unemployment rate (northern, central and southern Moravia and north-western Bohemia). With regard to the accession of the Czech Republic to the EU and to the situation at the labour market, the implementation of the national employment policy respects principles and objectives of the European Employment Strategy. Significant support is provided to projects purporting to create a significant number of new jobs, particularly in threatened regions, and to promote further development of small and medium-sized enterprise.

111. The employment policy utilises both active and passive instruments. The active employment policy helps job seekers in gaining employment at the labour market or in increasing their employability. The active employment policy in the Czech Republic is implemented by labour offices, managed by the Employment Services Administration of the Ministry of Labour. The passive employment policy could be defined as expenditures for material support (benefits) provided to the unemployed, increased by material support of spouses and children of people with impaired work capacity, including postage connected with payments of unemployment benefits.

⁵⁷ Labour offices are administrative offices with catchment areas are identical with territories of districts, i.e. there are 77 labour offices. The Act also establishes 14 defined labour offices which have extended responsibilities related to the organisation and coordination of the employment policy in the territories of regions.

112. Implementation of active unemployment policy by individual labour offices is based on “Programmes of implementation of active employment policy”, which are prepared on the basis of labour market analyses in individual districts and in accordance with objectives established by the Employment Services Administration for the given year. The work of labour offices is based on specifics resulting from the regional labour market, the structure of job seekers registered with them, and the volume of funds allocated within the approved state budget. Programmes of the government economic policy are also an inseparable part of the employment policy.⁵⁸

113. The Czech Republic began implementing the employment policy with the maximum utilisation of the European Employment Strategy even before its accession to the EU. Annual National Employment Plans, which had been implemented since 1999, became later the National Employment Action Plans, the objective of which was the overcoming of narrow sector approaches and the coordination of individual policies influencing the employment rate at the national level. These plans were also discussed with social partners in the Council of Economic and Social Accord with the aim of involving them in the solution of the employment problems. The National Employment Action Plan for the period 2004–2006 was prepared after the accession to the EU. However, its actions ceased to be assessed in 2005 because of the revision of the Lisbon process and the adoption of new EU documents on the economic policy and the employment policy.

114. Another important conceptual document relating to employment is the “National Reform Programme of the Czech Republic”, which focuses on reforms necessary for increasing the growth potential and employment. Measures adopted within the National Reform Programme of the Czech Republic should contribute to the achievement of the following target employment indicators by 2008: the total employment rate of 66.4%, the women’s employment rate of 57.6%, and the seniors’ (55–64 years of age) employment rate of 47.5%.

6.6.1.1 *Employment policy expenditures*

115. Most funds related to the active employment policy which were spent in the period under review went to the regions with the highest unemployment rate; the biggest share of the total volume of funds allocated to labour offices was used in the Region of Suit and Labem (21.1%), in the Moravian-Silesian Region (18.4%), and in the South Moravian Region (13.5%).

116. Further instruments of the state employment policy, which do not constitute a part of the active employment policy, are contributions to employers employing more than 50% of people with disabilities (according to the Employment Act No. 435/2004 Coll.) and payments of wages to employees in case of their employer’s insolvency.

Table No. 6.6.1.1a: Comparison of expenditures on state employment policy in 2004 and 2005

6.7 **Economic activity of the population**

117. The significant decline in employment which occurred in the second half of 1990s slowed down after 2000. The employment rate slightly increased in 2002 (according to the

⁵⁸ They focus on increased performance of the economy and on the strengthening of competitiveness of businesses, industrial policy programmes pursuing promotion of investments, creation of a favourable business environment, the continuation of privatisation and completion of restructuring, programmes dealing with budget policy, particularly a reform of public budgets and taxes, educational school programmes within the structure of school graduates, etc.

annual values). The current trend of growth in the development of employment has been apparent since 2004.

6.7.1 Unemployment

118. The development in the number of job seekers registered with labour offices for a long term is shown in the table, which indicates that the number of job seekers was progressively increasing in 2001–2003. The turnaround in the development took place only in 2004, when the number of job seekers registered with labour offices began to decrease. The development of the number of the unemployed registered with labour offices showed a further declining trend in 2005.

119. A new methodology of calculation of unemployment rate, introduced in July 2004, is based on the so-called accessible job seekers (job seekers who can immediately start working when offered a suitable job, i.e. the registered unemployed people who have no objective impediment for being hired).

Table No. 6.7.1: Unemployment rate by regions in %

6.7.1.1 Job seekers' structure

Table No. 6.7.1.1: Development in selected job seekers' groups

6.7.1.1.1 Job seekers' structure – the age

120. The reason behind the unemployment of people older than 50 years is usually the loss of their jobs at the time when they do not yet meet the conditions for granting old age pension, but when the majority of employers are no longer interested in them because of their low adaptability to changes at the labour market. The growing share of this category of job seekers also relates to the annual postponement of the retirement age.

121. Young people, particularly school graduates and adolescents after finishing their basic education, encounter difficulties in job search because of lack of practical skills. The highest risk group consists of adolescents with no education, with incomplete or complete basic education and practical training, who lack both experience and qualifications.

122. However, the high unemployment rate of the age category of people younger than 25 years of age has been also the result of the low number of economically active young people (they are inactive because of studies or occupational training). The unemployment rate of young women up to 25 years of age is higher. The specific unemployment rate related to the job seekers within the age group 50–54 years of age also exceeds the total average rate (in case of both men and women).

123. The decrease in the number of job seekers within the age group up to 25 years of age, which has been partly due to demographic development, also relates to better conditions created for young people at the labour market as a result of progressive improvement of the economic situation in the Czech Republic, better adaptability of young people to the changing situation, and partly also from stricter conditions of granting unemployment benefits to school graduates. An important role is also played by the increasing share of older people retiring or registering with labour offices.

Table No. 6.7.1.1.1a: Age structure of job seekers – total

Table No. 6.7.1.1.1b: Age structure of job seekers – shares in %

Table No. 6.7.1.1.1b: Age structure of job seekers – total females

Table No. 6.7.1.1.1c: Age structure of job seekers – shares of females in %

Table No. 6.7.1.1.1d: Age structure of job seekers – total males

Table No. 6.7.1.1.1e: Age structure of job seekers – shares of males in %

6.7.1.1.2 Job seekers' structure – qualification

Table No. 6.7.1.1.2a: Job seekers' structure by the achieved education level – total

Table No. 6.7.1.1.2b: Job seekers' structure by the achieved education – shares in %

Table No. 6.7.1.1.2c: Job seekers' structure by the achieved education level – total females

Table No. 6.7.1.1.2d: Job seekers' structure by the achieved education level – shares of females in %

Table No. 6.7.1.1.2e: Job seekers' structure by the achieved education level – total males

Table No. 6.7.1.1.2f: Job seekers' structure by the achieved education level – shares of males in %

6.7.1.1.3 Job seekers' structure – length of unemployment

124. Long-term unemployment is both absolutely and relatively higher in districts with higher unemployment rate. It depends to a significant extent on the level of education. The tendency toward long-term unemployment increases in case of people with disabilities and higher age categories.

125. The decrease in the number of people registered with labour offices for more than 6 months in the years 2004 and 2005 was significantly higher when compared with people registered for more than 12 months. Their share in the long-term registration has been slightly increasing (since 2001), while the number and the share of unemployed registered for more than 12 months has been continuously growing in a long-term view, except for a temporary decline at the end of 2001.

Table No. 6.7.1.1.3a: Job seekers' structure by length of registration with labour offices

Table No. 6.7.1.1.3b: Job seekers' structure by length of registration with labour offices – total females

Table No. 6.7.1.1.3c: Job seekers' structure by length of registration with labour offices – shares of females in %

Table No. 6.7.1.1.3d: Job seekers' structure by length of registration with labour offices – total males

Table No. 6.7.1.1.3e: Job seekers' structure by length of registration with labour offices – shares of males in %

6.7.1.3 Job seekers' structure – regions

126. Unemployment in the Czech Republic has mainly a structural character. While some regions experience long-term shortage of certain professions, others show a surplus. Insufficient workforce mobility and flexibility prevent the balancing of labour force offer and demand. This is why the development of the economy has not contributed so far to a more pronounced improvement in the situation at the labour market. The resolution of these structural problems existing at the labour market requires primarily an emphasis on the solution of problems of the housing market, on transport accessibility and on lifelong education.

127. Structural changes, i.e. the changes in the sectoral (industry) structure of the economy based on restructuring or downsizing and in the qualification and occupational structure of the labour force have been continuing, but with different intensity in individual regions. The most affected regions are the Region of Ústí nad Labem and the Moravian-

Silesian Region, i.e. the regions with high concentration of heavy industries – coal mining, metallurgy, mechanical engineering, and chemical industry.

128. The Ministry of Industry and Trade launched, together with the Ministry of Labour, a Programme of Promotion of Creation of New Jobs in Regions Most Affected by Unemployment for the period of 2004 – 2006. Due to its positive effects, this Programme has been extended until 2005. There were 1,079 new jobs created and occupied by the end of 2005 and 293 employees received training. The new jobs were occupied mostly by job seekers registered with labour offices (60%). About 1,705 jobs are to be created annually in 2006–2007.

129. Another instrument decreasing unemployment in the areas with a higher unemployment rate is the Government Regulation on Material Support for Creation of New Jobs and of Re-training or Training of Employees within Investment Incentives (No. 515/2004 Coll.), which also takes account of employers who employ people with disabilities. Certain projects resolving the unemployment of threatened groups in the regions with the highest unemployment rate were approved at the beginning of 2006.

Table No. 6.7.1.3: Job seekers by regions

6.8 Transport

6.8.1 People with Disabilities

130. The Railroad Act (No. 266/1994 Coll.)⁵⁹ regulates conditions for the construction and operation of railroads, operation of railroad transport, as well as the conditions of passenger transport and requirements on railroad vehicles and their technical conditions. In these areas, the Act also creates conditions for access to transport for people with reduced mobility and orientation ability.⁶⁰

131. In practice, this means, for example, building a barrier free access to platforms and spaces designated for the travelling public during construction or reconstruction of railway structure. The purpose of requirements relating to the height of decks, which are applied in the reconstruction, modernization and renewal of the carriage fleet used in public passenger railway transport, is to facilitate boarding or disembarking of people with reduced mobility and orientation ability.⁶¹

132. Information about transport connections is published on websites. The information for the blind and other people with severely affected vision is accessible at the address: <http://www.jizdnirady.cz/blind>.⁶²

⁵⁹ Railroad Act No. 266/1994 Coll., as amended.

⁶⁰ Detailed conditions are stipulated in implementing regulations to this Act, especially in the Decree on general technical requirements ensuring the use of structures by people with reduced mobility or orientation ability (No. 369/2001 Coll.).

⁶¹ The Czech Railways own 16 vehicles with lifting platforms in total and 49 vehicles without such platform. Therefore, individual railway stations are gradually furnishing their facilities with platforms for loading of wheelchairs to trains. There are 56 railway stations currently equipped with mobile platforms. In addition, there are 45 electric trains for suburban transport of people with reduced mobility and orientation ability, 19 trains of series 471 and 31 barrier-free carriages, plus new Pendolino trains consisting of 7 carriages, which are equipped with navigation systems for blind people.

⁶² This application corresponds with the Blind Friendly Web project and with standards issued by the international consortium W3C issuing standards within the area of Internet technologies.

133. Adoption of the Regulation of the European Parliament and the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air⁶³ significantly strengthened the rights of disabled people in the area of civil air transport.

134. The state participates financially in acquisition costs of low-deck vehicle fleet or vehicles with inbuilt devices allowing access to people with disabilities within the programme “Promotion of renewal of vehicles in the urban public transport and in the public bus transport lines”.

Table No. 6.8.1a: Numbers of purchased low-deck and other urban public transport vehicles after 2000

Table No. 6.8.1b: Level of support of individual urban public transport vehicles provided under the rules valid in 2006

Paragraph 2

Training for the achievement of the right to work

135. The new Education Act (No. 561/2004 Coll.)⁶⁴ has introduced several new instruments increasing the success rate within the education system. This relates particularly to the strengthening of the role of postsecondary studies and their increased quality and also to the introduction of abridged study programmes for obtaining a vocational certificate and shortened secondary course of studies ended with a general certificate of education (providing a second chance e.g. to job seekers encountering problems with finding a job).

136. The Act on Verification and Recognition of Results of Further Education (No. 179/2006 Coll.)⁶⁵ promotes participation of adults in further education and creates suitable environment motivating for the participation in further education particularly for people with low qualifications, who need to quickly and effectively change, upgrade or increase their skills. The basic objective of this Act is namely the support of further education, particularly by means of setting up of motivation instruments both for participants in further education and for employers. The Act intends to enhance participation of people from all age categories in education.

137. The Employment Act (No. 435/2004 Coll.) considers as re-training, for example, also the renewal of the current qualification (see Article 6). This regulation is designated e.g. to women who return back to work from their maternity leave and who need to renew their qualifications.

138. Participation of the Roma in various programmes has not been monitored as such and their unemployment rate is also only estimated. Labour offices, like other institutions, are not authorised to monitor the Roma separately as a specific group. Absence of information hinders the preparation of targeted programmes.

⁶³ The Regulation establishes rules protecting and providing assistance to people with disabilities and to people with reduced mobility and orientation capacity in the air transport in order to prevent their discrimination and to ensure that they will receive assistance compatible with their special needs. The service is provided to these people free of any additional charges.

⁶⁴ Act No. 561/2004 Coll. on Pre-school, Primary, Secondary, Post-secondary Vocational and Other Education (the Education Act), as amended.

⁶⁵ Act No. 179/2006 Coll. on Verification and Recognition of Results of Further Education and on the Amendment to Certain Laws (the Act on Recognition of Results of Further Education).

Article 7

Equitable and satisfactory working conditions

(a) Remuneration provided as a minimum to all workers

7.1 Subsistence minimum and household incomes

139. The subsistence minimum is determined in the Czech Republic by law (Subsistence Minimum Act No. 463/1991 Coll.)⁶⁶ as a socially recognised limit of minimum income. Any income below such limit means material destitution. The subsistence minimum determines the amount of funds necessary for a household to cover basic subsistence needs of its members at a very modest level.⁶⁷ (See also Article 9.)

140. The Act on Protection of Employees in Case of Employer's Insolvency, which was adopted in 2000 (No. 118/2000 Coll.),⁶⁸ safeguards the employees' right to due wages not paid by their employer who has become insolvent. In such case, the employees may apply to any labour office for payment of their due wages. At the same time, the labour office assumes the wage entitlement of the employee towards the employer up to the amount of paid and collected monetary funds.

141. An employee may assert his or her wage entitlements up to the amount of wage due for 3 months of the decisive period.⁶⁹ The labour office may satisfy wage entitlements of an employee claimed from one and the same employer only once in a year.⁷⁰

Table No. 7.1a: Data about subsistence minimum of a 4-member household (2 adults 2 children 8 and 12 years of age)

Table No. 7.1b: Data about the average net monthly wage

Table No. 7.1c: Data about the percentage of subsistence minimum for a 4-member household (2 adults + 2 children 8 and 12 years of age) in the average net wage

(b) Safe and healthy working conditions

142. Safety and health protection at work is governed by a number of legal and other regulations ensuring safety and health protection at work.⁷¹ Basic obligations of employees regarding safety and health protection at work are determined in the Labour Code, which also regulates responsibilities of managers regarding safety and health protection.

⁶⁶ Act No. 463/1991 Coll. on Subsistence Minimum, as amended.

⁶⁷ The subsistence minimum amounts were valorised most recently on 1 January 2006 by the Government Regulation No. 505/2005 Coll., increasing the amounts of subsistence minimum.

⁶⁸ Act No. 118/2000 Coll. on Protection of Employees in Case of Employer's Insolvency and on the Amendment to Certain Laws, as amended.

⁶⁹ This period is calculated retroactively from the first day of the calendar month in which the petition for bankruptcy was filed.

⁷⁰ The total sum of wage entitlements paid to an employee must not exceed 1.5 of the relevant sum in a month. The relevant sum is announced and published by the Ministry of Labour in the Collection of Laws, at all times with effect as of 1 May of the calendar year for the following period of 12 calendar months in an amount equal to the average wage in the national economy for the previous calendar year.

⁷¹ They are regulations protecting life and health, hygienic and anti-epidemic regulations, regulations concerning safety of technological facilities, and also standards, construction regulations, transport regulations, fire-protection regulations, regulations on handling of flammable materials, explosives, weapons, radioactive materials, chemical compounds and preparations, and other materials harmful to health, which cover the issues related to the protection of life and health.

143. The Labour Code also stipulates that the employer is liable for damage which occurred to an employee who works for him under an employment contract and which was incurred during or in direct connection with the performance of work tasks and such work injury has harmed his health or led to his death.

7.2 Supervision over safety and health protection at work

144. Apart from the Act on State Expert Supervision over Work Safety (No. 174/1968 Coll.), there is also a new Labour Inspection Act (No. 251/2005 Coll.), which creates prerequisites for efficient state supervision over work safety and regulates the work safety area. Health protection at work is regulated by the Act on Protection of Public Health (No. 258/2000 Coll.).⁷²

145. A new law guaranteeing other conditions of safety and health protection at work (No. 309/2006 Coll.) was adopted in 2006 as well as a new law on the prevention of serious accidents (No. 59/2006 Coll.),⁷³ which transposes to the national legislation the Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances. This Directive also includes requirements laid down in the Convention of the International Labour Organisation No. 174 of 1993.

146. The state supervision over work safety, working conditions and protection of health at work is mostly carried out by the Ministry of Labour and by the State Labour Inspection Office, together with its organisational units, which are the relevant regional labour inspection offices.⁷⁴ Activities of the Office and its inspection offices do not cover legal entities and natural persons listed specifically in the Labour Inspection Act, where the state inspection is exercised in accordance with special laws. This concerns, for instance, activities belonging to the competence of the Czech Mining Office, or in the case of active soldiers or professional soldiers.

147. The state supervision in the area of health protection at work is also exercised by the Ministry of Health and by regional hygienic stations, by the Czech Mining Office and the State Office for the Nuclear Safety. Safety and health protection at work is also supervised by trade unions.

148. Another subject active in this area is the Technical Inspection Institute in Prague, a contributory organisation exercising state professional supervision over safety of selected technological facilities. The Institute submits expert and binding opinions, organises inspections and assesses tests of specific technological facilities, issues certificates to organisations and individual entrepreneurs after verifying their professional capacities.

⁷² Act No. 258/2000 Coll. on Protection of Public Health, as amended.

⁷³ Act No. 59/2006 Coll. on Prevention of Serious Accidents Caused by selected Hazardous Chemicals or Chemical Preparations and on the Amendment to Act No. 258/2000 Coll. on Protection of Public Health and on the Amendment to Certain Related Laws, as amended, and to Act No. 320/2002 Coll. on Amendments to or Repealing of Some Laws in Relation to the Termination of Activities of District Offices, as amended (the Act on Prevention of Serious Accidents). The Act also includes requirements included in the UN Convention on Effects of Transboundary Industrial Accidents, that have been published in the Collection of International Agreements (No. 58/2002 Coll. of int. agr.) and also the requirements of the International Labour Organisation Convention No. 174 adopted in 1993, which has not yet been ratified by the Czech Republic.

⁷⁴ Upon the establishment the State Labour Inspection Office, the Czech Labour Safety Office and its labour safety inspection offices were closed down. The exercise of rights and performance of obligations resulting from labour-law relations of employees of labour offices, whose work tasks include supervision over compliance with duties ensuing from labour-law regulations, were transferred at the same time (on 1 July 2005), with the exception of labour law regulations relating to employment and to protection of employees in case of employer's insolvency, to inspection offices.

Table No. 7.3a: Identified violations of legal regulations ensuring work safety and safety of technological equipment and of the laws regulating labour-law relations

Table No. 7.3b: Timelines of work related injury indicators in the Czech Republic in 2000 – 2005

Table No. 7.3c: Time lines of work related fatality indicators in the Czech Republic 2000 – 2005

Table No. 7.3d: Summary review of the reported illnesses in 2000–2005

(d) Rest, leisure, working hours limits

149. Whereas this report covers the period 2000–2006, the following text describes the relevant provisions of the Labour Code (No. 65/1965 Coll.). The new Labour Code (No. 252/2006 Coll.) that has been effective from 1 January 2007 has taken over these provisions with some small changes.

7.3 Rest and recreation

150. The right to rest has been established especially by the legal regulation. As it comes to the uninterrupted rest between two shifts, employers are obliged to allocate working hours, according to the Labour Code, in such a way that employees have at least twelve hours of rest between the end of one shift and the start of another one during 24 consecutive hours.

151. This rest can be shortened to eight hours during 24 consecutive hours in case of employees older than 18 years of age, provided that the following rest would be extended by the period of shortening. This applies in a number of industries and situations.⁷⁵

152. An employer is obliged to allocate working hours in such a way that employees have an uninterrupted rest of at least 35 hours in the week during every period of seven consecutive calendar days. In case of an underage employee, the uninterrupted weekly rest must not be shorter than 48 hours. If the employer's operations so permit, the uninterrupted weekly rest is determined on the same day for all employees and should include Sunday. Collective contracts in agriculture can provide for uninterrupted rest in such a way that the rest is at least 105 hours long in a total of three weeks.

7.4 Reasonable determination of working hours

153. An employer can allocate working hours of employees older than 18 years of age after negotiations with the relevant trade union, in such a way that the period of an uninterrupted weekly rest is at least 24 hours long and the employees get an uninterrupted rest during the week in such a way that the rest covers at least 70 hours in the period of two weeks, provided that certain conditions have been met.⁷⁶

⁷⁵ In continuous operations, in case of unevenly allocated working hours and during overtime work, in agriculture, public catering, cultural facilities, and during the provision of other services to the population; in case of urgent repair works, when a danger to life or health of employees has to be averted, in the event of a natural disaster and in other similar extraordinary cases.

⁷⁶ The necessity to substantially increase the number of employees for a temporary period not exceeding five consecutive months in one calendar year, works in communications, cultural facilities, healthcare facilities, social care facilities and in continuous operations, works where the working hours are unevenly allocated, and works performed to remove consequences of natural disasters, accidents in construction objects or in technological processes which cannot be interrupted.

7.5 Regular paid holiday and remuneration for work on public holidays

154. The Labour Code determines that public holidays are days of rest when work can be ordered only exceptionally, in case of works which cannot be done during working days, e.g. the work necessary to avert a danger to life or health or during natural disasters and in other similar extraordinary cases, or the work necessary for satisfaction of living, health care and cultural needs of the population.

155. Any employee who worked without interruption in an employment relationship with the same employer at least 60 days in a calendar year has got the right to a holiday. The basic length of a holiday is four weeks in a calendar year. Employees of employers who do not perform business activities are entitled to 5 weeks of holiday in a calendar year. The holiday for pedagogic workers and academics at universities lasts 8 weeks in a calendar year. Collective agreements or internal regulations concluded with employers carrying out business activities may extend the holiday by more weeks beyond the above-mentioned period.

156. An employer shall provide to employees who worked on a public holiday a time off or, if so agreed with the employee, an extra pay equal to average earnings. Salaries of employees in public services or administration who do not work on public holidays or who take time off for work on a day of rest are not curtailed. In the business sector, employees are entitled to compensation for lost wage in an amount equal to their average earnings.

7.6 Determination of working hours

157. Working hours may not be longer than 40 hours a week. Working hours of employees can differ.⁷⁷ The allocation of working hours is determined by the employer after review with the relevant trade union. In case of even allocation of working hours in individual weeks, the determined weekly working hours have to be allocated in a way ensuring that shifts do not exceed nine hours.

158. When the nature of work or operating conditions do not allow even allocation in individual weeks, the employer may allocate working hours differently following their review with the relevant trade union body; however, unevenly allocated weekly working hours, without overtime, must not exceed in average the determined weekly working hours for period of up to 12 consecutive calendar months.

159. Overtime work means work performed by an employee on the order of or with the consent of his or her employer, in excess of the determined weekly working hours resulting from prior allocation of working hours and done outside the framework of the work shift schedule. The employer may order the employee to work overtime only in exceptional cases due to serious operational reasons.

160. Overtime work ordered to an employee may not exceed 8 hours in a week. An employee may be ordered overtime work for not more than 150 hours in a calendar year. Work beyond such limit can be done only exceptionally, if the employee agrees with it. The total scope of overtime work must not exceed in average more than 8 hours a week. A lower number of hours of overtime work agreed by an employee than the number stipulated by the law may be determined in a collective agreement.

⁷⁷ It can be 37.5 hours a week at the maximum for employees working underground coal or minerals mining, in mine constructions and in workplaces of geological surveys. It can be 37.5 hours a week at the maximum in operations with three shifts and the continuous work mode, while in operations with two shifts it can extend to 38.75 hours a week at the maximum. In the case of employees younger than 16 years of age, it must not exceed 30 hours a week and the working hours in individual days must not exceed 6 hours.

161. Overtime work of pregnant women, women looking after children younger than 1 year of age and adolescents (up to 18 years of age) is prohibited.

Article 8

Trade unions

162. The biggest trade union in the period under review was the Czech-Moravian Confederation of Trade Unions (“CMKOS”) associating 33 trade unions. In 2006, the trade unions associated in CMKOS had more than 541,000 members in 2006.

163. The biggest member trade union of CMKOS is Kovo, which had in 2006 more than 360,000 members. The Czech-Moravian Trade Union of Employees in Educational System has more than 130,000 members. Other strong unions as regards members are the Trade Union of Workers in Mining, Geology and Oil Industry (90,000 members), the trade union STAVBA Czech Republic (almost 80,000 members), the Union of Health and Social Care of the Czech Republic and the Trade Union of State Authorities and Organizations (more than 65,000 members each), and the Trade Union of Worker of Wood Processing Industries, Forestry and Water Management (almost 65,000 members).⁷⁸

164. One of other trade union centrals, the Association of Independent Unions, associates a total of 170,000 members. The member unions of the Association are: the Trade Union of Workers in Agriculture and Alimentation, the Association of Free Trade Unions of the Czech Republic (about 95,000 members), the Union of Railway Workers (72,000 active members), the Czech Union of Workers in Energy Sector, the Integrated Union of Private Employees of the Czech Republic, and the Trade Union of Sheet Glass.

8.1 Collective negotiations and the right to information

165. The Collective Bargaining Act (No. 2/1991 Coll.)⁷⁹ regulates collective bargaining between the relevant trade union bodies and employers, with possible involvement of the state, with the aim of implementing a collective agreement. Collective agreements may be concluded by the relevant trade union bodies and employers, or their organisations, and regulate legal relations of collective nature between employers and employees and rights and obligations of the contractual parties.

166. The Labour Code (No. 165/1965 Coll.) grants trade union bodies the right to participate in labour-law relations, including collective bargaining. It also imposes upon employers the duty to inform the relevant trade union body and to discuss with it a whole number of facts. Employers must inform, in particular, about the development of wages and salaries, of the average wage and its individual components, including classification by individual professional groups, unless agreed otherwise. The relevant state authorities also review with trade unions issues related to working and living conditions of employees and provide necessary information to trade unions.

167. The Service Act (No. 218/2002 Coll.) imposes upon the service authority the duty to ensure that the trade union operating in the service authority may exercise its competencies vested in it by the Act. It grants to the trade union operating at the service authority the

⁷⁸ In contrast, the trade union with the smallest membership base is the Trade Union of In-house Lawyers of the Czech Republic (about 400 members), the Trade Union of Sailors (about 550 members) and other trade unions with the membership below two thousand members: Trade Union of Aviation Employees, Trade Union of Workers in Radio-communications, Trade Union of Employees in Manufacturing and Special-purpose Organisations in Culture, and the trade union “Projekt”.

⁷⁹ Collective Bargaining Act No. 2/1991 Coll., as amended.

right to obtain information and to make reviews, to express its stance and a number of other authorizations.

168. In case that there is a trade union organization established at a police unit, the Act on Service of Members of the Police of the Czech Republic (No. 186/1992 Coll.)⁸⁰ imposes upon the officer a number of responsibilities, particularly to review with the trade union body proposals of decisions relating to service relationship and to deal with suggestions of the trade union bodies for regulation of the service relationship and its modifications.

169. The Act on Service Relationship of Members of Security Corps (No. 361/2003 Coll.) repeals the Act on Service of Members of the Police of the Czech Republic and assumes at the same time a number of the relevant provisions of that law. Moreover, it regulates the right of members of the corps to information and review of matters relating to the performance of the service, unless there is a trade union organization operating in the security corps.

8.2 The right of trade unions to defend their members

170. Under the Civil Procedure Code (No. 99/1963 Coll.), a trade union may represent a party who is its member, with the exception of commercial matters. The trade union may thus also represent a member who sues his or her employer (or any other subject) for discrimination.

171. The petitioner may also be represented by the trade union where he/she is a member in proceedings held under the Administrative Procedure Code (No. 150/2002 Coll.). Trade unions thus have ample opportunities to defend the rights of their members in matters related to protection against discrimination.

Article 9 Social security

172. The social security system consists of a set of legal standards and financial and organisational measures the objective of which is to ensure fundamental social rights of anyone in difficult financial and social situations. The entire social security system has been based on three basic pillars, each of them having its specific importance. They are: the social insurance (pensions, sickness benefits and unemployment benefits), state social support and social care. Social security is effectuated by payments of social insurance benefits, state social support allowances, assistance benefits in material destitution and social care allowances for people with disabilities, or by provision of social services.

Table No. 9a: State social support expenditures

Table No. 9b: Ratio of social security expenditures to gross domestic product (in %)

Table No. 9c: Percentage share of social security expenditures in GDP – pensions

Table No. 9d: Percentage share of social security expenditures in GDP – sickness insurance benefits

Table No. 9e: Percentage share of the social security expenditures in GDP – social protection expenditures

173. Submissions sent by complainants to the Ombudsman mostly relate to repeated and one time social care allowances, state social support allowances and contributions to people

⁸⁰ Act No. 186/1992 Coll. on Service of Members of the Police of the Czech Republic, as amended.

with disabilities.⁸¹ The Ombudsman has found that administration offices, which decide on allowances mostly err in insufficient identification of the facts of the case and incorrect assessment of possessions of applicants for social care allowances due to social need (ownership of properties, motor vehicles, and savings). When investigating individual submissions, the Ombudsman deals with diverging interpretation of some legal concepts. The Ombudsman thus focuses his attention particularly on the issue of guidance by the supervising authorities, which should ensure unified explanations.

9.1 Social insurance

9.1.1 Pension insurance

174. The act amending the Pension Insurance Act (No. 264/2002 Coll.)⁸² has changed the method of increasing pensions. Paid pensions are increased regularly every January (with the effect from 1 July 2002); a different method is only used when the inflation is very low (the increases would be less than 2%) or when the inflation is very high (over 10%).⁸³ Another amendment of the Pension Insurance Act No. 24/2006 Coll. repealed, with the effect from 1 February 2006, the institute of reduction of partial disability pensions paid in concurrence with income from gainful activities, or suspension of payments of this pension in some cases, when the income limit has been exceeded. The amendment further introduced a change related to partial disability pensions, i.e. that the amount of income from gainful activities of recipients of these pensions will not affect the amount or payment of such pensions.

175. The adoption of Act No. 425/2003 Coll.⁸⁴ brought about fundamental changes in pension insurance, which comprise the following:

- The age limit of eligibility for old age pension will grow at the same pace even after 2007, with the aim of gradual achievement of a unified limit of 63 years of age for men and childless women in 2013. The pension age for the other women will remain differentiated, according to the number of children brought up by the women, in the range of 59–62 years of age.
- The possibility of premature retirement is limited due to the cancellation of the temporarily curtailed premature old age pension. However, this possibility will still exist (until 31 December 2006) if the established conditions applying to recipients of partial disability pension or former recipients of full disability pension have been met. As to the awarding of the second type of premature old age pension — the permanently reduced one — the current legislation remains in force without any change.
- The evaluation of the period of studies counted for pension insurance purposes was reduced, which means that the period of secondary or university studies before 1

⁸¹ There were 143 submissions in this respect delivered to the Ombudsman in 2005.

⁸² The Pension Insurance Act No. 155/1995 Coll., as amended.

⁸³ Increases in pensions are determined in such a way that the increase of the average old age pension equals at least 100% of the price increase plus also at least one third of the increase of real wages. The specific amount of the increase is determined by a government regulation and may be higher than the increase determined by the law as the minimum.

⁸⁴ Act No. 425/2003 Coll., amending Act No. 155/1995 Coll. on Pension Insurance, as amended; Act No. 589/1992 Coll. on Social Security and Contribution to the State Employment Policy, as amended; Act No. 582/1991 Coll. on the Organisation and Provision of Social Security, as amended, and Act No. 48/1997 Coll. on Public Health Insurance and on the Amendment to Some Related Laws, as amended.

January 1996, which occurred after reaching 18 years of age will be 6 years at the maximum and will be considered as an alternative insurance period, which means that only 80% of it will be counted for the purpose of calculation of the pension amount (this will unify these periods with the assessment of the period of study after 31 December 1995). However, the period of studies before 1 January 1996 which occurred before reaching 18 years of age will be still assessed as a period of full insurance.

- The condition under which the old age pension could be paid in concurrence with income from gainful activities for two years after the date when for the relevant person became eligible for old age pension only if such income did not exceed a certain limit (double the subsistence minimum of an individual), which applied both to employees and to self-employed persons, was abolished. At the same time, it was determined that, in order to be eligible for old age pension in addition to the income from gainful activities the relevant labour-law relation may be concluded for not more than one year.

176. The approved regulation implements the provisions in the Convention of the International Labour Organisation No. 128 concerning Invalidity, Old-Age and Survivors' Benefits, which requires, inter alia, that the share of the amount of a new old age pension awarded after 30 years of insurance is at least 45% of the average net wage of a skilled worker in the year which precedes the retirement year.

Table No. 9.1.1: The numbers and amounts of paid pensions

9.1.2 *Sickness insurance*

177. Both employees⁸⁵ and self-employed persons participate in the sickness insurance system. While the employees' participation in sickness insurance is compulsory, self-employed persons participate voluntarily. The scope of provided benefits differs as well. There are four types of sickness insurance benefits provided to employees from: the sickness benefit, the allowance of care for a family member, the equalization contribution in pregnancy and maternity, and maternity allowance. Two sickness insurance benefits are provided to self-employed persons: the sickness benefits and the maternity allowance.⁸⁶

178. The amount of sickness benefits depends mainly on the level of income. The calculation of the assessment basis also considers the "reduction limits", which were valorised by the government regulation from 2000 to 2002 as of 1 January of each of the relevant years in accordance with the development of wages.⁸⁷

179. The Act amending the Health Insurance Act (No. 421/2003 Coll.)⁸⁸ establishes, as of 1 January 2004, that the decisive period for determination of the assessment basis for the

⁸⁵ Possibly also other people considered as equal – persons deemed to employees are listed in § 2 of the Sickness Insurance Act (No. 54/1956 Coll.).

⁸⁶ Only people working in the Czech Republic for an employer having their registered seat in the Czech Republic may participate in sickness insurance. Employees who work for employers not having their registered seat in the Czech Republic are insured in the Czech Republic if their employer has his registered seat in an EU member country or in the country with which the Czech Republic has concluded an international agreement on social security.

⁸⁷ No valorisation of the reduction limits was made in 2003 in connection with austerity measures imposed as a result of floods and in 2004 and 2005 as a result of the public budget reform. These limits were increased only since 1 January 2006 to CZK 510 and CZK 730, respectively.

⁸⁸ Act No. 421/2003 Coll. amending Act No. 54/1956 Coll. on Employee Health Insurance, as amended, Act No. 88/1968 Coll. on Extension of Maternity Leave, on Maternity and Children's Allowances Paid from Sickness Insurance as amended, and Act No. 32/1957 Coll. on Health Care in Armed

amount of sickness benefits is the period of 12 calendar months prior the calendar month in which the work incapacity occurred.⁸⁹ The entitlement for the first three calendar days of sickness is equal to 25% of the daily assessment basis; the entitlement for the fourth and the following days of work incapacity is equal to 69% of the daily assessment basis, which is calculated in the same way as in the case of sickness benefits. See also 10.1.

180. In March 2006, the Chamber of Deputies adopted the Health Insurance Act (No. 187/2006 Coll.), which was supposed to take effect on 1 January 2007. However, its effect was postponed by Act No. 585/2006 Coll. for one year to 1 January 2008.

9.2 State social support

181. The system of state social support, or the state social support benefits, provides assistance mainly to families with children in specific social situations. The state social support benefits take into consideration both income and social situation of families (jointly assessed persons).⁹⁰ According to the State Social Support Act (No. 117/1995 Coll.),⁹¹ there are two kinds of state social support benefits: a) The benefits dependent on the level of income, i.e.: the child allowance, social contribution, housing allowance, allowance for school aids and b) other benefits: parent allowance, foster care allowances (contribution to the covering of the needs of the child, foster parent's remuneration, contribution upon taking over the child, and contribution to the purchase of a motor vehicle), birth allowance, and death allowance.

182. Under the Act, the eligibility for the state social support benefits is conditional upon registration of the beneficiary and the other jointly assessed people for permanent residence.⁹² The condition of registration for permanent or long-term residence, which has to be fulfilled to become eligible for the benefits, is not required in case of minor children given into foster or institutional care in the territory of the Czech Republic. Moreover, this condition may be waived by Municipal Authority of the Capital City of Prague or the regional authority having jurisdiction over the place of residence of the relevant person. Such waiver also applies to the other jointly assessed persons (see 9.4). After the entry the Czech Republic into EU, citizens of member states of the European Union and their family

Forces, as amended.

⁸⁹ Only 90% of the daily assessment basis is counted within the first reduction limit for the first to the fourteenth calendar days of work incapacity. From the fifteenth day of work incapacity, the daily assessment basis is fully calculated within the first reduction limit. Only 60% of the daily assessment basis is taken between the first and the second reduction limits and the amount in excess the second reduction limit is not considered at all.

⁹⁰ The jointly assessed persons are: parents and minor dependent children, spouses, parents, independent minor or adult children who live with the parents in the same flat and are not assessed with other people, other persons using jointly the flat, unless they declare in writing that they do not live together and do not jointly cover costs of their needs. The jointly assessed persons could be also people who temporarily stay away from the flat because of their preparation for future occupation or because of health or working reasons (including voluntary service).

⁹¹ Act No. 117/1995 Coll. on State Social Support Benefits, as amended.

⁹² Permanent residence also means the stay of a foreigner in the Czech Republic, who has registered for residence in accordance with special laws regulating the stay of foreigners in the territory of the Czech Republic, with the exception of asylum applicants who are accommodated in residence centres of the Ministry of the Interior. This applies from the expiry date of 365 days after the registration. The condition concerning the expiry of 365 days after the registration day is not considered in case of children of foreigners registered for residence in the Czech Republic, who were born in the Czech Republic, up to one year of their age (the Act on the Population Register and Birth Registration Numbers (No. 133/2000 Coll.) and the Act on the Stay of Foreigners in the Territory of the Czech Republic (No. 326/1999 Coll.)).

members have also become eligible for the state social support benefits on the basis of regulations of the European Communities.

Table No. 9.2a: State social support benefits (in million CZK)

9.3 Social care

183. There were only partial changes in the regulation of social care in the period under review. At the same time, a fundamental change was being prepared and became effective on 1 January 2007.

184. The quality of social services is monitored by a set of measurable and verifiable criteria included in a methodological material called Quality Standards of Social Services, which was elaborated in 2002.

9.4 Subsistence minimum

185. There were no fundamental changes of the subsistence minimum in the period under review.

186. The amount of the subsistence minimum has been regularly adjusted, by government regulations on 1 January whenever the summary consumer price index grows at least by 2% in the established decisive period. The last adjustment was made by the government regulation increasing the amounts of subsistence minimum in 2005.⁹³

Table No. 9.4.a: Development of subsistence minimum of households in relation to the average (net) nominal wage in the years 2000 and 2005

Article 10

Protection of and assistance for families, mothers, and children

187. Act No. 115/2006 Coll. on Registered Partnership,⁹⁴ which means permanent association of two people of the same sex, became effective in 2006. The registered partnership is established by a joint declaration of the persons entering the partnership, made before the civil register office. The partnership cannot be entered into by a person younger than 18 years of age, a person not capable of undertaking legal acts, or a person who had entered before into a valid marriage or registered partnership.

188. Both partners in the registered partnership have the same rights and obligations and jointly decide on their partnership affairs. Partners can represent one another in usual situations and have mutual alimantal obligation. When one of the partners does not fulfil the alimantal obligation, the amount of such obligation may be determined by a court upon a submission of one of the partners in a sum ensuring that the material and cultural level of both partners is basically the same. The existence of the registered partnership does not allow the partners to adopt a child. However, if one of the partners looks after a child and both partners live in a joint household, the second partner must also participate in the child's upbringing and is similarly subject to the obligations related to the protection of the child's development and upbringing as the first partner.

⁹³ Government Regulation No. 505/2005 Coll., which increases the amounts of subsistence minimum. This was the 11th valorisation of those amounts since the first determination of the subsistence minimum in 1991.

⁹⁴ Act No. 115/2006 Coll. on Registered Partnership and on the Amendment to Some Related Laws.

10.1 Financial assistance for families with children

189. The care for families with children is governed by social security laws. Financial assistance to families with children is provided mainly on the basis of the State Social Support Act (No. 117/1995 Coll.) and the Health Insurance Act (No. 421/2003 Coll.) and to a lesser extent also under the Social Needs Act (No. 482/1991 Coll.).

Table No. 10.1: Financial assistance for families with children (in million CZK)

10.1.1 Parent allowance

190. While the original objective of the parent allowance contribution was to maintain or to support the existing population tendency and to alleviate the tension on the labour market, the purpose of further progressive changes of the conditions of its provision is to help parents integrate their professional and parental roles. As opposed to the original conditions, parents receiving parent allowances may have unlimited income from gainful activities if they provide for another adult to take care of their child during the period of their gainful activity. Children can be placed in pre-school facilities for a limited period of time.

191. According to the State Social Support Act (No. 117/1995 Coll.), the parent allowance is provided to the parent (who looks personally, properly and throughout the day after at least one child younger than 4 years of age (or 7 years of age in case of a child with long-term disability or severe disability) (notwithstanding whether such parent is the child's father or mother). This solution is based on the principle of parental allowance as a certain contribution provided by the state to alleviate an unfavourable social situation – decrease of the family income due to the interruption or reduction of gainful activities at the time when the child requires constant personal care.

192. The amount of parent allowance is determined by the State Social Support Act. The allowance is always provided for a calendar month and like all other state social support benefits, it is not subject to tax and cannot be paid abroad.⁹⁵ The entitlement or amount of such allowance does not depend on the parent's income.

10.1.2 Other contributions

193. The group of people who are eligible for financial assistance in maternity has been extended by the amendment of the Act on Extension of Maternity Leave, on Maternity Allowances and Child's Allowances Paid from Sickness Insurance⁹⁶ by allowing payment of maternity allowances to a female or male employee who has taken permanent custody of a child upon a decision of the relevant authority or a child whose mother has died. The right to this assistance arises only when the child was taken into such custody before his/her 7th birthday. The assistance is provided for the period of 22 weeks from the day of taking over the child.

194. The child allowance is paid from the state social support system as an allowance for families with children, helping them cover costs related to the upbringing and to subsistence of the family. Eligible for such allowance are children living in families whose

⁹⁵ The amount of the allowance was determined in the period under review at the amount equal to the established multiple of the subsistence minimum for personal needs of the parent looking after the child; since 1 January 2007, the monthly parental allowance amount is equal to 40% of the average monthly wage in non-business sector.

⁹⁶ Act No. 362/2003 Coll.

income is lower than the specified multiple of the family subsistence minimum. The amount of the allowance depends on the child's age and on the sum of the total family income and is derived from the amounts of subsistence minimum necessary for subsistence and other basic needs of the child.

195. The social contribution is designated to low-income families and represents a contribution to the covering of costs of satisfaction of their children's needs. Eligible for this contribution is a parent who looks after a child and the family income does not exceed the specified multiple of subsistence minimum of the family.

196. The amendment of the Social Security Act (No. 100/1998 Coll.)⁹⁷ has had a positive impact on lives of families looking after persons with disabilities, since it increased the contribution for care for a close or other person.⁹⁸ At the same time, it has increased the limit of income for gainful activities which is decisive for payment of this contribution.⁹⁹ It is also possible now to receive the contribution for care for a close or some other person together with a widow or widower's pension and the parental allowance if the recipient looks at the same time after another child.

10.1.3 *Subsidy promoting support of families*

197. Proceedings relating to provision of subsidies to non-governmental non-profit organisations involved in family support, which are announced by the Ministry of Labour, have been focused since their first announcement for 2005 mainly on the promotion of a functioning family, i.e. on subsidizing organisations which provide support to families looking after children and focus on the prevention of social exclusion of parents who look after the children, on the increasing the quality of family functioning, parental and partnership relations and on the family cohesiveness. These services have a preventive and supportive nature. Since 2005, the subsidy procedures have also focused on support of consulting for women and girls in case of unwanted pregnancy. In 2006, these proceedings also included provision of subsidies to family and spouse consulting, assistance to of families with children threatened by dysfunction and support and assistance for children leaving institutional or foster care.

198. A number of programmes were offered in 2005.

199. The "Programme of support of service facilities preventing social exclusion of parents looking after a child younger than 6 years of age" was designated for the support of projects focussing on provision of services to parents looking after children younger than 6 years of age to prevent their social exclusion caused by long-term social isolation. Preference was given to services supporting social cohesion of local communities (municipalities and regions) which were parts of community and other regional social service plans.¹⁰⁰

200. The "Programme of promotion of education towards a harmonious marriage and responsible parenting" was designated for promotion of projects focused on education of

⁹⁷ Act No. 100/1998 Coll. on Social Security, as amended.

⁹⁸ Act No. 218/2005 Coll. This amount increased from 1.6 times to 2.25 times the subsistence minimum in case of care for a single person and from the former 2.75 times to 3.85 times the subsistence minimum in case of care for two or more persons.

⁹⁹ From 1.5 times to 2.5 times of subsistence minimum used for personal needs.

¹⁰⁰ 105 projects were subsidised in 2005 with CZK 26,369,800 in 2005 and 97 projects were subsidized in 2006 with CZK 22,560,600. One of the conditions was that the clients spent their time in the facilities providing these services together with and at the same time as their children. Applicants could be, for example, maternity centres, community centres providing services to parents on maternity and parental leave with children, or similar facilities.

young people towards a harmonious marriage and responsible parenting.¹⁰¹ Preference was given to facilities which organised lectures for children and youth (up to 26 years of age) and courses preparing young people for marriage, as well as lectures and courses for spouses and parents, promoting higher quality of marital relations and family life (as prevention of divorces), or focused on upbringing of children. Support was also provided to education of lecturers.

201. The “Programme of promotion of consulting for women and girls in unwanted pregnancy” was designated for promotion of projects focused on consulting of women and girls in unwanted pregnancy.¹⁰² Preference was given to permanent facilities with principal activities focusing on this area. The objective was the provision of qualified professional assistance and sufficient information to pregnant women and girls, offering them a real opportunity to freely decide on their own future.

Table No. 10.1.3: Subsidy programmes related to family support

10.2 Protection of children

202. The new Act on Social and Legal Protection of Children (No. 359/1999 Coll.), which became effective on 1 April 2000, regulated in a comprehensive way the system of bodies involved in social and legal protection, methods of co-operation with non-governmental non-profit organisations and individual areas of activities related to the social and legal protection of children.

203. Under the definition of the Act, the term social and legal protection of children means mainly the protection of the right of the child to favourable development and proper upbringing, protection of justified rights of the child, including protection of his/her assets, and activities focused on the renewal of disturbed family functions. The Act has enshrined as its basic principle that the crucial aspect of the social and legal protection is the interest in the children’s welfare.

204. The Act on Social and Legal Protection of Children Act (No. 359/1999 Coll.)¹⁰³ was fundamentally amended in 2006. Its amended and restated wording was again published in the Collection of Laws under No. 373/2006 Coll. The amendment responds to some pathological social phenomena occurring in the society and has been prepared on the basis of the effort to fulfil the principles in the UN Convention on the Rights of the Child. The new legislation further extends the scope of children on whom the social and legal protection is focused and covers also children who have been witnesses of violence between parents or other persons, and children who have been placed repeatedly or for a long term in facilities providing continuous care.

205. With regard to prevention of maltreatment, negligence or abuse of children, the amended law stipulated the duty of the physician to provide for a record about the occurrence of an injury, as described directly by the child or by a person accompanying the child to the physician, and if the character of the injury does not correspond with the description of the injury stated in the record, the physician is obliged to send such record to the relevant body involved in social and legal protection of children.

¹⁰¹ 33 projects received CZK 8,270,300 in subsidies in 2005 and 40 projects received CZK 12,883,400 in subsidies in 2006 (including 5 projects in the area of consulting women and girls in unwanted pregnancy situations).

¹⁰² 7 projects received CZK 3,017,700 in subsidies in 2005 and 5 projects received CZK 2,601,100 in 2006.

¹⁰³ Act No. 359/1999 Coll. on Social and Legal Protection of Children, as amended.

206. The Act also promotes the work with the biological family of children. The frequency of visits by workers of bodies involved in social and legal protection of children has been increased in case of children placed in institutional care and has also introduced parental visits of these children, which should create conditions for return of the children back home. Together with the regulation of parental visits, the bodies involved in social and legal protection of children have become obliged to provide the parents with necessary assistance in the settlement of their family situation.

207. As regards substitute family care, the amendment to the Act increases the effectiveness of preparation of applicants for substitute family care. This preparation will be organised before the registration of the applicants in the Substitute Care Register. Future substitute parents are thus provided with detailed knowledge about all specifics of taking a child into their family.

208. In connection with the adoption of the new Act on Social and Legal Protection of Children, foster care legislation, which was formerly dealt with by a separate law, was included, effective from 1 April 2000, into the Family Act. The legal regulation of foster care was integrated into the Family Act, together with other forms of substitute family care. Basic prerequisites of foster care – the child's interest in being placed in such case and the guarantee of proper foster care, embodied in the person of the foster parent, were preserved; however, the condition under which the child cannot be brought up by his or her parents due to causes of long-term nature was repealed. This means that foster care can be now used as substitute care also in the cases where the parents cannot look after the child only because of temporary obstacles and the return of the child into care by his or her parents is thus not excluded.

209. In connection with the extensive amendment of the Act on Social and Legal Protection of children, the remuneration of the foster parent has been significantly increased, with the effect from 1 June 2006, to double the former amount. Moreover, special remuneration for foster parents looking after at least three children or after one child with severe disability had been introduced a year ago with effect from 1 June 2005. This special remuneration is several times higher than the usual foster parents' remuneration.

210. In addition, the Family Act has been supplemented, with effect from 1 June 2006, with a special institute of temporary foster care, where a child can be placed upon a court decision until the time when legal conditions for the child's adoption will be fulfilled, or for the time when the parents are unable to look after the child due to serious reasons. Foster parents providing temporary foster care must be specially trained and pass a professional assessment.

211. As a part of promotion of cooperation between state and non-governmental bodies, the amended Act on Social and Legal Protection of Children sets more specific conditions on protection of children by persons to whom such protection has been entrusted. This includes, among others, an increase and further specification of requirements relating to the education and qualification of such persons. At the same time, the scope of activities which can be undertaken by non-governmental organisations with respect to social and legal protection of children, particularly with respect to substitute family care, has been extended.

10.2.1 Co-operation with non-profit organizations in social and legal protection of children

212. Authorisations of non-governmental non-profit organisations for the performance of social and legal protection of children are awarded by the regional office having jurisdiction

over the seat of the relevant non-governmental non-profit organisation (until 31 December 2001, these authorisations were awarded by the Ministry of Labour).¹⁰⁴

213. Regional offices and the Ministry of Labour also co-operate with non-governmental non-profit organisations in the area of the substitute family care. Representatives of non-governmental non-profit organisations are members of advisory bodies established at the level of regional offices and the Ministry of Labour. These bodies select suitable adoptive and foster parents for specific children from among applicants registered for the substitute family care. The authorised non-governmental non-profit organisations also present to the advisory bodies suggestion for mediating adoption or foster care in individual cases. Regional offices also conclude agreements with the authorised non-governmental non-profit organisations on the organisation of obligatory preparation of future adoptive or foster parents for the acceptance of a child into their family.

10.3 Employment of children and adolescents

214. The Labour Code (No. 65/1965 Coll.) deals with legal capacity of children and adolescents relating to employment. With effect from 1 January 2007, these provisions were assumed by the new Labour Code (No. 262/2006 Coll.). Unless specified otherwise, a natural person becomes capable of having rights and obligations in labour-law relations and of acquiring such rights and assuming such obligations by his/her own legal acts on the day when he/she reaches 15 years of age. However, the employer may not agree with such natural person on a day of taking up a job which would occur before the day when he/she finishes his/her compulsory school attendance.

215. Any employment of natural persons younger than 15 years of age or older than 15 years of age who have not yet finished their compulsory school attendance is prohibited. Such persons may only perform artistic, cultural, advertising, or sport activities subject to the conditions set forth in special legal regulations.¹⁰⁵ Children may carry on for commercial purposes only activities that are appropriate to their age, are not dangerous for them, do not hinder their education or school attendance and participation in educational programmes and do not harm their health, physical, mental, spiritual, moral or social development. These activities can be done solely on the basis of permits issued by labour offices separately for each individual activity.

10.4 National concept for family policy

216. In October 2005, the government adopted the “National Concept for Family Policy” (the “Conception”).¹⁰⁶ This is the first material of its kind since 1989 which aims at the strengthening of the position of family in the Czech society, at the creation of generally more favourable social climate and conditions for families. The purpose of the Conception is to set priorities and to define principles of family policy and to create a comprehensive system of family support measures.¹⁰⁷ The Conception includes, inter alia, measures supporting caring families and caring persons is based on the “National Family Report”.¹⁰⁸

¹⁰⁴ A total of 183 authorisations for performance of social and legal protection of children were issued to non-governmental non-profit organisations in the period from 1 April 2000 to 31 December 2006. This number includes 51 authorisations issued by the Ministry of Labour in the period from 1 April 2000 to 31 December 2001 and 132 authorisations issued by regional offices in the period from 1 January 2002 to 31 December 2006.

¹⁰⁵ Employment Act No. 435/2004 Coll.

¹⁰⁶ Resolution of the Czech Republic Government No. 1305 of 12 October 2005.

¹⁰⁷ The Czech Republic lacks a comprehensive system of family support measures. A large number of relevant family policy data is either limited or completely missing. Until now, individual measures

Paragraph 2

Special protection of mothers

217. Employers are newly obliged to provide to their female or male employees upon request parental (formerly maternity) leave. The leave is provided up to the 3rd birthday of the child. Until the end of April 2005, the provision of parental leave in cases when the child has been entrusted for upbringing, had been limited to children up to 3 years of age. The amendment to the Labour Code¹⁰⁹ has increased the child's age up to which the parental leave can be provided to 7 years. Unlike women, men are not entitled to maternity leave but may take parental leave from childbirth until the child reaches 3 years of age.

218. These provisions were taken over by new Labour Code (No. 262/2006 Coll.).

219. The legislation dealing with special protection of mothers during an appropriate period before and after childbirth also includes a decree specifying kinds of work and workplaces which are prohibited to pregnant and breastfeeding women and mothers until the end of the ninth month after the childbirth, and to adolescents, and stipulating conditions under which such works may be performed by adolescents on an exceptional basis as a part of their preparation for future profession (No. 288/2003 Coll.).¹¹⁰

Article 11

Right to an adequate living standard

220. The subsistence minimum, which has been considered the poverty limit in the Czech Republic, corresponds with the minimum and by the law-recognised limit of citizens' income that should cover nutrition, basic personal needs and necessary household costs. (See also 9.4.)

11.1 Household income

221. According to a SILC 2005 survey, 10% of the inhabitants of the Czech Republic are threatened by poverty. The Czech Republic is thus one of the countries with the lowest rate of people threatened by poverty (after social transfers) among all EU countries (the average poverty rate in EU countries is 16%).

222. The data concerning low-income employee and retiree households have not been monitored since the last revision of the calculation of the consumer price index in 1999.

Table No. 11.1a: Development in the indices of consumer prices of goods and services (the 1990 average = 100)

Table No. 11.1b: Structure of monetary income and expenses of households having the minimum income in 2005 (in CZK per household member in a year)

Table No. 11.1c: Furnishing of households with items of long-term use

have been implemented within the competencies of various ministries, often without any mutual relations and in contravention with each other.

¹⁰⁸ Government Resolution No. 876 of 15 September 2004.

¹⁰⁹ Act No. 169/2005 Coll.

¹¹⁰ Decree No. 288/2003 Coll. determining the kinds of work and workplaces which are prohibited to pregnant and breastfeeding women, to mothers until the end of the ninth month after the delivery and to adolescents and stipulating conditions under which the such works may be performed by adolescents on an exceptional basis as a part of their preparation for future profession.

Table No. 11.1d: Structure of household monetary expenditures in 2005 (in %)

11.2 Housing

223. The Czech legislation does not include a general housing law and housing issues are dealt with by individual legal and subsidiary regulations.¹¹¹ The right to housing has not been directly defined in the Czech legislation. The Czech Republic considers the right to housing to be of a declaratory, non-mandatory nature, expressing the government undertaking to strive to ensure equal access of all people to a safe and secure living place – a dwelling, not as a right of citizens to demand the state to provide a dwelling.

224. The prohibition of all forms of discrimination ensues from the Czech Constitution and from the Charter of Fundamental Rights and Freedoms, with which all other laws of lesser legal weight have to comply. Due to this, no other legal regulations prohibiting all forms of discrimination in housing have existed or are under preparation. The Czech Constitution ensures the inviolability of the dwelling, protection of citizens against forceful eviction, prevents any discrimination in the access to housing, etc., whereby it also implements the parts of the right to housing that are of an enforceable nature. Therefore, the Czech Republic does not consider it necessary or appropriate to create any undertakings having the nature of entitlements in this matter.

11.2.1 *The housing fund*

225. According to the census of 1 March 2001, the housing fund had a total of 4,366,293 flats, 3,828,000 of which were permanently occupied. This represents an average number of 427 flats per 1,000 inhabitants and 374 permanently occupied flats per 1,000 residents. The indicator of the total number of flats per 1,000 residents has been progressively increasing and rough estimates indicate that there were 438 flats per 1,000 residents in 2006.

Table No. 11.2.1a: Housing fund structure in 2001 – basic sectors

226. In addition to the permanently occupied flats, there were more than 117,000 temporarily occupied flats. However, these flats are actually permanently occupied (not used for recreation) and most of the residents of these “temporarily occupied flats” are registered for permanent residency in the permanently occupied flats. These people may thus optically increase the data about the coexistence of the surveyed households¹¹² living in a single permanently occupied flat.

227. All kinds of housing, classified by the legal grounds of use, are sufficiently represented in the housing fund structure: 47% of the flats or houses are used by their owners, 17% represents co-operative housing, and 29% are rental flats. However, this number includes 17% of municipal flats, which are often privatised. This causes important ownership transfers and changes in the housing fund structure (7% of flats are used on other

¹¹¹ Key legal regulations related to housing include the following: the Civil Code (No. 40/1964 Coll.), the Act on Unilateral Increase of Flat Rent (No. 107/2006 Coll.), the Act Regulating Certain Issues Relating to the Promulgation of Act No. 509/1991 Coll., amending the Civil Code (No. 102/1992 Coll.), the Act Regulating Some Co-ownership Relations to Buildings and Certain Ownership Relations to Flats or Non-residential Premises (No. 72/1994 Coll.), the Price Act (No. 526/1990 Coll.), and the Act on the State Housing Development Fund (No. 211/2000 Coll.).

¹¹² The “surveyed household” is an artificial term introduced for needs of the Population Census. Households are classified by relations – either family households, i.e. complete families (both parents or spouses) or incomplete families (only one of the parents with one or more children notwithstanding their age) or non-family households, divided into households with more members (e.g. two sisters living together) or households with a single members (either living in their own flats or living together with other people in a single flat, but keeping an independent household).

specific grounds). The average size of a permanently occupied flat was 76 m² (the total area); the average number of habitable rooms per one occupied flat was 2.72 rooms.

228. The share of the 1st category flats (i.e. the flats with central heating, flush toilet and a bathroom) was 88.5% in 2001. The housing fund of the population and quality of housing has been permanently improving. The number of flats completed every year reaches now about 30 thousand, and the construction about 40 thousand flats is started every year.

229. The distribution of households in individual types of dwellings is almost identical with the share of the individual types of dwellings at the housing market, i.e. with the housing fund structure presented in Table No. 11.2.1a.

230. The ownership sector consists mostly of flats in family homes (75%) used for housing by their owners. Only a smaller part of the ownership sector, which has been developing in the process of privatisation of the housing fund, consists of separate flats owned by their users.

231. The rental sector consists of about 60% of flats owned by municipalities, i.e. the former state housing funds. About 40% are the rented flats in houses owned or co-owned by natural persons (mostly restituted) or legal entities.

232. The co-operative sector consists mostly of flats owned by housing construction co-operatives founded in the period 1960–1990. A smaller part relates to housing co-operatives founded by tenants for the purpose of purchase of the relevant residential building from the municipality in the privatisation process.

11.2.2 *Rent and its regulation*

233. The Act No. 107/2006 Coll. on Unilateral Increase of Flat Rents and on the Amendment to Act No. 40/1964 Coll., the Civil Code, as amended, became effective on 31 March 2006. Its objective is to eliminate some shortcomings in the functioning of the housing market.

234. Section 696 of Civil Code stipulates that “*the method of calculation of rent and payments for services relating to use of a flat, the manner of their payment and cases, where the lessor is authorised to unilaterally increase the rent, the payments for services relating to use of a flat and to change other conditions of lease agreements are laid down in other statutory provisions*”. Such laws, which were issued for the purpose of implementation of this provision in the Civil Code, were abolished by the Constitutional Court of the Czech Republic as contravening the Constitution, since they breached lessors’ rights. Since 2003, such law has been thus completely missing in the Czech Republic. Due to the foregoing, it is up to the parties to a lease agreement to agree on the rent amount any changes of this amount during the existence of the lease. However, when the parties fail to agree on a change of the rent, there is no out-of-court procedure, which could be applied to achieve such change.

235. This does not represent a problem in freely concluded new lease agreements, which are often concluded for a definite period of time and which usually define the method of regulations of the rent during the existence of the lease. Absence of a mechanism allowing the enforcement of a change of the rent amount may cause, however, some problems in flats occupied by tenants who acquired the right to use the flat before 1992, or to whom this right has passed (this represents about 17% of all households). Tenants using these flats are not always willing to accept an agreement increasing their rents even if such an increase would be justified with regard to changing circumstances (inflation and other factors). The rents in these flats have been thus stagnating at the level of the year 2002 and their real value, which did not always allow for the coverage of at least the reproduction acquisition costs flat costs, has been declining.

236. This has negative impacts on the functioning of the rental sector, which is thus divided into two parts differing mainly by the level of rents, thus restricting economic competition at the housing market. Another negative aspect of this price deformation, resulting from the former regulation of rents, has an impact on some lessors, who have to cover out of their own funds at least a part of the items which should be covered by the state according to Article 11 in the International Covenant on Economic, Cultural, and Social Rights.

237. The new Act will make it possible to remove price deformations occurring (as stated repeatedly by the Constitutional Court) due to former inappropriate state interventions in this area. Consequently, it will permit the effective application of the contractual principle. This will result in the creation of conditions for the real functioning of the rental sector, where the rent amount will become the result of offer and demand existing on the local housing market.

238. The basic principles of the Act are as follows:

(a) The rent amount specified in a new lease agreement and any changes of such amount during the existence of the lease agreement shall be agreed between the lessor and the lessee;

(b) If the parties are unable to agree on an increase of the rent during the existence of the lease agreement, the lessor will have the right to increase the rent unilaterally once a year;

(c) Rent increases within a year will be limited (i.e. must not be higher than the maximum increase of the monthly rent established for each specific value of the actual rent per square metre of the flat in relation to the relevant target value of the monthly rent per square metre of the flat. Tables with the target values of monthly rents for individual size municipality groups in individual regions and with the maximum increases in the rents will be issued every year in a Notice of the Ministry for Regional Development).

239. The intended removal of deformations will be also facilitated thanks to the amendment of selected provisions in the Civil Code regulating rights and obligations of lessors and lessees of flats.

240. In no case, this Act purports to harm lessors. On the other hand, it is true that the Act brings about certain, but temporary – four-years restrictions of their rights. This is only due to the fact that the balance between rights and obligations of lessors and lessees had been excessively tilted in the past in favour of lessees and to the detriment of lessors, who were forced to cover in certain cases the costs of increased protection of lessees in which the entire society was supposed to participate, as stated repeatedly by the Constitutional Court. The correction of these deformations had to be therefore spread over several years. The Act attempts to reach certain settlement between these two contractual parties, while maintaining the level of protection of lessees in the Czech Republic.

241. It should be also considered that the low level of regulated rents increases at the same time the level of market rents, thus accentuating even more the inequality between some groups of lessees. The Act should thus contribute to the general improvement in the functioning of the rental sector, to the decrease of market rents, and to the increased accessibility of rental housing and thus also to an improvement of the position of lessors.

11.2.2.1 Social contributions to total housing costs

242. There are currently two kinds of targeted social benefits ensuring the social protection of households in the area of housing: the housing contribution (see 9.2) and social care benefits (see 9.3).

243. The housing contribution is a social benefit which depends on eligibility and which is provided to households with low income not exceeding 1.6 of the subsistence minimum, which is supposed to partly cover housing costs. The social support benefits are also provided to low income households, which cannot increase their income by themselves due to age, health, or other serious reasons. These benefits supplement the actual household income usually up to the subsistence minimum level.

244. Since 1 January 2007, these benefits will be replaced with new ones. The new regulation of benefits, which promotes housing accessibility and compensates any negative impacts of de-regulation of rents on low income groups, represents a response to measures introduced by the Act on Unilateral Increase of Flat Rents (Act No. 107/2006 Coll.).

Table No. 11.2.3a: Family account statistics – rented housing (share of expenditures in net monthly family income)

Table No. 11.2.3b: Share of household cash expenditures in net cash expenditures reported within the set of family account statistics in the period of 1st–4th quarter of 2005 (in %)

Table No. 11.2.3c: Flat age according to the house age in 1980–2001

Table No. 11.2.3d: Number of recipients of housing contributions

11.2.3 Adequate housing

245. Despite the fact that the legislation does not define the term “adequate housing”, it can be said that the housing that does not correspond to the current requirements (inadequate housing) means housing in a flat which is not equipped with basic amenities (WC, a bathroom) and with satisfactory heating. The data from the last census show that, in 2001, about 3.3% of flats in the Czech Republic lacked appropriate heating or full basic amenities or had basic amenities jointly used with other flats. About 2.5% of the Czech population live in these flats.

Table No. 11.2.3: Overview of housing amenities in 2001

11.2.4 Housing accessibility

246. The vast majority of households (80%) are satisfied with their current housing. Only 6% of people living in cities and about 4% of country people were not satisfied with their housing situation. The accessibility of housing has been progressively improving, which is due to permanently growing real income of Czech households and also to the dynamic development of new housing construction, which receives major support from the state, amounting to 25 billion CZK a year, a sum which represents about 2.5% of the state budget.¹¹³

247. Housing costs represent 17.8% of the net family income of an average Czech household – these total costs include the rent, usual maintenance and minor housing repairs, other services relating to housing, e.g. water and sewage, collection of solid waste, etc., and costs of power, heating, gas and fuels. These data are significantly differentiated in individual social groups – while employee households with children spent on average 14.6% of their total net income on housing, it was 26.4% in the case of retirees. The net rent in a rental (not a co-operative) flat represents about only a third of the total housing costs of households, i.e. about 7.6% of the average net household incomes.

¹¹³ These are only the direct expenditures of the state budget and of the budget of the State Housing Development Fund. In addition, there are various forms of tax relief (income tax, property tax, etc.), which represent indirect support worth several billion CZK a year.

248. Applying for the execution of an agreement on lease of a vacant rental flat owned by a municipality represents only one of the ways to resolve housing needs. Every municipality may decide at its own discretion on the method of selection of tenants for vacant flats, and must only comply with regulations adopted under their own (independent) powers. Applications for execution of agreements on lease of flats designated by a decision of the relevant municipality to selected groups of people (socially disadvantaged people, young people, etc.), are usually assessed by municipal commissions established for such purpose. The “waiting time” depends on the locality where an applicant for a municipal flat applies, and thus very different. Due to increased offer of vacant flats leased for market (i.e. non-regulated) rent, the freely agreed (market) rents have been permanently decreasing and an increasing number of people, particularly young, use this approach to resolve their housing needs, particularly in localities with job offer (in Prague and big cities).

Paragraph 2

Hunger relief measures

11.3 Promotion of regional development

249. The Act on Support for Regional Development (No. 248/2000 Coll.),¹¹⁴ which became effective on 1 January 2001, laid down conditions for promotion of regional development. The objective of the Act is to achieve balanced development of the state and regions and to create conditions for coordination and implementation of economic and social cohesion.

250. The basic regional policy document is the “Regional Development Strategy” (the “Strategy”), which is based on the Act on Support for Regional Development and which includes, in particular, an analysis of the situation of the regional development, characteristics of strengths and weaknesses of the development of individual regions and districts, strategic objectives of the regional development, specification of regions supported by the state, recommendations to the relevant central administrative authorities and regions on focussing on the development in the areas within their competencies. The first Strategy created a framework for the formulation of the regional policy of the Czech Republic which is complementary to the regional policy of the European Union.¹¹⁵

251. The Strategy for the period 2007–2013 was approved in May 2006.¹¹⁶ This updated Strategy implemented new EU regulations relating to the economic and social cohesion policy.¹¹⁷ Its objective is the formulation of topics and aspects that are important for the support of regional development. It thus represents a basic guideline for future regional development programmes at the central and regional levels within both national development programmes and operational programmes using financial means from the Structural Funds of the European Union.

¹¹⁴ Act No. 248/2006 Coll. on Support For Regional Development, as amended.

¹¹⁵ Resolution of the Czech Republic Government No. 682 of 12 July 2000.

¹¹⁶ Resolution of the Czech Republic Government No. 560 of 17 May 2006.

¹¹⁷ The document is based on the “Sustainable Development Strategy of the Czech Republic” and on the “Economic Growth Strategy”. It is also based on the “National Development Plan”, which represents the basic strategic document for obtaining support from Structural Funds and from the EU Cohesion Fund, and the “National Strategic Reference Framework”, which is the basic programming document of the Czech Republic concerning the use of EU funds in the period 2007–2013.

11.4 Organic farming

252. The Organic Farming Act (No. 242/2000 Coll.)¹¹⁸ laid down conditions for management of organic farming and for manufacture of bio-foods. It also regulated the system of certification of origin and labelling of bio-products and bio-foods as the control and supervision over compliance with this Act.¹¹⁹ See also 12.7.1.

Table No. 11.4a: Development of the land fund structure used for organic farming in the Czech Republic (in ha)

Table No. 11.4b: Development in the land fund structure used for organic farming in the Czech Republic (in %)

11.4.1 State support of organic farming

253. The amounts of organic farming subsidies differ depending on the crop. The amounts spent in 2005 were identical with those spent in 2004.¹²⁰

254. The government adopted in 2004 the Action Plan for the Development of Organic Farming until 2010 and ordered to the minister of agriculture in its resolution form an inter-ministerial working group to implement the objectives of the Action Plan.¹²¹ The Ministry of Agriculture also completed a number of other projects.¹²²

255. The Regulation (EC) No. 178/2002 of the European Parliament and the Council (EC) laid down general principles and requirements of food law. This led to the adoption of the philosophy “from the farm to your table” and the duties stipulated by the Regulation have been extended to all participants in food business. The Regulation clearly defined the responsibility of food businesses for introducing to the market only food with no harmful effects on health was clearly defined, while the efficient, appropriate and targeted provisions must be based on risk analysis.¹²³

256. EU adopted in 2004 a set of several regulations which are generally referred to as the hygienic package. This set is comprised of several regulations which are directly binding to all operators of food businesses and their common feature is namely food

¹¹⁸ Act No. 242/2000 Coll. on Organic Farming and on the Amendment to Act No. 368/1992 Coll. on Administrative Fees, as amended.

¹¹⁹ Provisions which were identical with the provisions of the Council Regulation (EEC) 2092/91 on organic farming were deleted from the Act and the amended and restated version of Act No. 242/2000 Coll. was published in the Collection of Laws as Act No. 30/2006 Coll. The amendment also affected implementing decrees.

¹²⁰ CZK 3,520/ha when working on arable soil, with the exception of growing vegetables or special herbs, CZK 1,100/ha when working on grassland, CZK 12,235/ha for vineyards, orchards or hop-fields, and CZK 11,050/ha for growing vegetables or special herbs on arable soil.

¹²¹ This working group has already started its activities through representatives of the Ministry of Environment, Ministry of Industry and Trade, Ministry of Health and the Ministry of Education, but also through representatives of all regions. The expert team that has prepared the working draft of this report is also participating in the implementation.

¹²² For example, September 2005 was declared the first Month of Bio-foods; the company Bioinstitut o.p.s., which was founded, acts as an umbrella for all activities related to research, education and consulting in the organic farming area. A category of subsidies in support of organic farming consulting was introduced in 2004. A number of educational activities and workshops on organic farming have been and a number of publications on the topic have been published.

¹²³ The foregoing also led to the establishment of the European Food Safety Authority, which resulted in the separation of two stages of the risk analysis at the European Community level – the “risk assessment” and the “risk management”.

hygiene.¹²⁴ Another part of these regulations was issued in 2005. They supplement the above-mentioned regulations related to food hygiene, are directly applicable in every member state and binding in all their parts.¹²⁵

Article 12

The right to physical and mental health

257. Key statistical indicators concerning health have witnessed positive development since 1990. The lifespan at birth gets longer while the total mortality and particularly the mortality due to cardiovascular diseases is decreasing. The standardised mortality¹²⁶ decreased during the last 15 years by about 46% in comparison with 1990, accompanied by a significant increase of the lifespan, particularly by more than 5 years in case of men.

258. Only one survey focused on the adult population was organised in the period under review in accordance with WHO recommendations (in 2002).¹²⁷ The average value of the body mass index ("BMI") of men was 26.0 Kg/m² 25.2 Kg/m² in case of women. The BMI value has not changed much in comparison with the previous survey (the value was 25.9 in 1999), while the value related to women was even higher in 2002 (24.8 in 1999). This fact was confirmed by a statistical test.

Table No. 12: Share of obese persons in the population (having the body mass index exceeding 30 Kg/m²) in the period under review, classified by sex and age. Classification of respondents by BMI categories.

12.1 Measures of legislative nature

259. The basic laws in this area are the Education Act (No. 561/2004 Coll.) and the Act on Pedagogues (No. 563/2004 Coll.). The Act on Protection against Alcoholism and Other Drug Additions (No. 37/1989 Coll.) was superseded on 1 January 2006 by the Act on

¹²⁴ Regulations (EC) of the European Parliament and of the Council No. 852/2004 on the hygiene of foodstuffs, No. 853/2004, laying down specific hygiene rules for food of animal origin, No. 854/2004, laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, Directive No. 2004/41/EC of the European Parliament and of the Council, and also Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

¹²⁵ Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs, the Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council (and for the organization of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council (EC) and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004; Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat, Commission Regulation No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004, and (EC) No. 882/2004 of the European Parliament and of the Council, and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004.

¹²⁶ It is a specific summary indicator, which ensures undistorted comparison of two populations differing by their age structure.

¹²⁷ The Institute of Health Information and Statistics of the Czech Republic (ÚZIS) will organise the next survey in 2007.

Measures for Protection against Damage Caused by Tobacco Products, Alcohol and Other Addictive Substances (No. 379/2005 Coll.).¹²⁸

260. The objective of the specific primary prevention is the prevention of problems and consequences of pathological social phenomena, or the minimising of their negative impacts. The assistance in these cases is provided by the pedagogical and psychological consulting centres and by educational care centres. The pedagogical-psychological consulting centres, which are school-related consulting facilities, are established under the Education Act.¹²⁹ They participate in solutions of actual situations related to risky behaviour of students. When a child is put by court decision into institutional care, the immediate effect of the pathogenic social environment on his or her development is eliminated. At that stage, institutional care facilities, for example, diagnostic institutes, children's homes with schools and educational institutes are available.¹³⁰

12.2 Measures of non-legislative nature

261. In the period under review, the Ministry of Education prepared a number of guidance materials for the area of the primary prevention of pathological social phenomena in the education system.¹³¹

262. The basic conceptual document of the drug policy of the Czech Republic, creating the framework of standards for the specific primary prevention of the use of addictive substances, is the National Drug Policy Strategy,¹³² which is always prepared for a specific period.¹³³

263. The Institute for Information on Education¹³⁴ organised in 2004 a survey covering 3,115 primary, secondary and postsecondary vocational and special schools, which was focused on violence and aggression occurring at schools. It was called "Fast Surveys I/2004".¹³⁵

¹²⁸ Act No. 379/2005 Coll. on Measures for Protection against Damage Caused by Tobacco Products, Alcohol, and Other Addictive Substances and the Amendment to Related Laws.

¹²⁹ Activities of prevention methodologists at schools are coordinated by methodologists involved in prevention of pathological phenomena who work in pedagogical-psychological consulting centres. Both the prevention methodologists and school prevention methodologists participate in the preparation of the concept of primary prevention of pathological social phenomena in regions. In their work, they further cooperate with school psychologists and special school pedagogues. Their task is to participate in the creation of conditions for students' education, to support the inclusive class environment, and to build an atmosphere of safety and understanding in schools.

¹³⁰ The laws governing this area include Act No. 383/2005 Coll. amending Act No. 109/2002 Coll. on the Organisation of Institutional or Protective Care in School Facilities and on Preventive Educational Care in School Facilities and on the Amendment to Related Laws, as amended, Act No. 359/1999 Coll. on Social and Legal Protection of Children, as amended and Act No. 218/2003 Coll. on Youth's Liability for Unlawful Acts and on Juvenile Justice (the Act on Juvenile Justice).

¹³¹ For example, the Guidelines on Education against Expressions of Racism, Xenophobia and Intolerance, the Guidelines on Prevention of Pathological Social Phenomena Relating to Child and Youth, Co-operation of Pre-school Facilities, Schools and School Facilities with the Police of the Czech Republic in Prevention and Investigations of Criminal Offences Committed by or against Children and Youth.

¹³² Resolution of the Czech Republic Government No. 1305 of 22 December 2004.

¹³³ For the periods 2001–2004 and 2005–2009.

¹³⁴ The Institute of Information on Education (ÚIV) is a contributory organisation directly managed by the Ministry of Education, Youth and Sports of the Czech Republic.

¹³⁵ The survey has shown that stabbing and cutting weapons were found in schools during the last 3 years as follows: 1x (10% of schools), 2x (4% of schools), and in more cases (3% of schools); firearms

264. Another important step is the introduction of the so-called Standards for professional qualifications of providers for primary prevention of use of addictive substances, which are designated for the assessment and certification of the providers of specific preventive programmes.¹³⁶

265. The basic material concerning specific primary prevention is the conceptual document “Strategy of Prevention of Pathological Social Phenomena Occurring in Children and Youth within the Competencies of the Ministry of Education for the period 2001–2004”. Its principles include education of children and youth towards a healthy living style, acquiring positive social behaviour and the development of personality. This material defines the term “minimum preventive programme” and the position of a school prevention methodologist, who is responsible for the implementation of activities preventing pathological social phenomena at schools and school facilities.

266. This material is followed up by the “Strategy of Prevention of Pathological Social Phenomena Occurring in Children and Youth within the Competencies of the Ministry of Education for the period 2005–2008”, which is based on the experience with implementation of prevention conceptions.¹³⁷

267. The guidance of the Ministry of Education on the prevention of pathological social phenomena in children and youth ref. no. 14514/2000-51 orders the implementation of the so-called “Minimum Prevention Programmes” at schools and school facilities. It has determined key activities to be carried out at schools and school facilities and laid down competences and basic activities of individual institutions which organise the efficient functioning of the prevention system of the Ministry of Education, Youth and Sports.

12.2.1 Programmes

268. The minimum preventive programme is the basic instrument of prevention of pathological social phenomena at all schools and school facilities and it is controlled by the Czech School Inspection. It encompasses activities preventing pathological social phenomena, including prevention of alcoholism, smoking and abuse of other illegal drugs.

possessed by students were found in schools three times in the last three years; other dangerous items (brass knuckles, chains, flying stars, etc.) were confiscated to pupils/students in schools during the last 3 years at least once in 11% of all schools; verbal assaults against teachers occurred several times a week (2.4%), several times a month (4.5%) several times in a half-year (8.1%), several times a year (10.0%), less often (38.1%), and never (36.9%).

¹³⁶ The main tasks and objectives of the standards are as follows: the establishment of quality criteria for programmes of specific primary prevention of use of addictive substances, which will become binding for all providers of these kinds of programmes; setting up of quality indicators for provided services, which will allow providers to mutually compare and recurrent independent assessment of quality of the preventive work; the standards constitute a tool used in the process of professional assessment of providers applying for certification. Obtaining the certificate has become a sign of quality for parties interested in the programmes, for clients, the public and administrative authorities. The standards and the system of control of their implementation provide to state and public administration authorities and also to other funding institutions a tool for supervision of the professional level of provided programmes and create solutions ensuring wider accessibility of comprehensive and ongoing prevention of the use of addictive substances and the related impacts.

¹³⁷ The outcome of Resolution of the Czech Republic Government No. 693/2006 introducing the certification system in the area of the primary drug prevention was approval of guidance materials “Certification Code” and the “Methodology for the local assessment of professional capacity of providers of programmes of primary prevention of use of addictive substances”. The certification system of certification has become a tool for the assessment of quality of provided services in this area.

The programme is organised mainly by the school prevention methodologists¹³⁸ in cooperation with other pedagogues (the educational advisor, the class teacher) or with non-governmental non-profit sector (civic associations etc.). Its running is controlled by the Czech School Inspection.¹³⁹

269. Programmes of support of activities in the area of prevention of pathological social phenomena in children and youth represent subsidizing procedures designated for the subjects working at the local, regional and national levels. The Ministry of Education allocated annually about 20.5 million CZK from its budget for this purpose in the period 2001–2005. At the same time, it releases every year 5 million CZK to regional budgets for activities of prevention methodologists in the pedagogical-psychological consulting centres.

270. The Ministry of Education provides about CZK 170 million every year as a subsidiary for organization of leisure time of children and youth within the scope of the Programme of State Support of Work with Children and Youth and for the area of leisure of children and youth.

Table No. 12.2.1: Review of subsidies provided in 2001–2006 by the Ministry of Education, Youth and Sports to the announced subsidy programmes for support of activities in the area of prevention of pathological social phenomena (in CZK)

12.3 Age structure and standardized mortality

271. The health condition of the population of the Czech Republic, assessed on the basis of mortality data, has been improving. Standardised mortality of both men and women has been decreasing on a long-term basis and the lifespan is increasing. Infant mortality is one of the lowest in Europe. The population is getting older and the representation of old and very old people is also on the increase.

272. It may be said in general that about a half of all deaths occurs as a result of circulatory system diseases (51%) and more than a quarter (26%) relates to tumours. Their representation in the total mortality is on the increase. The representation of external death causes in the total mortality is relatively stable (6%). The standardised mortality caused by circulatory system diseases and, following long stagnation, tumours are also on decline. The occurrence of malign tumours has been increasing, but thanks to early diagnostics and more modern treatment processes, the situation relating to survival of patients with tumours is improving.

Table No. 12.3a: Data on death causes by age

Table No. 12.3b: Data on death causes by sex – males

Table No. 12.3c: Data on death causes by sex – females

Table No. 12.3d: Development of lifespan

Table No. 12.3e: Development in the number of deceased by sex

12.4 Health-care facilities

273. Health care facilities are divided into state-owned facilities managed by the Ministry of Health or by some other ministries (of Defence, Interior or Justice) and the non-state

¹³⁸ It participates in the establishment of a unified system of prevention of undesirable social phenomena and lays down assessment mechanisms for evaluation of effectiveness.

¹³⁹ An administrative authority endowed with national competencies and founded by the Ministry of Education.

facilities founded by a region, city, municipality, or by natural persons or legal entities (including churches).

274. The so-called primary care system is comprised of the network of general practitioners for adults, for children and adolescents, the outpatients' gynaecologists and dentists.¹⁴⁰

275. About a half of physicians providing outpatient care are involved in primary care for children, adolescents and adults and in the gynaecological and dental care. The second half is comprised of inpatient specialists 50% of whom work in the outpatient parts of inpatient facilities.

Table No. 12.4a: State-owned health facilities (numbers at 31 December of the relevant year)

Table No. 12.4b: Other than the state-owned health care facilities (numbers at 31 December of the relevant year)

Table No. 12.4c: Total number of health care facilities (at 31 December of the relevant year)

Table No. 12.4d: Data on the number of beds in the period under review; Development of the number of beds, including infant beds and facilities outside the competence of the Ministry

Table No. 12.4e: Data on the number of physicians, outpatients physicians, and the number of all healthcare workers (other than physicians) per population; Development of the number of physicians

Table No. 12.4f: Data on the number of general practitioners

Table No. 12.4g: Primary care in the Czech Republic

Paragraph 2 Measures to attain health

(a) Measures aiming at the reduction of the number of abortions and infant mortality

276. Women in the prenatal period undergo ten examinations in the case of physiological pregnancies or more examinations in the case of risky and pathological pregnancies, as required. The ultrasound examination is carried out twice (in the 20th and 32nd week) in the case of physiological pregnancies and more often in case of risky and pathological pregnancies. The frequency and method of examinations in the prenatal period are determined by a decree on dispensatory care.¹⁴¹ This kind of care is paid from public health insurance funds.

277. There were 1,198 gynaecologists having private practice in 2004. In 2005, there were 1,236 practical gynaecologists, 96% of them providing their care in private outpatient facilities. There were 2.35 physicians per each 10,000 women and 7,674 gynaecological

¹⁴⁰ Primary care is a coordinated comprehensive health and social care provided mainly by healthcare workers both at the level of the first contact of a person with the healthcare system, and on the basis of long-term continual approach to individuals. It is a set of activities related to the support of health, prevention, examination, cure, rehabilitation, and treatment. These activities are provided as close as possible to the social environment of patients and respect his or her biological, mental and social needs.

¹⁴¹ Decree No. 60/1997 Coll.

examinations per one physician. 4,067,446 female patients were registered in outpatient facilities.

278. Almost 18,000 (/17.8%) of all pregnant women were hospitalised during pregnancy in 2005. Most of these hospitalisations did not last longer than a week (11.7%). The caesarean section was done in 18,895 cases in 2005, which represented almost 18% of all deliveries. The number of caesarean sections has been increasing in the Czech Republic every year.

279. The statistics show that the number of caesarean sections increased in the period from 1960 to 2003 from 2 to 15.5 per each 100 childbirths. This trend is still continuing. 15.5 caesarean sections were performed per each 100 births in the Czech Republic in 2004, i.e. 152.9 per each 1,000 live childbirths in a total of 92,387 childbirths.

280. Maternal mortality, or the number of deaths of mothers per 100,000 of live childbirths was 10/100 000 in 2005 (ten cases absolutely). This number has slightly increased since 2002 and it is a little worse than in our developed neighbouring countries (Austria, Germany).

12.5 Measures aimed at the reduction of the number of abortions

281. The number of abortions, including miscarriages, was decreasing in the period under review. This was also due to the accessibility of modern, efficient and safe birth control means. The share of registered fertile women using some kind of birth control has been about 47% in recent years. Most of those women use hormonal birth control (41% out of 47% of women using birth control). Birth control means are not free of charge and only a small portion of the costs is covered by health insurance.

282. In 2005, the total number of abortions was the lowest in the last 15 years. This decrease was mainly caused by a reduction of interruptions (to one fourth in comparison with 1990). The most important factor is the continuously increasing number of women using some of the modern birth control methods. The number of birth controls managed by a doctor is increasing thanks to the increasing share of women using hormonal treatment. The share of fertile women using modern birth control means was 46.6% in 2005.¹⁴²

Table No. 12.5: Number of abortions

12.6 Infant mortality

283. Most frequently occurring causes of infant mortality are some situations arising in the perinatal period, which cause more than a half of all infant mortalities (46%). These causes relate mostly to respiratory reasons and intrauterine growth retardation. The second place (23%) belongs to inborn development disorders, and the third place (7%) to injuries, intoxications and consequences of external causes.

284. The value of infant mortality was 3.4 per mille in 2005. The quality and organisation of clinical care is able to also compensate the unfavourable influences of the women's population ageing (older mothers). 41% out of 403 infant deaths occurred during the first week of life in 2005. The most frequent death causes were the situations arising in the perinatal period.

285. The second most frequent causes of infant mortality are inborn disorders, deformations, and chromosome abnormalities. Premature birth together with the occurrence

¹⁴² A total of 1,173,496 women, of which 1,025,186 use hormonal birth control means and 148,310 use intrauterine devices.

of other inborn disorders prolong hospitalisation of afflicted infants as well as the length of artificial lung ventilation and the total parenteral nutrition, thus worsening the prognoses for children born with inborn disorders. The occurrence of these cases may be reduced by improvement of the prenatal diagnostics, i.e. – by earlier identification of serious cases with the presence of additional inborn disorders.

286. The number of disorders of girls is lower than in case of boys. The relative number of children born with inborn disorders in 10 000 live birth has been slightly decreasing in recent years.

Table No. 12.6: Deceased infants in the Czech Republic by age

12.7 Measures to ensure healthy development of children

287. Despite the good level of health care, the health of children in the Czech Republic has not significantly improved. The question is whether this happens as a result of higher occurrence of children's diseases or because of better diagnostics, identifying diseases which had not been diagnosed in the past. It is, however, a fact that no significant decrease in the number of sick children and youth is apparent and the number of dispensatory cases has not decreased either (the number of inborn development disorders and allergies, including bronchial asthma, is increasing). The causes that are considered as most serious include contaminated environment, mainly in industrial areas, and or incorrect life style.

Table No. 12.7: The occurrence of diseases of children and adolescents and the share of children and adolescents in the total number of patients

288. The most frequent cause of hospitalisation of children up to one year of age are situations occurring in the perinatal period (18% of all hospitalisations in this age, followed by respiratory system disorders (with the share of almost 7%). The most frequented grounds of hospitalisation of children in age groups of 1–4 and 5–9 years are definitely respiratory system disorders (with the share of 34%), followed by injuries and intoxication (a more than 11% share). Injuries and intoxication are the most frequent cases in the age group of 10–14 years (more than 20%) and in the age group of 15–19 years old (18%).

289. The development of examination methods has been continuing (e.g. the magnetic resonance for child patients has been put into operation). Highly specialised centres have been established for treatment of children in the areas of cardiology, neurology, traumatology, perinatal period and oncology. There has been an important progress achieved in the child transplantology – kidney, heart, lungs, and liver transplantations are now performed even on very small children. The introduction of new treatment processes in oncology has progressively reduced mortality caused by tumours in recent years.¹⁴³

(b) Improvement of all aspects of external living conditions and the industrial hygiene

12.8 Ecology

290. The main regulation dealing with the issue of organic farming is the Organic Farming Act (No. 242/2000 Coll.). The Act regulates conditions of organic farming and the related certification and marking of bio-products, bio-foods and other bio-products and also controls and supervision over the compliance of obligations resulting from the Act.

¹⁴³ While 77 boys and 34 girls in the age group of 0–14 years old died in 1991 due to malign tumours (7.0 per 100,000 boys and 3.4 girls per 100,000 girls), only 17 boys and 17 girls in the same age group with the same diagnoses died in 2005 (2.2 per 100,000 boys and 2.3 per 100,000 girls).

291. A person who wishes to be involved in commercial organic farming at an organic farm must apply for registration with the Ministry of Agriculture.¹⁴⁴ When the applicant satisfies the conditions stipulated in the Act, the Ministry satisfies the application and registers the person in the list of people doing business in organic farming in accordance with regulations of the EU.

292. The Water Act (No. 254/2001 Coll.)¹⁴⁵ protects surface and underground waters and lays down conditions for economical use of water resources and on the maintenance or improving of the quality of surface and underground waters. It also creates conditions for diminishing negative impacts of floods or drought and helps ensuring safety of waterwork constructions. The purpose of the Act is also the contribution to the protection of water ecosystems and land ecosystems which are directly dependent on them.¹⁴⁶

293. The Air Protection Act (No. 86/2002 Coll.)¹⁴⁷ lays down rights and obligations of persons and the competencies of administrative authorities concerning protection of external atmosphere against pollutants caused by human activities and during handling of regulated substances destroying the ozone layer of the Earth, or products containing these substances. The Act also regulates conditions for further reduction of the quantity of released pollutants having detrimental impacts on human and animal life and health, on the environment or tangible assets and tools for reduction of quantities of substances affective the climatic system of the Earth.

294. The Integrated Prevention Act (No. 76/2002 Coll.)¹⁴⁸ is also important for protection of atmosphere, since it reduces pollution caused by industrial activities, e.g. by metalworking, mineral processing, chemical industry, etc. The Act also establishes and operates the Integrated Register of Environmental Contamination.

295. The Waste Act (No. 185/2001 Coll.)¹⁴⁹ lays down, in accordance with EC law, the rules for prevention of the occurrence waste, for handling of waste and for protection of the environment, human health and permanently sustainable development, the rights and obligations of people involved in waste management, and the competencies of public administration authorities. The waste issue is also dealt with in other regulations dealing with the handling of special kinds of waste, e.g. precious metals waste, waste resulting from mining activity, or radioactive waste.

296. The Packing Act (No. 477/2001 Coll.)¹⁵⁰ reduces the mass, volume and harming effects of packing and chemical substances contained in the packing. It stipulates rights and

¹⁴⁴ The intermediate period for such person begins on the day of delivery of his application to the Ministry. The intermediate period is the period of transformation of farm production into organic farming and removal of negative impacts of the previous farm activities on the agricultural soil, landscape and the environment.

¹⁴⁵ Act No. 254/2001 Coll. on Waters and Lawson the Amendment to Certain Laws (the Water Act), as amended.

¹⁴⁶ The Act regulates particularly, legal relations to surface and underground waters, relations of natural persons and legal entities to the use of surface and underground waters, and relations to the lands and constructions related directly to these waters, all of the foregoing in the interest of sustainable management of these waters, safety of waterwork constructions, and protection against effects of floods or drought.

¹⁴⁷ Act No. 86/2002 Coll. on Air Protection and on the Amendment to Certain Other Laws (the Air Protection Act).

¹⁴⁸ Act No. 76/2002 Coll. on Integrated Prevention and Reduction of Pollution, on the Integrated Pollution Register, and on the Amendment to Certain Laws (the Integrated Prevention Act), as amended.

¹⁴⁹ Act No. 185/2001 Coll. on Wastes and on the Amendment to Certain Other Laws, as amended.

¹⁵⁰ Act No. 477/2001 Coll. on Packing and on the Amendment to Certain Laws, (the Packing Act), as

obligations of legal entities and natural persons – entrepreneurs, as well as competencies of administrative authorities in relation to handling of packing and introduction of packing and packaged products at the market or into circulation, to the return of packing materials and the utilisation of waste related to packing materials. It also sets fees and protection measures, remedial provisions and penalties.

297. The Act on Assessment of Environmental Impacts (No. 100/2001 Coll.)¹⁵¹ deals with the assessment of impacts on the environment and public health as well as with the assessment processes carried out by natural persons or legal entities, administrative and territorial self-governing (municipal and regional) authorities. This law transposes EU directives. (See also 12.7.2.)

298. Another important document relating to environmental protection is the system “Natura 2000”, which is a coherent European environmental system comprised of specially protected areas, determined on the basis of scientific materials, aimed at maintaining (or achieving) favourable state of certain types of natural sites and sites of certain species. The Natura 2000 system should contribute to the maintenance of biodiversity. However, it does not aim at the conservation of the territory; economic, social and cultural requirements have to be also considered.

12.8.1 *Old environmental burdens*

299. The legal regulations relating to old environmental burdens have not fundamentally changed in the period under review. A fundamental change should occur after the adoption of the Environmental Code, which includes the issue of environmental burdens and its comprehensive solution.

300. The Water Act imposes on regional offices the duty to open a special account which will be replenished every year with the sum of CZK 10 million. The sum should be spent on measures remedying the contamination of surface or underground waters or removing risks resulting from old environmental burdens.

301. A permanent and publicly accessible database that has been created contains more than 7,000 localities, 2,600 of which are closed landfills. Serious impacts on the environment have been found in 60 localities occupied by the Soviet Army in the past. Underground waters and soil were usually contaminated with crude oil, chlorinated carbohydrates, heavy metals and other toxic substances. Recovery of areas affected by coal mining (removal of environmental damage and revitalization of lands) is also financed by the National Property.

Table No. 12.8.1: Expenditures for the removal of old environmental burdens in the period 2000–2006 in billion CZK

302. The system of public controls of removal of old environmental burdens improved progressively in 2005. The project called “Research of the Systemic Approach to the Selection of Priorities for the Solution of Localities with Old Environmental Burdens”, which was launched in 2005, resulted in the proposal of a new strategy for the establishment of priorities in the process of removal of old environmental burdens.

303. The “System of Registration of Contaminated Sites”, which is an integrated database of landfills and old environmental burdens, serves for the improvement of the system of public control over old environmental burdens.

amended.

¹⁵¹ Act No. 100/2001 Coll. on Assessment of Environmental Impacts and on the Amendment to Certain Other Laws, (the Act on Assessment of Environmental Impacts), as amended.

304. In addition to the supervision over protection of health at the workplace, the public health protection authorities are also involved in activities focused on the improvement health at the workplace, which aim at improving or maintenance of employees' health. A competition called Health Promoting Company, which was announced in 2005, focused on the assessment of the level of care for employees' health existing in the organisation.

(c) **Prevention, treatment and control of diseases**

305. Most occupational diseases which occurred in the period under review were caused by physical factors, particularly musculoskeletal disorders caused by overload and diseases caused by vibrating tools. This was followed by contagious and parasitic diseases, skin diseases, disorders of the respiratory system, lungs, pleura and peritoneum, diseases caused by chemical substances and diseases caused by other factors and agents.

306. There is a relatively low number of reported occupational diseases caused by the factors in case of which there is a defined relation between the exposure to working conditions and the risk of an disease documents the efficiency of better application of health protection measures. Examples of such factors are dust and noise. The effectiveness of preventive measures is limited in case of diseases caused mainly by hypersensitiveness to the relevant factor, since only minimum exposure is sufficient to cause the disease. This relates mostly to the big share of occupational skin diseases and to allergic disorders of the respiratory system.

307. Public associations, the State Health Care Institute, workers in AIDS centres, the Ministry of Labour, and the Ministry of Education participate in the solution of the HIV/AIDS issue within the programme "Health 21".

12.9 Measures adopted at the local level

308. The HIV/AIDS issue is resolved within the programme "Health 21" e.g. by Region of Pardubice. The issue of HIV/AIDS is also dealt with by advisory centres for risky behaviour operated by the Health Care Institute,¹⁵² which offer personal or telephone consulting in person, tests for the presence of HIV antibodies, current information and educational projects.

Table No. 12.9a: Newly reported occupational diseases in 200–2005

Table No. 12.9b: Occurrence of selected reported infections in the Czech Republic in 2000–2005; relative numbers per 100,000 residents

Table No. 12.9c: Information about occupational diseases in the period under review in the form of a table

Table No. 12.9d: HIV positive cases in the Czech Republic by sex, age and clinical stages at the time of the first diagnosis, and the number of deaths (only citizens of the Czech Republic and foreigners with the permanent residence); accumulated data at 31 December 2006

¹⁵² With its registered seat in Pardubice and operating in Pardubice, Chrudim, Ústí nad Orlicí, and Svitavy.

(d) **Medical help to all**

12.10 Unauthorized sterilisation of women

309. In September 2004, the Ombudsman received submissions from ten women of Roma origin, complaining that they underwent forced sterilization without due consent. In 2005, the Ombudsman received other more than eighty complaints against unauthorised sterilisations. The women either claimed that they had not consented to the intervention at all or admitted that they had signed some documents but asserted that they had been in a situation in which they had not been able to understand consequences of this kind of surgical intervention due to a lack of information from the attending physicians.

310. As the Ombudsman is not competent to resolve complaints of natural persons against health facilities, he asked the Ministry of Health for coordination in the resolution of this case.

311. The Ministry of Health established an advisory team the task of which was to investigate not only whether the interventions had been done in accordance with medical science regulations, but also whether the legal conditions for their performance had been followed. In vast majority of these cases, the key problem of performance of sterilisations was represented by the way of obtaining the patient's informed consent before the intervention. The investigation found that the provision of informed consents had been a big problem also in other fields in the past.

312. The advisory team recommended in five cases the establishing of a central expert commission to provide opinion as to whether the intervention had followed the recommended medical processes or not. The team decided that the medical processes had been applied correctly even in these five cases.

313. Because of the time required for the investigation carried out by the advisory team, the Ombudsman finished his investigations after the closing of mere 50 cases. Therefore, he prepared the Final Statement on these cases, where he pointed out shortcomings in the investigations carried out by the Ministry or the advisory team and also the inaccuracy or even absence of any conclusions ensuing from factual findings.

314. The Final Statement of the Public Defender of Rights on the Matter of Sterilisations Performed in Contravention of the Law, which suggested corrective measures, was officially publicised in January 2006. The evaluation part of the report states that: *“in effectively all of the cases assessed by the Public Defender of Rights, it cannot be said that the women agreed to sterilisation, or that they were sufficiently informed of the substance and implications of the intervention to make their consent legally relevant. There was no objectively sufficient space for the proper provision of information and the patient's mature decision on the information provided in any of the mentioned cases. If any informing took place in the cases inquired into by the Public Defender of Rights, the information was very incomplete and misleading.”*¹⁵³

315. The advisory team of the Minister stated in its final resolution (in January 2006) that there had been mistakes made during the performance of sterilisations, but they could not be considered as a national phenomenon or a racially or nationally conditioned policy. They were only mistakes made by individual health facilities.

¹⁵³ <http://www.ochrance.cz/dokumenty/dokument.php?back=/cinnost/stanoviska.php&doc=329>.

316. In some of these cases, not all conditions specified in the directive were adhered to; administrative errors were identified in some other cases while errors in the sense of medical indication were found in other cases.¹⁵⁴

317. The advisory team recommended to the leadership of the Ministry of Health the adoption of the following reparation measures: to draft the wording of an informed consent¹⁵⁵ with the performance of sterilisation and to publish it in the Journal of the Ministry of Health; to issue the methodological interpretation of the Ministry of Health, which will be published in the Journal as a conclusion of the inquiries made by the advisory team; to inform the public through the Ministry's website, by means of a flyer and brochures about the conditions of performance of sterilisations, including risks and consequences of this intervention and on patients' rights in general; ensuring education of physicians on patient rights and on informed consent of the patient with the provision of health care within the scope of postgraduate education of physicians; to appoint in the case of an incorrect process and causal chain, i.e. when a serious mistake has occurred, a central expert commission and to decide on further process on the basis of its results, or to file a submission to law enforcement authorities; to notify the relevant health care facilities of due compliance with the applicable laws on the performance of sterilisation.

318. The Ministry of Health incorporated a draft regulation concerning the performance of sterilisations into the amendment to the Act on Care for Health of the People (No. 20/1966 Coll.), including an authorisation to enact a decree which will replace the existing directive issued in 1972, according to which sterilisations have been performed so far. This decree will regulate the procedure applied in the performance of sterilisation during caesarean section. A draft legal regulation concerning the provision of informed consent, including the one related to sterilisation, was prepared as well. The above regulations have not yet been adopted by Parliament of the Czech Republic.

Article 13

The right to education

13.1 General legislation

319. The basic legislative framework of the current education system is comprised of a set of several basic laws, followed by a number of decrees and government regulations. Past restrictions of access of girls to some branches of education in cases where the performance of such activities would endanger their health, were abolished (Decree No. 354/1991 Coll. on Secondary Schools).

¹⁵⁴ "These surgical interventions were performed in the period 1961–2004. It was not possible to investigate the health documentation in nine cases because it had been taken away by floods (2 hospitals in Northern Moravia). The health documentation in 3 cases had been already shredded (Ostrava Fifejdy) and could not be found in one case. In the total of 76 assessed cases, the sterilisation was not performed in 12 cases; the conditions stipulated in the Directive of the Ministry of Health of 1971 were fulfilled in 14 cases, and were not fulfilled in 41 cases. Doubts with regard to the authenticity of signatures (three crosses etc.) were found in 8 cases. 5 cases have been investigated in the period since the effective date of the Convention on Human Rights and Biomedicine. The conditions of the Directive were fulfilled in 3 cases, and not fulfilled in 2 cases. In 5 cases, the advisory team recommended to the Minister of Health the establishment of a central expert commission to assess whether the intervention had been performed in accordance with the recommended processes or not."

¹⁵⁵ A free and informed consent means that the patient must be properly informed about the purpose and nature of interventions, its alternatives, consequences and possible risks.

320. The Education Act (No. 561/2004 Coll.), which became effective on 1 January 2005, is the basic law for the area of education and regulates the largest part of the education system. It lays down rights and obligations of individuals and legal entities in education and establishes competencies of bodies exercising state and self-administration in the educational sector. The Act has introduced a new system of curriculum documents for the education of pupils/students from 3 to 19 years of age into the education system in accordance with the new principles of the curriculum policy formulated within the National Programme of Education Development in the Czech Republic (the so-called White Paper) (see also 13.2).

321. The Education Act also regulates measures aimed at the promotion of equal educational opportunities, the elimination of factual disadvantages of some groups of children (children with disabilities, health or social disadvantages, foreigners, members of ethnic minorities, etc.) or responding to specific educational needs of these groups of people. The Act emphasises adoption of measures aimed against all manifestations of discrimination and intolerance.¹⁵⁶

322. School principals and all school workers are obliged to report to the police any actual or suspected case of violence, bullying and hostility they have encountered.

323. Protection of the students' health and safety at school is a part of school regulations or of the internal regulations of in all school facilities, which are a part of the obligatory school or school facility documentation. The school regulations must be discussed by the principal in the school board – a body established by the principal, which provides to legal representatives of pupils, adult pupils/students, pedagogical staff of the school, the school founder and other people a possibility to participate in the school administration.

324. School principals have at their disposal educational measures laid down by law, which include also measures applied in cases of breaches of the school/internal rules.

325. The Czech Education Inspection organises inspections focused on discrimination in the education system.

326. For example, a school principal is obliged to interrupt secondary or post-secondary vocational education of a female pupil/student because of her pregnancy or maternity if the education takes place at workplaces or in the form of works forbidden to pregnant women and mothers until the end of the ninth month after childbirth or if, according to a medical assessment, the education threatens the student's pregnancy. In such cases, there is possible to determine, for example, an individual education plan for the pregnant pupils/student or mother, which allows for a different organisation and length of education, according to their needs.

327. Pupils/students with sensory or bodily disabilities may study the usual or vocational training branches, or in special secondary schools depending on the character of their disabilities, where such students are educated with the use of special teaching and training means and forms adjusted to their disabilities. Education attained in these schools is equal to the education attained in other schools.

328. Persons who are not citizens of the Czech Republic and are entitled to reside in the territory of the Czech Republic (i.e. citizens of the so-called third countries) have access to the primary, secondary and higher vocational education under the same conditions as the

¹⁵⁶ The Education Act stipulates that: "Education is based on the principles of a) equal access to education for any citizen of the Czech Republic or any other member state of the European Union without any discrimination on the basis of a race, complexion, gender, language, faith or religion, nationality, ethnic or social origin, possessions, birth, health status, or any other position of a citizen."

citizens of the Czech Republic, including the education in institutional and protective care facilities. The Act on Rights of Members of National Minorities and on the Amendment to Certain Laws (No. 273/2001 Coll.) lays down conditions for the so-called minority education.

329. The amendment of the University Act (No. 111/1998 Coll.)¹⁵⁷ establishes (as of 1 January 2006) the right to a social scholarship to students of both public and private universities.¹⁵⁸ At the same time, the government has approved an increase of the budget for universities by funds necessary for payment of these social scholarships in the amount of CZK 220 million.

13.1.2 *School founders*

330. Schools are founded by ministries, territories self-governing units, churches and religious societies, and by legal entities.

331. Regions, municipalities and voluntary associations of municipalities the subject of activities of which also includes tasks in the area of education, may establish schools and school facilities in the form of legal entities involved in education or contributory organisations.

332. The Ministry of Education founds schools and school facilities in the form of legal entities involved in education or as state contributory organisations. Schools are schools facilities established by the Ministry of Defence, Ministry of the Interior, and the Ministry of Justice have the form of organisational components of the.¹⁵⁹ The Ministry of Foreign Affairs establishes schools attached to diplomatic missions or Czech consulates as parts of these offices.

333. Registered churches and religious societies which have been endowed, under a special law, with the authority, to establish church schools,¹⁶⁰ as well as other legal entities or natural persons, found schools and school facilities having the form of legal entities involved in education or legal entities under special laws,¹⁶¹ the subject of activities of which is the provision of education or educational services in accordance with this Act.

Table No. 13.1.2a: Schools for pupils with special educational needs – numbers of pupils in the period of 2000/01–2005/06

Table No. 13.1.2b: Disabled children and pupils – secondary schools and grammar schools for students with special educational needs in the years 2000/01 – 2005/06

Table No. 13.1.2c: Disabled children and pupils – secondary schools and vocational training centres for pupils with special educational needs in the period of 2000/01 – 2005/06

¹⁵⁷ Act No. 552/2005 Coll. Amending the Act No. 111/1998 Coll. on Universities and Lawson the Amendment to Other Laws (the University Act), as amended, and some other laws, as amended.

¹⁵⁸ The scholarship relates to students who are eligible for a child benefit in an increased assessment under the Act on State Social Support (No. 117/1995 Coll.). The adopted government regulation sets the bottom limit of this social scholarship at least at the double level of the child's benefit provided under this Act, i.e. to CZK 1,620 a month. This scholarship is not included in the income decisive for the calculation of social family allowances.

¹⁵⁹ Act No. 219/2000 Coll. on the Assets of the Czech Republic and Its Acting in Legal Relations, as amended.

¹⁶⁰ Act No. 3/2000 Coll. on Freedom of Religion and on the Position of Churches and Religious Societies and on the Amendment to Other Laws (Church and Religious Societies' Act), as amended.

¹⁶¹ For example, the Commercial Code (No. 513/1991 Coll.) and the Act on Public Benefit Societies (No. 248/1995 Coll.).

Table No. 13.1.2d: Disabled children and pupils – integration in kindergartens in the period of 2000/01 – 2005/06

Table No. 13.1.2e: Disabled children and pupils – special and specialized classes in kindergartens in the years 2000/01 – 2005/06

Table No. 13.1.2f: Disabled children and pupils – integration in ordinary classes in primary schools in the years 2000/01 – 2005/06

Table No. 13.1.2g: Disabled children and pupils – special and specialized classes in primary schools in the years 2000/01 – 2005/06

Table No. 13.1.2h: Disabled children and pupils – integration in secondary schools in the period of 2000/01 – 2005/06

Table No. 13.1.2i: Disabled children and pupils – special and specialized classes in secondary schools in the years 2000/01 – 2005/06

13.2 Documents of non-legislative character – Programmes

334. The basic document for the development of the education system in the Czech Republic has become, after 2001, the National Programme of Education Development in the Czech Republic, the so-called White Paper (the “National Programme”).¹⁶² It formulates the basis and prerequisites of the development of the education system, principles of the education policy, and management and funding principles; it has also set the main strategic lines of the development of education.¹⁶³ The basic principles of education formulated in the National Programme are also reflected in the new Education Act (see 13.1.).

335. Education programmes as comprehensive pedagogical documents which will influence and direct education at all levels of schools providing pre-school, primary and secondary education, notwithstanding their founders, are created at two levels – the state and the school level.

336. The state level is represented by the National Programme of Education and Framework Education Programmes. The National Programme of Education formulates requirements for education applicable for initial education as a whole. Framework Education Programmes define binding educational frameworks for its individual stages (pre-school, primary and secondary education).

337. Education at the local level is regulated by Educational Programmes prepared by each school according to the principles laid down in the relevant Framework Education Programme. Thereafter, teachers select the most suitable topics and methods and respond to needs of specific children, to the conditions of the school and to interests of pupils and requirements of their parents.

338. There are also a number of other programmes specifically focused on individual areas.

339. The Economic Growth Strategy formulates, *inter alia*, a number of objectives and recommendations relating to the development of human resources – education and employment in the Czech Republic for the period of 2005–2013. It defines a number of objectives in relation to the performance of the basic rights stipulated by the Covenant.¹⁶⁴

¹⁶² Resolution of the Czech Republic Government No. 113 of 7 February 2001.

¹⁶³ A special emphasis is put on the development of human individuality, the strengthening of social cohesion, promotion of democracy and civic society, education towards partnership, cooperation and solidarity, increasing competitiveness of the economy and social prosperity.

¹⁶⁴ They are mainly the objectives and recommendations relating to the extension of access to the post-

The recommendations formulated in the Economic Growth Strategy have been further developed into specific measures in the Implementing Programme to the Human Resources Development Strategy in the Czech Republic.

Table No. 13.2: Overview of subsidies provided by the Ministry of Education within the announced subsidy programmes supporting activities in the area of prevention of pathological social phenomena in the years 2001–2006

Paragraph 2

Measures to achieve the right to education

(a) Compulsory and freely accessible primary education

340. According to Articles 33 and 3 of the Charter, citizens have the right to free education in primary and secondary schools established by the so-called public founders (i.e. by the state, region, association of municipalities, or a municipality). The same right to the free education in public primary and secondary schools as the Czech citizens is also enjoyed by foreigners according to the Education Act.

13.3.1 Access to education

341. All children (including children with special educational needs, children in difficult situations, children of foreigners, members of other national and ethnic minorities, etc.) have access to full, free and compulsory primary education in public schools, i.e. in schools founded by municipalities, associations of municipalities, the state, or regions. Schools founded by other founders – non-public schools (e.g. private or denominational schools, see letters b and c), may provide education for a charge (Article 33 (2) and (3) of the Charter and the relevant provisions in the Education Act).

342. The Education Act establishes the right of a pupil to be enrolled in a primary school founded by a municipality or an association of municipalities with the registered seat in the school district where the pupil has his/her permanent residence. The school principal must enrol such a student up to the permitted number of students mentioned in the School Register. The same applies to pupils placed in a school facility designated for performance of institutional or protective care with the seat in such school district. Pupils can thus study at the primary school founded by the municipality in the school district where they permanently reside, unless his or her parents opt for another school.

343. The Education Act also guarantees the right of pupils with special educational needs to education whose contents, methods and forms correspond with their educational needs, including the provision of consulting services and free use of special textbooks, didactic and compensatory teaching aids provided by the school and the use of adequate communication forms (sign language, Braille, alternative ways of communication). A pedagogic assistant also participates in the activities organised in the class attended by one or more pupils with special educational needs (see also Recommendation No. 44).

344. The Education Act has also introduced provisions concerning education of children with severe mental disabilities, who are unable to attend the compulsory education even at a special primary school established according to the Education Act. Responsibility for ensuring suitable method of education for these pupils rests with regional authorities.

secondary vocational or university education, the elimination of barriers of access to education for economically active people, increased involvement of groups threatened by social exclusion at the labour market, and increasing the effectiveness of active employment policy.

345. The Education Act has also brought some other legal regulations promoting access to elementary education. For example, the Act has introduced free preparatory classes at primary schools as an institute of preparation of education for children in the last year before the beginning of compulsory education, who are socially disadvantaged, when there is a chance that the attendance of the preparatory class would compensate their development. The use of preparatory classes should significantly assist the inclusion of socially disadvantaged children in primary schools (see also the Recommendation No. 44).

(b) Secondary education accessible to all

(c) Post-secondary education accessible to all

346. Conditions for admission to secondary education are laid down in the Education Act. Unless stipulated otherwise by the Act, it is possible to enrol in a secondary school any applicants who have finished compulsory school attendance or who finished successfully their elementary education before the finishing the compulsory school attendance. The applicants must also fulfil the conditions for admission by proving the relevant skills, knowledge, interests, and health capacity. The principal of the relevant school decides on the admission of candidates for secondary school education.¹⁶⁵

347. Primary and secondary schools denominational are subsidized from the state budget, which are allocated for their operating expenses.¹⁶⁶

348. The post-secondary vocational education at schools founded by public founders is partially paid by students.¹⁶⁷ The school principal may reduce the fee paid by a student down to 50% of the fee amount.

349. The structure of study branches existing at schools is influenced by the demand for studies (freedom of election of educational career of pupils or their parents), i.e. by the interests of pupils or their parents, and also by demands of the labour market. On the other hand, it is worth mentioning that the attractiveness of individual branches is more and more taken into consideration with regard to its possible use at the labour market.

Table No. 13.4a: Primary schools – schools, pupils in the school year 2000/01–2005/06 by founders

Table No. 13.4b: Secondary schools – schools, students in the school year 2000/01–2005/06

Table No. 13.4c: Pos-secondary vocational schools – schools and students in the school years 2000/0–2005/06

Table No. 13.4d: Conservatories – number of schools in the school years 2000/01–2005/06

Table No. 13.4e: Universities – schools, faculties and students in the academic years 2000/01–2005/06

¹⁶⁵ Section 60 (1) and (2).

¹⁶⁶ These are costs resulting from the labour-law relations, expenditures necessary for the increase of costs connected with the education of children, pupils and students with disabilities, costs of study aids and textbooks, if they are provided free of charge according to the Education Act, and also costs of further education of pedagogic staff and of activities directly related to the development of schools and educational quality, other necessary non-investment expenditures related to the operation of schools and school facilities and capital expenditures included in the under a special law.

¹⁶⁷ The school fee amount is determined by a Decree (No. 10/2005 Coll.) and varies within the range from CZK 2,500 to CZK 5,000, depending on the character of education branch in the relevant school year.

350. A number of measures has been adopted with the objective to achieve balanced participation of girls in technical education.¹⁶⁸ The government cooperates with the non-governmental sector in the introduction and organisation of new processes to achieve gender equality at schools.¹⁶⁹

(d) Support of education of persons lacking elementary education

351. Persons who have not achieved elementary education during the period of the compulsory school attendance may complete such education in courses organised at primary or secondary schools.¹⁷⁰

352. These courses are organised either as daily or as distant ones. In case of daily courses, the studies are organised every day five days a week during the school year. The number of weekly hours is determined by the school in the range between the minimum and maximum number of weekly lessons in the ninth grade. The distant learning takes place as self-studies combined with consultations within the scope of up to 180 hours in the school year.

**Paragraph 3
Freedom of selection of a school for a child**

353. The legal representative of a child may select a school according to his or her own will. Legal representatives (parents) have the right to select the educational career and the school where their child will be educated. This right is also guaranteed in case of secondary schools and post-secondary vocational schools (see also 13.3).

**Paragraph 4
The right to founding and management of educational institutions**

354. Schools are founded not only by the so-called public founders. Schools or school facilities established by other than public founders must be registered in a public list – the so-called School Register.

355. The Education Act applies to all schools, school facilities and educational and school services provided in them by all founders registered in the School Register. That relates particularly to schools and school facilities founded by registered churches and religious societies, which were granted the authorisation to exercise the special right to

¹⁶⁸ More than twenty new education programmes have been created to improve chances of women at the labour market. The Czech School Inspection monitors any discrimination of girls and women during school admission procedures as well as the fulfilment of the established hygienic and safety conditions for their participation in all taught branches of study. Teachers and other staff responsible for career consulting at primary schools pay a special attention to girls with individual skills and interest in technical professions.

¹⁶⁹ For example, the projects “Gender at School”, “Guide on the Route to Equality of Women and Men”, “Equal Opportunity for Girls and Boys in Education”, “Gender Aspects of Transfers of Students between Stages of Education”, “Equal Opportunity in Pedagogical Practice”, and “One World at Schools”.

¹⁷⁰ Details about the organisation of such courses and about final examinations are stipulated in Decree No. 48/2005 Coll. on Elementary Education and Some Particulars of Fulfilment of Compulsory School Attendance.

establish denominational schools,¹⁷¹ and also schools and school facilities founded by other legal entities or natural persons.

356. Particulars of registration in the School Register are laid down by the Education Act. An effective entry in the School Register provides to the legal entity performing the activities of a school or school facility activities, the right to provide education and school services and to issue documents on the education determined by the Act. Furthermore, such legal entity becomes eligible for allocation of funds from the state budget or from the budget of the relevant territorial self-governing unit under the conditions laid down by the Education Act.

Article 15

The right to cultural life and scientific progress

(a) The right to participate in cultural life

357. The Act on Radio and Television Broadcasting (No. 231/2001 Coll.)¹⁷² requires operators of national television broadcasting with a licence to furnish at least 15% of their programmes with hidden or open captions for people with hearing disorders. At the beginning, the operators had some problems with achievement of this percentage, but according to the current report of the Council for Radio and Television Broadcasting, all operators currently fulfil this obligation.

358. The Czech Television Act (No. 483/1991 Coll.)¹⁷³ stipulates that one of the public service duties of the Czech Television (ČT) is to furnish at least 70% of broadcasted programmes with hidden or open sub-titles for people with hearing disabilities or with simultaneous interpretation into sign language. According to the current report of the Council Radio and Television Broadcasting, the Czech Television has been successful in the fulfilment of this quota.

359. According to the Act on Radio and Television Fees (No. 348/2005 Coll.),¹⁷⁴ people with complete or practical blindness of both eyes and people with bilateral or practical deafness (who live alone or together in a single household) are exempt from payments of radio and television fees.

360. The amendment¹⁷⁵ to the Act on Some Conditions of Production, Dissemination and Storage of Audio-visual Works (No. 273/1993 Coll.),¹⁷⁶ adopted in 2006, requires the distributors of Czech audio-visual works made accessible in copies with a possibility of setting-up sub-titles the obligation to furnish their copies with hidden sub-titles for needs of people with hearing disorders.

¹⁷¹ Act No. 3/2002 Coll. on Freedom of Religion and the Position of Churches and Religious Societies and the Amendment to Certain Laws.

¹⁷² Act No. 231/2001 Coll. on Operation of Radio and Television Broadcasting and on the Amendment to Other Laws, as amended.

¹⁷³ Act No. 483/1991 Coll. on Czech Television, as amended.

¹⁷⁴ Act No. 348/2005 Coll. on Radio and Television Fees and on the Amendment to Other Laws, as amended.

¹⁷⁵ Act No. 249/2006 Coll. amending Act No. 273/1993 Coll. on Some Conditions of Production, Dissemination and Storage of Audio-visual Works and on the Amendment to Certain Laws, as amended.

¹⁷⁶ Act No. 273/1993 Coll. on Some Conditions of Production, Dissemination and Storage of Audio-visual Works and on the Amendment to Certain Laws, as amended.

361. The Act on Protection of Collections of a Museum Nature (No. 122/2000 Coll.)¹⁷⁷ defines, *inter alia*, public services and standardised public services provided by museums and galleries and lays down conditions of their provisions.¹⁷⁸

362. The protection of moral and material interests arising from scientific, literary or artistic works is dealt with in the Copyright Act (No. 121/2000 Coll.).¹⁷⁹ The Act was amended in the years 2005 and 2006 because of the development of new technologies to improve the protection of computer software and databases according to international standards and the protection of rights in the digital environment.

363. All subsidy tenders announced by the Ministry of Culture are open to projects for people with disabilities. The specific areas containing issues related to people with disabilities include the following:

(a) The subsidy tender for support of cultural activities of people with disabilities is published for the whole year together with monthly updates on the website of the Ministry under the name Calendar of Events;

(b) The subsidy tender “Library of the 21st century” contains a special programme of promotion of general accessibility of library services to people with disabilities;

(c) The subsidy tender in the audio-visual area and mass media, which can be also accessed by parties presenting projects focused on increased accessibility of television and radio programmes to minorities, including people with disabilities.

¹⁷⁷ Act No. 122/2000 Coll. on Protection of Collections of a Museum Nature, as amended.

¹⁷⁸ Article I Section 10a (4) reads as follows: “The standard of physical accessibility is the elimination of architectonic and other barriers preventing the use of standard public services by people with reduced mobility or orientation abilities.”

¹⁷⁹ Act No. 121/2000 Coll. on Copyright and Related Rights and on the Amendment to Certain Laws, as amended.

Annexes

Annex I

Information about the implementation of final recommendations to the initial periodic report (E/1990/5/Add.47)

Recommendation No. 25

The Committee calls upon the State Party to adopt the appropriate steps towards full implementation of the Covenant in its legal system so that the rights covered by the Covenant may be sought directly before the court.

1. Until 2002, only ratified and promulgated international treaties on human rights and basic freedoms had priority over the law and were directly binding. An amendment to the Constitution (specifically its Article 10) adopted in 2002 adjusted and clarified the relation between national and international law.¹⁸⁰ Since 1 June 2002, all promulgated¹⁸¹ international agreements, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, shall constitute a part of the legal order. The Constitution also stipulates that the application of such international agreements has a priority, because “*should an international agreement make provision contrary to a law, the international agreement shall be applied*”.

2. If a conflict between the law and an international agreement constituting a part of the legal order is found, those who apply law must give priority to the international agreement. If such conflict frustrates the efficient implementation of the rights laid down by international agreements, it is possible to seek with the Constitutional Court the abolishment of statutes, other legal regulations or parts thereof.

3. The amendment to the Constitution also introduced a new competence of the Constitutional Court, which decides now on motions for assessment of the conformity of international agreements with the constitutional order prior to their ratification.¹⁸² Those entitled to file motions for the assessment of the conformity of international agreements with the constitutional order prior to their ratification are the President of the Republic, a group of 41 members of Parliament, 17 senators, or the Chambers of the Parliament.¹⁸³ If the Constitutional Court identifies a conflict between the constitutional order and an international agreement, such conflict may be removed only by an amendment to the

¹⁸⁰ Constitutional Act No. 395/2001 Coll.

¹⁸¹ Promulgation of an international agreement means its official publication in the Collection of International Agreements. The method of official publication of ratified international agreements or the agreements which have been acceded to by the Czech Republic and the method of official publication of legal regulations has been regulated since 1 January 2000 by the Act on the Collection of Laws Act and the Collection of International Agreements (No. 309/1999 Coll.). Until 31 December 1999, the official publication of ratified international agreements and legal regulations was regulated by the Act on the Collection of Laws (No. 545/1992 Coll.).

¹⁸² Article 87 (2) of the Constitution.

¹⁸³ These motions may be submitted by all specified parties in accordance with Act No. 182/1993 Coll. on the Constitutional Court, the amendment of which (Act No. 48/2002 Coll.) was based on the above amendment to the Constitution (the Constitutional Act No. 395/2001 Coll.).

constitutional law of the Czech Republic, thus making room for possible ratification, or the ratification of the international agreement may be abandoned.

4. The accession to the EU affected some rights protected by the Covenant because the rights whose holders are, pursuant to the Covenant, only the citizens of the State Party, are now vested in all EU citizens.

Recommendation No. 26

The Committee strongly recommends to the State Party to adopt a National Action Plan for the Protection of Human Rights and to establish within the framework thereof a National Human Rights Institute, which deals with the protection and promotion of all human rights, including economic, social, and cultural rights.

5. The basic document of a strategic character concerning the protection of human rights is the Resolution of the Czech Republic Government of 9 December 1998 concerning the improvement of protection of human rights. Key tasks laid down by this document have been already implemented (e.g. the establishment of the national monitoring mechanism for the performance of obligations resulting from human rights agreements, improvement of the fight against racism, etc.).

6. The Czech Republic is currently assessing the need for and the usefulness of adopting a comprehensive Action Plan in the area of human rights. The preparation of a general and universal plan in the area of human rights is somewhat hindered by the existence of a number of partial action plans dealing with specific issues, e.g. the Action Plan for the Implementation of the Concept of Roma Integration, the Concept of Integration of Foreigners, Priorities and Procedures Applied by the Ministry of Labour and Social Affairs for the Enforcement of the Equality of Men and Women, etc.

7. Specific problems of protection of human rights and the state of their solution are regularly assessed in periodic annual government reports on the state of human rights prepared by the Government Commissioner for Human Rights.

Recommendation No. 27

The Committee strongly recommends to the State Party to incorporate the provisions of the Covenant into its privatisation programmes and to ensure the establishment of a social security network during the implementation of these programmes.

8. No long-term privatisation programmes within the meaning of this final recommendation of the Committee currently exist in the Czech Republic. Since the adoption of the Act on Terms and Conditions of Transfer of the State Property to Third Parties (No. 92/1991 Coll.), which laid down the terms and conditions of privatization of the state property, the government has never laid down any specific privatisation programmes. These were always political decisions made by individual governments, which were based on their programme declarations. None of the programme declarations of the last two governments dealt with privatisation.¹⁸⁴

¹⁸⁴ The Act of the Czech National Council No. 171/1991 Coll. on Competencies of Bodies of the Czech Republic in Matters Related to Transfers of State Property to Third Parties and on the National Property Fund of the Czech Republic as amended, was repealed by Act No. 178/2005 Coll. on the Dissolution of the National Property Fund of the Czech Republic and on Competencies of the Ministry of Finance in the Privatisation of Assets of the Czech Republic (the Act on the Dissolution

Recommendation No. 28

The Committee calls upon the State Party to abolish the lustration laws.

9. The Czech Republic has not yet abolished the Lustration Act (No. 451/1991 Coll.).¹⁸⁵ According to the Service Act No. 218/2002 Coll., no natural person who violated human rights and freedoms may be appointed to a managerial post in public service. Therefore, the compliance with this condition will be ascertained by the so-called lustration certificate, in addition to the assessment of further known facts which would exclude the appointment to such managerial post in public service because of violation of human rights and freedoms.

10. The Service Act also stipulates that university education obtained by studies at Political University of the Central Committee of the Communist Party of Czechoslovakia, Military Political Academy of Klement Gottwald, at political universities and security schools and vocational training centres in the former Union of Soviet Socialist Republics and at faculties of all these universities will not be considered as university education for purposes of the Service Act.

11. The government decided to postpone the effectiveness of the Service Act by 2 years, i.e. to 1 January 2009.¹⁸⁶ If this proposal is adopted, it is envisaged that the Service Act will be further amended before its effective date. It cannot be thus excluded that its links to the Lustration Act will be removed.

Recommendation No. 29

The Committee calls upon the State Party to adopt, in accordance with the Concept of Roma Integration, all legislative and other measures required for the elimination of discrimination of minorities, particularly the Roma, in correspondence with the “Conception for the Roma People Integration”.

Legislative measures

12. Measures adopted by the government to eliminate discrimination of the Roma and other minorities could be divided into the three following types.

13. The first type may be characterised as general protection of human rights, which guarantee to all citizens of the Czech Republic the possibility to exercise fully and without any discrimination all human rights guaranteed to them by the Constitution, the Charter and international agreements on human rights, by which the Czech Republic is bound.

14. The second type — relating to nationality — is characterised by specific rights of members of national minorities as defined in Chapter III of the Charter and in the

of the National Property Fund), as amended. In this regard, Act No. 92/1991 Coll. was also amended by Act No. 179/2005 Coll. Amending Certain Laws in Connection with the adoption of the Act on the Dissolution of the National Property Fund of the Czech Republic, as amended. The two amendments to the above-mentioned Act No. 92/1991 Coll. were adopted in 2000 (Act No. 27/2000 Coll. and Act No. 220/2000 Coll.).

¹⁸⁵ Act No. 451/1991 Coll. Laying Down Some Other Prerequisites for the performance of Some Positions in State Bodies and Organisations of the Czech and Slovak Federal Republic, the Czech Republic and the Slovak Republic.

¹⁸⁶ The effectiveness of the Service Act was postponed by Act No. 531/2006 Coll. Amending Act No. 218/2002 Coll. on Service of Public Servants in Administrative Authorities and on the Remuneration of These and Other Employees in Administrative Authorities (the Service Act), as amended.

Framework Convention for the Protection of National Minorities. The basic legal regulation in this area is the Act on Rights of Members of National Minorities (No. 273/2001 Coll.). A minority is defined there both by its subjective characteristics (“the will to be considered a national minority”) and objective features (a community of citizens of the Czech Republic who differ from other citizens usually by their ethnic origin, language, culture and traditions). In this sense, the Roma enjoy the same rights as any other national minority living in the Czech Republic.

15. The third kind of measures adopted by the Czech Republic is based on a broader concept of the Roma community, which is defined as socio-cultural. As stated by the explanatory report to the Report on the Situation of the Roma Community in the Czech Republic and on the Current Situation in the Roma Community,¹⁸⁷ the term “Roma community” only partly overlaps the term “Roma minority”. The defining feature of a member of the Roma minority is his or her active will to be considered a member of that minority and to develop together with the others the language and culture. Members of the Roma minority are thus defined subjectively. On the other hand, the term “a member of the Roma community” is defined rather objectively.

16. Other legislative measures aiming at the elimination of discrimination of the Roma are described in Articles dealing with individual areas of possible unequal treatment, especially in Article 6 above.

Other measures

17. The basic conceptual material of the government of the Czech Republic dealing with integration of members of Roma communities is the “Concept of Roma Integration” (the “Concept”). The Concept is periodically updated so that it can respond flexibly to trends inside socially excluded communities and to structural trends in the whole society. It is always adopted in the form of a government resolution, by means of which the government of the Czech Republic decides and defines the main directions of progress of the integration of Roma communities.¹⁸⁸

18. The main objective of the Concept is to improve the position of the Roma in all areas of life of the society where there exist, to the detriment of the Roma, unjustified and unacceptable differences between the mainstream society and a significant part of the Roma, and to achieve a conflict-free coexistence of members of Roma communities with the rest of the society. The Concept laid down seven priorities, which reflect at the same time the gender mainstreaming principle:

(a) The elimination of external obstacles preventing the inclusion of members of Roma communities into the society, particularly the elimination of all forms of discrimination of individuals or groups defined by a race, complexion, nationality, language, membership in a national or ethnic group;

¹⁸⁷ Resolution of the Czech Republic Government No. 686 of 29 October 1997.

¹⁸⁸ The first Concept was adopted by the government in its Resolution No. 599 of 14 June 2000. The first update was adopted by the Resolution No. 87 of 23 January 2002 and the second update by the Resolution No. 243 of 12 March 2003. The third update was adopted by the government in the Resolution No. 607 of 16 June 2004. The fourth update, adopted on 28 February 2005, reflects the development of the situation since the time of adoption of the third update, particularly the approval of the material objective in the Act on Subsistence Minimum and Material Destitution, the approval of the National Action Plan of Social Inclusion, the National Action Plan of Employment, the adoption of the National Action Plan on the Roma Inclusion Decade 2005–2015, and the adoption of the new Education Act.

(b) The assistance with the elimination of internal obstacles preventing the inclusion of members of Roma communities into the society, particularly the elimination of handicap in education and skills;

(c) The improvement of the social standard of members of Roma communities, particularly by decreasing their unemployment rate, improvement of their housing situation and consequently their health, prevention of social exclusion in Roma communities and elimination of its consequences;

(d) Stopping the occurrence and spreading of excluded Roma enclaves (ghettoization);

(e) Ensuring the development of the Roma culture and language;

(f) The creation of tolerant environment without bias, where the membership in a group defined by its race, complexion, language, or affiliation to a nation is not a reason for the different assessment and treatment of individuals;

(g) Promotion of safety of members of Roma communities.

19. The Office of the Government Council for Roma Community Affairs coordinates and monitors a number of equalization measures focused on Roma community members in the areas of education, employment and labour, social care and health care. More detailed information about these equalization procedures in key areas is summarised namely in two documents approved by the government: the Report on the Situation of Roma Communities in the Czech Republic¹⁸⁹ and the Concept of Roma Integration.¹⁹⁰

20. The Czech Republic has acceded to the “Roma Inclusion Decade 2005–2015” (the “Decade”), an international initiative joining together the participating governments, international institutions and the Roma civil public in the effort aimed at the acceleration of the process of the social inclusion.¹⁹¹ Its main objective is to achieve substantial improvement of the situation of the Roma in the areas of education, housing, health, and employment. The initiative is also focused on the sectoral topics of discrimination, gender equality and the fight against poverty.

21. The Ministry of Labour established in 2004 the National Action Plan of Social Inclusion for the years 2004–2006 (the “Plan”).¹⁹² It is a national strategy of fight against poverty and social exclusion, which has been supplemented with the programme “Integration of Specific Groups of the Population Threatened with Social Exclusion”.

22. The Plan represents mainly a national strategy the objective of which is to ensure proper attention to the problems of poverty and social exclusion and to contribute to their solution. The social inclusion policy is reflected in other relevant areas, e.g. employment, social protection, health care, education, housing, prevention of negative social phenomena, etc. It has been prepared by all member states and is also used as an instrument of mutual exchange of information and good practice at the level of the European Union.¹⁹³

¹⁸⁹ Resolution of the Czech Republic Government No. 276 of 29 March 2005.

¹⁹⁰ Resolution of the Czech Republic Government No. 532 of 4 May 2005.

¹⁹¹ Resolution of the Czech Republic Government No. 136 of 26 January 2005.

¹⁹² The Plan was adopted by Resolution of the Czech Republic Government No. 730 of 21 July 2004.

¹⁹³ National Action Plan of the Czech Republic for Social Inclusion is based on the Joint Memorandum on Social Inclusion, which was signed by the Czech Minister of Labour and Social Affairs and the European Commissioner responsible for Employment and Social Affairs in Brussels on 18 December 2003. The Plan summarises key problems encountered by the Czech Republic in the area of poverty and social exclusion and publishes at the same time the objectives, tasks and measures leading to their elimination.

23. Special emphasis is put on the areas which bring along new risks of social exclusion, e.g. information technologies and the related e-inclusion. Major attention is paid to the prevention of social exclusion and to groups of people threatened by social exclusion, which were not referred to more specifically in the Joint Memorandum on Social Inclusion.

24. In the area of employment, the Operational Programme Human Resources Development focuses on target groups that are socially excluded due to e.g. their affiliation to a different social and cultural environment. Local employment programmes focus, *inter alia*, on job seekers from a different cultural environment, particularly on members of Roma communities, where the Ministry strives to expand consulting activities (organization of re-training courses, Czech language courses, etc.).

25. The following documents were approved in the years 2003 and 2004: the National Strategy for the work of the Police of the Czech Republic with national and ethnic minorities, which was updated in 2006 under the name Strategy for the work of the Police of the Czech Republic in relation to national and ethnic minorities in the years 2006–2007, and the Report on the advancement of the continuous results in the introduction of the National Strategy for the work of the Police of the Czech Republic in relation to national and ethnic minorities. These documents verified the new mechanisms of the police work in relation to minorities in several pilot localities. The positions of liaison officers for minorities were established in all police regions.¹⁹⁴ The work done by the liaison officers for minorities may be supplemented in localities with the higher representation of minorities by so-called police assistants.¹⁹⁵ Apart from the police assistance in minority communities, the Police have been implementing other projects focused on the prevention of crime among members of minorities (e.g. the project Common World introduced by the Northern Moravian Regional Administration, or the project “Bridge Building” in Strakonice).

Measures adopted at the regional level

26. An illustrative example of measures adopted at the local level is the measure adopted by the Assembly of the Region of Central Bohemia called “Roma Community Integration Strategy”,¹⁹⁶ which considers as priorities the education, the support of Roma community centres and field social work in excluded Roma communities. Projects relating to Roma issues received in 2005 subsidies an amount of CZK 1,100,000 from the Humanity Fund of the Region of Central Bohemia.

Recommendation No. 30

The Committee recommends that the State Party takes account of the relevant parts of the Durban Declaration and the Programme of Action in its implementation of the Covenant into the national legal order, particularly Article 2 (2) of the Covenant, and includes in its next periodical report information about the action plans or other

¹⁹⁴ A liaison officer is a police officer specialised in the minority issue, who acts as a mediator of contacts and communication between minorities and the Police of the Czech Republic. He or she also assists in resolving any conflicts and more serious offences and offers his or her assistance to minority members in the resolution of specific problems.

¹⁹⁵ Police assistance is a field service facilitating contacts and communication of residents of socially excluded localities, inhabited mostly by the minority population, with the police. Clients of police assistants are mostly victims and witnesses of latent criminal offences (usury, pimping, drug distribution, human trafficking, juvenile crime, etc.).

¹⁹⁶ Resolution of the Assembly of the Region of Central Bohemia No. 110-5/2005.

measures adopted for the purpose of implementation of the Durban Declaration and the Programme of Action Programme at the national level.

27. The Czech Republic did not adopt a separate Action Plan on the fulfilment of the Durban Declaration because the implementation of the relevant measures has been included in a number of specific strategies. More detailed information is presented in the 6th and 7th Periodical Reports on the Implementation of the Convention on the Elimination of all Forms of Racial Discrimination (CCPR/C/CZE/2), namely its Article 4 (60).

28. An important role in the adoption of new laws and measures is played by the Human Rights Commissioner. All proposals discussed by the government are sent to him to assess their impact on human rights.

Recommendation No. 31**The Committee calls up the State Party to provide in its Second Periodic Report specific statistical data about the exercise of economic, social and cultural rights by women, the Roma and people with disabilities.**

29. As to the Roma minority, the law contains a number of restrictions hindering the collection of statistical data. For example, the Act on Protection of Personal Data (No. 101/2000 Coll.)¹⁹⁷ considers data about nationality sensitive, thus hindering the reporting of statistical data related to nationalities. Therefore, it is very difficult in practice to obtain precise information about the Roma minority.

30. The Act on Rights of Members of National Minorities (No. 273/2001 Coll.) does not allow public administration authorities to maintain registers of members of national minorities. Data about affiliation to a nationality, obtained during a census or under another special law, must not be used for any purpose other than for the purpose for which they have been collected and stored and must be destroyed after their statistical processing.

31. The method of declaration of nationality may lead only to a subjective definition. No objective information like, for example, the citizenship, may be obtained. The low rate of identification of citizens of the Roma origin with the Roma nationality in a population census is a generally known fact. However, the report mentions some data obtained on the basis of various surveys and studies. Due to the existing legal limits of concept of nationality and the necessity to protect personal data, this form of obtaining information has become a preferred and more and more frequently used data collection method.

32. Available statistical data are presented in individual articles of this Report, dealing with individual areas regulated by the Covenant, or in the Annex to this Report.

Recommendation No. 33**The Committee calls upon the State Party to undertake efficient steps towards reduction of the unemployment rate, particularly of the Roma, women, and other vulnerable groups.**

33. Information about steps taken by the Czech Republic to reduce the unemployment rate, which apply to all, including the threatened groups within the meaning of this recommendation, has been presented in Article 6 of the Report.

¹⁹⁷ Act No. 101/2000 Coll. on the Protection of Personal Data and on the Amendment to Certain Other Laws, as amended.

Job seekers' structure – the Roma

34. As regards the implementation of the Final Recommendations of the Committee, it is possible to refer, with regard to paragraphs highlighting the position of the Roma at the labour market and in the area of education, to the specifically defined objectives of the Operational Programmes Economic Growth Strategy and Human Resources and Employment (see also 11.3 and 13.2), which relate to this issue.

35. According to the Analysis of Integration Needs of the Roma at the Czech Labour Market¹⁹⁸ (the "Analysis"), the characteristic feature of the Roma unemployment is its long duration (more than 1 year). About 75% of all unemployed Roma are the long-term unemployed, and about 30% of them have been without employment for more than 4 years. According to the Analysis, the Roma unemployment rate is significantly higher in several localities (the area of Most, Northern Bohemia, the area of Ostrava), with excluded enclaves with high concentration of the Roma suffering from industrial decline.

36. Labour offices implement programmes for all groups of unemployed citizens, including men and women older than 50 years of age, job seekers encountering long-term difficulties with placement at the labour market (including the Roma), graduates of selected kinds of schools, etc.¹⁹⁹

37. One of the key materials in this respect is the "National Action Plan for Employment for the Period 2004–2006", particularly its "Priority 7 – Promote integration of the disadvantaged in the labour market and combat discrimination at the labour market," which defines steps in promotion of integration of persons facing significant problems at the labour market, e.g. people disabilities and ethnic minorities.

Projects resolving unemployment of the Roma in the region of Hradec Králové

38. An illustrative example of measures adopted at the local level is represented for example, by the project "Let's try it together" (prepared by the civic association Salinger), which responds to actual social needs of work with young people threatened by social exclusion. The project is funded by the European Union and also co-funded from the state budget and the budget of the Region of Hradec Králové.

39. The project offers alternative solutions and assistance to clients from among job seekers registered by the labour offices. It offers the attendance of a motivation block, which could help explain to job seekers basic principles of human psychology and acquire and strengthen their practical skills related directly to the labour market. The project is focused on youth and young adult members of the Roma community in Hradec Králové in the age group 15–25 years, who have been registered as job seekers with the Labour Office

¹⁹⁸ The study is based on several key information resources, mostly on original empirical studies describing the situation of the Roma at the Czech labour market. These studies were prepared as a part of more extensive international comparison studies. (carried out by the Research Institute of Labour and Social Affairs and the Masaryk University in Brno.) Another source of information was the specific expert interviews with representatives of state administration, non-profit organisations and independent experts on this area of interest. (See the research projects: Institutional aspects of the employment policy and labour market in the Czech Republic, Masaryk University, 2003; Identification of efficient models of field social work within the Roma integration policy, Research Institute of Labour and Social Affairs, 2004.) The third source of information, which is not and cannot be systematically used for the needs of a professional analysis, consisted of administrative statistics of public employment services at different levels of aggregation (statistical reports of labour offices and of the Administration of Employment Services in the Czech Republic). Author: Winkler, Jiří, Brno, 2005.

¹⁹⁹ The Czech Government Resolution No. 607 of 24 May 2004.

in Hradec Králové, or who have been already deregistered by the office. The project is supported for 18 months and the preparatory project stage was launched according to its schedule in January 2006.

40. Another project is the Promotion of employment and education of the Roma in Nový Bydžov. The objective of this project is to create working habits in a Roma group, to help them find their way in the job market, and to attain accredited re-training in the field. Another objective is the reduction of negative attitudes of local employees to the Roma. New partnerships have been created between the local public administration and the local business sector for the purpose of implementation of this project.

Job seekers' structure – women

41. Women are generally more represented in registers of the labour offices and their economic activity is lower, particularly in the age categories up to 34 years of age. Women of this age are often outside work activities because of their care for children. When they lose their jobs, they encounter difficulties in finding a new job, because their ability to get a job is limited by child care; they are, for instance, unable to take shift work, commuting to work or have to be absent from work e.g. in case of treatment of a family member. Women suffer more than men from long-term unemployment.

42. The unemployment rate of women is higher than the unemployment rate of men in all age categories younger than 54 years of age. In the age category of over 55 years, it is lower because of their earlier retirement age, which is lower than the retirement age of men. The above-average unemployment rate of women in the age category of 50–54 years relates namely to loss of jobs at the pre-retirement age, when they are not yet eligible for the old age pension, but most employers are no longer interested in them because of their low adaptability to changes at the labour market.

43. Women are substantially more represented in the registers than men in the category of full secondary general education (grammar), secondary vocational education with the general certificate of education and post-secondary vocational education. Their share in these education categories exceeds 60%. The lowest share of women is in the category of job seekers with university education.

44. See also 6.7 of the Report.

Job seekers' structure – disabilities

45. See 6.5 of the Report.

Recommendation No. 34

The Committee calls upon the State Party to regularly re-assess the minimum wage levels in order to ensure a decent living standard to all working people and their families.

46. As regards public services and administration, the Salary Act (No. 143/1992 Coll.)²⁰⁰ and its implementing regulations contain provisions regarding mandatory adjustment of salaries, an exact list of salary components, their amounts and terms of provision. This relatively precise method of determination of salaries also creates prerequisites for ensuring equality between men and women.

²⁰⁰ Act No. 143/1992 Coll. on Salaries and Remuneration of Standby in Budgetary and Some Other Organisations and Bodies, as amended.

47. In the business sector, the Wage Act (No. 1/1992 Coll.)²⁰¹ and its implementing regulations ensure basic protection against provision of excessively low by way of stipulating the minimum wage and minimum wage tariffs, basic wage compensation of work in some difficult working conditions (overtime work, work on holidays, at night, in an aggravated working environment), measures against wage discrimination (the principle of the same remuneration for the same work and for the work of the same value), the protection in the process of provision of wages (the due date and wage payments, making deductions), and the basic rules for contracting and determining of wages.

Table 34a

Average gross monthly wages in the national economy by industries (in CZK)

	2000	2004	2005
Total	13 614	18 041	19 024
A. Agriculture, game keeping, forestry	10 284	13 146	13 878
B. Fisheries	11 908	15 368	15 986
Total industry (C to E)	13 589	17 502	18 326
C. Extraction of minerals	16 603	21 152	22 484
D. Processing industry	13 188	17 035	17 825
E. Production and distribution of power, gas and water	17 163	22 628	24 186
F. Construction	13 531	18 071	18 963
G. Commerce; repairs of motor vehicles and production for personal consumption	14 171	18 346	19 040
H. Accommodation and catering	10 425	12 998	13 393
I. Transport, warehousing and communications	14 842	19 418	20 579
J. Financial mediation	25 630	35 426	37 406
K. Activities in the area of real estate and lease; business activities	14 950	19 581	21 147
L. Public administration and defence; mandatory social security	15 064	20 490	22 307
M. Education	11 283	16 415	17 184
N. Health care and social care; veterinary activities	11 747	16 753	17 529
O. Other public, social and personal services	11 440	14 738	15 622

Source: Statistical Yearbooks of the Czech Republic.

Note: The year 2005 – the preliminary data.

Minimum wage

48. The Labour Code, the Wage Act and the Salary Act stipulate that a wage (a salary) must not be lower than the minimum wage. This regulation applies identically to all employers in the business sector and also in the sector of public service and administration. The minimum wage levels and conditions of the determination of the minimum wage are laid down regularly by the government in its regulation. The relevant provisions in the Labour Code, which were amended as of 1 January 2001, stipulate that the government is

²⁰¹ Act No. 1/1992 Coll. on Wages and Remuneration of Standby and on the Average Earnings.

empowered to set the minimum wage amount usually since the beginning of a calendar year, taking account of the consumer price index. According to the new Labour Code, which became effective on 1 January 2007, the minimum wage may be regularly valorised considering not only with regard to the development of consumer prices but also of wages.

49. The number of employees receiving the minimum wage is not large in the Czech Republic. They are mostly people with low qualifications doing simple work. According to a qualified estimate of the Ministry of Labour, about 2% of employees receive the minimum wage.

50. The development of the minimum wage and of the subsistence minimum and their mutual relation is shown in the following Table. The presented data clearly indicate that the level of a minimum wage has been enhanced in comparison with the subsistence minimum strengthened. In 2000, the net minimum wage was identical with the subsistence minimum of an independently living adult. The regular increase of the minimum wage contributed to the fact that the net minimum wage exceeded in 2006 the subsistence minimum of an independently living adult by about 52%.²⁰²

51. The minimum wage of employees in the age group of 18–21 years who have been working in their employment or under a similar work relationship for the period of 6 months from the commencement of this relation equals to 90% of the total minimum wage amount; in case of adolescents, it amounts to 80% and in case of employees getting a partial disability pension to 75% of the total minimum wage amount. Employees getting a full disability pension and adolescent employees who are fully disabled and do not get full disability pension are entitled to 50% of the minimum wage. A higher amount of minimum wage may be agreed in individual collective agreements and this possibility is regularly used.

Table 34b

Development of the minimum wage and the subsistence minimum (in CZK)

<i>On 31 December</i>	<i>Gross monthly minimum wage amount</i>	<i>Net monthly minimum wage amount</i>	<i>Subsistence minimum for an independently living person</i>	<i>Share of NMW in LSI in %</i>
2000	4 500	3 772	3 770	100.1
2001	5 000	4 180	4 100	102.0
2002	5 700	4 702	4 100	114.7
2003	6 200	5 080	4 100	123.9
2004	6 700	5 457	4 100	133.1
2005	7 185	5 806	4 300	135.0
2006	7 955	6 720	4 420	152.0

Note: LSI — living standard of independently living adult; NMW — the net minimum wage calculated for an employee without children or any other dependent person under the conditions of taxation in individual years.

²⁰² Since 1 July 2006 (the last adjustment), the minimum wage amount to CZK 7 955 for employees remunerated by monthly wages, or CZK 48.10 per hour worked for employees working on the basis of determined weekly working hours.

Recommendation No. 35

The Committee calls upon the State Party to increase its efforts in the resolution of inequalities between men and women and to adopt efficient legislative or other measures ensuring full and equal participation of women in the labour market, particularly the same wage for the same work.

52. The information about adopted legislative measures is presented in 6.1; adopted non-legislative measures are described in 3.2.

53. To increase the efficiency of controls performed by labour offices with respect to discrimination in remuneration (see also 6.1.1), the Ministry of Labour prepared in 2002 the Guideline for Controls of Wage Relations in Remuneration of Men and Women and the Guideline for Controls of Compliance with Equal Opportunities. Both these guidelines comprise the Methodological Instruction No. 9/2002 for labour offices, which became effective on 1 January 2003. The Instruction laid down the method which the labour offices are to apply in the performance of controls of employers, the labour-law regulations they are to follow and the procedures they are to apply during the controls. A very detailed method of determining the value of works was elaborated in this respect, as well as a manual for control of compliance with equal opportunities for women and men as regards equal treatment of all employees in respect of their working conditions, or career or other promotion opportunities. Results of the controls are statistically processed four times a year and are published.

54. The final report of the research and development project “Analysis of differences between the levels of work-related income of men and women and the suggested model procedure of identification of the share of discrimination” was published in 2002.²⁰³ The project, which was assigned by the Research Institute of Labour and Social Affairs Institute, documented the existence of a difference in remuneration to the detriment of women. However, the share of discrimination could not be determined. Therefore, a subsequent research and development project “Creation of an information base for the analysis of factors influencing the differences in work-related income (wages) of men and women and for the modelling (prognoses) of these differences” was carried out.

55. As a part of projects co-funded by the European Social Fund and by the state budget of the Czech Republic, non-governmental non-profit organizations have been carrying out since 2005 research projects relating to the position of women and men at the labour market in the Czech Republic, which are focused specifically on the comparison of income of women and men and the concepts influencing inequalities in the income paid for the same work and/or for the work of the same value and on the mapping of employers’ attitudes to the policy of the equal opportunities of the Czech Republic and to the issue of diversity inside businesses. These research studies are further used for work with employers and for analyses and consulting of employers in the Czech Republic.

56. Further educational, consulting, advisory, research, and other activities focussing on the equalization of opportunities for people disadvantaged at the labour market, i.e. the Roma, women, the unemployed, people with disabilities and people suffering from the multiple discrimination, are carried out as parts of other projects.

57. For example, the non-profit organisation Gender Studies, o.p.s. has been organising since 2004 a “Competition for the best company with equal opportunities for women and men in the Czech Republic”. First of all, this competition ensures information and increased awareness of both employees and employers of equal opportunities, programmes

²⁰³ http://www.rilsa.cz/Fischlova_differences-eng.pdf.

harmonizing personal and professional life, the legislative non-discrimination principles, including the principle of the same reward for the same work and/or the work of the same value.

58. Projects implemented with the support by the EU programme EQUAL²⁰⁴ include research projects which have been implemented since 2005 by non-governmental non-profit organisations and which focus on the comparison of income of women and men and on concepts influencing inequalities in the incomes received for the same work and/or for the work of the same value and the mapping of employers' attitudes to the policy of equal opportunities. This research is further used for the work with employers and for analyses and consulting of employers in the Czech Republic. Other projects include educational, consulting, advisory, research, and other activities focused on the equalization of opportunities for people disadvantaged at the labour market, i.e. the Roma, women, the unemployed, people with disabilities and people suffering from the multiple discrimination.

Table 35a

Average monthly gross wage of employees (in CZK)

<i>Year</i>	<i>Total employees</i>	<i>Men</i>	<i>Women</i>	<i>Compatibility rate</i>
2004	20 545	23 044	17 256	74.9
2005	21 674	24 271	18 221	75.1

Source: Czech Statistical Office, the survey of employee wages.

Note: The compatibility rate has been expressed with the women's wage to men's wage ratio in %.

Table No. 35b

Share of the average women's wage in the average men's wage by education and age (in %)

		<i>2004</i>	<i>2005</i>
Education	Elementary and incomplete	74.7	74.8
	Secondary without General Certificate of Education	72.1	72.8
	Secondary with General Certificate of Education	77.3	77.6
	Post-secondary vocational and Bachelors (undergraduates)	70.9	73.0
	University	67.3	68.4
Age	Up to 19 years of age	85.3	86.7
	20–24 years of age	89.7	90.1
	25–29 years of age	87.0	88.2
	30–34 years of age	70.4	71.1
	35–39 years of age	66.3	67.3
	40–44 years of age	70.3	69.4
	45–49 years of age	72.6	71.9
50–54 years of age	73.8	74.1	
	55–59 years of age	83.4	82.9

²⁰⁴ The project is co-funded by the European Social Fund and by the state budget of the Czech Republic.

	2004	2005
60–64 years of age	76.4	77.1
65 or older	67.2	65.2

Source: Czech Statistical Office, the survey of employee wages.

Recommendation No. 36

The Committee calls upon the State Party to adopt special legislative measures in relation to domestic violence.

Legislative changes

59. The amendment²⁰⁵ to the Criminal Code (No. 140/1961 Coll.),²⁰⁶ effective as of 1 June 2004, established a new criminal offence – maltreatment of a person living in a jointly occupied flat or house (Section 215a). The new provision covers domestic violence in general, i.e. not only against women. The victim can be any close person or other person who lives with the offender in a jointly occupied flat or house.

60. The Act Amending Certain Laws Concerning Protection against Domestic Violence (No. 135/2006),²⁰⁷ which became effective on 1 January 2007, has introduced the institute of expulsion from the jointly occupied dwelling and the prohibition of entry for the person suspected of an assault on life, health, freedom, or a particularly serious attack against human dignity.

61. This Act expands the authority of the Police to decide on eviction of the abuser from home, when he or she commits activities demonstrating signs of domestic violence. A person may be evicted from home when there are reasons to believe that he or she may commit a dangerous assault on life, health, freedom or a particularly serious attack against human dignity of the person with whom he or she shares the household. The decision on eviction is adopted during an administrative procedure. Its length has been determined by the law to be 10 days and this period cannot be shortened.²⁰⁸ The institute of eviction as an on-site measure adopted by a body of the Police is a preventive response to dangerous behaviour of an abuser. A person can be evicted for the period of 10 days during which the threatened person should clarify, with the assistance from the part of an intervention centre, what further possible steps he/she is to take. The decision on eviction is issued in the administrative proceedings; as such, it is subject to scrutiny (regular and extraordinary remedies).

62. The Act provides to the threatened person another possibility, i.e. to file a petition under civil law for the issue of an interlocutory injunction against the abuser, ordering him or her to leave the jointly occupied household or to forbidding him or her to enter it or to meet or to initiate any contacts with the threatened person. Such injunctions are issued for the period of one month and may be renewed repeatedly up to the total period of one year.

²⁰⁵ Act No. 91/2004 Coll. Amending Act No. 140/1961 Coll., the Criminal Code, as amended.

²⁰⁶ Criminal Code No. 140/1961 Coll., as amended.

²⁰⁷ Act No. 135/2006 Coll. Amending Certain Laws Concerning Protection against Domestic Violence.

²⁰⁸ An abuser may take his or her personal possessions, valuables and documents from the jointly occupied household. The Police shall instruct the abuser about the local accommodation possibilities and allows him or her to use a phone to arrange for this accommodation. The Police are obliged to make an inspection of the jointly occupied household within three days from the issuance of the decision on eviction to find out whether abuser complies with the decision.

63. At the same time, the Act counts on the establishment of the so-called intervention centres which should provide necessary services to victims. An intervention centre plays also a coordination role among social and legal protection bodies, municipalities, bodies of the Police of the Czech Republic and the municipal police, and non-governmental and charitable organisations.

64. The introduction of an independent register of the number and categories of offences of this type is a positive partial step in the area of monitoring and consequent solution of the domestic violence issue. The register will be used for preparation of analyses.

Education of members of the Police of the Czech Republic

65. The project of the Ministry of the Interior “Model inter-disciplinary project to create a legal framework and methodological procedures for the introduction of inter-disciplinary teams combining health, social and policing assistance in detecting and prosecuting cases of home violence”²⁰⁹ (for details see the Third Periodical Report on the Fulfilment of Undertakings under the Convention on Elimination of All Forms of Discrimination against Women (CEDAW/C/CZE/3), Article 6) also includes an educational plan for police officers who come into contact with victims of domestic violence. The following seminars were organised in cooperation with non-governmental non-profit organisations: “Protection against domestic violence – a tutor”²¹⁰ and “Resolving domestic violence”.²¹¹

Recommendation No. 37

The Committee calls upon the State Party to adopt efficient measures against trafficking in women and against sexual abuse of children.

66. The information about the implementation of these recommendations during the period under review is also presented in the Third Periodical Report on the Implementation of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW/C/CZE/3) (Article 6), and in the Second Periodical Report on the Implementation of the International Covenant on Civil and Political Rights (Article 8).

67. The basic conceptual material for the fight against human trafficking in the Czech Republic is the document called “National Strategy for the Fight against Human Trafficking (for the period 2005–2007)” (the “Strategy”).²¹² This Strategy is a follow-up of the previous conceptual material the “National Strategy for the Fight against Human Trafficking for Purposes of Sexual Exploitation in the Czech Republic”, which summarised activities performed in this area in the period 2003–2005. The new conceptual material focuses also on other forms human trafficking.

The Programme of Support and Protection of Victims of Human Trafficking

68. The project “Programme of Support and Protection of Victims of Human Trafficking” has been implemented in the Czech Republic since 2003. During the three

²⁰⁹ Resolution of the Czech Republic Government No. 794 of 25 August 2004.

²¹⁰ A three-day workshop for teachers of secondary police schools and instructors of police training centres (about 50 teachers – about the implementation of domestic violence issues and the new related institutes into the basic professional training, or in specialised courses).

²¹¹ A two-day workshop on the resolving filed risk threats (240 police officers from district directorates + 80 police officers from the Criminal Police and Investigation Service (SKPV PCR)).

²¹² The strategy was approved by the Government Resolution No. 957 of 22 July 2005.

years of its implementation, 51 victims were included in the Programme (as of 15 March 2007).²¹³

Table No. 37a

List of individual projects, together with the allocation of funds

<i>Period</i>	<i>Recipient</i>	<i>Municipality</i>	<i>Name of the subsidy title</i>	<i>Allocated</i>	<i>Used/ Returned</i>	<i>Consumption</i>	<i>Project name</i>
2005	Rozkoš bez rizika	Prague	Human trafficking	986 000	986 000	986 000	Podivná samozřejmost (Peculiar platitude)
2006	Archdiocesan Charity Prague	Prague	Human trafficking	1 721 000		0	Assistance and support of victims of human trafficking and to their children
2005	Archdiocesan Charity Prague	Prague	Human trafficking	1 400 000	1 400 000	1 400 000	Assistance and support of victims of human trafficking and to their children
2005	La Strada Česká republika, o.p.s	Prague	Human trafficking	756 000	756 000	756 000	Social assistance to trafficked people
2004	La Strada Česká republika, o.p.s	Prague	Human trafficking	883 000	14 336	14 336	Social assistance to trafficked people
2004	Rozkoš bez rizika	Prague	Human trafficking	875 000	875 000	875 000	Assistance and support of victims of human trafficking and to their children
2004	Sdružení Česká katolická charita	Prague	Human trafficking	1 820 000	1 812 902	1 812 902	Assistance and support of victims of human trafficking and to their children

Commercial sexual abuse of children

69. The “National Plan of Combating Commercial Sexual Abuse of Children” (the “Plan”), which is announced for every two years, is the key document in combating commercial sexual abuse of children. The material always describes the current situation, assesses the fulfilment of imposed tasks and assigns new tasks for the next period.²¹⁴

70. The description of the situation in the area of sexual abuse of children is based mainly on statistics and qualitative analyses of the Police of the Czech Republic. Vice crime makes up only a small part (about 0.5%) of the total criminal offences, however, it has some characteristic specifics. Long-term police statistics show that the number of detected offences of this type is about 2,000 a year (with the exception of 1998) and about 85% of them are resolved.

71. Due to the above, crime statistics of detected criminal offences cannot be considered as data which could be used in an objective description of the quantitative development in

²¹³ An interdisciplinary team, which was established at the Ministry of Interior in 2005 for the purpose of coordination of the support and protection of the victims, includes representatives of all involved ministries and cooperating non-governmental and inter-governmental organisations. The task of this inter-disciplinary team is to solve issues related to the problem by bodies active in criminal proceedings. The team analyses acquired knowledge and experience and proposes further measures.

²¹⁴ Three plans were approved in the period under review: for the period 2006–2008 (Resolution of the Czech Republic Government No. 949 of 16 August 2006), for the period 2004–2006, and for the period 2002–2004.

this kind of crime, since they rather indicate the success rate of detection and investigation of these criminal offences by the Police of the Czech Republic in the relevant periods.

Table No. 37b

Selected criminal offences committed against people younger than 18 years of age (the numbers of detected criminal offences)

<i>Name (the relevant provision in the Criminal Code)</i>	2001	2002	2003	2004	2005
Commercial form of sexual abuse of dependents (§§ 242/2, 243)	0	1	1	2	1
Other commercial form of sexual abuse (§ 242/1, 3, 4)	2	7	4	12	8
Pimping (§204)	0	0	15	10	19
Human trafficking (§ 232a)	5	2	1	1	4
Sexual seduction	-	-	-	30	35
Distribution of child pornography (§ 205/a)	-	-	16	26	28
Rape (§ 241)	156	201	165	184	153
Sexual abuse of dependents (§§ 242/2, 243)	96	111	110	109	101
Other sexual abuse (§ 242)	798	886	771	681	760

Table No. 37c

Numbers of detected children victims of selected types of vice crime

<i>Name</i>	2001		2002		2003		2004		2005	
	0-15	0-18	0-15	0-18	0-15	0-18	0-15	0-18	0-15	0-18
Rape	63	156	105	201	69	165	84	184	68	153
Sexual abuse of dependent people	83	96	95	111	91	110	94	109	81	101
Other sexual abuse	773	798	875	886	749	771	653	681	735	760
Commercial form of the sexual abuse of dependents	0	0	1	1	1	1	1	2	0	1
Other commercial form of the sexual abuse	2	2	7	7	4	4	8	12	7	8
Pimping	0	0	0	0	5	15	2	10	7	19
Human trafficking	1	5	0	2	0	1	0	1	2	4

72. The above-mentioned criminal statistics show an evident increase in the detected cases of the sexual abuse of children. However, this does not mean that there has been an objective increase and the situation has worsened, but rather documents the progressively improved success rate of the implemented measures leading to more efficient detection of the cases. A major share of such increase is also due to the new provisions of Section 217a of the Criminal Code (Sexual seduction), which came into force on 1 January 2004, because its impacts affected those who seek paid sexual services of children in the age group of 15–18 years.

Recommendation No. 38

The Committee calls upon the State Party to adopt efficient provisions for resolution of the problem:

(a) **Of housing shortage by adopting housing programmes, particularly for disadvantaged and neglected groups.**

Programmes ensuring access to good quality and affordable housing for disadvantaged people and people threatened by the social exclusion

73. The state supports housing through more than 30 programmes funded from the state budget and from the budget of the State Housing Development Fund by a total amount of about CZK 25 billion a year (i.e. about 2.5% of the total state budget). Another form of state support consists in various kinds of tax relief, which amount to several billion CZK annually.²¹⁵ Some state programmes of the support target low income households and people disadvantaged in their access to housing. Some other programmes are designated for households of young people up to 36 years of age.

74. The aid to the construction of rental flats for people disadvantaged because of their low income and for people threatened by social exclusion is funded from the state budget and from the budget of the State Housing Development Fund.

75. Another factor aiming at the improvement of access of disadvantaged people and people threatened by social exclusion to good quality and affordable housing is the construction of subsidized flats.

76. Based on the Programme of Construction of Subsidized Flats, municipalities may build three kinds of flats : protected flats for people with disabilities and people with reduced self-support, half-way flats (for socially disadvantaged people and households living a conflict way of life or in a risky environment), and the so-called starter flats (for people who have no access to housing because of their unfavourable life circumstances despite the use of all existing social and housing policy instruments).

Table No. 38a

Aid to construction of subsidized flats in the period 2003 – 2006, subsidies in million CZK

<i>Year</i>	<i>Subsidy title</i>		<i>Number of started flats in the given year^[1]</i>	<i>Total funds spent on started flats in million CZK^[2]</i>	<i>Funds allocated in the given year in million CZK^[3]</i>
2003	Subsidized flats	Total	487	372.395	183.075
		Protected flats	447	350.615	178.095
		Half-way flats	36	21.030	3.980
		Starter flats	4	0.750	1.000
2004	Subsidized flats	Total	813	607.800	199.968
		Protected flats	787	601.300	194.658
		Half-way flats	0	0	0
		Starter flats	26	6.500	5.310
2005	Subsidized flats	Total	577	397.895	177.003
		Protected flats	561	381.095	173.353
		Half-way flats	8	4.800	2.400
		Starter flats	8	2.00	1.250

²¹⁵ This tax relief relates to income tax, real estate tax, etc.

Year	Subsidy title		Number of started flats in the given year ^[1]	Total funds spent on started flats in million CZK ^[2]	Funds allocated in the given year in million CZK ^[3]
2006	Subsidized flats	Total	794	575.350	271.796
		Protected flats	766	568.210	266.951
		Half-way flats	25	6.390	4.095
		Starter flats	3	0.750	0.750

^[1] Number of flats the construction of which started in the given year.

^[2] Total subsidy for flats started in the given year as reported in the Decision on the participation of the state budget in the action funding.

^[3] Real sums released in the given year for flats which were started, under construction or completed in the relevant year.

77. Another project ensuring improved access of people with lower income to housing is the Programme of Support of Construction of Rental Flats and Technical Infrastructure, supporting construction of rental flats owned by municipalities and designated for persons with defined income.

78. The State Housing Development Fund has provided state subsidies for the construction of rental flats for low income people since 2003 under similar conditions in compliance with the Government Regulation No. 146/2003 Coll. This Government Regulation stipulates, *inter alia*, that, in case of construction of ten or more rental flats with the use of a subsidy provided under the Regulation. At least 10% of such flats must be the so-called modifiable flats – i.e. flats which may serve, without any further structural modifications, to people with reduced mobility or orientation ability.

Table No. 38b

“Aid provided to construction of rental flats” for low income people in the period 2003–2005, the sums are in million CZK

Year	Number of started flats in the given year ^[1]	Total funds for the started flats in million CZK ^[2]	Funds released in the given year in million CZK ^[3]
2003	1 683	1 031.000	Cannot be separated from the original programme
2004	813	467.266	189 864 + original programme
2005	371	186.810	350 247

^[1] Number of flats the construction of which was started in the given year.

^[2] Total subsidy for flats started in the given year as reported in the Decision on the participation of the state budget in the funding of the action.

^[3] Real sums released in the given year for flats which were started, under construction or completed in the relevant year.

79. Funds for the establishment of asylum homes are provided by the Ministry of Labour, regions and municipalities (but no longer by district offices, which were closed down as a part of the public administration reform). It can be said that the number of asylum homes is generally satisfactory. However, certain differences in the accessibility of these services among regions may still exist. Analyses of the asylum homes’ occupancy are currently in progress. The Ministry of Labour has further created an integrated portal with a database of providers of social services to people threatened by social exclusion, originating from the “marginalised” groups of people, where the relevant professionals and users can find the information about services, capacities, etc. of the asylum homes.

Table No. 38c
Number of facilities

<i>Year</i>	<i>Asylum homes</i>	<i>“Half-way” houses</i>	<i>Dormitories</i>	<i>Shelters for daily stay of the homeless</i>	<i>Total</i>
2000	X	x	x	x	60
2001	X	x	x	x	62
2002	62	2	2	5	71
2003	63	8	4	6	81
2004	69	13	8	8	98
2005	77	16	9	6	108

Source: Ministry of Labour (the statistical report V1-01).

Table No. 38d
Occupancy of facilities

<i>Year</i>	<i>Capacity</i>	<i>Average number of clients</i>	<i>Average occupancy</i>
2000	1 872	1 558	83.2%
2001	2 047	1 807	88.3%
2002	2 424	2 028	83.7%
2003	2 598	2 223	85.6%
2004	2 843	2 369	83.3%
2005	3 399	3 051	89.8%

Source: Ministry of Labour (the statistical report V1-01).

80. Other measures support better availability of housing for young people, who may also belong to groups with a more difficult access to housing. See 11.2.2.1.

81. The support of mortgage loans for young people up to 36 years of age²¹⁶ is focused on the purchase of own housing, i.e. a flat or a family home, which will serve as permanent housing of the recipient of the subsidy. The provision of low interest rate loans to young people up to 36 years of age for construction of housing increases the accessibility of a new own housing to young people who have not got their own accommodation.²¹⁷ In the case of a child born after the conclusion of the loan agreement, the outstanding part of the loan principal can be reduced by CZK 30 thousand per each born or adopted child.

82. The provision of low interest rate loans to young people up to 36 years of age for modernising of flats under the Government Regulation No. 28/2006 Coll. is focused on the improvement in the quality of own or co-operative housing. These steps are justified by the fact that young people are disadvantaged in the acquisition of appropriate housing by the concurrence of the beginning of their career and starting of their own family.

Support measures focused not only on an increase of housing offer

83. Most supporting measures focused on the construction, purchase, repair and modernising of the housing fund are funded out of the State Housing Development Fund

²¹⁶ Government Regulation No. 249/2002 Coll.

²¹⁷ Government Regulations No. 97/2002 Coll. and No. 616/2004 Coll.

(the “Fund” only). The Fund was established by the Act on the State Housing Development Fund (No. 211/2000 Coll.)²¹⁸ and the related implementing government regulations stipulating conditions for provision of individual kinds of support. A number of measures are financed from the Fund’s budget. The Fund’s task is to create, accumulate and distribute funds designated for the support of investments into housing and to use these funds for the support of the construction and repairs.²¹⁹ The Fund is an independent legal entity. The assets of the Fund are part of the state assets.

84. A number of provisions focused on the increased offer of housing, including affordable rental housing, and also on the care for the existing housing fund (support of repairs and modernising) and on improving of the quality of environment of pre-fab housing projects were adopted in the period under review.

85. Further support provisions include the Income Taxes Act (No. 586/1992 Coll.),²²⁰ which makes it possible to obtain tax relief in connection with repayment of a housing loan or the Act on Construction Savings and on the State Aid Provided Thereto (No. 96/1993 Coll.),²²¹ regulating this kind of savings. Construction savings represent a special-purpose savings system where the participant may obtain a construction savings loan for the purpose of funding of his or her housing needs plus a state subsidy.

86. A new “Housing Policy Concept” was approved in 2005, the key main objectives of which are both economic and social aspects of housing, while emphasis is put on ensuring maximum possible availability of high-quality housing for the population. The Housing Policy Concept was approved by the government in March 2005²²² as a medium-term political document of strategic importance, containing also a short-term programme for the period 2005–2006.

87. The construction of co-operative flats has been supported since 2006. This support has been focused mostly on households with medium incomes, which are able to bear a part of acquisition costs of their housing.

88. In 2006, the government approved a new measure²²³ allowing provision of subsidies for construction of rental flats designated for households with limited income and also for individuals and legal entities interested in the participation in procurement of housing for these groups of the population. The provision of this kind of support is conditional on the

²¹⁸ Act No. 211/2000 Coll. on the State Housing Development Fund and on the Amendment to Act No. 171/1991 Coll. on Competencies of the Authorities of the Czech Republic Concerning Transfers of State Property to Third Parties and on the National Property Fund of the Czech Republic, as amended.

²¹⁹ Specifically for the support of the construction of flats, mainly the rental flats for rent, for the support of the housing fund repairs, mainly on the support of repairs of houses built by the pre-fab technology, and for the support of construction of a technological infrastructure in municipalities, – i.e. the development of lands suitable for the future construction of flats.

²²⁰ Income Taxes Act No. 586/1992 Coll., as amended.

²²¹ Act No. 96/1993 Coll. on Construction Savings and on the State Aid Provided Thereto and on the Amendment to the Act of the Czech National Council No. 586/1992 Coll. by on Income Taxes, as amended by Act of the Czech National Council No. 35/1993 Coll., as amended.

²²² Resolution of the Czech Republic Government No. 292 of 16 March 2005. The concept focuses mainly on finalisation of deregulation of rents and on settlement of relations between lessors and lessees. It focuses also on persons and families who are unable to cover expenditures related adequate housing or are unable to obtain any housing at the market by themselves.

²²³ Subsidies for the construction of rental flats for low income persons have been provided since 2006 solely from the State Housing Development Fund according to the Government Regulation No. 146/2003 Coll.

approval by the European Commission under the Community legislation concerning public aid.²²⁴

89. In order to prepare a new effective instrument for resolution of housing problems of people threatened by social exclusion, the Ministry for Regional Development started co-operating in 2006 with the Ministry of Labour and Social Affairs on reviewing the possibilities of the application of the Decision of the European Commission on the application of Article 86 (2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest. The relevant services include “social housing”. This regulation of the European Commission allows — subject to the precisely defined conditions — to declare such financial contribution, which has the nature of compensatory payment as the compatible public aid in accordance with Community laws. The objective of this co-operation is to draw in 2006 an instrument concerning state aid without the risk of provision of public aid in conflict with the law.

90. A system for use of funds from the European Regional Development Fund for the purposes of regeneration of problematic housing project is prepared for the period 2007–2013 within the framework of Integrated Operational Programme. The means from this fund will be used for regeneration of pre-fab blocks of flats with the objective of maintaining the socially differentiated structure of residents in the related localities, which will prevent social exclusion of disadvantaged population groups. Subsidies are provided to municipalities from the state budget for the regeneration of pre-fab housing project as a means of prevention of the establishment of socially excluded communities. Repairs of pre-fab blocks of flats and emergency repairs are also funded from national programmes financed from the State Housing Development Fund. It is also prepared to extend the provision of this aid also to houses which have not been built with the pre-fab technology.

Table No. 38e

Housing aid provided from the state budget (in billion CZK)

	2000	2001	2002	2003	2004	2005
Total	16.788	18.591	22.091	24.288	24.198	25.047
GDP	2 189.2	2 352.2	2 464.4	2 577.1	2 781.1	2 978.2
Share in GDP (in %)	0.8	0.8	0.9	1.0	0.9	0.9
State budget expenditures	632.268	693.920	750.683	809.718	862.891	922.900
Share in state budget expenditures (in %)	2.66	2.68	2.94	3.00	2.80	2.71

Source: Ministry of the Local Development.

91. The Energy Management Act (No. 406/2000 Coll.)²²⁵ and the Decree laying down details related to effective use of energy in consumption of heat in buildings (No. 299/2001 Coll.) deal with energy savings. Amounts of subsidies are provided for the construction of flats are scaled in accordance with the energy demands of the future building.

²²⁴ Subsidies for construction of affordable rental flats may be applied for by any individual or legal entity which undertakes to dispose of the flats built with such subsidy for 10 or 20 years in a way determined in accordance with the government regulation. The subsidies will be provided not only for completely new construction, but also for modifications of existing buildings.

²²⁵ Act No. 406/2000 Coll. on Energy Management, as amended.

92. Decree No. 252/2004 Coll. specifies hygienic requirements on drinking and hot water and on the frequency and scope of the water controls, as well as the limits of lead in drinking water.

93. A programme supporting removal of leaden distribution systems of drinking water from residential buildings has been running since 2005. The objective of the sub-programme “Support of repairs of leaden water distribution systems in houses” is to reduce lead concentration in drinking water and to stimulate house owners to replace distribution pipes made of lead with alternatives that are not harmful to health.²²⁶

Table No. 38f

Sub-programme “Support of repairs of leaden water distribution systems from houses”

<i>Year</i>	<i>Number of repaired flats in the given year</i>	<i>Total funds in million CZK</i>
2005	130	0.846
2006	687	12 597

Table No. 38g

Number of flats started, under construction or completed in the period 2000–2005

<i>Year</i>	<i>Started</i>	<i>Index</i>	<i>Under construction</i>		<i>Completed</i>	<i>Index</i>	<i>Number of flats with completed modernising in the period under review</i>	
				<i>Index</i>				<i>Index</i>
2000	32 376	98.4	118 784	105.6	25 206	106.2	10 725	122.5
2001	28 983	89.5	121 705	102.5	24 759	98.2	13 435	125.3
2002	33 606	116.0	129 609	106.5	27 291	110.2	13 599	101.2
2003	36 496	108.6	139 132	107.3	27 127	99.4	12 761	93.8
2004	39 037	107.0	146 801	105.5	32 268	119.0	15 469	121.2
2005	40 381	103.4	155 202	105.7	32 863	101.8	21 896	141.5

Table No. 38h

Overview of the housing construction in the Czech Republic in the period 2000–2005

<i>Completed flats</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Total number of flats	25 207	24 759	27 291	27 127	32 268	32 863
of which: In family homes	10 466	10 693	11 716	11 397	13 302	13 472
In blocks of flats	5 926	5 912	6 393	7 720	10 722	11 526
Total in extensions of all kinds	5 250	4 822	4 694	3 940	4 523	3 839
of which: of family homes	2 911	2 948	2 957	2 486	2 453	2 270
of blocks of flats	2 339	1 874	1 737	1 454	2 070	1 569
In houses with the home care	687	708	1 725	1 729	1 638	1 047
In non-residential structures (buildings)	745	824	1 070	1 213	719	794

²²⁶ Recipients of these subsidies are the owners of permanently occupied residential buildings with leaden distribution networks. The house owner must document the drinking water quality using the method prepared by the Ministry of Health.

Completed flats	2000	2001	2002	2003	2004	2005
In structurally modified non-residential premises	2 133	1 799	1 693	1 128	1 364	2 185

Source: Housing construction in the period 2000–2005, Czech Statistical Office, Prague.

Table No. 38i

Flat sizes in completed family homes (2000–2005)

Year	Average number of rooms in 1 flat	Average habitable space in 1 flat (m ²)	Average utility space in 1 flat (m ²)	Share in the total number of flats in %					
				Flats with a kitchen and					
				Studios	1 room	2 rooms	3 rooms	4 rooms	5 or more rooms
<i>Flat sizes in completed blocks of flats (including extensions of all kinds)</i>									
2000	4.40	96.9	155.4	0.3%	1.1%	5.4%	17.0%	31.1%	45.1%
2001	4.37	96.3	151.7	0.4%	1.2%	5.4%	17.4%	31.7%	43.9%
2002	4.40	97	153	0.3%	1.1%	5.4%	15.9%	32.0%	45.3%
2003	4.40	96.6	152.7	0.4%	1.3%	4.6%	16.0%	33.5%	44.2%
2004	3.98	97	151.5	0.3%	0.9%	4.6%	15.8%	33.6%	44.8%
2005	4.15	98.1	145.9	0.3%	0.8%	5.4%	15.2%	34.2%	44.1%

Source: The housing construction statistics in the Czech Republic in the period 1960–1995, Czech Statistical Office, Prague.

Statistical Yearbook of the Czech Republic, Czech Statistical Office, Prague, 2005.

Table No. 38j

Flat sizes in completed blocks of flats (2000–2005)

Year	Average number of rooms in 1 flat	Average habitable space in 1 flat (m ²)	Average utility space in 1 flat (m ²)	Share in the total number of flats in %					
				Flats with a kitchen and					
				Studios	1 room	2 rooms	3 rooms	4 or more rooms	
<i>Flat sizes in completed blocks of flats (including extensions of all kinds)</i>									
2000	2.02	45.2	67.7	8.5%	22.8%	37.5%	25.7%	5.5%	
2001	2.10	48.0	68.0	9.7%	21.3%	36.7%	25.1%	7.2%	
2002	1.90	43.7	61.1	11.5%	31.5%	31.1%	20.7%	5.2%	
2003	2.10	49.3	67.5	7.9%	21.2%	38.3%	26.0%	6.6%	
2004	1.97	47.5	66.7	15.1%	27.0%	28.6%	21.9%	7.4%	
2005	2.09	50.4	66.4	9.8%	19.3%	39.5%	25.4%	6.0%	

Source: The housing construction statistics in the Czech Republic in the period 1960–1995, Czech Statistical Office, Prague.

Statistical Yearbook of the Czech Republic, Czech Statistical Office, Prague, 2005.

(b) The Committee calls upon the State Party to adopt efficient provisions for the solution of forced evictions and the homelessness problem by respecting general comments by the Committees No. 4 and No. 7 and by drafting a summary plan for solution and prevention of homelessness.

94. The relation between a house or a flat owner and the lessee is regulated in the Civil Code (Act No. 40/1964 Coll.). This basic legal norm provides to the lessee the basic protection of his or her rights. A lessee can be evicted from a flat only on the basis of an execution title, which may be issued by a court only on the basis of a proper termination of the contractual relation. A lease may be terminated (apart from an agreement and expiry of a certain period) only on the basis of a termination notice, which the lessor is authorised to deliver only if the reasons stipulated by the law have been fulfilled. At the same time, the lessor is always obliged to provide at least a shelter to the evicted person and even a substitute flat under certain conditions stipulated by the law.

95. There is no special statute prohibiting any form of eviction and none is being prepared, moving out or eviction from a flat is regulated in the Civil Procedure Code (Act No. 99/1963 Coll.). It is a very time consuming process, which starts with an eviction decision of the relevant court, which is followed by the enforcement of such decision if the lessee fails to vacate the flat.

96. The number of persons evicted by court orders in the period under review is not known. If the legal reason for the occupation of the flat ceases to exist and the lessee fails to fulfil the obligation to vacate the flat, it is necessary to file with the relevant court a petition for the enforcement of this obligation. This may be followed by the enforcement of the court decision connected with the vacation of the flat.

97. In 2004, the government approved the National Action Plan for Social Inclusion for the period 2004–2006.²²⁷ The objectives of the Plan relating to housing include, for example, the elimination of economic and legislative obstacles hindering the existence of a functioning flat market, the motivation of municipalities to fully assume responsibility for creation of conditions for satisfaction housing needs of the population in accordance with the Municipality Act, continuation of provision of state aid to the construction of flats performing the social function.

98. No comprehensive statistics concerning the numbers of homeless people are kept in individual regions,²²⁸ at the national level or by social service facilities. Therefore, the number of all these people living in territory of the Czech Republic is only estimated.²²⁹ Neither there are any unified lists of all providers of services to homeless people or information about capacities and use of their services in individual regions.

99. The objective of the project Strategy of Social Inclusion of Homeless People in the Czech Republic, which was started in October 2004 by the Association of Asylum Homes in the Czech Republic,²³⁰ is to draft a comprehensive strategy of integration of socially

²²⁷ Resolution of the Czech Republic Government No. 730 of 21 July 2004.

²²⁸ Individual regions lack precise data for 2005 because these data are not required in the statistics of the Ministry of Labour and Social Affairs. According to the opinion of the regions, the problem of collection of these data lies in the absence of a unified methodology. The first census of homeless people took place only in the Capital City of Prague in 2004. It was found out that there were 3,096 homeless people living in Prague. Taking account of the deviation, the final number is stated in the range of 4–4.5 thousand people. About 25% of the Czech homeless are disabled retirees, 25% of them spent some time in foster homes for children, 15% in a psychiatric institution, and 35% in prison.

²²⁹ According to the population census of 2001, about 45 thousand people live in emergency shelters in the Czech Republic (in comparison with 6 000 in 1990).

²³⁰ The Association of Asylum Homes in the Czech Republic (S.A.D.) associates currently more than 100 asylum homes of different kinds – the state, non-governmental, municipal, or denomination ones. Members of the Association are not only non-governmental non-profit organisations, but also allowance organisations founded by cities and regions. The Association is the only organisation of the kind in the Czech Republic and it has been also an active member in the international organisation FEANTSA (European Federation of Organisations Working with Homeless People), which was

excluded persons and of mapping of the current homelessness situation and of the provided services.

100. Although CZK 100 million was allocated in 2005 for the improvement of situation of homeless people in large cities (Prague, Brno, Ostrava, Ústí nad Labem), the “Analytical Report on Current State of Homelessness in the Territory of the Capital City of Prague in 2005” stresses that “despite all emergency measures, the total capacity of available facilities is unsatisfactory. Organisations must refuse daily 50–60 people interested in staying overnight”.

101. There is no special law restricting speculation with flats or real estate in the Czech Republic. The fight against such speculation uses legal means applying also to other areas. The problem of this kind of speculations is not very serious in the Czech Republic.

Local measures – Capital City of Prague

102. As an example of measures adopted at the local level, it is possible to refer to the long-time systematic support of construction of rental flats, which has been provided only to municipalities in the Czech Republic. However, the support provided to subjects other than municipalities with regard to construction of rental flats is being expanded. Since 2006 housing co-operatives have been also eligible for support for construction of rental – cooperative flats designated for housing of their members.²³¹

103. Non-governmental non-profit organisations (NGOs) may also obtain funds of investment or non-investment character in the form of grants. In this way, the state provides aid mostly to the housing of people with disabilities and of seniors, i.e. the housing combined with social services.

104. For example, the Municipal Authority of the Capital City of Prague owns (as of 1 September 2006) a total of 433 flats specially designated for the needs of people with disabilities. That represents about 4.5% of the entire housing fund whose management was not entrusted by the Statute of the Capital City to city parts (186 flats whereof have been built since 2000).

105. Individual city parts in the Capital City of Prague operate a number of facilities in their districts.²³² In 2005, the City put into operation a new dormitory in Prague 5 – Zličín with the capacity of 138 people. However, permanent housing is provided mainly by social care facilities to their clients.²³³ According to materials of the social care department of the

founded in 1991 and which has been an advisory body to the European Community and the European Parliament.

²³¹ Basic conditions of provision of state aid to the construction of rental flats owned by housing co-operatives are laid down by the Act on Support of Construction of Co-operative Flats out of the State Housing Development Fund (No. 378/2005 Coll.) and by the Government Regulation No. 465/2005 Coll., which deals with details. The financial participation of co-operative members in the construction of such flats must reach at least the sum stipulated by this Act. Thereafter, they become lessees of the co-operative flats constructed in this way.

²³² There are 11 social and nursing care centres with the total capacity of 482 places, 21 homes providing domiciliary services with the capacity of 1,935 flats. However, the minimum number should be 3,780 flats and 7,500 places in social and nursing care centres; the senior house in Prague 9 has the capacity of 77 places.

²³³ There are 13 senior homes with the total capacity of 2,787 places and senior boarding houses with the total capacity of 971 places, while the minimum number should be 1,008 places. The total of 15 social care institutes with the total capacity of 1,630 places, while there are 1,375 other applicants. There are 2 asylum homes for homeless people with the capacity of 102 places (for men only), while one of them (42 places) is operated only in winter.

Municipal Authority of the Capital City of Prague, the capacity of social care facilities managed by the Capital City of Prague and its city parts is about 8,600 places.

106. NGOs also establish asylum facilities for homeless people. There are currently 16 of these facilities operating in the territory of the Capital City of Prague with the capacity of 634 places, two facilities whereof (with 95 places) are operated in winter only.

107. According to the census of the homeless organised on 19 February 2004, there were 3096 homeless people in Prague. Fewer than 37% of these homeless people spent a night in these facilities, while their capacity was used at the rate of almost 100%. The remaining 63% (i.e. about 1,950 people) could not take advantage of this possibility due to insufficient capacity of these establishments.

Recommendation No. 39

The Committee calls upon the State Party to adopt a summary National Health Strategy.

108. The “Long-term Programme for Improvement of Health of the Population in the Czech Republic – Health for All in the 21st Century” (called also Health 21) accepted in 2003 has been serving as the National Health Strategy.²³⁴

109. The programme Health 21 is the national variant of the World Health Organisation programme “Health for all in the 21st century”. Its main objective is to prepare a functioning model of comprehensive care and health support of the entire society through 21 goals. The above-mentioned programme thus represents an extensive set of activities focused on continuous and gradual improvement in all health indicators of the population and it envisages participation of all components of the society in its implementation. The implementation of the programme is monitored by the government through the Council for Health and the Environment. The Council established an advisory body “Committee for Health 21”, which deals exclusively with the implementation of this programme. The implementation of the programme Health 21 is also monitored regularly and a report on ongoing performance of this programme is presented to the Czech government every year.

110. The implementation of the programme Health 21 is accompanied, for example, with subsidy programmes which provide every year financial aid to a number of projects contributing to a different extent to the resolution of most of the goals of this programme.

Recommendation No. 40

The Committee recommends to the State Party the adoption of efficient provisions ensuring more adequate living conditions for people with disabilities. The Committee asks the State Party to be informed in the second periodical report about laws and measures adopted in relation to people with disabilities, including mentally disabled people, about the number of hospitalised people, their material situation, and about legal guarantees adopted to protect patients.

111. Details related to individual measures relating to people with disabilities are presented in individual articles dealing with the individual aspects of the Covenant. The information presented below has a conceptual and thus a general character.

²³⁴ Resolution of the Czech Republic Government No. 1046 of 30 October 2002.

112. The government has approved in 2004 a new Medium-term Concept of the State Policy towards Persons with Disabilities²³⁵ (the “Medium-term Concept” only), where it ordered the government members to apply this concept in their legislative, management, methodological and organisational activities, affecting needs of citizens with disabilities and to implement individual conceptual measures.

113. The National Plan for the Support and Integration of Persons with Disabilities for the period 2006–2009,²³⁶ which was adopted in 2005, is based on goals and tasks of the Medium-term Concept. The proposal respects the concept of the UN Standard Rules on the Equalization of Opportunities for People with Disabilities. Individual chapters of the National Plan contain a brief introduction to the given area, the desirable target situation which should be achieved, and individual clearly formulated measures together with the designation of the responsible ministry and the proposed achievement date.

Recommendation No. 41

The Committee calls upon the State Party to adopt efficient provisions restricting tobacco smoking, drug abuse and alcohol consumption, particularly by children.

114. The basic law relating to reduction of demand for drugs is the Act on Measures Protecting against Damage Caused by Tobacco Products, Alcohol, and Other Addictive Substances (No. 379/2005 Coll.).²³⁷ This Act lays down, inter alia, the responsibilities of the government, individual ministries, regions, cities, and municipalities and orders the regions to establish full-time posts of the regional drug coordinator. Cities and municipalities are obliged to establish the position of a local anti-drug coordinator.

115. The government implements the drug policy on the basis of adopted conceptual documents: the National Drug Policy Strategy for the period 2001–2004, followed up National Drug Policy Strategy for the period 2005–2009, which was further elaborated in the Action Plan for the Implementation of the National Drug Policy Strategy for the period 2005–2006. These documents are in compliance with the EU Drug Strategy for the period 2005–2012 and the EU Drug Action Plan for the period 2005–2008.

116. The implementation of the National Strategy and of the Action Plan is coordinated and evaluated by the government, or by a body established by the government — the Council of the Government for Drug Policy, which has at its disposal an executive body — the Department for Drug Policy Coordination of the Office of the Government of the Czech Republic. One of its two sections is the National Monitoring Centre for Drugs and Drug Addiction founded in 2002. After the accession of the Czech Republic to the EU, the Centre has become a part of the pan-European network of the centres methodically managed by the European Monitoring Centre for Drugs and Drug Addiction in Lisbon. The National Monitoring Centre issues every year a Summary of the Drug Situation in the Czech Republic.

117. According to results of the “Selective Survey of the State of Health Lifestyle of the Population of the Czech Republic”, which was performed in autumn 2004, 22% of the adult population (18–64 years of age) have got at least one experience with the use of some of the

²³⁵ Resolution of the Czech Republic Government No. 605 of 16 June 2004.

²³⁶ Resolution of the Czech Republic Government No. 1004 of 17 July 2005.

²³⁷ Act No. 379/2005 Coll. on Protective Measures against Damage Caused by Tobacco Products, Alcohol, and Other Addictive Substances and on the Amendment to Related Laws, I as amended.

monitored illegal drugs.²³⁸ Particularly young people consider obtaining drugs easy or very easy.²³⁹

118. There is a network of both inpatient and outpatient treatment facilities and facilities reducing harm to drug users in the Czech Republic. The treatment of drug users and the provision for services lowering harm to drug users is free for patients and clients. It has been financed from public funds, from both public health insurance funds and the funds provided by the state administration and self-governing units in the form of subsidies.

Table No. 41a

Data about the number of medical facilities and the facilities reducing impacts of the drug use, development of the network of AT outpatient establishment

<i>Year</i>	<i>Outpatient</i>
	<i>AT establishments</i>
	<i>Number of establishment</i>
2000	320
2001	330
2002	342
2003	368
2004	382
2005	401

119. Quality standards for services active in the area of the treatment and the lowering of harm to drug users were introduced in 2005 and the compliance with these standards has become the obligatory condition for obtaining state subsidies in 2007.

Table No. 41b

Psychiatric facilities – beds for the treatment of alcoholism and other addictions

<i>Year</i>	<i>Number of beds</i>
2002	1 194
2003	1 275
2004	1 276
2005	1 356

Table No. 41c

Data about the number of smokers by sex and age

<i>Age</i>	<i>Kind of smoking</i>
------------	------------------------

²³⁸ Twenty-one percent of the population within the age group of 18–64 years old have got some experience with use of hemp substances, 7% of the population tried ecstasy, 3.5% tried addictive mushrooms or other natural hallucinogens, and 2.5% amphetamines. Other illegal substances have not been much used. According to testimonies of respondents, the most easily accessible substances include those with sedative effects, hemp and volatile substances.

²³⁹ The most frequent drug distribution places are clubs and discotheques, but also bars and restaurants, where 23.9% of respondents, 21.5% respectively were addressed by dealers. About one half of questioned people have never been offered any drugs.

<i>Structure in the set of respondents by the kind of smoking (in %)</i>					
	<i>Never smoked</i>	<i>Former smoker</i>	<i>Occasional smoke</i>	<i>Mild smoker</i>	<i>Strong smoker</i>
<i>Men</i>					
Total	37.8	24.7	6.6	21.7	9.2
15–24	49.6	10.3	9.5	27.3	3.3
25–34	39.3	15.2	10.9	23.7	10.9
35–44	34.3	18.3	6.5	26.6	14.2
45–54	28.6	32.4	3.3	21.4	14.3
55–64	22.8	43.9	4.7	19.3	9.4
65–74	46.8	36.7	3.7	8.3	4.6
75+	55.4	30.4	1.8	8.9	3.6
<i>Women</i>					
Total	59.1	17.3	5.5	15.8	2.3
15–24	61.7	15.0	8.3	14.1	1.0
25–34	56.5	17.1	6.9	16.3	3.3
35–44	50.3	14.1	6.1	25.2	4.3
45–54	41.5	25.2	5.6	24.4	3.4
55–64	61.3	18.1	5.5	13.1	2.0
65–74	72.5	15.4	2.7	8.7	0.7
75+	89.1	10.9	-	-	-

Source: HIS CR 2002; one survey was organised in the period under review (2000–2005 (in 2002) which was focused on the adult population and was carried out according to WHO observations. The next survey will be organised by ÚZIS Czech Republic in 2007.

Recommendation No. 44

The Committee calls upon the State Party to adopt the immediate and efficient provisions eliminating discrimination of Roma children by their transfer from “special schools” and ensuring their integration into the mainstream educational system.

120. The system of special schools and remedial schools (special schools for students with mental disabilities) in the Czech Republic has been always racially neutral. Special schools were definitely not created for members of the Roma or any other ethnic group. Their purpose has never been the segregation of Roma children. The purpose of special schools was to facilitate an optimal form of education for students with intellectual insufficiencies which made it impossible for them to be successfully educated at elementary schools.

121. This was thus an alternative educational method, not a lower or even second-class education. This was manifested, among others, by the fact that the education obtained at special schools was legally equal to education obtained at elementary schools. Criteria for the enrolment of children at special schools were in no way related to their racial or ethnic origin. Reasons for the enrolment of each individual child at a special school were his or her mental dispositions and special educational needs.

122. As it has been already mentioned (see 13.3), the new Education Act introduced a number of provisions concerning education of students with special educational needs, including socially disadvantaged pupils at mainstream schools, unless the student's parents do not opt for a different kind of school. The new Education Act does not separate elementary and special schools and creates, in the elementary education, a framework ensuring to all students education and support corresponding to their specific educational needs.

123. The Act also determines and defines individual groups of children and students and the way of their education.²⁴⁰ It must be stressed that this option has been legally allowed only for students with health-related disabilities, not for students suffering from health or social disadvantages. These students cannot be placed in a separated school or class under any circumstances even with an explicit written consent of their legal representatives.

124. The new Education Act no longer emphasises institutions providing for education but educational programmes, the purpose of which has been the provision of lifelong education to Czech citizens. The Act has introduced a number of important legal changes in the area of education of children and students with special educational needs and in the organisation of the so-called special education. The fundamental change has been the fact that it does not differentiate the so-called "common" education and "special" schools, when compared with the original Education Act (No. 29/1984 Coll.). This means that there have not been any legal differences or barriers between the "common" education and "special" education.

125. This means specifically that the only type of elementary school is the primary school. The objective has been to remove the institution of a special school as a disadvantaging environment, which did not guarantee to Roma children the chance of achieving the education corresponding with their abilities.

126. A student obtains elementary education by his or her successful finalisation of the education programme of the elementary education at a primary school. All primary schools (including special or special elementary schools in the past) thus provide identical level of recognised as a single education level.

127. It is thus impossible to speak about "unequal" education obtained at a special school. As to the term "special school" mentioned on certificates issued after 1 January 2005, the Education Act has determined that this name must be amended by the end of March 2006.

128. The Act introduces informed consent with the transfer of a student to an elementary educational programme for students with health-related disability or to an educational programme offered by a special primary school. The school principal can transfer a student to such an educational programme only on the basis of a written recommendation by a physician and a school advisory facility, but only after the preliminary written consent of the student's legal representative. At the same time, the school principal is obliged to inform the student's legal representative about differences in educational programmes and about organisational changes, which could occur in connection with the transfer to another educational programme. These steps represent the legal condition on the issuance of an

²⁴⁰ These are health-related disabilities (covering mental, bodily, eye or hearing disabilities, speech problems and more concurrent disorders, autism, development disorders related to learning or behaviour), health related-disadvantages (impaired health, long-term illness, or lighter forms of health disorders resulting in learning or behavioural disorders requiring a special treatment in education) and social disadvantages (the family environment of a low social cultural status threatened by pathological social phenomena, ordered institutional or protective care, or the position of a person with the asylum status or a party to asylum proceedings).

administrative decision on the transfer of a student to another educational programme. When this condition has not been followed, the administrative decision is illegal.

Provisions improving the education of the Roma (Education Act)

129. The Education Act implements a number of provisions improving the situation of the Roma minority. There are preparatory classes created for children from socially and culturally disadvantaged environment²⁴¹ (the “preparatory classes” only) and the utilisation of teacher assistants (formerly called the “Roma pedagogical assistants”). The objective of this practice (the use of teachers’ assistants) is to eliminate any adaptation or communication problems at schools for socially disadvantaged children and students.

130. The Education Act also introduces the preparatory programme in kindergartens. It is a free type of education provided by kindergartens in the last year before the enrolment at a primary school. The utilisation of preparatory classes should significantly facilitate smooth inclusion of socially disadvantaged children at primary schools.²⁴² Roma assistants are active in individual education areas, assisting teachers in their educational activities, in communication with Roma children, in their individual approach to students, and in the removal of any education-related problems.

131. The preparatory classes had been until now organised only on the basis of a methodological recommendation of the Ministry of Education. The Education Act now incorporates the institute of preparatory classes in primary schools and these classes have become a standard legal institution for the preparation of socially disadvantaged children in whose case there is a prerequisite that the enrolment in a preparatory class in the last year before the start of their compulsory school attendance may compensate the shortcomings in their development.²⁴³

132. The preparatory classes of primary schools may be established by municipalities, associations of municipalities, or by a region, when there will be at least 7 children, but not more than 15 children. The school principal decides on the students’ enrolment in preparatory classes on request by the children’s parents and on the basis of a written recommendation of the school advisory facility.

Preparatory classes for socially disadvantaged children — schools, classes, children — by the areas

<i>Schools, classes, children in the preparatory classes</i>								
<i>Total</i>			<i>Thereof</i>					
<i>Schools</i>	<i>Classes</i>	<i>Children</i>	<i>At elementary schools</i>			<i>At special schools</i>		
	<i>Total</i>	<i>Of whom girls</i>	<i>Schools</i>	<i>Classes</i>	<i>Children</i>	<i>Schools</i>	<i>Classes</i>	<i>Children</i>
			<i>Total</i>		<i>Of whom girls</i>	<i>Total</i>		<i>Of whom girls</i>

²⁴¹ The Education Act defines the socially disadvantaged environment as a family environment of a low social and cultural level threatened by pathological social phenomena, ordered institutional or protective care, or as the position of a person granted asylum or a party to proceedings for granting in the Czech Republic under a special legal regulation.

²⁴² The main task of the education in preparatory classes is to eliminate any disadvantage caused by the socially or culturally disadvantaging environment and the disadvantage related to the incomplete knowledge of the Czech language. This provides a chance to overcome particularly the language differences and to reduce the number of these students in special schools.

²⁴³ The details are treated by the Decree No. 48/2005 Coll. On the elementary education and matters related to the observation of the school attendance.

Schools, classes, children in the preparatory classes

111	123	1 441	611	73	79	972	397	38	44	469	214
------------	------------	--------------	------------	----	----	------------	-----	----	----	------------	-----

(UIV database.)

133. Until now, the positions of teachers' assistants has been established only on the basis of internal regulations of the Ministry of Education. The Education Act implements the position of a teacher's assistant in all kindergarten classes, primary, secondary, and secondary vocational schools, where there are students with special educational needs. This position may thus assist not only students with health-related disability, but also by socially disadvantaged students – e.g. the so-called “Roma assistants” (see below).

134. Activities of a teacher's assistant are stipulated by the Act on Pedagogues (No. 563/2004 Coll.),²⁴⁴ which regulates the necessary professional qualification of a teacher's assistant. Teachers' assistants are mainly funded from the development subsidy programmes by the Ministry of Education, from reserves of Regional Offices, or from subsidies by work offices.²⁴⁵

Assistants to teachers in the preparatory classes in the period 2000–2006 – elementary schools, secondary schools, special schools and facilities for the institutional education

<i>School year</i>	<i>2001/02</i>	<i>2002/03</i>	<i>2003/04</i>	<i>2004/05</i>	<i>2005/06</i>
Total number of workers	246	376	296	246	235

Source: ÚIV database.

135. Another institute that can help in the improvement of the situation criticised by the Committee relates to courses for obtaining elementary education. Primary and secondary schools may organise elementary education for persons who have not completed elementary education. These courses are organised in accordance with the framework educational programme of the elementary education. Each person who did not complete elementary education after his or her compulsory school attendance because of any reason may be enrolled in such a course.²⁴⁶

136. The objective of the programme School with the full-day programme is to enable students from a socially disadvantaged environment and students from the Roma community: to achieve a higher education success rate through specific activities, to reduce the absence rate at individual schools, and to increase motivation of students during education at individual schools.²⁴⁷

²⁴⁴ Act No. 563/2004 Coll. on Pedagogues and on the Amendment to Certain Laws.

²⁴⁵ The Instruction by the Ministry of Education No. 33 377/2004–45 determining the binding principles for regional offices concerning allocation of funds received from the state budget and according to which municipal offices with extended competencies propose the allocation of funds from the state budget.

²⁴⁶ The details about the course organisation are set by the Decree No. 48/2005 Coll. on the elementary education and on the matters related to the compulsory school attendance.

²⁴⁷ This programme also strives to establish better co-operation and relations with families and the broader Roma community, schools and students, to provide better information to parents of the school students about the needs and education options for their children, to create a stimulating environment in which work alternates with an active rest and where the children get a chance to strengthen their knowledge and skills, gain new experience and skills and can purposefully spend their leisure time.

Table No. 44a

Assistants to teachers in preparatory classes in the period 2000–2004 – primary schools, secondary schools, special schools and institutional education facilities

<i>School year</i>	<i>2001/02</i>	<i>2002/03</i>	<i>2003/04</i>	<i>2004/05</i>	<i>2005/06</i>
Total number of workers	246	376	296	246	235
of whom: women	205	322	257	206	191
of whom: men	41	54	39	40	44
Restated number of workers	225	330.6	266.9	230.4	215
of whom: women	x	278.5	229.6	191.3	172.7

Source: ÚIV database.

Table No. 44b

Assistants to students with health-related disabilities 2005/2006 (not including personal assistants)

<i>School year 2005/06</i>	<i>Kindergartens</i>	<i>Primary schools</i>	<i>Secondary schools</i>	<i>Secondary vocational schools</i>	<i>Special primary schools</i>	<i>Institutional education</i>
Total number of workers	94	857	34	4	619	8
thereof: Women	91	796	29	2	544	7
thereof: Men	3	61	5	2	75	1
Recalculated number of workers	58.9	575.4	28	2.2	506.1	8
thereof: Women	57	537.2	24.9	1.5	440.4	7

Source: ÚIV database.

Other provisions improving the Roma education – programmes

137. In 2005, the Ministry of Education declared a development programme for education of “the teacher’s assistant for socially disadvantaged children and students at schools founded by the registered church or religious societies in 2005”. The funds for this programme are designated for legal persons or state agencies organising school activities supporting the education of Roma students who are Czech citizens and whose families face major difficulties when covering costs of secondary or secondary vocational education.²⁴⁸

138. This development programme has been extended in 2006 to all schools. This has been done because, due to financial reasons, regional authorities started to reduce the numbers of teachers’ assistants in connection with reduction of the number of teachers as a result of the decline in the number of children. The programme was designated for schools where the teacher’s assistant had been appointed as well as for schools interested in the appointment of the teacher’s assistant. However, the target group of the programme were only the teachers’ assistants for socially disadvantaged children and students.²⁴⁹

²⁴⁸ A total of 3 projects were approved – the schools with 11 Roma assistants and the costs of CZK 1 877 202.

²⁴⁹ There were 330 places for teachers’ assistants subsidized by CZK 70 734 090 in 2006.

139. The “Concept (of the project) of an early care after children from the socially and culturally disadvantaging environments”²⁵⁰ (the “Concept”) states that an early educational care will be provided to children from socially and socially and culturally disadvantaging environments and to their families, particularly in the period from 3 years of age of the child to the beginning of the school attendance.²⁵¹

140. The Concept also defines the term “early care” as a sum of measures which should identify possible risks in the development of children’s personalities and prevent the threatening negative impacts of the social-cultural disadvantage upon education, moral and social culture of personality of specifically determined groups of children. The early care programmes should be provided so as to contribute to the increase of the development level of children in the areas threatened by biological, social, or psychological factors.

141. This document also requires the Ministry of Education to continuously coordinate, in cooperation with the Ministries of Labour and Health, activities of individual institutions which look after children within the unified system (the social and legal protection of children, health facilities, the pedagogical and psychological consulting) in order to create a chance of identifying joint social and pedagogical-psychological diagnoses of children’s problems in the risky environment, including the socially and socially and culturally disadvantaging environments.

142. In 2006, the Ministry of Education initiated the education project “Minority Integration Centres”. The body implementing the project has been the Pedagogical-psychological Consulting Institute of the Czech Republic.²⁵² The preparation and pilot testing of the Concept of the early care project related to children from socially and culturally disadvantaging environments make a part of this project.

143. There are also the so-called early care centres organised at kindergartens or primary schools. They organize and provide preparatory courses – full-time residential courses for parents and children from 3 years of age to the beginning of the school attendance living in socially and culturally disadvantaging environment and long-term regular daily courses for parents and children from 3 years of age to the beginning of the school attendance living in socially and culturally disadvantaging environments having children.

144. As from 2003, the Ministry of Education declares twice a year the programme “Support of Roma students at secondary schools” and informs schools about possibilities and conditions of such programme through regional authorities and councils. This programme supports studies of the Roma students whose families face major problems with covering costs of the secondary studies.

145. Funds can be applied for by legal entities registered within the School Register, i.e. those providing: secondary education, secondary education with a vocational training certificate, secondary education with general certificate of education, post-secondary vocational education, or post-secondary vocational education provided by conservatories.

²⁵⁰ The Resolution of the Czech Republic Government of 11 May 2005.

²⁵¹ One of the envisaged impacts of all the measures in support of education of students from the socially and culturally disadvantaging environments is the increased number of these students in the mainstream education and their increased school success rate. The probability that these students will continue in their education and would successfully finish a secondary school or university or their professional preparation and will be successful on the labour market has been increasing.

²⁵² It collects and processes the information about pedagogical and psychological services, especially about the pedagogical, educational and career consulting at schools. It provides for analyses, researches and surveys related to the provision of consulting services and to pedagogical and psychological aspects in education. It prepares conceptions necessary for the Ministry of Education in the area of consulting services.

Table 44c
Review of the funds provided so far in the period 2000–2006

<i>Round – year</i>	<i>Number of applications</i>	<i>Sums in CZK</i>
I/2000	333	2 344 000
II/2000	561	510 000
I/2001	511	3 437 000
II/2001	1 021	3 400 000
I/2002	941	3 488 000
II/2002	1 409	4 992 948
I/2003	1 136	5 230 599
II/2003	1 441	4 742 833
I/2004	1 069	5 015 063
II/2004 Proper term	894	4 054 700
III/2004 Supplementary term	350	922 200
I/2005	1 292	5 986 000
II/2005	1 391	5 503 600
I/2006	1 315	6 713 500
Total	13 664	56 340 443

146. The “Programme of Support of the Roma Community Integration”²⁵³ is announced every year. It supports better accessibility of education to children from the Roma community. The Ministry of Education, which announces these programmes, supports the projects assisting to the inclusion of Roma children and students into the mainstream education.²⁵⁴ The subsidy programme of 2005 approved a total of 128 projects and the subsidies amounted to CZK 10,099,770. A total of 90 projects worth CZK 9,700,000 were approved in 2006.

147. The Ministry of Education has been co-operating with non-profit organisations involved in education for a long time. This relates, for example, to activities by advisory teams established at the Ministry of Education (history, pedagogy, citizens’ education, Montessori), representing NGOs in the relevant area, to the participation in workshops and conferences organised by the Ministry for NGOs, organised by NGOs, to the announcement of subsidy and development programmes, tenders, and allocation of grants for NGOs’ activities, informal consulting and meetings accompanying preparation of documents, the cooperation in specific projects, in drafting legal regulations, etc.

²⁵³ For example, there were the following topics announced in 2005: Support of the increased participation of Roma children in pre- school education, support of methods and work forms which increase the effectiveness of pre- school education of Roma children, support of further education of teachers and assistants working with Roma children of the pre school age in the utilisation of efficient educational methods for the Roma children, the support of activities increasing the chance of Roma children for the successful start of the school attendance, the support of activities focused on the involvement of families in the pre school education of children, and the support of accompanying activities of elementary schools supporting Roma children when overcoming obstacles during the compulsory school attendance.

²⁵⁴ They are especially the following areas: the pre school preparation of Roma children, the education of students from Roma communities at elementary schools, the methodical support of teachers, and the leisure and hobby activities for Roma children and youth related to their educational needs.

Recommendation No. 45

The Committee calls upon the State Party to ensure human rights education at schools of all levels and to improve the awareness of human rights, particularly of economic, social and cultural rights among public servants and the judiciary.

148. Human rights education has been a part of the education of employees of administrative authorities in accordance with the “Rules of Education of Employees of Administrative Authorities”.²⁵⁵ It is provided in connection with the Code of Ethics as a part of the initial introductory training which starts immediately after the commencement of the employment relationship and is further expanded in subsequent introductory training as a part of the topics focused on basic rights and freedoms, general principles of ethical behaviour and equal rights for women and men, but also as a part of advanced forms of education.

149. In 2006, employees of administrative authorities participated in a four-day course organised by the State Administration Institute²⁵⁶ called “Ethics as an inseparable part of the professional behaviour in the public administration”, which was a part of their advanced training. Apart from the observation of ethical principles and behaviour, the course dealt also with actual issues related to the protection of human rights in the Czech Republic. Another form of human rights education was the e-learning distributed by the State Administration Institute to employees of administrative authorities, which focused on the equal opportunities for women and men.

²⁵⁵ Resolution of the Czech Republic Government No. 1542 of 30 November 2005.

²⁵⁶ The State Administration Institute (ISS) was founded on 1 July 2001 by the Czech Government Resolution No. 814 of 23 August 2000. The main task of ISS has been the preparation and implementation of training for employees working in administrative offices.