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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

7 May 2013

Case document No. 2

**Association for the Protection of all children (APPROACH) Ltd v. Czech
Republic**
Complaint No. 96/2013

**OBSERVATIONS FROM THE GOVERNMENT
ON THE ADMISSIBILITY**

Registered at the Secretariat on 3 May 2013

**European Committee of Social Rights
Executive Secretary
Council of Europe**

Association for the Protection of All Children (APPROACH) Ltd

v.

Czech Republic

Collective Complaint No. 96/2013

**OBSERVATIONS OF THE GOVERNMENT OF THE CZECH REPUBLIC ON THE
ADMISSIBILITY**

- I. On February 4, 2013, the Association for the Protection of All Children (“Association”) lodged, according to Article 5 of the 1995 Additional Protocol (“Protocol”) to the European Social Charter (“the Charter”) Providing for a System of Collective Complaints, the complaint alleging a violations of the Charter, registered with the Secretariat of the European Committee of Social Rights (“ECSR”) under the reference number 96/2013.
- II. After thorough examination of formal admissibility of the complaint according to the Rules of Procedure for the System of Collective Complaints (“Rules”) and Protocol, the Government wishes to make following comments.
- III. The Czech Republic ratified Article 17 in good faith, respecting both the text of Article 17 itself and the ECSR case law. The Government of the Czech Republic submitted a statement in relation to this Article three times, in the framework of the national reports control system: In the first report in 2001 (the reference period from January to December 2000) introductory information on the implementation of Article 17 was provided; additional information on this issue was provided in the second report (reference period from January 2001 to December 2002) and in the eighth report (reference period from January 2006 to December 2009).
- IV. When examining the first report, the ECSR requested additional information on the national legislation implementing Article 17. As a result of the second report evaluation in 2005, the ECSR observed non-conformity with Article 17 and called for the introduction of legislation in conformity with the Charter. Non-conformity with Article 17 of the Charter was observed by the ECSR once again in Conclusions XIX-4 (the 8th report on the implementation of the Charter of January 2012).
- V. The Governmental Committee considered the implementation of Article 17 by the Czech Republic at its 126th meeting (8 – 12 October 2012) in the light of the ECSR Conclusions and called on the Government of the Czech Republic to complete studies related to the issue and provide further information in the next national report. The Governmental Committee neither concluded that it would be necessary to submit to the Committee of Ministers a proposal of a recommendation nor addressed a warning to the Government of the Czech Republic.

- VI. The complaint presented by the Association for the Protection of All Children is based on the conclusions of the ECSR made in the framework of the national reports control system. Therefore, it does not introduce any new element in the matter. By examining the merits of the present complaint, the ECSR would duplicate the procedure of national reports evaluation and would be considering completely the same matter.
- VII. For the reasons mentioned above the complaint should be considered as inadmissible.



Miroslav Fuchs

Director of the Department for European Union and International Cooperation
Ministry of Labour and Social Affairs of the Czech Republic

Prague, May 3rd, 2013