



March 2023

## **EUROPEAN SOCIAL CHARTER**

European Committee of Social Rights

Conclusions XXII-4 (2023)

**CZECH REPUBLIC**

*This text may be subject to editorial revision.*

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter, the Committee, the national reports as well as the Statement of interpretation on Article 17 adopted by the Committee during the supervision cycle can be found in the General Introduction to all Conclusions.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report requested from the States Parties concerned the following provisions of the thematic group IV " Children, families and migrants ":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19).

The reference period was from 1 January 2018 to 31 December 2021.

The following chapter concerns the Czech Republic which ratified the 1961 Charter on 3 November 1999. The deadline for submitting the 20th report was 31 December 2022 and the Czech Republic submitted it on 30 December 2022.

The Committee recalls that the Czech Republic was asked to reply to the specific targeted questions posed under various provisions (questions included in the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter). The Committee therefore focused specifically on these aspects. It also assessed the replies to the previous conclusions of non-conformity, deferral and conformity pending receipt of information (Conclusions 2015).

In addition, the Committee recalls that no targeted questions were asked under certain provisions. If, in its previous conclusion (Conclusions 2015), the Committee concluded that the situation was in conformity, there was no examination in 2023.

The comments of Forum for Human Rights (FORUM) and the Validity Foundation, Rytmus, Inclusion Czech Republic and the Civil Society of Parents for Children with Autism on the 11th report were registered on 1 July and 30 June 2023 respectively.

The Czech Republic has not accepted the following provisions from the above-mentioned group: 8§4, 19§§1-8, 19§10.

The conclusions relating to the Czech Republic concern 16 situations and are as follows:

- 10 conclusions of conformity: Articles 7§§1-3, 7§§6-10, 8§3, 19§9.
- 6 conclusions of non-conformity: 7§§4-5, 8§§1-2, 16, 17.

Conclusions and reports are available at [www.coe.int/socialcharter](http://www.coe.int/socialcharter).

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 1 - Prohibition of employment under the age of 15*

The Committee takes note of the information contained in the report submitted by Czech Republic.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 7§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee notes that it has previously considered that the situation in the Czech Republic was in conformity with Article 7§1 of the Charter.

The Committee has observed that many States’ legislation is in conformity with Article 7§1 of the Charter regarding the minimum age for employment. Nevertheless, the Committee is concerned about the situation in practice. There are data that suggest that in many countries there are significant numbers of children working illegally. However, there are few official data on the extent of the problem. Therefore, as targeted questions to the States, the Committee asked for information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. It also asked for information on the number of children actually working, as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

According to the report, in 2021, the Labour Office received a total of 3 330 applications for permission for child activity, of which 3 216 were issued a decision (either positive or negative). However, the eventual inspection is carried out by the State Labour Inspection Office (SLIO), usually on the basis of a complaint received. In this regard, the SLIO found no irregularities in 2021 and only one in 2020.

### *Conclusion*

The Committee concludes that the situation in Czech Republic is in conformity with Article 7§1 of the 1961 Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 2 - Higher minimum age in dangerous or unhealthy occupations*

The Committee takes note of the information contained in the report submitted by Czech Republic.

The Committee recalls that no targeted questions were asked for Article 7§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2015) the Committee found that the situation in the Czech Republic was in conformity with the Charter.

In reply to the Committee's previous question, the report states that the State Labour Inspection Office (SLIO) did not identify any child permit violations as part of its monitoring activities in 2021, and in 2020 one violation was detected.

### *Conclusion*

The Committee concludes that the situation in Czech Republic is in conformity with Article 7§2 of the 1961 Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 3 - Prohibition of employment of young persons subject to compulsory education*

The Committee takes note of the information contained in the report submitted by the Czech Republic.

The Committee recalls that no targeted questions were asked for Article 7§ 3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion the Committee found that the situation was in conformity with the Charter. It asked for confirmation that young persons subject to compulsory education will have in any case an uninterrupted period of rest of two weeks during the summer holidays.

According to the report, the organisation of the school year is governed by Decree No.16/2005 Coll., on the organisation of the school year, as amended. The school year begins on 1 September and ends on 30 June of the following calendar year. The organisation of the school year is divided into first and second semesters and the main holidays last from the end of the second semester until the start of the first semester of the new school year. If, in secondary education, vocational or artistic practice or sports training is held during the main holidays in accordance with the framework curriculum of the field of education concerned, the second half of the school year ends before the fixed date.

The school term is shortened by the number of school days corresponding to the duration of the professional or artistic practice or sports training to be carried out during the main holidays.

### *Conclusion*

The Committee concludes that the situation in the Czech Republic is in conformity with Article 7§3 of the 1961 Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 4 - Length of working time for young persons under 16*

The Committee takes note of the information contained in the report submitted by the Czech Republic. It also takes note of observations submitted by the European Trade Union Confederation (ETUC).

The Committee recalls that no questions were asked for Article 7§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

Article 7§4 of the 1961 Charter is concerned with the employment of persons under 16 who are no longer in compulsory education. The Committee has previously considered that for persons under 16 years of age, a limit of eight hours a day or forty 40 hours a week is contrary to this article (Conclusions XI-1 (1991), Netherlands). However, for persons over 16 years of age, the same limits are in conformity with Article 7§4 (Conclusions 2002, Italy).

In its previous conclusion, the Committee considered that the situation in the Czech Republic was not in conformity with Article 7§4 of the Charter on the ground that the duration of working time for young workers under 16 years of age was excessive (Conclusions XX-4 (2015)).

The report states that since 2008 the Czech Republic has increased the maximum working time limit for young workers to 40 hours per week in all employment relationships. The authorities consider that there is no benefit in differentiating the length of weekly working time for juvenile employees according to their age. The Committee notes that the situation with regard to the daily and weekly working time for children who are no longer subject to compulsory education has not changed and it therefore maintains its conclusion of non-conformity.

### *Conclusion*

The Committee concludes that the situation in the Czech Republic is not in conformity with Article 7§4 of the 1961 Charter on the ground that the duration of working time for young workers under 16 years of age is excessive.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 5 - Fair pay*

The Committee takes note of the information contained in the report submitted by Czech Republic.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 7§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee deferred its previous conclusion pending receipt of the information requested (Conclusions 2019). The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of deferral and to the targeted questions.

### **Fair remuneration for young workers and apprentices**

In its previous conclusion, the Committee asked whether towards the end of the apprenticeship the apprentices were paid the wage that was higher than their starting wage.

The report refers to the same information which the Committee assessed in the previous monitoring cycle, namely that the level of remuneration of apprentices amounts to at least 30% of the minimum wage for the prescribed weekly working hours and that the final allowance depends on the apprentice's work productivity. This remuneration is provided by the legal entity which carries out the school's activities, from the funds obtained through these productive activities. The Committee recalls that it has repeatedly asked information on the minimum amount of the allowances granted to apprentices in their last year of apprenticeship (since Conclusions 2015). The Committee understands from the report that the level of remuneration of apprentices of at least 30% of the minimum wage for the prescribed weekly working hours remains the same throughout the duration of the apprenticeship. In this respect, the Committee refers to its statement of interpretation which specifies that the terms of apprenticeships should not last too long and, as skills are acquired, the allowance should be gradually increased throughout the contract period (Conclusions II (1971), Statement of Interpretation on Article 7§5), starting from at least one-third of the adult starting wage or minimum wage at the commencement of the apprenticeship, and arriving at least at two-thirds at the end (Conclusions 2006, Portugal). The Committee concludes that the situation is not in conformity with the Charter on this point.

### **Fair remuneration in atypical jobs**

For the present monitoring cycle, the Committee requested updated information on net minimum wages and allowances payable to persons under 18 years of age. In particular, it asked for information on measures taken to ensure that fair remuneration is guaranteed to young workers:

- i) in atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.)
- ii) in the gig or platform economy and
- iii) having zero hours contracts.

The report states that the the same monthly and hourly minimum wage of 16,200 CZK (670 EUR) and CZK 96.40 CZK (4 EUR), respectively, applies to all employees. Furthermore, the current regulation of remuneration for work and compensation in Czech labour law does not allow differentiation between different groups of employees on the basis of their age.

### **Enforcement**

In the context of the present monitoring cycle the Committee also requested information on measures taken to ensure that this right of young persons to fair pay is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions).

The report states that with regard to public enforcement of the principle of fair remuneration, Section 13(1)(a) and Section 26(1)(a) of Act No. 251/2005 Coll., on Labour Inspection provide that an employer commits an offense in the area of remuneration of employees by failing to provide an employee with the same wage or salary as another employee for the same work or work of equal value. The State Labour Inspection Office (SLIO) conducts such inspections of compliance with labour law, including ensuring equal conditions for all employees regardless of their age. A fine of up to 500,000 CZK (20,680 EUR) may be imposed on the employer for the offense.

#### *Conclusion*

The Committee concludes that the situation in Czech Republic is not in conformity with Article 7§5 of the 1961 Charter on the ground that the apprentices' allowances are not gradually increased throughout the contract period.



## **Article 7 - Right of children and young persons to protection**

### *Paragraph 6 - Inclusion of time spent on vocational training in the normal working time*

The Committee takes note of the information contained in the report submitted by the Czech Republic.

The Committee recalls that no questions were asked for Article 7§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§6 requires that time spent on vocational training by young people during normal working hours must be treated as part of the working day (Conclusions XV-2 (2001), Netherlands). Such training must, in principle, be done with the employer’s consent and be related to the young person’s work. Training time must thus be remunerated as normal working time, and there must be no obligation to make up for the time spent in training, which would effectively increase the total number of hours worked (Conclusions V (1977), Statement of Interpretation on Article 7§6). This right also applies to training followed by young people with the consent of the employer and which is related to the work carried out, but which is not necessarily financed by the latter.

In its previous conclusion, the Committee found that the situation in the Czech Republic was in conformity with Article 7§6 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee has previously requested information as regards the activities, findings and sanctions in relation to the obligation of employers to provide remuneration for training time as for the normal working time.

The report states that the supervision of compliance with labour law regulations in the area of remuneration in connection with the performance of dependent work is one of the indispensable control activities of labour inspection bodies. It further specifies that in 2021, a total of 2 771 compliance inspections focusing on remuneration were completed and detected 2 389 violations. A total of 1 445 inspections were carried out in relation to complaints. In the framework of inspections exclusively focused on the area of remuneration, 373 inspections were carried out in 370 legal entities. No infringements were found in 305 case, i.e. 81 % of the entities inspected. In 2021, 452 fines in the total amount of CZK 11,636,000 were imposed on employers for breaches of legal regulations relating to remuneration. Of these, 151 fines were imposed for the employer's failure to provide the employee with a wage at least equal to the minimum wage or the lowest level of the guaranteed wage or a salary in the specified amount.

Finally, the report specifies that inspections are carried out across all business sectors and for all types of employers. The labour inspection authorities have not received any specific complaints from school graduates relating to remuneration in the context of professional practice within the meaning of Section 229 of the Labour Code.

### *Conclusion*

The Committee concludes that the situation in Czech Republic is in conformity with Article 7§6 of the 1961 Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 7 - Paid annual holidays*

The Committee takes note of the information contained in the report submitted by the Czech Republic.

The Committee recalls that no targeted questions were asked for Article 7§7 of the 1961 Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the 1961 Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in the Czech Republic was in conformity with Article 7§7 of the 1961 Charter (Conclusions XX-4 (2015)). Therefore, the Committee reiterates its previous conclusion.

### *Conclusion*

The Committee concludes that the situation in the Czech Republic is in conformity with Article 7§7 of the 1961 Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 8 - Prohibition of night work*

The Committee takes note of the information contained in the report submitted by the Czech Republic.

The Committee recalls that no targeted questions were asked for Article 7§8 of the 1961 Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the 1961 Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in the Czech Republic was in conformity with Article 7§8 of the 1961 Charter (Conclusions XX-4 (2015)). Therefore, the Committee reiterates its previous conclusion.

### *Conclusion*

The Committee concludes that the situation in the Czech Republic is in conformity with Article 7§8 of the 1961 Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 9 - Regular medical examination*

The Committee takes note of the information contained in the report submitted by the Czech Republic.

The Committee recalls that no targeted questions were asked for Article 7§9 of the 1961 Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the 1961 Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in the Czech Republic was in conformity with Article 7§9 of the 1961 Charter (Conclusions XX-4 (2015)). Therefore, the Committee reiterates its previous conclusion.

### *Conclusion*

The Committee concludes that the situation in the Czech Republic is in conformity with Article 7§9 of the 1961 Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 10 - Special protection against physical and moral dangers*

The Committee takes note of the information contained in the report submitted by the Czech Republic.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§10 of the 1961 Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the 1961 Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, pending receipt of the information requested, the Committee concluded that the situation in the Czech Republic was in conformity with Article 7§10 of the 1961 Charter (Conclusions XX-4). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of conformity pending receipt of information and the targeted questions.

### ***Protection against sexual exploitation***

The Committee previously asked for confirmation that all acts of sexual exploitation of children, including child prostitution, and the simple possession of child pornography material covered children under the age of 18. It also asked whether child victims of sexual exploitation could be prosecuted for any act connected with this exploitation (Conclusions XX-4).

In the targeted questions, the Committee asked for updated information on measures taken to strengthen the protection of children, including migrant, refugee, and displaced children, from sexual exploitation and abuse (in particular, in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

The report confirms that all forms of child sexual exploitation, according to the generally accepted interpretation of this notion under international law, are criminal offences under the Czech legal system covering children under the age of 18. Child victims of sexual exploitation cannot be prosecuted as perpetrators of a crime and even if a child is forced by a perpetrator to act in a criminal manner, the child is not prosecuted.

The Committee notes from Recommendation CP/Rec(2020)01 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Czech Republic, a recommendation made by the Committee of the Parties to the Council of Europe at the said Convention on 12 June 2020, that GRETA urged the Czech authorities to take measures to ensure compliance with the provision of the non-punishment of victims of human trafficking for their involvement in unlawful activities. The Committee reiterates that child victims of sexual exploitation should not be prosecuted for any act connected with this exploitation (Conclusions XVII-2, United Kingdom).

In reply to the targeted question, the report states that the Ministry of Labour and Social Affairs annually monitors statistical indicators on the performance of socio-legal protection. The report includes data on the number of children registered with the social and legal protection bodies who have been found abused, exploited or neglected. The Office for International Legal Protection of Children keeps record of reported cases of unaccompanied foreign minors intercepted by the child welfare authorities. In the framework of the First Action Plan to Implement the National Strategy for the Protection of the Rights of the Child 2021-2029 for the period 2021-2024, an interdisciplinary team was created to define a guaranteed network of services for families with children, including working groups dealing with the issue of services for children and families with specific needs.

### ***Protection against the misuse of information technologies***

In the targeted question, the Committee asked for information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

The report states that with regard to preventive measures, they are currently governed by the Ministry of the Interior's Crime Prevention Programme for 2022. The Committee notes that this programme is outside the reference period for the purposes of the present reporting cycle.

The Committee notes from other sources (Lanzarote Committee Implementation Report addressing the challenges raised by child self-generated sexual images and/or videos of 10 March 2022) that in the Czech Republic, the Judicial Academy regularly organises or co-organises educational events related to ICT facilitated criminal offences including sexual offences, available to prosecutors, judges and, depending on the capacity of the courses, legal and judicial trainees, as well as assistants to judges and prosecutors. Among these, two seminars were organised in 2021 on the theme "Cybercrime – selected issues", focusing, among other things, on cyber-grooming, sexting, cyberstalking. In 2019, a three-day seminar was organised on various issues, including cyber-grooming.

### ***Protection from other forms of exploitation***

The Committee previously asked for information on measures taken to address the issue of sexual exploitation of Roma children (Conclusions XX-4).

The report states that, under Act No. 45/2013 Coll. on Victims of Crimes, Roma children were afforded even greater protection than ordinary victims of crimes. Police officers are trained to deal with such victims with an emphasis on a sensitive and empathetic approach. The victims are interviewed in special rooms by specifically trained police officers who use adapted methods.

### ***Covid-19***

In the context of the Covid-19 pandemic, the Committee asked for information on the impact of the pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen the monitoring mechanisms.

The Committee recalls that Article 7§10 of the Charter guarantees protection against sexual and other exploitation of children as well as protection against the misuse of information technology and social media (for the purposes of online bullying, child pornography, grooming, harassment, etc.), which is particularly pertinent in view of the acceleration of digitalisation and online activity brought about by the pandemic (Statement on Covid-19 and social rights, 24 March 2021).

The report states that during the pandemic, the Ministry of Labour and Social Affairs monitored the situation in the facilities for children in need of immediate assistance, monitored the staff and maintained control over the institutions that were in quarantine.

### ***Conclusion***

The Committee concludes that the situation in the Czech Republic is in conformity with Article 7§10 of the 1961 Charter.

## **Article 8 - Right of employed women to protection**

### *Paragraph 1 - Maternity leave*

The Committee takes note of the information contained in the report submitted by the Czech Republic.

The Committee recalls that no targeted questions were asked in relation to Article 8§1 of the Charter, only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children, families and migrants").

In its previous conclusion (Conclusions XX-4 (2015)), the Committee found that the situation in the Czech Republic was in conformity with Article 8§1 of the 1961 Charter pending receipt of information on a full and updated description of the system of maternity benefits, including the regime for women in the public sector; on whether the minimum rate of maternity benefits corresponded at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.

### ***Right to maternity leave***

The Committee had previously concluded that the situation in the Czech Republic was in conformity with the 1961 Charter on this point. Therefore, there was no examination of the situation in 2023 and the Committee reiterates its previous conclusion.

### ***Right to maternity benefits***

The Committee had previously asked for a full and updated description of the system of maternity benefits, including the regime for women in the public sector (Conclusions XX-4). The report provides explanations about the system and states that maternity benefits are paid to all insured women. Therefore, the Committee understands that this also includes women in the public sector.

As regards whether the minimum rate of maternity benefits corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, the report states that for insured persons with average or lower wages, the maternity benefits are equal to 70% of gross wages and, given that maternity benefits are not subject to income tax, the ratio of the amount of maternity benefit to net wages is even higher for this group of insured persons.

The Committee notes from the MISSOC database (Czech Republic, as of 1/01/2021) that the daily basis of assessment is calculated using gross monthly earnings, which are taken into account as follows: up to CZK 1,182 (€45) per day: 100%; CZK 1,182 (€45) to CZK 1,773 (€68) per day: 60%; CZK 1,773 (€68) to CZK 3,545 (€135) per day: 30%; earnings over CZK 3,545 (€135) per day are not taken into account. The maximum amount is CZK 1,449 (€55) per day.

The Committee recalls that, under Article 8§1, the level of income replacement benefits must be set so as to be reasonably proportionate to previous salary (they must be equal to the previous salary or close to its value, and must not be less than 70% of the previous salary) and must never be less than 50% of median equivalised income (Statement of interpretation on Article 8§1, Conclusions 2015). If the benefit in question is between 40% and 50% of the median equivalised income, other benefits, including social assistance and housing, will be taken into account. On the other hand, if the level of the benefit is less than 40% of the median equivalised income, it is manifestly inadequate and its combination with other benefits cannot bring the situation into line with Article 8§1.

The Committee notes from Eurostat that, in 2020, 50% of the median equivalised income stood at €5 314 per year or €442 per month. It also notes that the minimum wage in 2020 amounted to €546 per month. The Committee estimates that, given that the maternity benefits are calculated at 70% of gross wages, women earning that minimum wage would receive €382 in maternity benefit in 2020, which is between 40% and 50% of the median equivalised income. In the absence of information about any supplementary benefits that would be paid to women earning the minimum wage in addition to their maternity benefit, the Committee considers that the situation is not in conformity with 8§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Czech Republic of their reporting obligations under Article 21 of the Charter.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right to paid maternity leave.

The report indicates that the Covid-19 crisis had no impact on the conditions of entitlement or the amount of maternity benefits.

### *Conclusion*

Due to the failure to provide the information listed below, the Committee concludes that the situation in the Czech Republic is not in conformity with Article 8§1 of the 1961 Charter. The Committee considers that this failure to provide information amounts to a breach by the Czech Republic of their reporting obligations under Article 21 of the 1961 Charter.

List of questions/Information missing:

- the minimum level of monthly maternity benefit and any supplementary benefits paid to women earning the minimum wage.



## **Article 8 - Right of employed women to protection**

### *Paragraph 2 - Illegality of dismissal during maternity leave*

The Committee takes note of the information contained in the report submitted by Czechia.

The Committee recalls that no targeted questions were asked in relation to Article 8§2 of the Charter only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group “Children, families and migrants”).

In its previous conclusion (XX-4, 2015), the Committee concluded that the situation in the Czech Republic was not in conformity with Article 8§2 of the 1961 Charter on the grounds that it had not been established that, where there is no reinstatement, the law provides for adequate compensation.

### ***Prohibition on dismissal***

The Committee found the situation previously in conformity on this point. There was therefore, no examination of the situation in 2023 and the Committee reiterates its previous finding of conformity.

### ***Redress for unlawful dismissal***

The Committee previously asked for clarification on the level of compensation available in cases where the employee does not request reinstatement. The Committee asked whether :

- this compensation covers both pecuniary and non-pecuniary damages or if unlimited compensation for non-pecuniary damages can also be claimed by the victim through other legal channels (e.g. anti-discrimination legislation);
- the same regime applies to women employed in the public sector, particularly those on temporary contracts.

The report states that when an employee is pregnant and on maternity leave (i.e. during the protected period), the ban on dismissal applies, with a few exceptions (Articles 53(1)(d) and 54 of the Labour Code). It also specifies that of all employees, mothers on maternity leave have the greatest protection against dismissal. bHowever, there is no response to the questions posed.

Due to the failure to provide the requested information, the Committee concludes that the situation in Czechia is not in conformity with Article 8§2 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Czechia of their reporting obligations under Article 21 of the 1961 Charter.

### ***Covid-19***

The Committee asked whether the Covid-19 crisis has had an impact on the possibility of dismissing employees who are pregnant or on maternity leave; it also asks whether there have been any exceptions to the ban on dismissal during pregnancy and maternity leave during the pandemic.

The report states that the Covid-19 crisis has had no impact on the possibility of dismissing pregnant employees and those on maternity leave, or on the exceptions to the ban on dismissal during pregnancy and maternity leave.

### *Conclusion*

The Committee concludes that the situation in Czechia is not in conformity with Article 8§2 of the 1961 Charter on the ground that the failure to provide the information listed below amounts to a failure to fulfil its reporting obligations under Article 21 of the 1961 Charter.

Information missing:

- Whether compensation covers both pecuniary and non-pecuniary damages or whether unlimited compensation for non-pecuniary damages can also be claimed by the victim through other legal channels (e.g. anti-discrimination legislation);
- whether the same regime applies to women employed in the public sector, particularly those on temporary contracts

## **Article 8 - Right of employed women to protection**

### *Paragraph 3 - Time off for nursing mothers*

The Committee takes note of the information contained in the report submitted by the Czech Republic.

The Committee recalls that no questions were asked for Article 8§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group Children, families and migrants”).

In its previous conclusion, the Committee deferred its Conclusion (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the deferral.

The Committee previously asked the next report to clarify, in the light of any relevant laws, collective agreements, statistical data or other information, whether women working 8 hours per day but totalling less than 20 hours per week (for instance, two full working days twice a week) are entitled to paid nursing breaks (Conclusions XX-4 (2015)).

The Committee recalls that Section 242 of the Labour Code provides for paid nursing breaks. A female employee who works normal weekly working hours (40 hours per week, 8 hours per day) is entitled to two half-hour break per shift for each child until the child reaches the age of one year, and to one half-hour break per shift in the subsequent three months. Employees working part-time (but at least half of the normal weekly hours, i.e. 20 hours per week, 4 hours per day) are entitled to one half hour break for each child until the child reaches the age of one year. The same rules apply both to the private and the public sector (Conclusions 2015).

The report states that breastfeeding breaks are only granted if the duration of the working time is at least half of the fixed weekly working time (20 hours).

### *Conclusion*

The Committee concludes that the situation in the Czech Republic is in conformity with Article 8§3 of the 1961 Charter.

## **Article 16 - Right of the family to social, legal and economic protection**

The Committee takes note of the information contained in the report submitted by the Czech Republic and the comments by Forum for Human Rights (FORUM).

The Committee recalls that for the current reporting cycle, States were asked to respond to several targeted questions for Article 16 of the 1961 Charter as well as, where applicable, previous conclusions of non-conformity, deferral or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the Charter's implementation in respect of the provisions relating to the "Children, family and migrants" thematic group).

In its previous conclusion (Conclusions XX-4 (2015)), the Committee found that the situation in the Czech Republic was not in conformity with Article 16 of the 1961 Charter on the grounds that:

- housing conditions for Roma families were inadequate and
- family benefits were not of an adequate level for a significant number of families.

The Committee's assessment will therefore relate to the information provided in the report in response to the conclusion of non-conformity, and to the targeted questions.

### ***Legal protection of families***

#### ***Rights and obligations, dispute settlement***

In its previous conclusion (Conclusions XX-4 (2015)), the Committee noted that mediation services were subject to fees and asked for information in the next report on what assistance was available for families in case of need.

Due to the failure to provide requested information, the Committee concludes that the situation in the Czech Republic is not in conformity with Article 16 of the 1961 Charter. The Committee considers that this failure to provide information amounts to a breach by the Czech Republic of its reporting obligations under Article 21 of the 1961 Charter.

#### ***Domestic violence against women***

First of all, the Committee notes that the Czech Republic has signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in May 2016, but has not yet ratified it.

In its previous conclusion the Committee asked for information in the next report on the outcome (since the end of December 2013) of measures taken under the National Action Plan for Prevention of Domestic Violence for 2011-2014 and the new police college training programme.

The Committee also asked, in one of its targeted questions, for updated information on measures taken to reduce all forms of domestic violence against women, including information on incidence and conviction rates.

The report indicates that the Government Strategy for Gender Equality for 2014-2020 and the Action Plans for the prevention of domestic and gender-based violence for 2015-2018 and then 2019-2022 were implemented during the reference period. Regular reports were produced on their implementation.

The Government also describes changes to the legal framework. In particular, since 2013-2014, new provisions have been introduced governing measures to protect domestic violence victims. In addition, since 2022, domestic violence victims have been considered to be particularly vulnerable in all cases thus entitling them to the support and the rights provided for by the legislation for this category of victims.

Police officers working in the sphere of domestic violence and other forms of gender-based violence receive special training, relating for example to techniques for interviewing victims (including children) and to the need to inform persons at risk of domestic and gender-based violence about their rights. Special interrogation and interview rooms have been set up, and in 2021, they hosted some 2 000 operations.

The Ministry of the Interior administers a programme of grants (for the “Prevention of Social Pathologies”) with a focus on the prevention and elimination of domestic violence. The grants, which amount to about CZK 2 million every year (about €83,200 at the exchange rate of 21 August 2023), were used to support 35 projects between 2018 and 2021. The Ministry also runs a grant programme for non-profit NGOs providing services such as the Helpline for Victims of Crime and Domestic Violence.

Law No. 108/2006 Coll. on Social Services, as amended, also includes provisions on prevention, support and protection in cases of domestic violence. This means, in particular, that the social services can offer domestic violence victims counselling, accommodation and emergency assistance.

The Committee takes note of the statistics for the 2019-2022 Action Plan for the prevention of domestic and gender-based violence. They include figures for the following types of case: bullying, violence against another person living in the household, rape, murders motivated by personal relations (numbers of prosecutions and cases resolved per year) and persons evicted from their homes for violence (per year). It also takes note of the comment that the published data represent only a fraction of the actual numbers of such forms of violence as most cases are not reported (for example, it is estimated that only 5 to 10% of cases of rape are reported).

## ***Social and economic protection of families***

### ***Childcare facilities***

In its previous conclusion (Conclusions XX-4 (2015)), the Committee noted that a law intended among other things to promote the establishment of childcare facilities (in the form of “children’s groups”, a new flexible type of childcare for children between the ages of 6 months and 6 years) had been presented to Parliament. It asked for information in the next report on the outcome of this law.

In reply, the report states that Law No. 247/2014 Coll. on the provision of childcare services in children’s groups has now come into force. Between 2015 and 2022, 13 calls for projects were announced attracting a total allocation of CZK 8.23 billion (about €342 million). These calls resulted in support for 1,286 children’s groups (providing 16,896 places). Children’s groups may be public or corporate (i.e. run by employers). The target group is parents with young children who want to increase their working hours or gain equal opportunities on the labour market.

### ***Family benefits***

#### ***Equal access to family benefits***

In a targeted question, the Committee asked whether nationals of other States Parties lawfully resident in the country had to meet a length of residence requirement to be entitled to family benefits.

The Committee points out that Article 16 rules out length of residence requirements for contributory benefits, but States may apply a length of residence requirement for non-contributory benefits on condition that the length is not excessive. The proportionality of such length of residence requirements is examined on a case-by-case basis having regard to the nature and purpose of the benefit. A six-month requirement is reasonable and therefore in conformity with Article 16; however, a twelve-month or, even more so, a three-to-five-year

requirement is excessive and hence in violation of Article 16 (Conclusions XVIII-1 (2006), Denmark).

In response, the report indicates that child benefit and parental allowance are paid to all persons permanently resident in the country. In addition, Article 3 of Law No. 117/1995 Coll. on State Social Support lists the categories of persons entitled to such allowances despite not living permanently in the Czech Republic. These include, in particular, foreign nationals issued with an employment card and persons with entitlement under European Union regulations.

For other nationals of other States Parties, entitlement to such allowances begins 365 days after the date on which they register for residence with the Czech authorities.

The Committee concludes that the situation in the Czech Republic is not in conformity with Article 16 of the 1961 Charter on the ground that, for nationals of certain States Parties (non-EU/EEA) residing lawfully in the country, the length of residence requirement for entitlement to family benefits (one year) is excessive.

In its previous conclusion, the Committee asked whether stateless persons and refugees were treated equally with regard to family benefits (Conclusions XX-4 (2015)).

In reply, the report states that persons whose asylum request or application for subsidiary protection have been granted enjoy equal treatment to Czech nationals with regard to family benefits.

### ***Level of family benefits***

In its previous conclusion the Committee found that the situation was not in conformity with Article 16 of the 1961 Charter on the ground that family benefits were not of an adequate level for a significant percentage of families.

Furthermore, in its targeted questions, the Committee asked for information on the amounts of family benefit paid and the median equivalised income for the reference period. It also asked if family or child benefits were means tested and if so, what percentage of families were covered.

The Committee points out that family benefit must be such as to provide a significant number of families with sufficient extra income. Adequacy is assessed in relation to the monthly median equivalised net income as calculated by Eurostat.

The Committee notes from Eurostat data (published on 17 March 2023) that the monthly median equivalised income stood at €885 in 2021.

The report indicates that child benefit is means tested (according to the website of the Ministry of Labour and Social Affairs, dependent children and young people under the age of 26 are entitled to this benefit if they live in a family whose income is less than 3.4 times the family minimum subsistence amount).

The amount of child benefit varies according to the child's age. In 2021, the monthly amount ranged from CZK 630 (about €26) for children up to the age of 6 to CZK 880 (about €36.60) for children aged 15 or more. For each age bracket an extra CZK 500 (about €21) is added if one of the members of the household receives income from employment or certain social benefits.

The Government states that in 2021, child benefits were paid for an average of 235 100 dependent children per month, which amounted to about 9.7% of all dependent children (2 416 400). Just over 1.5 million families had dependent children.

The Government adds that in 2021, a parental allowance was paid to 297 500 parents.

The Committee notes that in 2021, basic child benefit was the equivalent of about 2.9% (for children aged 6 and under) to 4.1% (for children aged 15 and over) of median equivalised income, and that the increased annual amount ranged from about 5.3 to 6.5% of median

equivalised income. It notes that basic benefit was low, and that child benefit was paid for less than 10% of all dependent children.

In view of the above, the Committee reiterates its conclusion of non-conformity with Article 16 of the 1961 Charter on the ground that family benefits do not constitute a sufficient income supplement for a significant number of families.

### ***Measures in favour of vulnerable families***

In one of its targeted questions, the Committee asked what measures had been taken to ensure that vulnerable families could afford their energy bills so that their right to adequate housing (which includes access to essential services) was respected.

The report indicates that various measures were introduced in 2022 (outside the reference period) and provides detailed information on these measures. In particular, the Ministry of Labour and Social Affairs made several changes to the social benefits system to assist vulnerable families with the payment of increased energy bills. For example, Law No. 117/1995 was amended several times to increase housing benefit to take account of the rise in energy prices.

In another targeted question, the Committee asked if it was planned to maintain or discontinue any special temporary measures that were introduced to support vulnerable families financially during the Covid-19 pandemic and, if they were discontinued, what effect this would have on such families.

In reply, the report indicates that the pandemic and the various effects thereof were regarded as a “serious emergency” and that this could warrant extraordinary and immediate assistance, which had been provided.

### ***Housing for families***

In one of its targeted questions, the Committee asked for updated information on the availability of adequate affordable housing for families.

In its report, the Government states that two programmes are implemented by the State Fund for Investment Support, one for rental flats, the other for buildings for municipalities. Through different means (grants, low-interest and soft loans), they help with the acquisition of affordable rental housing intended for disadvantaged persons and low-income households.

Support for social housing was provided through the Integrated Regional Operational Programme 2014-2020 and is being provided again through the same programme for 2021-2027. On 19 October 2022, the 2014-2020 programme counted 347 projects (of which 318 had been completed).

Furthermore, the Social Housing Support programme (begun by the Ministry of Labour and Social Affairs in 2016) has continued. The aim of this project is to establish and develop a social housing system within municipalities. At the outset, support was provided for 16 municipalities and by 2019, methodological support had been extended to the Housing First projects of 13 NGOs and municipalities.

The 2021 Plus Housing Concept, on which the state’s housing policy is based, was approved by the Government in April 2021. Drafting of the Housing Support Act began in 2022.

In its previous conclusion, the Committee found that the situation was not in conformity with Article 16 of the 1961 Charter on the ground that the housing conditions of Roma families were not adequate (Conclusions XX-4 (2015)).

In its report the Government states that between 2015 and 2022 the Social Inclusion Agency ran a major social inclusion project (with a budget of CZK 299 million, i.e. about €12.4 million). Through this, it provided expert advice to over 110 local authorities and planned and helped to secure funding for the implementation of sustainable housing access strategies.

In addition, as part of its operational employment programme, the Ministry of Labour and Social Affairs supported social housing projects which increased access to housing for Roma. In particular, it was shown that 42% of the households supported by one of these projects (Call No. 108) were Roma.

Besides this, the Government describes projects and activities which began in 2022 (outside the reference period).

In its comments, FORUM asserts that the state's efforts to provide housing for Roma families are inadequate. It points out in particular that Roma families form part of the minority groups which are subject to systemic discrimination in the Czech Republic and that the social housing projects supported by the Government assign the key role to municipalities, where discriminatory attitudes are still common.

As to the projects directly devoted to the social inclusion of Roma families, including provision of adequate housing, mentioned in the Government report, FORUM argues that they cannot be regarded as a systemic solution to the vulnerable situation of Roma families facing poverty because they fail to remedy the problem of the lack of a legal right to adequate and affordable housing in case of need.

On this subject, FORUM points out that the right to housing is not guaranteed by Czech legislation. Recently the Constitutional Court rejected a complaint filed by a Roma family for failure by a municipality to provide them with adequate housing. The Constitutional Court held that there was no provision in Czech law establishing the right of persons to adequate housing and any corresponding obligation for the municipality to guarantee that right (decision of 25 August 2023, No. US 2533/20).

FORUM adds that although the Housing Support Act will be a big step forward, it still fails to fill this gap.

The Committee notes that in its report on the Czech Republic (sixth monitoring cycle) adopted on 1 October 2020, the European Commission against Racism and Intolerance (ECRI) points out that state housing support, which generally targets people in need, includes subsidies for municipalities to construct, buy or renovate accommodation. However, the authorities do not collect data on access to housing for Roma and there are no specific Roma policies or programmes. Nor is there any social housing legislation, meaning that initiatives in this area are left to each local authority. The result is a disparate approach by which "Roma are particularly affected". The problem is also aggravated for them because they have faced difficulties in the commercial rental market for a long time already due to prejudice and discrimination against them (op. cit., §§88, 89, 96).

Lastly, the Committee points out that in its second assessment of follow-up to the decision of 17 May 2016 on the merits of Complaint No. 104/2014, European Roma and Travellers Forum (ERTF) v. Czech Republic, it found that the situation had not been brought into conformity with Article 16 of the 1961 Charter with regard to insufficient access to housing, residential segregation of Roma and the inadequate living conditions of many Roma families (Findings 2022).

In the light of the foregoing, the Committee reiterates its conclusion of non-conformity on the ground that the housing conditions of Roma families are not adequate.

### *Conclusion*

The Committee concludes that the situation in the Czech Republic is not in conformity with Article 16 of the 1961 Charter on the grounds that:

- equal treatment of nationals of other States Parties regarding the payment of family benefits is not ensured due to the excessive length of residence requirement (one year);
- family benefits do not constitute a sufficient income supplement for a significant number of families;



- the housing conditions of Roma families are not adequate.

Due to the failure to provide the information listed below, the Committee concludes that the situation in the Czech Republic is not in conformity with Article 16 of the 1961 Charter. The Committee considers that this failure to provide information amounts to a breach by the Czech Republic of its reporting obligations under Article 21 of the 1961 Charter.

Information missing:

- assistance available to families to access mediation in case of need.

## **Article 17 - Right of mothers and children to social and economic protection**

The Committee takes note of the information contained in the report submitted by the Czech Republic and in the comments by the Validity Foundation, Rytmus, Inclusion Czech Republic and the Civil Society of Parents for Children with Autism.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17 of the 1961 Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the 1961 Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17 and asked States to provide, in the next report, information on measures taken to reduce statelessness; to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation; to reduce child poverty; combat discrimination and promote equal opportunities for children from particularly vulnerable groups; and on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

In its previous conclusion, the Committee concluded that the situation in the Czech Republic was not in conformity with Article 17 of the 1961 Charter on the ground all forms of corporal punishment were not prohibited in the home and in institutions (Conclusions XX-4). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity, the targeted questions and the general questions.

### ***The legal status of the child***

In the general questions, the Committee asked for information on measures taken by the State to reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth). It also asked for information on measures taken by the State to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

Due to the failure to provide requested information on measures taken to reduce statelessness; on measures taken to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation, the Committee concludes that the situation in the Czech Republic is not in conformity with Article 17 of the 1961 Charter. The Committee considers that this failure to provide information amounts to a breach by the Czech Republic their reporting obligations under Article 21 of the 1961 Charter.

### ***Protection from ill-treatment and abuse***

Previously, the Committee held that the situation in the Czech Republic was not in conformity with Article 17 of the 1961 Charter on the ground that all forms of corporal punishment were not prohibited in the home and in institutions (Conclusions XX-4).

The report states that the Czech authorities are aware that the decision of the Committee *Approach v. the Czech Republic*, Complaint No. 96/2013, decision on the merits of 20 January 2015 has not been fully implemented yet.

The report further states that the prohibition of corporal punishment of children is a mandatory part of the internal regulations of all institutions where children are placed. The necessity to change the society’s attitude to corporal punishment has been repeatedly reflected in the

strategic documents, a working group has been set up to provide a framework for discussions about the necessary changes, the topic was discussed in expert forums.

The Committee notes from the Concluding observations on the combined fifth and sixth periodic reports of Czechia of the UN Committee on the Rights of the Child of 22 October 2021, that the State party was urged to explicitly prohibit corporal punishment in law, in all forms and settings, and promote positive, non-violent and participatory forms of child-rearing and discipline.

The Committee notes that the situation that it previously found not to be in conformity with Article 17 of the 1961 Charter has not changed and reiterates its conclusion of non-conformity on the ground that all forms of corporal punishment are not prohibited at home and in institutions.

### ***Child poverty***

In the general questions, the Committee asked for information on measures to reduce child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.); to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care. It also asked for information on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

The report states that the Ministry of Labour and Social Affairs prepared a National Action Plan to meet established obligations for the years 2022-2030 following the EU Recommendation of 25 March 2021, which introduces the European Guarantee for Children. It contains a range of measures to support children in five key areas – education, housing, healthcare, nutrition and a general support framework. The Committee notes that this measure is outside the reference period for the purposes of the present reporting cycle.

The report also states that training on how to support children and families with low socioeconomic status and how to support children with disabilities and/or special educational needs is part of the education programme.

The report states that the Czech National Action Plan to meet obligations established by the European Guarantee for Children was drafted with the input of children's representatives.

The Committee notes from EUROSTAT that in 2021 13.3% of children in the Czech Republic were at risk of poverty or social exclusion, while in 2018 the percentage was 13%. The Committee notes that this percentage is significantly lower than the EU average (24.4% in 2021).

In their comments, the Validity Foundation, Rytmus, Inclusion Czech Republic and the Civil Society of Parents for Children with Autism state that children with special educational needs, including children with disabilities, still face segregation in education. FORUM also states that children in vulnerable situations face difficulties in accessing quality education.

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection under Article 17 of the Charter. Consistent with its approach in relation to the conceptualisation and measurement of poverty adopted by the Committee in terms of Article 30, the Committee's consideration of child poverty for the purposes of Article 17 reflects an understanding of both income and multi-dimensional understandings of poverty (Statement of interpretation, 2013, Article 30). This understanding is reflected in the indicators and elements the Committee takes into account when assessing State Party compliance with Article 17. For the States that have not accepted Article 17, child poverty will be addressed under Article 30.

The EUROSTAT data and the EU-27 rate of children at risk of poverty or social exclusion is used as key point of reference and indicator of state compliance with Charter rights by the Committee. The Committee will also have regard to disimprovement in terms of the rate of children at risk of poverty or social exclusion in a State Party. Furthermore, the Committee also takes into account non-monetary measures adopted at reducing child poverty and social exclusion such as ensuring access to quality and affordable services in the areas of health, education and housing. When assessing State conformity with Article 17, the Committee will also take into account the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

### ***Right to assistance***

Previously, the Committee requested information on measures taken to protect the children in irregular migration situation from negligence, violence or exploitation (Conclusions XX-4).

In the targeted question, the Committee asked for information on any measures adopted to protect and assist children in crisis situations and emergencies.

The report provides some information on the situation at the detention facility for migrants Bělá-Jezová. It states that the facility is located in a clean and quiet environment and that the vast majority of regime measures were eliminated, especially in the new block for families. Families with children have access to separate rooms, medical care, leisure activities and access to specialised staff.

In reply to the targeted question, the report states that following the EU Recommendation introducing the European Guarantee for Children, the Czech Republic appointed its national coordinator who has managed the process of the preparation of the National Action Plan in 2021.

The report states that the Ministry of Labour and Social Affairs announces the National Subsidy called “Family” every year. The aim of this programme is to support family services of a preventive and supportive nature. These services should strengthen parental competencies, improve family relationships, support families in caring for and raising children, in harmonising work and family, and assist in preventing and resolving crisis situations in the family, including domestic violence, child abuse and exploitation. The National Subsidy Title is divided into two subsidy areas: preventive activities to support family, partnership and parenthood and support for work with children and families in the field of socio-legal protection of children.

The report also states that in July 2021, the Czech Government approved the 1<sup>st</sup> Action Plan for the Implementation of the National Strategy for the Protection of Children’s Rights 2021-2029 for the period 2021-2024. The plan is divided into six thematic areas to implement individual measures.

### ***Rights of children in public care***

In its previous conclusion, the Committee asked that the next report provide information on the number of children taken into institutional care as opposed to foster care. It wished to be informed, in particular, of Roma children and asked for evidence that the legislative measures implemented, as well as general awareness raising measures and implementation of the National Strategy had a positive impact on the situation of Roma children in public care (Conclusions XX-4).

The report provides none of the information requested.

In their comments, the Validity Foundation, Rytmus, Inclusion Czech Republic and the Civil Society of Parents for Children with Autism, as well as FORUM, state that the Czech Republic still has institutions for children younger than three. As of 2024 and 2025, an amendment to relevant laws will enter into force introducing the minimum age limit of 3 or 4 below which a

child cannot be placed in institutional care. However, children with disabilities will be still able to be placed in facilities for persons with disabilities. The Government did not provide a response.

The Committee also notes from other sources (UN Human Rights Council Working Group on the Universal Periodic Review, forty-second session, 23 January – 3 February 2023) that the number of institutionalised children, in particular Roma children and children with disabilities, in the Czech Republic is very high, that the childcare system is fragmented and lacks an effective deinstitutionalisation policy for children and family-based options. The Committee also notes that it already concluded that the Government had failed to take significant and targeted steps to deinstitutionalise the existing system of early childhood care, and to provide young children with services in family-based and community-based family-type settings; it had also failed to take measures to ensure the appropriate protection and care services needed by Roma children and children with disabilities under the age of 3 (European Roma Rights Centre (ERRC) and Mental Disability Advocacy Centre (MDAC) v. Czech Republic, Complaint No. 157/2017, decision on the merits of 17 June 2020, §§165 and 175). The Committee therefore concludes that the situation in the Czech Republic is not in conformity with Article 17 of the 1961 Charter on the ground that measures taken to deinstitutionalise the system of early childhood care are inadequate.

### ***Children in conflict with the law***

The Committee previously asked that the next report provide information on whether the juvenile system offered children below the age of criminal responsibility (15 years) individualised treatment and restorative measures (Conclusions XX-4).

The report states that the age of criminal responsibility is 15 years and children under that age cannot be prosecuted under any circumstances. If the child commits an act that is not criminal (an act that is not punishable in the particular circumstances, although it would otherwise be punishable), civil proceedings can be started. If a juvenile court concludes that a child committed a criminal act, it should decide to impose one of the measures stipulated by Act No. 218/2003 Coll., Juvenile Justice Act, such as reformatory duties, upbringing restrictions, admonition with a warning, placing in a therapeutic, psychological or any other suitable upbringing programme in an education centre, supervision by a probation officer, protective upbringing, protective treatment; or else, it may decide to refrain from imposing the measure, if the hearing itself is sufficient to achieve the purposes of the proceedings.

The report further states that the principles of the juvenile system contain elements of restorative justice, since the law concentrates on the upbringing measures rather than punishment. The measures should aim to restore a broken social relationship, integrate a child into a family and social environment and prevent unlawful actions.

In its comments, FORUM states that there are still problems with providing alternatives to formal judicial proceedings for children below the age of criminal responsibility. The Government did not provide a response.

The Committee recalls that it already found that mandatory legal assistance for children below the age of criminal responsibility in the pre-trial stage of proceedings is not ensured in the Czech Republic and that there are no alternatives (diversion) to formal judicial proceedings for children below the criminal responsibility (International Commission of Jurists (ICJ) v. Czech Republic, Complaint No. 148/2017, decision on the merits of 20 October 2020, §§100, 124). The Committee therefore concludes that the situation in the Czech Republic is not in conformity with Article 17 of the 1961 Charter in this regard.

### ***Conclusion***

The Committee concludes that the situation in the Czech Republic is not in conformity with Article 17 of the 1961 Charter on the grounds that:

- not all forms of corporal punishment are prohibited at home and in institutions;

- the measures taken to deinstitutionalise the system of early childhood care are inadequate;
- children below the age of criminal responsibility do not benefit from alternatives to formal judicial proceedings.

Due to the failure to provide the information listed below the Committee concludes that the situation in the Czech Republic is not in conformity with Article 17 of the 1961 Charter. The Committee considers that this failure to provide information amounts to a breach by the Czech Republic of their reporting obligations under Article 21 of the 1961 Charter.

List of questions/Information missing:

- on measures taken to reduce statelessness;
- on measures taken to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 9 - Transfer of earnings and savings*

The Committee takes note of the information contained in the report submitted by the Czech Republic.

The Committee points out that no targeted questions were asked in relation to Article 19§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions XX-4 (2015)), the Committee found the situation in the Czech Republic to be in conformity with Article 19§9 of the Charter and raised a question. The assessment of the Committee in the present conclusion will therefore concern the information provided in response to its previous question.

In the previous conclusion (Conclusions XX-4 (2015)), the Committee, referring to its Statement of Interpretation on Article 19§9 (Conclusions XIX-4 (2011)), asked whether there were any restrictions on the transfer of the movable property of migrant workers.

In reply, the report provides information on the Act No. 323/2016 Coll., amending certain acts in the field of monetary circulation and foreign exchange management. This act introduces some obligations for every natural person entering the Czech Republic from outside the territory of the European Union and leaving the Czech Republic to such a region, to notify in writing to the customs authority of import and export of valid means of payments in Czech or foreign currency, means of payment as well as other investment instruments, and submit them to the customs authority for inspection. The Committee understands that the Act No. 323/2016 does not provide for any limits governing or restricting the amount of funds to be imported or exported and that migrant workers can transfer any desired parts of earnings and savings, provided they comply with the requirements prescribed by the above act.

The report further provides that the law does not contain any restriction in the case of the transfer of movable property of natural persons.

*Conclusion*

The Committee concludes that the situation in Czech Republic is in conformity with Article 19§9 of the 1961 Charter.