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Committee on Economic, Social and Cultural Rights

Third periodic report submitted by Czechia under articles 16 and 17 of the Covenant, due in 2019*, **

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** The annex to the present report is available for consultation from the Committee secretariat. It may also be accessed from the web page of the Committee.

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A. General Section

Introduction

1. The Czech Republic submits its Third Periodic Report in accordance with Article 40(1)(b), of the International Covenant on Economic, Social and Cultural Rights (the “Covenant”) and the concluding observations of the Committee on Economic, Social and Cultural Rights as the Covenant’s supervisory body (the “Committee”), deriving from the consideration on the Czech Republic’s Second Periodic Report.¹

2. The Third Periodic Report covers the period from 1 January 2013 to 31 December 2018. As space is limited, the Report focuses on changes concerning the issues related to the Covenant and the implementation of the Committee’s most recent concluding observations. Where appropriate, the Report also refers to other reports submitted by the Czech Republic to other UN treaty bodies responsible for supervising other international human rights treaties.

The position of the Covenant and the rights contained therein in domestic law, and response to Observation No. 6

3. The Covenant forms the part of Czech law under Article 10 of the Constitution, its provisions prevail over the national legislation. According to the Constitution, in their decision-making judges are bound by legislative acts and international treaties that form part of the national legal order; hence they are also bound by the Covenant itself.

4. Most of the economic, social and cultural rights guaranteed by the Covenant are constitutionally guaranteed by the Charter of Fundamental Rights and Freedoms (the “Charter”), which forms the part of constitutional order. The majority of rights contained in the Covenant are implemented by legislative acts and secondary legislation and are applied by administrative authorities, courts and, where appropriate, other bodies. This means that they receive the same level of protection as other fundamental rights and freedoms.² Article 41(1) of the Charter also defines certain economic, social and cultural rights that can only be invoked within the limits of implementing laws which specify their content. But these rights have to be implemented to a certain minimum standard by the legislature.

Judicial protection and enforceability of individual rights, and response to Observation No. 5

5. The inclusion of international treaties, including the Covenant, in the legal order, provides judicial protection for the rights contained therein in accordance with Article 4 of the Constitution. The rights guaranteed in the Covenant are protected by ordinary courts and at the highest level, by the Constitutional Court. If a judge concludes that the law under which they are to decide may be contrary to the Covenant, they are required by Article 95(2) of the Constitution to stay the proceedings and submit the law to the Constitutional Court for an assessment of its compatibility with the Covenant. The Constitutional Court may repeal the contested provision in case of non-conformity. This guarantees the priority of the Covenant to conflicting national law. Likewise, the Constitutional Court may declare lacunae in the law and invite the legislator to adopt the relevant legislation. At the same time the courts must provide protection to the right in question and to set, by reference to case-law, ad hoc conditions for its exercise in each specific case.³

6. In the reporting period, the courts regularly referred to the Covenant in their decision-making.⁴ Since most of the rights contained in the Covenant are equally protected by the Charter, judges prefer to refer to the corresponding provisions of the Charter. This does not undermine the judicial protection of rights guaranteed by the Covenant, as the table in the

¹ E/C.12/CZE/2.

² See E/1990/5/Add.47, paragraph 47nn.

³ See, for example, Ruling of the Constitutional Court Pl. ÚS 61/04.

⁴ The Supreme Administrative Court referred to the Covenant in approximately 60 cases and the Constitutional Court in roughly 55 cases.

annex of this Report shows, the content of the rights in the Charter almost fully corresponds to the rights contained in the Covenant.

Judicial training on economic, social and cultural rights

7. Training of judges, prosecutors, assistants of judges, prosecutor assistants, trainee judges and trainee prosecutors is provided by the Judicial Academy, which organises seminars on economic, social and cultural rights. The Antidiscrimination Law seminar dwells, among other things, on equal access to health services and education, and on non-discrimination in the field of labour law. The Current Labour-Law seminar is a chance for judges and prosecutors to discuss matters of immediate interest in labour law. The Judicial Academy annually organizes four main training seminars for guardianship judges: Private Family Law, Public Family Law, Legal Capacity and Detention Proceedings, and Child Protection under International Law. These seminars are complemented by further courses on more detailed issues. The Judicial Academy also facilitates the participation at seminars organised by international educational institutions.

The role of Ombudsperson in the protection of economic, social and cultural rights, and response to Observation No. 7

8. The Ombudsperson is an independent institution responsible for the protection and promotion of human rights. The Ombudsperson's competence and powers are governed by the Ombudsperson Act. The Ombudsperson is elected for a six-year term by the Chamber of Deputies. The Ombudsperson is answerable to the Chamber of Deputies and provides it with regular annual reports on their activity. Their office is held independently and impartially. The Ombudsperson has their own budgetary resources and a separate office for the exercise of their powers. The Ombudsperson has a budget of more than CZK 187 million and employs 157 people, of whom 121 are experts.

9. The Ombudsperson acts on the basis of complaints or on their own initiative. The Ombudsperson deals with more than 8,000 complaints annually. The Covenant-guaranteed rights under the Ombudsperson's competence include, in particular, the supervision of the activities of state authorities in the field of labour and employment (supervision of labour inspection bodies, the activities of labour offices), social security and the safeguarding of basic living conditions (decision-making on pensions and other social benefits), the protection of the rights of children and the family (the activities of child social and legal protection authorities), health (the activities of a health insurance companies and supervision of the provision of health services), and education (administrative decision-making in the education sector). Rights protected by the Covenant are also touched by other areas of the Ombudsperson's competence, such as the supervision of persons deprived of personal liberty, the enforcement of the right to equal treatment and protection against discrimination, monitoring of the implementation of the Convention on the Rights of Persons with Disabilities, and the promotion of rights of EU citizens.

10. The Ombudsperson has the authority to enter and conduct investigations in the buildings of authorities, to attend oral hearings, to demand documents, and to ask questions. Upon discovery of a breach of law or other misconduct, the Ombudsperson requires the authority's statement or impose a corrective action. If the authority fails to take the corrective action, the Ombudsperson notifies the superior authority or the Government and may also inform the public. The Ombudsperson may also recommend the issuance, amendment or repeal of legislation, or changes of government policies or administrative procedures. The Ombudsperson cooperates with academic institutions and non-governmental organisations, engages in research, organises conferences, and issues opinions and guides. The Ombudsperson publishes all information about their activities on the Ombudsperson's website.⁵

11. It follows that the Ombudsperson already fulfils the vast majority of the Paris Principles. The Ombudsperson's core competence, focusing on public administration activities in accordance with the law and principles of good governance, makes possible for

⁵ www.ochrance.cz.

Ombudsperson to monitor compliance with fundamental rights under the Charter and international conventions, including the Covenant. Special powers encompassing protection from ill-treatment and discrimination, the supervision of rights of EU citizens, and the fulfilment of the Convention on the Rights of Persons with Disabilities also enable the Ombudsperson to focus on human rights issues. In addition, the Ombudsperson cooperates with the Government and Parliament, and presents them with recommendations on how to deal with human rights problems. The Ombudsperson also makes comments on most of the government's draft regulations and policies from the perspective of human rights protection. The Ombudsperson works intensively with expert practitioners and with civil society representatives and utilizes their experience in own work. The Ombudsperson's accreditation to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) is currently being considered.

Position on the ratification of the Optional Protocol to the Covenant, and response to Observation No. 23

12. The Czech Government continues to examine the possibility of ratifying the Optional Protocol to the Covenant and analyses currently its national implementation.

B. Special Section

Article 1

Right to self-determination and minority rights

13. The Charter is based on the right of the Czech and Slovak nation to self-determination. All persons are guaranteed the right to freely choose their own ethnicity without any influence or pressure. The general prohibition of discrimination under the Charter, which also prohibits discrimination on grounds of a national or ethnic identity, is emphasised in Article 24 of the Charter, according to which national or ethnic identity of any individual shall not be used to their detriment.

14. Under the Charter, members of national and ethnic minorities have the right to all-round development and the right to develop their own culture with other members of the minority, to disseminate and receive information in their mother tongue, and to form ethnic associations. The Act on the Rights of Members of National Minorities also provides the right of education in the language of a national minority, the right to use the language of a national minority in official communications, and the right of participation in dealing with matters concerning a national minority.

Indigenous peoples

15. In the Czech Republic, there are no population groups within the meaning of the UN Declaration on the Rights of Indigenous Peoples.⁶

Article 2

Promotion of economic, social and cultural rights in international politics, and response to Observation No. 22

16. In its activity in international organisations, the Czech Republic emphasizes the fulfilment of all human rights and stresses their universality, indivisibility and interdependence. Economic, social and cultural rights play an important role in the Human rights and transition promotion policy concept (2015), where one of the seven thematic priorities is to promote human rights related to employment and the environment.

17. The Czech Republic is an active member to numerous international organisations dealing with social and economic rights – UN, ILO, OECD and Council of Europe. The

⁶ General Assembly Resolution 61/295.

Czech Republic promoted the social agenda, for example, during its recent ECOSOC presidency. It also promotes economic, social and cultural rights within the UN Human Rights Council. The Czech Republic also strives to protect human rights in business and in 2017 adopted the National Action Plan for Business and Human Rights, which is based on the UN Guiding Principles on Business and Human Rights. The Czech Republic also joined the OECD Guidelines for Multinational Enterprises and promotes the principles of corporate social responsibility in Czech enterprises via the national contact point.

18. The Czech Republic has ratified most of ILO conventions⁷ and is currently a member of the governing body of ILO as a representative state. Since 2003, it has contributed to the ILO technical cooperation by funding social justice and economic development projects. Many issues related to economic, social and cultural rights are also the subject of bilateral agreements. Development Cooperation Strategy of the Czech Republic 2018-2030 focuses, in priority countries, on thematic objectives related to the corresponding Sustainable Development Goals (SDGs). Cross-cutting priorities, such as environmental protection, respect for human rights, gender equality and good governance should be taken into account in all development activities. Similarly, the Czech Republic's humanitarian aid is a specific element in its assistance to developing countries.

19. The share of official development assistance (ODA) in the Czech Republic's gross national income (GNI), increased from 0.11% to 0.15% between 2014 and 2017. The Czech Republic's European Union membership implies a commitment to gradually increase national ODA to 0.33% of GNI by 2030. However, the rate of growth depends on the growth of Czech economy.

20. The Czech Republic systematically monitors its development projects in partner countries and conducts independent evaluations of the practical impact of its development cooperation. The conclusions and recommendations of the evaluation reports are discussed and taken into account when planning further activities. The Czech Republic's development cooperation is rated as relatively effective ("value for money"). According to the external 2016 OECD-DAC Peer Review of Development Co-operation of the Czech Republic, the Czech Republic is able to implement many development cooperation projects and to act as a value-added donor with relatively small budgets. The results of the Czech Republic's development interventions are evaluated professionally and its work with evaluation recommendations has been highlighted as an example of good practice.

Fight against discrimination and response to Observation No. 8

21. The basis of Czech anti-discrimination legislation is Article 3(1) of the Charter, which confers fundamental rights and freedoms to all irrespective of sex, race, colour, language, belief and religion, political or other opinion, national or social origin, membership of a national or ethnic minority, property, birth or other status. These grounds are more or less identical to those contained in the Covenant. This constitutionally guarantees protection from discrimination in all fundamental rights, including those contained in the Covenant.

22. The Anti-Discrimination Act is the legal basis for equal treatment and protection from discrimination on grounds governed by EU law – race, ethnic origin, sex, sexual orientation, age, disability, and religion or belief. The Anti-Discrimination Act provides protection from discrimination in employment, access to employment and occupation, self-employment, membership of workers' or employers' organisations, and access to social protection and health care, social benefits, education, goods, and services, including housing. The scope of areas and anti-discrimination grounds is fully consistent with EU law and is not planned to be extended.

23. In addition to the Anti-Discrimination Act, Czech law regulates non-discrimination in in other laws covering discriminatory grounds and areas. The Labour Code, for instance, prohibits discrimination on grounds of language, social origin, property or birth, marital or family status, family relationships and obligations, membership of and activities within political parties or movements, trade-union organisations or employers' organisations.

⁷ At present 66 out of 189.

24. Victims of discrimination may seek a court order to desist from discrimination, to eliminate the effects of discrimination, and to be given adequate satisfaction, including financial compensation for non-material harm. These procedures are allowed by both the Anti-Discrimination Act and the Civil Code, in cases of discrimination not regulated by the Anti-Discrimination Act. Victims may lodge complaints with the administrative authorities seeking an inspection or the initiation of administrative proceedings for violation of the prohibition of discrimination.

25. The equality body is the Ombudsperson, to whom any victim of discrimination may go for free. The Ombudsperson assesses whether discrimination may have occurred and provides methodological assistance to victims of discrimination in protecting their rights. The Ombudsperson also cooperates with Pro bono alliance, an NGO providing free legal assistance to victims of discrimination who would otherwise be unable to afford it. In addition, the Ombudsperson issues recommendations and opinions on specific manifestations of discrimination in the society and recommends how to avoid such conduct. Furthermore, the Ombudsperson organises numerous expert and training activities.

Roma integration and response to Observation No. 9

26. The Roma Integration Strategy up to 2020, approved by the Government in 2015, creates a framework for measures to improve the situation of Roma in the Czech Republic in education, employment, housing, health and social care and to gradually eliminate the differences between the Roma and the majority population, the effective protection of Roma from discrimination, safe coexistence and encouragement of the development of Roma culture, language and Roma participation. In 2016, the Government approved the Guideline for Monitoring and Evaluation of the Implementation of the Roma Integration Strategy based on specific indicators. Individual administrative authorities have created monitoring mechanisms to monitor the fulfilment of the Strategy and data collection on the situation of Roma in accordance with the statutory rules on collection of ethnic data. Strategy monitoring outputs are published every year in the Report on the Situation of the Roma Minority.

27. Roma participation is mainly ensured by their membership in the Government Council for Roma Minority Affairs, where they make up half of its members, and its working bodies. Within the Council, Roma participated in the preparation of the Strategy, its monitoring, and other government steps. Roma minority affairs coordinators promote integration policy in the regions. Roma advisers coordinate Roma integration activities in municipalities. In addition, in 2016-2018, the Office of the Government Council for Roma Minority Affairs implemented a project Mobilisation and Empowerment of Roma Stakeholders via the National Roma Platform to foster dialogue between mainstream society and the Roma minority. Since 2014, a government anti-racism campaign has been waged against discrimination, stereotypes and intolerance.⁸

Article 3

Measures to promote gender equality in relation to economic, social and cultural rights and response to Observation No. 11

28. The Charter is the basis of legislation guaranteeing gender equality and non-discrimination on grounds of sex. At the level of law, the guarantee of gender equality is generally contained in the Antidiscrimination Act and in the special laws governing specific legal relationships described above.

29. The Government Strategy on Gender Equality in the Czech Republic for 2014-2020 defines government policies and institutional support for gender equality. It sets gender equality as a society-wide priority and seeks to find ways to effectively eliminate gender stereotypes in all spheres of society. Specific tasks are set out in the annual Government's Priorities and Procedures for the Promotion of Gender Equality. The Strategy is followed by action plans such as the Action Plan for the Prevention of Domestic and Gender-motivated Violence for 2015-2018, the Action Plan for the Equal Representation of Women and Men

⁸ For more details, see CERD/C/CZE/12-13, paragraphs 9, 16nn, 20nn and 120nn.

in Decision-making Positions for 2016-2018, and the Czech Action Plan on UN Security Council Resolution 1325 (2000) on Women, Peace and Security and Related Resolutions for 2017-2020.

30. At government level, the Government Council for Equality of Women and Men, consisting of representatives of government and civil society, acts as an advisory body. The Office of the Council Secretariat is performed by the Department of Gender Equality Department of the Office of the Government of the Czech Republic, coordinating gender equality issues in the country and organizes, for example, the awareness campaign THAT'S EQUALITY! [TO JE ROVNOST!].⁹ At ministries, the coordination of the gender equality agenda is in the hands of ministerial coordinators known as gender focal points. At the regional level, for example, the Ministry of the Interior's campaign The Office of the Year Half to Half – Respect for Equal Opportunities emphasizes the introduction of gender mainstreaming into work in regional and municipal offices. Coordination of Measures to Promote Reconciliation of Work and Family Life at Regional Level, a project by the Ministry of Labour and Social Affairs, aims to improve the coordination of national and regional family-support policies. The Ombudsperson contributes significantly to the promotion of equal treatment of women and men by organizing educational and awareness-raising events, or providing assistance to victims of gender discrimination. Activities carried out by social partners, NGO's and academia are also significant.

31. On the labour market, the female employment rate is increasing and has reached the 65% target, and the number of women in business rises. The gender pay gap is slowly narrowing, but continues to be felt, for example, in the gender pension gap and in the enduring higher levels of poverty risk among elderly women. The government strategy set a target of reducing the gender pay gap from 22% to 16% (EU average) by 2020. The Ministry of Labour and Social Affairs is implementing a project called "Gender Equality on the Labour Market, Focusing on (In)equality in the Remuneration of Women and Men – 22% to Equality", aiming to raise awareness online and to champion specific measures to narrow the gender pay gap.¹⁰ Project outputs include a Methodology for Gender Pay Equality Checks in collaboration with the State Labour Inspectorate Authority, a wage and pay calculator for employees, the Report on the Position of Social Partners, including model provisions of collective agreements covering issues of unequal pay, the implementation of the Logib equal pay verification software tool for employers, and in-depth studies on unequal pay in the Czech Republic.

32. As the representation of women in politics and in decision-making positions remains low, the Government approved the Strategy +1 Initiative aimed at working towards 40% representation of each sex at each management level in administration and in the management of majority state-owned companies. The increase in the representation of women in politics has not been supported by laws introducing the "zipper rule" or by other legal rules, but only by internal party recommendations. Public administration is characterised by a relatively high gender-based vertical segregation. Hence, the Gender Equality Promotion Priorities and Procedures in the Czech Republic require ministers to adopt positive-action measures under the Labour Code to balance the participation of women in administration. Authorities declare adherence to the principle of equality and non-discrimination in their selection procedures and in their training and awareness-raising. Equal representation is addressed primarily by non-governmental organisations such as Fórum 50 % and Otevřená společnost (Open Society), which create analyses, recommendations, and campaigns. This area is also covered by the platform Byznys pro společnost (Business for Society), which organises Top Responsible Company, a competition rewarding Czech companies for applying diversity tools.

⁹ <http://www.tojervnost.cz/en/>; <https://www.facebook.com/tojervnost/>.

¹⁰ <http://www.rovnaodmena.cz/> <https://www.facebook.com/rovnaodmena/>.

Articles 4 and 5

Possibilities of restricting economic, social and cultural rights

33. Limits on the application of fundamental rights and freedoms on a constitutional level are determined by Article 4 of the Charter, according to which fundamental rights and freedoms may only be restricted by a legislative act. Statutory restrictions must apply to all cases meeting the defined conditions and must spare the essence and purpose of fundamental rights. This also applies without discrimination to economic, social and cultural rights, including those which, according to Article 41(1) of the Charter, are defined by a legislative act. The basic content of these rights is therefore safeguarded whatever the circumstances.

34. It is possible, to curb certain rights in crisis situations (wartime or civil) in accordance with the Crisis Act. In these circumstances, it may be decided, for example, to impose the duty to work and to introduce an alternative system of attribution and payment of social security benefits. Nevertheless, even in these situations no right can be completely denied.

Article 6

Access to the labour market and the active employment policy, and response to Observation 12

35. The employment rate in the Czech Republic is currently high. In the first half of 2018, there was an average of 5,273,700 employees in all sectors of the national economy. The overall employment rate of persons aged 15+ is 59.0%. In total, 59.7% of employees work in the tertiary sector, 37.5% in the secondary sector, and 2.8% in the primary sector. In all, there were 895,300 self-employed persons, accounting for 17% of overall employment.

36. The general unemployment rate is 2.3%. The average number of job-seekers registered by the Labour Office is 223,800. The average share of unemployed persons aged 15-64 years is 2.9%. In the job-seeker register, there are 40,900 persons with disabilities. They account for 18.3% of the total number of unemployed persons. In June 2018, 84,200 job-seekers – 37.6% of the total number of job seekers – were aged 50 or over.

37. Measures under the active employment policy aim to reduce unemployment. Individual action plans are drafted with unemployed persons who register as job-seekers with the Labour Office for more than five months, or earlier if requested. These plans contain measures to increase the chances of finding a job, along with a timetable. The emphasis is on supporting the most disadvantaged on the labour market, especially the low educated, the young, elderly, and the long-term unemployed.

38. One of the measures used is community service, i.e. work for municipalities, state institutions and charity organisations to foster or renew working habits among the most disadvantaged job-seekers. “Socially purposeful jobs” are another measure for job-seekers registered for longer than 24 months, the low-skilled, and the socially excluded. Employers may be eligible for contributions towards the wages of persons employed in this way. Similar support is available for retraining, the induction of new employees, an employer’s switch to a new business programme, and the start of self-employment. The Ministry of Labour and Social Affairs offers an allowance to encourage regional mobility and to motivate job-seekers to find work away from the place of residence. “Guarantees for Youth”, a programme offering all job-seekers up to the age of 25 suitable employment, further education, training or internships, is designed to fuel a rise in employment among young people and job-seekers from the Roma community.

39. The Research Institute for Labour and Social Affairs is implementing a project to assess the impacts of selected active employment policy instruments. Preliminary results indicate that there is a positive impact on the groups supported, manifested primarily by a reduction in the time that they spend unemployed and by their easier recruitment.

Measures to protect people working in the informal economy

40. Under the Employment Act, anyone engaging in “illegal employment”, i.e. performing work as a natural person outside of standard labour-law employment and/or a foreign national working without or in contravention of a work or residence permit may be fined up to CZK 100,000. In addition, the penalty for anyone facilitating illegal employment is a fine of up to CZK 10 million. The concealment of an effective labour-law relationship by means of a works contract or an agency agreement, is also penalised as illegal employment.

41. The State Labour Inspection Authority conducts inspections to detect cases of illegal employment. Inspectors assess, among other things, whether a sole trader working on the basis of a trade certificate, is actually carrying out the work of an employee as defined by the Labour Code. The results of this inspection activity illustrate that any illegal employment discovered subsequently tends to be voluntarily legalised by the establishment of standard contract.

42. Illegal workers do not have the same rights as employees under the Labour Code, e.g. paid holiday, statutory working hours, work breaks, or financial compensation if they have an accident at work. Any periods of illegal employment are not counted as an insurance period for social security purposes because illegal employers do not pay statutory contributions on behalf of their illegal workers. The state covers the health insurance of illegal workers only if they are registered as job-seekers, and the period of their entry in the records is included in the decisive period for granting the pension. However, the conditions for determining the amount of a pension make this situation disadvantageous for such persons in the long term. Furthermore, job-seekers who are working illegally are in breach of legal conditions and may subsequently be removed from the register and thus lose legal benefits. These persons are generally entitled to non-insurance benefits, but even there are limits to prevent misuse.

Protection of employees who are dismissed, made redundant, sustain accidents at work, or are in dispute with the employer

43. The Labour Code protects employees who are dismissed or made redundant by allowing the employer to serve notice only for specifically listed reasons. The law sets time limits in which employers may serve notice, as well as other conditions, such as the consultation of an employee’s dismissal or redundancy with the competent trade union. During a “period of protection”, when the employee is in a particular social situation (e.g. incapacity, pregnancy, or maternity leave), the termination by the employer is completely excluded unless in an exceptional situation. The same applies to the immediate termination by the employer.

44. Specific protection is afforded to employees in cases of collective redundancy. Employers are required to notify the trade union in writing of any collective redundancy at least 30 days in advance so that an agreement can be reached on measures to prevent or restrict the collective redundancy and mitigate its unfavourable consequences. If there is no trade union at an employer, the employer holds individual negotiations with each employee affected by the collective redundancy. The employer also informs the competent Labour Office in writing in advance. The employer subsequently informs in writing about the outcome of negotiations with the trade union and of any collective redundancy agreed upon. The employment of an employee included in a collective redundancy shall terminate at the earliest 30 days after the delivery of employer’s report on the decision on collective redundancy to the relevant branch of the Labour Office.

45. The Labour Code lays down the employer’s liability for damage or non-material harm caused to employees as a result of an accident at work or occupational disease. The employer is required to compensate the affected employee for the loss of earnings for the period of incapacity for work and after its termination, or in recognition of disability for pain or social impairment, for reasonable costs associated with treatment and material harm. If an employee dies, the employer must also cover reasonable funeral costs, and provide one-off indemnification and compensation for the survivors’ maintenance. The employer is required to take out insurance covering employees’ accidents at work and occupational diseases.

46. Employees who become involved in a dispute with their employer may contact the competent labour inspectorate, which may inspect compliance with labour-law regulations. If it discovers any lapses, it may order the employer to fix the shortcomings identified and, where appropriate, impose a fine. Employees may exercise their right to wage or defend themselves against invalid notice in the competent court. Employees' rights are also protected by trade unions, which may provide employees with advice and represent them in court.

Article 7

Minimum wage legislation, and response to Observation No. 13

47. The right to equal remuneration for work is guaranteed in Article 28 of the Charter. One of the aspects of this right is the minimum wage, which the Labour Code defines as the lowest permissible level of remuneration for work in a basic employment relationship. The Government sets the amount of the base rate for the minimum wage in the form of a government regulation. As the indexation mechanism is not strictly stipulated by law, the Government has room for consideration of all socio-economic contexts, such as trends in consumer prices and wages, economic performance, labour productivity, subsistence level and social benefits, the taxation of wages, and the pursuit of international commitments. The effects of the minimum wage on the labour market, in relation to both employees and employers, are also taken into account. Any decision by the Government to change the minimum wage is preceded by tripartite negotiations. The minimum wage currently stands at CZK 13,350 per month or CZK 79.80 per hour. The minimum wage rate for employees who receive a disability pension has been abolished since 2017 and it is currently uniform for all employees without discrimination.

Legislation on working conditions and occupational safety and health

48. The right to satisfactory working conditions is guaranteed by Article 28 of the Charter. The Labour Code follows up on this by requiring employers to create working conditions for employees that allow them to carry out their work safely, and to give them access to occupational-medical services. Employers may expand on these conditions in a collective agreement, in an internal regulation, or by agreement with employees.

49. Employees' right to safe working conditions is guaranteed by provisions on occupational safety and health laid down by the Labour Code, the Act on Further Occupational Safety and Health Requirements, and other legislation. The aim is to prevent or mitigate risks endangering the lives and health of employees in the performance of their work. Employers must ensure the safety and the protection of the health of their employees and all natural persons present in the workplace with their knowledge. Employers' key tasks include the prevention of risks associated with workplace and activities of employees, employee training, provision of occupational-medical services and protective equipment, inspections, and care for the workplace and facilities. Inspections of compliance with occupational safety and health are performed by the State Labour Inspection Authority, the Ministry of Health, and other special authorities.

50. The National Occupational Safety and Health Policy elaborates on priorities and strategic objectives related to occupational safety and health in national action programmes. The aims are to improve the quality of risk prevention and the protection of specific groups on the labour market, and to expand awareness-raising and training. National action programmes are subject to approval by the Government Council on Occupational Safety and Health, which also monitors and evaluates their implementation. The 2013-2018 national action programme included tasks responding to practical needs in the fields of legislation, employment, training, science and research. Attention was paid to risk prevention in the education sector to ensure the safety and the protection of the health of children, pupils and students in schools and school facilities and during vocational training.

51. The compulsory categorisation of work into four categories according to the risk posed to health is fundamental to evaluations – in accordance with the Public Health Protection Act – of how work affects health. On the basis of the risks, appropriate protective and control measures are prescribed by law. Legislation regulates basic hygiene limits for

exposure to risk factors in the workplace (e.g. for particular substances, dust, vibrations, and noise).

52. Occupational medical care is essential in preventing accidents at work and occupational diseases. It includes evaluations of the impact of work activities and working conditions on health, assessments of employees' ability to work, preventive examinations, counselling, first-aid training, and supervision of work performance in workplaces. Each employer must ensure the provision of occupational-medical services for their employees by a provider of practical or occupational medicine.

Measures to reconcile work and family life

53. Employers are required to provide equal working conditions for all employees. However, this does not preclude the special working conditions conferred by Article 29 of the Charter on women, young people and persons with disabilities. The Labour Code, for example, bans the employment of women for work endangering their motherhood and gives pregnant employees the right to refuse night work.

54. Since 2018, the employee's right to take long-term leave to care for a dependent person for up to 90 days while receiving long-term sick pay from sickness insurance contributed to the reconciliation of work and family life. Upon return to work, the employer must assign the employee to their original work and workplace. The employment of an employee providing long-term care cannot be terminated and, for the purposes of leave, this period is regarded as time worked. The situation is similar for the short-term nursing allowance granted for a maximum of nine days.

55. Likewise, in 2018 a paternal postnatal care benefit was introduced. This benefit is available over a seven-day period for the insured person – the father – to take care of his child, or for an insured person (a man or woman) taking care of a child up to seven years old if that child has been taken into substitute family care. A basic requirement of eligibility is participation in sickness insurance. Paternal leave may be commenced within six weeks of the child's date of birth or the date on which the child is taken into substitute care.

56. Job-sharing legislation is now being prepared so that at least two employees with the same type of work and agreed shorter working hours are able to schedule their working hours themselves subject to prior agreement with the employer, and alternate in the scope of workload in the performance of work.

57. The Czech Republic is trying to eliminate the unavailability of preschool childcare services. The introduction of children's group and micro-crèches has alleviated the problem to some extent. The extracurricular care of school-age children is supported with subsidies from the Ministry of Labour and Social Affairs. Since 2018, parents have also been entitled to the compulsory acceptance of their children in kindergartens from the age of three years. The Ministry of Education, Youth and Sports intensively supports expanding the capacities of kindergartens. The situation has also been improved by tax measures, such as the deductibility of an employer's costs incurred in the organisation of child care services for their employees, an income tax concession for placing a child in a preschool facility, and a major hike in child-related tax concessions.

Combating sexual harassment in the workplace

58. The Labour Code and the Employment Act, together with the Antidiscrimination Act, prohibit all discrimination in employment, including sexual harassment. Sexual harassment is one of the central planks of the 2014-2020 Government Strategy for Gender Equality in the Czech Republic. All public authorities and other employers shall detect, monitor, deal with, and prevent cases of sexual harassment in the workplace.

59. The State Labour Inspectorate has long focused on inspections of equal treatment and non-discrimination, including the prohibition of harassment. Many inspections are conducted in response to incoming complaints, next to preventive inspections at employers. Inspectors are entitled to question the employees of the inspected employer in private. Inspectors may impose a fine if they find that the sexual harassment of an employee has not been handled properly. Victims of harassment may file an action with a court demanding the abandonment

of undesirable conduct, the elimination of its consequences and, where appropriate, the award of reasonable satisfaction.

60. In 2016, an anonymous survey was conducted on sexual harassment at certain ministries. Drawing on the results, a guideline establishing a uniform approach to the handling of sexual harassment at central public administration bodies should be prepared by 2019. An analysis of sexual harassment in public transport should also be carried out within the same timeframe. Attention is also paid to the prevention of sexual harassment in schools. In addition, studies have been conducted to help grasp the true scale and impacts of gender-motivated violence and to improve the formulation of public policies in this area.

61. In 2017, the Office of the Ombudsperson discussed sexual harassment issues at a roundtable discussion with inspection and supervisory bodies. In collaboration with the Pro bono alliance, it organised a seminar for lawyers entitled Harassment in the Workplace and prepared a leaflet entitled “How to help victims of bullying in the workplace”. It contributed to a guide on prevention and combating sexual harassment in the workplace.

Article 8

Trade-union legislation

62. Article 27 of the Charter guarantees everyone’s right to associate freely with others to protect their economic and social interests. This includes the right to set up relevant organisations, to join existing organisations, and to leave them at will. This right is conferred equally on everyone without discrimination, including foreign nationals.

63. Trade unions are formed independently of the state, and any restrictions on their numbers or a preferential treatment to any of them within a business or sector are forbidden. Generally, trade unions have freedom in their activity and the state cannot intervene in them. One exception is provided for by Article 27(3) of the Charter, according to which the activity of trade unions may be restricted by law if necessary in a democratic society for the protection of national security, public order, or the rights and freedoms of others. Article 44 of the Charter also allows to restrict by law the right to associate in trade unions for members of the security forces and armed forces where related to the service.

64. Since 2014, trade union issues have been regulated by the Civil Code. In addition, the Public Registers Act has transferred the trade unions register to the associations register maintained by the courts. The Civil Code views trade unions as *sui generis* legal persons who are subject to provisions on legal persons and associations, *mutatis mutandis*, to the extent to which it does not conflict with their nature as representatives of employees and employers under international treaties.

Collective bargaining

65. The Collective Bargaining Act defines collective bargaining as negotiations between trade unions and employers or their organisations to reach a collective agreement. The Act regulates the conclusion of company collective agreements and higher-level collective agreements, its filing, and the extension of its binding nature to other employers in the relevant economy sector. Every year, the Ministry of Labour and Social Affairs processes an analysis of the conditions negotiated in collective agreements across all sectors of economy. This analysis maps out collective bargaining in the Czech Republic and indicates current trends and the utilisation of particular legislative concepts.

66. With effect from 2014, conditions for expanding the scope of higher-level collective agreements have been amended. The parties to a higher-level collective agreement may jointly propose a communication of the Ministry of Labour and Social Affairs to be published in the Collection of Legislative Acts enabling the higher-level collective agreement to be binding on other employers if most of their operations are carried out in the given economy sector, subject to the fulfilment of the statutory conditions.

67. Numerous collective bargaining issues are addressed in the consultations of trade unions or employers. The contracting parties may select a mediator to resolve disputes

concerning the conclusion or performance of a collective agreement. Alternatively, a mediator may be appointed by the Ministry of Labour and Social Affairs at the request of one of the parties. In the proceedings, the mediator impartially offers and recommends potential solutions. Unable to issue binding decisions, a mediator is entitled only to make proposals to the parties, which they may or may not accept. If proceeding with the mediator is not successful, the contracting parties may agree to have the dispute decided by an arbitrator. If a collective agreement is not concluded, a strike may be announced as a last resort.

68. Social dialogue is held at the Council of Economic and Social Agreement of the Czech Republic, which is the joint voluntary negotiating body for trade unions, employers and the Government. The Council's goal is to maintain social cohesion as a prerequisite for the positive development of the economy and the living standards in the Czech Republic.

Legislation on strikes and basic services

69. The right to strike is guaranteed by Article 27(4) of the Charter under the conditions laid down by law. At the statutory level, a strike is regulated as a partial or complete interruption of employees' work only in a dispute over a collective agreement. However, both the Supreme Court and the Constitutional Court have concluded that the right to strike is not exhausted by the Collective Bargaining Act and that employees may also protect their economic and social interests by a strike in other situations. Participation in a legal strike must not be detrimental to anyone.

70. The Charter defines in Article 27 the categories of persons who do not have the right to strike like judges, prosecutors, or members of the armed forces or security corps and restricts the right to strike in Article 44. The restriction of the right to strike is justified in cases where it is necessary to safeguard operations or activities whose interruption or suspension could directly endanger the life and health of people or property. The issue of securing minimum services in the event of a strike is currently being discussed.

Article 9

Basic types of social security and social insurance

71. The right to social security is constitutionally declared in Articles 30 to 32 of the Charter and implemented in many legislative acts. The social security system in the Czech Republic comprises four basic units – health insurance, social insurance (i.e. sickness and pension insurance), social support and social assistance. The first two are based on an insurance principle; the second two encompass non-insurance social benefits. By law, social security contributions include payments towards sickness insurance and pension insurance, and a contribution to the public employment policy. The money collected in the form of insurance contributions accrues to the central government budget.

72. The Czech pension system is based on the compulsory basic pension insurance in accordance with the Pension Insurance Act. Since 2013, this has been supported by pension plans and supplementary private pension savings schemes. Basic compulsory pension insurance is a universal PAYG scheme covering all economically active people since their retirement. The legislation is uniform for all those who are insured. There are no special schemes by industry or occupation. There are certain deviations, e.g. for soldiers, firefighters, police and customs officers, but only from an organisational and administrative perspective.

73. Sickness insurance benefits are intended for gainfully employed people and provide them with monetary benefits under the Sickness Insurance Act in case of temporary loss of income resulting from incapacity due to illness, accident or quarantine, care for a family member, pregnancy and maternity, or childcare. Employees in an employment relationship, active on the basis of work agreements outside the employment relationship and members of the armed and security forces are required to participate if meeting the relevant conditions. Self-employed persons may participate in this insurance voluntarily.

74. The Personal Accident Insurance Act was passed in 2006, but never took effect. In 2017, it was abolished and the regulation of indemnification and liability in cases of accidents at work and occupational disease was included under the Labour Code. Statutory accident

insurance allows employers to compensate employees for damage caused by an accident at work or occupational disease.

Benefits under insurance and non-insurance systems, and response to Observation No. 14

75. Social security includes both sickness insurance and pension insurance benefits.

76. Pension insurance encompasses old-age, disability, survivors' and orphans' pensions. There are two components to it; a base amount set as a fixed sum for all types of pensions, and a variable amount depending on the duration of insurance and the amount of earnings. The Czech Social Security Administration decides on the entitlement to pension, its amount and payment, except for members of security forces, where the competent social security bodies are the Ministry of Defence, Ministry of the Interior and the Ministry of Justice.

77. The base amount applicable to all types of pensions is set at 10% of the average wage. The variable amount for an old-age pension is 1.5% of the calculation basis for each full year of insurance. In the case of disability insurance, the variable amount is 0.5% of the calculation basis for 1st degree dependency, 0.75% of the calculation basis for 2nd degree dependency, and 1.5% of the calculation basis for 3rd degree dependency for each full year of insurance. With survivors' pensions, it is 50% of the variable amount of an old-age pension or a disability pension for 3rd degree dependency.

78. Sickness insurance is used to provide the sickness benefit, the maternity benefit, the nursing allowance, the long-term nursing allowance, the compensation benefit during pregnancy and maternity, and the paternal postnatal care benefit. Sickness insurance benefits are calculated from the daily assessment basis. The daily assessment basis is the creditable income charged to an employee in the reference period divided by the number of "creditable" calendar days pertaining to the reference period. The determined average daily income is adjusted to the daily assessment basis by means of three reduction limits applicable from 1 January of the calendar year, announced by the Ministry of Labour and Social Affairs in the form of a communication published in the Collection of Legislative Acts.

79. The system of non-insurance social benefits in the Czech Republic includes social support benefits, foster care benefits, assistance in material need, benefits for persons with disabilities, and the care allowance. They are payable to persons granted permanent residence and residing in the Czech Republic, irrespective of whether the beneficiary or their family member participates in the insurance. The Labour Office of the Czech Republic decides on benefits and pays them.

Private supplementary insurance systems

80. In addition to the compulsory first pillar of the pension system in the form of pension insurance, a voluntary third pillar comprises supplementary pension plans and pension insurance. In addition to participants' monthly contributions, the state pays a contribution and allows part of the contributions paid to be deducted from the income tax basis. Participants may leave the system prematurely, but then they lose their entitlement to the state contribution and tax concessions.

81. Employers may organise and finance the voluntary participation of their employees in occupational pension insurance. The conditions and rules underpinning the activities of institutions engaging in occupational pension insurance in the Czech Republic, including conditions and requirements of pension plans, are regulated by legislation building on EU law. The supervising body is the Czech National Bank.

Retirement age for men and women

82. Insured persons are entitled to an old-age pension when obtaining the prescribed insurance period and reaching the prescribed retirement age. In the past, the retirement age would vary from one person to another, depending on their sex, the number of children brought up (for women), and their year of birth. The retirement age has gradually been prolonged. For those persons born before 1936, the retirement age for men was 60 years, while for women it ranged from 53 to 57, depending on the number of children brought up.

For insured persons born between 1936 and 1971, the retirement age is uniform from men and differs for women depending on the number of children brought up. For anyone born after 1971, the retirement age has been uniformly set at 65 years in 2018, and is not being increased any further. The Pension Insurance Act is also gradually increases the required pension insurance period from 25 years for those reaching retirement age in 2010 to 35 years for those reaching retirement age after 2018.

Benefits for persons not contributing to the system

83. Persons who did not contribute to the system or have not been contributing for long enough are entitled – subject to the fulfilment of prescribed conditions – to benefits from the non-insurance systems described above that are not conditional on the previous payment of contributions. The system of non-insurance social benefits is open to workers irrespective of their labour-law relationship (including illegal workers), self-employed persons and persons who are not professionally active. In certain cases, for example, persons who have not met the prescribed period of insurance may be granted a benefit from the insurance system provided that they fulfil another prescribed condition (e.g. they have reached a higher age).

Article 10

Bases of family law and family relationships within and outside of marriage

84. The protection of parenthood and the family is constitutionally guaranteed in Article 32 of the Charter. Since 2014, family law has been regulated by the Civil Code, viewing marriage as a permanent union between a man and a woman. The marriage is formed by the free consent of a man and a woman to enter into marriage in the presence of two witnesses. The marriage may be civil before a public authority or in a church ceremony before an authorised church or religious community. Anyone can get married in the absence of a legal impediment (e.g. by being aged below 18 or, where appropriate, 16 years). A marriage is not established if one of the persons intending to marry has not met the necessary requirements. Spouses have equal obligations and rights, e.g. to mutually respect their dignity, to create a healthy family environment and to bring up their children together. Property belonging to the spouses is part of the joint marital assets.

85. Since 2006, registered partnership has existed for same-sex couples under the Registered Partnership Act. This union has certain rights and obligations regulated in the same way as for a marriage (e.g. equal status, reciprocal representation, maintenance obligation, childcare), but it is different in many respects. Registered partners, for example, do not have joint assets and cannot jointly or mutually adopt children. Since 2016, an adoptive parent may only be one of the partners, with the status of a single parent. Likewise, the way same-sex couples enter into a partnership is different and less ceremonial.

86. Parents and children have mutual legal obligations and rights which they cannot relinquish. Ancestors and descendants have a mutual obligation of maintenance. Maintenance may be awarded if the beneficiary is unable to support themselves. A standard of living of a child should, in principle, be the same as that of their parent. A child is also required to ensure decent maintenance for their parents. Spouses have an obligation of maintenance to each other so that they are on an equal material and cultural footing. An unmarried mother also has the right to maintenance and to the coverage of certain costs connected with her motherhood.

87. Parental responsibility rests equally with both parents and includes the parents' obligations and rights within the care of their children. Parents have the obligation and the right to represent their child in legal matters in respect of which the child lacks legal capacity, and to take care of the child's property. Prior to a divorce, the court first determines how each of the parents will look after the child in accordance with the child's best interest.

Protection of motherhood and parenthood in work and social areas

88. According to social security law in the Czech Republic, maternity and pregnancy are important social events. In connection with pregnancy and motherhood, women/mothers are

afforded maximum protection and favourable conditions for the birth and subsequent care of their child.

89. The Labour Code has a ban on any discrimination in employment relationships on grounds including pregnancy, maternity or paternity, and provides concerned employees with special protection. A woman cannot carry out work endangering her pregnancy or motherhood. Employers must transfer pregnant women or mothers to other appropriate work. If a pregnant employee working at night requests assignment to day work, the employer must comply with her request.

90. In connection with pregnancy, childbirth and subsequent childcare, women are granted maternity leave of 28 weeks, or 37 weeks in cases of a multiple birth. Over that period, female employees may receive maternity benefit under sickness insurance. Women and men who have taken a child into care, e.g. on the basis of a court decision, are also entitled to this benefit. The Sickness Insurance Act allows for unrestricted alternation between the mother and father in the care of a child at weekly intervals starting with the seventh week after the birth. In these circumstances, maternity benefit is paid to the parent taking care of the child.

91. Employees are required to provide parental leave to the mother of a child, once maternity leave ceases, or the father of a child, as of the child's birth to care for the child up to 3 years of age. During parental leave, employees may draw on a parental allowance from the state social support system. Depending on the income of the beneficiary, families with dependent children may also receive child benefits. In addition, a one-time birth benefit is granted to low-income families.

92. During maternity and/or parental leave, employees are protected from unilateral severance of their employment by the employer. On returning from parental leave, the employer must assign them to their original work or, if not possible, to work consistent with their employment contract.

Employment of minors and combating child labour

93. Article 32 of the Charter prohibits child labour and sets that the minimum age for admission to employment must not be lower than the age of completion of compulsory school attendance, which is in the Czech Republic 15 years of age. Hence the Civil Code and Labour Code prohibit the employment of minors under the age of 15 or those who have not yet completed their compulsory school attendance. Minors who have reached the age of 15 may enter into an employment contract, but cannot start working before completing their compulsory school attendance. Children who do not fulfil conditions for employment may only engage in artistic, cultural, advertising or sporting activity, subject to the permit by the Labour Office of the Czech Republic.

94. Article 32 the Charter guarantees young workers under the age of 18 years increased protection of occupational health and special working conditions. The Labour Code requires employers to create conditions conducive to the comprehensive development of the physical and mental abilities of young workers. Employers may employ young workers only to perform work appropriate to their physical and mental development, and must provide them with increased care. Young workers are prohibited from working overtime, at night, or underground in the extraction of minerals or in the making of tunnels and mining galleries.

95. Labour inspection bodies conduct inspections of young people's special working conditions. Inspections are carried out on the basis of an inspection plan, further to complaints received, or in cases where young people are found at the workplace contrary to labour law. The statistics of inspection bodies show that the most frequent infringements of law in relation to employing youngsters are overtime and night work. Employers had been fined in several cases. In 2013-2018, labour inspection bodies carried out approximately 22 inspections of suspected child labour. The authorities of social and legal protection of children were informed about the inspection findings.

Protection of the elderly at work and in social areas

96. The Antidiscrimination Act, guaranteeing the right to equal treatment and non-discrimination on grounds of age, is at the core of the protection afforded to the elderly in work and social areas. The 2013-2017 National Action Plan Promoting Positive Ageing was the basis document in the Czech Republic. The frontline areas covered by the plan were preparations for ageing in the Czech Republic, the safeguarding and protecting of human rights, lifelong learning, the employment of older workers, volunteering and intergenerational cooperation, a quality environment for the lives of the elderly, healthy ageing, and care for the elderly with limited self-sufficiency. The implementation of this action plan was monitored annually. The 2019-2022 Preparation for Ageing Strategy is currently being prepared.

97. In 2016, the Ministry of Labour and Social Affairs conducted an Analysis of the Lives of the Elderly in the Czech Republic, resulting in recommendations focusing on promoting security among the elderly, generational cooperation, volunteering, and actively keeping the elderly in the labour market. In 2017, it organised Ageing and Public Space, an international conference geared towards the creation of accessible and safe public space for the elderly. It also held the National Population Ageing Convention, which took the form of roundtable discussions on issues related to population ageing. In the regions, there were eight “Days for the elderly”, during which information was provided on a healthy lifestyle, social benefits, social services, and the method used to calculate pensions. Support for the Publicly Beneficial Activities of Organizations of Elderly Persons and Nationwide Operating Organizations Supporting the Elderly, a grant scheme run by the Ministry of Labour and Social Affairs, provides support for awareness-raising projects aimed at preventing ageism. In 2017, the Ministry of Health organised a conference called Dissemination of Good Practice in the Care for the Elderly in the Czech Republic.

Transformation and deinstitutionalisation of social services

98. A fundamental document addressing the transformation and de-institutionalisation of social services in the Czech Republic was the Concept for Support of the Transformation of Residential Social Services into Other Types of Social Services Provided in the Client’s Natural Community and Promoting the Client’s Social Inclusion in Society. It focused primarily on promoting improvements in the living conditions of clients of existing institutional social care facilities, the fulfilment of their human rights, including the right to a life comparable to that of peers living in a natural environment, support for social service providers in their transformation to an outpatient service, cooperation between all stakeholders, and increased awareness of the process underlying the transformation of institutional care. Most of the Concept’s points had been achieved by 2016.

99. The theme of the deinstitutionalisation of social services was included as a separate specific objective in the 2016-2025 National Strategy for the Development of Social Services, intended to ensure the transition from an institutional care model to the support of persons in their natural environment by means of outreach, non-residential and residential social services of a community type. Following on from the Strategy is the 2019-2021 Action Plans for the Transition from Institutional Care to Support within the Community with the Help of Outreach, Non-residential and Residential Social Services of a Community Type. Its overarching objectives are to cut the number of people living in institutional facilities, transform institutional social services, promote community services to enable people to stay in their natural environment, reform psychiatric care, and continue pushing for and promoting the social inclusion of persons with disabilities, the elderly, children at risk and their families, and persons with mental health problems.

100. The Ministry of Labour and Social Affairs has backed the social service transformation process through its projects Support of Transformation of Social Services (2009-2013) and Transformation of Social Services (2013-2015). Life like Any Other is another project that is currently under way. Its headline target is to support the range of high-quality, accessible and sustainable community social services for persons with disabilities by transforming institutional social services into services provided within the community. This project has included a destigmatisation campaign to raise awareness of the purpose and goals

of the transformation and the significance of life in a natural environment for persons with disabilities.¹¹

Access of foreign nationals, asylum-seekers and refugees to economic, social and cultural rights, and response to Observations Nos. 10 and 15

101. According to the Charter, foreign nationals enjoy all fundamental rights and freedoms, including economic, social and cultural rights, except where these are expressly conferred only on citizens. The Charter allows for certain rights to be regulated differently for foreign nationals, such as the right to obtain resources for living through work and the right to engage in business and carry out other economic activity.

102. The employment of foreign nationals in the Czech Republic is governed by the Employment Act and the Act on the Residence of Foreign Nationals in the Czech Republic. Foreign nationals from non-EU countries may be employed with residence and work authorisation. Beneficiaries of international protection do not need a work permit. Applicants for international protection are not authorised to work in the Czech Republic over the first six months from the start of the proceedings. They may then apply for a work permit from the Labour Office and legally seek work.

103. In the Czech Republic, labour exploitation and forced labour of foreigners may be assessed as the crime of trafficking in human beings for purposes of forced labour or other forms of exploitation or the unauthorised employment of foreign nationals illegally residing in the Czech Republic under particularly exploitative working conditions. Other cases of labour exploitation may be assessed as an infringement of labour law by the employer. In providing protection from labour exploitation, the State Labour Inspectorate and district labour inspectorates collaborate with law enforcement agencies and provide them with full assistance.

104. In the Czech Republic, the social security of EU citizens, including health insurance, is governed by the provisions of EU law with the principle of equal access to health care. For third-country nationals, access to healthcare may be covered by bilateral treaties with their states of origins. Beneficiaries of international protection have the same access to health care as Czech citizens. Over the duration of international protection proceedings, foreign nationals are entitled to free health care in the scope covered by public health insurance. Other foreign nationals with a visa duty must take out commercial health insurance, whether they are residing in the Czech Republic in the short or long term. These foreign nationals do not participate in other insurance systems. New legal provisions on foreign nationals' rights and obligations in relation to commercial health insurance are being prepared.

105. The Act on the Residence of Foreign Nationals contains a special type of residence authorisation – a long-term residence permit for family reunification in the Czech Republic. The Act defines the group of family members to whom the concession applies. The term “family” encompasses spouses, same-sex partners, parents and their minor children. It also lays down the conditions and formalities of a foreign national's application for a long-term residence permit from family reunification. The granting of asylum or subsidiary protection for family reunification is governed by the Asylum Act.

Combating domestic violence

106. One of the headline targets of the 2014-2020 Government Strategy on Gender Equality in the Czech Republic is to reduce the incidence of domestic and gender-motivated violence. On the basis of that Strategy, the 2015-2018 Action Plan for the Prevention of Domestic and Gender-motivated Violence was adopted. This Action Plan also applied to other forms of gender-motivated violence such as rape, sexual harassment and stalking. A new Action Plan for 2019-2022 is under preparation.

¹¹ The Ministry of Labour and Social Affairs operates a website at www.trass.cz, a Facebook profile at <https://www.facebook.com/trass.cz> and a newsletter at <http://www.trass.cz/index.php/category/zpravodaj/>.

107. Domestic violence is punishable primarily as the mistreatment of a person living in the family home. Other criminal offences in consideration include bodily harm, human trafficking, the deprivation or restriction of personal liberty, duress, rape, sexual coercion, menace or stalking. A person at risk of domestic violence may ask the Czech Police to expel an abusive or threatening person from the family home for a maximum of 10 days. The victim may then apply to a court for an interim measure ordering the aggressor to leave the family home, to stay away from the surrounding area, and to refrain from any contact with the endangered person for a period of one to six months. The court takes a decision on the request within 48 hours. Similarly, under the Civil Code it is possible to ask a court to restrict or remove the right of the other spouse or partner to reside in the family home for a period of up to six months, which may be repeated.

108. The Victims of Crime Act includes victims of sexual violence among particularly vulnerable victims who receive assistance free of charge. They are entitled to the reimbursement of costs incurred in the provision of professional psychotherapy and physiotherapy or other expert services intended to alleviate their suffering. The Ministry of Justice supports the activities of non-governmental organisations providing assistance to victims of crime. Under the Misdemeanours Act, violent persons can be ordered to participate in anger management or violence control programmes.

109. Social services are provided to victims of domestic violence primarily by intervention centres financed by the regions and the Ministry of Justice. Intervention centres, the providers of other social services, child protection agencies, municipalities, the Czech Police, and other bodies of public administration work as an “interdisciplinary team”. There are also shelters specialising in persons at risk of domestic violence with secret addresses in appropriate cases. Advice centres for victims of crime and domestic violence provide expert social counselling. A Helpline for Victims of Crime and Domestic Violence, operated by the White Circle of Safety (Bílý kruh bezpečí), is available to assist persons at risk and victims of domestic violence.

110. The government campaign “That’s Equality!” also targets the prevention of domestic and gender-motivated violence. During the campaign, approximately 100 spots were broadcast on Czech Television with the aim, among other things, of motivating witnesses to report cases of domestic violence. Nine analyses were conducted to ascertain, among other things, the availability of social services for victims of domestic violence, the incidence and latency of gender-motivated violence, the efficiency of programmes for violent persons, and the way gender-motivated violence is depicted in the media. Workers from the education sector, social services and non-governmental organisations were trained in the use of a special animated film for children to explain domestic violence.

Combating trafficking in human beings

111. Trafficking in humans is treated as a crime in the Czech Republic. Increased protection against trafficking is provided to children. Under the Victims of Crime Act, human trafficking victims are viewed as particularly vulnerable victims with the specific rights described above.

112. A fundamental document relating to trafficking in human beings is the 2016-2019 National Strategy to Combat Trafficking in Human Beings premised on the Czech Republic’s international commitments. The Strategy sets two priorities – the fight against labour exploitation and the punishment of its perpetrators, and the fight against child trafficking. The Strategy strives to interconnect existing tools with new ones responding to current developments. The Strategy also focuses on combating “new” forms of trafficking in human beings, the issues faced by socially excluded communities, and the training of people involved in the integration of foreign nationals in the Czech Republic. The main coordinator of the fight against trafficking in human beings is the Ministry of the Interior, which has set up the Interministerial Coordination Group on the Fight against Trafficking in Human Beings. This group is responsible for performing tasks of the Strategy and for producing an annual report on trafficking in human beings in the Czech Republic.

113. A special Programme of Support and Protection of Victims of Human Trafficking has been set up to assist victims who are more than 18 years old. It provides comprehensive

services to victims through non-governmental partner organisations. Victims may also draw on other social services under the Social Services Act.

114. The Ministry of the Interior, in cooperation with public institutions, non-governmental organisations and international partners, organises training activities focused on trafficking in human beings. The goal is to shed light on current trends and opportunities for the support and protection of victims. One of the central themes is the identification of potential victims by relevant professional groups, such as labour inspectors, the staff of diplomatic missions, and health professionals. Specialists from the Czech Police receive ongoing training on human trafficking as part of training held by the National Organised Crime Prevention Headquarters. The consular staff of Czech Republic's diplomatic missions receives training. Seminars have been held for field social workers, the staff of child protection agencies, and the staff of regional offices involved in crime prevention. The Judicial Academy holds a seminar in order, for example, to appraise law enforcement agencies of procedures applied in international cooperation to curb trafficking in human beings.

Article 11

Determination of basic levels of income in relation to poverty

115. The right to the assistance necessary for basic living conditions is guaranteed by Article 30(2) of the Charter. The Act on Subsistence Minimum defines the subsistence minimum as the minimum level of income to cover food security and other basic necessities. It defines the minimum standard of living as the minimum level of income for survival. Neither the subsistence minimum nor the minimum standard of living includes the essential costs of housing.

116. The subsistence minimum and the minimum standard of living serve to establish eligibility for and the amount of the state social support and hardship benefits. The courts use it to establish the amount that cannot be seized during enforcement procedure. Subsistence level amounts are determined according to the number of people in a household and the age of dependent children. The amount of the minimum standard of living is set uniformly and cannot be applied to dependent children, persons over the age of 68, old-age pensioners and persons with a third degree dependency disability. The Government may increase the amounts of the subsistence minimum and minimum standard of living if subsistence costs and prices for basic personal necessities grow by at least 5%.

Combating poverty and social exclusion

117. The at-risk-of-poverty rate has for long been very low in the Czech Republic. The most vulnerable groups are the long-term unemployed, persons at the start and the end of their professional career, families with multiple children or single parents, persons disadvantaged on the housing market on grounds of race or religion, the elderly, persons with disabilities, the homeless and low-income households. Within the scope of Europe 2020, the Czech Republic has undertaken to maintain the number of persons at risk of poverty and social exclusion at the 2008 level up to 2020, and to make efforts to reduce their number by 30,000. In 2017, there was a reduction in the number of persons at risk of poverty, material deprivation or living in households with very low work intensity by 298,600 compared to 2008.

118. The fundamental national strategy document for the fight against poverty and social exclusion is the 2014-2020 Social Inclusion Strategy. The goal of this Strategy is to improve the quality of life and to reduce tension within society. The Strategy's main themes for 2018 were education and equal opportunities, social work, and the configuration of social services to reduce social exclusion. Social work is fundamental to social inclusion because it motivates individuals and helps them to improve their social situation and integration back into society.

119. Another government instrument promoting social inclusion is the Agency for Social Inclusion, helping municipalities to deal with problems of socially excluded localities. It interconnects local authorities, non-governmental organisations and the public. It cooperates

with ministries, transmits information from municipalities to the central government, and contributes to the formation and coordination of state social inclusion policy. In 2018, more than 100 municipalities, or associations of municipalities, cooperated with the Agency.

Safeguarding of basic living conditions and hardship assistance

120. Hardship assistance helps persons with insufficient income and motivates them to secure means to satisfy their living requirements. According to the law, a person is in material need when their social and economic situation does not allow them to meet their basic living needs at a socially acceptable level. They do not have sufficient income and, for objective reasons, are unable to increase their income by their own efforts.

121. Hardship benefits comprise a subsistence allowance, housing benefit, and emergency assistance. People are eligible for a subsistence allowance if their income, after deducting reasonable housing costs, falls short of the subsistence amount, which is established on a case-by-case basis by reference to a person's opportunity to obtain resources for their subsistence. The subsistence amount is increased if, for example, a person's state of health requires increased dietary costs. If a person's income, including housing allowance from the state social support system, is insufficient to cover housing costs, they may apply for housing benefit so that, after paying justified housing costs, they are still left with the subsistence amount. Emergency assistance is provided to people who find themselves in situations that need to be addressed urgently.

Food supply, safety and self-sufficiency

122. The Ministry of Agriculture's strategy focuses on increasing self-sufficiency in basic agricultural commodities, consumer protection, and food safety in the Czech Republic. Reasonable food self-sufficiency is one of the main goals in the development of farming and the quality of life in the countryside. The headline targets of the 2014-2020 Food Safety and Nutrition Strategy are the production and sale of safe food, the provision of information on food safety and quality, an improvement in consumer protection, and support for the proper nutrition of the population via health education and awareness-raising among consumers, producers and distributors.

123. Primary responsibility for the quality and safety of food rests with the producer. Food distributors and vendors are responsible for maintaining the quality of food. Inspections of food safety and quality are conducted by the Czech Agriculture and Food Inspection Authority and the State Veterinary Administration. The Czech Agriculture and Food Inspection Authority inspects the production, storage, transportation and sale of agricultural products, food and tobacco products, and meals served at catering establishments. The State Veterinary Administration supervises animal health, the safety of food of animal origin, and the protection of the Czech Republic from dangerous infections and its carriers.

124. Since 2016, all regions of the Czech Republic have had food banks collecting food for subsequent free of charge transfer to organisations providing food aid. The Ministry of Agriculture subsidises them. Since January 2018, groceries with a sales floor of more than 400 m² have been required to provide food which does not meet legislative conditions, but is still safe, to food banks or other similar organisations free of charge as food aid.

Healthy nutrition and awareness-raising

125. Health for All in the 21st Century (Health 21), the long-term strategy to improve the health of Czech population, and the subsequent strategy Health 2021-2030 set nutritional-related tasks. The Federation of the Food and Drink Industries and the Ministry of Health signed a Healthy Lifestyle Declaration with 10 pillars of food policy as a means of promoting a healthy lifestyle and consumer awareness. The Food Safety Information Centre specialises in raising awareness of nutrition and a healthy lifestyle for professionals and consumers, children and young people.

126. The Ministry of Agriculture encourages quality food and sets relevant standards in implementing decrees. The Ministry awards quality marks (e.g. KLASA, Regional Food, or Czech Food) to food and agricultural products complying with legislative requirements. The Ministry also supports farmers and companies seeking to satisfy requirements for the safety

and corresponding quality of food. The Ministry of Health's grant scheme "National Health Programme – Health Promotion Projects" has promoted an active approach to health among the population. The thematic group "Making nutrition healthy and optimising physical activity – preventing excess weight and obesity" is most associated with healthy nutrition, the control of food quality, and awareness-raising.

127. In 2016, the "Treats Decree", regulating the requirements of food sold in schools and school facilities, was adopted. The Decree responds to children's poor eating habits and the rise in obesity and other diseases among children, laying down the maximum permitted quantities of salt, fat and sugar for individual food categories, and banning schools from offering fried or grilled food.

Support of agriculture and BIO farming

128. The 2014-2020 Rural Development Programme of the Czech Republic supports small and medium-sized farmers and young farmers up to the age of 40. The Investments in Agricultural Holdings grant scheme promotes investment. The Processing and Marketing of Agricultural Products grant scheme supports local supply chains.

129. The principal strategy document for organic food production is the 2016-2020 Action Plan of the Czech Republic for the Development of BIO Farming, which aims to achieve a 15% share of BIO farming relative to agricultural land in the Czech Republic. In 2018, BIO farmed land accounted for 12.37% of all agricultural land in the Czech Republic.

130. According to EU legislation, farmers may be registered as BIO farmers and, subject to compliance with legislation, may mark their produce as "BIO". They are also entitled to financial support for land included in the organic farming system. Certified inspection organisations inspect compliance with legislation. The Ministry of Agriculture promotes organic farming with consumer information events such as September – BIO Food Month; an opportunity for consumers to learn about BIO food producers and their products.

Access to water and sewerage systems

131. The supply of drinking water and disposal of sewage is governed by the Water Act, the Water Supply and Sewerage Systems Act, and the Public Health Protection Act. Builders are required to connect structures to public water supply and sewerage systems for the supply of water and disposal of sewage.

132. Under the Water Supply and Sewerage Systems Act, operators must fix the causes of any interruption or restriction without undue delay. Operators are entitled to interrupt or restrict the supply of water or the sewage disposal without prior notice only in situations of a natural disaster, water supply or sewerage accident, or possible threat to the health of people or property. The Act defines the rights and obligations of water supply and sewerage systems owners, such as the obligation to ensure smooth and safe operation, to create a financial reserve for system renewal, and to facilitate the free connection of another owner's water supply or sewerage system.

133. The basic concept for the development of drinking water supply is the Plan for the Development of Water Supply and Sewerage Systems in the Czech Republic. In 2017, water supply systems supplied 94.7% of the Czech population. 85.5% of the Czech population was living in buildings connected to a sewerage system. In total, 453.3 million m³ of sewage was discharged into sewerage systems, with 97.5% being treated. Increased access to water and sewerage systems is supported with resources from the Czech Republic and the EU, local governments, and private entities. The Ministry of Agriculture supports infrastructure development and the renewal of water supply and sewerage systems. In 2011-2018, it granted support of approximately CZK 12.25 billion to 1,023 projects.

Supervision and safeguarding of the quality of water and sewage

134. Drinking water quality requirements are regulated by the Public Health Protection Act and its implementing decree stating hygiene requirements for drinking water. Public health protection bodies inspect compliance with the obligations of drinking water suppliers, collect water quality data from suppliers, and conduct their own laboratory testing. Drinking water

quality data is processed by the National Institute of Public Health. Every three years, the Ministry of Health draws up a drinking water quality report for the European Commission.

135. Rules governing the handling of surface water and groundwater and the safeguarding of its quality are laid down by the Water Act. The state of surface water and groundwater is analysed by river basin managers and other expert entities, and the data is evaluated by the Czech Hydro-meteorological Institute. The Ministry of the Environment together with the Ministry of Agriculture annually submits to the Government a Report on the State of Water Management in the Czech Republic describing and evaluating the quality and quantity of surface water and groundwater.

136. With the aim to raise awareness of the sparing use of water, the Ministry of Agriculture holds, for example, a competition for schools to mark World Water Day, issues publications on water management, such as *Water in a Nutshell in the Czech Republic*, and *Drought – a Serious Threat to the Czech Republic*, published articles in the journal *Vodní hospodářství*, or makes water management presentations at specialist events and seminars.

Access to housing and its support, and response to Observation No. 16

137. The core document is the Concept of Housing of the Czech Republic until 2020, which sets out the basic directions of development and objectives. According to this concept, the securing of housing remains primarily the individual's personal responsibility. The state's mission is to create appropriate conditions and to encourage citizens to secure housing with their own means. At the same time, it promotes state policy and municipal instruments intended to assist those who, for objective reasons, are unable to do so. The availability of housing is addressed by the 2015-2025 Concept of Social Housing meant to create a new system of housing, social services and social benefits.

138. The costs of housing faced by low-income groups are covered by two social benefits – the housing allowance from the state social support system and the housing benefit from the hardship assistance system. A housing allowance is paid to those spending more than 30% (35% in Prague) of their income on housing. If the housing allowance is not enough to cover the costs and beneficiaries are in material need, they are also entitled to housing benefit.

139. Every year, the Ministry of Regional Development awards housing support grants under the Housing Support Scheme. The Subsidised Housing sub-scheme promotes the construction of rental apartments for people in an unfavourable social situation with encountered difficulties in accessing housing. The Residential Building without Barriers sub-scheme promotes the removal of barriers in blocks of flats. The Housing Construction in Areas with a Strategic Industrial Zone sub-scheme promotes the development of rental housing in areas with there is a rapid growth in job opportunities. The Technical Infrastructure sub-scheme promotes the installation of technical equipment on land for the subsequent construction of blocks of flats and family houses.

140. Support is also provided by the State Housing Development Fund. Its Youth Programme provides soft loans to individuals up to the age of 36 for the repair, renovation, modernisation or acquisition of flats or family houses. The Construction Programme provides soft loans for the construction or renovation of rental apartments for the elderly, persons with disabilities, persons on a low income, or young people up to the age of 30. Municipalities may be granted soft loans and grants under the Housing Estate Regeneration Programme for the regeneration of public spaces on housing estates. The For Municipalities Programme offers soft loans to municipalities for modernising their housing stock. A new programme is being prepared for municipalities supporting the construction of social and affordable housing.

141. In 2016, the Ministry of Labour and Social Affairs launched a project called Social Housing – Methodological and Information Support for Social Agendas. This project aims to guide municipalities in the introduction and development of social housing. In total, 16 municipalities from across the Czech Republic are involved in the project.

Conditions and quality of housing

142. Requirements and conditions for construction are regulated by the Building Act. The Implementing Decree on Technical Requirements for Structures regulates requirements concerning the safety and properties of structures, the protection of health, healthy living conditions and environment, natural lighting and sunlight in housing, ventilation and heating, protection against noise and vibrations, energy saving, and thermal protection. It also lays down the conditions for the barrier-free use of structures, adjustable housing, and housing for special purposes. The inspection of compliance with conditions is carried out by the competent building authority and other public bodies protecting public interest according to specific laws. Public health protection bodies are responsible for noise and vibrations. At hostels, the rules of operation are subject to approval by public health protection bodies, which also inspect compliance with those rules.

Protection of housing, eviction, and response to Observation No. 17

143. The ownership and rental of flats is regulated by the Civil Code. Housing cooperatives and their membership are regulated by the Business Corporations Act. Legislation on housing rentals is based on the protection of the tenant as the weaker party. The Civil Code forbids arrangements between the landlord and the tenant imposing an obligation on the tenant which is manifestly disproportionate or would restrict the tenant's rights. A tenancy may be terminated by agreement between the landlord and the tenant, upon expiry of a fixed-term tenancy, or if either of the parties serves notice of termination. Landlords may serve notice on the tenant only for specific reasons under the law, e.g. if tenants are in gross breach of their obligations or if the housing becomes uninhabitable. By law, the notice period is three months. Tenants may apply to a court to review the legality of any notice served.

144. The Charter permits expropriation and restriction of the right of ownership only in the public interest based on the law and carried out in return for compensation. The Expropriation Act lays down the conditions of expropriation and the expropriation procedure, including the determination of compensation.

145. Reasons for eviction are regulated by the Civil Code and the Building Act. The Civil Code ties the vacation of housing to the end of a tenancy. If, following the statutory notice, a tenant fails to vacate the housing voluntarily; the landlord may seek eviction through the courts. Over the duration of the tenancy, the housing may be vacated to enable alterations, conversions or other changes to the flat or building. Tenants must be notified in advance, must agree, and are entitled to the reimbursement of their efficiently incurred costs. If a flat owner breaches obligations imposed on them by an enforceable court ruling and restrict or inhibit the exercise of rights by owners of other flats, a court may order the sale of the owner's flat. According to the Building Act, if there are defects endangering the lives or health of persons or animals, the building authority may order the urgent demolition of the structure or its vacation so the necessary works to secure it can be carried out. In none of these cases is required the provision of replacement housing. It only stipulates that compensation must be provided for any damage caused. Municipalities are required to shelter people only if a flat or housing space is vacated on account of its state of disrepair.

Combating homelessness

146. The Government Concept for the Prevention and Handling of Homelessness in the Czech Republic up to 2020 strives to improve the position of the homeless, and to facilitate their return to housing. The Interministerial Working Group for the Handling of Homelessness, a body under the Social Inclusion Commission, monitors and annually evaluates the implementation of the Concept. In 2018, core themes of the concept included the accessibility of health care for the homeless, prevention of the loss of housing, social housing, and increased awareness of homelessness among social workers. The Concept is now being updated and indicators are being set for the evaluation of the implementation of individual measures.

Article 12

Health system in the Czech Republic

147. According to Article 31 of the Charter, everyone has the right to health and citizens are entitled to free health care on the basis of public health insurance. According to the Public Health Insurance Act, the health care covered by public health insurance includes safe and effective health services to improve or maintain the state of health of the individual or to lessen their suffering. However, healthcare facilities may also offer superior health care services, which are provided on the basis of direct payment or supplementary insurance.

148. The strategy document Health 2020 – National Strategy for the Protection and Promotion of Health and the Prevention of Disease (“Health 2020 National Strategy”) is a set of measures furthering public health in the Czech Republic and the implementation of the WHO programme Health 2020. The Strategy has been further developed as individual action plans. Objectives and measures contained in the Strategy are consistent, from a material perspective, with measures under Article 12(2) (c) of the Covenant.

Provision of health care on the ground

149. Health care is provided by authorised health service providers in healthcare facilities. Authorisation is granted subject to compliance with prescribed conditions by a competent administrative body, which then conducts inspections on their fulfilment. Health insurance companies are required to enable access to health services for their clients, and, in this respect, the provision and payment of services for their providers. Clients are entitled to the provision of services covered by public health insurance at the healthcare facility of a contracted provider. Medical services may be provided in facilities without a contract with the client’s health insurance company only in exceptional circumstances, e.g. urgent care.

150. One of the current priorities is to improve the health literacy of the population. Professionals and patients belong to the Health Literacy Alliance. “Effective Promotion of the Health of Persons at Risk of Poverty and Social Exclusion”, a project of the Ministry of Health, is intended to encourage health awareness and care for personal health among socially excluded individuals by means of lectures, courses, consultations and awareness-raising events. The “Homeless Surgery” project aims to increase the availability and effectiveness of health services provided to the homeless. Health Days, focusing on the prevention of cardiovascular and oncological diseases, are regularly held in socially excluded communities. Health and social workers try to motivate the Roma to draw on public health services.

Public health insurance and participation therein

151. Permanent residents and employees of subjects established or seated in the Czech Republic are required to pay contributions to health insurance regardless of their citizenship. According to the Public Health Insurance Act, the state pays health insurance contributions on behalf of dependent children, pensioners, women on maternity leave or individuals on parental leave, job-seekers, recipients of hardship benefit, persons dependent on the care of another and their care takers and applicants for international protection or other groups according to the law. Health service providers must also provide care to patients not included in public health insurance whose life or health is in danger.

152. Under public health insurance, patients are entitled to at least one method of health care for each of their health issues which is fully covered. Coverage may be restricted in relation to medicinal products or medical devices considered to be too costly for the sustainability of public health insurance finances. Exemptions may be approved by the health insurance company.

Drug policy

153. The drug policy aims to secure safe, effective and high-quality pharmaceuticals and to provide the maximum necessary care to patients. Access to drugs is regulated by the Public Health Insurance Act, which should ensure general medical assistance and care for patients with sustainable public health insurance. The State Institute for Drug Control inspects the

quality of medicinal products and permits their market access. In the absence of permission from the Institute, a medical product cannot be marketed and used in the Czech Republic. In exceptional circumstances, unregistered medicinal products may be made accessible, e.g. within the scope of a specific treatment programme or on the basis of a hospital exemption.

Protection of patients' rights

154. The Health Services Act contains patient rights, such as the right to free and informed consent to the services provided, the right to choose a health service provider, and the right to professionalism, respect, dignified treatment and privacy. The Public Health Insurance Act guarantees, for example, the right to the timely and local availability of the services covered, the right to various services provided by insurance companies, and the right to the provision of health services otherwise not covered if they are the only avenue open for the client's state of health. Patients may enforce their rights by complaining at public bodies or at courts.

155. Since 2017, patients have been represented in the Patient Council of the Minister of Health, giving them a platform to comment on the development of health care. The Ministry holds regular meetings with patient organisations, has a special unit for patients' rights promotion and has launched a web portal for patients and patient organisations.

156. The training of physicians on ethics and interaction with patients is part of the compulsory theoretical and practical education provided at all medical faculties. In all basic areas of postgraduate medical training, it is necessary to attend a compulsory course on the rudiments of medical legislation, ethics and communication. These themes are developed during student placements. Further training is organised by the Institute of Postgraduate Medical Education and the Czech Medical Chamber.

Care for the health of mothers and children

157. The prenatal care in the Czech Republic involves regular free check-ups for future mothers and screening for congenital defects. Postnatal care includes the screening of all new-borns for congenital and hereditary diseases, sight and hearing tests to detect congenital defects or developmental anomalies, and hip examinations to detect any dysplasia of the hip.

158. A Ministry of Health grant scheme supports lactation counselling. The staff of maternity hospitals has been trained to promote breastfeeding. Educational materials for maternity hospitals and for mothers leaving maternity hospitals have been published. Other training events have concentrated on support for lactation counsellors providing assistance to mothers with breastfeeding problems.

159. Public health insurance fully covers health services provided by paediatric general practitioners including regular preventive examinations from birth up to 19 years of age. The 2007-2017 National Action Plan for the Prevention of Child Accidents focused on minimising child mortality as a result of accidents and reducing the frequency of child accidents, including self-injuring behaviour and suicide.

Fundamental principles for the protection of public health and hygiene

160. Fundamental principles for the protection of public health are enshrined in the Health 2020 National Strategy geared towards the creation of long-term conditions to improve the health of the Czech population. The fight against infectious diseases is mainly covered by the Public Health Protection Act and its implementing regulations, and by a network of public health protection bodies establishing the relevant anti-epidemic measures against infectious diseases. The epidemiological situation has long been – with the odd exception – favourable due to the control of infectious diseases.

161. Czech legislation regulates compulsory vaccinations against nine infectious diseases, recommended vaccinations covered by public insurance, and available vaccinations covered by vaccinated persons themselves. A child without compulsory vaccinations cannot, for example, be enrolled at kindergarten unless they have contraindications against these vaccinations. Czech courts have adjudicated on several disputes where parents have been unwilling to have their children vaccinated on account of their beliefs. The Constitutional Court has ruled that the obligation of vaccination is not contrary to fundamental rights

because it protects public health.¹² In exceptional circumstances, however, a parent may refuse a vaccination for compelling reasons of their religion or other belief, in which case they should not be forced into vaccination.

Combating alcohol, tobacco and drugs

162. The fight against alcohol, tobacco and drugs is the subject of action plans under the Health 2020 National Strategy. These action plans simultaneously implement the 2010-2018 National Drugs Policy Strategy. A register of preventive programmes was successfully introduced and a module for the training of public administration officials and staff on preventive policies was developed within the scope of the action plan “Creation of an Interdisciplinary Interministerial Framework of Primary Prevention of High-risk Behaviour among Highly Vulnerable Groups of Children in the Czech Republic”. The 2015-2018 Action Plan for Tobacco Control in the Czech Republic helped the adoption of the new Act on the Protection of Health from the Harmful Effects of Addictive Substances, which aims to reinforce protection against harmful effect of tobacco smoke by extending the non-smoking environment, e.g. by banning smoking in catering facilities. The Ministry of Health subsequently launched a campaign called “Stub it out for the last time”, drawing attention to the risks of smoking and opportunities for prevention. The 2015-2018 Action Plan to Reduce Damage Caused by Alcohol in the Czech Republic restricted the availability of alcohol increasing the financial support of health providers for alcohol-dependent individuals and the prevention of widespread use of alcohol.

163. The Government is preparing a 2019-2027 National Strategy for the Prevention and Reduction of Damage by Addictive Behaviour. This will be a key document in preventing and reducing damage from the use of addictive substances, pathological gambling and the overuse of modern technology in society.

164. In schools, pupils are acquainted with the health and psychosocial risks of abusing addictive substances, socio-pathological phenomena in and out schools, and opportunities for professional assistance. Health education also covers the topics of nutrition and health, physical and mental hygiene, daily routine, the impacts of the external and internal environment on health, and protection from disease and accidents. These topics are also part of primary prevention programmes.

Prevention, protection and awareness of sexual health

165. Awareness of reproductive health is included in teaching curricula. Education should cover the health of the reproductive system, sexuality as part of personality development, abstinence, premature sexual experience, promiscuity, and the problems of pregnancy and parenting among young people. The 2017 Family Policy Concept emphasises high-quality sexual and family education in schools to reinforce responsible family planning and the functionality and stability of living as a family.

166. The topic of HIV/AIDS is included in textbooks for primary and secondary schools. The Ministry of Education, Youth and Sports promotes preventive programmes and programmes for the further training of educational staff focusing on HIV/AIDS. It published a Methodological Recommendation for the Primary Prevention of Risky Conduct among Children, Pupils and Students in Schools and School Facilities, which includes an annex on risky sexual behaviour.

167. The Ministry of Health’s National Programme for the Handling of HIV/AIDS concentrates on primary prevention by supporting projects to reduce the risk of the emergence and spread of the HIV infection, ensuring the anonymous and free diagnosis of HIV and venereal diseases, or counselling on HIV/AIDS.

168. The epidemiological situation in relation to the incidence of venereal diseases and HIV/AIDS is continuously monitored. HIV-infected individuals are provided with treatment in seven AIDS centres. This treatment is fully covered by public health insurance. The Ministry of Health has created a Guide to the Handling of HIV/AIDS. The national manager

¹² Decisions Pl. ÚS 16/14 and Pl. ÚS 19/14 of 27 January 2015.

of the HIV/AIDS programme at the National Institute of Public Health helps to raise public awareness on how to approach HIV/AIDS. The AIDS Help Society's House of Light project provides aid and succour to HIV-positive individuals in difficult personal social situations with a need of temporarily safe place to deal with their life circumstances.

Care of persons with mental disabilities, and response to Observation No. 18

169. Care in psychiatric hospitals is provided with the free and informed consent of the patient. Involuntary hospitalisation is possible only if an individual displays signs of a mental disorder or is under the influence of an addictive substance and poses an immediate and serious danger to themselves or their surroundings which cannot be averted by other means. Involuntary hospitalisation must be reported to a court within 24 hours; the court must decide on its admissibility within seven days. If the court does not approve, the individual must be released from the facility immediately. An individual may lodge an appeal against approved hospitalisation within 15 days of service of the court ruling. Furthermore, such persons any time may apply to a court for the termination of their hospitalisation. They may also file a complaint with the Ministry of Health that their rights have been restricted. Inspections in psychiatric hospitals are also conducted by the Ombudsperson.

170. Deinstitutionalisation of Mental Health Services, a project to reform psychiatric care, is intended to contribute to change in the provision of the care of persons with mental disability from an institutional to a predominantly community model. Care networks encompassing health and social services and public institutions with a new method of financing and WHO quality standards should be established in the regions. Acute inpatient care will be integrated into general health care and smaller capacity networks combining psychiatric and somatic care within the patients' natural environment will be formed. In psychiatric hospitals, quality managers should help to fix human rights failings by providing systematic training and comprehensive guidance. Thirty mental health centres should be set up by 2021 providing services of mobile multidisciplinary teams working in the natural environment of persons with mental disabilities. Methodological instruments and procedures will be prepared, along with trained experts putting human rights protection standards into practice.

Articles 13 and 14

Basic system and goals of education

171. Preschool, primary, secondary and tertiary education and lifelong learning are provided in the Czech Republic. School attendance is compulsory for nine years, between the ages of 6 and 15. Pre-school education is compulsory for at least one year since the age of five till the start of primary education. The Ministry of Education, Youth and Sports is responsible for the concept and development of the education system. The regions set up secondary schools, conservatories and post-secondary vocational schools. Kindergartens and primary schools (which are for children up to 15 years of age in the Czech Republic) are set up by municipalities.

172. The fundamental objectives of education defined by the Schools Act primarily include the personal development; the understanding and application of the principles of democracy and the rule of law, fundamental human rights and freedoms, responsibility and a sense of social cohesion, the principle of gender equality; respect for ethnic, national, cultural, linguistic and religious identity; the recognition of global and European cultural values and traditions; and the acquisition and application of knowledge on safety and the protection of health and on environmental protection, deriving from principles of sustainable development.

173. Adult education encompasses comprehensive, vocational, special-interest and other education. The Act on the Recognition of the Results of Further Education encourages adults to participate in further education and prompted the establishment of the National Register of Professional Qualifications on the Labour Market, enabling interested parties to obtain nationally recognised certificates of their professional qualifications.

Free primary education

174. The core piece of legislation on free education at primary schools in the Czech Republic is Article 33(2) of the Charter. The Schools Act guarantees free primary education for all Czech citizens. Article 33(3) of the Charter allows for the existence of private schools providing education in return for consideration. However, all children are entitled to free education at the school of the place of residence.

175. Primary education is provided at elementary schools, which have nine grades and are broken down into a first level (primary education) and a second level (lower secondary education). Lower secondary education is also provided by extended grammar schools and eight-year conservatories. Pupils with moderate and severe mental disabilities, pupils with multiple disabilities and autism may, at the request of their legal guardian and on the recommendation of the school counselling facility, be educated in a special primary school, which has ten grades..

176. Primary education should guide pupils to adopt the strategies necessary for lifelong learning, creative thinking and problem-solving, effective communication and cooperation, the creation of social values, respect and tolerance for others, the recognition of their abilities and realistic capabilities, and their application in career decision-making. Individuals who fail to attain primary education may complete in primary education courses organised by primary schools.

177. A programme by the Ministry of Education, Youth and Sports for non-governmental organisations to subsidise school catering for elementary school pupils is intended to make school meals available to pupils from families in a difficult situation who cannot afford them.

Free secondary education, its types and structure

178. Free education at secondary schools is also premised on Article 33 of the Charter. Secondary education is provided by secondary schools in comprehensive or vocational areas for pupils aged 15 to 18/19. Secondary education is geared towards obtaining a broad comprehensive education or specific vocational training. Pupils attain secondary education by obtaining a certificate of apprenticeship or a secondary school leaving certificate.

179. Secondary vocational education includes a theoretical part and a practical part. Practical lessons are held in schools or at contracted workplaces. Pupils participating in practical teaching are fully subject to the provisions of the Labour Code regulating working hours, occupational safety and health, care for employees, and the working conditions of women and young people, as well as other occupational safety and health regulations.

Free further education, its types and structure

180. The Charter establishes the right to free university education for all citizens on the basis of their ability and the capacity of society. Free higher education is provided by public higher-education institutions. Private higher-education institutions are charging tuition. Legislation on the functioning of higher-education institutions is set out in the Higher Education Act. Higher-education institutions are broken down into public, private and state (military or police) institutions. Higher-education institutions provide accredited bachelor's, master's and doctoral degree programmes. They may also provide – either free or for consideration – lifelong learning programmes focused on a vocation, on increasing the expertise of students or graduates, or as a special-interest programme for the general public.

181. Public higher-education institutions are funded by the central government budget and also have the opportunity to set certain charges for study-related acts at a statutory amount, which then accrue to the scholarship fund. For example, these might be charges for admissions procedure, extended study, or instruction in a foreign language. At private higher-education institutions, there is no restriction on the charges associated with studying.

Education of ethnic minorities in their mother tongue

182. The right of members of national and ethnic minorities to receive education in their own language is guaranteed in Article 25 of the Charter and specified in the Schools Act. A class or a school may be set up if the statutorily required numbers of pupils belonging to a

national minority enrol for education in the language of the national minority. If not enough pupils enrol, the head teacher, with the approval of the school's founder, may arrange for certain subjects to be taught bilingually. Certificates of education at these schools are also issued in bilingual form. Pupils of secondary schools and classes with instruction in the language of a national minority may choose whether to take the school-leaving examination in Czech or in the language of the national minority, with the exception of Czech language and literature. Instruction in the languages of national minorities is also subsidised.

Inclusive education of children with specific needs, and response to Observations Nos. 19 and 20

183. Elements of inclusive education were reinforced in 2016 by an amendment to the Schools Act and by an implementing decree on the education of pupils with special educational needs and gifted pupils. Pupils are no longer classified as socially disadvantaged pupils, health-impaired pupils, and pupils with disabilities. The new term is "pupils with special educational needs", meaning pupils who require support measures to take advantage of the educational opportunities available to them or to assert their rights on an equal footing with others. By law, such pupils should preferably be integrated into mainstream education.

184. Pupils are entitled to the corresponding support measures. Counselling facilities acquaint pupils, their legal guardians and the school with the support measures proposed and with the modifications in education. Legal guardians give informed consent to the provision of counselling and to the use of support measures at schools. Pupils and their legal guardians, and where appropriate the school or a public authority, may request a review of the report or recommendations made by the school counselling facility. The Czech School Inspectorate inspects the provision of school counselling services.

185. The 2016-2018 Inclusive Education Action Plan focused on equal opportunities in education, diagnostic tools, supervisory mechanisms, registers and statistics of pupils, inclusion in preschool education, and reductions in the drop-out rate. The 2019-2020 Inclusive Education Action Plan awaits approval by the Government.

186. The Ministry of Education, together with the National Further Education Institute, holds training seminars for teaching staff on inclusive education and promotes the professional development of counsellors in the integration of Roma pupils and pupils with disabilities into mainstream education. The Ministry supports the introduction of new diagnostic tools and the purchase of educational programmes and diagnostic tools.

Level playing field in education for girls and boys

187. The basis for gender equality in schools in the Czech Republic can be found in Article 3 of the Charter and in the Antidiscrimination Act. Boys and girls have equal access to education and equal conditions for education. One of the goals of education laid down by the Schools Act is an understanding and the application of the principle of gender equality in society. In education emphasis is also placed on obtaining information on gender stereotypes, preventing discrimination on grounds of sex, and preventing violence against women.

188. The Ministry of Education, Youth and Sports has drawn up a study entitled "Probably Partially Gender-motivated Segregation in Education", based on an analysis of secondary vocational subjects according to the prevalence of girls and boys enrolled. Comprehensive methodological support for teachers and pupils was elaborated, including a handbook for career and educational consultants with sample non-stereotypical professional careers. Women and men with unconventional occupations appear in schools. The fight against gender stereotyping will be strengthened in the revision of the framework curricula or the creation of textbooks and educational materials.

189. The Ministry of Education, Youth and Sports and the National Institute for Further Education organise training programmes for teaching staff focusing on the application of gender equality principles in education. The National Institute for Further Education has also published numerous materials and guides on gender-sensitive education. The National Institute for Education has posted several webinars for the teaching of gender topics on its website.

190. The Government approved the Action Plan for the Development of Human Resources and Gender Equality in Research, Development and Innovation in the Czech Republic for 2018-2020 addressing the gender segregation of education and careers, gender mainstreaming and the institutional environment of research centres. Since 2018, the granting of a parental allowance to students and graduates of higher education has allowed for more parental flexibility in decisions on childcare. Various scientific programmes¹³ and awareness campaigns¹⁴ promote women's involvement in scientific research.

Education of foreign nationals and refugees

191. According to the Updated Concept for the Integration of Foreign Nationals, schooling of foreign pupils is supported by Czech language courses, tutoring, teaching assistants, extracurricular integration activities, informing teachers about the obligation to enrol foreign pupils, continuous education, awareness raising among the parents of foreign pupils and their cooperation with the school. According to the Concept, proficiency in the Czech language is a fundamental pillar of the integration of foreigners and a prerequisite for increasing qualifications and a successful career.

192. The conditions of the education of foreign pupils are regulated by the Schools Act. Children of the citizens of EU Member States have access to all types of education and related services under the same conditions as children of Czech citizens. The children of third-country nationals residing in the Czech Republic have access to primary and lower secondary education under the same conditions. Only the children of third-country nationals residing legally in the Czech Republic have access to upper secondary education. Access to preschool education, primary art education and language education is guaranteed to persons residing legally in the Czech Republic for more than 90 days and to beneficiaries of or applicants for international protection.

193. The 2016-2018 Inclusive Education Action Plan also targeted the support of work with children speaking a different mother tongue. Methodology for Czech language lessons, an ancillary e-learning programme, and diagnostics to ascertain the linguistic proficiency of pupils speaking a different mother tongue have been drawn up. The Ministry of Education, Youth and Sports has announced several development and subsidy schemes used, for example, to cover schools' expenditure on Czech language lessons and teaching aids for foreign pupils, extracurricular integration activities, and the removal of cultural barriers. Teachers receive support in particular from the National Institute for Further Education, via a website, training programmes and counselling, guidance and interpreting services.

Support for the education of disadvantaged groups

194. Disadvantaged groups are supported primarily by means of inclusive education described above. Professional advice to municipalities and schools from the Agency for Social Inclusion also helps. "Support for Socially Disadvantaged Roma Pupils in Secondary Schools and Conservatories and Students at Post-secondary Vocational Schools", a programme run by the Ministry of Education, Youth and Sports, supports the study of Roma pupils from financially worse-off families. The "Roma Minority Integration Support" programme supports the education of Roma children from socially excluded communities, including teacher training and leisure activities for the children.

195. In keeping with one of the Europe 2020 targets, the drop-out rate without finishing secondary education and obtaining a degree has long been below 10% in the Czech Republic. Nevertheless in the last days the rate is on the rise (from 5.4 % in 2013 to 6.7 % in 2017). The main measures in place to reduce the numbers are study and career advice for pupils and the recognition of the results of previous study for purposes of further education.

¹³ For example, <https://www.tacr.cz/index.php/en/programmes/zeta-programme.html>.

¹⁴ For example, a national campaign to mark International Day of Women and Girls in Science http://www.avcr.cz/cs/pro-media/aktuality/Kampan-k-Mezinarodnimu-dni-zen-a-divek-ve-vede/?fbclid=IwAR2_o32dwdl62ptgOFgdVbjfAO_tIDfRnNmywojzGq9TuxUAtdw3KoK7q6U.

Article 15

Cultural support strategy

196. The core document for the support of culture is the 2015-2020 State Cultural Policy. Other strategy documents include the 2015-2020 Concept for the Support of Art in the Czech Republic, the 2017-2020 Concept for the Development of Libraries in the Czech Republic, the 2015-2020 Concept for the Development of Museums in the Czech Republic, the 2016-2020 Concept for the More Effective Stewardship of Traditional Folk Culture in the Czech Republic, and the 2017-2020 Concept of Heritage Conservation in the Czech Republic. The State Heritage Conservation Act requires the state to protect cultural heritage. The Act regulates conditions for the sale of artefacts of cultural value and their export abroad, and the protection of museum-type collections. The Ministry of Culture supports the restoration of cultural heritage, the protection of cultural assets, museums and galleries, art, libraries, and regional and ethnic culture, media, copyright as well as presentation of Czech culture abroad

Public access to cultural assets

197. The laws on radio and television broadcasting require nationwide television broadcasters to make a prescribed quantity of programmes accessible to persons with hearing and visual impairments. They are supervised by the Council for Radio and Television Broadcasting. The Act on Conditions for the Production, Dissemination and Archiving of Audio-visual Works requires distributors to make closed-caption copies of audio-visual works for the requirements of the persons with hearing disabilities.

198. The Act on the Protection of Museum-type Collections prescribes the provision of discounted or free admission for children up to the age of six, pupils and students, the elderly, and persons with disabilities. In accordance with the Guideline on Compliance with the Standard of Economic Accessibility of Publicly Beneficial Services Provided by Museums and Galleries Established by the Ministry of Culture and the National Gallery in Prague, free or discounted admission is granted to everyone on selected days.

199. The Copyright Act lays down many exemptions from the protection of copyright and other related rights to balance fundamental rights and interests and facilitate the access to cultural assets. Examples include the library licence or making copies of a work exclusively for the needs of persons with disabilities. By law, persons who are completely or virtually blind or deaf and persons who, over a period of three months, receive income that falls short of 2.15 times the subsistence level are exempt from radio and television licence fees.

Protection and support of minority culture and language

200. The Charter guarantees members of national or ethnic minorities the right to develop their own culture together. The Act on the Rights of Members of National Minorities requires the state to create conditions for the preservation and development of minority culture, traditions and languages. The state subsidises theatres, museums, galleries, libraries, documents and cultural activities of members of national minorities. When granting broadcasting license, the Radio and Television Broadcasting Act requires to assess the applicant's contribution to ensuring the development of the culture of national, ethnic and other minorities. Czech Television and Czech Radio are obliged to provide a balanced range of programmes for all groups, taking into account, among other things, religious freedom and ethnic and national origin, and to develop the cultural identity of the Czech population, including members of national minorities.

201. The Ministry of Culture announces grant schemes to promote the cultural activities of members of national minorities and to support the integration of members of the Roma minority. Regular beneficiaries are associations representing individual national minorities and organisers of multi-ethnic cultural events. Every year, it also supports the publication of periodicals in 13 minority languages.

Art and cultural education

202. Framework curricula define the scope and activities of art and cultural education according to the age of the pupils. Music and Arts are compulsory subjects at primary schools and grammar schools. Secondary vocational schools and vocational centres provide aesthetic education as a basis for recognising art and culture depending on their specialisation. Conservatories provide secondary and post-secondary vocational education in art. There are also higher-education institutions specialising in art. Primary art schools specialise in music and art education.

Legislation on scientific research and development

203. The Charter guarantees the freedom of scientific research, including academic freedom as an institutional guarantee of its implementation. The state must not influence or guide the focus of scientific research. Protection is provided only to scientific activities containing procedures leading to the recognition of facts while respecting generally acknowledged methods of scientific work.

204. The Act on Research, Experimental Development and Innovation Support regulates the public support of scientific research. Other laws regulate the activities of public research institutions and the Academy of Sciences as the main public non-university research institutions. The Act on Research into Human Embryonic Stem Cells lays down conditions for this research and its inspection. The National Research, Development and Innovation Policy of the Czech Republic aims to develop all research and development units Czech Republic and to use their coherence to support economic, cultural and social development. The Government-approved Ethical Research Framework specifies generally applicable ethical aspects that may be transposed into the codes of conduct of research institutions, safeguarding the ethics underpinning scientific research and development.

Freedom of scientific activity, the development and dissemination of scientific results, and response to Observation No. 21

205. The dissemination and publication of the results of scientific inquiry is part of the freedom of expression under the Charter. The publication of scientific observations may be restricted by law where necessary to protect the rights and freedoms of others, national security, public safety, public health and public decency. The 2017-2020 National Strategy for the Open Access to Scientific Information implements open and equal access to scientific information in the Czech Republic. Another way of disseminating the results of research is the compulsory provision of copies of every book published in the Czech Republic to libraries.

206. The Czech Republic's international cooperation in research and development and in culture takes place primarily through the Ministry of Education, Youth and Sports and the Ministry of Culture. The Czech Republic is a member of international organisations such as UNESCO and WIPO, and has entered into bilateral cultural agreements with several states. It also promotes exchanges of Czech and foreign artists and the cultivation of relations with foreign partners. The 2017-2020 Action Plan for the International Cooperation of the Czech Republic in Research and Development and for the Internationalisation of the Research and Development Environment in the Czech Republic encompasses the involvement of Czech research organisations and businesses in international activities and the international mobility of researchers. Scientists from the Czech Republic participate in numerous international research projects, such as CERN, EMBL, and EURATOM.

Protection of creative activity and copyright

207. The Charter provides the protection of rights attached to the results of creative intellectual activity. Intellectual rights stemming from an individual's creative activity include industrial property rights, copyright, and related rights.

208. Copyright and the rights of performers, producers of audio and audio-visual recordings, broadcasters, and makers of databases are regulated by the Copyright Act. Royalties are primarily a matter of agreement between the parties to a licensing agreement.

In cases provided for by the Copyright Act, royalties are set by legislation or according to tariffs maintained by collecting societies.

209. The Copyright Act regulates the fair use and statutory licences allowing the use of a copyrighted work without the author's permission. Examples include quotations from the published works of other authors in one's own work, official and news agency licences, and library licences.
