

**THE SECOND PERIODIC REPORT ON THE
FULFILMENT OF UNDERTAKINGS RESULTING
FROM THE INTERNATIONAL TREATY
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

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A. General Part:

1. The Czech Republic presents the second periodic report on the fulfilment of undertakings resulting from the International Treaty on Economic, Social and Cultural Rights (hereinafter referred to as the “Treaty” only), including the information about provisions for the fulfilment of Concluding observation, in accordance with the Articles 16 and 17 in the Treaty and the Concluding observation by the Committee for economic, social and cultural rights (hereinafter referred to as the “Committee” only) in its role of the inspection body of the Treaty, which have resulted from the discussion of the first report by the Czech Republic (E/1990/5/Add.47) during the 3rd, 4th, and 5th meetings of the Committee on 30 April and 1 May 2002 (E/C. 12/2001/SR. 3-5) and 23rd meeting on 15 May 2002, where the Committee adopted the Concluding Observations (E/C.12/1/Add.76).
2. The second periodic report has been prepared in accordance with the general instructions by the Committee for the preparation of periodic reports and it has covered the period from 1 January 2000 to 31 December 2006. The Czech Republic has thus focussed in the report on changes related to the protection of rights guaranteed by the Treaty and on its reaction to the above-mentioned Final Observations by the Committee.
3. The report presents the adopted legal, administration and other provisions that document the progress achieved within the fulfilment of undertakings resulting from the Treaty. Tables with statistical data are presented in the Annex, while the report text only references them. When it comes to information about the provisions adopted on the local level (see 1.2.1), the report presents examples from the practice in individual regions.

Census

4. The last census in the Czech Republic took place in 2001. The Czech Republic had in total 10 204 000 inhabitants on 31 December 2002, according to the final result calculations within the census in 2001. The Czech Republic had 10 280 968 inhabitants on 30 September 2006.¹
5. There have been traditionally the following minorities living in the Czech Republic: Bulgarian, Croatian, Hungarian, German, Greek, Polish, Roma, Russian, Rusyn, Serbian, Slovak, and Ukrainian. Only 11 716 people registered themselves with the Roma nationality during the last census. However, there have been about 200 000 Roma people living in the Czech Republic, according to qualified estimates, who have been generally considered Roma and who associate with this community in different situations.
6. These minorities have had their representatives in the Government Minority Council, which has been the advisory and initiating body of the government for issues related to minorities and their members.² The position and situation of the mentioned minorities are described by the annual evaluation report, which is discussed by the government and presented for information to the Czech Parliament.³ Reports presented to the government by

¹ Data from the Czech Statistical Office

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

³ These reports are accessible for the public on the web page of the Government Minority Council (<http://wtd.>

the Government Council for issues related to the Roma community have also an important information value.⁴

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

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

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

1.1 Acceptance of international undertakings

7. The Czech Republic still believes that it should ratify international documents (instruments and agreements) only after the basic legal, organisational, and other observation conditions have been put in place. In the period 2000 - 2006, the Czech Republic has ratified or accepted the following international agreements related to the observation of rights determined in the Treaty:

8. All requirements in the International Labour Organisation Treaty No. 138 related to the minimal age of employees have been fulfilled within the new Labour Code⁵, which has become valid on 1 January 2007. The government has adopted the proposal of this Treaty⁶ ratification, which was discussed by the Czech Parliament⁷ on 31 December 2006.

9. The Czech Republic has entered the European Community (hereinafter referred to as "EC" only)⁸ on 1 May 2004. The EC objectives fully correspond with undertakings resulting from the Treaty on the accession of the Czech Republic and they thus help in the achievement of the full observation of the rights recognised within the Treaty.

1.2 Changes in the system character

1.2.1 Establishment of higher self-administering area units (regions)

10. There have been higher self-administering area units (regions) established in 2000. There are 14 regions in total in the Czech Republic, including the Capital City of Praha, which has had the position of a region. The Region Act (No. 129/2000 Coll.)⁹ has regulated basic issues related to their position, powers, organisation, and coverage. At the same time,

vlada.cz/pages/rvk_rmm.htm) and also in hard copy published by the Office of the Government of CR.

⁴ In 2005, the government acknowledged (Government of the Czech Republic Resolution No. 276 of 9 March 2005) the Report on the situation of Roma communities in the Czech Republic in 2004. The Report has been published on the web pages of the Office of the Government (www.vlada.cz).

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

⁶ The Czech Government Resolution No. 871 of 19 July 2006

⁷ The possibility of ratifications of other agreements will be discussed with social partners within a special Working Group of the Council for economic and social agreements on the co-operation with the International Labour Organisation in the following years.

⁸ According to Article 2 in the EC Founding Treaty, the vision of the Community has been the creation of a common market and of an economic and monetary union as well as the following of common policies and activities supporting the harmonic, balanced and sustainable development of economic activities, the high level of employment and social protection, the equal treatment of men and women, the permanent and non inflation growth, the high level of competitiveness and convergence of economic performances, the high level of protection and improvements in the quality of the environment, increases in the living standard and life quality, the economic and social cohesiveness, and solidarity among the member states.

⁹ Act No. 129/2000 Coll. on regions as amended

the existing local authorities of the state administration - District Offices - have been cancelled. A substantial part of their competences has been transferred to municipalities with extended powers and some agendas have been transferred to Regional Offices and other administration authorities. A region is, similarly as a municipality, a public legal corporation having its own assets and represented in its own name in legal relations. It is also responsible for consequences of these relations.

11. Regions, similarly as municipalities, organise their self-administration and the state administration. The self-government generally covers issues related to the development of the area and its functionality. The state administration, in its transferred form, is subsidised by the state and includes provisions that usually relate to the mandatory expenditures from the state budget.

12. Regions are managed by Regional Assemblies. Regions can establish legal persons and organisational units (organisations) for the fulfilment of their tasks. Regional authorities are the Regional Council, the Governor of the region, and the Regional Office.

13. The Council is the executive regional authority in the area of its activities. It is responsible to the Regional Assembly. When determined by the law, the Council can decide on matters within its transferred responsibilities. The Council consists of a Governor, a Deputy Governor (deputies of the Governor) and other Council members. Within its transferred responsibilities and on the basis of laws and within their limits the Council issues regional directives (legal regulations), when it has been empowered to do so by a law. The Governor can establish special bodies for the execution of transferred responsibilities, when this has been determined by a special law. The Regional Office fulfils, within its transferred responsibilities, tasks determined by the Assembly and the Council and it also controls activities by the municipal bodies in their capacity to execute transferred responsibilities.

14. The municipal budget income, as a local government, consists mostly of the revenue from its own assets and asset rights, revenues resulting from the own economic activities, and revenues from economic activities of legal persons. Another income consists of subsidies from the state budget and from state funds.

1.2.2 Ombudsman

15. The Act on the Public Guardian of Rights (No. 349/1999 Coll.)¹⁰ established the Office of the Public Guardian of Rights (hereinafter referred to as the “Ombudsman” only) in 2000. The Ombudsman protects people against activities of authorities and other institutions, when they are in dispute with law or when they do not correspond with principles of a democratic state and good management, but also against inactions. He contributes to the protection of basic rights and freedoms.

16. Responsibilities of the Ombudsman cover ministries and other administration authorities countrywide, including administration authorities subjected to them, and some other bodies. The Ombudsmen’s responsibilities do not cover Parliament, the President, the Government, High Office for Controls, and intelligence organisations of the Czech Republic, authorities active in criminal proceedings, prosecution, and courts, with the exception of state bodies managing the courts.

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

17. The Act on the Public Guardian of Rights has been amended several times since its establishment. The amendment by the Act No. 381/2005 Coll., effective as from 1 January 2006, could be considered the fundamental one. According to this amendment, the Ombudsman has become considered the national prevention mechanism within the understanding of the Option Protocol of the Agreement against torture and other cruel and not human or humiliating treatment or punishments.¹¹

18. Responsibilities of the Ombudsman have extended by the amendment with the task of organising systematic visits of all places (facilities), where people with their freedoms restricted could be staying. It does not matter if these people have been restricted on the basis of a decision or an order by the public authority, or because of a factual situation in which they find themselves.¹² His work should result in the creation and the consequent enforcement of certain standards on the people treatment, which should be observed by individual kinds of these facilities. The reports on these visits are publicised in a suitable way. Experts from the practice are invited to take their parts in the visits in order to achieve the highest professional results possible.

19. The Ombudsman and employees of his Office are authorised (even without a prior announcement) to visit facilities (state or private ones) in which there are people restricted in their freedoms. They are also authorised to speak with by them selected persons alone, to see any space in the facility, to study documents and other documentation, to put forward questions, to assess and criticise. The Ombudsman prepares a report after each visit, including observations for putting into place corrective provisions, which is sent to the facility (or to its managing authority) for comments. The Ombudsman Office tries for activities which should improve the situation. When there are opposing opinions, the Ombudsman can inform the supervising authority or he can publicise his opinion.

1.2.3 Advisory and working bodies of the government

20. The Czech Government is assisted in its activities by specialised advisory and working bodies. The following new advisory bodies were founded in the followed up period 2000 - 2006. They have been active also in the areas covered by the Treaty.

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

22. The Government has founded the Government Council for equal treatment of men and women in 2001. It prepares proposals leading to the enforcement and achievement of

¹¹ It has been undersigned by the Czech Republic on 13 September 2004 and ratified in June 2006 (Information by the Ministry of Foreign Affairs No. 78/2006 Coll.).

¹² Including, for example, asylum facilities of the Ministry of Interior, i.e. the acceptance, stay, and integration asylum centres, social care facilities, i.e. especially social care institutions and retirement homes, healthcare facilities, i.e. especially treatment institutions and facilities institutions socially and legally protecting children, i.e. facilities for children who require immediate assistance.

¹³ The Council was founded by the Act on rights of minority members (No. 273/2001 Coll.)

equal opportunities for women and men. The Council especially discusses and recommends to the

government basic conceptual directions for its enforcement of the equal treatment of women and men.¹⁴

23. The Government has also founded the Government Council for sustainable development in 2003. It is a permanent advisory, initiating and co-ordinating body for the area of sustainable development and strategic management.¹⁵

24. The Government Council for seniors and aging population was founded in 2006.¹⁶ The Council tries for the creation of conditions for healthy, active and decent aging and for the equal treatment of seniors in all areas of life, for the protection of their human rights, and for the development of inter-generation relations in families and in the society.

25. The Government Council for issues of the Roma community participates in the full utilisation of the rights recognised in the Treaty, when it comes to the Roma people, who have been threatened by discrimination, social exclusion and poverty more than other ethnic minorities.¹⁷ Members of the Council are, apart from representatives of the responsible state authorities, also representatives of Roma communities (some of them have been, at the same time, active in important non government non profit Roma organisations).

26. The purpose and the objective of the Council have been to assist to the integration of the Roma community in the society, i.e. to ensure equal treatment of the members. The Council co-operates with non government non profit organisations and it is involved also in the framework allocation of funds determined for the support of projects integrating the Roma community. The subsidy receiving parties are non government non profit organisations. The Council Office also administers the programme supporting social work in the terrain. These subsidies receiving parties are municipalities.

1.3 Support and co-operation with non government non profit organisations

27. The Czech Republic provides the Foundation for the development of a citizen society (NROS) for funds through the Foundation Investment Fund.¹⁸ The Foundation supports non profit organisations assisting threatened and disadvantaged groups, protects human rights and democratic values, contributes to social cohesion and minority tolerance in the society, and supports the citizens' interest in the local development and public life. The main objective of the Foundation activities is the provision for foundation contributions within individual grant

¹⁴ The Council also co-ordinates basic directions within sector conceptions in the area of equal treatment of women and men, it establishes priorities for the sector projects supporting the implementation of equal opportunities of women and men, and it identifies actual problems related to equal opportunities in the society.

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

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

¹⁷ The Council was established by the Czech Government Resolution No. 581 of 17 September 1997 at that time as the Inter-sector Commission for issues of the Roma community. It was renamed to Council in 2001. Its activities have been described in the Status, which was approved by the Czech Government Resolution No. 10 of 28 January 2004.

¹⁸ The National Property Fund of the Czech Republic founded the joint stock company Foundation Investment Fund in 1993 (this task was imposed to it by the Czech Government Resolution No. 510 of 29 July 1992 on the negotiation and approving of privatisation projects).

programmes for specific projects of non government non profit organisations registered in the Czech Republic. They are, for example, citizens' associations, generally beneficial societies, or purpose-oriented church facilities.¹⁹ There were contributions worth CZK 2 382 billion distributed from the Foundation Investment Fund to the total of 73 foundations in the period 1999 - 2004.

28. The Government Council for human rights and its committees, especially the Committee for the economic, social and cultural rights, have made an important mechanism for the co-operation between the state administration and subjects of the citizens' society in the area of human rights. There were not only individual sectors, but also unions, representatives of the academics and non government organisations (the total of 60 organisations) called for sending the Government Council Secretariat materials for the preparation of the second periodic report. The Czech Government Council for human rights has discussed the report on 19 April 2007 and adopted the resolution recommending the government its approving.

¹⁹ One of the actual programmes has been, for example, the programme Human Rights, the objective of which is the support of activities by non government non profit organisations focussed on the support of the development and protection of human rights and basic freedoms determined in the General Declaration of Human Rights and in other international conventions, the improvement of relations between minorities and the main society, and the support of rights and equal treatment of minorities in the Czech Republic as well as the non discriminatory processes, including provisions preventing racism and xenophobia.

B. Special Part

Article 2. Performance of recognised rights

29. The Constitution of the Czech Republic²⁰ (hereinafter referred to as the “Constitution” only) determines, in the Article 4, that basic rights and freedoms have been under the protection of courts. Courts provide for the protection of rights of participants in legal relations and decide on their rights and obligations in the established way.

30. The Charta of basic rights and freedoms²¹ (hereinafter referred to as the “Charta” only) regulates the right of each person to enforce his or her rights in an established way through independent and impartial courts and, in determined cases, also in other authorities. The Article 3 establishes the general ban of discrimination covering all legal relations and ensuring protection against discrimination for all subjects within the relations without any exceptions.²²

31. The Czech Republic has been bound after its accession to EU by verdicts announced by the Court of Justice of EC and by the Court of first instance.

2.1 Legal provisions implementing recognised rights

32. This Chapter describes only legal provisions implementing recognised rights acknowledged by individual legal standards. They are the ones regulating for participants their chance to enforce in courts or in other authorities protecting the right not to be discriminated, when it has been threatened or breached.

33. As the Czech legislature regulates in detail the discrimination ban within the area of the labour legislature, the report presents information about individual laws identifying areas in which discrimination is banned — Article 6.

34. Generally, with regard to other than work areas, a legal action for the protection of a person can be filed in accordance with the Civil Code (No. 40/1964 Coll.)²³, according to which any natural person has got the right to protect himself or herself, especially with regard to his or her life and health, a citizen’s honour, human decency, privacy, his or her name, and expressions of a personal nature.

35. Processes of courts and participants in civil court proceedings are regulated in the Civil Court Code (No. 99/1963 Coll.)²⁴, which establishes everyone’s right to enforce in courts his or her right for the protection of rights that have been threatened or breached. In matters of protection against discrimination on the basis of sex, race, or ethnic origin,

²⁰ Organic law of CNR No. 1/1993 Coll.

²¹ Resolution No. 2/1993 Coll. by the presidency of the Czech National Council of 16 December 1992 on the declaration of the Charta of basic rights and freedoms

²² “basic rights and freedoms for all without exceptions of sex, race, complexion, language, belief and religion, political or other opinions, national or social origin, nationality or affiliation to an ethnic minority, possessions, family line, or other position”

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

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

religion, belief, world view, health disability, age, or sexual preference, participants could be represented by a legal person founded on the basis of a special legal regulation among the activities registered in the Status is also the protection against the given discrimination. The legal person is represented by its authorised employee or member. Victims of the discrimination could be represented by non government organisations.

36. With regard to the relation of a citizen and the state, administrative courts control administrative decisions. The Administrative Court Code (No. 150/2002 Coll.)²⁵ regulates powers and relevance of courts and also other relevant issues like the court organisation, positions of judges, court processes, processes of participants in proceedings, and processes of other people involved in the administrative court proceedings.

37. When a participant asks for court protection, according to the Administrative Court Code, and claims that he or she has been discriminated by an administrative authority on the basis of reasons mentioned above, he or she could be also represented by a legal person founded on the basis of a special law and having among the activities registered in its Status the protection against the discrimination. Victims of the discrimination could be represented by non government organisations.

38. Everyone has got also the right to turn with an initiative to the Ombudsman (see 1.2.2 above).

39. Only Work Offices had been acting in the role of controlling bodies in the area of observation of labour-law regulations before the adopting of the Act on work inspection (No. 251/2005 Coll.)²⁶. The Act has integrated the controlling activities in the area of work safety and work conditions within the sector of labour and social affairs in a single system of controlling bodies, which have resulted in the State Office of Work Inspection and regional work inspecting offices. It creates conditions for the co-operation of bodies involved in work inspections with other controlling bodies in this area. The newly founded State Office of Work Inspection (SÚIP) and the regional work inspecting offices (OIP) supervised by it took over a part of the agenda - specifically over the controlling of the observation of the discrimination ban resulting from the labour-law relations, including remuneration and wage compensation. This has been the area regulated by the Labour Code (the employment area has remained within responsibilities of Work Offices). When the discriminated person is a member of unions, he or she has got the right to turn also to the union body, which has got the right of participation in solutions of disputes resulting from labour-law relations.

40. Work Offices (see also Article 6) control the observation of labour-law regulations in the area of employment. They can penalise employers, when the discrimination ban was breached.

41. The Czech Trade Inspection organises control activities in the area of consumers' protection. A majority of controls are based on reports by citizens and citizens' initiatives. The discrimination issue is followed up also by many other controls, which make always a part of the general controls of trade places. The Inspection co-operates also with the Police of the Czech Republic and Trade Offices. Findings are registered in a summary database on the basis of which repeated controls of trade places, which were reported, are organised.

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

²⁶ Act No. 251/2005 Coll. on work inspections as amended

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

Article 3 Equal rights of men and women

42. The right for the equal treatment and the protection against discrimination is considered in the legislature of the Czech Republic to be the right indefeasible, inalienable, imprescriptible, and irrevocable (Article 1 in the Charta).²⁷ The individual laws adopted for the removal of women's discrimination, the Roma people discrimination, and the disabled people's discrimination are described in detail in articles regulating individual parts of an unequal treatment. This Chapter provides only for information about provisions adopted only for the protection of these people going outside the area of the individual articles.

3.1 Educational programmes — attitude to human rights

3.1.1 Elementary and secondary schools

43. Education in the area of human rights has been included into all valid documents used for the education covering citizenship.²⁸ The Czech Education Inspection continually monitors and assesses activities and results of individual schools in regions.

44. Emphasis has been put on the respect of equal opportunities for women and men in the process of approvals of study materials (the list of approved teaching materials has been maintained by the Ministry of Education, Youth and Sport (hereinafter referred to as the "Ministry of Education"). When a teaching material should be approved, it must observe the principle of equal opportunities for men and women. The issue of the equal treatment of men and women, including the unacceptability of violence used against women, has been made a part of educational programmes for elementary and secondary schools (see 13.2).

3.1.2 Teachers

45. Summer Schools for teachers of the citizen's education and of social science take place every year (already for 13 years). The programme includes the issues of terrorism, violence, and bullying, multicultural education, the rights and responsibilities of a citizen in the multicultural society, and the issue of the Roma minority living in the Czech Republic. There are about 120 teachers from elementary and secondary schools attending the Summer School every year.

46. The memorial Terezín and the Education and Cultural Centre of the Jewish Museum in Praha have received the accreditation by the Ministry of Education for the "Education of teachers about holocaust, anti-Semitism and racism" and they can now organise workshops for elementary and secondary school teachers called "How to teach about the holocaust". There had been about 1 500 teachers trained by 30 June 2006. After they attended the

²⁷ With regard to the discrimination ban in education, it is utilised in the Czech Republic on the basis of the Article 3 (1) in the Charta. The Article determines that "Basic rights and freedoms" (i.e. including the right of education established in the Article 33 in the Charta) "are guaranteed to everyone without exceptions for all sexes, races, complexions, languages, beliefs and religions, political or other views, national or social origins, nationalities and affiliation to ethnic minorities, possessions, family lines, or other positions."

²⁸ The most often used name of this subject covering the citizenship education within the professional education has been the citizen's science. The issue of the position of men and women and of minorities in the society makes not only a part of topics in the subjects like citizen's science and history, but also in subjects related to psychology, legislature, and economy.

workshop, they had become trained methodologists for the teaching about the holocaust for elementary and secondary schools in the Czech Republic.

3.1.3 Programmes supporting minorities

47. The Government Directive No. 98/2002 Coll., as amended, establishing conditions and the way of provision of subsidies from the state budget for activities by minority members and for the support of the Roma community integration have become valid in 2002. The relevant sectors suggest, on the basis of this Directive, a specific binding indicator related to activities of minority members or to activities by the minorities, including the specific indicator related to the support of the Roma community members' integration, within its Chapter of the State Budget every budgetary year.

48. As from 2002, there has been the Programme supporting language education to minorities and the multicultural education²⁹ announced every year. The Programme establishes conditions and the way of provision of subsidies from the state budget determined for activities by the minority members and for the support of Roma people integration. The Programme has been focussed on language, social, cultural, and other educational activities for children and youth within the minorities.

49. The Ministry of Education supports projects focussed on schools with a larger number of students from ethnic minorities and on the creation and implementation of educational programmes, the education focussed on human rights, democratic citizenship, multiculturalism, and the problems of immigration, the holocaust and in education of assistants for socially disadvantaged children and students. Every year, there are projects supported with about CZK 12 million. These funds have been increasing every year. Workers from the Ministry of Education participate in the European Youth Campaign supporting human rights, diversity among nations and participation — “All Different - All Equal”. The objective of this Campaign has been the motivation of young people for the participation in preparations of a peaceful society based on diversity among nations and the social inclusion with the spirit of tolerance and mutual respect and understanding.

3.2 Policy of men and women equality

50. The conception of the state policy of men and women equality has been formulated in the government document “Priorities and processes of enforcing the men and women equality” (hereinafter referred to as the “Priorities” only), which includes basic provisions and tasks, the fulfilment of which is assessed by the government every year. The included provisions are updated, according to the achieved results and changes.

51. The document focuses on the enforcement of the principle of the men and women equality, the legal prerequisites for the men and women equality, and on increasing the level of legal awareness, the organisation of equal opportunities within the access to education and economic activities, and the suppression of violence against women. There is a Summary Report prepared annually about the performance of the Priorities, which is presented to the government for approval. More detailed information about the document called Priorities is in the Second Periodic Report about the fulfilment of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/CZE/2) (paragraph 7 and the

²⁹ Government Directive No. 98/2002 Coll.

information on Article 3).

52. Individual ministries are asked within the “Priorities” programme for the fulfilment of the following tasks: To support, with specific provisions, the selection of suitable candidates for positions in the government bodies and for managerial positions in ministries and by them managed administrative offices and institutions, to enforce the principle of the equal position of women and men during meetings of Economic and Social Council and in its working teams and groups, especially in the issues of remuneration and working conditions, to support educational, qualification and re-qualification programmes making the finding of suitable jobs easier for women.

53. More details about individual laws adopted for the equal treatment of women’s participation in the labour market and for equal remuneration for the same work are presented in 6.1.1.

3.3 Seniors

54. The age discrimination is the most often occurring form of discrimination, according to the Ministry of Labour and Social Affairs (hereinafter referred to as the “Ministry of Labour” only). Deeply rooted stereotypes and preconceptions about aging and old people play their role.

55. The National Programme on Preparation for Aging for the period 2003 -2007 (hereinafter referred to as the “Programme” only)³⁰ was adopted in 2002. This strategic document put the stress on prevention of discrimination and protection of human rights of older people in different areas of life, and on the creation of a society for people of all ages. The Programme includes provisions in the areas of labour market and employment, pension system reforms, housing, healthcare, social services, education, transport, etc. The Government Council for seniors and aging of the population has been founded in the result of the First report related to the Programme performance and in order to ensure co-operation of all involved parties in 2006. The Programme will be updated in 2007.

56. The Programme is based on the International Action Plan on Aging adopted in Madrid in April 2002 and on other UNO documents. It stresses protection and fulfilment of economic, social, cultural, citizen, and political rights of older people.

57. The established priorities and objectives in the Programme reflected also in activities by individual ministries, in their legislative provisions, but also in the support of projects implemented within subsidy and other programmes and in priorities within their own personnel policies and other activities.

58. The Ministry of Labour organised, in November 2005, the international conference on the topic “Position and discrimination of seniors in the Czech Republic”, which was attended by leading experts and representatives of important non profit organisations from the Czech Republic and also from abroad. Recommendations and proposals of the Government Council for seniors and for the aging population should extend the experiences from the area.

59. A number of activities and initiatives contributing to the conceptual solution of some

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

specific senior issues take place at the regional and local levels. The support of regional and local activities in the area and the issue of demographic aging have been included in the relevant conceptual documents because there have not been any independent regional and local programmes on aging prepared.

60. The Czech Republic participates in the international project “From isolation to integration”, which focuses on the integration of socially excluded seniors. There has been a regional plan for the social integration of old people, including the methodology for its creation and implementation, prepared within the project. There is also a database prepared of innovative provisions and the best practice examples.³¹

61. Research activities are very important for the formulation of adequate policy related to the aging of the population. The Research Labour and Social Affairs Institute has published its research study “Age discrimination - aging: The introduction to the theory and the occurrence of discrimination attitude in selected areas with the stress on the labour market.” It has dealt with the problem in both theoretical and empirical ways. The research institute works only on the project “Age main streaming”, which should contribute to consideration of the demographic development and of older people’s needs, when policies and conceptions are prepared in different areas and at different levels.

62. In the area of healthcare, the issue of discrimination relates to a number of systemic healthcare parts. The Government Council for Seniors and Aging of the Population has established the “Working group for the healthcare and social policies, healthcare and social services”, which will focus, inter alia, on the development of a differentiated geriatric care and services, on the utilisation of modern gerontological principles in healthcare and social services, including the issue of decency and protection of human rights of old people in the area of healthcare and social services.

3.4 Roma people

63. There were 11 746 people registering as having the Roma nationality during the census of 2001. This made 0.1148% of the total number of residents (6 149 men and 5 597 women). When compared with 1991, this has been almost threefold lower number. The presented information is considered by professionals undervalued. The combination of the Czech and Roma nationalities was mentioned by 698 people, the Slovak and Roma by 77 people, and Moravian and Roma by 9 people. People affiliating with the Roma nationality have got the least favourable structure of education, when only 6.6% of this nationality has got the completed secondary, advanced, or university education. There were 65.4% of Roma people having only the basic education.

64. The Ministry of Labour ordered the preparation of the “Analysis of the socially excluded Roma localities and of the absorption capacity of subjects active in this area” in 2005. The main objective of this analysis was the gaining of basic information about the situation of excluded Roma localities through the across the board mapping of the situation in individual areas and the understanding of processes influencing the living conditions in different types of these localities. The analysis looked, at the same time, at the possibilities and the absorption capacity of subjects active and providing for services in this area.³²

³¹ www.i2i-project.net

³² This relates mostly to non government non profit organisations, organisations founded by municipalities and

65. The main outcome of this project has been an electronic interactive map providing for descriptive information about the living conditions in the surveyed socially excluded or by the social exclusion threatened Roma localities in the Czech Republic, together with contacts to subjects active in this area. Another outcome has been the summary analytical brochure providing for necessary accompanying information related to the analysis of the current situation and possible directions of the strategic future development.³³

66. The conclusions show that the prevention of the social exclusion of Roma people living in the Czech Republic could be achieved especially by close co-operation of individual sectors with other partners at the regional and local levels (municipalities, regions, schools, non government non profit organisations, etc.) and by system changes in the area of housing, support of employment and education, and by the extension of social workers' powers in the terrain.

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

Table No. 3.4b: Population registering the Roma nationality by the economic activity and by the age - Census of 2001

Table No. 3.4c: Population registering the Roma nationality by the economic activity and sex - Census of 2001

regions, municipalities, regions, work offices, corporations, natural people, etc.

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

Article 4. Limitation of recognised rights

67. Some of the human rights can be limited in situations of general threats — in military crisis situations and in non military crisis situations - the civil ones. Human rights were not limited in military situations during the followed up period. In contrast, the chance to limit some human rights in civil situations occurred.

68. The details about the limitation are presented in the Second periodic report on the fulfilment of undertakings resulting from the International Treaty on Citizens' and Political Rights in Article 4.

Article 6. The employment right

6.1 Equal treatment

6.1.1 Legislature

69. The basic legal regulations treating the employment right have been present in the Employment Act and in the Labour Code. Apart from these two basic regulations, the legislature includes also other special laws like, for example, the Official Service Act (No. 218/2002 Coll.).³⁴

70. Equal treatment and the discrimination ban in the utilisation of the employment right have been regulated in the new Employment Act (No. 435/2004 Coll.)³⁵, which makes participants in legal relations obliged to treat all natural persons using their right of employment equally. It bans both direct and indirect discrimination on the basis of a number of reasons.³⁶ The Act bans also making discrimination offers and asking for certain information in dispute with good morals, data of personal nature not related to the performance of employers' obligations as established in a special legal regulation.

71. The direct discrimination is defined as the activity that treats a natural person less favourably on the basis of differentiating according to specific discrimination reasons, when compared with the treatment of some other person in a comparable situation.

72. The indirect discrimination is the activity during which a seemingly neutral decision, differentiation or process treats a natural person better or worse, when compared with some other person, according to specific discrimination reasons. The indirect discrimination based on a health status could be also the refusal or omission to adopt provisions which would be necessary in the specific situation to ensure the access to employment for a natural person with a health disability.

73. Harassment is the activity that is rightfully considered by the other natural person not welcome, unsuitable or offensive and the aim or consequence of which leads to the lower decency of the natural person or which creates hostile, humiliating or anxious environment. Harassment based on the described discrimination reasons is considered discrimination. Sexual harassment means any form of a non welcomed spoken or other expression of a sexual nature the aim or result of which is the disturbance of personal decency, especially when it creates the intimidating, hostile, humiliating, degradative, or offending environment.

74. When it comes to foreigners, the Employment Act says that citizens of other European Union member states and their family members have got the same legal positions

³⁴ Act No. 218/2002 Coll. on the service by state employees in administration offices and on the remuneration of these employees and other employees in administration offices.

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

³⁶ Sex, sexual preference, racial or ethnic origin, nationality, citizenship, social origin, family line, language, health status, age, religion or belief, possessions, marital or family status or family obligations, political or other views, membership and activities in political parties or movements, in unions or employers' organisations; the discrimination based on the pregnancy or maternity is considered the sex discrimination. Activities initiating, instigating or causing pressure leading to discrimination are also considered discrimination.

in legal relations, regulated by this Act, as citizens of the Czech Republic, unless this Act determines otherwise.³⁷ The same legal regulation applies also for citizens of third countries. However, they must fulfil employment conditions established in this Act, especially the gaining of an employment permit. (See also 6.4)

75. The Act on work inspection (see below) serves, according to the Employment Act, for the coverage of offences and administrative delicts in the employment field made by a natural or legal person by the breaching of the discrimination ban or by not ensuring the equal treatment.

76. Relations between employees and employers, occurring after the conclusion of work contracts, are regulated by the Labour Code (No. 65/1965 Coll.).³⁸ It covers also one time work contracts and labour-law relations, when the work relation of an employee occurs by a selection or appointment after the selection or appointment. Definitions included in the Labour Code are identical to those used in the Employment Act, when it comes to the ban of direct or indirect discrimination based on a number of reasons, on harassment, or sexual harassment.³⁹ Activities initiating, instigating or causing pressure, leading to discrimination, are also considered discrimination. Different treatment based on reasons considered an important and decisive requirement on the work execution is not considered discrimination. However, the goal followed up by such an exception must be justified and the requirement must be appropriate.

77. A temporary provision by the employer, which ensures, during conclusions of work contracts with employees or in professional training for the achievement of higher or other employment positions, the equal participation of men and women is also not considered discrimination. However, the employer must present the right reason showing the imbalanced participation of men and women. However, the employer's process must not be to the detriment of an opposite sex employee, whose qualities have been higher than those of the newly accepted employee have. When there is a breach of rights and obligations resulting from the requirement on equal treatment, or when discrimination occurs, the Labour Code establishes the right of an employee to ensure that the breaching stops and its consequences are corrected and that he or she is appropriately compensated.

78. The amendment of the Act on professional soldiers (No. 221/1999 Coll.)⁴⁰ includes the provision asking all authorities for the equal treatment of all job candidates, when they are accepted for the service, and of all soldiers, when creating conditions for their service, especially when it comes to the professional training and achievement of higher ranks, remuneration, other monetary awards and awards of a cash value. This provision bans the discrimination of candidates and soldiers because of their race, complexion, sex, sexual preference, belief and religion, nationality, the ethnic or social origin, possessions, family line, marital or family status or family obligations, pregnancy or maternity, or because a woman soldier is feeding.

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

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

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

⁴⁰ Act No. 221/1999 Coll. on professional soldiers as amended

79. The Work Inspection Act (No. 251/2005 Coll.) has also partially changed the legal framework of offences and administrative delicts, when it comes to the equal treatment. These offences are now defined in two legal regulations — in the mentioned Work Inspection Act and in the Employment Act. Apart of the breaching of the general ban of discrimination established in the Labour Code, the Work Inspection Act considers as discriminating also the unequal treatment of employees in the area of remuneration and provision of other monetary awards, in the professional training, appointments to higher positions, or punishments of employees, who have been enforcing their rights in a legal way. It applies also for the situations, when a complaint of an employee is not discussed with him or her.

80. The Order by the Minister of Defence “Enforcement of the principle of men and women equality in the resort of the Ministry of Defence” (No. 29/2002 in the Journal of the Ministry of Defence) implements provisions in the area of organisation, situational prevention, and training, when it comes to the enforcement of the equality principle and the discrimination ban on the basis of sex.

6.1.2 Provisions of a non legislative nature

81. The Ministry of Industry and Trade regulates in the provision by the Minister “Principles in processes of recruitment and acceptance of the ministry employees”⁴¹ the principles for the employment of employees and bans any discrimination in the sector. The Ministry had not had to resolve any complaint relating to the racial, ethnic, or other discrimination in the area of employees’ recruitment. Similar internal standards treating the principles in processes of selection and acceptance of employees have been accepted by most sectors.

82. The Ministry of Labour has adopted a number of provisions supporting the equal treatment of people in its “National Employment Action Plan for the period 2004 - 2006” and also in the material called “Timetable for the institutional, factual, and time organisation for the period 2005 - 2006”. There has been a Commission for the management of works on the National Action Plan created in connection with that Plan. Its members are the social partners (e.g. the Czech-Moravian Confederation of Unions).

83. One of the priorities for the Council for the aging population has been the improvement of the older people’s position in the labour market. The Council has established the “Working Group for the labour market, lifelong education and material facilitation” and also the “Working group supporting information, social participation and removal of old people’s discrimination”. One of the main objectives in the work by these groups has been the preparation of a provision preventing discrimination of older people and the ensuring of their equal position in the labour market, and the respecting of specific needs and risks, to which older people are exposed.

6.2 Control activities and the employment mediation

84. Control activities of the observation of regulations within the labour-law relations are treated in the followed up period by the Labour Code (No. 65/1965 Coll.). These activities have been done by the State Office for Work Inspection (see 7.3) since 1 July 2005.⁴² Before,

⁴¹ Provision by the Minister No. 9/2005

⁴² A new Labour Code (the Act No. 262/2006 Coll.) has become valid on 1 January 2007, which mostly takes

these activities had been done by work offices. According to the Work Inspection Act (No. 251/2005 Coll.), breaches of the discrimination ban or of the equal treatment could be penalised at the level of up to CZK 400 thousand.

85. Control activities in the area of employment, treated by the Employment Act (No. 435/2004 Coll.), are still done by work offices. According to the Employment Act, breaches of the discrimination ban or of the equal treatment could be penalised at the level of up to CZK 1 million.

86. The employment mediation is mainly the task for work offices — the public employment mediators, which are established and methodically managed and funded by the Ministry of Labour from its budget through the Administration of Employment Services.⁴³ The position of work offices is currently described in the Employment Act (No. 435/2004 Coll.).

87. There have been job agencies (non government subjects) founded in accordance with the International Labour Organisation Treaty No. 181 of 1997 about private job agencies. They also mediate employment. There had been 1 477 private job agencies in the Czech Republic on 15 September 2006, which provided employment services for a charge.

88. Mediated employments must correspond with the health conditions of the natural persons and, if possible, they should correspond also with the qualifications, skills, the current length of employment, accommodation possibilities, and transport accessibility of the workplaces.

89. The Employment Act pays increased care after people originating from socially or culturally disadvantaged environments, when mediating employment. Services, which do not immediately connect with the finding of a job, but which strengthen the position of these people in the labour market, become more and more important. This relates especially to the area of training and social inclusion.

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

91. Complaints⁴⁴ received by the Ombudsman in 2005 within the area of management and controls of employment and jobs have directly related to legislative changes made in 2004. As the most important among them was the adopting of the new Employment Act (No. 435/2004 Coll.). The extended application of administrative rules to the area until then managed by work offices (the registration and the registration termination) and the cancellation of the criterion of a proved will to foil the co-ordination in the registration termination have brought important increases in the number of submissions related to the incorrect termination of the registration of job seekers.⁴⁵

over the existing provisions

⁴³ Work offices have been established by the legal provision by the Presidency of the Czech National Council of 20 July 1990 on the creation of work offices No. 306/1990 Coll.

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

⁴⁵ A large part of the received submissions complained, similarly like in 2004, about the provision in the Employment Act, which prevented the registration of full-time students after they reached 26 years of age.

Table No. 6.2: Discrimination ban breaches in the 3rd quarter 2004

6.3 Unemployment benefit

92. Ways and conditions on the provision of unemployment benefit have been regulated by the Employment Act (No. 435/2004 Coll.). A job seeker has got the right to get the unemployment benefit, when he or she has fulfilled the condition of at least 12 months of work during the last three years before applying for the employment mediation. The percentage rate of the unemployment benefit is 50% during the first three months and 45% of the average monthly net wage or the taxable income after that. When the applicant has not fulfilled the condition, a number of other activities could be considered the so-called alternative employment period.⁴⁶

93. A job seeker, who has started with his or her re-qualification, gets the benefit at the level of 60% of the average net monthly wage or taxable income during the period of re-qualification. Then, when he or she does not start working in a suitable job, the work office registers him or her as a job seeker and offers him or her vacant work opportunities. When such a person gets out of the support period, he or she is facilitated within the system of social security until he or she finds a job.

6.4 Employment of foreigners

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

95. The accession of the Czech Republic into the European Union (hereinafter referred to as “EU” only) on 1 May 2004 has changed conditions on employment for foreigners in the Czech Republic. Citizens of the member states of the European Union and their family members are not considered foreigners by the Employment Act and they have got the same legal position as the citizens of the Czech Republic. They have got a free access to the labour market in the Czech Republic.⁴⁷

96. Other foreigners can work in the Czech Republic, when they have received a work permit and a stay permit, unless the Employment Act states otherwise. Work offices can extend issued work permits repeatedly, but always for the maximal length of 1 year. In some

⁴⁶ The period of training of a health disabled person for work, the full disability pension, the compulsory military training (a replacement service), the care after a child younger than 4 years of age or after a child younger than 18 years of age, when with long-term heavy disability and requiring and extraordinary care, the personal care after almost or fully disabled natural people or a partly disabled natural person older than 80 years of age, when he or she lives permanently with the job seeker and when they jointly cover the costs of their needs, the long-term voluntary service exceeding on average at least 20 hours in a calendar week on the basis of an agreement of the volunteer and the sending station, which has got the accreditation by the Ministry of Interior, and the period of continuous preparation for a future profession within the scope of 6 months at the maximum.

⁴⁷ The same position as the Czech citizens applies also for citizens of Norway, Liechtenstein, and Iceland, including their family members, and also citizens of Switzerland and their family members. Their employer must only inform the relevant work office, according to the place of work, in writing about these people commencing their work. When these people terminate their employment, the employer, a legal person or a natural person must report this to the relevant work office within 10 calendar days from the termination of the employment or the stay.

cases, the work permit is not required.⁴⁸ Work offices monitor the observation of these obligations.

97. There has been the pilot project Selection of Qualified Foreign Workers in place for the period of five years since 2003. The objective has been the recruitment of foreign experts, who could fill the labour market gaps and who can integrate with their families in the Czech society. The project implementation cost CZK 21.3 million in the period from 2003 to the end of 2006.

98. There have been 1 996 job seekers from other EU countries and Switzerland registered in work offices in the period from the accession of the Czech Republic to EU to the end of 2004. They were people, who had lost their job in the Czech Republic (with disregard of the fact if they had been living in the country before the accession of the Czech Republic to EU), or people, who had come as unemployed from another EU country looking for a job in the Czech Republic.⁴⁹ There were 151 736 foreigners in total employed in the Czech Republic on 31 December 2005. This number includes 55 210 foreigners employed on the basis of a valid work permit, 2 659 foreigners working without the need of the work permit, and 93 867 EU citizens, including their family members.⁵⁰ There are also foreigners working as entrepreneurs on the basis of trade certificates in the Czech Republic.

6.5 Employment of people with disabilities

99. The new Employment Act (No. 435/2004 Coll.) has brought a number of changes, when compared with the previous one. Especially, the level of the maximal amount provided by a work office for the creation of a protected job⁵¹ of a protected workshop⁵² has been increased (from CZK 100 thousand to about CZK 140 thousand) as well as the level of

⁴⁸ Among others, they are the foreigners with the permitted permanent stay and foreigners, who are family members of diplomats, workers in consulates, or family members of a worker employed by an international government organisation with the official address in the Czech Republic, when the international agreement, concluded in the name of the government, guarantees this, or the foreigners granted asylum.

⁴⁹ Their registered number was 2 886 on 31 December 2004. There were 3 610 persons in total registered in 2005 (they were 2 436 persons in the comparable period May - December 2005, i.e. by 440 persons more). The number of registered persons at the end of 2005 was 3 230, i.e. by 348 persons more year-on-year. The growth dynamics in the number of newly reported candidates from EU countries slightly increased. There were 4 080 of these job seekers registered in 2006. The registration was left by 4 329 job seekers and 2 574 of them found a job. The number of job seekers registered in work offices from EU was 3 309 on 31 December 2006. When compared with December 2005, their number increased by 79 people. The growth dynamics in the number of job seekers from EU countries slightly increased, while the total unemployment declined. The job seekers from EEC make up only about 0.74% of the total number of job seekers.

⁵⁰ According to the job classification, the biggest group of foreigners was employed within the 7th Class of KZAM (the job classification prepared on the basis of the international standard ISCO-88). KZAM fully respects the ISCO-88 principles — trade people and qualified manufacturers and repairers (28%), then in the 9th Class — helping hands and not qualified workers (almost 27%). According to NACE (the industry classification of economic activities), the most foreigners worked in the manufacturing industry (almost 35%) and in construction (almost 22%). The most people belonged to the age group of 25 - 39 years old (more than 46%) and to the age group of 40 - 54 years old (almost 28%).

⁵¹ On 31 December 2006, the number of foreign entrepreneurs was 65.7 thousand. The number decreased by 1.5 thousand people, when compared with the same period in 2005. The issuance of trade certificates is within the competence of the Ministry of Industry and Trade, a protected job is the job created by an employer for a person with a disability on the basis of a written agreement with the work office.

⁵² A protected workshop is the employer's workplace established on the basis of an agreement with the work office and regulated for the employment of people with disabilities. There must be at least 60% of this kind of employees employed on average during a year.

a contribution to people with heavier disability (up to CZK 200 thousand).⁵³ The Act has established the possibility of the provision for a contribution to a partial coverage of operating costs of a protected job, when it relates to a disabled entrepreneur, i.e. there is the well-pronounced effort to support enterprising activities.

100. People with health related disabilities are classified by the Employment Act in the group to which work offices must pay increased attention, when mediating employment for them. These people are also supported within the work rehabilitation, they are employed within protected jobs and protected workshops and they get the so-called contributions supporting their employment. Health status has also become a reason for which discrimination is banned. The refusal or omission to provide for a provision, which would be in a specific case necessary, to ensure an access to a job for a disabled person is considered the indirect discrimination.

101. The amendment of the Pension Insurance Act (No. 155/1995 Coll.)⁵⁴ has cancelled, in 2005, the then valid framework of the parallel partial disability pension with an income from work. The level of work related income now does not influence the payment of a partial disability pension. In the past, that kind of pension used to be decreasing or stopped, when the income limits were exceeded.

102. The contribution supporting employment of people with health disability (the Employment Act No. 435/2004 Coll.) has been an important instrument in the area of employment of people with a disability. Another instrument is the “Programme supporting the renewal or technical appreciation of tangible investment assets”⁵⁵, which serves for the work of people with disabilities. There were 93 employers supported with the total of CZK 103 815 thousand in 2006. This resulted in the maintenance of 3 159 workplaces and in the creation of 310 new workplaces suitable for people with disabilities.

103. The National Plan for equal opportunities for people with disabilities finished in 2005. It had started in 1998 and its objective was to improve living conditions for people with disabilities.

104. In 2002, there was the Programme for the increase of transport safety and for the improvement of its accessibility for people with movement and orientation difficulties announced. This Programme has been later renamed to the National development mobility programme for all. It supports the access to transport and removes access barriers in state and public institution buildings providing for services.

105. Another such provision has been the Operating programme for the development of human resources 2004 - 2006, which, inter alia, aims at the integration of specific groups threatened by the social exclusion (people with disabilities and the Roma people).

106. The Czech Republic got involved, in 2001, in the 1st round of the initiative programme EQUAL, which focuses on the fight against all forms of discrimination and

⁵³ The maximal amount, which the work office could provide for the partial coverage of operating costs of a protected job, has also increased (from CZK 40 thousand to about CZK 50 thousand), and in the case of a protected workshop to about CZK 70 thousand. The level of the contribution in the case of a person with a heavier health disability increased to about CZK 100 thousand.

⁵⁴ Act No. 155/1995 Coll. on the pension insurance as amended by the Act No. 168/2005 Coll.

⁵⁵ Government Resolution No. 341 of 23 March 2005

inequalities in the labour market.

107. The development in the number of job seekers with disabilities registered within work offices in the period 2001 - 2006 is presented in the Table (for the data see Tables 6.7.1.1). There was a positive slightly decreasing trend reported in 2006, when compared with the year 2005, when the number of people with disabilities, registered within work offices, varied at the similar level, with the exception of seasonal deviations.

108. However, the share of health disabled people in the total number of job seekers registered by work offices significantly increased in 2005, especially thanks to the significant decrease in the total number of unemployed people. The average share of people with disabilities in the total unemployment increased from 13.6% to 14.6%.

6.6 Employment

6.6.1 Employment policy

109. The Czech government has created a system of public employment services preparing, formulating, and implementing the employment policy. It has been created by the Ministry of Labour and work offices. Their responsibilities have been described in the Employment Act (No. 435/2004 Coll.).⁵⁶

110. The main objective of the employment policy has been the achievement of the best possible development in employment and the increased motivation and activation of looking for, finding and keeping jobs. A special stress has been put on the areas with the above-average unemployment rate (the northern, middle and southern Moravia and north-western Bohemia). After the accession of the Czech Republic to EU and in regard to the situation existing in the labour market, the implementation of the national employment policy respects principles and objectives of the European employment strategy. A significant support is provided to projects presenting the chance of creation a significant number of new workplaces especially in threatened regions and which support further development of SME.

111. The employment policy utilises both active and adoptive instruments. The active employment policy helps job seekers in gaining employment in the labour market or in increasing their chances to become employed. The active employment policy in the Czech Republic is implemented by work offices managed by the Administration of employment services supervised by the Ministry of Labour. The adoptive employment policy could be defined as expenditures for the support of unemployed people, their spouses and children, and people with changed work abilities, including postal costs connected with payments of unemployment benefits.

112. “Programmes of the implementation of the active employment policy” have been the basis for the implementation of the employment policy by individual work offices. The programmes have been prepared on the basis of the labour market analyses in individual districts in accordance with the objectives established by the Administration of employment

⁵⁶ Work offices are the administrative offices and their administrative areas are identical with districts, i.e. there are 77 work offices. The Act also establishes 14 defined work offices which have extended responsibilities related to the organisation and co-ordination of the employment policy at the level of regions.

services for the given year. The work offices base their work on specifics resulting from the regional labour market, the structure of job seekers registered with them, and the volume of allocated funds within the approved state budget. Programmes of the government economic policy make also inseparable parts of the employment policy.⁵⁷

113. The Czech Republic had started implementing the employment policy with the maximal utilisation of the European employment strategy even before its accession to EU. There had been annual National Employment Plans implemented since 1999. These plans have become later the National Action Employment Plans, the objective of which was the welcoming of narrow sector approaches and the co-ordination of individual policies influencing the employment rate at the national level. These plans were also discussed with social partners in the Council of Economic and Social Agreement with the aim to get them involved in solutions of the employment problems. The National Action Employment Plan for the period 2004 - 2006 was prepared after the accession to EU. However, its provisions stopped to be assessed in 2005 because of the revision of the Lisbon process and the adopting of new EU documents on the economic policy and on the employment policy.

114. Another important conception document in the employment area is the “National Programme of Reforms in the Czech Republic”, which focuses on reforms necessary for increasing the growth potential and employment. The provisions accepted within the National Programme of Reforms in the Czech Republic should contribute to the achievement of the following target employment indicators by 2008: the total employment rate of 66.4%, the women’s employment rate of 57.6%, and the older people (55 - 64 years of age) employment rate of 47.5%.

6.6.1.1 Expenditures for the employment policy

115. In the followed up period, most funds related to the active employment policy went to the regions with the highest unemployment rate; the biggest share of the total volume of funds allocated to work offices was used in the region of Ústí (21.1%), in the Moravian-Silesian region (18.4%), and in the South-Moravian region (13.5%).

116. Further instruments of the state employment policy, which do not make a part of the active employment policy, are the contributions to employers employing more than 50% of people with disabilities (according to the Employment Act No. 435/2004 Coll.) and payments of wages to employees, when their employers become insolvent.

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

6.7 Economic activities of residents

117. The significant decline in employment occurring in the second half of 1990s has slowed down after 2000. The employment rate slightly increased in 2002 (according to the annual values). The current trend of growth in the development of employment has been

⁵⁷ They focus on the growing economic performance and on the strengthening of enterprises’ competitiveness, programmes within the industrial policy, support of investments, the creation of a favourable enterprising environment, the continuation of privatisation, the finalisation of restructuring, programmes dealing with the budgetary policy, especially the reform of public budgets and taxes, educational school programmes within the structure of school graduates, etc.

apparent since 2004.

6.7.1 Unemployment

118. The development in the number of job seekers registered within work offices in a long term is presented in the Table which shows that the number of job seekers was progressively increasing in the period 2001 - 2003. The turnaround in the development took place only after 2004. The development in the number of unemployed registered within work offices showed the declining trend in 2005.

119. There has been a new methodology for the calculation of the unemployment rate introduced in July 2004. It has been based on the so-called accessible job seekers (the job seekers, who could immediately start working, when they are offered a suitable job, i.e. the registered unemployed people, who do not have any objective problem for accepting a job).

Table No. 6.7.1: Unemployment rate by regions in %

6.7.1.1 Job seekers' structure

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

6.7.1.1.1 Job seekers' structure — the age

120. The reason behind the unemployment of people older than 50 years of age is usually the losing of their jobs at the time, when they still cannot get the age pension, but the majority of employers are not interested in them because of their low ability to adjust to changes in the labour market. The growing share of these job seekers relates also to the annually extending age limit for the retirement.

121. Young people, especially the school graduates and youth after finishing their basic education, have difficulties in their looking for work because of the lack of practical skills. The highest risk group consists of underage youth with no education, with not completed basic education and training, who lack both experience and qualifications.

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

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

Table No. 6.7.1.1.1a: Age structure of the total job seekers
Table No. 6.7.1.1.1b: Job seekers' age structure - shares in %
Table No. 6.7.1.1.1b: Age structure of job seekers – total females
Table No. 6.7.1.1.1c: Age structure of job seekers – shares of females in %
Table No. 6.7.1.1.1d: Age structure of job seekers – total males
Table No. 6.7.1.1.1e: Age structure of job seekers – shares of males in %

6.7.1.1.2 Job seekers' structure — the qualification

Table No. 6.7.1.1.2a: Job seekers' structure by the achieved education level - total
Table No. 6.7.1.1.2b: Job seekers' structure by the achieved education – shares in %
Table No. 6.7.1.1.2c: Job seekers' structure by the achieved education level – total females
Table No. 6.7.1.1.2d: Job seekers' structure by the achieved education level – shares of females in %
Table No. 6.7.1.1.2e: Job seekers' structure by the achieved education level – total males
Table No. 6.7.1.1.2f: Job seekers' structure by the achieved education level – shares of males in %

6.7.1.1.3 Job seekers' structure — the length of unemployment

124. The long-term unemployment is both absolutely and relatively higher in districts with the higher unemployment rate. It strongly relates to the level of education. The trend of long-term unemployment increases in relation to health disabled people and higher age categories.

125. Decreases in the number of people registered by work offices longer than 6 months in the years 2004 and 2005 were higher, when compared with people registered longer than 12 months. Their share in the long-term registered has been slightly increasing (since 2001), while the number and the share of unemployed registered longer than 12 months has been continuously growing in a long term. The temporary decline at the end of 2001 was an exception.

Table No. 6.7.1.1.3a: Job seekers' structure by the length of registration in work offices
Table No. 6.7.1.1.3b: Job seekers' structure by the length of registration in work offices – total females
Table No. 6.7.1.1.3c: Job seekers' structure by the length of registration in work offices – shares of females in %
Table No. 6.7.1.1.3d: Job seekers' structure by the length of registration in work offices – total males
Table No. 6.7.1.1.3e: Job seekers' structure by the length of registration in work offices – shares of males in %

6.7.1.3 Job seekers' structure — regions

126. The unemployment in the Czech Republic has got mainly the structural character. Individual regions experience the lack of certain professions in a long term, while others show a surplus. The unsatisfactory workforce mobility and flexibility prevent the balance of job offers and demands and that has been the reason why the development in the economy has not contributed to a more pronounced improvement in the situation on the labour market

so far. These structural problems existing in the labour market must be resolved especially by the solving of the housing market, the transport accessibility, and with the lifelong education.

127. Structural changes continue, i.e. the changes in the sector structure of the economy based on the restructuring or closing down and in the workforce structure related to qualifications and professions. These changes have got different intensity in individual regions. The most suffering regions are the Ústí region and the Moravian-Silesian region, i.e. the regions with the high concentration of heavy industries — coal mining, metallurgy, mechanical engineering, and the chemical industry.

128. The Ministry of Industry and Trade announced, together with the Ministry of Labour the Programme supporting the creation of new workplaces in regions experiencing unemployment for the period 2004 - 2006. This Programme has been extended, thanks to its positive effects, in 2005. There were 1 079 new workplaces created and occupied by the end of 2005 and there were 293 workers trained. The new workplaces were assigned mostly by job seekers registered within work offices (60%). There should be about 1 705 workplaces created annually in the period 2006 - 2007.

129. Another instrument decreasing unemployment in the areas with a higher unemployment rate is the Government Directive on the support and creation of new workplaces and the support of re-qualification and training of employees within investment incentives (No. 515/2004 Coll.). There are also employers considered, who employ people with disabilities. There have been projects resolving the unemployment of threatened groups in the regions with the highest unemployment rate approved at the beginning of 2006.

Table No. 6.7.1.3: Job seekers by regions

6.8 Transport

6.8.1 Health disabled people

130. The Railroad Act (No. 266/1994 Coll.)⁵⁸ regulates conditions on the construction of railroads, their operations and transport as well as the conditions on the adoptenger transport and requirements on railroad vehicles, and their technological conditions. It creates also conditions on the access to transport for people with limited movement and orientation abilities in the mentioned areas.⁵⁹

131. In practice, it means, for example, that there is a barrier free access constructed for the travelling public, when railroad constructions are constructed or reconstructed. In reconstructions, modernising or renewals of vehicles used for the public adoptenger transport, there are requirements on the height of decks utilised to make getting on and off easier for people with limited movement or orientation abilities.⁶⁰

⁵⁸ Railroad Act No. 266/1994 Coll. as amended

⁵⁹ The detailed conditions have been established in execution regulations accompanying this Act, especially in the Bylaw on general technological requirements ensuring the building utilisation by people with limited movement or orientation skills (No. 369/2001 Coll.).

⁶⁰ The Czech Railways own 16 vehicles with lift platforms in total and 49 vehicles without the lift platform. Individual railway stations have been progressively equipping their facilities with platforms for the loading of wheelchairs to trains. There are 56 railway stations currently equipped with mobile platforms. In addition, there have been electric units for the close to the city transport of people with limited movement and orientation skills

132. Information about transport connections is made public through web pages on the Internet. The information for blind or other eye-related ill people are accessible at the address: <http://www.jizdnirady.cz/blind>.⁶¹

133. The acceptance of the Directive by the European Parliament and the Council for human rights for people with disabilities and people with limited movement and orientation abilities in the air transport⁶² significantly strengthened the rights of disabled people in the area of civil air transport.

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

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

Table No. 6.8.1b: Level of support of individual urban public transport vehicles, according to the regulations valid in 2006

Paragraph 2. Training for the achievement of the full utilisation of the employment right

135. The new Education Act (No. 561/2004 Coll.)⁶³ has introduced several new instruments increasing the success rate within the education system. This relates especially to the strengthening role of extension studies and their increased quality, but also the introduction of shortened studies for gaining an apprenticeship and shortened studies of secondary advanced education finished with the final A certificate (providing candidates for the second chance, when they have problems, for example, with their placement in the labour market).

136. The Act on verification and recognition of advanced education (No. 179/2006 Coll.)⁶⁴ supports participation of adults in advanced education and creates the suitable environment motivating for the participation in advanced education especially the people with low qualifications, who need to upgrade or extend their qualifications quickly and effectively. The basic objective of this Act has been especially a support of advanced education, especially through the setting up of motivation instruments both for participants in the advanced education and for employers. The Act wishes to support participation in education of people

available. There are currently 45 sets of these units and 19 sets of the 471 series units as well as 31 barrier free motor vehicles and 7 new seven-vehicle units Pendolino, which have been equipped with the navigation system for blind people.

⁶¹ This application corresponds with the project Blind Friendly Web and with standards issued by the international consortium W3C issuing standards within the area of Internet technologies.

⁶² The Directive establishes regulations protecting and providing assistance to people with disabilities and to people with limited movement and orientation skills in the air transport in order to prevent their discrimination. It also ensures the provision of assistance relevant to their special needs. The service is provided to these people free of any additional charges.

⁶³ Act No. 561/2004 Coll. on the pre school, basic, secondary, advanced professional, and other education (the Education Act) as amended

⁶⁴ Act No. 179/2006 Coll. on the verification and recognition of the results of advanced education and on changes in some laws (the Act on the recognition of the results of advance education)

from all age categories.

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

138. Participation of the Roma people in different programmes has not been monitored as such and their unemployment rate is also only estimated. Work offices, similarly like other institutions, have not been authorised to monitor the Roma people separately as a specific group. There is no information making preparation of target programmes more difficult.

Article 7. Fair and satisfying work conditions

(a) Remuneration provided as a minimum to all workers:

7.1 The living minimum and household incomes

139. The living minimum has been determined in the Czech Republic by law (Living Minimum Act No. 463/1991 Coll.)⁶⁵ as the socially recognised limit of minimal income under which the situation of material poverty occurs. The living minimum determines the level of necessary funds for a household coverage of basic living needs of its members at a very modest level.⁶⁶ (See also Article 9.)

140. The Act on protection of employees, when their employer has become insolvent was adopted in 2000 (No. 118/2000 Coll.).⁶⁷ This Act ensures the employees' right for due wages not paid by their employer, who has become insolvent. The employees may ask any work office for their wages in such a case. Work offices also take over the employees' right for wages towards the employer up to the level of paid and levied monetary means.

141. An employee could utilise his or her wage related rights up to the level corresponding with the due wage of 3 months of the relevant period.⁶⁸ A work office can cover wage-related rights of an employee related to a single and the same employer only once in a year.⁶⁹

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

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

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

(b) Safe and healthy work conditions:

142. Safety and health protection during work have been treated by a number of legal and other regulations ensuring the safe and healthy work conditions.⁷⁰ Basic obligations of employers in the area of safety and health protection during work are determined in the Labour Code, which regulates also responsibilities of managers in the area of safety and

⁶⁵ Act No. 463/1991 Coll. on the living minimum as amended

⁶⁶ Sums of the living minimum were last time updated on 1 January 2006 by the Government Directive No. 505/2005 Coll. They increased the amounts.

⁶⁷ Act No. 118/2000 Coll. on the protection of employees, when their employer has become insolvent and on changes in some laws as amended

⁶⁸ This period has been calculated backward from the first day of the calendar month in which the bankruptcy proposal was filed.

⁶⁹ The total sum of wages paid to an employee must not exceed 1.5 of the relevant sums in a month. The relevant sum is announced and made public by the Ministry of Labour in the Collection of Laws. It becomes always effective on 1 May of the calendar year and stays valid for the following period of 12 calendar months at the level of the average wage in the national economy related to the previous calendar year.

⁷⁰ They are the regulations protecting life and health, the hygienic and anti-epidemic regulations on the safety of technological facilities, and also standards, construction regulations, transport regulations, fire-fighting regulations, the regulations treating the handling of flammable materials, explosives, weapons, radioactive materials, chemical compounds and preparations, and other materials harmful to health, which cover the issues related to the protection of life and health.

health protection.

143. The Labour Code also determines responsibilities of employers for damage occurred to employees who work for the employers under work contracts and which occurred during the performance of work related tasks or directly during the work, or in the result of an accident harming health or resulting in death.

7.2 Supervision over safety and protection of health at work

144. Apart from the Act on the state professional supervision over the work safety (No. 174/1968 Coll.), there is also a new Act on work inspection (No. 251/2005 Coll.), which creates prerequisites for the efficient state supervision over the work safety and regulates the Act on the protection of public health (No. 258/2000 Coll.).⁷¹

145. A new law was adopted in 2006, which ensures also other safety conditions and health protection at work (No. 309/2006 Coll.). There is also a new law on the prevention of serious accidents (No. 59/2006 Coll.)⁷², which transposes the Council Instruction 96/82/EC on the control of threats of serious accidents with the presence of hazardous materials to the national legislature. This Instruction includes also requirements determined in the Treaty of the International Labour Organisation No. 174 of 1993.

146. The state supervision over the work safety, work conditions and protection of health at work is mostly done by the Ministry of Labour and the State Work Inspection Office, together with its organisational units, which are the relevant regional work inspection offices.⁷³ Activities of the Office and its inspection offices do not cover legal and natural persons listed specifically in the Work Inspection Act, where the state inspection is done in accordance with special legal regulations, e.g. by activities within the responsibilities of the Czech Mining Office, or in the case of active soldiers or professional soldiers by their relevant office of inspection.

147. The state supervision in the area of health protection at work is also executed by the Ministry of Health and by Regional Offices of Hygiene, Czech Mining Office, and the State Office for the Nuclear Safety. Unions also supervise the safety and health protection at work.

148. Another subject active in this area is the allowance organisation of the state professional supervision over the safety of selected technological facilities - the Institute of

⁷¹ Act No. 258/2000 Coll. on the protection of public health as amended

⁷² Act No. 59/2006 Coll. on the prevention of serious accidents caused by selected hazardous chemicals or chemical preparations and on the change in the Act No. 258/2000 Coll. on the protection of public health and on changes in some other relevant laws as amended and in the Act No. 320/2002 Coll. on changes and on the cancellation of some laws in relation to the termination of activities by District Offices as amended (the Act on the prevention of serious accidents). The Act includes also the requirements included in the UNO Treaty on effects of industrial accidents, which go over the state borders, that have been published in the Collection of International Agreements (No. 58/2002 Coll. of int. agr.) and also the requirements in the International Labour Organisation Treaty No. 174 approved in 1993, which has not been ratified by the Czech Republic yet.

⁷³ The founding of the State Work Inspection Office meant the cancellation of the Czech Work Safety Office and its work safety inspection offices. The execution of rights and obligations resulting from the labour-law relations of employees by work offices transferred, at the same time, to inspection offices (on 1 July 2005). The work tasks of the work offices include also controls of the observation of obligations resulting from the labour-law regulations, with the exception of employment labour-law regulations and the regulations covering the protection of employees, when their employer has become insolvent.

the Technological Inspection in Praha. The Institute provides for professional and binding opinions, organises inspections and assesses tests of determined technological facilities, issues certificates to organisations and trade natural persons after it has verified their professional capacities.

Table No. 7.3a: Found breaches of legal regulations ensuring the work and technology safety and of the legal regulations regulating the work related legal relations

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

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

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

(d) Rest, leisure, working hours limits, paid holiday, and paid public holidays

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

7.3 Rest and recreation

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

151. This rest can be made shorter down to eight hours during 24 hours in a row for an employee, who is older than 18 years of age, under the condition that the following rest would be made longer by the time of shortening. This applies in a number of industries and situations.⁷⁴

152. An employer is obliged to arrange the working hours in such a way that employees have an uninterrupted rest of at least 35 hours in the week during every period of seven calendar days in a row. The uninterrupted weekly rest must not be shorter than 48 hours in the case of an underage employee. When operations of the employer allow for that, the uninterrupted weekly rest takes place on the same day for all employees and it should include Sunday. Collective contracts in agriculture can provide for the provision of uninterrupted rest in such a way that the rest is at least 105 hours long in total during the period of three weeks.

7.4 Reasonable determination of working hours

153. An employer can arrange working hours of employees older than 18 years of age, after negotiations with the relevant union, in such a way that the time of an uninterrupted

⁷⁴ In continuous operations, for unequally arranged working hours and during overtime works, in agriculture, in public catering, in cultural facilities, and during the provision of other public services, in time pressing repair works, when a danger to life or health of employees must be removed, in the event of a natural disaster, and in other similar extraordinary cases.

weekly rest is at least 24 hours long and the employees get an uninterrupted rest during the week in such a way that the rest covers at least 70 hours in total in the period of two weeks. However, there must be certain conditions fulfilled on that.⁷⁵

7.5 Regular paid holiday and remuneration in days of public holidays

154. The Labour Code determines that work can be ordered on public holiday days only exceptionally. They are works which cannot be done during working days, e.g. the work removing a danger to life or health or during natural disasters and in other similar extraordinary events, or the work necessary for the coverage of the provision of life, healthcare, or cultural needs of the population.

155. Any employee, who worked without interruptions within a work contract with the same employer at least 60 days in a calendar year, has got the right for a holiday. The basic length of a holiday lasts four weeks in a calendar year. Employees of employers, who do not undertake enterprising activities, have the right for a holiday lasting 5 weeks in a calendar year. The holiday for pedagogic workers and academics at universities lasts for 8 weeks in a calendar year. Collective agreements or internal regulations concluded with employers, who undertake enterprising activities, can extend the holiday with more weeks, above the mentioned length.

156. An employer provides employees for a time off or, after the conclusion of an agreement, for an extra pay at the level of the average wage, when the employees worked during the public holiday. In the public services or administration, the wages of employees are not shortened because of public holidays or because they enjoy the time off based on the work on day of a public holiday. In the business sector, employees get compensation at the level of their average wages for missed earnings.

7.6 Determination of working hours

157. Working hours can last 40 hours a week at the maximum. Working hours of employees can differ.⁷⁶ The employer decides on the arrangement of working hours after it was discussed with the relevant union. When the working hours are equally arranged in individual weeks, the determined shifts must not exceed nine hours.

158. When the nature of work or operational conditions does not allow for the balanced arrangement in individual weeks, the employer could arrange working hours differently after discussing it with the relevant union body; the weekly working hours of the unequally arranged working hours, without overtime, must not exceed on average the determined weekly working hours of the period, which can be 12 calendar months in a row at the

⁷⁵ The necessity to substantially increase the number of temporary employees arranged for the period not exceeding five months in a row in one calendar year, works in communications, in cultural facilities, healthcare facilities, social care facilities and in continuous operations, works, where the working hours are unequally arranged, and works, which are organised for the removal of consequences of natural disaster events, accidents in construction objects, or in technological processes, which cannot be interrupted.

⁷⁶ It can be 37.5 hours a week at the maximum for employees working underground coal or minerals mining, in mine constructions and in workplaces of geological surveys. It can be 37.5 hours a week at the maximum in operations with three shifts and the continuous work mode, while in operations with two shifts it can extend to 38.75 hours a week at the maximum. In the case of employees younger than 16 years of age, it must not exceed 30 hours a week and the working hours in individual days must not exceed 6 hours.

maximum.

159. Overtime work means the work worked by an employee on the order by his or her employer, or with his or her agreement, above the determined weekly working hours resulting from the prior established distribution of working hours and done outside the framework of the work shifts' roster. The employer could order his or her employees to work overtime only in exceptional cases, when there are important operational reasons.

160. The ordered overtime work of an employee must not exceed 8 hours in a week. The ordered overtime work of an employee must not exceed 150 hours in a calendar year. Work over the mentioned limit can be done only exceptionally, when the employee agrees with it. The total scope of overtime work must not exceed on average more than 8 hours a week. A concluded collective agreement can determine a lower scope of overtime work agreed by an employee, when compared with the law.

161. Pregnant women and women looking after children younger than 1 year of age and youth (up to 18 years of age) must not work overtime.

Article 8. Unions

162. The biggest union in the followed up period was the Czech-Moravian Confederation of Unions (hereinafter referred to as “CMKOS” only) associating 33 unions. Unions associated in CMKOS registered more than 541 thousand members in 2006.

163. The biggest member union within CMKOS is Kovo registering more than 360 thousand members. The Czech-Moravian union of workers working within the education system has got more than 130 thousand members. Other strong unions are the union of people working in mining, geology and oil industries (90 thousand members), the union called STAVBA Czech Republic active in construction (almost 80 thousand members), the Czech union of people working in healthcare and social care and the union of the state administration and organisations (both more than 65 thousand members), and the union active within the wood working industry, forestry and water management (almost 65 thousand members).⁷⁷

164. One of other union associations, the Association of Independent Unions, associates the total of 170 thousand members. The member unions in the Association are: the union of workers from the agricultural nutrition - the Association of Free unions in the Czech Republic (about 95 thousand members), the union of railway workers (72 thousand active members), the Czech union of people working in the power industry, the union of private employees in the Czech Republic, and the union of workers working with flat glass.

8.1 Collective negotiations and the right for information

165. The Collective Negotiation Act (No. 2/1991 Coll.)⁷⁸ deals with the collective negotiations between the relevant union bodies and employers, with possible involvement of the state. The objective has been the conclusion of a collective agreement. Collective agreements can be concluded by the relevant union bodies and employers, or their organisations and they treat legal relations of the collective nature between the employers and employees and the rights and obligations of the contractual parties.

166. The Labour Code (No. 165/1965 Coll.) provides union bodies for the right to participate in labour-law relations, including the collective negotiations. It establishes also the obligation to employers to inform the relevant union body and to discuss with it a number of facts. Employers must inform, for example, about the development in wages and salaries, in the average wage and its individual parts, including the division, according to individual professional groups, unless agreed otherwise. The relevant state authorities discuss also the issues related to the working and living conditions of employees with union bodies and provide them for the necessary information.

167. The Official Service Act (No. 218/2002 Coll.) asks authority bodies to ensure that the union active in the authority office can execute their rights given them by the Act. The union

⁷⁷ In contrast, the smallest membership permanently belongs to the Union of Enterprise Lawyers of the Czech Republic (about 400 members), the Union of Sailors (about 550 members) and other unions, where the membership is below two thousand members: Union of Air Transport Employees, Union of Workers in Radio-communications, Union of Employees in Manufacturing and Purpose-oriented Organisations in Culture, and the Union Project.

⁷⁸ Collective Negotiations Act No. 2/1991 Coll. as amended

active in the authority office has got the right for information, negotiations, and its opinion, including many other authorities.

168. The Act on the official service employment of members in the Police of the Czech Republic (No. 186/1992 Coll.)⁷⁹ gives to officials a number of responsibilities, when there has been a union established in the Police department. They are, for example, the responsibilities to discuss with the union body any proposals of decisions made on work contracts or to deal with initiative suggestions made by the union bodies with regard to the legal framework of work contracts and their changes.

169. The Act on the official service employment of members in security units (No. 361/2003 Coll.) cancels the Act on the official service employment of members in the Police of the Czech Republic and at the same time takes over a number of the relevant provisions existing in that law. In addition, it regulates the right of the service persons for information and discussions related to the service execution, when there is no union in the security unit.

8.2 The union right to protect its members

170. According to the Civil Court Code (No. 99/1963 Coll.), a union can represent a participant, who has been its member, with the exception of commercial affairs. The union can thus represent also a member who takes a legal action against his or her employer (or any other subject), when it comes to discrimination.

171. The accuser can be represented by the union a member of which he or she has been also in proceedings following the Administrative Court Code (No. 150/2002 Coll.). Unions thus have extensive chances when protecting the rights of their members in all matters related to discrimination.

⁷⁹ The Act No. 186/1992 Coll. on the official service employment of members of the Police of the Czech Republic as amended.

Article 9. Social Security

172. The social security system consists of a set of legal standards, financial and organisational provisions the objective of which is to ensure the basic social rights of every resident in financially or socially unfavourable situations. The entire system of the social security has been based on the three basic pillars, where each of them has got its specific importance. They are: The social insurance (pensions, sickness benefits, and unemployment benefits), the state social allowances, and the social care. The social security takes place by payments of social insurance allowances, state social benefits, assistance benefits in material emergency situations, and social care allowances for people with health related disabilities, or the provision for social services.

Table No. 9a: Social security related expenditures

Table No. 9b: The social security expenditures to the gross domestic product ratio (in %)

Table No. 9c: Percentage share of the social security expenditures in GDP – pension related expenditures

Table No. 9d: Percentage share of the social security expenditures in GDP – health benefit related expenditures

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

173. Submissions sent by complaining parties to the Ombudsman mostly relate to repeated and one time social care allowance, social benefits and allowances determined for people with health related disabilities.⁸⁰ The Ombudsman finds mistakes made by administration offices, which decide on allowances and benefits, especially when it comes to findings about the real situations and in incorrect assessment of possessions of applicants for social care allowances because of the social need (the ownership of properties, motor vehicles, and savings). When investigating individual submissions, the Ombudsman deals with disputable explanations of some legal provisions. The Ombudsman thus focuses his attention especially on the issue of the methodological management by the supervising offices, which should ensure the unified explanations.

9.1 Social insurance

9.1.1 Pension insurance

174. The law, which changes the Pension Insurance Act (No. 264/2002 Coll.)⁸¹, has changed the way of pension increases. The paid pensions are increased regularly every year in January (as from 1 July 2002). A different way is used, when the inflation is very low (the increases would be below 2%) and when the inflation is very high (more than 10%).⁸² Another amendment of the Pension Insurance Act No. 24/2006 Coll. has cancelled, on 1 February 2006, the reduction of partial disability pensions received in parallel with a work-

⁸⁰ There were 143 submissions related to this area delivered to the Ombudsman in 2005.

⁸¹ The Pension Insurance Act No. 155/1995 Coll. as amended

⁸² Increases in pensions are determined in such a way that the increase of the average age pension equals at least 100% of the growth in prices and also at least one third of the growth in the real wage. The specific level of the increases is determined by the government by its directive. The increases can be higher than the one determined by the law as minimal.

related income, in some situation the stopping of payments of this pension, when the income limit has been exceeded. The amendment has also introduced a change related to partial disability pensions. It ensures that the level of a work-related income of the parties receiving this pension does not have any influence on the pension level or its payment.

175. The adopting of the Act No. 425/2003 Coll.⁸³ has meant fundamental changes in the pension insurance. They have been as follows:

- The increasing age limit determining the right for an age pension at the same paces even after 2007 with the objective of the progressive achievement of the unified limit of 63 years of age for men and childless women in 2013. The pension age for other women will be still differentiated, according to the number of brought up children, within the range 59 - 62 years of age.
- The limitation of the chance to utilise the premature age pension by the cancellation of the temporarily reduced premature age pension. However, this possibility will exist (until 31 December 2006), when the established conditions are fulfilled by the people receiving partial disability pensions or by the former users of the full disability pensions. When it comes to the second kind of the premature age pension - the permanently reduced one, the current legislature remains valid.
- The reduction in the assessment of the study period for purposes of the pension insurance. The periods of secondary or university studies, before 1 January 1996, spent after reaching 18 years of age will be 6 years at the maximum and they will be considered an alternative insurance period, which is assessed, when it comes to the level of pensions, only within the scope of 80% (this will unify these periods with the assessment of the study periods after 31 December 1995). However, the study period before 1 January 1996 before reaching 18 years of age will be still assessed as the full insurance period.
- The cancellation of the condition allowing the right for a payment of the age pension in parallel with a work-related income in the period of two years after the occurrence of the right for this pension, but only when the established limit is not exceeded (the double sum of the living minimum of an individual). This will apply for employees, but also for trade people. At the same time, the right for a payment of the age pension, in parallel with a work-related income, requires that the labour-law relation must be concluded for the period of one year at maximum.

176. The approved regulations follow the provisions in the Treaty by the International Labour Organisation No. 128 on disability pensions, age pensions, and survivors' allowances, which requires, inter alia, that the share of the level of a newly determined age pension, after 30 years of insurance, is at least 45% of the average net wage of a qualified worker in the year, which precedes the retirement year.

⁸³ The Act No. 425/2003 Coll., which changes the Act No. 155/1995 Coll. on pension insurance as amended, the Act No. 589/1992 Coll. on the social security insurance and the contribution to the state employment policy as amended, the Act No. 582/1991 Coll. on the organisation and execution of the social security as amended, and the Act No. 48/1997 Coll. on the public health insurance and on changes and supplementation of some related laws as amended.

Table No. 9.1.1: The numbers and the levels of paid pensions

9.1.2 Health insurance

177. Both employees⁸⁴ and trade persons participate in the health insurance. While employees' participation in the health insurance is compulsory, trade persons participate voluntarily. The scope of provided benefits differs as well. There are four benefits provided to employees in relation to the health insurance: the sickness benefit, the support of care after a family member, the compensation pregnancy and maternity allowance, and the monetary assistance for mothers. In the case of the health insurance of trade persons, there are two benefits provided: the sickness benefit and the assistance for mothers.⁸⁵

178. The level of the sickness benefit depends mainly on the level of income. When the basis of assessment is calculated, there are also the so-called reduction limits considered, which the government updated always on 1 January in the period from 2000 to 2002 and put into correspondence with the development in wages.⁸⁶

179. The Act changing the Health Insurance Act (No. 421/2003 Coll.)⁸⁷ establishes, as from 1 January 2004, that the decisive period for the establishment of the basis of assessment, used for the determination of the level of sickness benefit, is the period of 12 calendar months prior the calendar month in which the sickness occurred.⁸⁸ The first three calendar days of the sickness are compensated at the level of 25% of the daily assessment basis, while the fourth and the following sick days are compensated at the level of 69% of the daily assessment basis, which is calculated in the same way as in the case of sickness benefit. See also 10.1.

180. The Lower House of Parliament adopted the Health Insurance Act (No. 187/2006 Coll.) in March 2006, which was supposed to take effect on 1 January 2007. However, the Act No. 585/2006 Coll. has postponed its effectiveness by a year to 1 January 2008.

9.2 State social welfare

181. The state system of social welfare, of the state social welfare benefits respective, organises the assistance mainly for families with children in determined social situations. The

⁸⁴ Possibly also other people considered equal — the people considered employees are listed in § 2 in the Health Insurance Act (No. 54/1956 Coll.)

⁸⁵ Only people working in the Czech Republic for an employer having the registered address in the Czech Republic can participate in the health insurance. Employees, who work for employers not having their registered address in the Czech Republic, are insured in the Czech Republic, when the employer has got his registered address in an EU member country or in the country with which the Czech Republic has concluded an international agreement on the social security.

⁸⁶ The updating of the limits has not taken place for the year 2003 because of saving provisions put in place because of the floods and for the years 2004 and 2005 because of the reforms of public budgets. The reduction limits have been increased to CZK 510 and CZK 730 only as from 1 January 2006.

⁸⁷ Act No. 421/2003 Coll., which changes the Act No. 54/1956 Coll. on the health insurance of employees as amended, the Act No. 88/1968 Coll. on making maternity leaves longer and on maternity allowances and children allowances from the health insurance as amended, and the Act No. 32/1957 Coll. on the health care in arm forces as amended.

⁸⁸ Only 90% of the daily assessment basis is considered for the first reduction limit for the first to fourteenth calendar days of the sickness. As from the fifteenth day of the sickness, the daily assessment basis is fully calculated within the first reduction limit. The daily assessment basis between the first and the second reduction limits is considered only at the level of 60% and the amount above the second reduction limit is not considered at all.

benefits of the state social welfare take into consideration both income and social situations of families (the sum of the assessed persons).⁸⁹ According to the State Social Welfare Act (No. 117/1195 Coll.)⁹⁰, there are two kinds of the state social welfare benefits provided: a) The benefits dependent on the level of income, which could be: child allowance, social benefit, housing allowance, or the allowance for school tools and b) Other benefits: parents' contribution, foster care allowances (the contribution to the coverage of children's needs, the remuneration for the foster parent, contribution to the coverage of costs of taking over a child, and a contribution to the acquisition of a motor vehicle), a birth grant, and the death allowance.

182. The Act makes the right for the state social welfare benefits subject to the permanent residency of the receiving person and of other jointly assessed people.⁹¹ The fulfilment of the permanent residency status or the long-term residency in relation to the right for the benefit is not required in the case of underage children put into the care in the Czech Republic, which replaces the parent care or an institution care. In addition, the Council of the Capital City of Praha, or the relevant Regional Office, according to the address of the person, can pardon the permanent residency requirement. This pardon relates also to other jointly assessed persons (see 9.4). Citizens of member states of the European Union and their family members have got the right for the state social welfare benefits also on the basis of regulations of the European Community after the accession of the Czech Republic to EU.

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

9.3 Social care

183. There were only partial changes in the framework of social care in the followed up period. At the same time, a fundamental change was prepared, which has become effective on 1 January 2007.

184. The quality of social services has been ensured by a set of measurable and verifiable criteria included in the methodological material, the so-called Quality Standards of Social Services, which were prepared in 2002.

9.4 The living minimum

185. There were no fundamental changes of the living minimum in the followed up period.

⁸⁹ The jointly assessed persons are: Parents and underage children, spouses, parents and adult children, when these children live with the parents in the same flat and are not assessed with other people, other people using jointly the flat, unless they declare in writing that they do not live together and do not jointly cover costs of their needs. The jointly assessed persons could be also the people who temporarily stay away from the flat because of their preparation for future professions or because of health or working reasons (including the voluntary service).

⁹⁰ Act No. 117/1995 Coll. on the state social welfare benefits as amended

⁹¹ The permanent residency is also the stay of a foreigner in the Czech Republic, who has registered his or her stay in accordance with special legal regulations dealing with stays of foreigners in the Czech Republic, with the exception of applicants for asylums, who are accommodated in centres of the Ministry of Interior. This applies from the day, which meant that 365 days have adopted since the registration. The condition of the 365 adopted days since the registration day is not required in the case of children of foreigners with the registered stays in the Czech Republic and born in the Czech Republic up to one year of age (the Act on the registration of residents and birth registration numbers (No. 133/2000 Coll.) and the Act on foreigners' stays in the Czech Republic (No. 326/1999 Coll.)).

186. The level of the living minimum has been regularly adjusted, according to the development in living costs, by government directives on 1 January. This takes place, when the summary consumer price index increased at least by 2% in the established decisive period. The last adjustment made by the government directive increased the sums of the living minimum in 2005.⁹²

Table No. 9.4.a: Development in the household living minimum and its relation to the average (net) nominal wage in the years 2000 and 2005

⁹² Government Directive No. 505/2005 Coll., which increases the sums of the living minimum. The sums have been updated for the 11th time since the first determination of the living minimum in 1991.

Article 10. Protection and assistance for families, mothers, and children

187. The Registered Partnership Act (No. 115/2006 Coll.)⁹³ has become effective in 2006. The partnership means the permanent association of two people of the same sex. The registered partnership occurs by a declaration of the persons entering the partnership in the Registry. The partnership cannot be entered into by a person younger than 18 years of age, a person not able to undertake legal acts, or a person, who had entered into a valid marriage or registered partnership.

188. Both partners in the registered partnership have got the same rights and obligations. They jointly decide on their partnership affairs. Partners can represent each another in usual situations and have the mutual alimetal obligation. When one of the partners does not fulfil the alimetal obligation, a court can decide, on the basis of a suggestion made by the other partner, on the scope of this alimetal obligation making the material and cultural living standards of both partners basically the same. The existence of the registered partnership does not allow the partners to adopt a child. However, if one of the partners looks after a child and both partners live in a joint household, the second partner must also participate in the child's upbringing, the obligations related to the protection of the child's development, and upbringing relates also to him or her.

10.1 Financial assistance for families with children

189. The care after family with children is treated by regulations on the social security. The financial assistance for families with children is provided for mainly on the basis of the Act on the state social welfare (No. 117/1995 Coll.) and the Health Insurance Act (No. 421/2003 Coll.). The Social Needs Act (No. 482/1991 Coll.) is applied at the lesser extent.

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

10.1.1 Parents' contribution

190. While the original objective of the parents' contribution was to maintain or support the existing population growth and to lower the tension on the labour market, the purpose of further progressive changes in the conditions on its provision has become making the professional roles of parents compatible with their parent roles. When compared with the original conditions, the parents getting the parents' contribution now can have an unlimited work-related income, when they organise the care after their child by another adult during their work activities. Children can be placed in pre school facilities for a limited time.

191. According to the State Social Welfare Act (No. 117/1995 Coll.), the parents' contribution is provided to the parent, who in person looks properly and throughout the day after at least one child younger than 4 years of age (or 7 years of age, when the child has been for a long term suffering of a health disability) with disregard to the fact if the parent is a woman or man.

192. The level of the parents' contribution is determined by the State Social Welfare Act. The contribution is always provided for a calendar month and, similarly like all other benefits

⁹³ Act No. 115/2006 Coll. on registered partnership and changes in some related laws

of the state social welfare, it is not taxed or paid abroad.⁹⁴ The right or the levels of the contribution are not parents' income dependent.

10.1.2 Other contributions

193. The scope of people, who have got the right to get a financial assistance during the maternity, has extended by the amendment extending the maternity leave, dealing with mothers' benefits and children allowances from the health insurance.⁹⁵ The financial maternity assistance can be now provided to a female or male employee, who took into their permanent care a child on the basis of a decision made by the relevant authority, or a child whose mother has died. The right for this assistance occurs only when the taking over the child took place before the child's 7th birthday. The assistance is provided for the period of 22 weeks from the day of taking over the child.

194. The children allowance is paid within the state social welfare system as a contribution for families with children. It should help in the coverage of costs related to the looking after the family and its nutrition. The right for the allowance belongs to a child living in a family, whose income is lower than the determined multiple of the family living minimum. The level of the allowance depends on the child's age and on the level of the total family income. It is derived from the living minimum sum necessary for the nutrition and other basic needs of the child.

195. The social additional contribution makes the assistance for families with low incomes as the contribution to the coverage of costs related to the looking after their children's needs. The right for this contribution occurs when a parent looks after a child and the family income does not reach the determined multiple of the family living minimum.

196. The amendment of the Social Security Act (No. 100/1998 Coll.)⁹⁶ has positively reflected in lives of the families looking after persons with health-related disabilities. It has increased the contribution to the care after a close or some other person.⁹⁷ At the same time, it has increased the work-related income limit decisive for the payment of this contribution.⁹⁸ It is also now possible to get the contribution to the care after a close or some other person with a widow or widower' pension in parallel with the parents' contribution related to the care after another child.

10.1.3 Subsidy proceedings supporting families

197. The subsidy proceedings for non government non profit organisations active in the area of family support, which are announced by the Ministry of Labour, have been focussed mainly on the support of functioning families since their first announcement for the year

⁹⁴ The level of the contribution determined at the level of the established multiple of the living minimum for personal needs of the parent looking after a child in the followed up period and, as from 1 January 2007, the level of the parents' contribution, paid for a calendar month, made the sum equal to 40% of the average monthly wage paid in the non enterprising sector.

⁹⁵ Act No. 362/2003 Coll.

⁹⁶ Act No. 100/1998 Coll. on social security as amended

⁹⁷ Act No. 218/2005 Coll. When it relates to one person, this increased from 1.6 of the sum of the living minimum, related to personal needs, to 2.25 of the multiple. When it relates to the care after two or more persons, this has increased from the original 2.75 multiple to 3.85 of the multiple.

⁹⁸ From 1.5 of the multiple of the sum of the living minimum used for personal needs to 2.5 of the multiple.

2005. This covers organisations focussing on the support of families looking after children and on the prevention of social exclusion of parents, who look after the children, on the higher quality of family functioning, on the parents' and partnership relations, and on the family cohesiveness. These services have got preventive and support character. As from 2005, the support of consulting for women and girls in the so-called unwanted pregnancy situations makes a part of the subsidy proceedings every year. The family and spouse consulting, the maintenance of families with children threatened by dysfunction and the support and assistance for children leaving the institution or foster parent care made also the subjects of the subsidy support in 2006.

198. There were a number of programmes announced in 2005:

199. The "Programme of the support of service facilities preventing social exclusion of parents looking after a child younger than 6 years of age" was determined for the support of projects focussing on the provision of services to parents looking after children younger than 6 years of age for the purpose of the prevention of the social exclusion caused by a long-term social isolation. The preference was given to services supporting the social cohesion of local communities (municipalities and regions) and they made parts of community and other regional social service plans.⁹⁹

200. The "Programme of the support of education towards a harmonic marriage and responsible parenting" was determined for the support of projects focussed on the education of young people towards a harmonic marriage and responsible parenting.¹⁰⁰ There were facilities preferred, which organised lectures for children and youth (up to 26 years of age) and courses preparing young people for marriage. They were also lectures and courses for spouses and parents supporting the higher quality of marital relations and the family life (as the prevention of divorces), or focussed on the upbringing of children. Education of lecturers in the given area was also supported.

201. The "Programme of the support of consulting of women and girls in the so-called unwanted pregnancy situations" was determined for the support of projects focussed on consulting of women and girls finding themselves in the so-called unwanted pregnancy situations.¹⁰¹ There were permanent facilities preferred, which were focussed, within their main activities, on this area. The objective was the provision of qualified professional assistance and information to pregnant women and girls with regard to their free decision on their own future.

Table No. 10.1.3: Subsidy programmes related to family support

10.2 Protection of children

202. The new law on the social-law protection of children (No. 359/1999 Coll.) has become effective on 1 April 2000. It has regulated in a complex way the system of bodies active in the area of social-law protection, the ways of co-operation with non government non

⁹⁹ There were 105 projects supported with CZK 26 369 800 in 2005 and 97 projects with CZK 22 560 600 in 2006. One of the conditions was that the clients spent their time in the facilities providing for these services together with their children and at the same time. Applicants could be, for example, centres for mothers, community centres providing services to parents on maternity leave with children, or similar facilities.

¹⁰⁰ There were 33 projects supported with CZK 8 270 300 in 2005 and 40 projects with CZK 12 883 400 in 2006 (including 5 projects in the area of consulting women and girls in the so-called unwanted pregnancy situations).

¹⁰¹ There were 7 projects supported with CZK 3 017 700 in 2005 and 5 projects with CZK 2 601 100 in 2006.

profit organisations and individual areas of activities within the social-law protection of children.

203. The term social-law protection of children was defined by the Act in such a way that it covers mainly the protection of children's right for a favourable development and proper upbringing, the protection of children's rightful interests, including the protection of their assets, and activities focussed on the renewal of disturbed family functions. The Act has anchored as the basic principle that the main point in the social-law protection is the interest in the children's welfare.

204. The Social-law Protection of Children Act (No. 359/1999 Coll.)¹⁰² was fundamentally amended in 2006. Its full wording was again publicised in the Collection of Laws under No. 373/2006 Coll. The amendment has reacted to some socially pathological phenomena occurring in the society. It has been prepared on the basis of the effort to follow the principles in the UNO Treaty on children's rights. The new legislature further extends the scope of children on whom the social-law protection is focussed. It covers also children, who have been witnesses of violence between parents or other natural persons, and the children, who have been repeatedly or for a long term placed in facilities providing for permanent care.

205. With regard to the prevention of maltreatment, negligence or molestation of children, the amended law has established the doctor's obligation to prepare records about the occurrence of an injury with the direct help of the child or a person accompanying the child to the surgery. When the character of the injury does not correspond with the injury description made in the records, the doctor is obliged to send the records to the relevant body of the social-law protection of children.

206. The law also strengthens the work with the biological family of children. The frequency of visits by workers from the social-law protection of children body has been increased in the case of children placed in the institution care and there have been also visits of these children introduced for parents, which should create conditions for their returning back home. Together with the changed character of parents' visits, the bodies of the social-law protection of children have got now the obligation to provide the parents with necessary assistance with the arrangement of their family situation.

207. In the area of an alternative family care, the amended law makes the preparation of applicants for the alternative family care more efficient. This preparation will be organised before the registration of the applicants in the Alternative Care Register. Future alternative parents will be thus learning in detail about all specifics related to the taking a child into their family.

208. In connection with the adopting of the law on the social-law protection of children, there has been also the regulation dealing with the foster care included into the Act effective after 1 April 2000. Before, this made an independent law. The legal regulation of the foster care has been integrated into the Family Act, together with other forms of alternative family care. The basic conditions on the foster care have been maintained. They relate to the interest of a child to be put into this kind of care and the guaranty of the proper child's upbringing based on the person providing for the foster care. However, there has been the condition removed that a child cannot stay with his or her parents because of long-term causes. This

¹⁰² Act No. 359/1999 Coll. on the social-law protection of children as amended

means that the foster care can be now utilised as an alternative care even in the cases, when the parents cannot look after the child only because of temporary obstacles and the returning of the child into the care by his or her parents is thus not excluded.

209. In connection with the big amendment of the law on the social-law protection of children, the remuneration of the foster parent has been significantly increased with the effectiveness from 1 June 2006. This sum has become the double of that existing before. Special remunerations for foster parents looking after at least three children, or one child with a heavy health-related disability, had been introduced a year before with the effectiveness from 1 June 2005. This special remuneration is several times higher than the usual foster parents' remuneration.

210. In addition, the Family Act has been supplemented, with the effectiveness from 1 June 2006, with the special instrument of the temporary foster care into which a child can be put on the decision by a court until the time, when legal conditions are fulfilled for the child's adoption, or for the time, when the parents cannot, because of serious reasons, temporarily look after the child. Foster parents providing for the temporary foster care must be specially trained and go through the professional assessment.

211. The amended law on the social-law protection of children determines the conditions on the children's protection by persons authorised for it in more details within the support of co-operation with both state and non state subjects. There have been, for example, requirements on the education and qualification of the authorised persons increased and specified. At the same time, the scope of activities, which could be undertaken by non government organisations within the social-law protection of children especially in the area of an alternative family care, has been extended.

10.2.1 Co-operation with non profit organisations in activities of the social-law protection of children

212. Authorisations of non government non profit organisations for the social-law protection of children are decided on by the regional offices, according to the official address of the non government non profit organisations (the Ministry of Labour had been deciding it until 31 December 2001).¹⁰³

213. Regional offices and the Ministry of Labour co-operate with non government non profit organisations also in the area of the alternative family care. Representatives of non government non profit organisations are members of advisory bodies established at the level of regional offices and the Ministry of Labour. These bodies select suitable foster parents for specific children from among the applicants registered for the alternative family care. The authorised non government non profit organisations provide also the advisory bodies for initiatives related to the adoption or fostering in individual cases. Regional offices, together with the authorised non government non profit organisations conclude agreements on the organisation of obligatory preparations of future adopting or foster parents for the acceptance of a child into their family.

¹⁰³ There were 183 authorisations in total issued to non government non profit organisations for the execution of the social-law protection of children in the period from 1 April 2000 to 31 December 2006. The number includes 51 authorisations issued by the Ministry of Labour in the period from 1 April 2000 to 31 December 2001 and 132 authorisations issued by regional offices in the period from 1 January 2002 to 31 December 2006.

10.3 Employment of children and youth

214. The Labour Code (No. 65/1965 Coll.) deals with the ability to execute rights and obligations or legal activities by children and underage youth, when it comes to employment. As from 1 January 2007, this has been taken over by the new Labour Code (No. 262/2006 Coll.). The ability to execute labour-law rights and obligations and to undertake legal activities by natural people occurs, when it has not been stated otherwise, on the day when the person reaches 15 years of age. However, employers must not determine the day of work commencement, which occurs before the day, on which the natural person finishes its compulsory school attendance.

215. Any employment of natural persons younger than 15 years of age or older than 15 years of age before the finishing of the compulsory school attendance is banned. These persons can do only artistic, cultural, advertising, or sport activities under conditions determined in special legal regulations.¹⁰⁴ Children can do commercially only activities that are appropriate to their age, that are not dangerous for them, do not prevent their education or school attendance and participation in educational programmes, do not harm health, the physical, mental, spiritual, moral, and social development. These activities can be done only on the basis of permits issued by a work office for each individual activity.

10.4 National conception of the family policy

216. The government adopted the “National Conception of the Family Policy” (hereinafter referred to as the “Conception” only) in October 2005.¹⁰⁵ It has been the first material of its kind since 1989 the objectives of which is the strengthening of the family position in the Czech society, the creation of generally more favourable social climate and family conditions. The Conception’s purpose has been the determination of priorities and principles for the family policy and the creation of a complex state system for the area of family support.¹⁰⁶ The Conception includes, inter alia, provisions supporting caring families and caring persons. It has been based on the “National Report on Families”.¹⁰⁷

Paragraph 2. Special protection of mothers before birth and after delivery

217. Employers are newly obliged to provide woman employees, or man employees for the parent leave on their request (the former maternity leave). The leave is provided for by the 3rd birthday of children. The provision for a parent leave, when a child had been put into the family, had been limited with 3 years of age by the end of April 2005. The Labour Code amendment¹⁰⁸ has increased the child’s age, within which a parent leave can be provided for, to 7 years. In contrast to women, men do not have the right for maternity leaves, but they can utilise parent leaves from the time of their child’s delivery to 3 years of age.

¹⁰⁴ Employment Act No. 435/2004 Coll.

¹⁰⁵ The Czech Government Resolution No. 1305 of 12 October 2005

¹⁰⁶ The Czech Republic does not have a complex system of provisions in the area of family support. There are many relevant data and data from the area of family policy limited or completely missing. Individual provisions have been implemented so far within the responsibilities of different sectors, often without interconnections and contrary to each other.

¹⁰⁷ Government Resolution No. 876 of 15 September 2004

¹⁰⁸ Act No. 169/2005 Coll.

218. The new Labour Code (No. 262/2006 Coll.) has taken over the provision.

219. The legislature determining the special protection of mothers during the appropriate period before and after the birth deliveries includes also the bylaw that determines works and workplaces, which are banned for pregnant women, feeding women, mothers by the end of the ninth month after the delivery, and for youth. There are also conditions under which the underage youth can do exceptionally these works, when they prepare themselves for their future profession (No. 288/2003 Coll.).¹⁰⁹

¹⁰⁹ Bylaw No. 288/2003 Coll. determining the works and workplaces, which are banned for pregnant women, feeding women, mothers by the end of the ninth month after the delivery, and for youth. There are also conditions under which the underage youth can do exceptionally these works, when they prepare themselves for their future profession.

Article 11. Right for the appropriate living standard

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

11.1 Household income situation

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

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

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

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

Table No. 11.1c: Long-term equipment of households

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

11.2 Housing

223. The Czech legislature does not include a general housing law and the housing issues are dealt with by individual legal and subordinate legal norms.¹¹⁰ The housing right has not been directly defined in the Czech legislature. The Czech Republic considers the housing right to be of a declaratory nature expressing the government undertaking to try for the equal access to a safe and ensured living place - housing for all people. It has not been considered the right of citizens for requesting the state to provide them for housing.

224. The ban of all discrimination forms has been based on the Czech Constitution and on the Charta of Basic Rights and Freedoms. All lower norms with the subordinate legal strength must correspond with that. This has been the reason why no other legal regulations banning all forms of discrimination in housing exists or is under preparation. The Czech Constitution ensures the unviolability of housing, the protection of citizens against forceful moving out and prevents any discrimination in the access to housing, etc. It thus covers also the legislature housing parts that can be enforced. The Czech Republic does not consider necessary or suitable to create in this matter any undertakings of the claim character.

¹¹⁰ Among the main legal regulations related to housing, there are the following ones: Civil Code (No. 40/1964 Coll.), the Act on one-sided increases of flat rents (No. 107/2006 Coll.), the law regulating some issues related to the issuance of the Act No. 509/1991 Coll., which changes, supplements, and regulates the Civil Code (No. 102/1992 Coll.), the law regulating some of the co-owners' relations connected with buildings or flats or non living spaces (No. 72/1994 Coll.), the Price Act (No. 526/1990 Coll.), and the Act on the State Housing Development Fund (No. 211/2000 Coll.).

11.2.1 The flat stock

225. The flat stock had the total of 4 366 293 flats, according to the census taking place on 1 March 2001. This number included 3 828 000 permanently occupied flats. This was 427 flats for 1 000 residents and 374 permanently occupied flats for 1 000 residents. The indicator of the total number of flats for 1 000 residents has been progressively increasing and rough estimates indicate that there was 438 flats for 1 000 residents in 2006.

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

226. In addition to the above-mentioned permanently occupied flats, there were more than 117 000 temporarily occupied flats. However, these flats are permanently occupied in fact (not utilised for recreation) because most of the residents in these “temporarily occupied flats” are registered for permanent residency in the above-mentioned permanently occupied flats. These people may thus optically increase the data about the number of people in the surveyed households¹¹¹ existing in a single permanently occupied flat.

227. All kinds of housing are satisfactorily presented in the structure of the flat stock, from the legal reason of the flat utilisation point of view: 47% of the flats or houses are utilised by their owners, 17% relates to the co-operative kind of housing, and 29% are the rented flats. However, this number includes 17% of municipal flats, which are often privatised. This causes important ownership transfers and changes in the structure of the flat stock (7% relates to other specific reason for the flat utilisation). The average size of a permanently occupied flat was 76 m² (the total area) and there are 2.72 rooms on average in an occupied flat.

228. The share of the 1st category flats (i.e. the flats with central heating, a water closet and a bathroom) was 88.5% in 2001. The flat stock of the population and also the housing qualities has been permanently improving. The number of flats completed every year now varies at about 30 thousand. The number of newly started flat constructions varies at about 40 thousand a year.

229. The distribution of households in individual housing kinds is almost identical with the share of the individual housing kinds in the flat market, i.e. in the structure of the flat stock presented in Table No. 11.2.1a.

230. The ownership sector consists mostly of flats in family houses (75%) utilised for housing by their owners. Only a smaller part of the ownership sector, which develops within the process of privatisation of the flat stock, consists of the individual flats within the ownership of their users.

231. The leasing sector consists of about 60% of flats owned by municipalities, i.e. the former state flat stock. About 40% are the rented flats in houses owned or co-owned by natural persons (mostly restored ownerships) or legal persons.

¹¹¹ The surveyed household is an artificial term introduced for needs of the census. The distribution relates to family relations - either full family (both parents or spouses) or not full family (only one of the parents with a child or children with disregard to their age) and the non family relations divided into the ones with more members (e.g. two sisters living together) or households with a single occupier (either living by themselves in their own flats or living together with other people in a single flat, but independently).

232. The co-operative sector consists mostly of flats owned by the construction flat co-operatives founded in the period 1960 - 1990. A smaller part relates to flat co-operatives founded by the lessees for the purpose of the acquisition of the housing block from municipalities within the privatisation.

11.2.2 Rent and its regulation

233. The Act No. 107/2006 Coll. on the one-sided increasing of flat rents and on the change in the Act No. 40/1964 Coll., the Civil Code, as amended has become effective on 31 March 2006. Its objective has been the removal of some shortcomings from the functioning of the housing market.

234. The Civil Code in its § 696 has determined that *“the way of rent calculation and payments for services provided for utilisation of flats, the way of payments and the cases, in which the leaser is authorised to one-sidedly increase the rent, the coverage of services provided for a flat utilisation and changes of other conditions on rent agreements are determined in a special regulation.”* The special regulations, which were issued for the execution of this provision in the Civil Code, were repeatedly cancelled by the Constitutional Court of the Czech Republic as going against the Constitution. The courts reasoned that these regulations were in breach of the leasers’ rights. The norm has been thus completely missing in the Czech Republic since 2003. This has resulted in the situation in which rent determination, during conclusions of rent agreements, and any changes in the rent during the existence of the leasing have depended on the agreements by the contractual parties. However, when no agreement is reached with regard to the rent, there is no outside the court process, which would achieve a change.

235. This has not been a problem in freely concluded new leasing contracts, which are often concluded for a definite period of time and where any regulations of the rent, during the existence of the leasing relation, are specifically regulated. The non-existent mechanism allowing the enforcement of a change in the level of the rent may cause, however, problems in flats occupied by people, who had got the right for the flat use before 1992, or to whom this right has transferred (this is about 17% of all households). Lessees using these flats are not always willing to conclude an agreement increasing their rents even if such an increase would be justified under the changing circumstances (the inflation and other factors). The rents in these flats have been thus stagnating at the level of the year 2002 and their real values, which not always allowed for the coverage of at least the reproduction acquisition flat costs, have been declining.

236. This has had negative impacts on the functioning of the leasing sector, which is thus divided into two parts differing mainly by the level of rents. This has been limiting competition on the flat market. Another negative impact of this price deformation, resulting from the former regulation of rents, occurs in the case of some leasers, who have to cover, with their own means, at least a part of the items which should be covered by the state, according to Article 11 in the International Treaty on Economic, Cultural, and Social Rights.

237. This new law will allow for the removal of the price deformations occurring (according to the repeated verdict of the Constitutional Court) because of former not adequate interventions in this area by the state. It will consequently allow also for the effective utilisation of the contractual principle. In this way, there will be conditions created for the

real functioning of the leasing sector, where the level of rents will become the result of offers and demands existing on the local flat market.

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

a) The level of rents during the conclusion of new leasing agreements and its changes during the existence of the agreements will be determined within the agreement made between the lessor and the lessee,

b) When the conclusion of an agreement on the rent increases during the existence of the leasing agreement is impossible, the lessor will have the right to increase the rent one-sidedly once a year,

c) Rent increases within a year will be limited (they must not be higher than the maximal addition in the monthly rent established for each specific value of the actual rent per square metre of the flat in relation to the relevant target value of the monthly rent per square metre of the flat. The Tables with the target values of monthly rents for individual size municipality groups in individual regions and with the maximal increases in the rents will be issued every year in the Information by the Ministry for Local Development).

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

240. The objective of this law will not be, in any case, to harm lessees in any way. On the other hand, it is true that the Act will bring certain, but temporary - four years long - right limitations. This will occur because the balance between rights and obligations of lessors and lessees had been in the past deviated inappropriately for the benefit of lessees and to the detriment of lessors, who had to cover costs of the increased protection of lessees in some cases. However, the entire society was supposed to participate in this protection and this has been repeatedly stated by the Constitutional Court. The correction of these deformations must be distributed over several years. The Act will try to achieve some correction between these two contractual parties, while maintaining the level of protection of lessees in the Czech Republic.

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

11.2.2.1 Social housing benefits

242. At the moment, there are two kinds of social benefits ensuring the social protection of households in the area of housing: the housing benefit (see 9.2) and social welfare benefits (see 9.3).

243. The housing benefit is a claimed social benefit provided to households with low incomes, up to 1.6 of the living minimum. It should partly cover housing costs. The social

welfare benefits are also provided to low income households, which cannot, thanks to the age, health, or other serious reasons, increase their income by themselves. These benefits supplement the real household income usually up to the level of living minimum.

244. The mentioned benefits will be replaced with new ones after 1 January 2007. The new regulations of benefits, which supports the housing accessibility and compensates any negative impacts of the removal of the rent regulation on low income groups, reacts to the provision in the law on the one-sided increases of flat rents (Act No. 107/2006 Coll.).

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

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

Table No. 11.2.3c: Flat age, according to the house age in the period 1980 - 2001

Table No. 11.2.3d: Number of parties receiving housing benefits

11.2.3 Appropriate housing

245. In spite of the fact that the legislature does not define the term “appropriate housing”, it could be said that the housing does not correspond with current requirements (inappropriate housing), when the flat is not equipped with basic amenities (WC, a bathroom) and does not have any suitable heating. The data from the last census show that there were about 3.3% of flats in the Czech Republic without suitable heating or without full basic amenities, or with common basic equipment in 2001. There were about 2.5% of the Czech population living in these flats.

Table No. 11.2.3: Review of equipment in flats in 2001

11.2.4 Housing accessibility

246. The majority of households (80%) have been satisfied with their current housing. There were not only 6% of people living in cities and about 4% of country people satisfied with their housing situation. The accessibility of housing has been progressively improving. This has been because of the permanently growing real incomes of Czech households, but also because of the dynamically developing new housing constructions, which are supported by the state with CZK 25 billion a year. This total makes about 2.5% of the state budget volume.¹¹²

247. Housing costs present for the average Czech household 17.8% of the net family income — these costs include the rent, usual maintenance and small flat repairs, other services related to housing, e.g. water and sewerage, collection of solid wastes, etc., costs of power, heating, gas and fuels. These data have been significantly differentiated in individual social groups — households of employees with children paid on average 14.6% of their total net income for housing, while it was 26.4% in the case of retirees. The net rent in a rented flat (not co-operative) presents about only a third of the total housing costs of households — it makes on average 7.6% of the average net household incomes.

¹¹² These are only the direct expenditures from the state budget and from the budget of the State Housing Development Fund. Different tax deductions (from the income tax, property tax, etc.) make the indirect support worth several billion CZK a year.

248. Applying for the conclusion of an agreement on a vacant rented flat within the ownership of a municipality makes only one of the ways how to resolve housing needs. It has been fully within the competence of individual municipalities, in which way they select lessees for vacant flats. They must follow regulations, which they have adopted by themselves (the local government). It has been the usual way that the conclusions of leasing agreements on flats, which have been determined for a selected group of people of the basis of the municipal decision (socially disadvantaged persons, young people, etc.), are assessed by the established municipal commissions. The “waiting time” depends on the locality, where an applicant for a municipal flat applies, and it has been thus different. Thanks to the higher offers of vacant flats leased for the market rent (i.e. not regulated rent), the freely concluded (market) rents permanently decrease. More and more young people resolve their housing needs in this way, especially in localities with good labour opportunities (in Praha and big cities).

Paragraph 2. Provisions preventing hunger

11.3 Support of the regional development

249. The Act on the support of regional development (No. 248/2000 Coll.)¹¹³ has determined, as from 1 January 2001, conditions on the support of regional development. The Act has got the objective to achieve a balanced development in the country and regions and to create conditions on the co-ordination and implementation of the economic and social cohesiveness.

250. The basic document for the regional policy is the “Strategy for the Regional Development” (hereinafter referred to as the “Strategy” only) that has been based on the Support of the Regional Development Act and including the analysis of the situation in the regional development, characteristics of strength and weaknesses in the development of individual regions and districts, strategic objectives in the regional development, the determination of the regions supported by the state, recommendations to the relevant central administrative authorities and regions on focussing on the development in areas within their responsibilities. The first Strategy has created a framework for the formulation of the regional policy of the Czech Republic complementing the regional policy of the European Union.¹¹⁴

251. The Strategy for the period 2007 - 2013 was approved in May 2006.¹¹⁵ The updated Strategy has implemented new directives by EU in the area of the economic and social cohesiveness policy.¹¹⁶ Its objective is the formulation of topics and aspects that are important for the support of regional development. It thus presents the direction for future programmes of the regional development at the central and regional levels within both national development programmes and operational programmes utilising means from the structural funds of the European Union.

¹¹³ Act No. 248/2006 Coll. on the support of regional development as amended

¹¹⁴ The Czech Government Resolution No. 682 of 12 July 2000

¹¹⁵ The Czech Government Resolution No. 560 of 17 May 2006

¹¹⁶ The document is based on the “Strategy of Sustainable Development in the Czech Republic” and on the “Strategy for Economic Growth”. It also extends the “National Development Plan” that presents the basic strategic document for the gaining of support from structural funds and from the Cohesiveness Fund of EU and the “National Strategic Referential Framework”, which is the basic programme document of the Czech Republic for the utilisation of EU funds in the period 2007 - 2013.

11.4 Environmental agriculture

252. The Environmental Agriculture Act (No. 242/2000 Coll.)¹¹⁷ determines conditions on management of the environmental agriculture and the conditions on manufacture of bio-foods. It has also regulated the system of certification for bio-products and bio-foods' origins and their marking as well as the controls and supervision over the observation of this law.¹¹⁸ See also 12.7.1.

Table No. 11.4a: Development in the land resources' structure within the Czech environmental agriculture (in ha)

Table No. 11.4b: Development in the land resources' structure within the Czech environmental agriculture (in %)

11.4.1 The state support of the environmental agriculture

253. The level of a subsidy for the environmental agriculture differs. It depends on the plant species and the levels were identical in 2005 to the ones in 2004.¹¹⁹

254. The government adopted the Action Plan for the development of environmental agriculture by 2010 in 2004. The government resolution asked the Minister of Agriculture for the creation of the inter-sectoral working group, which should implement the objectives of the Action Plan.¹²⁰ The Ministry of Agriculture has completed also a number of other projects.¹²¹

255. The Directive by the European Parliament and the Council (EC) No. 178/2002 determined general principles and requirements on the food legislative. It has accepted the philosophy "from a farm onto the table" and the responsibilities established in the Directive have extended to all participants in the trade in food. Responsibilities of food manufacturers, providing the market only with healthy food, have become clearly determined, while the efficient, appropriate and targeted provisions must be based on the risk analysis.¹²²

256. EU has adopted a set of several regulations that is generally called the hygienic

¹¹⁷ Act No. 242/2000 Coll. on the environmental agriculture and on the change in the Act No. 368/1992 Coll. on administrative fees as amended

¹¹⁸ There were duplicate provisions, as in the Council Directive (EEC) 2092/91 on the environmental agriculture, excluded from the law. The full wording of the Act No. 242/2000 Coll. was published in the Collection of Laws as the Act No. 30/2006 Coll. The amendment affected also the complementary bylaws.

¹¹⁹ CZK 3 520/ha, when working on arable soil, with the exception of vegetables or special herbs, CZK 1 100/ha, when working on grassland, CZK 12 235/ha, when they are vineyards, orchards or hop-fields, and CZK 11 050/ha, when they are vegetables or special herbs on arable soils.

¹²⁰ This working group has already started the activities through representatives of the Ministry of Environment, Ministry of Industry and Trade, Ministry of Health, and the Ministry of Education, but also through representatives of all regions. There is also an expert team participating in the implementation. It has prepared the working version of this document.

¹²¹ For example, September 2005 was declared the Month of Bio-foods for the first time and there was the enterprise Bioinstitut founded, which manages all activities related to research, education and consulting within the environmental agriculture. The subsidy supporting consulting in the environmental agriculture was introduced in 2004. There are a number of educational activities and workshops on the topic of the environmental agriculture organised. A number of publications on the topic have been published.

¹²² There was also the European Office for safe foods founded. This has meant the separation of two stages in the risk analysis at the level of the European Community — the "risk assessment" and the "risk management".

package in 2004. They are the regulations directly binding to all operators of food enterprises and their common feature is the hygiene of food.¹²³ Another part of regulations or directives was issued in 2005. They supplement the above-mentioned regulations related to the food hygiene. They are directly usable in every member county and binding in all their parts.¹²⁴

¹²³ Directive by the European Parliament and Council (EC) No. 852/2004 on the food hygiene, No. 853/2004, which determines specific hygienic regulations related to the food of animal origin, No. 854/2004, which determines specific regulations for the organisation of official controls related to products of the animal origin manufactured for human consumption, the Directive by the European Parliament and Council No. 2004/41/EC, and also the Directive No. 882/2004 on official controls organised for the purpose of verification of the observation of the legal regulations covering feeds and foods, and regulations related to the animal health and good living conditions for animals.

¹²⁴ This relates to the Commission Directive (EC) No. 2073/2005 on the microbiological criteria applicable for food, the Commission Directive (EC) No. 2074/2005 determining the introductory provisions related to some products, according to the Directive by the European Parliament and Council (EC) No. 853/2004, and organising official controls, according to the Directive by the European Parliament and Council (EC) No. 854/2004 and (EC) No. 882/2004 that has established the deviation from the Directive by the European Parliament and Council (EC) No. 852/2004 and changed the Directive (EC) No. 853/2004 and (EC) No. 854/2004; the Commission Directive (EC) No. 2075/2005 that has determined special regulations for official controls of trichinellas in meat, the Commission Directive No. 2076/2005 that has determined the temporary Directives by the European Parliament and Council (EC) No. 853/2004, (EC) No. 854/2004, and (EC) No. 882/2004, which has also changed the Directives (EC) No. 853/2004 and (EC) No. 854/2004.

Article 12. The right for the acquirement of the highest possible level of the physical and mental health

257. Main statistical indicators of the health status have been developing in a positive way since 1990. The average length of life gets longer, while the total mortality and especially the cardiovascular disorders related mortality decreases. The standardised mortality¹²⁵ decreased during last 15 years by about 46%, when compared with the values in 1990. The average length of life has also significantly increased during this period. In the case of men, it was by more than 5 years.

258. Only one survey focussed on the adult population was organised in the followed up period in accordance with recommendations by WHO (in 2002).¹²⁶ The average value of the body mass index (“BMI”) was in men 26.0 Kg/m² and the average BMI value in women was 25.2 Kg/m². The BMI value has not much changed, when compared with the previous survey (the value was 25.9 in 1999), while the value related to women was higher in 2002 (24.8 in 1999). This fact has been confirmed by a statistical test.

Table No. 12: Share of obese persons in the population (having the body mass index exceeding 30 Kg/m² differentiated according to sex and age in the followed up period. Distribution of respondents, according to the BMI categories

12.1 Legislative provisions

259. The basic legal norms in this area are the Education Act (No. 561/2004 Coll.) and the Pedagogical Workers Act (No. 563/2004 Coll.). The law on provisions protecting against damage caused by tobacco products, alcohol and other addictive substances (No. 379/2005 Coll.)¹²⁷ has replaced, on 1 January 2006, the law on the protection against alcoholism and other toxic substances (No. 37/1989 Coll.).

260. The objective of the specific primary prevention has been the prevention of problems and consequences of socially pathological phenomena, or the minimising of their negative impacts. The assistance in these cases is provided by the pedagogical-psychological advisory centres and by the centres of educational care. The pedagogical-psychological advisory centres, being the school related advisory facilities, are established in accordance with the Education Act.¹²⁸ They participate in solutions of actual situations related to the risky behaviour of students. When a child is put into the institutional care, on the basis of a court decision, the immediate effect of the pathogenic social environment on his or her

¹²⁵ It is a specific summary indicator allowing for the not distorted comparison of two populations differing in the age structures.

¹²⁶ The Health Information and Statistics Institute of the Czech Republic (ÚZIS) will organise the next survey in 2007.

¹²⁷ Act No. 379/2005 Coll. on provisions for the protection against damage caused by tobacco products, alcohol, and other addictive substances and on changes in the related laws.

¹²⁸ There are methodologists working in the pedagogical-psychological advisory centres, who try for the prevention of the socially pathological phenomena and co-ordinate activities of the prevention methodologists in schools. The prevention methodologists and school prevention methodologists are participating in the preparation of the conception of the primary prevention of the socially pathological phenomena in regions. In their work, they co-operate with school psychologists and special school pedagogists. Their task has been to participate in creation of the right conditions for the students’ education, to support the inclusive class environment, and to create the atmosphere of safety and understanding within schools.

development is eliminated. At that stage, there is institutional care active. They are, for example, diagnostic institutes, children's homes with schools, and educational institutes.¹²⁹

12.2 Provisions of non legislative nature

261. The Ministry of Education prepared in the followed up period a number of methodical materials for the area of the primary prevention of socially pathological phenomena occurring within the education system.¹³⁰

262. The basic conceptual document of the anti-drug policy of the Czech Republic, creating the framework of standards for the specific primary prevention of the use of addictive substances, is the National Strategy for the Anti-drug Policy,¹³¹ which is always prepared for a specific period.¹³²

263. The Educational Information Institute¹³³ organised a survey in 2004 covering 3 115 elementary, secondary, and higher advanced professional and special schools. It was focussed on violence and aggression occurring at schools. It was called "Fast Survey I/2004".¹³⁴

264. Another important step has been the introduction of the so-called Standards for professional skills of the providers for primary prevention of the use of addictive substances. They have been determined for the assessment and certification of the providers for specific preventive programmes.¹³⁵

¹²⁹ The legal norm in this area is the Act No. 383/2005 Coll. that has changed the Act No. 109/2002 Coll. on the organisation of institutional or protective care in school facilities and on the preventive educational care in school facilities, on the change in related laws as amended. There are also the Act No. 359/1999 Coll. on the social-law protection of children as amended and the Act No. 218/2003 Coll. on the youth's responsibilities for activities against the law and on justice in youth's affairs (the Act on justice in youth's affairs).

¹³⁰ They are, for example, the Methodical Instruction on the education against expressions of racism, xenophobia and intolerance, the Methodical Instruction on the prevention of the socially pathological phenomena in children and youth, the Co-operation of pre school facilities, schools and school facilities with the Police of the Czech Republic for the prevention and during investigations of criminal offences by children and youth and of criminal offences against children and youth.

¹³¹ The Czech Government Resolution No. 1305 of 22 December 2004

¹³² For the periods 2001 - 2004 and 2005 - 2009

¹³³ The Educational Information Institute (ÚIV) is the allowance organisation directly managed by the Ministry of Education, Youth and Sport of the Czech Republic.

¹³⁴ The survey has shown that cutting and thrusting weapons were found in schools during the last 3 years: 1x (10% of schools), 2x (4% of schools), and in more cases (3% of schools); firearms were found in schools in the possession of students during the last 3 years three times; other dangerous items (knuckle-dusters, chains, flying stars, etc.) were taken from students in schools during the last 3 years at least once in 11% of all schools; verbal attacks against teachers occurred several times a week (2.4%), several times a month (4.5%) several times in a half-year (8.1%), several times a year (10.0%), less often (38.1%), and never (36.9%).

¹³⁵ The main tasks and objectives of the standards are as follows: the establishment of quality criteria for programmes of the specific primary prevention of the use of addictive substances, which will become binding for all providers of these kinds of programmes, the setting up the quality indicators for provided services, which should allow providers to mutually compare and also the repeated independent assessment of quality of the preventive works, the standards have been, within the process of certification of the professional ability, the tool for the professional assessment of providers asking for the certification. The gaining of the certificate has become the sign of quality for parties interested in the programmes, for clients, the public and administrative bodies. The standards and the system of controlling provide bodies of the state and public administration, but also other institutions providing for funds with a tool for the supervision of the professional level of provided programmes and with the creation of solutions ensuring a wider accessibility of the complex and continual activities of prevention in the area of the use of addictive substances and the related impacts.

265. The basic material in the area of the specific primary prevention is the conceptual document “Strategy in the prevention of socially pathological phenomena occurring in children and youth within the competences of the Ministry of Education for the period 2001 - 2004”. Its principles have been the education of children and youth towards a healthy living style, acquiring the positive social behaviour, and the development of personalities. This material defines the term of the minimal preventive programme and the position of a school prevention methodologist, who is responsible for the implementation of activities preventing the socially pathological phenomena in schools and school facilities.

266. This material is extended with the “Strategy in the prevention of socially pathological phenomena in children and youth within the competence of the Ministry of Education for the period 2005 - 2008” that has been based on the experience from implementations of the prevention conceptions.¹³⁶

267. The methodical instruction by the Ministry of Education on the prevention of the socially pathological phenomena in children and youth, the Ref. No. 14514/2000-51, has decided on the implementation of the so-called “Minimal Programmes of Prevention” in schools and school facilities. It has determined the main activities at schools and school facilities, presented competences and basic activities of individual institutions, which organise the efficient functioning of the prevention system in the sector of education, youth and sport.

12.2.1 Programmes

268. The minimal preventive programme is the basic instrument for the prevention of socially pathological phenomena in all schools and school facilities and it is controlled by the Czech Education Inspection. It includes activities preventing socially pathological phenomena, including the prevention of alcoholism, smoking and misuse of other illegal drugs. The programme is organised mainly by the school prevention methodologist¹³⁷ in co-operation of other pedagogists (the educational advisor, the class teacher) or with the non government non profit sector (associations of citizens etc.). Its running is controlled by the Czech Education Inspection.¹³⁸

269. The programmes supporting activities in the area of prevention of socially pathological phenomena in children and youth are the subsidy proceedings determined for the subjects working at the local, regional, or countrywide levels. The Ministry of Education allocated about CZK 20.5 million annually from its budget in the period 2001 - 2005. At the same time, it allocated the sum of 5 million Czech crowns to the budgets of regions every year for the activities by the prevention methodologists in the pedagogical-psychological advisory centres.

270. The Ministry of Education provides for funds at the level of about CZK 170 million

¹³⁶ The outcome of the Czech Government Resolution No. 693/2006 introducing the certification system in the area of the primary anti-drug prevention the approving of methodical materials “Certification Code” and the “Methodology for the local assessment of professional capacity of providers for programmes of the primary prevention of the use of addictive substances”. The system of certification has become the instrument for the assessment of quality of provided services in the given area.

¹³⁷ It helps in the creation of the unified system preventing the socially undesirable phenomena and establishes assessment mechanisms for the effective evaluation.

¹³⁸ The Administrative Office with countrywide competences founded by the Ministry of Education.

every year within the Programme of the state support of work with children and youth and for the area of leisure of children and youth.

Table No. 12.2.1: Review of by the MŠMT resort provided subsidies in the period 2001-2006 within the announced subsidy programmes supporting activities in the area of prevention of socially pathological phenomena (in CZK)

12.3 The age structure and the standardised mortality

271. The health status of the population in the Czech Republic, assessed on the basis of mortality data, has been improving. The standardised mortality has been decreasing in a long term both in men and in women and the average length of life is increasing. The infant mortality level is one of the lowest in Europe. The population is getting older and the representation of old and very old people is also on the increase.

272. It could be generally said that about a half of all deaths has been the result of circulatory system illnesses (51%) and more than a quarter relates to tumours (26%). Their representation in the total mortality is on the increase. The representation of external death causes in the total mortality is relatively stable (6%). The standardised mortality decreases in a long term in the case of circulatory system illnesses and the declining trend occurs also in the case of tumours after long stagnation. The occurrence of malign tumours has been increasing, but, thanks to early diagnostics and more modern treatment processes, the situation of patients' recovery has improved.

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

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

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

Table No. 12.3d: Development in the average length of life

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

12.4 Medical facilities

273. Medical facilities could be divided into the state ones managed by the Ministry of Health or some other ministries (of Defence, Interior, or Justice) and the non government ones, which have been founded by a region, city, municipality, or natural or legal persons (including churches).

274. The network of general practitioners for adults, for children and youth, the outpatients' gynaecologists and dentists make up the so-called primary care system.¹³⁹

275. About a half of the outpatients' doctors looks after the primary care after children, youth and adults, the gynaecological and dental care. The second half is inward specialists 50% of whom work in the outpatient's parts of bed wards.

¹³⁹ The primary care is the co-ordinated complex health and social care provided mainly by healthcare workers at the level of the first citizen's contact with the healthcare system, but also on the basis of long-term continual approach to individuals. It has been a set of activities related to the support of health, prevention, examinations, treatment, rehabilitation, and medical attendance. These activities are provided as close to the social patients' environment as possible and they respect his or her bio-psycho-social needs.

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

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

Table No. 12.4c: Total healthcare facilities (numbers at 31 December of the relevant year)

Table No. 12.4d: Data on the number of beds in the followed up period; Development in the number of beds, including infant beds and including facilities outside the resort

Table No. 12.4e: Data on the number of doctors, outpatients' doctors, and the number of all healthcare workers (other than doctors) for residents; Development in the number of doctors

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

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

Paragraph 2. Provisions for acquiring the highest possible level of physical and mental health

(a) Provisions lowering the number of abortions, infant mortality; healthy development

276. Women in the prenatal period are examined in the case of physiological pregnancies ten times, in the case of risky and pathological pregnancies even more often, according to the need. The ultrasound examination is done, in the case of physiological pregnancies twice (in the 20th and 32nd week), in the case of risky and pathological pregnancies more often. The frequency and the way of examinations in the prenatal period are determined by the bylaw on the dispensatory care.¹⁴⁰ This kind of care is paid from the public health insurance.

277. There were 1 198 doctors with their independent gynaecological surgeries in 2004. In 2005, the activities of practical gynaecologist were done by 1 236 doctors, while 96% of them in independent outpatients' facilities. There were 2.35 doctors for 10 thousand women and 7 674 gynaecological examinations per doctor. There were 4 067 446 woman patients registered in outpatients' surgeries.

278. Almost 18 thousand pregnant women were hospitalised in 2005 and that was 17.8% of all pregnant women. Most of these hospitalisations did not last longer than a week (11.7%). The caesarean section was done in 18 895 pregnancies in 2005 and that was almost 18% of all deliveries. The number of caesarean sections has been increasing in the Czech Republic every year.

279. The statistics show that the number of caesarean sections increased from 2 to 15.5 in 100 deliveries in the period from 1960 to 2003. This trend has been still continuing. There were 15.5 caesarean sections done in 100 deliveries in the Czech Republic in 2004, i.e. 152.9 in 1 000 live delivered children in 92 387 deliveries.

280. The mothers' mortality, or the number of dying mothers in 100 000 live delivered children was 10/100 000 in 2005 (ten cases absolutely). This number has slightly increased since 2002 and it is a bit worse than in our neighbouring countries (Austria, Germany).

12.5 Provisions lowering the number of abortions

281. The number of abortions, including the miscarriages decreased. It was also the result

¹⁴⁰ Bylaw No. 60/1997 Coll.

of the accessible modern, efficient and safe birth controlling means. The share of fertile registered women using some kind of birth control has been about 47% in recent years. This share mostly relates to the hormonal birth control (41% out of 47% of women using birth controlling means use the hormonal birth control). Birth controlling means are not free and the health insurance pays only a small portion of the costs.

282. The total number of abortions has been the lowest in 2005 in the last 15 years. This decrease was mainly caused by the lower number of interruptions (one fourth, when compared with 1990). The most important factor is the increasing number of women using some of the modern birth control methods. The number of birth controls managed by a doctor is increasing thanks to the increasing share of women using the hormonal treatment. The share of fertile women using modern means of the birth control was 46.6% in 2005.¹⁴¹

Table No. 12.5: Number of miscarriages

12.6 Infant mortality

283. Most frequently occurring causes of infant mortality are the situations presenting themselves in the perinatal period. They cause more than a half of all infant mortalities (46%). These causes relate mostly to respiratory reasons and intrauterine growth retardation. The second rank belongs, with the share of 23%, to the infant mortality caused by inborn development disorders and the third rank (7%) relates to accidents, intoxications and consequences of external causes.

284. The value of infant mortality was 3.4 per mille in 2005. The quality and organisation of the clinical care can compensate also the unfavourable influences of the women's population aging (older mothers). There were 41% out of 403 infant mortalities occurring during the first week of life in 2005. The most frequently occurring death causes were the situations in the perinatal period.

285. The second most frequently occurring causes in the infant mortality are inborn disorders, deformations, and chromosome abnormalities. Prematureness together with other inborn disorders makes hospitalisation of afflicted infants as well as the length of artificial lung ventilation and the total parenteral nutrition. This is worsening the prognoses for children afflicted by inborn disorders. A possible decrease in these cases will occur if the prenatal diagnostics improve - the earlier diagnoses of serious cases with the presence of additional inborn disorders would be possible.

286. The number of disorders of girls is lower, when compared with boys. The relative number of children with inborn disorders in 10 000 live delivered children has been slightly decreasing recently.

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

12.7 Healthy development of children

287. The health situation in the population of children in the Czech Republic has not been improving despite the good level of healthcare. The question is if this happens thanks to the

¹⁴¹ The total 1 173 496 women, thereof: 1 025 186 hormonal birth controls and 148 310 intrauterine devices

higher occurrence of children's illnesses or because of better diagnostics finding the illnesses earlier and those not found in the past. The fact is that there has not been any significant decrease in the number of ill children and youth and the number of dispensatory cases has not decreased either (the number of inborn development disorders is increasing as well as that of allergies, including the bronchial asthma). We consider as the most serious cause the contaminated environment, mainly in industrial areas, and the incorrect eating habits.

Table No. 12.7: Data on the occurrence of illnesses in children and youth and on the share of children and youth in the total number of patients

288. Most frequent cause of the children hospitalisation, up to one year of age, relates to situations occurring in the perinatal period (18% of all hospitalisations in this age). This is followed by respiratory system disorders (the share of almost 7%). The decisively most frequented reasons of hospitalisation of children within the age groups 1 - 4 and 5 - 9 years of old are the respiratory system disorders (the share of 34%) followed by accidents and intoxication (the share higher than 11%). Accidents and intoxication are the most frequent cases in the age group of 10 - 14 years old (more than 20%) and in the youth age group of 15 - 19 years old (the share of 18%).

289. The development of examination methods continues (e.g. the magnetic resonance for children patients has been put into operations). There have been the highly specialised centres founded for the treatment of children in the areas of cardiology, neurology, traumatology, perinatal period, and oncology. There has been an important progress achieved in the children transplantology - there are now transplantations of kidneys, heart, lungs, and liver performed even in very small children. The introduction of new treatment processes in oncology has progressively lowered the malign tumour related mortality recently.¹⁴²

(b) External living conditions and in the industrial hygiene

12.8 Ecology

290. The main regulation treating the issue of environmental agriculture is the Environmental Agriculture Act (No. 242/2000 Coll.). The Act deals with conditions on the environmental agriculture and the related certification and marking of bio-products, bio-food and other bio-products, but also the controls and supervision over the observation of obligations resulting from the Act.

291. A person, who wishes to undertake enterprising activities within the environmental agriculture on an ecological farm, must apply for registration with the Ministry of Agriculture.¹⁴³ When the applicant satisfies the conditions, he or she gets a decision on the registration and he or she is registered within the list of people enterprising in the environmental agriculture, which is maintained in accordance with regulations issued by the European Community.

¹⁴² While 77 boys and 34 girls in the age group of 0 - 14 years old died in 1991 on malign tumours (7.0 boys in 100 000 and 3.4 girls in 100 000), there were only 17 boys and 17 girls dying in the same age group on the same diagnoses in 2005 (2.2 boys in 100 000 and 2.3 girls in 100 000).

¹⁴³ There is an intermediate period for the person, which starts on the day of delivery of the application to the Ministry. The intermediate period is the period during which the farm production changes into the environmental agriculture and negative impacts of the previous farm activities on the agricultural soil, land and the environment are removed.

292. The Water Act (No. 254/2001 Coll.)¹⁴⁴ protects surface and underground waters and determines conditions on the utilisation of water resources and on the maintenance or improving of the quality of surface and underground waters. It also creates conditions for lowering the negative impacts of floods or draughts and helps in ensuring the safety of water related constructions. The purpose of the law has been also the contribution to the protection of water ecosystems and on them dependent land ecosystems.¹⁴⁵

293. The Air Protection Act (No. 86/2002 Coll.)¹⁴⁶ determines rights and obligations of persons and the competences of administrative offices in the area of protection of external air against contaminants introduced by human activities and during the handling of regulated substances destroying the Earth ozone layer, or products containing these substances. The Act includes also conditions on the continuous lowering of the number of released contaminants with impacts on human and animal life and health, on the environment or tangible assets and tools.

294. The Integrated Prevention Act (No. 76/2002 Coll.)¹⁴⁷ is also important for the air protection as it limits contamination occurring by industrial activities, e.g. by the metal working, mineral processing, or activities by the chemical industry, etc. The Act has also established the Integrated Register of the environmental contamination.

295. The Waste Act (No. 185/2001 Coll.)¹⁴⁸ has determined regulations for the prevention of occurrence of wastes and for their handling, while protection of the environment is observed. It serves also for the protection of human health, of permanently sustainable development and observation of rights and obligations of people involved in the waste management. The Act also describes activities by bodies within the public administration. This Act follows regulations established within the EC legislature. The waste issue is also treated in other regulations dealing with the handling of special kinds of waste, e.g. precious metals' waste, wastes resulting from mining, or radioactive waste.

296. The Packing Act (No. 477/2001 Coll.)¹⁴⁹ lowers the mass, volume and harming effects of packing and chemical substances contained in packages. It determines rights and obligations of enterprising legal and natural persons as well as competences of administrative offices within the handling of packing and introduction of packing and packaged products into the market and circulation, within the returning of packing materials and during the utilisation of waste related to packing materials. It also determines fees and protection provisions, correctional provisions, and penalties.

297. The Act on the assessment of impacts on the environment (No. 100/2001 Coll.)¹⁵⁰

¹⁴⁴ Act No. 254/2001 Coll. on waters and changes in some laws (the Water Act) as amended

¹⁴⁵ The law treats especially the legal relations to surface and underground waters, relations of natural and legal persons to the use of surface and underground waters, and relations to the land and constructions related directly to these waters. This is all determined in the interest of the sustainable management of these waters, safety of water related constructions, and the protection against floods or draughts.

¹⁴⁶ Act No. 86/2002 Coll. on the air protection and changes in some other laws (the Air Protection Act)

¹⁴⁷ Act No. 76/2002 Coll. on the integrated prevention and contamination limitation, on the Integrated Contamination Register, and on changes in some laws (the Integrated Prevention Act) as amended

¹⁴⁸ Act No. 185/2001 Coll. on wastes and changes in some other laws as amended

¹⁴⁹ Act No. 477/2001 Coll. on packing and changes in some laws (the Packing Act) as amended

¹⁵⁰ Act No. 100/2001 Coll. on the assessment of impacts on the environment and on changes in some related

deals with the assessment of impacts on the environment and public health as well as with the assessment processes done by natural or legal persons, administrative offices and self-governments (municipalities and regions). This law transposes EC regulations. (See also 12.7.2.)

298. The set called “Natura 2000” is also an important document in the area of protection of the environment. Natura 2000 is an interconnected European ecological set of specially protected areas determined on the basis of scientific materials. The areas should be maintained in their natural state (or this state should be achieved), including certain kinds of natural sites and sites of certain species. The Natura 2000 set should contribute to the maintenance of biodiversity. However, it does not follow the land conservation or priorities in the exclusion of any activities from the area. There must be economic, social and cultural requirements considered.

12.8.1 Old environmental burdens

299. The legal regulations in the area of old environmental burdens have not fundamentally changed in the followed up period. A fundamental change should occur after the adopting of the Environmental Code, which includes the issue of environmental burdens and their complex solutions.

300. The Water Act asks regional offices for the opening of a special account which would be subsidised with the sum of CZK 10 million every year. The sum should be spent on provisions improving the contamination of surface or underground waters or on the removal of risks resulting from old environmental burdens.

301. There has been a permanent and publicly accessible database created with more than 7 000 localities, including 2 600 of them presenting closed landfills. There have been serious impacts on the environment found in 60 localities in which the Soviet Army stayed in the past. There were mostly underground waters and soil contaminated with crude oil, chlorinated carbohydrates, heavy metals, and other toxic substances. Areas suffering of coal mining have been also recovered with the means from the National Property Fund - ecological damage is removed and the land is revitalised.

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

302. The system of public controls of the removal of old environmental burdens was progressively improved in 2005. There has been the project called “Research of the systemic approach to the selection of priorities for the solution of localities with old environmental burdens” started in 2005. It has resulted in the proposal of a new strategy for the establishment of priorities in the process of removals of old environmental burdens.

303. The “System registering contaminated sites” serves as the integrated database of landfills and old environmental burdens for the improvements in the system of public control in the area of old environmental burdens.

304. In addition to the supervision over the protection of health at the workplace, the bodies protecting public health get also involved in activities supporting health at the

workplace, which aim at improving or maintenance of employees' health. There was a competition called Company Supporting Health announced in 2005. It was assessing the level of care after employees' health within organisations.

(c) Prevention, treatment and controls of epidemic diseases and other illnesses

305. In the followed up period, most job-related illnesses were caused by physical factors like, for example, vibrating tools or overloading causing musculoskeletal illnesses. That was followed by contagious and parasitic diseases, skin diseases, respiratory system disorders, disorders related to lungs, pleura and peritoneum, illnesses caused by chemical substances and diseases caused by other factors.

306. In the case of occupational illnesses caused by the factors which have had defined relation between the exposure to working conditions and the risk of an illness, there are a relatively low number of reported occupational illnesses. This has documented the efficient and better utilisation of provisions preventing health harm. Good examples of such factors are dust and noise. In case of illnesses the occurrence of which decisively relates to the over sensitivity to a given factor, the effectiveness of prevention provisions is limited because only minimal exposure to the relevant factor causes the illness. This relates especially to the big share of job-related illnesses of skin or of allergic disorders of the respiratory system.

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

12.9 Provisions adopted at local level

308. The issue of HIV/AIDS within the programme "Health 21" has been solved, for example, in the region of Pardubice. The issue of HIV/AIDS is dealt with also by the advisory centres for risky behaviour within the Health Institute.¹⁵¹ The advisory centres offer consulting in person or over the phone, examinations for the presence of HIV antibodies, information and educational projects.

Table No. 12.9a: Newly reported job-related illnesses in the period 2003 – 2005

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

Table No. 12.9c: Information about job-related illnesses in the followed up period in the form of a table

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

(d) Medical help and care

12.10 Unauthorised sterilisation of women

309. The Ombudsman received submissions from ten women - Roma women in September

¹⁵¹ Its official address is in Pardubice, but it has been active also in Pardubice, Chrudim, Ústí nad Orlicí, and Svitavy.

2004. They complained that they were sterilised without their proper consent. The Ombudsman received further more than eighty complaints against unauthorised sterilisations in 2005. The women, according to their statements, had not agreed with this surgical operation or they said that they had signed some documents when in situations, in which they had not been able to understand consequences of this kind of surgical operation because of the absence of information from the treating doctors.

310. As the Ombudsman cannot resolve complaints by natural persons against health facilities, he asked the Ministry of Health for co-ordination, when resolving the case.

311. The Ministry of Health established an advisory team the task of which was to investigate not only “if” the operations had been done in accordance with medical regulations, but also if the legal conditions on their executions had been followed. The key problem in sterilisations was mostly in the way of the informed patient’s consent before the execution of the operation. The investigations found that the provision of informed consents had been a big problem also in other fields in the past.

312. The advisory team recommended establishing the central expert commission for dealing with five cases. It was asked for the opinion if the operation had followed the recommended medical processes or not. The team has decided that the medical processes were done correctly even in these five cases.

313. Because of the investigation time demands by the advisory team, the Ombudsman finished his investigations only after 50 cases. He prepared on these cases the so-called Final Opinion in which he pointed out shortcomings taking place in the investigations to the Ministry, the advisory team respectively. He mentioned also the incorrect or even not existent conclusions of the factual findings.

314. The Final Opinion of the Ombudsman on the sterilisations executed in dispute with law and suggested corrective provisions were officially publicised in January 2006. The assessing part of the report said: *“basically in all cases assessed by the Ombudsman, it was not possible to claim that the women had agreed with the sterilisation or that they had been informed about the basis and impacts of the operations in such a way that their consent could be considered legally relevant. In none of the mentioned cases, there was objectively enough space for proper informing of the patient between the commencement of the hospitalisation and the operation and for making prudent decision on the basis of the provided information. When there was any information provided in the cases assessed by the Ombudsman, it had been very incomplete or misleading information.”*¹⁵²

315. The advisory team of the Minister stated in the final resolution (in January 2006) that there had been mistakes made during the execution of operations, but they could not be considered a countrywide phenomenon or a racially or nationality related policy. They were only mistakes made by individual health facilities.

316. In some of these cases, there had not been all conditions determined in the instruction followed and in some other cases, there had been administrative mistakes uncovered. In few cases, there had been mistakes made also with regard to the medical indication.¹⁵³

¹⁵² <http://www.ochrance.cz/dokumenty/dokument.php?back=/cinnost/stanoviska.php&doc=329>

¹⁵³ “The operations were done in the period 1961 - 2004. It was not possible to investigate the health

317. The advisory team recommended to the leadership of the Ministry of Health adopting the following correctional provisions: proposing the wording of an informed consent¹⁵⁴ for the execution of sterilisation and publishing it in the Journal by the Ministry of Health; issuing the methodical explanation by the Ministry of Health, which would be made public in the Journal as conclusions of the investigations made by the advisory team; ensuring information for the public through web pages of the Ministry, a poster, and brochures about conditions on the sterilisation operations, including their risks and consequences of these operations and on patients' rights generally; ensuring within the post graduate studies of doctors the education on patients' rights and about the informed patients' consents with regard to the provision of healthcare. In the case of an incorrect process, when a serious mistake could take place, there should be a central expert commission established and further processes should be decided upon in accordance with results of the investigation, or the information should be adopted to authorities active within the criminal law proceedings. The relevant healthcare facilities should be informed about the consistent following of the valid legislature covering sterilisation.

318. The Ministry of Health has prepared a proposal of the provision for the execution of sterilisations within the amendment of the law on the population health (No. 20/1966 Coll.), including the bylaw, which should replace the existing instruction issued in 1972, according to which sterilisations have been done so far. There should be the process of sterilisation during the caesarean section regulated. At the same time, there has been a legal framework prepared for the provision of informed consent, including the one related to sterilisation. The mentioned norms have not been adopted by Parliament of the Czech Republic yet.

documentation in nine cases because of the damage by floods (2 hospitals in Northern Moravia). The health documentation had been already shredded in 3 cases (Ostrava Fifejdy). The health documentation could not be found in one case. In the total of 76 assessed cases, the sterilisation did not take place in 12 cases, the conditions in the Instruction by the Ministry of Health of 1971 were followed in 14 cases, and they were not followed in 41 cases. Doubts with regard to the authenticity of signatures (three crosses etc.) were found in 8 cases. There were 5 cases verified, which have taken in the period after the Treaty on Human Rights in Biomedical Science became valid. The conditions in the Instruction were followed in 3 cases, while they were not followed in 2 cases. The advisory team recommended to the Minister of Health establishing the central expert commission for 5 cases. The commission was to decide if the operation had been done in accordance with the recommended processes or not.”

¹⁵⁴ A free and informed consent means that a patient must be properly informed about the purpose and nature of operation beforehand. The same applies for alternative treatment, consequences and possible risks.

Article 13. The right for education

13.1 General legislature

319. The basic legislative framework of the current education system is made up with the set of several basic laws extended with a number of bylaws and government directives. In 2001, the limits in the access for girls to some education, covering the execution of activities endangering their health, valid in the past have been cancelled (Bylaw No. 354/1991 Coll. on secondary schools).

320. The Education Act (No. 561/2004 Coll.), which has become effective on 1 January 2005, has become the basic law for the area of education. It covers the most extensive part of the education system. It determines rights and obligations of natural and legal persons in education and establishes responsibilities of bodies organising the state management and self-management in the educational sector. The Act has introduced a new system of curriculum documents for the education of students from 3 to 19 years of age into the education system in accordance with the new principles of the curriculum policy formulated within the National Programme for the Development of Education in the Czech Republic (the so-called White Book) (see also 13.2).

321. The Education Act regulates also provisions the objective of which has been the support of equality in educational opportunities, the removal of factual disadvantages for some groups of children (children with disabilities, health or social problems, foreigners, citizens with other nationalities, etc.). The provisions react to specific needs of these groups of people in education. The law puts the stress on the acceptance of provisions aimed against expressions of discrimination and intolerance of all forms.¹⁵⁵

322. School principals and all school workers are obliged to report any incidence of violence, bullying, and hostility they saw or they suspect existing to the Police.

323. Protection of the students' health and their safety at school makes a part of the Education Code. It makes a part of the code in all school facilities and of the obligatory school or school facility documentation. The Education Code must be discussed by the principal in the School Council — the body established by the principal, which allows legal representatives of students, adult students, pedagogical school workers, the school founder, and other people to participate in the school management.

324. School principals have at their disposal educational provisions determined by law, which include also provisions used in the case of breaches of the school/internal code.

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

326. For example, a school principal is obliged to interrupt education of a studying girl

¹⁵⁵ The Education Act determines that: "Education is based on the principles of a) the equal access to education for any citizen of the Czech Republic or any other member state of the European Union without any discrimination on the basis of a race, complexion, sex, language, belief or religion, nationality, ethnic or social origin, possessions, family line, health status, or any other citizen's situation."

because of her pregnancy or maternity during the secondary or advanced professional education, when the education takes place in workplaces or in the form of works banned to pregnant women and mothers until the end of the ninth month after a birth delivery, or when the education threatens the student's pregnancy, according to the medical opinion. In such cases, there is possible, for example, an individual education plan for the pregnant student or mother, which allows for a different organisation and length of education, according to the needs.

327. Students with sensory or body disabilities can study in usual study or apprenticeship areas, or in special secondary schools, according to the character of their disabilities. These special schools use special teaching and training means and forms adjusted to their disabilities. Education gained in these schools is equal to education gained in other schools.

328. People, who are not citizens of the Czech Republic and stay rightfully in the Czech Republic (i.e. citizens of the so-called third countries) can access the basic, secondary and higher advanced education under the same conditions as the citizens of the Czech Republic, including the education in institutions. The law on rights of members of minorities and on changes in some laws (No. 273/2001 Coll.) deals with conditions existing for the so-called minority education.

329. The amendment of the University Act (No. 111/1998 Coll.)¹⁵⁶ ensures (as from 1 January 2006) the right for a social scholarship to students in public universities and private universities.¹⁵⁷ At the same time, the government has approved also the budget for universities increased for payments of these social scholarships worth CZK 220 million.

13.1.2 School founders

330. Schools are founded by ministries, self-governments, churches and religious societies, and by legal persons.

331. Regions, municipalities and voluntary associations of municipalities, the subject of activities of which covers also tasks in the area of education, can found schools and school facilities as legal persons in education or as allowance organisations.

332. The Ministry of Education founds schools and school facilities as legal persons in education or as the state allowance organisations. The Ministry of Defence, Interior, and Justice found school and school facilities as the state organisational units.¹⁵⁸ The Ministry of Foreign Affairs found schools associated with diplomatic missions or Czech consulates as parts of these offices.

333. Registered churches and religious societies, which have got the authority, according

¹⁵⁶ Act No. 552/2005 Coll. changing the Act No. 111/1998 Coll. on universities and changes and supplementation of other laws (the University Act) as amended, and some other laws as amended

¹⁵⁷ The scholarship relates to students who are entitled for a child benefit of the higher level, according to the law on the state social support (No. 117/1995 Coll.). The adopted Government Directive determines the lower limit of this social scholarship at least at the double level of the child's benefit, according to this law, i.e. CZK 1 620 a month. This scholarship is not included in the income decisive for the calculation of social family allowances.

¹⁵⁸ Act No. 219/2000 Coll. on the assets of the Czech Republic and the country representation in legal relations as amended

to a special law, for founding of denomination schools¹⁵⁹, other legal persons or natural persons found schools and school facilities as legal persons in education or as legal persons, according to special legal regulations¹⁶⁰ the subject of activities of which is the provision for education or educational services in accordance with this law.

Table No. 13.1.2a: Schools addressing special educational needs – numbers of students in the period 2000/01 - 2005/06

Table No. 13.1.2b: Disabled children and students – secondary schools and high schools addressing special educational needs of students in the period 2000/01 – 2005/06

Table No. 13.1.2c: Disabled children and students – secondary schools and professional training centres addressing special educational needs of students in the period 2000/01 – 2005/06

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

Table No. 13.1.2e: Disabled children and students – special and focussed classes in kindergartens in the period 2000/01 – 2005/06

Table No. 13.1.2f: Disabled children and students – integration in normal classes within elementary schools in the period 2000/01 – 2005/06

Table No. 13.1.2g: Disabled children and students – special and focussed classes in elementary schools in the period 2000/01 – 2005/06

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

Table No. 13.1.2i: Disabled children and students – special and focussed classes in secondary schools in the period 2000/01 – 2005/06

13.2 Documents of non legislative character — Programmes

334. The basic document for the development of the education system in the Czech Republic has become in 2001 the National Programme for the Development of Education in the Czech Republic, the so-called White Book (hereinafter referred to as the “National Programme” only).¹⁶¹ It has formulated the basis and prerequisites for the development of the education system, the principles of the education policy, and the principles for the management and funding; it has also determined the main strategic lines in the development of education.¹⁶² The basic principles of education formulated in the National Programme have reflected also in the new Education Act (see 13.1).

335. Education programmes as the complex pedagogical documents, which will influence and direct education at all levels of schools, providing for the pre school, elementary and the secondary education with disregard to the founding party, have been created at two levels — the state one and the school one.

¹⁵⁹ Act No. 3/2000 Coll. on the religious freedom and the position of churches and religious societies and on some changes in other laws (Church and Religious Societies’ Act) as amended

¹⁶⁰ For example, the Commercial Code (No. 513/1991 Coll.) and the Act on generally beneficial societies (No. 248/1995 Coll.).

¹⁶¹ The Czech Government Resolution No. 113 of 7 February 2001

¹⁶² There is the development of human individualities especially stressed as well as the strengthening of the social cohesiveness, the support of democracy and citizens’ society, the education towards partnership, co-operation and solidarity, and the increased competitiveness of the economy and of the social prosperity.

336. The state level relates to the National Programme of Education and the Framework Education Programmes. The National Programme of Education formulates requirements on the education valid in the elementary education as a whole. Framework Education Programmes determine binding education frameworks for its individual stages (pre school, elementary, and secondary education).

337. Education programmes prepared by each school, according to the principles determined in the relevant Framework Education Programme, deal with education at individual schools at the local school level. Teachers determine the most suitable topics and methods and they react to needs of specific children, to school situations, and to interests of students and requirements of their parents.

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

339. The strategy of economic growth formulates, inter alia, a number of objectives and recommendations related to the development of human resources — the education and employment in the Czech Republic in the period 2005 - 2013. It determines a number of objectives in relation to the performance of the basic Treaty rights.¹⁶³ The recommendations formulated in the Strategy of economic growth have been further worked on within the prepared specific provisions in the Implementation Programme related to the Strategy in the development of human resources in the Czech Republic.

Table No. 13.2: Review of the sector subsidies provided by the Ministry of Education within the announced subsidy programmes supporting activities in the area of prevention the socially pathological phenomena in the period 2001 - 2006

Paragraph 2. Provisions for the achievement of the right for education

(a) Compulsory and freely accessible elementary education

340. According to Articles 33 and 3 in the Charta, citizens have the right for free of charge education in elementary and secondary schools of the so-called public founders (i.e. founded by the state, a region, an association of municipalities, or by a municipality). The same right for the free of charge education in public elementary and secondary schools as the Czech citizens belongs to foreigners, according to the Education Act.

13.3.1 Access to education

341. All children (including children with special educational needs, children in difficult situations, children of foreigners, members of other nationalities and ethnic minorities, etc.) can access the full free of charge and compulsory elementary education in public schools, i.e. in the schools founded by municipalities, associations of municipalities, the state, or regions. In schools founded by other founders — the not public schools (e.g. private or denomination schools, see the letters b and c), education is provided for a charge (Article 33 (2, 3) in the

¹⁶³ They are mainly the objectives and recommendations related to the extension of access to the higher professional or university education, the removal of barriers in the access to education for people economically active, the improved involvement of groups threatened by the social exclusion in the labour market, and the more effective active employment policy.

Charta and the relevant provisions in the Education Act).

342. The Education Act establishes the right of a student to be accepted to an elementary school founded by a municipality or an association of municipalities with the official address in the school area in which the student permanently lives. The school principal must accept such a student up to the level of the permitted number of students mentioned in the School Register. The same applies also for students placed in school facility organising the institution or protection education with the official address in this school area. Students can thus study at the elementary school founded by the municipality in the school area in which the student permanently lives, unless his or her parents do not opt for some other school.

343. The Education Act guarantees also the right of students with special educational needs for education the contents of which, as well as methods and forms, correspond with their educational needs, including the provision for consulting services and the free of charge use of special textbooks, didactic and compensatory teaching materials provided by the school and the use of the relevant communication forms (the sign language, the Braille writings, alternative ways of communication). An assistant of the teacher participates in the activities organised in the class, which a student or students with special educational needs attend (see also the Observation No. 44).

344. The Education Act has also introduced the provision for education of children with serious mental disabilities, who cannot attend the compulsory education even at a special elementary school, according to the Education Act. Regional Offices are responsible for the organisation of the suitable way of education for these students.

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

(c) Advanced education available for all

346. The Education Act determines conditions on the acceptance for the secondary education. There are applicants accepted, who have finished the compulsory education or who finished successfully their elementary education before the finishing the compulsory school attendance, unless the Act states otherwise. The applicants must also fulfil the acceptance conditions by proving their suitable skills, knowledge, interests, and health status. The principal of the relevant school decides on the acceptance of candidates for the secondary school education.¹⁶⁴

347. Denomination elementary and secondary schools are provided for subsidies from the state budget, which are allocated for costs of operations.¹⁶⁵

¹⁶⁴ § 60 (1, 2)

¹⁶⁵ They are the costs resulting from the labour-law relations related to expenditures necessary for the increased costs connected with the teaching of children and students with health-related disabilities, costs of study aids and textbooks, when these are provided free of charge, according to the Education Act. There are also expenditures covering further education of pedagogical workers and activities directly related to the

348. The advanced professional education at schools founded by public founders is provided to students for a fee partially covering the costs.¹⁶⁶ The school principal can lower the fee of a student down to 50% of the amount.

349. The structure of professions is influenced at schools by the study demands (the freedom of educational options for students, their parents respectively). It thus follows interests of students, their parents respectively, but also demands coming out of the labour market. On the other hand, we should mention that the attractiveness of individual professions and their demands have become more and more influenced by the labour market demands.

Table No. 13.4a: Elementary schools - schools, students in the school year 2000/01 - 2005/06 by the founders

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

Table No. 13.4c: Schools of advanced professional education – schools and students in the school years 2000/01 - 2005/06

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

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

350. There have been a number of provisions adopted with the objective to achieve the balanced participation of girls in technical education.¹⁶⁷ The government co-operates with the non government sector in the introduction and organisation of new processes, which should ensure the gender equality at schools.¹⁶⁸

(d) Elementary education for those who have not achieved or finished it

351. Persons, who have not achieved elementary education during the period of the compulsory school attendance, can achieve elementary education in courses organised at elementary or secondary schools.¹⁶⁹

352. These courses are organised either as daily ones or as distant ones. In the case of daily courses, the studies are organised every day five days a week during the school year. The number of weekly hours is decided by the school within the scope of the lowest and highest

development of schools and educational quality, other necessary non investment expenditures related to school and school facilities' operations, and investment costs put into the programme in accordance with a special legal regulation.

¹⁶⁶ The level of the fee is determined by a bylaw (No. 10/2005 Coll.) and it varies within the range from CZK 2 500 to CZK 5 000. The fee depends on the character of education in the school year.

¹⁶⁷ There have been more than twenty new education programmes created for the better chances of women in the labour market. The Czech Education Inspection monitors any discrimination of girls and women during the school acceptance procedures as well as the fulfilment of the established hygienic and safety conditions on their participation in all study professions. Teachers and other workers, who are responsible for the career consulting at elementary schools, pay a special attention to girls with individual skills and interests in technical professions.

¹⁶⁸ For example, the projects "Gender at School", "Guide for the Equality Route for Women and Men", "Equal Opportunity for Girls and Boys in Education", "Gender Aspects in Transfers of Students between Stages of Education", "Equal Opportunity in the Pedagogical Practice", and "One World at Schools".

¹⁶⁹ The details about the organisation of this course and about the final course examinations have been dealt with in the Bylaw No. 48/2005 Coll. on the elementary education and on some necessities in the fulfilment of the compulsory school attendance.

weekly hours in the 9th class. The distant learning takes place as self-studies accompanied by consulting within the scope of 180 hours at the maximum in the school year.

Paragraph 3. Freedom in the selection of a school for a child

353. The legal representative of a child can select a school, according to his or her own will. Legal representatives (the parents) have the option right when it comes to the educational direction as well as the selection of a school at which their child will be educated. This right is guaranteed also in the case of secondary schools and advanced professional schools (see also 13.3).

Paragraph 4. The right for founding and management of education institutions

354. Schools are not founded only by the so-called public founders. When they are schools or school facilities of other than public founders, the school or the school facility must be registered on the public list - the so-called School Register.

355. The Education Act covers all schools, school facilities and school services provided in them by all founders registered in the School Register. That relates especially to schools and school facilities founded by registered churches and religious societies, which have got the authorisation for the execution of the special right to found denomination schools¹⁷⁰, and also schools and school facilities founded by other legal or natural persons.

356. The necessities of entries in the School Register are determined by the Education Act. The effective entry in the School Register provides the legal person, who executes school or school facility activities, for the right to organise educational and school services and for the right to issue documents on the education determined within the Act. There is also the legal person's right for obtaining funds from the state budget or from the budget of self-government under the conditions determined in the Education Act.

¹⁷⁰ Act No. 3/2002 Coll. on the religious freedom and the position of churches and religious societies and on changes in some laws.

Article 15. The right for culture and scientific progress

(a) The right of participation in cultural life

357. The Act on the radio and television broadcasting (No. 231/2001 Coll.)¹⁷¹ ensures that operators of countrywide television broadcasting with a licence must organise at least 15% of their programmes with hidden or open titles for people with hearing disorders. At the beginning, the operators had some problems in achievement of this percentage, but according to the actual report by the Council for the radio and television broadcasting, all current operators follow this obligation.

358. The Czech Television Act (No. 483/1991 Coll.)¹⁷² ensures that one of the public service channels (ČT) accompanies at least 70% of broadcasted programmes with hidden or open titles for people with hearing disabilities or with the simultaneous interpreting in the sign language. According to the actual report by the Council for the radio and television broadcasting, the Czech Television Channel has been successful in its observation of this quote.

359. According to the Act on the radio and television fees (No. 348/2005 Coll.)¹⁷³, people with complete or practical blindness of both eyes and people with both sides and practical deafness (when they live independently or together in a single household) are exempt from payments of the radio and television fees.

360. The law amendment¹⁷⁴ on some conditions on the manufacture, dissemination and saving of audio-visual works (No. 273/1993 Coll.),¹⁷⁵ adopted in 2006 determines the obligation of the distributors of Czech audio-visual works accessible in copies, which allow for the setting up of titles, with regard to the equipping of their copies with hidden titles for needs of the people with hearing disorders.

361. The Act on the protection of collections of museum character (No. 122/2000 Coll.)¹⁷⁶ determines, inter alia, public services and standardised public services provided by museums and galleries. It also determines conditions on the provisions.¹⁷⁷

362. The protection of moral and material interests, related to scientific, literary or artistic creations, is dealt with in the Copyright Act (No. 121/2000 Coll.)¹⁷⁸. The Act has been amended in the years 2005 and 2006 because of the development in new technologies and the protection of computer software and databases has been improved, according to international

¹⁷¹ Act No. 231/2001 Coll. on the provision for radio and television broadcasting and on changes in other laws as amended

¹⁷² Act No. 483/1991 Coll. on the Czech Television channel as amended

¹⁷³ Act No. 348/2005 Coll. on the radio and television fees and on changes in some laws as amended

¹⁷⁴ Act No. 249/2006 Coll., which has changed the Act No. 273/1993 Coll. on some conditions on the manufacture, dissemination and saving of audio-visual works and on changes and supplements of some laws and some other regulations as amended

¹⁷⁵ Act No. 273/1993 Coll. on some conditions on the manufacture, dissemination and saving of audio-visual works as amended

¹⁷⁶ Act No. 122/2000 Coll. on the protection of collection of museum character as amended

¹⁷⁷ Article I, § 10a (4): "The standard for the physical accessibility requires the removal of architectonic and other barriers making the use of standard public services impossible for people with limited movement or orientation abilities."

¹⁷⁸ Act No. 121/2000 Coll. on copyright and related rights and on changes in some laws as amended

standards and the protection of rights in the digital environment.

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

- a) The subsidy tender on the support of cultural activities of citizens with disabilities is made public year-round, together with monthly updates on the Internet pages of the Ministry under the name Action Calendar.
- b) The subsidy tender Library of the 21st century has got a special area supporting the general accessibility of library services for people with health-related disabilities.
- c) The subsidy tender in the audio-visual area and mass media, which can be accessed also by the parties presenting projects focussed on the increased accessibility of television and radio programmes for minorities, including people with health-related disabilities.

**INFORMATION ABOUT THE FULFILMENT
OF THE CONCLUDING OBSERVATIONS
RESULTING FROM
THE FIRST PERIODIC REPORT**

Observation No. 25:

The Committee asks the party to the agreement for adopting the appropriate steps towards the full implementation of the Treaty within its legislature in order to allow the enforcement of the rights covered by the Treaty directly in courts.

1. Until 2002, only the ratified and announced international agreements on human rights and basic freedoms had been immediately binding and preferred to a law (the internal country legislature). A change in the Constitution (specifically in Article 10) made in 2002 has improved and clarified the relation between the internal country legislature and the international law.¹⁷⁹ As from 1 June 2002, the announced¹⁸⁰ international treaties, the ratifications of which was agreed by Parliament and by which the Czech Republic is bound, make a part of the legislature. The Constitution has also established the application preference of international agreements because “*when an international agreement states something different from the law, then the international agreement is applied*”.

2. When there is an incompatibility of a law with an international agreement found and the agreement makes a part of the legislature, persons applying law must prefer the international agreement. If this incompatibility makes the efficient performance of the rights established in international agreements impossible, we can enforce the cancellation of the relevant laws, their legal regulations, or their individual parts in the Constitutional Court.

3. The change in the Constitution has also introduced a new competence of the Constitutional Court. It now decides on proposals for the assessment of the compatibility of international agreements with the constitutional legislature even before their ratifications.¹⁸¹ Proposals asking for the assessment of the compatibility of international agreements with the constitutional legislature, before their ratification, could be presented by the President of the Republic, a group of 41 MPs, 17 senators, or by the Parliament House.¹⁸² When the Constitutional Court finds an incompatibility between the constitutional legislature and an international agreement, this incompatibility can be removed only by a change in the constitutional legislature of the Czech Republic, which creates the ratification possible, or the ratification of the international agreement can be abandoned.

4. The accession to EU has affected some rights protected by the Treaty because the holders of these rights are only the citizens of the relevant country, according to the Treaty, while now the holders are all EU citizens.

¹⁷⁹ Constitutional Act No. 395/2001 Coll.

¹⁸⁰ The announcement of an international agreement means the publicising in an official way — by the publishing in the Collection of International Agreements. The way of the official publicising of ratified international agreements or the agreements which have been accepted by the Czech Republic, and the way of the official publicising of legal regulations is treated, as from 1 January 2000, the Collection of Laws Act and the Collection of International Agreements Act (No. 309/1999 Coll.). The official publicising of ratified international agreements and legal regulations had been treated by the Collection of Laws Act (No. 545/1992 Coll.) until 31 December 1999.

¹⁸¹ Article 87 (2) in the Constitution

¹⁸² These proposals can be presented by all specified parties in accordance with the Act No. 182/1993 Coll. on the Constitutional Court. Its change (the Act No. 48/2002 Coll.) has extended the described change in the Constitution (the Constitution Act No. 395/2001 Coll.).

Observation No. 26:

The Committee strongly recommends to the party to the agreement accepting the National Action Plan protecting human rights and creating the National Human Rights Institute, which would look after the protection and enforcement of all human rights, including the economic, social, and cultural ones.

5. The basic document of a strategic character on the protection of human rights was adopted in 1998. It has been the Czech Government Resolution of 9 December 1998 improving the protection of human rights. The basic tasks established by this document have been already performed (e.g. the founding of the internal country monitoring mechanism for the performance of undertakings included in agreements on human rights, the improvement of the fight against racism, etc.).

6. The Czech Republic has been currently assessing the need and the purposefulness of the adopting of a complex Action Plan within the area of human rights. The preparation of a general and everything covering plan within the area of human rights is somehow made difficult by the existence of a number of partial action plans dealing with the specific issues, e.g. the Action Plan on the implementation of the conception for the Roma integration, the Conception for the integration of foreigners, Priorities and processes by the Ministry of Labour and Social Affairs, when enforcing the equality between men and women, etc.

7. Specific problems with the protection of human rights and the situation in their solutions are regularly assessed in annual government reports on the situation in human rights prepared by the Human Rights Commissioner.

Observation No. 27:

The Committee strongly recommends to the party to the agreement including the Treaty provisions in privatisation programmes and ensuring the establishment of a social security network.

8. Currently, there have not been any long-term privatisation programmes in the Czech Republic, which would correspond to this concluding observation of the Committee. The government has never established specific privatisation programmes since the adopting of the law on conditions for the transfer of state assets to other people (No. 92/1991 Coll.), which established the conditions on the privatisation of state assets. They were always political decisions made by individual governments extending the programme declarations of these governments. The programme declarations of the last two governments did not deal with the privatisation at all.¹⁸³

¹⁸³ The Act of the Czech National Council No. 171/1991 Coll. on activities by bodies of the Czech Republic in matters related to transfers of state assets to other people and on the National Property Fund of the Czech Republic as amended has been cancelled by the Act No. 178/2005 Coll. on the cancellation of the National Property Fund of the Czech Republic and on competences of the Ministry of Finance in the privatisation of assets of the Czech Republic (the Act on the cancellation of the National Property Fund) as amended. In this regard, there has been also the Act No. 92/1991 Coll. amended by the Act No. 179/2005 Coll., which has changed some laws in connection with the adopting of the law on the cancellation of the National Property Fund of the Czech Republic as amended. The mentioned Act No. 92/1991 Coll. had been twice amended since 1999. It took place in 2000 (the Act No. 27/2000 Coll. and the Act No. 220/2000 Coll.).

Observation No. 28:

The Committee asks the party to the agreement for cancellation of the lustration laws.

9. The Czech Republic has not cancelled the Lustration Act (No. 451/1991 Coll.).¹⁸⁴ According to the Official Service Act No. 218/2002 Coll., no natural person, who violated human rights and freedoms, can be appointed to the official service managerial position. This condition will be enforced with the so-called lustration certificate and there will be also other known facts assessed, which could exclude the appointment to the official service position because of violation of human rights and freedoms.

10. The Official Service Act also establishes that the education gained by studies at Political University of the Central Committee of the Communist Party of Czechoslovakia, Military Political Academy of Klement Gottwald, at universities and security schools and courses in the former Union of the Soviet Socialistic Republics and at faculties of all these universities will not be considered the university education for purposes of the Official Service Act.

11. The government has decided on the postponement of the effectiveness of the Official Service Act by 2 years, i.e. to 1 January 2009.¹⁸⁵ If this proposal is adopted, we assume that the law will be amended before its effectiveness date. We thus cannot exclude the possibility that the provision related to the Lustration Act will be removed.

¹⁸⁴ Act No. 451/1991 Coll. establishing also some other prerequisites for the performance of some positions within the state bodies and organisations of the Czech and Slovak Federative Republic, Czech Republic and Slovak Republic.

¹⁸⁵ The effectiveness of the Official Service Act was postponed by the Act No. 531/2006 Coll. changing the Act No. 218/2002 Coll. on the service of state employees in administration offices and on the remuneration of these employees and of other workers in administration offices (the Official Service Act) as amended.

Observation No. 29:

The Committee asks the party to the agreement for adopting all necessary legislative and other provisions removing discrimination of minorities, especially the Roma people, in correspondence with the “Conception for the Roma People Integration”.

Legislative provisions

12. Provisions adopted by the government for the removal of discrimination of Roma people and of other minorities could be divided into the three following areas.

13. The first area could be characterised with the general protection of human rights ensuring all citizens of the Czech Republic with the full utilisation of all human rights guaranteed in the Constitution, in the Charta, and in international agreements on human rights, by which the Czech Republic has been bound, without any discrimination.

14. The second area - to the nationality related one, could be characterised by special rights of minority members (collective rights) as defined in Head III in the Charta and in the Framework Agreement on the protection of minorities. The basic legal regulation in this area is the law on rights of minorities (No. 273/2001 Coll.). A minority is defined there with subjective features (“the will to be considered a minority”) and objective features (a part of citizens of the Czech Republic, who differ from other citizens usually in their ethnic origin, language, culture, and traditions). Within this sense, the Roma people have been thus ensured with the same rights as any other minority living in the Czech Republic.

15. The third kind of provision adopted by the Czech Republic has been based on a wider understanding of the Roma community, which has been defined as the social-cultural one. As it was stated by the reasoning report accompanying the Report on the situation of the Roma community in the Czech Republic and on the current situation in the Roma community,¹⁸⁶ the term “Roma community” overlaps the term “Roma minority” only partly. The defining feature of a member of the Roma minority is his or her active will to be considered a member of that minority and together with the others to develop the language and culture. Members of the Roma minority have been thus subjectively defined. In contrast, the term “a member of the Roma community” is defined rather objectively.

16. Other legislative provisions removing the Roma people discrimination are described in Articles dealing with individual areas of a possible unequal treatment, especially in Article 6.

Other provisions

17. The basic conceptual material of the government of the Czech Republic in the area of integration of members of Roma communities has been the “Conception for the Roma People Integration” (hereinafter referred to as the “Conception” only). The Conception is periodically updated so it can flexibly react to trends inside the socially excluded communities and to structural trends in the whole society. It is always accepted in the form of a government resolution. The government of the Czech Republic decides and defines the

¹⁸⁶ The Czech Government Resolution No. 686 of 29 October 1997

main directions through it within the integration of Roma communities.¹⁸⁷

18. The main objective in the Conception has been the improved position of Roma people in all sectors of the society life, where not justified and unacceptable differences, to the detriment of Roma people, exist between the majority society and a significant part of Roma people. The Conception should achieve the conflict free cohesion of Roma communities with other parts of the society. The Conception has determined seven priorities, which reflect the principle of the gender main-streaming:

- a) The removal of external obstacles preventing the inclusion of members of Roma communities into the society, especially the removal of all forms of discrimination of individuals or groups defined by a race, complexion, nationality, language, national membership, or ethnic group,
- b) The assistance with the removal of internal obstacles preventing the inclusion of members of Roma communities into the society, especially the removal of shortcomings in education and qualifications,
- c) The improvement in the social standards of members of Roma communities, especially by decreasing their unemployment rate, the improvement in housing and consequently the health status, the prevention of the social exclusion from Roma communities and the removal of its consequences,
- d) The stopping of the occurrence and spreading of excluded Roma enclaves, of the so-called ghettos,
- e) The support of the development in the Roma culture and language,
- f) The creation of the tolerant environment without prejudices, in which the membership in a group defined by its race, complexion, language, or nation membership is not a reason for the different assessment of individuals and their treatment,
- g) The support of the security of members of Roma communities.

19. The Government Council Office dealing with affairs of the Roma community coordinates and monitors a number of compensation provisions focussed on members of the Roma community in the areas of education, employment and labour, social care, and healthcare. More detailed information about these compensatory processes in key areas is summarised in two documents approved by the government: the Report on the situation in Roma communities living in the Czech Republic¹⁸⁸ and the Conception for the Roma

¹⁸⁷ The first Conception was adopted by the government within its Resolution No. 599 of 14 June 2000. The first update was made by the Resolution No. 87 of 23 January 2002 and the second update by the Resolution No. 243 of 12 March 2003. The third update was adopted by the government in the Resolution No. 607 of 16 June 2004. The fourth update adopted on 28 February 2005 reflects the development in the situation from the time of adopting the third update, especially the approval of the objective in the Act on the living minimum and material poverty, the approval of the National Action Plan for the social inclusion, the National Action Plan on employment, the adopting of the National Action Plan related to the Decade of the Roma Inclusion 2005 - 2015, and the adopting of the new Education Act.

¹⁸⁸ The Czech Government Resolution No. 276 of 29 March 2005

Integration.¹⁸⁹

20. The Czech Republic has accepted the “Decade of the Roma Inclusion 2005 - 2015” (hereinafter referred to as the “Decade” only), the international initiative joining the participating governments, international institutions and the Roma public in the effort of speeding up the process of the social inclusion.¹⁹⁰ Its main objective has been the substantial improvement in the situation of Roma people in the areas of education, housing, health, and employment. The initiative is also focussed on the topic of discrimination, sex equality, and the fight against poverty.

21. The Ministry of Labour has created, in 2004, the National Action Plan for the social inclusion for the period 2004 - 2006 (hereinafter referred to as the “Plan” only).¹⁹¹ It is a national strategy in the fight against poverty and social exclusion, which has been supplemented with the programme “Integration of specific groups of people threatened by the social exclusion”.

22. The Plan is most of all the national strategy the objective of which has been the guaranty that the poverty and social exclusion issues would be attended to and the support of their solution. The policy of the social inclusion reflects in other relevant areas, e.g. employment, social protection, healthcare, education, housing, prevention of the socially negative phenomena, etc. It has been prepared by all member countries and it is utilised also as the instrument for mutual exchange of information and best practice experience at the level of the European Union.¹⁹²

23. The stress has been put on the areas, which show new risks of the social exclusion, e.g. the information technologies and the related e-inclusion. Big attention is paid to the prevention of the social exclusion and to groups of people threatened by the social exclusion, which have not been highlighted in the Joint Memorandum on the Social Inclusion.

24. The operating programme for the Development in Human Resources in the area of employment focuses on target groups socially excluded, for example, because of their affiliation with a different social and cultural environment. The employment programmes at the local level focus, inter alia, also on job seekers from a different cultural environment, especially on members of Roma communities, when the Ministry tries for extensions in consulting (there are, for example, re-qualification courses, Czech language courses, etc. organise).

25. There have been the following documents approved in the years 2003 and 2004: National strategy for the policing work in the Czech Republic related to nationality and ethnic minorities, which has been updated in 2006 under the name of the Strategy for the work by the Police of the Czech Republic related to minorities in the period 2006 - 2007, and the Report on processes and continual results of the implementation of the National strategy for

¹⁸⁹ The Czech Government Resolution No. 532 of 4 May 2005

¹⁹⁰ The Czech Government Resolution No. 136 of 26 January 2005

¹⁹¹ The Plan was adopted by the Czech Government Resolution No. 730 of 21 July 2004

¹⁹² National Action Plan of the Czech Republic for the social inclusion has been based on the Joint Memorandum on the Social Inclusion, which was executed by the Czech Minister of Labour and Social Affairs and the European Commissioner for employment and social affairs in Brussels on 18 December 2003. The Plan summarises the most important issues in front of which the Czech Republic stands in the area of poverty and social exclusion and it publicises, at the same time, the objectives, tasks, and provisions leading to their solution.

the work by the Police of the Czech Republic related to minorities. These documents have verified the new mechanisms in the policing work related to minorities within several pilot localities. The positions of Minority Liaison Officers were created in all policing regions.¹⁹³ The work done by the minority liaison officers could be supplemented by the so-called Police Assistants in localities with the higher number of members of minorities.¹⁹⁴ Apart from the Police assistance to the minority communities, the Police have been implementing also other projects focussed on the prevention of criminal offences among members of minorities (e.g. the project Common World by the Northern Moravian Regional Administration, or the project Bridge Building in Strakonice).

Provisions at the regional level

26. As a good illustrative example of provisions approved at the local level, we can present the provision by the Representatives of the Central Bohemia region called the Regional strategy for the integration of the Roma community,¹⁹⁵ which considers as priorities the education, the support of Roma community centres, and the social work in excluded Roma communities in the terrain. There have been funds allocated from the Humanity Fund of the region of Central Bohemia in 2005, which support projects in the area of the Roma issue with CZK 1 100 000.

¹⁹³ The Liaison Officer is a Police person specialised on the minority issue, who acts as a mediator in contacts and communication between minorities and the Police of the Czech Republic. He or she also assists in resolving any conflicts and more serious delicts and offers his or her assistance to minority members in resolving specific problems.

¹⁹⁴ The Police assistance is a service in the terrain making contacts and communication with the Police easier to residents of socially excluded localities, where mostly the minority population lives. The clients of the Police Assistants are mostly victims and witnesses of latent criminal offences (the usury, pimping, drug distribution, trade in people, youth criminal offences, etc.).

¹⁹⁵ Resolution by the Representatives of the region of Central Bohemia No. 110-5/2005

Observation No. 30:

The Committee recommends the party to the agreement considering the relevant parts of the Durban Declaration and the Action Programme during the implementation of the Treaty into the internal legislature, especially when it comes to the Article 2 (2) in the Treaty, and including the information about the action plans or other provisions accepted by the Durban Declaration and the Action Programme at the national level into its next periodical report.

27. The Czech Republic has not accepted the Action Plan on the fulfilment of the Durban Declaration because the implementation of the relevant provisions has been included in a number of specific strategies. More detailed information is presented in the 6th and 7th periodical reports on the performance of the Treaty on the removal of all forms of the racial discrimination (CCPR/C/CZE/2), especially in Article 4 (60).

28. When it comes to the newly adopted laws and provisions, the important role is played by the Human Rights Commissioner, who makes the proper place for comments and who assesses all proposals discussed by the government, and the fact if the provision will not have an inappropriate impact on people from the human rights point of view.

Observation No. 31:

The Committee asks the party to the agreement for the provision of statistical data especially about the use of economic, social and cultural rights by women, Roma people and disabled people in the second periodical report.

29. When it comes to the Roma minority, the legislature includes a number of limits making the collection of statistical data difficult. For example, the Act on the protection of personal data (No. 101/2000 Coll.)¹⁹⁶ considers data about nationality sensitive and makes any reporting of statistical data related to nationalities very difficult. It has been also very difficult to gain precise information about the Roma minority in practice.

30. The Act on rights of minority members (No. 273/2001 Coll.) does not allow bodies of the public administration for maintaining registers of minority members. Data about affiliation with a nationality, gained during a census or in accordance with some other special law, must not be used for any other purpose than for the one for which they have been collected and saved. They must be destroyed after the statistical processing.

31. Only a subjective determination can be gained by the method of nationality declaration. There is no objective data, which could be determined, as, for example, the citizenship. The low rate of identification by citizens of the Roma origin with the Roma nationality has been a generally known fact during a population census. However, the report mentions some data gained on the basis of different surveys and studies. This form of obtaining information is preferred because of the existing legal limits with regard to a nationality and because of the necessary protection of personal data. It has been also the frequently utilised method in the data collection.

32. Individual accessible statistical data have been presented in individual articles dealing with the individual areas treated by the Treaty, or they exist in the Annex to the Report.

¹⁹⁶ Act No. 101/2000 Coll. on the protection of personal data and on changes in some other laws as amended

Observation No. 33:

The Committee asks the party to the agreement for undertaking efficient steps towards the lowering of the unemployment rate, especially that of Roma people, women, and other vulnerable groups.

33. The information about the steps made by the Czech Republic for the lowering of the unemployment rate, which cover all, including the threatened groups within the understanding of this observation, has been presented in Article 6 of the Report.

Job seekers' structure — Roma people

34. When it comes to the performance of the Concluding Observations by the Committee, we can highlight the determined specific objectives of the operating programmes Strategy of the Economic Growth and Human Resources and Employment (see also 11.3 and 13.2), which relate to the issue, with regard to the paragraphs paying attention to the position of Roma people in the labour market and in the area of education.

35. According to the Analysis of integration needs of Roma people in the Czech labour market¹⁹⁷ (hereinafter referred to as the "Analysis" only), the characteristic feature of the Roma unemployment is the long duration of their unemployment (more than 1 year). About 75% of unemployed Roma people are the long-term unemployed, thereof about 30% of them have been without employment longer than 4 years. According to the Analysis, the Roma people unemployment is significantly higher in several territories (the area of Most, Northern Bohemia, the area of Ostrava). There are excluded enclaves and ghettos occurring with the high concentration of Roma people suffering of the industrial decline.

36. Work offices implement programmes for all groups of unemployed citizens, including men and women older than 50 years of ages, job seekers, whose placement in the labour market is very difficult (including Roma people), graduates of selected kinds of schools, etc.¹⁹⁸

37. "National Employment Action Plan for the period 2004 - 2006" has been one of the priority materials in this area, especially the so-called "Priority No. 7 — Support of the integration of people disadvantaged in the labour market and the fight against their discrimination." It defines steps supporting the integration of persons, who face significant problems in the labour market, e.g. people with health-related disabilities and ethnic

¹⁹⁷ The study has been based on several basic information resources. Most of all, it has been based on the original empirical research describing the Roma people situation in the Czech labour market. These studies were prepared as a part of more extensive international comparison studies. (Within the Research Labour and Social Affairs Institute and the Masaryk University in Brno.) Another source of information was the specific expert interviews with representatives of the state administration, representatives of non profit organisations and independent experts on this area of interest. (See the research projects: Institutional aspects in the employment policy and of the labour market in the Czech Republic, Masaryk University in 2003; Identification of efficient models of the social terrain work within the Roma people integration policy, Research Labour and Social Affairs Institute in 2004.) The third source of information, even if not systematically utilised for the needs of a professional analysis, consisted of administrative statistics related to the public employment services at different levels of aggregation (statistical reports by work offices and by the Administration of employment services in the Czech Republic). Author: Winkler, Jiří, Brno in 2005

¹⁹⁸ The Czech Government Resolution No. 607 of 24 May 2004

minorities.

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

38. We can present as an illustrative example of the provision prepared at the local level, for example, the project “Let’s try it together” (by the citizens’ association Salinger), which reacts to actual social needs related to work with young people threatened by the social exclusion. The project gets funds from the European Union, but it is also co-funded from the state budget and the budgets of the region of Hradec Králové.

39. The project suggests alternative solutions and assistance to clients from among job seekers registered by the work offices. It offers the attendance of a motivation block, which could help in explanation of basic principles in human psychology to the job seekers, but also the gaining and strengthening of practical skills related directly to the labour market. The project has been focussed on youth and young adults within the age group 15 - 25 years old members of the Roma community in Hradec Králové, who have been registered by the Work Office in Hradec Králové as job seekers, or who have been already deregistered by the office. The project is supported for 18 months and the preparatory project stage has commenced in January 2006, according to the schedule.

40. Another project has been the Support of employment and education of Roma people in Nový Bydžov. This project’s objective has been the creation of work habits in a Roma group, the orientation in the world of work, and the gaining of accredited professional re-qualifications. There have been new partnerships created between the local public administration and the local enterprising sector for the purpose of this project implementation.

Job seekers’ structure — women

41. Women are generally more represented in registers by the work offices and their economic activities are lower, especially in the age categories before 34 years of age. Women are often outside work activities because of their care after children. When they lose their jobs, it is difficult for them to find new ones because of limits caused by the childcare, e.g. the impossibility of accepting shift work, travelling to work, or possible work absences, when they must look after their family members. Women suffer more of the long-term unemployment, when compared with men.

42. The women’s unemployment rate has been higher, when compared with men, in all age categories younger than 54 years of age. At the age of 55 years, it is lower, when compared with men, because of their earlier retirement. The above-average unemployment rate of women in the age category 50 - 54 years of age relates especially to lost jobs at the age, when they cannot apply for an age pension, but most employers are not interested in them because of their low ability to adapt to changes occurring in the labour market.

43. Women are substantially more represented in the registers, when compared with men, in the category full secondary general education (high schools), secondary professional educations with the final A exam, and the advanced professional education. Their share in these education categories exceeds 60%. The lowest share of women in job seekers occurs in the category university education.

44. See also 6.7 in the Report.

Job seekers' structure — health-related disabilities

45. See 6.5 in the Report.

Observation No. 34:

The Committee asks the party to the agreement for the regular reassessment of the minimal wage levels in order to ensure a decent living standard to all working people and their families.

46. In public service and administration, the Salary Act (No. 143/1992 Coll.)¹⁹⁹ and these laws implementing directives of the government establish the mandatory adjustments of remuneration, the precise itemising of salary parts, their levels and conditions on their provisions. This relatively precise way of the salary determination creates prerequisites for ensuring the equality between men and women.

47. In the business sector, the Wage Act (No. 1/1992 Coll.)²⁰⁰ and this law implementing regulations determine the basic protection against the provision of wages which are inappropriately low in the form of a minimal wage and minimal wage tariffs, the basic wage compensation of work in some difficult working conditions (overtime work, work on holidays, at night, in a difficult working environment), the provisions against wage discrimination (the principle of the same remuneration for the same work and for the work of the same value), the protection in the process of wage provisions (the due date and wage payments, the way of making deductions), and the basic rules for contracting and determining of wages.

Table 34a Average gross monthly wages in the national economy by industries (in CZK)

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

¹⁹⁹ Act No. 143/1992 Coll. on salaries and remuneration for the work readiness in budgetary and some other organisations and bodies as amended

²⁰⁰ Act No. 1/1992 Coll. on wages and remuneration for the work readiness and on the average wage

O. Other public, social and personal services	11 440	14 738	15 622
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Note: The year 2005 – the preliminary data

Source: Statistical Yearbooks of the Czech Republic

Minimal wage

48. The Work Code, the Wage Act, and the Salary Act determine that a wage (a salary) must not be lower than the minimal wage. This regulation is valid identically for all employers within the business sector, but also in the sector of public service and administration. The levels of the minimal wage and conditions on the determination of the minimal wage are regularly determined by the government in its directive. As from 1 January 2001, there have been the relevant provisions in the Work Code amended and the government has been now empowered to determine the level of the minimal wage usually at the beginning of calendar years, while considering the consumer price index. According to the new Work Code, which has become effective on 1 January 2007, the minimal wage can be regularly upgraded considering not only the development in consumer prices, but also the development in wages.

49. The number of employees receiving the minimal wage is not big in the Czech Republic. They are mostly people with low qualifications doing simple work. According to the qualified estimate by the Ministry of Labour, there are about 2% of employees getting the minimal wage.

50. The development in the minimal wage, living minimum and their mutual relation is presented in the following Table. The presented data clearly show that the level of a minimal wage in its relation to the living minimum strengthened. The net minimal wage was identical in 2000 with the level of the living minimum for an independently living adult person. The regular increases in the minimal wage contributed to the fact that the net minimal wage exceeded in 2006 the living minimum of an independently living adult person by about 52%.²⁰¹

51. In the case of employees within the age group 18 - 21 years, who work within their first work contract or a similar work relation for the period of 6 months from the commencement of this relation, the minimal wage is 90%, for the underage employees 80%, for the employees getting a partial disability pension 75%, and for the employees getting a full disability pension and for underage employees, who are fully disable and do not get the full disability pension 50% of the minimal wage. Individual collective contracts can achieve the minimal wage higher and this possibility is usually taken advantage of.

Table 34b Development in the minimal wage and the living minimum (in CZK)

On 31 December	Level of the gross monthly minimal wage	Level of the net monthly minimal wage	Living minimum for an independently living person	Share of NMW in LSI in %
2000	4 500	3 772	3 770	100.1

²⁰¹ The minimal wage has been CZK 7 955 since 1 July 2006 (the last adjustment) for employees getting monthly wages, or CZK 48.10 per hour worked by the employee within the determined weekly working hours.

2001	5 000	4 180	4 100	102.0
2002	5 700	4 702	4 100	114.7
2003	6 200	5 080	4 100	123.9
2004	6 700	5 457	4 100	133.1
2005	7 185	5 806	4 300	135.0
2006	7 955	6 720	4 420	152.0

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

Observation No. 35:

The Committee asks the party to the agreement for increased effort when resolving inequalities between men and women and for the adopting of efficient legislative or other provisions ensuring the full and equal participation of women in the labour market, especially when it comes to the same wage for the same work.

52. The information about the adopted legislative provisions is presented in 6.1 and the non legislative provisions are described in 3.2.

53. To increase the efficiency of controls organised by work offices in the area of discrimination in remuneration (see also 6.1.1), the Ministry of Labour prepared in 2002 the Methodology for the controlling of wage relations in remunerations of men and women and the Methodology for the controlling the observation of equal opportunities. Both methodologies make up the Methodical Instruction No. 9/2002 for work offices. They have become effective since 1 January 2003. The Instruction has determined the way in which the work offices should organise controls of employers, which labour-law regulations they should follow and how they should methodically progress during the controls. There has been a very detailed method established for the determination of the work value and the manual for the control of observation the equal opportunities for women and men with regard to the equal treatment of all employees, their working conditions, or opportunities for the achievement of higher positions. Results of the controls are statistically processed 4 times a year and they are made public.

54. There was the final report of the research and development project “Analysis of the differences between the levels of work-related incomes of men and women and the suggested model process of the finding about the discrimination level” publicised in 2002.²⁰² The project ordered by the Research Labour and Social Affairs Institute has proved the difference in awarding to the detriment of women. However, the share of discrimination could not be determined. This has been the reason for the consequent research and development project “Creation of the information database for the analysis of factors influencing the differences in work-related incomes (wages) of men and women and for the modelling (prognoses) of these differences”.

55. Within the projects co-funded from the European Social Fund by EU and from the state budget of the Czech Republic, there have been research projects implemented by non government non profit organisations since 2005. They relate to the positions of women and men in the labour market in the Czech Republic. Specifically, they compare incomes of women and men and the concepts influencing inequalities in the incomes received for the same work and/or for the work of the same value and the mapping of employers’ opinions on the policy of the equal opportunities of the Czech Republic and on the diversity inside businesses. This research is further utilised for the work with employers and for analyses and consulting of employers in the Czech Republic.

56. Within other projects, there are educational, consulting, advisory, research, and other activities focussing on the balancing of opportunities for people disadvantaged in the labour market implemented. This relates to Roma people, women, unemployed people, disabled

²⁰² http://www.rilsa.cz/Fischlova_differences-eng.pdf

people, and people suffering of the multiple discrimination.

57. For example, the non profit organisation Gender Studies, o.p.s. has organised a competition “The best company with equal opportunities for women and men in the Czech Republic” since 2004. This competition is the activity ensuring the informing and the increased awareness of both employees and employer about equal opportunities, about programmes attuning the personal and the working lives, the legislative non discrimination principles, including the principle of the same reward for the same work and/or the work of the same value.

58. Within the projects implemented with the support by the EU programme EQUAL²⁰³, the non government non profit organisations have implemented research since 2005, which focus on the comparison of incomes of women and men and on concepts influencing inequalities in the incomes received for the same work and/or for the work of the same value and the mapping of employers’ opinions on the policy of the equal opportunities. This research is further utilised for the work with employers and for analyses and consulting of employers in the Czech Republic. Within other projects, there are educational, consulting, advisory, research, and other activities focussed on the balancing of opportunities for people disadvantaged in the labour market implemented. This relates to Roma people, women, unemployed people, disabled people, and people suffering of the multiple discrimination.

Table č. 35a Average monthly gross wage of employees (in CZK)

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

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

Source: Czech Statistical Office, the survey of employees’ wages

Table No. 35b The share of the average women’s wage in the average men’s wage by education and age (in %)

		2004	2005
Education	Elementary and not completed	74.7	74.8
	Secondary without the final A exams	72.1	72.8
	Secondary with the final A exam	77.3	77.6
	Advanced professional and Bachelors (undergraduates)	70.9	73.0
	University	67.3	68.4
Age	Up to 19 years of age	85.3	86.7
	20 – 24 years of age	89.7	90.1
	25 – 29 years of age	87.0	88.2
	30 – 34 years of age	70.4	71.1
	35 – 39 years of age	66.3	67.3
	40 – 44 years of age	70.3	69.4

²⁰³ The project is co-funded by the European Social Fund and by the state budget of the Czech Republic

	45 – 49 years of age	72.6	71.9
	50 – 54 years of age	73.8	74.1
	55 – 59 years of age	83.4	82.9
	60 – 64 years of age	76.4	77.1
	65 or older	67.2	65.2

Source: Czech Statistical Office, the survey of employees' wages

Observation No. 36:

The Committee asks the party to the agreement for adopting special legislative provisions related to violence at home.

Legislative changes

59. The amendment²⁰⁴ of the Criminal Act (No. 140/1961 Coll.)²⁰⁵ has introduced a new state of facts in criminal offences as from 1 June 2004. It is the maltreatment of a person living in the same flat or house (§ 215a). This state of facts influences home violence generally, not only women. A victim can be any close person or other person, who lives with the offender in a jointly occupied flat or house.

60. The Act, which changes some laws in the area of protection against home violence (No. 135/2006)²⁰⁶, has introduced on 1 January 2007 the so-called institute of expulsion from the jointly occupied home and the ban of entry for the person suspected of an attack against life, health, freedom, or especially serious attack against the human dignity.

61. This Act extends authorities of the Police, when deciding about an expulsion of a violent person from home, when he or she commits activities having signs, which could be characterised as home violence. There could be a person expelled from home, when there are reasons to believe that he or she may commit a dangerous attack against life, health, freedom, or especially serious attack against human decency of the person with whom he or she shares the household. The expulsion decision is decided on during an administration procedure. Its length has been determined by the law to be 10 days and this period cannot be shortened.²⁰⁷ The institute of expulsion as a provision ordered by a body of the Police on the site is a preventive reaction to dangerous behaviour by a violent person. The person can be expelled for the period of 10 days during which the threatened person can clarify further possible steps in the case on the basis of the assistance provided for by the intervention centre. The decision on expulsion is the decision made within the administrative proceedings and it is verifiable (the proper and extraordinary corrective means).

62. The Act provides the threatened person with another possibility - to suggest a preliminary provision to a Civil Court by which the court can order the violent person to leave the jointly occupied household or to ban his or her entry into it and to prevent meeting and contacts with the threatened person. These court orders are issued for the period of one month and they can be extended up to the total period of one year.

63. At the same time, the Act counts on the founding of the so-called intervention centres, which should provide victims for necessary services. An intervention centre plays also a co-ordination role between social-law protective bodies, municipalities, bodies of the Police of

²⁰⁴ Act No. 91/2004 Coll. changing the Act No. 140/1961 Coll., Criminal Act, as amended

²⁰⁵ Criminal Act No. 140/1961 Coll. as amended

²⁰⁶ Act No. 135/2006 Coll. changing some laws in the area of protection against home violence

²⁰⁷ A violent person is authorised to take his or her personal possessions, valuables and documents from the jointly occupied household. The Police instruct offenders about the local accommodation possibilities and allows him or her to use a phone for the organisation of this accommodation. The Police are obliged to organise a control in the jointly occupied household within the period of three days from the issuance of the decision on expulsion. The purpose is the finding if the violent person has been observing the decision on expulsion.

the Czech Republic, municipal Police, and non government and charity organisations.

64. The introduction of an independent register of the number and categories of offences in this area could be considered a positive partial step in the area of monitoring and consequent solution of the home violence issue. The register will be utilised for analyses.
Education of Police persons in the Czech Republic

65. The project “Model interdisciplinary projects for the creation of a legal framework and of methodical processes introducing interdisciplinary teams joining the health, social and policing assistance during detecting and prosecuting cases of home violence”²⁰⁸ by the Ministry of Interior (for details see the Third periodical report on the fulfilment of undertakings resulting from the Treaty on the removal of all forms of women’s discrimination (CEDAW/C/CZE/3), Article 6) includes also the educational plan for Police persons, who get into contact with home violence victims. There have been the following workshops organise in co-operation with non government non profit organisations: “Protection against home violence — a lecturer”²⁰⁹ and “Resolving home violence”.²¹⁰

²⁰⁸ The Czech Government Resolution No. 794 of 25 August 2004

²⁰⁹ The three-day workshop for teachers in the secondary Police schools and instructors in Police training centres (about 50 teachers - about the implementation of the home violence issue and the new related institutes into the basic professional training, or in specialising courses).

²¹⁰ The two-day workshop on the resolving threat risks in the terrain (240 Police persons from district directorates + 80 Police persons from the Criminal and Investigation Police Service (SKPV PCR)).

Observation No. 37:**The Committee asks the party to the agreement for accepting efficient provisions against the trade in women and against sexual molestation of children.**

66. The information about the fulfilment of this observation during the followed up period has been also presented in the Third periodical report on the fulfilment of undertakings resulting from the Treaty and on the removal of all forms of women's discrimination (CEDAW/C/CZE/3), Article 6 and in the second Periodical report on the fulfilment of undertakings resulting from the International Treaty on citizens' and political rights, Article 8.

67. The basic conceptual material for the fight against the trade in people in the Czech Republic is the document called "National strategy in the fight against the trade in people (for the period 2005 - 2007)" (hereinafter referred to as the "Strategy" only)²¹¹. It extends the previous conceptual material the "National strategy in the fight against the trade in people for the purpose of sexual exploitation in the Czech Republic", which summarised activities in this area in the period 2003 - 2005. The new conceptual material focuses also on other forms of the trade in people.

The programme supporting and protecting victims of the trade in people

68. Since 2003, there has been the project "Programme for the support and protection of victims of the trade in people" in the Czech Republic. There have been 51 victims included into it during the three years of the Programme duration (the situation on 15 March 2007).²¹²

Table No. 37a List of individual projects, together with the allocation of funds

Period	Receiving party	Municipality	Name of the subsidy title	Allocated	Utilised/ Returned	Consumption	Project name
2005	Pleasure without risks	Praha	Trade in people	986 000	986 000	986 000	Peculiar platitude
2006	Archdiocesan Charity Praha	Praha	Trade in people	1 721 000		0	Assistance and support of victims of the trade in people, and to their children
2005	Archdiocesan Charity Praha	Praha	Trade in people	1 400 000	1 400 000	1 400 000	Assistance and support of victims of the trade in

²¹¹ The strategy was approved by the Government Resolution No. 957 of 22 July 2005

²¹² There has been an interdisciplinary team established in the Ministry of Interior in 2005 for the purpose of coordination of the support and protection of the victims. There have been all participating sectors represented in the team, including the co-operating non government and intergovernmental organisations. The task of this interdisciplinary team has been to solve issues related to the problem. The team analyses the gained knowledge and experience and suggests other provisions from the point of view of bodies active in criminal procedures.

							people, and to their children
2005	La Strada Czech Republic, o.p.s	Prah a	Trade in people	756 000	756 000	756 000	Social assistance to traded people
2004	La Strada Czech Republic, o.p.s	Prah a	Trade in people	883 000	14 336	14 336	Social assistance to traded people
2004	Pleasure without risks	Prah a	Trade in people	875 000	875 000	875 000	Assistance and support of victims of the trade in people, and to their children
2004	Association the Czech Catholic Charity	Prah a	Trade in people	1 820 000	1 812 902	1 812 902	Assistance and support of victims of the trade in people, and to their children

Commercial sexual molestation of children

69. The “National plan for the fight against the commercial sexual molestation of children” (hereinafter referred as the “Plan” only) announced always for the period of two years has been the key document in the fight against the commercial sexual molestation of children. The material always describes the actual situation, assesses the fulfilment of tasks and presents new tasks for the next period.²¹³

70. The description of the situation in the area of sexual molestation of children is based mainly on statistics and qualitative analyses by the Police of the Czech Republic. Moral offences make up only a small part of the total criminal offences (about 0.5%), but there are some characteristic specifics. Police statistics show, in a long term (with the exception of 1998), that this kind of criminal offence varies at about 2 000 detected offences in a year and the successful investigations reach about 85%.

71. This has been the reason while the criminal statistics of detected criminal offences cannot be considered the data on the basis of which we could objectively describe the quantitative development in this kind of criminal offences. These data indicate more the success rate of detection and investigation of these criminal offences by the Police of the Czech Republic in the given periods.

Table No. 37b Selected criminal offences committed on people younger than 18 years of age (the numbers of reported criminal offences)

²¹³ There were three plans approved during the followed up period: for the period 2006 - 2008 (the Czech Government Resolution No. 949 of 16 August 2006), for the period 2004 - 2006, and for the period 2002 - 2004.

Name (the relevant provision in the Criminal Act)	2001	2002	2003	2004	2005
Commercial form of the sexual molestation of dependent people (§§ 242/2, 243)	0	1	1	2	1
Other commercial form of the sexual molestation (§ 242/1, 3, 4)	2	7	4	12	8
Pimping (§204)	0	0	15	10	19
Trade in people (§ 232a)	5	2	1	1	4
Sexual seduction	-	-	-	30	35
Spreading the child pornography (§ 205/a)	-	-	16	26	28
Rape (§ 241)	156	201	165	184	153
Sexual molestation of dependent people (§§ 242/2, 243)	96	111	110	109	101
Other sexual molestation (§ 242)	798	886	771	681	760

Table No. 37c Numbers of reported children victims of selected criminal offences investigated by the vice squad

Name	2001		2002		2003		2004		2005	
	0-15	0-18	0-15	0-18	0-15	0-18	0-15	0-18	0-15	0-18
Rape	63	156	105	201	69	165	84	184	68	153
Sexual molestation of dependent people	83	96	95	111	91	110	94	109	81	101
Other sexual molestation	773	798	875	886	749	771	653	681	735	760
Commercial form of the sexual molestation of dependent people	0	0	1	1	1	1	1	2	0	1
Other commercial form of the sexual molestation	2	2	7	7	4	4	8	12	7	8
Pimping	0	0	0	0	5	15	2	10	7	19
Trade in people	1	5	0	2	0	1	0	1	2	4

72. The mentioned criminal statistics show the clear increases in the detected cases of the sexual molestation of children. However, this does not mean that there have been the objective increases and thus the worsening of the situation. It rather shows the progressively improved success rate of the implemented provisions leading to more efficient detection of the cases. Provisions in § 217a in the Criminal Act (the sexual seduction), which have become valid on 1 January 2004, have significantly participated in these increases because their impacts affected those, who have been looking for paid sexual services by children at the age 15 - 18 years.

Observation No. 38:

The Committee asks the party to the agreement for accepting efficient provisions for resolving the problem:

a) of flats shortage by adopting housing programmes, especially for disadvantaged and neglected groups.

Programmes ensuring the access to quality and in price accessible housing for disadvantaged people and people threatened by the social exclusion

73. The government supports housing by more than 30 programmes funded from the state budget and from the budget of the State Housing Development Fund with the total volume of about CZK 25 billion a year (i.e. about 2.5% of the state budget total). Another form of the state support has been based on different tax deductions having the volume of several billion Czech crowns annually.²¹⁴ Some state programmes of the support aim at low income households and people disadvantaged in their access to housing. Some other programmes are determined for households of young people up to 36 years of age.

74. The support of construction of flats for rent for people disadvantaged because of their low incomes and for people threatened by the social exclusion is funded from the state budget and from the budget of the State Housing Development Fund:

75. There has been the construction of the so-called supported flats in progress. It should improve the access of disadvantaged people and people threatened by the social exclusion to the quality and in price accessible housing.

76. Municipalities can organise the construction of three kinds of flats within the Programme for the construction of supported flats: Protected flats for people with health-related disabilities and people with reduced self-sufficiency, Half-way flats (for people and households socially disadvantaged, who live a conflict way of life or in a risky environment), and the so-called First flats (for people who have not had an access to housing because of their unfavourable life circumstances even when utilising all existing instruments in the social and housing policy).

Table No. 38a Support of the construction of supported flats in the period 2003 – 2006, subsidies in million CZK

Year	Subsidy title		Number of started flats in the given year ^[1]	Total funds for the started flats in million CZK ^[2]	Funds allocated in the given year in million CZK ^[3]
2003	Supported flats	Total	487	372.395	183.075
		Protected flats	447	350.615	178.095
		Half-way flats	36	21.030	3.980
		First flats	4	0.750	1.000

²¹⁴ They are tax deductions in the area of income tax, property tax, etc.

2004	Supported flats	Total	813	607.800	199.968
		Protected flats	787	601.300	194.658
		Half-way flats	0	0	0
		First flats	26	6.500	5.310
2005	Supported flats	Total	577	397.895	177.003
		Protected flats	561	381.095	173.353
		Half-way flats	8	4.800	2.400
		First flats	8	2.00	1.250
2006	Supported flats	Total	794	575.350	271.796
		Protected flats	766	568.210	266.951
		Half-way flats	25	6.390	4.095
		First flats	3	0.750	0.750

^[1] Number of flats the construction of which started in the given year

^[2] Total subsidy for flats started in the given year as reported in the Decision on the participation of the state budget in the activity funding

^[3] Real sums released in the given year for started, completed or in progress activities

77. The Programme supporting the construction of flats for rent and of the technical infrastructure has been determined for improving the housing of low income residents. Its objective has been the support of the construction of flats for rent within the ownership of municipalities, which will be determined for the low income persons.

78. The State Housing Development Fund has provided state subsidies for the construction of flats for rent for low income people since 2003 under the similar conditions, according to the Government Directive No. 146/2003 Coll. This Government Directive has established, inter alia, the condition that at least 10% of flats, when constructing ten or more flats for rent and utilising a subsidy in accordance with this Directive, must be the so-called modifiable flats — the flats, which could serve, without any further constructional adjustments, people with limited movement or orientation skills.

Table No. 38b “Support of the construction of flats for leasing” to low income people in the period 2003 – 2005, the sums are in million CZK

Year	Number of started flats in the given year ^[1]	Total funds for the started flats in million CZK ^[2]	Funds released in the given year in million CZK ^[3]
2003	1683	1031.000	Separation from the original programme is impossible
2004	813	467.266	189.864 + original programme
2005	371	186.810	350.247

^[1] Number of flats the construction of which was started in the given year

^[2] Total subsidy for flats started in the given year as reported in the Decision on the participation of the state budget in the funding of the activity

^[3] Real sums released in the given year for started, completed or in progress activities

79. The Ministry of Labour, regions and municipalities (not the district offices anymore, which have been cancelled within the reform of the public administration) are the providers of funds for the founding of asylum homes. We can say that the number of asylum homes has been satisfactory from the general point of view. However, there could be some differences in the accessibility of these services among regions. Analyses of the asylum homes' occupancy are currently in progress. The Ministry of Labour has created an integrated portal with the database of social service providers for people threatened by the social exclusion from the marginalised groups of people, where the relevant professionals and users can find the information about the services, capacities, etc. of the asylum homes.

Table No. 38c Number of facilities

Year	Asylum houses	“Half-way” houses	Dormitories	facilities for the day stays of homeless people	Total
2000	X	x	x	x	60
2001	X	x	x	x	62
2002	62	2	2	5	71
2003	63	8	4	6	81
2004	69	13	8	8	98
2005	77	16	9	6	108

Source: Ministry of Labour (the statistical report V1-01)

Table No. 38d Occupancy factor

Year	Capacity	Average number of clients	Average occupancy
2000	1872	1558	83.2%
2001	2047	1807	88.3%
2002	2424	2028	83.7%
2003	2598	2223	85.6%
2004	2843	2369	83.3%
2005	3399	3051	89.8%

Source: Ministry of Labour (the statistical report V1-01)

80. Other provisions aim at the support of the better accessibility of housing for young people, who can also belong to groups with a more difficult access to housing. See 11.2.2.1.

81. The support of home loans for young people, up to 36 years of age,²¹⁵ is focussed on purchases of own housing, i.e. a flat or a family house, which will serve for the permanent housing of the subsidy receiving party. The provision of low interest rate loans to young people up to 36 years of age for the construction of housing increases the accessibility of a new own housing to young people, who have not got their own accommodation.²¹⁶ In the

²¹⁵ Government Directive No. 249/2002 Coll.

²¹⁶ Government Directive No. 97/2002 Coll. and the Government Directive No. 616/2004 Coll.

case of a child born at the time after the conclusion of the loan, the not yet paid part of the loan principal can be reduced by CZK 30 thousand per each born or adopted child.

82. The provision for low interest rate loans to young people up to 36 years of age for modernising of flats, according to the Government Directive No. 28/2006 Coll., has been focussed on the improvement in the quality of own or co-operative housing. These steps have been reasoned by the fact that young people are disadvantaged, when organising their suitable housing, by the concurrence of their career starts and starting their families.

Support provisions focussed not only the increased housing offers

83. Most support provisions focussed on the construction, acquisition, repair, or modernising of the housing stock is funded from the State Housing Development Fund (hereinafter referred to as the “Fund” only). The Fund has been founded by the Act on the State Housing Development Fund (No. 211/2000 Coll.)²¹⁷ and the extending government directives regulating conditions on the provision of individual kinds of support. The Fund’s budget serves for the funding of many provisions. The Fund’s task has been the creation, accumulation and extension of funds determined for the support of investments into housing and their utilisation for the support of the construction and repairs.²¹⁸ The Fund is considered an independent legal person. The assets of the fund make a part of the state assets.

84. There have been a number of provisions focussed on the increased offer of housing, including the financially accessible leased housing, but also on the care after the existing housing stock (the support of repairs and modernising) and on improving the quality of panel-built suburbs in the followed up period.

85. Other support provisions could be found in the Income Tax Act (No. 586/1992 Coll.)²¹⁹ that allow for tax deductions in connection with paying off a housing loan or in the Act on the savings related to constructing and on the state support of the building related savings (No. 96/1993 Coll.)²²⁰ regulating this kind of savings. Savings related to building purposes make the purpose-oriented saving within which the participant gets a chance of a loan based on the savings for the purpose of funding his or her housing needs and the state support in addition to the savings.

86. A new “Conception for Housing Policy” was approved in 2005. Its main objectives have been both economic and social aspects of housing, while the stress was put on the increased accessibility of quality housing by the population. The conception of the housing policy was approved by the government in March 2005²²¹ as a medium-term political

²¹⁷ Act No. 211/2000 Coll. on the State Housing Development Fund and on changes in the Act No. 171/1991 Coll. on competences of the Czech Republic authorities in transfers of state assets to other people and on the National Property Fund of the Czech Republic as amended.

²¹⁸ Specifically for the support of the construction of flats, mainly the flats for rent, for the support of the housing stock repairs, mainly on the support of repairs of houses built by the panel technology, and for the support of the construction of a technological infrastructure in municipalities - the investments into the land suitable for the future construction of flats.

²¹⁹ Income Tax Act No. 586/1992 Coll. as amended

²²⁰ Act No. 96/1993 Coll. on the savings related to building purposes and on the state support of the savings related to building purposes and on the supplementation of the Act No. 586/1992 Coll. by the Czech National Council on income tax as amended by the Act No. 35/1993 Coll. by the Czech National Council as amended

²²¹ The Czech Government Resolution No. 292 of 16 March 2005. The conception focuses mainly on the finalisation of the rent deregulation and on the proper settling of relations between lessors and lessees. It focuses

document of strategic importance containing also the short-term programme for the period 2005 - 2006.

87. The construction of co-operative flats has been supported since 2006. It has been focussed mostly on households with medium incomes which put partly participate in the funding of their housing.

88. The government approved new provisions²²² in 2006 on the basis of which subsidies will be provided also for the construction of flats for rent determined for households with limited incomes and for natural and legal persons, who will be interested in the participation in the funding of housing needs. The provision of the support depends on the approval by the European Commission because of the community legislature provisions related to the public support.²²³

89. The Ministry for Regional Development has started co-operating with the Ministry of Labour and Social Affairs in 2006 with the objective to verify the chance of utilisation the Decision by the European Commission on the use of Article 86 (2) in the EC Treaty related to the state support in the form of compensatory payments of public service undertakings provided to certain companies authorised for the provision of social services of the public economic interest. The objective has been the preparation of a new efficient instrument for the solution of housing of people threatened by the social exclusion. The services include also the "social housing". The mentioned regulation by the European Commission allows - under the precisely determined conditions - for declaring this financial contribution of the compensatory character (the compensatory payment) the compatible public support in accordance with the Community legislature. The objective of this co-operation has been the preparation of the state support instrument in 2006 without the risk of a conflict with the illegal provision of the public support.

90. There has been the system for utilisation of funds from the European Regional Development Fund, for the purposes of regeneration of problematic suburbs, prepared for the period 2007 - 2013 within the Integrated Programme of Operations. The means from this fund will be utilised for the regeneration of the panel-built blocks of flats with the objective of maintaining the socially differentiated structure of residents in the related localities, which prevents the social exclusion of disadvantaged population groups. There have been subsidies provided to municipalities from the state budget for the regeneration of the panel-built suburbs with the objective of the prevention of the occurrence of socially excluded communities. The repairs of the panel-built blocks of flats and emergency repairs are funded also from national programmes covered with means from the State Housing Development Fund. The extension of the support provision is now prepared also for houses, which have not been built by the panel technology.

also on persons and families, who cannot cover the expenditures related to their appropriate housing or any housing on the market by themselves.

²²² Subsidies have been provided for the construction of flats for rent since 2006. This relates to low income persons and the subsidies are provided from the State Housing Development Fund, according to the Government Directive No. 146/2003 Coll.

²²³ Any natural or legal person, who will be willing to be bound by the government directive when handling the flats for rent built with the subsidy, will be able to apply for the subsidy on the construction of accessible flats for rent. The applications will be accepted in the period of 10, 20 years respectively in the determined way. The subsidies will be provided not only for completely new constructions, but also for changes made to the existing constructions.

Table No. 38e Support of housing from the state budget (in billion CZK)

	2000	2001	2002	2003	2004	2005
Total	16.788	18.591	22.091	24.288	24.198	25.047
GDP	2189.2	2352.2	2464.4	2577.1	2781.1	2978.2
Share in GDP (in %)	0.8	0.8	0.9	1.0	0.9	0.9
State budget expenditures	632.268	693.920	750.683	808.718	862.891	922.900
Share in state budget expenditures (in %)	2.66	2.68	2.94	3.00	2.80	2.71

Source: Ministry of the Local Development

91. The Energy Management Act (No. 406/2000 Coll.)²²⁴ and the bylaw determining details related to the effective utilisation of energies in consumption of heat in buildings (No. 299/2001 Coll.) deal with energy savings. When subsidies are provided for the construction of flats, their levels are decided upon in accordance with the energy demands of the future building.

92. The Bylaw No. 252/2004 Coll. determines hygienic requirements on drinking and hot water and on the frequency and scope of the water controls as well as the limits of lead in the drinking water.

93. There has been a support programme for the removal of lead distribution pipes for drinking water from constructions utilised for housing since 2005. The objective of the sub programme “Support of repairs of house lead distribution pipes” has been the lowering of lead concentration in drinking water, the stimulation of house owners to replace lead distribution with healthier alternatives.²²⁵

Table No. 38f Sub programme “Support of the repairs of lead distribution nets in houses”

Year	Number of repaired flats in the given year	Total funds in million CZK
2005	130	0.846
2006	687	12.597

Table No. 38g Started, finished and in progress flats in the period 2000 - 2005

Year	Started	In progress	Completed	Number of flats with completed modernising in the followed up period

²²⁴ Act No. 406/2000 Coll. on the energy management as amended

²²⁵ Owners of permanently occupied housing constructions with lead distribution networks are the parties receiving the subsidies. The house owner must document the drinking water quality on the basis of the methodology prepared by the Ministry of Health.

		Index		Index		Index		Index
2000	32 376	98.4	118 784	105.6	25 206	106.2	10 725	122.5
2001	28 983	89.5	121 705	102.5	24 759	98.2	13 435	125.3
2002	33 606	116.0	129 609	106.5	27 291	110.2	13 599	101.2
2003	36 496	108.6	139 132	107.3	27 127	99.4	12 761	93.8
2004	39 037	107.0	146 801	105.5	32 268	119.0	15 469	121.2
2005	40 381	103.4	155 202	105.7	32 863	101.8	21 896	141.5

Table No. 38h review of the housing constructions in the Czech Republic in the period 2000-2005

		2000	2001	2002	2003	2004	2005
Completed flats							
Total number of flats		25 207	24 759	27 291	27 127	32 268	32 863
thereof:	In family houses	10 466	10 693	11 716	11 397	13 302	13 472
	In blocks of flats	5 926	5 912	6 393	7 720	10 722	11 526
	Total in extensions of all kinds	5 250	4 822	4 694	3 940	4 523	3 839
	thereof:						
	of family houses	2 911	2 948	2 957	2 486	2 453	2 270
	of blocks of flats	2 339	1 874	1 737	1 454	2 070	1 569
	In houses with the home care	687	708	1 725	1 729	1 638	1 047
	In non living constructions (buildings)	745	824	1 070	1 213	719	794
	In non living spaces regulated in the construction way	2 133	1 799	1 693	1 128	1 364	2 185

Source: The housing constructions in the period 2000-2005, Czech Statistical Office, Praha

Table No. 38i Flat sizes in the completed family houses (2000 - 2005)

Year	Average number of rooms in 1 flat	Average living space in 1 flat (m ²)	Average utility space in 1 flat (m ²)	Share in the total number of flats in %					
				Studios	1 room	2 rooms	3 rooms	4 rooms	5 or more rooms
Flat sizes in completed family houses (including extensions of all kinds)									
2000	4.40	96.9	155.4	0.3%	1.1%	5.4%	17.0%	31.1%	45.1%
2001	4.37	96.3	151.7	0.4%	1.2%	5.4%	17.4%	31.7%	43.9%

2002	4.40	97	153	0.3%	1.1%	5.4%	15.9%	32.0%	45.3%
2003	4.40	96.6	152.7	0.4%	1.3%	4.6%	16.0%	33.5%	44.2%
2004	3.98	97	151.5	0.3%	0.9%	4.6%	15.8%	33.6%	44.8%
2005	4.15	98.1	145.9	0.3%	0.8%	5.4%	15.2%	34.2%	44.1%

Source: The housing construction statistics in the Czech Republic in the period 1960 - 1995, Czech Statistical Office, Praha

Statistical Yearbook of the Czech Republic, Czech Statistical Office, Praha, 2005

Table No. 38j: Flat sizes in the completed blocks of flats (2000 - 2005)

Year	Average	Average	Average	Share in the total number of flats in %				
	number	living space in	utility space in	Studios	Flats with a kitchen and			
	of rooms in 1 flat	1 flat (m ²)	1 flat (m ²)		1 room	2 rooms	3 rooms	4 or more rooms
Flat sizes in completed blocks of flats (including extensions of all kinds)								
2000	2.02	45.2	67.7	8.5%	22.8%	37.5%	25.7%	5.5%
2001	2.10	48.0	68.0	9.7%	21.3%	36.7%	25.1%	7.2%
2002	1.90	43.7	61.1	11.5%	31.5%	31.1%	20.7%	5.2%
2003	2.10	49.3	67.5	7.9%	21.2%	38.3%	26.0%	6.6%
2004	1.97	47.5	66.7	15.1%	27.0%	28.6%	21.9%	7.4%
2005	2.09	50.4	66.4	9.8%	19.3%	39.5%	25.4%	6.0%

Source: The housing construction statistics in the Czech Republic in the period 1960 - 1995, Czech Statistical Office, Praha

Statistical Yearbook of the Czech Republic, Czech Statistical Office, Praha, 2005

b) The Committee asks the party to the agreement for accepting efficient provisions for the solution of the forced removals and homelessness problem by respecting general comments by the Committee No. 4 and No. 7 and by suggesting a summary plan for the solution and prevention of homelessness.

94. The relation between a house or a flat owner and the lessee has been regulated in the Civil Code (Act No. 40/1964 Coll.). This basic legal norm provides a lessee with the protection of his or her rights. A lessee can be removed from a flat only on the basis of an execution title, which a court can issue only on the basis of a proper termination of the contractual relation. The leasing relation can be terminated (apart from an agreement and after a certain period) only on the basis of a termination notice, which the lessor is authorised to deliver only when reasons determined by the law have been fulfilled. The lessor is always obliged to provide the removed person for a minimal shelter and in some conditions,

determined by the law, for a replacement flat.

95. There is no independent legal regulation banning any form of removing and none is prepared. The moving out, the clearing out of the flat respectively has been regulated in the Civil Court Code (Act No. 99/1963 Coll.). It is a time very demanding process, which starts by the verdict of the relevant court on the moving out and, consequently, when the obligation of the lessee to clear-out the flat, by the execution of the decision.

96. The number of court orders for moving out in the followed up period has not been known. When the legal reason for the housing was lost and the obligation of the lessee to clear-out the flat has not been fulfilled, this obligation must be enforced at the relevant court with a legal action asking for the flat clearing out. The execution of the court verdict, related to the clearing out of the flat, can follow.

97. The government approved the National Action Plan for the social inclusion for the period 2004 - 2006²²⁶ in 2004. The Plan has determined goals in the area of housing like, for example, the removal of economic and legislative obstacles preventing the existence of a functioning flat market, the motivation of municipalities for taking over the responsibilities for the creation of conditions related to the facilitation of housing needs of their populations in accordance with the Municipality Act, the continuation of the state support provision for the construction of flats performing the social function.

98. There are no unified statistics made within individual regions²²⁷ or countrywide on the numbers of homeless people prepared by authorities or social service facilities. The number of all these people in the Czech Republic is only estimated.²²⁸ There are also no unified lists of all providers providing services to homeless people and the information about capacities and their services intensity within individual regions.

99. The project Strategy in the Social Inclusion of Homeless People in the Czech Republic has been started in October 2004 by the Association of Asylum Homes in the Czech Republic.²²⁹ Its objective has been a proposal of the complex strategy for the integration of socially excluded persons and the mapping of the current homelessness situation and in the provided services.

²²⁶ The Czech Government Resolution No. 730 of 21 July 2004

²²⁷ Individual regions do not have any precise data of 2005 because these data have not been asked for in the statistics of the Ministry of Labour and Social Affairs. The problem in the collection of these data relates also to the absence of a unified methodology, according to the opinion of regions. The first census of homeless people took place in the Capital City of Praha in 2004. It was found that there were 3 096 homeless people living in Praha. When we consider the deviation, the final number is within the range 4 - 4.5 thousand people. About 25% of homeless Czechs are disabled retirees, 25% of them have got some experience with children's asylum homes, 15% with a psychiatric institution, and 35% with a jail.

²²⁸ According to census organised in 2001, there have been about 45 thousand people living in emergency shelters in the Czech Republic. They were 6 000 in 1990.

²²⁹ The Association of Asylum Homes in the Czech Republic (S.A.D.) associates currently more than 100 asylum homes of different kinds - the state, non government, municipal, or denomination ones. Members of the Association are not only non government non profit organisations, but also allowance organisations founded by cities and regions. The Association is the only organisation of the kind in the Czech Republic and it has been also an active member in the international organisation FEANTSA (European Federation of Organisations Working with Homeless People), which was founded in 1991 and which has been an advisory body to the European Community and the European Parliament.

100. The “Analytical Report on the current situation within the homelessness issue in the area of the Capital City of Praha in 2005” stresses that “despite all emergency provisions, the total capacity of accessible facilities is unsatisfactory. Organisations must refuse daily 50 - 60 people interested in staying overnight”, in spite of the fact that there was CZK 100 million allocated in 2005 for the improvement of the homeless people situation in big cities (Praha, Brno, Ostrava, Ústí nad Labem).

101. There is no special law limiting speculation with flats or properties in the Czech Republic. There have been legal means related to other areas utilised in the fight against speculations. The problem of this kind of speculations has not been very serious in the Czech Republic.

Local provisions — Capital City of Praha

102. As an example of provisions adopted at the local level, we can present the systematic support of the construction of flats for rent, which has been provided only to municipalities in the Czech Republic. However, the support of other subjects than municipalities, when it comes to the construction of flats for rent, has now extended. Since 2006, housing co-operatives have been now also eligible for the support, when constructing flats for rent - the co-operative flats for the housing of their members.²³⁰

103. Non government non profit organisations (hereinafter referred to as “NNO” only) can also gain funds of investment or non investment character in the form of grants. In this way, the government supports mostly the housing of people with health-related disabilities and of old people, i.e. the housing accompanied with social services.

104. For example, the Council of the Capital City of Praha owns (on 1 September 2006) the total of 433 flats specially determined for disabled people’s needs. That has been about 4.5% of the entire flat stock, which has not been managed by suburbs on the basis of the Status by issued by the Capital City of Praha (thereof 186 flats have been built since 2000).

105. Individual city suburbs in the Capital City of Praha operate a number of facilities in their areas.²³¹ The City put into operations a new dormitory in Praha 5 - Zličín in 2005. It has got the capacity of 138 people. However, it is mainly the social care facility providing clients for permanent housing.²³² According to materials by the social security office of the Council of the Capital City of Praha, the capacity of social care facilities managed by the Capital City of Praha and its city suburbs cover about 8 600 places.

²³⁰ Basic conditions on the provision of the state support of the construction of co-operative flats for rent have been determined by the Act on the support of the construction of the co-operative flats by the State Housing Development Fund (No. 378/2005 Coll.) and by the Government Directive No. 465/2005 Coll. treating details. Co-operative members must participate financially in the construction with at least the sum determined in this Act. Then, they become lessees of the co-operative flats constructed in this way.

²³¹ There are 11 social care centres of the total capacity of 482 places, 21 homes providing care with the capacity of 1 935 flat units. The minimal number should be 3 780 flat units and 7 500 places in social care centres; the senior house in Praha 9 has got the capacity of 77 places.

²³² There are 13 senior homes with the total capacity of 2 787 places and senior pensions with the total capacity of 971 places, while the minimal number should be 1 008 places. The total of 15 social care institutions has got the total capacity of 1 630 places, while there are 1 375 other applicants. There are 2 asylum homes for homeless people with the capacity of 102 places (for men only), while one of them (42 places) is operated only in winter.

106. NNO found also asylum facilities for homeless people. There are 16 of them currently in the area of the Capital City of Praha and their capacity covers 634 places, while two facilities (95 places) are operated in winter only.

107. According to the census of homeless people organised on 19 February 2004, there are 3 096 homeless people in Praha. Fewer than 37% of these homeless people spent a night in these facilities, while the capacity was utilised almost at the rate of 100%. The remaining about 63% (i.e. about 1 950 people) could not take advantage of this chance because of the unsatisfactory capacity.

Observation No. 39:

The Committee has asked the party to the agreement for the adopting of a summary National Health Strategy.

108. The “Long-term Programme for the health improvement of the Czech population - Health for All in the 21st Century” (called also Health 21) accepted in 2003 has been serving as the National Health Strategy.²³³

109. The programme Health 21 has been the national programme variant of the World Health Organisation “Health for all in the 21st century”. Its main objective has been the preparation of a functioning model of complex care and health support of the entire society through 21 goals. The above-mentioned programme thus presents an extensive set of activities focussed on the continuous and progressive improvements in all indicators related to the health status of the population and it envisages participation of all society parts in its performance. The programme performance is monitored by the government through the Council for Health and the Environment, which has established an advisory body Committee for Health 21. This Committee exclusively deals with the programme implementation. The programme Health 21 implementation is also monitored regularly and the Czech government gets a report on the running performance of this programme every year.

110. The programme Health 21 implementation is accompanied, for example, with subsidy programmes within which a number of projects are financially supported every year. They contribute, at a different rate, for reaching most goals of this programme.

²³³ The Czech Government Resolution No. 1046 of 30 October 2002

Observation No. 40:

The Committee recommends to the party to the agreement adopting efficient provisions ensuring appropriate living conditions for disabled people. The Committee asks the party to the agreement for information, within the second periodical report, about the provisions made in connection with disabled people, including mentally disabled people, about the number of hospitalised, their material situation, and about legal guarantees protecting patients.

111. Details related to individual provisions covering disabled people have been presented in individual articles dealing with the individual Treaty areas. The information presented below has had the conceptual - general character.

112. The government has approved the new Medium-term conception of the state policy on citizens with health-related disabilities²³⁴ (hereinafter referred to as the “Medium-term Conception” only) in 2004. It has asked government members for establishing their legislative, management, methodical, and organisational activities, related to needs of citizens with health-related disabilities, on this Conception and for the implementation of individual conceptual provisions.

113. The National plan of the support and integration of citizens with health-related disabilities for the period 2006 - 2009²³⁵ of 2005 has been based on goals and tasks in the Medium-term Conception. The proposal respects the form of the Standard UNO Regulations equalising opportunities for people with health-related disabilities. Individual chapters in the National Plan feature a brief introduction of the given area, the desirable target situation, which should be achieved, and individual clearly formulated provisions, together with the responsible sector, and the proposed achievement date.

²³⁴ The Czech Government Resolution No. 605 of 16 June 2004

²³⁵ The Czech Government Resolution No. 1004 of 17 July 2005

Observation No. 41:

The Committee asks the party to the agreement for adopting efficient provisions preventing the tobacco smoking, the misuse of addictive drugs, and the consumption of alcohol, especially by children.

114. The basic law within the area of lowering demands for addictive drugs has been the Act on provisions preventing harm caused by tobacco products, alcohol, and other addictive substances (No. 379/2005 Coll.).²³⁶ This Act determines, inter alia, the responsibilities of the government, individual sectors, regions, cities, and municipalities. It has asked the regions for the establishment of a full-time position of the Regional Anti-drug Co-ordinator. Cities and municipalities are obliged to establish the position of a Local Anti-drug Co-ordinator.

115. The government implements the anti-drug policy on the basis of adopted conceptual documents: the National Strategy for the Anti-drug Policy for the period 2001 - 2004 extended by the National Strategy for the Anti-drug Policy for the period 2005 - 2009, which has been made more precise by the Action Plan for the implementation of the National Strategy for the Anti-drug Policy for the period 2005 - 2006. These documents correspond with the Anti-drug Strategy by EU for the period 2005 - 2012 and the Anti-drug Action Plan by EU for the period 2005 - 2008.

116. The fulfilment of the National Strategy and of the Action Plan has been co-ordinated and evaluated by the government, by the government established body respectively - the Government Council for co-ordination of the anti-drug policy, which has got for its disposal an executive body - the Department for co-ordination of the anti-drug policy within the Office of the Government of the Czech Republic. One of its two sections is the National Monitoring Centre for drugs and drug-related addictions founded in 2002. This Centre has become a part of the Europe-wide network of these centres methodically managed by the European Monitoring Centre for drugs and drug-related addictions in Lisbon after the accession of the Czech Republic to EU. The National Monitoring Centre issues a summary report Situation in Drug-related Matters in the Czech Republic every year.

117. According to results of the “Selective Survey of the Czech Republic population’s health status and life style”, which took place in autumn 2004, 22% of the adult population (18 - 64 years of age) has got at least one experience from the use of some of the monitored illegal drugs.²³⁷ Especially young people consider obtaining drugs easy or very easy.²³⁸

118. There is a network of medical facilities and facilities lowering harm to drug users in the Czech Republic. There are facilities for both staying in and outpatients’ characters. The

²³⁶ Act No. 379/2005 Coll. on the protection against harm caused by tobacco products, alcohol, and other addictive substances and on changes in related laws as amended

²³⁷ Twenty-one percent of the population within the age group of 18 - 64 years old has got some experience from the use of hemp substances, 7% of the population tried ecstasy, 3.5% tried addictive mushrooms or other natural hallucinogens, and 2.5% amphetamines. Other illegal substances have not been much used. According to testimony of respondents, the most easily accessible substances have got the sedative effects, or they are the hemp and volatile substances.

²³⁸ The most frequent drug distribution places are clubs and discotheques, but also bars and restaurants, where 23.9% of respondents, 21.5% respectively were addressed by dealers. About one half of questioned people have never been offered any drugs.

treatment of drug users and the provision for services lowering harm to drug users is free for patients and clients. It has been covered by public funds, from both public health insurance funds and the funds provided by the state administration and self-governments in the form of subsidies.

Table No. 41a Data about the number of medical facilities and the facilities reducing impacts of the drug use, Development of the network of AT outpatients' workplaces

Year	Outpatients'
	AT workplace
	Number of workplaces
2000	320
2001	330
2002	342
2003	368
2004	382
2005	401

119. There have been quality standards introduced in 2005 for services active in the area of the treatment and the lowering of harm to drug users. Their observation has become the obligatory condition on gaining the state subsidies in 2007.

Table No. 41b Psychiatric facilities – beds for the treatment of alcoholism and other addictions

Year	Number of beds
2002	1194
2003	1275
2004	1276
2005	1356

Table No. 41c Data about the number of smokers by sex and age

Kind of smoking					
Age	Structure in the set of respondents by the kind of smoking (in %)				
	Never smoked	Former smoker	Occasional smoker	Mild smoker	Strong smoker
	Men				
Total	37.8	24.7	6.6	21.7	9.2
15-24	49.6	10.3	9.5	27.3	3.3
25-34	39.3	15.2	10.9	23.7	10.9
35-44	34.3	18.3	6.5	26.6	14.2
45-54	28.6	32.4	3.3	21.4	14.3
55-64	22.8	43.9	4.7	19.3	9.4
65-74	46.8	36.7	3.7	8.3	4.6

75+	55.4	30.4	1.8	8.9	3.6
	Women				
Total	59.1	17.3	5.5	15.8	2.3
15-24	61.7	15.0	8.3	14.1	1.0
25-34	56.5	17.1	6.9	16.3	3.3
35-44	50.3	14.1	6.1	25.2	4.3
45-54	41.5	25.2	5.6	24.4	3.4
55-64	61.3	18.1	5.5	13.1	2.0
65-74	72.5	15.4	2.7	8.7	0.7
75+	89.1	10.9	-	-	-

Source: HIS CR 2002 in the followed up period 2000-2005, there was only one survey organised (in 2002) and it was focussed on the adult population, according to the WHO observations. The next survey will be organised by ÚZIS Czech Republic in 2007.

Observation No. 44:

The Committee asks the party to the agreement for adopting the immediate and efficient provisions removing the discrimination of Roma children by their transfer from “special schools” and their integration in the main stream of the educational system.

120. The system of special schools and remedial schools (special schools for students with mental disabilities) was always racially neutral in the Czech Republic in the past. The special schools were definitively not created for people affiliated with Roma ethnicity or any other ethnic group. Their purpose was never a segregation of Roma children. The special schools’ purpose was to facilitate for an optimal educational form for students with mental dispositions preventing them the successful education at elementary schools.

121. This was thus an alternative educational way, not a lower or even second class education. The proof was, among other facts, that the education gained at special schools was legally equal to that gained at elementary schools. Criteria for the enrolment of children at special schools were in no way related to their racial or ethnic origin. Reasons for the enrolment of each individual child at a special school were his or her mental dispositions and special educational needs.

122. As it has been already mentioned (see 13.3), the new Education Act had introduced a number of provisions for the education of students with special educational needs, including the students socially disadvantaged, at schools within the main educational stream, unless the student’s parents do not opt for a different kind of school. The new Education Act does not separate elementary and special schools and provides, within the elementary education, for provisions ensuring all students education and support corresponding with their specific educational needs.

123. The Act also determines and defines individual groups of children and students and the way of their education.²³⁹ It must be stressed that this option has been legally allowed only for students with health-related disabilities, not for students in health or socially disadvantaged. These students cannot be placed at a separated school or class under any circumstances even with an implicit written consent of their legal representatives.

124. The new Education Act has stepped back from the stress put on institutions providing for education and replaced it with educational programmes, the purpose of which has been the provision of lifelong education to Czech citizens. The Act has introduced a number of important legal changes in the area of education of children and students with special educational needs and in the organisation of the so-called special education. The fundamental change has been the fact that it does not differentiate the so-called “common” education and “special” schools, when compared with the original Education Act (No. 29/1984 Coll.). This

²³⁹ These are health-related disabilities (covering mental, body, eye or hearing disabilities, speech problems and more concurrent disorders, autism, development disorders related to learning or behaviour), disabilities (health weakness, long-term illness, or lighter forms of health disorders resulting in learning or behavioural disorders requiring a special treatment in education) and social disadvantages (the family environment of a low social cultural status threatened by socially pathological phenomena, the ordered institutional upbringing or protection upbringing, or the position of a person with the asylum status or a participant in proceedings deciding on the asylum).

means that there have not been any legal differences or barriers between the “common” education and “special” education.

125. This specifically means that the only school kind in the area of elementary education is the elementary school. The objective has been to remove the institution of a special school as a disadvantaging environment, which had not ensured for Roma children the chance of achieving the education corresponding with their abilities.

126. A student gains the elementary education by his or her successful finalisation of the education programme of the elementary education at an elementary school. All elementary schools (including special or special elementary schools in the past) thus provide for education of an identical level recognised as a single education level.

127. It is thus impossible to speak about the “unequal” education gained at a special school. When it comes to the term “special school” mentioned on certificates issued after 1 January 2005, the Education Act has determined that this name must be regulated by the end of March 2006.

128. The Act newly implements the so-called informed consent with the transfer of a student to an educational programme of elementary education for students with health-related disability or to an educational programme of a special elementary school. The school principal can transfer a student to such an educational programme only on the basis of a written recommendation by a professional doctor and a school advisory facility, but only after the preliminary written consent of the student’s legal representative. At the same time, the school principal is obliged to inform the student’s legal representative about differences in educational programmes and about organisational changes, which could occur in connection with the transfer to another educational programme. These steps make the legal condition on the issuance of an administrative decision on the transfer of a student to another educational programme. When this condition has not been followed, the administrative decision is illegal.

Provisions improving the education of Roma people (Education Act)

129. The Education Act implements a number of provisions improving the situation of the Roma minority. There are preparatory classes created for children from socially and culturally disadvantaged environments²⁴⁰ (hereinafter referred to as the “preparatory classes” only) and the utilisation of assistants to teachers (formerly called the “Roma pedagogical assistants”). The objective of this practice (the use of teachers’ assistants) implementation has been the elimination of any adaptation or communication problems at schools for socially disadvantaged children and students.

130. The Education Act introduces also the preparatory programme within kindergartens. It is a free of charge education at kindergartens in the last year before the enrolment at an elementary school. The utilisation of preparatory classes should significantly help in

²⁴⁰ The Education Act defines the socially disadvantaged environment as a family environment of a low social and cultural level threatened by socially pathological phenomena, in the case of an order of the institutional education or protection education, or as the position of a person with the asylum or a participant in the proceedings related to the granting of the asylum in the Czech Republic, according to a special legal regulation.

smoother inclusion of socially disadvantaged children at elementary schools.²⁴¹ There have been Roma assistants active in individual education areas. The assistants assist teachers in their educational activities, when communicating with Roma children, in their individual approach to students, and in the removal of any education-related problems.

131. The preparatory classes had been until now organised only on the basis of a methodical recommendation by the Ministry of Education. The Education Act now implements the so-called preparatory classes of elementary schools in the legislature and they have become the standard legal institution for the preparation of children, who are socially disadvantaged, and their enrolment in a preparatory class could help in their development, for education in the last year before the start of compulsory school attendance.²⁴²

132. The preparatory classes of elementary schools can be established by municipalities, associations of municipalities, or by a region, when there will be at least 7 children, but 15 children at the maximum. The school principal decides on the students' enrolment in preparatory classes on request by the children's parents and on the basis of a written recommendation of the school advisory facility.

Preparatory classes for socially disadvantaged children - schools, classes, children – by the areas

Schools, classes, children in the preparatory classes											
Total				thereof							
Schools	Classes	Children		At elementary schools				At special schools			
		Total	there of Girls	Schools	Classes	Children		Schools	Classes	Children	
						Total	there of Girls			Total	there of Girls
111	123	1 441	611	73	79	972	397	38	44	469	214

(UIV database)

133. Until now, the positions of teachers' assistants had been established only on the basis of internal regulations by the Ministry of Education. The Education Act implements the position of a teacher's assistant in all kindergarten classes, elementary, secondary, and advanced professional schools, where there are students educated with special education needs. This position could be thus utilised not only by students with health-related disability, but also by socially disadvantaged students - e.g. the so-called "Roma assistants" (see below).

134. Activities of a teacher's assistant are treated by the Act on pedagogical workers (No. 563/2004 Coll.)²⁴³, which regulates the necessary professional qualification of a

²⁴¹ The main task of the education in preparatory classes is the equalising any disadvantage caused by the socially or culturally disadvantaging environment, the disadvantage related to the incomplete knowledge of the Czech language. This provides for a chance of the settling up especially the language differences and for the probable lowering of the number of these students in special schools.

²⁴² The details are treated by the Bylaw No. 48/2005 Coll. on the elementary education and matters related to the observation of the school attendance.

²⁴³ Act No. 563/2004 Coll. on pedagogical workers and changes in some laws

teacher's assistant. Teachers' assistants are mainly funded from the development subsidy programmes by the Ministry of Education, from reserves of Regional Offices, or from subsidies by work offices.²⁴⁴

Assistants to teachers in the preparatory classes in the period 2000-2006 – elementary schools, secondary schools, special schools and facilities for the institutional education

School year	2001/200	2002/200	2003/200	2004/200	2005/200
	2	3	4	5	6
Total number of workers	246	376	296	246	235

Source: ÚIV database

135. Another institute that can help in the improvement of the situation criticised by the Committee relates to courses for gaining the elementary education. Elementary and secondary schools can organise education courses for gaining the elementary education for persons, who had not achieved the elementary education. They are organised in accordance with the framework educational programme of the elementary education. Each person, who has not gained the elementary education level after the finalisation of his or her compulsory school attendance because of any reason, can be accepted in such a course.²⁴⁵

136. The objective of the programme School with the full-day programme is to allow students from a socially disadvantaged environment and students from the Roma community: for the achievement of a higher education success rate through specific activities, for lowering the absence rate at individual schools, and for the increased motivation of students during education at individual schools.²⁴⁶

Table No. 44a Assistants to teachers in preparatory classes in the period 2000-2004 - elementary schools, secondary schools, special schools and facilities for the institutional education

School year	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006
Total number of workers	246	376	296	246	235
thereof: Women	205	322	257	206	191
thereof: Men	41	54	39	40	44
Recalculated number of workers	225	330.6	266.9	230.4	215
thereof: Women	x	278.5	229.6	191.3	172.7

Source: ÚIV database

Table No. 44b Assistants to students with health-related disabilities 2005/2006 (data without personal assistants)

²⁴⁴ The Instruction by the Ministry of Education No. 33 377/2004-45 determining the binding principles, according to which regional offices allocate the funds received from the state budget and according to which municipal offices with extended coverage propose the allocation of funds from the state budget.

²⁴⁵ The details about the course organisation are determined by the Bylaw No. 48/2005 Coll. on the elementary education and on the matters related to the compulsory school attendance.

²⁴⁶ This programme also tries for better co-operation and relations with families and the wider Roma community, schools and students, for better informing of parents of the school students about the needs and education options for their children, for the creation of a stimulating environment, in which work alternates with an active rest and where the children get a chance to strengthen their knowledge and skills, gain new experiences and skills and can purposefully spend their leisure.

School year 2005/06	Kindergartens	Elementary schools	Secondary schools	Advanced professional schools	Special elementary schools	Facilities of the institution on education
Total number of workers	94	857	34	4	619	8
thereof: Women	91	796	29	2	544	7
thereof: Men	3	61	5	2	75	1
Recalculated number of workers	58.9	575.4	28	2.2	506.1	8
thereof: Women	57	537.2	24.9	1.5	440.4	7

Source: ÚIV database

Other provisions improving the Roma education - programmes

137. In 2005, the Ministry of Education declared a development programme within the education “The teacher’s assistant for socially disadvantaged children and students at schools founded by the registered church or religious societies in 2005”. The funds for this programme are determined for legal persons or organisational state units organising the school activities supporting the education of Roma students, who are the Czech citizens and whose families experience big difficulties when covering costs of secondary or advanced professional education.²⁴⁷

138. This development programme has been extended in 2006 to all schools. This has been done because regional offices started to lower the numbers of teachers’ assistants in consequence of their financial reasons and because with the lowering in the number of teachers related to the lower number of children. The programme was determined for schools, where the teacher’s assistant had been established and which were interested in the new establishment of the teacher’s assistant. However, the target group of the programme were only the teachers’ assistants for socially disadvantaged children and students.²⁴⁸

139. The “Conception (of the project) of an early care after children from the socially and culturally disadvantaging environments”²⁴⁹ (hereinafter referred as the “Conception” only) states that an early care within the area of education will be provided to children from socially and socially-culturally disadvantaging environments and to their families, especially in the period from the children’s 3 years of age to the beginning of the school attendance.²⁵⁰

140. The Conception also determines the term “early care” and defines it as a sum of provisions, which should identify possible risks in the development of children’s

²⁴⁷ There have been 3 projects approved in total - the schools with 11 Roma assistants and the costs of CZK 1 877 202.

²⁴⁸ There were 330 places for teachers’ assistants supported with CZK 70 734 090 in 2006.

²⁴⁹ The Czech Government Resolution of 11 May 2005

²⁵⁰ One of the expected impacts of all the provisions supporting education of students from the socially-culturally disadvantaging environments has been the increased number of these students in the main stream education and their increased school success rate. The probability that these students will continue in their education that they would successfully finish a secondary school or university, or their professional preparation and will be successful on the labour market has been increasing.

personalities and prevent the threatening negative impacts of the social-cultural disadvantage in education, moral and social personality culture of the specifically determined groups of children. The early care programmes should be provided in such a way that they contribute to the increased development level of children in the areas threatened by the biological, social, or psychological factors.

141. This document asks also the Ministry of Education, in co-operation with the Ministries of Labour and Health, for continuous co-ordination of activities by individual institutions, which look after children within the unified system (the social and legal protection of children, health facilities, the pedagogical and psychological consulting) in such a way that there is a chance for the mutual creation of the social and pedagogical-psychological diagnoses of children's problems in the risky environment, including the socially and socially-culturally disadvantaging environments.

142. In 2006, the Ministry of Education initiated the education project "Minority Integration Centres". The body implementing the project has been the Pedagogical-psychological Consulting Institute of the Czech Republic.²⁵¹ The preparation and pilot verification of the Conception of the early care project related to children from socially and culturally disadvantaging environments make a part of this project.

143. There are also the so-called early care centres organised at kindergartens or elementary schools. They prepare the preparatory courses - the creation and implementation of full-time courses for parents and children from socially and culturally disadvantaging environments related to children from 3 years of age to the beginning of the school attendance, the creation and implementation of long-term presentation courses for parents from socially and culturally disadvantaging environments related to children from 3 years of age to the beginning of the school attendance.

144. As from 2003, the Ministry of Education declares twice a year the programme "Support of Roma students at secondary schools" and informs schools about the programme possibilities and conditions through regional offices and councils. This programme supports studies of the Roma students, whose families experience big problems when covering costs of the secondary studies.

145. Legal persons registered within the School Register can apply for funds. They are the persons providing for: secondary education, secondary education with an apprentice certificate, secondary education finished with the final A exam, advanced professional education, or advanced professional education by conservatories.

Table 44c Review of the funds provided so far in the period 2000-2006

²⁵¹ It collects and processes the information about pedagogical and psychological services, especially about the pedagogical, educational and career consulting at schools. It provides for analyses, researches and surveys related to the provision of consulting services and to pedagogical and psychological aspects in education. It prepares conceptions necessary for the Ministry of Education in the area of consulting services.

Round - year	Number of applications	Sums in CZK
I/2000	333	2 344 000
II/2000	561	510 000
I/2001	511	3 437 000
II/2001	1 021	3 400 000
I/2002	941	3 488 000
II/2002	1 409	4 992 948
I/2003	1 136	5 230 599
II/2003	1 441	4 742 833
I/2004	1 069	5 015 063
II/2004 Proper term	894	4 054 700
III/2004 Supplementary term	350	922 200
I/2005	1292	5 986 000
II/2005	1391	5 503 600
I/2006	1 315	6 713 500
TOTAL	13 664	56 340 443

146. There is the “Programme supporting the Roma community integration”²⁵² announced every year. It supports the better accessibility of education to children from the Roma community. The Ministry of Education, which announces these programmes, supports the projects assisting to the inclusion of Roma children and students into the main stream education.²⁵³ The subsidy programme of 2005 approved 128 projects in total at the level of CZK 10 099 770. There was the total of 90 projects worth CZK 9 700 000 approved in 2006.

147. The Ministry of Education has been co-operating with non profit organisations involved in education for a long time. This relates, for example, to activities by advisory teams established at the Ministry of Education (history, pedagogy, citizens’ education, Montessori), where are NNO representatives from the given area present, to the participation in workshops and conferences organised by the Ministry for NNOs, or, in contrast, organised by NNO, to the announcement of subsidy and development programmes, tenders, and allocation of grants for NNO activities, informal consulting and meetings accompanying preparation of documents, the co-operation with regard to specific projects, the co-operation in creation of legal regulations, etc.

²⁵² For example, there were the following topics announced in 2005: Support of the increased participation of Roma children in the pre school education, the support of methods and work forms, which increase the effectiveness of the pre school education of Roma children, the support of further education of teachers and assistants working with Roma children of the pre school age in the utilisation of efficient educational methods for the Roma children, the support of activities increasing the chance of Roma children for the successful start of the school attendance, the support of activities focussed on the involvement of families in the pre school education of children, and the support of accompanying activities of elementary schools supporting Roma children when overcoming obstacles during the compulsory school attendance.

²⁵³ They are especially the following areas: the pre school preparation of Roma children, the education of students from Roma communities at elementary schools, the methodical support of teachers, and the leisure and hobby activities for Roma children and youth related to their educational needs.

Observation No. 45:

The Committee asks the party to the agreement for ensuring the education in the area of human rights at schools of all levels and for improving the awareness of human rights, especially the economical, social and cultural rights among state officers and in courts.

148. The education in the area of human rights has been implemented in the area of education of employees working in administrative offices in accordance with the “Regulations for the education of employees working in administrative offices”.²⁵⁴ It takes place in connection with the Code of Ethics within the entry introductory training, which starts immediately after the commencement of the employment contract and it has been developed within the consequent training as a part of the topics focussed on basic rights and freedoms, the general principles of ethical behaviour and equal rights for women and men, but also within the advanced forms of training.

149. In 2006, employees working in administrative offices were participating in a four-day course organised by the State Administration Institute²⁵⁵ called “Ethics as an inseparable part of the professional behaviour in the public administration” within their advanced training. Apart from the observation of ethical principles and behaviour, the course dealt also with actual issues related to the protection of human rights in the Czech Republic. Another utilised form of education related to human rights was the e-learning distributed for the needs of employees working in administrative offices by the State Administration Institute. It focussed on the equal opportunities for women and men.

²⁵⁴ The Czech Government Resolution No. 1542 of 30 November 2005

²⁵⁵ The State Administration Institute (ISS) was founded on 1 July 2001 by the Czech Government Resolution No. 814 of 23 August 2000. The main task of ISS has been the preparation and implementation of training for employees working in administrative offices.