EUROPEAN SOCIAL CHARTER

THE EIGHTH REPORT
ON THE APPLICATION
OF THE EUROPEAN SOCIAL CHARTER

SUBMITTED BY
THE GOVERNMENT OF THE CZECH REPUBLIC
(for the period up to 31 December 2009)

Articles 7, 8, 16, 17 and 19 of the European Social Charter

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THE REPORT ON THE APPLICATION OF THE EUROPEAN SOCIAL CHARTER

ARTICLE 7: THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education,

2. to provide that a higher minimum age of admission to employment shall be fixed with respect to prescribed occupations regarded as dangerous or unhealthy,

3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education,

4. to provide that the working hours of persons under 16 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training,

5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances,

6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day,

7. to provide that employed persons of under 18 years of age shall be entitled to not less than three weeks' annual holiday with pay,

8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations,

9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control,

10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

ARTICLE 7, PARAGRAPH 1

The European Committee of Social Rights in its last conclusions regarding Article 7 Para.1 of the European Social Charter (Conclusions XVII-2) declared that the Czech Republic did not comply with the mentioned provision because regulations on the minimum age of admission to employment did not apply to children working in employment relationships not governed by the Labour Code.

The government of the Czech Republic hereby informs that on 1 January 2007 Act No. 262/2006 Coll., Labour Code, came into effect to replace the hitherto Labour Code, Act No. 65/1965 Coll.

The new Labour Code assumed regulations applicable to the minimum age of admission to employment, however, it explicitly stipulates that **work by individuals (natural persons) of either the age of 15 or older than 15 until completion of their compulsory school attendance is prohibited**.

The prohibition on work of children up to 15 years of age or older than 15 until completion of their compulsory school attendance is an absolute ban applicable to any and all types of work in any economic sector, performed within or outside the scope of employment relationships.

The only exception from the absolute ban on employment of children up to 15 years of age or older than 15 until completion of their compulsory school attendance admitted and allowed by the Labour Code relates to performing artistic, cultural, sporting and advertising activities under the terms set by Act No. 435/2004 Coll., Employment Act.

Should a child under 15 years of age or a child older than 15, who has not completed compulsory school attendance, perform any other work than artistic, cultural, sporting and advertising activity under the terms set by the Employment Act, this conduct would constitute an infringement of the prohibition on child labour stipulated by the Labour Code and the employer would thus commit an infraction (an employer – natural person) or an administrative delict (an employer – legal person).

An infraction/administrative delict with respect to employment or agreements on work outside an employment relationship shall be committed by a natural/legal person by infringing obligations stipulated for creation, changes, termination of employment, agreement on work performance or agreement on working activity. These obligations include also the prohibition of employment of children under 15 years of age or children older than 15, who have not completed compulsory school attendance. This infraction or administrative delict may be sanctioned by a fine up to CZK 300 000.

Controls of compliance with the prohibition of work of children under 15 years of age or children older than 15, who have not completed compulsory school attendance, fall within the powers of Labour Offices and Labour Inspectorates.

A child under 15 years of age or a child older than 15, who has not completed compulsory school attendance, until the date of completion thereof, may perform artistic, cultural, sporting and advertising activities for a legal entity or natural person, the objects of whom contain such activities (organiser of the activity), only if the activity is commensurate with the child's age, is not dangerous for the child, is not harmful to his education or school attendance and participation in educational programmes, and does not harm his health, physical, mental, moral or social development.

Artistic, cultural, sporting and advertising activities of the child **do not include**:

- cultural activities in amateur groups and art and music schools,
- performing at artistic and cultural events organised by schools, educational facilities or social care institutions, or events in the organisation of which schools, educational facilities or social care institutions participate,
- activities performed within the scope of upbringing and education in schools and educational facilities in accordance with educational programmes,
- participation in artistic and sporting competitions, provided these activities are not remunerated, or
- activities performed in scope of extra-curricular education and during other non-commercial interesting activities, not remunerated.

For the purposes of permit issuance artistic, cultural, sporting and advertising activities **include** the following activities of the child:

- artistic and cultural creation of works subject to copyright or artistic performances in accordance with special legal regulations (Act No. 121/2000 Coll., Copyright Act, as amended) and performance of particularly musical, vocal and dance acts,
- acting to advertise and promote products, services or other objects and items and modelling activities,
- participation in public sporting events.

The organiser of the activity is obliged to provide for continuous supervision by a competent person during the period agreed for the child's activity, and where necessary also when transporting the child to such activity, unless this is done by the statutory representative of the child, and for suitable conditions reflecting the nature of the activities the child will perform. The organiser of the activity is also obliged to conclude liability insurance against any injury which might occur during the performance of the activity including any damages resulting from the performance of the activity; the insurance should be referred to in the permit.

The Labour Office shall decide to issue a permit for artistic, cultural, sporting and advertising activities on the basis of a written application submitted by the child's statutory representative, or another person responsible for bringing up the child, into whose care the child was placed by a decision of a court. In the permit the Labour Office shall stipulate the extent and conditions for the performance of activities regulating the schedule of activities and rest periods depending on the extent and type of activity, the method of ensuring health and safety and minimum requirements for ensuring suitable working conditions for the performance of the activity. The Labour Office may ask the authority charged with social and legal protection of children whether it is aware of any reasons that would prevent the child from performing the activity or whether the activity is suitable for the child.

The Labour Office shall prohibit the performance of activities by children if it finds that

- the child performs the activity without a permit,
- in the performance of the activity by the child the organiser of the activity infringed his obligations as set by the Employment Act or other legal regulations, or
- according to a medical opinion issued after issuance of the permit the performance of such activity is not suitable for the child.

The Labour Office is obliged to prohibit the performance of the activity immediately after it learns about the mentioned facts, by a declaration communicated to the child's statutory representative and the organiser of the activity. From the date of delivery of such declaration the child's statutory representative shall be obliged to terminate the performance of the activities by the child; the organiser of the activity has the same obligation. If there is any grounded suspicion that the child has become less physically able to perform the activity or another facts preventing the child from performing the activity, the child's statutory representative, the attending doctor, the regional Labour Inspectorate and the authority charged with social and legal protection of the child are obliged to communicate these facts to the competent Labour Office. **The Labour Office shall make a declaration prohibiting the activity of the child either orally or in writing**. Within 15 calendar days from delivery of the written or oral declaration prohibiting the child's activities the Labour Office shall be obliged to issue a decision prohibiting the performance of the child's activities.

Performance of artistic, cultural, sporting and advertising activities by the child shall be subject to time limits. The child may perform the activity only on the basis of an individual permit issued to the particular child and for the particular activity, within the extent not exceeding

- 2 hours per day in case of a child up to the age of compulsory school attendance, provided that the total duration of performance of the activity may not exceed 10 hours per week,
- 2 hours on a school day and 12 hours per week for an activity performed during the school term before or after school lessons, provided that the daily duration of performance of the activity may not exceed 7 hours,
- 7 hours per day for an activity performed during school holidays, provided that the total weekly duration of performance of the activity may not exceed 35 hours per week.

The time of performance of the activity includes also the time necessary for preparation for the activity performance at the place of such performance.

The rest period must be set for at least twice 15 minutes and once 45 minutes, if the child has to perform the activity for at least 4.5 hours per day. This rest time shall not be included into the duration of the activity performance.

If the child performs the activity for more organisers of activities, the durations of such activities shall be aggregated and the sum thereof must not exceed the limits stated above.

The child may not perform the activity during the period between 10 p.m. and 6 a.m.; if a child subject to compulsory school attendance does not have to attend school on the day following the day when this period ends, the performance of the activity is prohibited between 10.30 p.m. and 6 a.m.

After performing his/her daily activities, the child must have an uninterrupted rest period lasting at least 14 hours. If the child performs the activity for 5 consecutive calendar days, he/she must not perform the activity for at least the following 2 consecutive calendar days. The child must not perform the activity for at least 2 calendar days in a calendar week.

The Labour Office shall without an undue delay deliver the decision permitting the child to perform an activity or the decision prohibiting the child to perform an activity also to the relevant regional Labour Inspectorate. The Labour Office shall maintain the records of permits granted for activities of children. The records must contain data stated in the appropriate application for permit. Data in the records shall be intended solely for the purpose of the permit issuance.

The permit may be granted for a child to perform an activity for a maximum of 12 consecutive months following the day on which the permit granted by the Labour Office became valid, and at the latest until the last day on which the natural person is deemed to be a child in accordance with the Act. If the child performs activities for more organisers, separate permits to perform activities shall be granted for each organiser.

Should a natural or legal person allow a child to perform such activities without any permit or infringe conditions of such permit, this conduct will constitute an infraction or an administrative delict, which may be sanctioned by a fine up to CZK 2 000 000.

Should a statutory representative of the child allow a child to perform such activities without any permit or infringe conditions of such permit, this conduct will constitute an infraction, which may be sanctioned by a fine up to CZK 100 000.

In relation to legislative confirmation of the absolute ban on work of children under 15 years of age or a child older than 15, who has not completed compulsory school attendance **the Czech Republic has ratified Convention No. 138 of the International Labour Organisation, Convention concerning Minimum Age for Admission to Employment**. The Convention was published in the Collection of International Treaties under No. 24/2008.

ARTICLE 7, PARAGRAPH 2

Although a new Labour Code came into force during the reference period, Act No. 262/2006 Coll., which replaced the preceding Labour Code, Act No. 65/1965 Coll., regulations applicable to the minimum age of admission to employment in prescribed occupations regarded as dangerous or unhealthy have not changed.

Decree of the Ministry of Health No. 288/2003 Coll., stipulates in accordance with the EC acquis works and workplaces prohibited to juvenile employees and conditions under which juvenile employees may perform such works exceptionally in scope of their education or vocational training.

Juvenile persons are prohibited from performing the following works:

a) in environments
   1. where the air pressure exceeds the surrounding atmospheric pressure by more than 20 kPa,
   2. where the concentration of oxygen in the air is less than 20% by volume,
   3. requiring the use of insulating breathing apparatus,

b) associated with disproportionate burden on locomotive organs
   1. exceeding the overall physical burden limit values set for juvenile persons by special regulation (Government Regulation No. 178/2001 Coll., specifying conditions of occupational safety and health protection),
   2. upon lifting and carrying loads with simple unpowered equipment, which requires powers higher than stated in Annex 2,
   3. upon lifting and carrying loads for distances exceeding the coefficients stated in Annexes 3 and 4,
   4. performed for a period exceeding four hours within the total working time
   4.1. in working positions that cannot be varied, such as a permanent sitting or standing positions,
   4.2. requiring repeated conditionally acceptable and unacceptable working positions, such as, for example, deep forward bends, kneeling, lying, standing on tiptoes, with the hands above the head, included in category 3 in accordance with special legal regulation (Decree No. 89/2001 Coll., specifying conditions for job categorization, limit values of coefficients in biological exposure tests and requirements on reporting works with asbestos and biological agents) and works associated with repeated turns of the body by more than 20 degrees,
   4.3. performed at an enforced work pace (Government Regulation No. 178/2001 Coll.),

c) performed
   1. under conditions where maximum operating temperatures are exceeded as a result of heat from technological equipment,
   2. for a period longer than four hours in the total working time in areas where the air temperature is artificially maintained at and below 4°C,
   3. performed for a period longer than one hour in total during the working time in temperatures lower than -5°C,

d) associated with exposure to noise classified in the third or fourth category in accordance with special legal regulation (Decree No. 89/2001 Coll., specifying conditions for job categorization, limit values of coefficients in biological exposure tests and requirements on reporting works with asbestos and biological agents),

e) in controlled areas of work places with sources of ionizing radiation,

f) with carcinogens and mutagens and during working processes with the risk of chemical carcinogenicity, as specified in special legal regulation (Government Regulation No. 178/2001 Coll.),

g) with asbestos,

h) with chemical substances and chemical preparations
   1. causing acute or chronic poisoning with severe or irreversible health consequences labelled R 23, R 25, R 26, R 28, R 39 and R 48 according to special legal regulation (Government Regulation No. 25/1999 Coll., laying down procedure for risk rating of chemical substances and chemical preparations, method for their classification and marking, and issuing the List of Already Classified Dangerous Chemical Substances),
   2. causing damage to the reproductive system or the foetus in the mother's body labelled R 60, R 61, R 62 and R 63,
   3. causing severe damage to health when absorbed through the skin, labelled R 24 or R 27 or having a sensitizing effect on the respiratory apparatus or the skin and labelled R 42, R 43,
   4. caustic, labelled R 34 and R 35,
   5. restricting the division of cells,
   6. in combination with the R labels set forth in items 1 to 3,

i) with chemical substances and chemical preparations hazardous to health and labelled R 20, R 21, R 22 and irritating chemical substances and chemical preparations labelled R 36, R 38 and R 41, classified in the second to fourth categories in accordance with special legal regulation (Decree No. 89/2001 Coll.),

j) associated with exposure to carbon monoxide, classified in the second to fourth categories in accordance with special legal regulation (Decree No. 89/2001 Coll.),

k) associated with exposure to lead and its ionizing compounds classified in the second to fourth categories in accordance with special legal regulation (Decree No. 89/2001 Coll.),

l) in the production of pharmaceuticals and veterinary preparations containing hormones, antibiotics and other highly active biological substances,

m) in the production of cytostatic drugs, their preparation for injection, during their administration and upon treating patients receiving cytostatic drugs,

n) classified as hazardous according to special legal regulation (Act No. 258/2000 Coll., Public Health Protection Act, amending certain related acts), unless already stated under 4.2. b) and points d) to k) and m),

o) with an increased risk of injury, particularly work
   1. in the manufacture, processing and handling of explosives and explosive items,
   2. with liquids labelled R 11 and R 12, unless they are used in laboratories or when providing health or veterinary car,
   3. at heights of over 1.5 m measured from the level of the floor to the level of the feet and above open spaces,
   4. at high voltage equipment,
   5. in areas with enclosed containers and tanks,
   6. upon gas disinfestation and rodent control,
   7. handling equipment for the production, storage or application of compressed, liquefied or dissolved gases,
   8. involving a risk of structural collapse or falling objects,
   9. with dangerous animals listed in special legal regulation (Decree No. 75/1996 Coll., stipulating dangerous animal species),
   10. animal slaughtering on an industrial scale,
   11. work with vats, tanks, carboys or similar reservoirs containing chemical substances and preparations stated under points f) to i), cytostatics, explosives, flammable liquids and compressed gases.

<u>The prohibition of works for juvenile workers does not apply to work specified:</u>

- in points c) and d) performed in scope of education or vocational training, provided that sufficient protection of health of the juvenile workers is ensured by continuous professional supervision,

- in point e) at workplaces with ionizing radiation sources, except for wilful and voluntary exposure to ionizing radiation during a specialized training for work with ionizing radiation sources; the exposure must not exceed radiation limits for apprentices and students stipulated by special legal regulations,

- in point n) performed in scope of education or vocational training, provided that sufficient protection of health of the juvenile workers is ensured by continuous professional supervision; this shall not apply to works related to exposure to substances stated in points f), g) and h),

- in point o), items 2, 3, 4, 10, performed in scope of education or vocational training, provided that sufficient protection of health of the juvenile workers is ensured by continuous professional supervision,

- in point o), item 7, in relation to use of equipment containing compressed, liquid or dissolved gases, performed in scope of education or vocational training, provided that sufficient protection of health of the juvenile workers is ensured by continuous professional supervision.

ARTICLE 7, PARAGRAPH 3

Then Labour Code in Section 2 Para. 6 stipulates **an absolute prohibition on work of children up to 15 years of age or older than 15 until completion of their compulsory school attendance.** This prohibition applies to any and all types of work performed within or outside the scope of employment relationships. The only exception relates to the performance of artistic, cultural, sporting and advertising activities under the terms set by the Employment Act.

This prohibition means that no child obliged to compulsory school attendance may perform any work except for permitted artistic, cultural, sporting and advertising activities under the terms set by the Employment Act.

ARTICLE 7, PARAGRAPH 4

With effect from 1 January 2008 the amendment to Act No. 262/2006 Coll., Labour Code repealed the provision on weekly working hours of juvenile employees. The new Section 79a stipulates that **the length of shift of a juvenile employee** (i.e. employee under the age of 18) **on individual days may not exceed 8 hours and the duration of weekly working hours in all concurrent labour relationships may not in total exceed 40 hours per week.**

From the preceding regulation the Labour Code assumed also a different regulation of work breaks for food and rest and continuous rest periods. The employer is always obliged to give a juvenile employee a work break for food and rest lasting at least 30 minutes after a maximum of four and half hours of continuous work. The continuous weekly rest period of a juvenile employee may not be shorter than 48 hours.

Part Ten, Title IV, Division 5 of the Labour Code (Sections 243 – 247) stipulates working conditions for juvenile employees. The employers are obliged to create favourable conditions for the general development of physical and mental abilities of juvenile employees also by special adjustments to their working conditions.

Juvenile employees may be employed only on the types of work adequate to their physical and intellectual development and must be provided with increased protection at work. **Juvenile employees may not work overtime or at night.** Exceptionally juvenile employees, who are over 16 years, may perform night work not exceeding 1 hour, where this is necessary for their vocational training, under supervision of an employee over 18 years of age, if this supervision is necessary for the protection of the juvenile employee. Night work of a juvenile employee must immediately follow his daytime work according to the schedule of working shifts.

Where the employer may not assign a juvenile employee to a work, for which the employee has vocational education, due to the fact that performance of such work by juvenile employees is prohibited or due to the fact that according to a relevant medical opinion issued by the occupational health care facility such work is hazardous to the employee's health, the employer shall be obliged to assign the juvenile employee to an alternative adequate work corresponding, if possible, to the employee's qualification, until the time when the employee can perform the original work.

Juvenile employees may not be employed for underground works in extraction of minerals or digging tunnels and galleries and works inadequate, hazardous or harmful to their health with a view of their specific anatomical, physiological and psychic attributes of persons of their age.

The employers may not employ juvenile employees on those types of work which expose them to an increased risk of injury or upon the performance of which the employees could seriously put at risk the safety and health of other employees or other natural persons. Prohibitions of certain works may be extended by a decree of the Ministry of Health also to employees whose age is below 21.

The employer is obliged to keep a list of juvenile employees employed by him; the list shall include the first name/names, surname, date of birth and the type of work performed by the relevant employee.

The employer is also obliged to ensure, at his costs, that juvenile employees are examined by a medical doctor of a preventive occupational health care facility:

- before the start of employment and before transfer to another type of work;
- regularly, as needed, at least once a year.

Juvenile employees are obliged to undergo the prescribed medical examinations. In assigning working tasks to juvenile employees the employer shall observe the medical opinion issued by the occupational health care facility.

The European Committee of Social Rights requests the government of the Czech Republic to provide information on the proportion of young workers under 16 years of age who do not fall within the scope of the Labour Code. **Regarding this request it is necessary to explain that all employees performing dependent work fall within the scope of the Labour Code.**

The Labour Code is a legal instrument regulating, inter alia, legal relations arising upon performance of dependent work between employees and employers; these relations are referred to as labour relations.

Dependent work performed within a relationship of the employer's superiority and the employee's subordination means exclusively personal performance of work by an employee for his employer, according to the employer's instructions, in the employer's name, for a wage, salary of other remuneration paid for work, performed within working hours or otherwise determined or agreed time at the employer's workplace or at another agreed place, at the employer's costs and liability. Dependant work includes also cases where an employment agency temporarily assigns its employee for work performance to another employer according to an covenant in an employment contract or an agreement on work, by which the agency undertakes to arrange for its employee temporary work under an employment contract or an agreement on work with another employer (user) and the employee undertakes to carry out such work according to instructions given by the user and based on an agreement on temporary posting of the employee of the employment agency concluded by the employment agency and the user.

The law of the Czech Republic does not allow employment of persons performing dependent work outside the scope of the Labour Code, i.e. **all employees are protected by the Labour Code**.

The Labour Code further stipulates that rights or obligations in labour relations may be regulated in derogation from the Code, unless the Labour Code explicitly prohibits such regulation or the nature of its provisions implies that no derogation is possible. **Provisions on working conditions of juvenile employees do not allow any derogation, i.e. these provisions shall be applied in any and all cases.**

Persons, who do not perform dependent work but are self-employed (entrepreneurs) are not regulated by the Labour Code and they are subject to other legal regulations (e.g. the Trade Act, the Copyright Act, the Bar Act, the Notarial Rules etc.), which stipulate the minimum age for performance of such activities and the types of required qualification or

duration of required professional experience or other conditions. The conditions for performance of certain activities imply that such activities may not be performed by persons under 18.

Theoretically, self-employment activities may be performed according to the Copyright Act by a person older than 15 years. However, we have to note that a person under 18 years of age lacks full legal capacity and in legal acts will be represented by a parent (statutory representative). Provided that according to Act No. 94/1963 Coll., Family Act, as amended parents upon exercising parental liability must rigorously protect the child's interests, manage his or her behaviour and exercise surveillance over him or her in accordance with the level of his or her development. Neglect of an important duty resulting from the parental liability may lead even to criminal liability (endangering the child’s upbringing).

ARTICLE 7, PARAGRAPH 5

Young employees

On 1 January 2007 Act No. 262/2006 Coll., Labour Code, came into effect, which replaced the former regulation of wages and salaries, however, **rights of young workers to fair pay or other adequate allowance have not changed at all**.

Young employees have full rights to wage, salary and remuneration pursuant to an agreement equal to rights of other employees. Due to continuing problems upon entry of young employees to the labour market caused particularly by their insufficient professional experiences or lower performance rates the principle of setting lower minimum wage rate and the lowest level of guaranteed wage has been assumed from the previous legislation. This principle continues to be understood as a tool supporting employment of young employees.

Government Regulation No. 567/2006 Coll., governing minimum wages, the lowest levels of guaranteed wages, the definition of a difficult working environment and the amount of the additional pay for working in a difficult working environment, stipulates that **an employee under 18 years of age is entitled at least to 80% of the statutory minimum wage and the lowest level of guaranteed wage. An employee aged 18–21, in his first employment, is entitled to at least 90% of the statutory minimum wage and the lowest level of guaranteed wage, for a term of 6 months from the date of creation of the employment relationship.** After elapse of this 6-month term the employee shall be entitled to 100% of the statutory minimum wage and the lowest level of guaranteed wage.

The European Committee of Social Rights in its Conclusions XVII-2 asked the government of the Czech Republic to explain whether young workers who do not fall within the scope of the Labour Code have similar rights. Regarding this request we have to mention the information stated in Article 7 Para. 4. The Labour Code is a legal instrument regulating, inter alia, legal relations arising upon performance of dependent work between employees and employers; these relations are referred to as labour relations.

Dependent work performed within a relationship of the employer's superiority and the employee's subordination means exclusively personal performance of work by an employee for his employer, according to the employer's instructions, in the employer's name, for a wage, salary of other remuneration paid for work, performed within working hours or otherwise determined or agreed time at the employer's workplace or at another agreed place, at the employer's costs and liability. Dependant work includes also cases where an employment agency temporarily assigns its employee for work performance to another employer according to an covenant in an employment contract or an agreement on work, by which the agency undertakes to arrange for its employee temporary work under an employment contract or an agreement on work with another employer (user) and the employee undertakes to carry out such work according to instructions given by the user and based on an agreement on temporary posting of the employee of the employment agency concluded by the employment agency and the user.

The law of the Czech Republic does not allow employment of persons performing dependent work outside the scope of the Labour Code, i.e. **all employees are protected by the Labour Code**.

Apprentices

The amount of compensation for productive activities of pupils of secondary schools and students of tertiary professional schools is regulated by Section 122 Act No. 561/2004 Coll., on pre-school, basic, secondary, tertiary professional and other education (Education Act), as amended, which came into effect on 1 January 2005.

The compensation for productive activities is paid by the legal person carrying out activities of a school, from funds acquired through such productive activities. The headmaster shall determine the amount of such compensation in compliance with the scope and quality of productive activities. If pupils carry out vocational training or students exercise professional practice on the premises of another legal person, such a person shall provide them compensation for the productive activities concerned. Productive activities are understood as activities bringing an income.

The minimum amount of monthly compensation for productive activities for a specified 40 working hour week shall be **30% of the minimum wage.** In case of a different number of working hours per week or if a pupil has not carried out productive activities for the whole month, the amount of monthly compensation for productive activities shall be adjusted accordingly. The statutory minimum wage rate is stipulated without any regard to the educational programme grade of the pupil or student concerned.

ARTICLE 7, PARAGRAPH 6

Part Ten, Title II of Act No. 262/2006 Coll., Labour Code, which contains provisions on vocational development of employees, is based on the preceding legislative regulation by Act No. 65/1965 Coll., repealed upon adoption of the new Labour Code. Therefore, **adoption of the new legislative regulation has not brought any change to this sphere**.

The employer remains obliged to take care of employee's vocational development. This obligation of care includes particularly training and on-the-job training, vocational practice of graduates, qualification improvement and upgrading.

The employer is obliged to provide training or on-the-job training for an employee entering the employment without any qualification. The **training and on-the-job training shall be considered as work performance for which the employee is entitled to his wage or salary.** The employer is also obliged to provide training or on-the-job training for an employee transferred due to reasons on the employer's part to a new workplace or a new type of work, if such training or on-the-job training is necessary.

Employers shall arrange for graduates of secondary schools, conservatoires, post-secondary schools and universities adequate vocational practice for acquisition of practice and skills required for work performance. **Vocational practice shall be considered as work performance for which the employees are entitled to their wage or salary.** A graduate shall mean an employee starting employment corresponding to his qualifications, provided that the total period of his vocational practice after proper (successful) completion of studies (training) has not reached two years, this period does not include a period of maternity or parental leave.

Improvement of qualification means continuous updating of qualification, not changing the substantial nature of the qualification and enabling the employee to perform an agreed type of work. Improvement of qualification includes also qualification maintaining and updating. An employee is obliged to improve his qualification for performance of the agreed type of work. The employer is entitled to order his employees to participate in courses and studies or other forms of qualification improvement or to require the employees to take part in qualification improvement courses provided by other legal entity or natural person. **Participation in training courses or other forms of preparation or studies for qualification improvement shall be considered as work performance for which the employees are entitled to their wage or salary.**

The employer shall bear the costs of qualification improvement. Where the employee requests to participate in qualification improvement in a financially more demanding form, he may share the costs of the qualification improvement. However, this is without any prejudice to the employee's right to remuneration for his participation in training courses aimed at qualification improvement.

This legislative regulation applies to any and all employees performing dependent work, without any regard to their juvenile or adult age. The Labour Code does not allow an employee to perform dependent work and remain outside the scope of the Labour Code.

ARTICLE 7, PARAGRAPH 7

The legislative regulation of holiday with pay and inception of the right to holiday contained in the new Labour Code has been basically assumed from the preceding Labour Code. The legislative regulation is stipulated by the provisions of Sections 211 - 223 of Act No. 262/2006 Coll., Labour Code, and is based on the requirements set by Directive 93/104/EC and Directive 2003/88/EC.

The holiday duration in a calendar year remains at least four weeks, provided that employers may grant longer holiday terms. However, they have to comply with the equal treatment principles. The same legislative regulation applies to juvenile employees, as well.

The European Committee of Social Rights in relation to this Article 7 again asks for information on the legislative regulation proportion of annual holiday of young workers who do not fall within the scope of the Labour Code. Regarding this question we repeat that the Labour Code does not allow persons performing dependent work to remain outside the scope of the Labour Code.

ARTICLE 7, PARAGRAPH 8

Act No. 262/2006 Coll., Labour Code, Section 245, stipulates, inter alia, that **the employer may not require juvenile employees to work at night**. Juvenile employees mean employees less than 18 years of age.

Exceptionally juvenile employees, who are over 16 years, may perform night work not exceeding 1 hour, where this is necessary for their vocational training, under supervision of an employee over 18 years of age, if this supervision is necessary for the protection of the juvenile employee. Night work of a juvenile employee must immediately follow his daytime work according to the schedule of working shifts.

This prohibition applies to all juvenile employees performing dependent work.

ARTICLE 7, PARAGRAPH 9

Act No. 262/2006 Coll., Labour Code, Section 247, stipulates that the employer is obliged to ensure, at his costs, that juvenile employees are examined by a medical doctor of a preventive occupational health care facility before the start of employment and before transfer to another type of work and then regularly, as needed, at least once a year. Juvenile employees are obliged to undergo the prescribed medical examinations.

In assigning working tasks to juvenile employees the employer shall observe the medical opinion issued by the occupational health care facility.

The provision on medical examination applies to any and all juvenile employees performing dependent work. The conclusion reached by the European Committee of Social Rights, according to which young employees may work outside the scope of the Labour Code, is wrong. The law of the Czech Republic does not allow employment of persons performing dependent work outside the scope of the Labour Code, i.e. **all employees are protected by the Labour Code**.

ARTICLE 7, PARAGRAPH 10

Child pornography possession classified as a crime

Act No. 40/2009 Coll., Criminal Code, came into effect on 1 January 2010, which in its Section 192 sanctions possession of child pornography for one's own purposes.

s. 192

Production of and other disposal with child pornography

(1) Whoever possesses photographic, film, computer, electronic or other pornographic work depicting or otherwise exploiting a child shall be sentenced to a term of imprisonment of up to two years.

(2) Whoever produces, imports, exports, offers, makes publicly accessible, transmits, puts into circulation, sells or otherwise provides to other a photographic, film, computerized, electronic or other pornographic work depicting or otherwise exploiting a child, or whoever preys from such pornographic work, shall be sentenced to a term of imprisonment of six months to three years, prohibition of activity, forfeiture of a thing or other property value.

(3) An offender shall be sentenced to a term of imprisonment of two years to six years or forfeiture of property if he/she commits an act given in paragraph (2)

a) as a member of organised group,

b) through press, film, radio or television broadcasting, publicly accessible computer network or other similarly effective method, or

c) with the intention to acquire substantial benefit for him-/herself or another.

(4) An offender shall be sentenced to a term of imprisonment of three years to eight years or forfeiture of property if he/she commits an act given in paragraph (2)

a) as a member of organised group operating in more states, or

b) with the intention to acquire large scale benefit for him-/herself or another.

Possession means any type of holding child pornography. Direct holding of the child pornography by the perpetrator is not required, mere control thereof by the perpetrator is sufficient (e.g. storage in e-mail account on the server of an Internet service provider).

Combating violence against children and sexual exploitation of children

The prohibition of all forms of sexual exploitation reflects in the Czech Criminal Code in the bodies of several criminal offences (s. 168 trafficking in human beings, s. 185 rape, s. 186 sexual duress, s. 187 sexual abuse, s. 189 procuring and soliciting prostitution, s. 190 prostitution endangering morals of the child, s. 192 production of and other disposal with child pornography, s. 193 abuse of a child for pornography production, s. 202 seduction (incitement) to sexual intercourse. Persons whose acts accomplish elements of these crimes, shall be investigated by prosecution bodies (courts, police, prosecuting attorney's office).
Act No. 40/2009 Coll., Criminal Code, as amended:
http://portal.gov.cz/wps/portal/_s.155/701?number1=40%2F2009&number2=&name=&text=

An important role belongs to authorities charged with social and legal protection of children, which form the basis of the protection of children in general (they protect the child's right to successful development and proper upbringing, they protect legitimate interests of the child including his/her assets and they strive to recover impaired family functions).

Comprehensive issues of violence against children are solved by the Office of the Government, which in cooperation with individual ministries elaborates the **National Strategy for the Prevention of Violence against Children**. For accomplishment of these tasks stipulated by the strategy specific targets are specified in the **National Action Plan for Implementation of National Strategy for the Prevention of Violence against Children for the period 2009-2010**. The Office of the Government started on the basis of one of the key priorities (primary prevention of violence against children) a governmental campaign **STOP Violence against Children** 2009. This campaign aims to enhance awareness of both general and professional public with respect to existence of violence against children, about the contents and forms thereof. The campaign is divided into three topics: education of children in the sphere of human rights, media and children and positive parenthood.
http://www.vlada.cz/assets/ppov/rlp/dokumenty/strategie-prevention-nasili-na-detech/Narodni-akcni-plan-realizace-Strategie-prevention-nasili-na-detech-2009-2010_1.pdf

Regarding specific measures related to qualification enhancement of involved workers we may mention instructive and methodological training courses focused on violence committed by children and against children, which should improve knowledge of the police officers concerned with this issue.

The theme of commercial sexual exploitation of children has been included into curricula programmes of basic professional training and into specialization courses for members of the Police of the Czech Republic held at police academies of the Ministry of the Interior. Due to related themes the issue of commercial sexual exploitation of children (trafficking in children, child prostitution, child pornography) is included into lectures on trafficking in human beings, as a wider educational topic.

The issue of trafficking in children and child prostitution has been included into a series of lectures on trafficking in human beings, included since 2009 as a separate general topic in the preparation training course for consular officers. The training in a wider extent has continued in 2010, as well. In the work of embassies the higher volume of provided in-depth information reflects not only in the related consular activities but also in execution of visa agenda, where the offices are successful in detecting applications filed for the purpose of trafficking in human beings in the Czech Republic. The theme of trafficking in children was

included in lectures in workshops focused on trafficking in human beings at the Justice Academy.

Information on development and results of the National Plan of Action against Commercial Sexual Exploitation of Children

The Czech Republic is aware of the significance of child prostitution, child pornography and trafficking in children for the purpose of sexual exploitation. Therefore the Czech Republic has elaborated the National Plan of Action against Commercial Sexual Exploitation of Children, which creates an institutional and conceptual framework for solutions to this issue and for coordinated measures of the state administration against this phenomenon.

Because the issue of violence against children had to be treated comprehensively, with a focus on all forms of violence against children, and the fragmentation of primary preventive programmes had to be removed, key tasks and powers were in 2008 transferred from the Ministry of the Interior to the Office of the Government. The government elaborated a new basic strategic document called **National Strategy for the Prevention of Violence against Children in the Czech Republic for the period 2008–2018**, which identifies several priorities:

- change of attitudes of the society to achieve zero tolerance of violence against children based on a wide and almost permanent public campaign,
- support to primary prevention in wide context,
- professional expertise of experts and availability of services for children in need,
- collection of data, and
- participation of children in decision-making related to issues immediately affecting them.

http://www.vlada.cz/assets/ppov/rlp/dokumenty/strategie-prevention-nasili-na-detech/Strategie-proti-nasili-na-detech.pdf

Numbers of cases of sexual exploitation of children recorded by authorities charged with social and legal protection of children

	Sexual exploitation of children			
		by:		
Year	**Number**	**Parent**	**Family member**	**Other person**
2005	668	112	149	407
2006	585	98	142	345
2007	670	89	150	431
2008	732	116	168	448
2009	816	118	159	539

Source: statistic bulletin on exercise of social and legal protection of children V (MPSV) 20-01

Information on measures adopted to combat trafficking in human beings for the purposes of sexual exploitation

Fight against trafficking in human beings constitutes one of the most substantial challenges of the present time. Trafficking in human beings is one of the most serious forms of organised crime and one of the most profitable ones due to enormous profits of perpetrators from this activity. Because trafficking in human beings has numerous forms, also the relevant counter-measures must be similarly wide and comprehensive. Therefore the Ministry of the Interior in cooperation with other ministries has developed the **National Strategy to Combat Trafficking in Human Beings** since 2003.

On 1 January 2010 Act No. 40/2009 Coll., Criminal Code, came into effect, which regulates trafficking in human beings in Section 168.

s. 168

Trafficking in Human Beings

(1) Whoever makes, procures, hires, allures, transports, hides, retains or exposes a child to be exploited by another

a) for sexual intercourse or other forms of sexual harassment or abuse or production of pornography,

b) for taking of tissues, cellule or organs from his body,

c) for military service,

d) for slavery or servitude, or

e) for forced labour or other forms of exploitation, or whoever preys from such behaviour,

shall be sentenced to a term of imprisonment of two years to ten years.

(2) The same sentence shall be imposed to a person who makes, procures, hires, allures, transports, hides, retains or exposes other person than specified in paragraph (1) by using violence, threat of violence or by elusion or by abusing another's mistake, distress or dependence, to be exploited by another

a) for sexual intercourse or other forms of sexual harassment or abuse or production of pornography,

b) for taking of tissues, cellule or organs from his body,

c) for military service,

d) for slavery or servitude, or

e) for forced labour or other forms of exploitation, or

whoever preys from such behaviour.

(3) An offender shall be sentenced to a term of imprisonment of five years to twelve years or forfeiture of property if

a) he/she commits an act given in paragraphs (1) and (2) as a member of organised group,

b) he/she exposes another person to the danger to sustain grave physical injury or death,

c) he/she commits such act with the intent to acquire a substantial benefit, or

d) he/she commits such act with the intent to provide for abuse of another person for prostitution.

(4) An offender shall be sentenced to a term of imprisonment of eight to fifteen years or forfeiture of property if

a) he/she causes grave physical injury by an act given in paragraphs (1) and (2),

b) he/she commits such act with the intent to acquire a substantial benefit for him-/herself or another or

c) he/she commits such act in connection with an organised group operating in more states.

(5) An offender shall be sentenced to a term of imprisonment of ten to eighteen years or forfeiture of property if he/she causes death through the act given in paragraphs (1) or (2).

(6) Preparation shall constitute a punishable crime.

In accordance with the amended criminal law definition of the crime of trafficking in human beings, strategies since 2005 have focused not only on trafficking in women but also on new acts punishable under criminal law. The current strategic document approved by Government Resolution No. 67 of 23 January 2008 is called **National Strategy to Combat Trafficking in Human Beings (period 2008–2011)** and constitutes a continuous follow-up of measures adopted under the two preceding national strategies. In cooperation with individual partners and on the basis of domestic and international good practice the strategy identified areas requiring attention in the next period.
http://www.mvcr.cz/soubor/final-national-strategyrev-pdf.aspx

The proposed tasks relate to activities of the judiciary, the Police of the Czech Republic and to cooperation with other state administration bodies and non-governmental organisations. On the basis, inter alia, the **Inter-Ministerial Coordination Group for Combating Trafficking in Human Beings** was established, with its Statutes approved by Government Resolution No. 1006 of 20 August 2008. The first session of the Inter-Ministerial Coordination Group was convened on 16 December 2008. The Inter-Ministerial Coordination Group is convened semi-annually. In case of acute need its session may according to the its Statutes be convened in a shorter interval. The Inter-Ministerial Coordination Group consists of permanent members – chairman, executive vice-chairman and secretary. The group is chaired by the Minister of the Interior; the office of executive vice-chairman belongs to the

Deputy Minister charged with Internal Security. The office of secretary is exercised by the director of the Security Policy Department. Permanent members include also representatives of individual ministries (Ministry of the Interior including representatives of the Unit for the Criminal Police and Investigation Service, Unit for Combating Organised Crime, Alien Police Service, Refugee Facility Administration, Ministry of Justice including a representative of the Supreme Public Prosecutor's Office and the Institute for Criminal Sciences and Social Prevention, Ministry of Education, Youth and Sports, Ministry of Foreign Affairs, Ministry of Labour and Social Affairs, Ministry of Health, Government Council for National Minorities, Government Council for Human Rights, Government Council for Equal Opportunities for Women and Men), and representatives of non-governmental and non-profit organisations involved in the issue of trafficking in human beings.

Annually a **Status Report on Trafficking in Human Beings in the Czech Republic** is elaborated to reflect the situation in this sphere on national, as well as on international level (in relation to the Czech Republic, with respect to international cooperation).
http://www.mvcr.cz/soubor/czech2008-status-report-on-thb-pdf.aspx
http://www.mvcr.cz/soubor/zprava-o-stavu-obchodu-s-lidmi-2009-aj-pdf.aspx

In 2006 the **Manual for the Police of the Czech Republic – Trafficking in Human Beings** was published**.**
http://aplikace.mvcr.cz/archiv2008/rs_atlantic/data/files/manual-obchod-lidi.pdf

Programmes, projects and education to combat trafficking in human beings

The Ministry of the Interior implements the **Programme on Support and Protection of Victims of Trafficking in Human Beings**. The Programme aims to support victims of trafficking in human beings, to provide for their personal protection and protection of their human rights and to motivate them to cooperation with the prosecuting bodies involved in detection and prosecution of crime related to trafficking in human beings. The Ministry of the Interior cooperates in scope of the programme with units of the Police of the Czech Republic, the IOM intergovernmental organisation (International Organisation for Migration) and non-governmental organisations La Strada, Archdiocese Charity Prague and Rozkoš bez rizika (Passions without Risks).

In 2006 round table sessions were held on the issue of trafficking in human beings in Litoměřice, Ostrava, České Budějovice and Znojmo to inform officials of local and regional authorities about forms of prevention of trafficking in human beings and possibilities of the Programme and to launch regional cooperation in this sphere.

In the sphere of education attention was paid particularly to the Alien and Border Police Service and the Patrolling Police Service. A regional conference for officers of the Alien and Border Police Service focused on identification of trafficked persons upon border checks was held in cooperation with the UN Office for Drugs and Crime in May 2006.

Leaflets pointing out the risks of working abroad and referring to emergency assistance organisations were created for Czech citizens going to work abroad and for trafficked persons – foreigners on the territory of the Czech Republic.

In 2006 a pilot project was implemented to reduce demand for sexual services by addressing clients. The project depicted typical symptoms of trafficking in human beings and forced prostitution and offered possibilities for safe and anonymous reporting of suspicions and learning more about the trafficking in human beings through newly established Internet sites, telephone lines and information materials. The Campaign was implemented by IOM in the regions of Plzeň and South Moravia from April to September 2006 in cooperation with organisations La Strada and Archdiocese Charity Prague – Magdala Project, which created a joint platform called **SPOLu – Together against Trafficking in Human Beings**.

The year 2006 saw a continued cooperation with international partners. The UN Office on Drugs and Crime asked the Czech Republic for expert assistance upon development of similar programmes intended for specialists in Slovakia and in Moldova, who visited the Czech Republic in 2006 in order to acquaint themselves with the Programme in details. Similar assistance focused on the Caucasus region was requested also by OSCE. The Programme was also presented to a study delegation from Ukraine.

In scope of prevention of trafficking in human beings two preventive projects were implemented. A short-term pilot project **Prevention of Trafficking in Human Beings: Lectures at Secondary Schools** implemented by IOM Prague in spring 2007 in six selected secondary schools revealed poor knowledge of the issue of trafficking in human beings but also an interest of secondary school students in this topic and the need to address this target group in a more systematic way.
http://aplikace.mvcr.cz/archiv2008/rs_atlantic/data/files/zz-prevention-na-skolach3375.pdf

The pilot project of prevention focused on prostitutes' clients in 2007 became a basis for an information campaign against trafficking in human beings. For five months (15 August 2007 – 15 January 2008) the campaign addressed the target group of prostitutes' clients and indirectly victims of trafficking in human beings for sexual exploitation. It also offered possibilities for safe and anonymous reporting of suspicions and learning more about the trafficking in human beings through newly established Internet sites, telephone lines and information materials. The partner organisations created for the campaign the platform **Together against Trafficking in Human Beings.** The motto of the campaign is "Don't be afraid to say it for her". The campaign used Internet sites in Czech, English and German (www.rekni-to.cz; www.sage-es.cz; www.say-it.cz). Partner organisations established also telephone lines for informative and emergency calls.

In autumn 2007 workers of the Refugee Facility Administration participated in a training course, which informed on identification of potential victims of trafficking in human beings or already trafficked persons, provision of initial crisis intervention in facilities of the Refugee Facility Administration and possibilities of the Programme. The training with financial assistance provided by the Ministry of the Interior was implemented by Archdiocese Charity Prague, La Strada, o.p.s. and IOM Prague.

In 2008 a project objective to create a "**Trafficked Person Information System**" was approved. The proposed information system is a software database designated for the collection of data from clients included in the Programme. The project objective has been implemented also in course of 2009. This database will contain a review of items, by which victims of trafficking in human beings should be registered in the Programme. The aim of the information system is to collate and sort data concerning victims of trafficking in human beings included in the Programme to Support and Protect Victims of Trafficking in Human

Beings or persons for whom voluntary return to their country of origin was arranged. The registry should be able to provide outputs and sorted data based on various filters and to process the data in a form of aggregate statistic reports.

In 2009 the Ministry of the Interior issued two language versions of a handbook on the **Programme to Support and Protect Victims of Trafficking in Human Beings**, intended for experts and the general public and potential victims of trafficking in human beings, the handbook was provided to 14 selected organisations. The handbook will help to increase awareness on trafficking in human beings and will inform the general public about the Programme to Support and Protect Victims of Trafficking in Human Beings.

In 2009 active cooperation was developed with various international organisations (e.g. UN - UNODC, Council of Europe, European Union institutions etc.). The crime prevention section of the Ministry of the Interior is charged with an international project **International Referral Mechanism for Victims of Trafficking in Human Beings in Source and Target Countries**, coordinated by the International Centre for Migration Policy Development. The project aims to connect the existing national coordination mechanisms for protection of and assistance to victims of trafficking in human beings, to unify standards for services provided to victims and particularly to enhance international and bilateral cooperation in the sphere of repatriation and re-integration of victims. The main output of this project shall specify principles of care for victims of trafficking in human beings and returning them to their countries of origin.

One of priorities of the Czech Presidency in the Council of the European Union consisted in combating organised crime – trafficking in human beings. Therefore the Ministry of the Interior organised on 3 June 2009 in Park Hotel Plzeň an international expert conference called **Preventing and Combating Trafficking in Human Beings and Reducing Demand for Sexual Services and Sexual Exploitation.** The conference aimed to inform on good practice and preventive measures in individual countries of Europe related to the mentioned issue.

Child beggary and measures to assist such children and their families

Act No. 40/2009 Coll., Criminal Code, as amended, in Section 168 defines a crime of trafficking in human beings. The provision differentiates trafficking in persons under 18 years of age (children) and trafficking in persons above this age level. Trafficking in children for begging is sanctioned according to Section 168 Para.1 e) - *Whoever makes, procures, hires, allures, transports, hides, retains or exposes a child to be exploited by another for forced labour or other forms of exploitation, or whoever preys from such behaviour, shall be sentenced to a term of imprisonment of two years to ten years.*

Since 2004 activities of begging children, mostly foreigners, have been recorded on the territory of the Czech Republic (mostly in Prague). The situation is comparable to other European cities.

More attention was attracted by the issue of trafficking in children for petty criminal offences, namely pick-pocketing. In response to increased occurrence of such cases in 2005 the Ministry of the Interior in cooperation with other experts produced an analytical document

aimed at describing Bulgarian organised crime operating in the Czech Republic, related to trafficking in human beings, prostitution and pick-pocketing.

In autumn 2007 sporadic cases occurred in Prague with a *modus operandi* conspicuously similar to the cases from 2005. Similar situations are also being solved in relation to Slovak, mostly Romani children at other places in the Czech Republic. In the end of 2010 situation of begging by Romanian citizens in the city of Brno was monitored. These persons have been reported to use little children for begging to increase profits.
http://aplikace.mvcr.cz/archiv2008/rs_atlantic/data/files/bulhar-divky.pdf

In the practice of authorities encountering in their activities the issue of commercial sexual exploitation of children, namely trafficking in children – foreigners and cases related to criminal activities against children or other criminal acts, offences or delicts with child perpetrators, the involved entities identified the need to clarify powers and unify measures of the public administration bodies in relation to such minor foreigners. The Ministry of the Interior in cooperation with the Police of the Czech Republic, Ministry of Labour and Social Affairs, Ministry of Education, Youth and Sports, Ministry of Justice, Municipal Police in Prague, La Strada, o. p. s., Prague, and IOM Prague elaborated a document called **Trafficking in Children – Recommendations for Practice of Public Administration Bodies**, submitted for inter-ministerial comments procedure in September 2010.

The Ministry of Labour and Social Affairs in cooperation with the Ministry of the Interior published an instruction manual for social and street workers called **Trafficking in Human Beings in the Czech Republic**. The manual should help to enhance the knowledge of social and street workers in the sphere of trafficking in human beings, to improve their abilities to identify victims of trafficking in human beings and to provide a unified guide to communication with such victims, as well as information for further successful handling of specific cases.
http://aplikace.mvcr.cz/archiv2008/rs_atlantic/data/files/instr_manual.pdf

Elimination of the worst forms of child labour

By its Resolution No. 77 of 19 January 2005 the Government acknowledged the **Status Report on Programme for Implementation of Measures for Elimination of the Worst Forms of Child Labour 2003 – 2004** and an update to the Programme for the period 2005 – 2007. Adoption of the national programme for elimination of the worst forms of child labour resulted from international covenants assumed by the Czech Republic by ratification of Convention No. 182 of the International Labour Organisation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999, which for the Czech Republic came into force on 19 July 2002 (published under No. 90/2002 Coll.).

The update of the **Programme for Implementation of Measures for Elimination of the Worst Forms of Child Labour 2005 – 2007** defined in total 9 tasks entrusted to the Ministry of Labour and Social Affairs, Ministry of the Interior, Ministry of Health, Ministry of Justice and Ministry of Education, Youth and Sports. Individual measures were targeted at preventive and intervention activities and related both directly to children – victims of commercial sexual exploitation and to entities involved in protection of minors and to experts and the general public. Specifically this meant the following tasks:

- to inform upon cooperation in the framework of state supervision in the sphere of

occupational safety and health about results of controls of child labour and to submit annual reports on occurrence of child labour to inform the Council of the Government for Occupational Safety and Health.

- to include the topic of worst forms of child labour into education of workers of authorities charged with social and legal protection of children, schools, educational and health facilities and workers of prosecuting bodies.
- upon collection of statistic data on victims of criminal offences, numbers of criminal acts and convicted perpetrators take into account the definition of the worst forms of child labour as specified in Convention No. 182 of the International Labour Organisation in order to achieve better classification of current statistic data.
- to create conditions for detection and investigation of crime related to distribution of child pornography through mass media.
- to control and review the list of works prohibited to juvenile workers.
- to ensure protection of victims and witnesses during the investigation process from further victimisation.
- to develop cooperation with self-governing bodies and non-governmental non-profit organisations involved in protection of child's rights and re-socialisation of victims of the worst forms of child labour and upon preparation of sectoral programmes for subsidies to non-governmental non-profit organisations to support efficient forms of social work with children and youth at risk in the most endangered regions, including measures aimed at prevention, crisis intervention and follow-up care for victims.
- to enhance general awareness of the society about the worst forms of child labour and awareness of the general public about the issue of trafficking in children, child prostitution and pornography in a manner adequate to its social significance, including use of media.
- to inform and consult social partners in performance of tasks resulting from the Programme and evaluation and updating it in accordance with the principles and tripartite mechanisms of the International Labour Organisation.

In May 2008 the Minister of Labour and Social Affairs submitted to the government a **Status Report on Programme for Implementation of Measures for Elimination of the Worst Forms of Child Labour 2005 – 2007** and the government discussed the report at its session held on 27 June 2008. The report implied that measures contained in the updated Programme for Implementation of Measures for Elimination of the Worst Forms of Child Labour had been fulfilled or implemented into sectoral legislative and non-legislative regulations. Follow-up measures in the sphere of protection of children against various forms of abuse and exploitation were ensured through the **National Plan of Action against Commercial Sexual Exploitation of Children 2006 – 2008.**

ARTICLE 8: THE RIGHT OF EMPLOYED WOMEN TO PROTECTION

With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for women to take leave before and after childbirth up to a total of at least 12 weeks,

2. to consider it as unlawful for an employer to give a woman notice of dismissal during her absence on maternity leave or to give her notice of dismissal at such a time that the notice would expire during such absence,

3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose.

ARTICLE 8, PARAGRAPH 1

The new Labour Code, Act No. 262/2006 Coll. assumed the legislative regulation of maternity leave from the preceding legislation. According to Section 195 of the Labour Code a female employee is in connection with childbirth and care for a newly-born child entitled to 28 weeks of maternity leave; if she gave birth to two or more children, she is entitled to 37 weeks of maternity leave. The start of the maternity leave is decided by the employee herself, not later than 6 weeks before the expected childbirth and not earlier than in the beginning of the 8th week before the expected childbirth.

Therefore the duration of maternity leave in both cases corresponds to the duration of the period of entitlement to maternity benefits, regulated by sickness insurance regulations.

Maternity leave is considered an obstacle to work. Therefore the entitlement to the full maternity leave (28 or 37 weeks) shall belong also to an employee, who fails to comply with conditions for an entitlement to maternity benefits but complies with conditions for sickness benefits.

Maternity benefits of an employee with average or lower wage shall mean benefits equal to 70 % of gross wage. This amount approximates to the net wage amount. For an insured person with above-average wage the maternity benefits are slightly lower, which corresponds to the solidarity principle - the basis of the sickness insurance system. The Czech Republic ratified the European Code of Social Security and Conventions Nos. 102 and 130 of the International Labour Organisation and provides maternity benefits at higher standard than required by the mentioned conventions.

ARTICLE 8, PARAGRAPH 2

Act No. 262/2006 Coll., Labour Code, Section 53, prohibits a notice to be given to an employee during a protection period. The protection period means the period when an employee is on her maternity leave or when an employee is on her/his parental leave.

The Labour Code allows **two** exceptions from this prohibition of notice during maternity or parental leave. The employer may give notice to an employee during her/his maternity or parental leave, provided that the notice is given due to organisational change:

- when the employer or its part is closed down, or
- when the employer or its part relocates.

In case of the employer's full or partial closing down, it is not possible to continue in the employment relationship between the employer and the employee. Continuance of a legal relationship upon termination of one party of the relationship would be impossible and illogical.

In case of full or partial relocation of the employer the Labour Code stipulates that **if the employer relocates within the limits of the place (places) of work specified as the place of work in the employment contract, the notice may not be given to an employee on her maternity leave or an employee on his/her parental leave**.

ARTICLE 8, PARAGRAPH 3

No changes.

ARTICLE 16: THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means.

Social protection

With effect from 1 June 2006 a vast amendment to **Act No. 359/1999 Coll., on Social and Legal Protection of Children** was adopted, which, inter alia, emphasized the obligation of authorities charged with social and legal protection of children – municipal authorities of municipalities with extended competences – in the sphere of advisory services to parents. According to the mentioned amendment workers of authorities charged with social and legal protection of children are obliged to provide consultancy assistance not only to parents solving problems related to childcare but also to parents after placement of their child to institutional care facility or a facility for children in need of emergency help. This assistance includes particularly help aimed to consolidate the family situation that would enable the child to return to the family, help upon solving life and social situations including financial situation of the family, help in cooperation with social security bodies, Labour Offices and other state and other institutions.

Social work of authorities charged with social and legal protection of children in cases of children placed in substitute care has been enhanced also due to another change of the Act on Social and Legal Protection of Children, which consists in the obligation of authorised workers of an authority charged with social and legal protection of children to visit personally children placed in an institutional care facility and their parents at least once in 3 months. The amendment to the Act also increased possibilities for placement of children in various crisis situations and in case of obstacles on the part of their parents into a facility for children in need of emergency help. Promoters of such facilities are according to the new legislation entitled to a state contribution for operating costs of the facility (currently 10.80 times the child's subsistence minimum per calendar month). Notwithstanding whether the children are placed in institutional care or in a facility for children in need of emergency help or in substitute family care, the Act on Social and Legal Protection of Children confirms the right of parents or other persons responsible for upbringing of children to ask authorities charged with social and legal protection of children for assistance upon exercise of parental responsibility and adequately also the obligation of authorities charged with social and legal protection of children to provide or mediate required assistance to the parents, particularly assistance upon exercising claims according to legal regulations in the sphere of material assistance to the family and upon solving problems related to upbringing of children.

The amendment to Act No. 99/1963 Coll., Civil Procedure Code, as amended, with effect from 1 October 2008 specified and supplemented the provision of Section 76a Para. 1 of the Civil Procedure Code, regulating a **preliminary ruling of a court** to protect a child in a situation when a minor child lacks any care or when the life or favourable development of the child are severely endangered or impaired. Newly the Act stipulates that the court in the mentioned situations of immediate and serious danger to the child shall order by a preliminary ruling to place the child for necessary time to a suitable environment specified in the ruling. A suitable environment means an environment suitable for upbringing by a particular person or facility able to provide due care for the minor with respect to his/her physical and mental condition and intellectual development and to enable exercise of any other measures specified in the preliminary ruling.

Simultaneously also the regulation of **exercise of a court decision on upbringing of minor children** according to Sections 272 - 273a of the Civil Procedure Code has been amended. As a new manner of exercise of the court decision the Code specifies an obligation to participate for up to 3 months in out-of-court conciliation or mediation negotiations, family

or other suitable therapy and provides for specification of an adaptation plan to enable gradual contacts of the child with a person authorised to contact the child, if development of such a plan is in the child's interests (Section 273 Para. 2 a) and b) of the Civil Procedure Code).

In order to enhance and strengthen the social work with families at risk and preventive work to remedy problems related to upbringing of the child, to prevent the necessity of removal of the child from the parents' care and placement of the child into substitute care, the Ministry of Labour and Social Affairs in 2009 elaborated a set of methodological recommendations aimed namely to unify and streamline procedures of authorities charged with social and legal protection of children on the level of municipal authorities of municipalities with extended competences:

- Methodological Recommendation of Ministry of Labour and Social Affairs No. 2/2009 regarding assessment of situation of children in grave social situation, which deals with creation of an individual plan for the child and with principles and basic areas for assessment of situation of the child.
- Methodological Recommendation of Ministry of Labour and Social Affairs No. 3/2009 regarding creation of an individual plan for the child deals with competences of a key worker (worker of an authority charged with social and legal protection of children) and roles of cooperating entities in the process of creation of a child's individual plan.
- Methodological recommendation of Ministry of Labour and Social Affairs No. 9/2009 regarding social work with a family at risk focuses on the issue of family rehabilitation, principles of assistance to families at risk, assessment of situation of a family at risk and the role of a social worker in his/her work with a family at risk.

The Ministry of Labour and Social Affairs provides methodological assistance also in the sphere of substitute family care, provided that the methodological management of authorities charged with social and legal protection of children strives to extend and improve substitute family care as a form of substitute care for children principally preferred to substitute care provided by institutional facilities. In 2009 the Ministry issued the following methodological recommendations:

- Methodological Recommendation of Ministry of Labour and Social Affairs No. 4/2009 regarding transfer of a child into substitute family.
- Methodological Recommendation of Ministry of Labour and Social Affairs No. 5/2009 regarding follow-up care for substitute family after adoption of a child.
- Methodological Recommendation of Ministry of Labour and Social Affairs No. 6/2009 regarding temporary foster care.
- Methodological Recommendation of Ministry of Labour and Social Affairs No. 7/2009 regarding expert assessment of applicants for substitute family care.
- Methodological Recommendation of Ministry of Labour and Social Affairs No. 8/2009 regarding the procedure and targets of psychological examination of applicants for adoption or foster care.

In 2008 an **amendment to six legislative acts related to enforcement and collection of due alimony** were adopted – specifically the Civil Procedure Code, the Family Act, the Act on Social and Legal Protection of Children, the Execution Procedure, the Act on Assistance in Material Need and the Act on Court Fees – was published under No. 259/2008 Coll. and came into effect on 1 September 2008. The amendment aimed to streamline and enhance the position of the entitled party in enforcement of due alimony for children.

The amendment to the Family Act extended the limitation period, after which rights to individual recurrent alimony payments become statute-barred, from 3 to 10 years. The Act on Social and Legal Protection of Children emphasized the obligation of authorities charged with social and legal protection of children to provide assistance upon enforcement of the child's entitlement to alimony and fulfilment of the duty to support and maintain the child, including legal assistance upon filing motions with courts. Further the authorities charged with social and legal protection of children have been charged with a new obligation to report to prosecuting bodies facts related to non-fulfilment of the duty to support and maintain the child, for the purpose of assessment of possible criminal liability of the obliged person based on the crime classified as neglect of compulsory maintenance. The amendment to the Execution Procedure released entitled persons from the obligation to pay a bailiff an adequate deposit for reasonable costs of execution in case of an execution designed to enforce alimonies for a minor child, which should increase the number of cases of alimony recovering through bailiffs.

Housing for families

Important housing policy programmes include subsidies for building savings schemes and mortgage loans. In addition to that the Minister of Regional Development launches housing support sub-programmes. The State Fund for the Development of Housing provides low-interest loans to support housing of young people under 35 years and subsidizes the so-called PANEL programme. The building savings schemes were in the Czech Republic implemented in 1993 to help in solving the housing situation of citizens. It is a comprehensive financial product provided by building savings banks. Its clients may save money, ask for a building loan or a bridging loan or use state subsidies provided to the building savings schemes.

Childcare facilities

Childcare facilities include particularly crèches and kindergartens and in a very specific way also maternity centres. The scope of institutional care for the youngest children (under 3 years of age) remains limited in favour of parental care. Maternity centres are established by mothers on their maternity or parental leave. They serve mostly as centres for social contacts of parents with children with common hobbies and other activities and they offer numerous programmes for parents (mothers) with children, sometimes also for children alone, the so-called baby-sitting services.

The sphere of care for children aged 3 – 6 has been dominated by kindergartens. In the school year 2006/07 the Czech Republic recorded 4 815 kindergartens, in 2007/08 the number dropped to 4 808 schools, however, in 2008/09 the number of schools stabilized at 4 809 schools. The drop in the number of kindergartens in the first two years of the reported period does not in all cases mean factual reduction, due to the changed reporting methodology. The number of kindergartens in the school year 2007/08 decreased due to liquidation of some facilities and due to mergers of more schools into a single legal entity. Most kindergartens are established by municipalities (95.9 %). The number of children in kindergartens has been increasing, in 2006/07 kindergartens cared for 285 419 children, in 2007/08 this number increased to 291 194 children to reach 301 620 children in 2008/09.

Simultaneously the number of non-satisfied applications for admission to preschools is on the rise – in the school year 2006/07 the number of non-satisfied applications amounted to 9 570, in 2007/08 the number of non-satisfied applications reached 13 409 and in 2008/09 as much as 19 996 applications could not be satisfied. The increase of the number of children, who cannot be matched with kindergarten vacancies results particularly from the increased birth-rate in recent years. In average one kindergarten accommodates 62.7 children. In comparison to the school year 2007/08 the average increased by 2.1 children. The number of children per class increased (from 22.8 in 2006/07 to 23.1). The number of children attending kindergartens in the last 3 years grew by 16 201 children and the number of classes by 541.

Although kindergarten attendance is not compulsory, kindergartens are attended by 76.5 % of all children at the age of three, 89.4 % of all children at the age of four and 92.8 % of all children at the age of five. The share of children at the age of five in the population of the five-year olds has slightly decreased lately, as seen from the attached table, although in absolute terms both the number of the five-year olds in kindergartens and the population of the five-year olds have increased.

Although the law allows services of baby-sitting services provided by baby-sitters or agencies, using such services is not very common in the Czech Republic. Research has shown that only 2 % of parents with children up to 10 years of age used services of third persons in paid childcare assistance. If none of the mentioned services was available to parents due to various reasons, they usually relied on assistance provided by grandparents of the child.

The programme statement of the government of the Czech Republic implies support to further development of childcare services particularly in the sphere of alternatives to family care in the stage of pre-primary education, development of corporate kindergartens, alternative preschool facilities (maternity and family centres) and the concept of neighbour babysitting for children up to 6 years of age.

Numbers of kindergartens and numbers of children, teachers and classes in kindergartens in the school years 1989/1990 – 2007/2008

Number of	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Kindergartens	5 901	6 007	5 881	5 795	5 067	4 994	4 834	4 815	4 808
Children	290 192	286 085	282 642	284 950	286 340	286 230	282 183	285 419	291 194
Classes	13 006	13 196	12 970	12 881	12 797	12 689	12 409	12 494	12 698
Teachers	23 620	22 906	22 451	22 332	22 158	21 840	22 485	22 368	22 744

NB: The methodology changed in 2000/2001: numbers are stated including special kindergartens and kindergartens of institutional and protective care facilities. Since the school year 2005/06 the data (except for teachers) exclude schools established by health care facilities, numbers of teachers include teachers in schools for children with special needs and teachers in schools established by health care facilities.
Source: ÚIV (Institute for Information in Education)

Legal protection

Possibilities for motivating parents to amicable settlements of disputes related to child upbringing were extended by an **amendment to the Civil Procedure Code**, made with effect from 1 October 2008 by Act No. 295/2008 Coll. According to the amended wording of Section 100 Para. 3 of the Civil Procedure Code the court may in cases dealing with care of minor children (i.e. including regulation of contacts of the parents and the child) order the parties to participate for up to 3 months in out-of-court conciliation or mediation negotiations, family or other suitable therapy. For this purpose the court may also suspend the proceeding and resume it later on the basis of information about results of the conciliation or mediation negotiation.

These new statutory provisions aim particularly to enable non-authoritative conciliation of the parties and settlement of their mutual relations. The approach and conduct of the parties in a proceeding when the court suggests a possibility of the proceeding suspension for the purpose of mediation or directly orders such procedure, will be taken into account by the court as an element in the decision-making process about placing the child into custody of a parent or about the scope of the parent – child contacts. If a parent a priori refuses to find a compromise solution with the other parent regarding their child, such conduct has also certain informative value with respect to the parent's abilities to raise the child and to provide for his/her harmonious development.

In addition to courts also workers of authorities charged with social and legal protection of children have legal instruments to motivate parents to amicable settlements of disputes related to child upbringing or contacts with a child. Authorities charged with social and legal protection of children may not order the parents to participate in mediation or other conciliation proceedings but according to Section 11 Para. 1 of Act No. 359/1999 Coll., on Social and Legal Protection of Children, as amended, municipal authorities of municipalities with extended competences are authorised to **provide or mediate parental consultancy services upon dealing with problems related to care and upbringing of a child**.

Since 1 June 2006 a municipal authority of a municipality with extended competences is according to Section 12 Para. 1 b) of Act No. 359/1999 Coll. authorised to **oblige parents to use assistance of a specified expert consultancy facility**, if the parents are not able to solve problems related to upbringing of the child without expert consultancy assistance, particularly in case of disputes regarding the upbringing of the child or contacts with the child and if recommendations to the parents given by the municipal authority of a municipality with extended competences turn to be insufficient. The relevant municipal authority of a municipality with extended competences may commence administrative proceedings to oblige the parents to use assistance of an expert consultancy facility either by virtue of office or upon motion of one of the parents.

Domestic violence

Domestic violence as one of the most often forms of violence against women is in the law of Czech Republic treated as a gender-neutral issue, which attracts much attention. Nevertheless, it is clear that in terms of statistics mostly women become victims of domestic violence.

The Czech Republic has lately recorded a great progress in terms of legal regulation improvements. Merits for this progress belong mostly to non-profit organisations active in this sphere because in cooperation with the state administration they have managed to change views of the general public and political representatives with respect to domestic violence, which have been and unfortunately often still are considered as a private problem of the relevant family. Thanks to concerted efforts domestic violence is more often perceived as a problem of the entire society and the obligation of the state to actively solve this issue is less questioned.

The first substantial improvement consisted in an amendment to the Criminal Code in 2004, which in Section 215a introduced a new criminal offence called **battering of a person living in common flat or house.** However, domestic violence can also be qualified as one of other serious criminal offences, e.g. bodily harm, restriction of personal liberty or rape, violence against a group of persons and against an individual or blackmailing. Less serious cases of domestic violence are often treated as an infraction according to Act No. 200/1990 Coll., on Infractions, as amended.

The legal regulations and related legislation responded to already committed violence but did not solve prevention of efficient assistance to the victim. This situation resulted into adoption of **Act No. 135/2006 Coll., amending certain acts in the area of protection against domestic violence,** which came into effect on 1 January 2007. This new legal regulation aims to provide effective preventive protection of persons endangered by domestic violence.

The mentioned legal regulation is based on three steps providing for protection of an endangered person:

- Banishment from a common dwelling
  An amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic (later replaced by Act No. 273/2008 Coll., on the Police of the Czech Republic) implemented the authority of police officers to decide on **banishment of a violent person committing domestic violence from a common dwelling.** The purpose of such decision is to stop any current violence in the common dwelling by banishing the violent person and to give the endangered person time for solving the situation with professional assistance. The banishment shall take 10 days. According to the original legal regulation the order constituted a decision issued by a police officer in an administrative procedure. The banishment recognises two scenarios:
  - obligation to leave the common dwelling and prohibition of return in case that the violent person is present during the police action, and
  - prohibition of entry into the common dwelling in case that the violent person is not present during the police action.

The decision defined also the territory, to which the prohibition applies. The decision is issued without any regard to opinion of the endangered person.

- Motion for preliminary ruling
  An endangered person may file a motion for preliminary ruling with a civil court according to Section 76b Act No. 99/1963 Coll., Civil Procedure Code, as amended, by which the court orders the violent person to leave the common dwelling or not to enter it and to refrain from meeting and making contacts with the endangered person. Such decision of the court is issued for a term of one month, provided that if a proceeding in rem is commenced (i.e. for example regarding divorce of the marriage, termination of common tenancy, settlement of community property of spouses etc.) the court may prolong the prohibition up to a total term of one year.

- Creation of intervention centres
  According to Section 60a Act No. 108/2006 Coll., on Social Services, as amended, 15 intervention centres were established to provide namely psychological, legal and social assistance and coordinate interdisciplinary cooperation of public administration bodies, particularly authorities charged with social and legal protection of children, health care facilities, courts and police in the particular region.

The legislative part of the reform of the Police of the Czech Republic, mostly accomplished in 2008, included adoption of a new **Act on the Police of the Czech Republic (No. 273/2008 Coll.)**, which with some amendments resulting from one year of application in practice assumed the hitherto authorisation of a police officer to banish a violent person from the common dwelling. The most important change and shift in the protection of an endangered person consists in the newly introduced obligation of the violent person to refrain during the banishment term also from any contacts and making contacts with the endangered person. This element substantially enhanced the protection of the endangered person, protected also outside the common dwelling.

With effect from 1 January 2010 Act No. 40/2009 Coll., Criminal Code, as amended, was adopted to introduce in Section 354 a new criminal offence called stalking. On this basis more serious cases of chasing or voyeurism may be punished.

s. 354

Stalking

(1) Whoever continuously harasses another by

a) threats of bodily or other harm to the person or his/her next of kin,

b) striving for close personal contacts or chasing him/her,

c) continuous contacting him/her by electronic communication means, in writing or otherwise,

d) limiting his/her common way of life or

e) misusing his/her personal data to achieve personal or other contacts,

and this conduct may cause reasoned concerns for the life or health of the person or for the life or health of his/her next of kin, shall be sentenced to a term of imprisonment of up to one year or a prohibition to conduct specific activities.

(2) The perpetrator shall be sentenced to a term of imprisonment from six months to three years, if he/she commits the offence stated in par. (1)

a) against a child or a pregnant woman,

b) with a weapon, or

c) with at least two persons.

In scope of review of the criminal procedural law the planned Rules of Criminal Procedure, the draft wording of which is being prepared now, suppose an introduction of a preliminary ruling which in the sphere of domestic violence should provide a possibility to impose an obligation on the accused person to stay outside the common dwelling and to refrain from any contacts and making contacts with the victims of the criminal offence during the entire term of the criminal procedure. According to the proposed rules an infringement of conditions of such preliminary ruling would be considered as a reason for custody.

Since 2005 the Ministry of the Interior operates the so-called **Inter-Ministerial Monitoring Group,** consisting of representatives of the sectors of work and social affairs, education, justice, health care, interior affairs and the Police of the Czech Republic and representatives of the non-governmental sector. The group meets regularly four times in a year and deals with serious issues related to domestic violence (e.g. therapeutical programmes for violent persons, children as witnesses of domestic violence and intervention centres, legislative tasks in this sphere, education of professionals, namely police officers etc.). On the basis of documents produced by this group the Minister of the Interior submits to the government of the Czech Republic an annual report **Information on Implementation of Interdisciplinary Teams For the Issue of Domestic Violence** for the elapsed year.
http://www.mvcr.cz/clanek/informace-o-plneni-opatreni-pro-zavedeni-interdisciplinarnich-tymu-spojujicich-zdravotni-socialni-a-policejni-pomoc-pri-odhalovani-a-stihani-pripadu-domaciho-nasili-za-rok-2009.aspx

The Government Council for Equal Opportunities for Women and Men as at 1 January 2008 established a **Committee for Prevention of Domestic Violence**, charged with elaboration of a national strategy of combating domestic violence and with inter-sectoral coordination to implement the strategy. The Committee monitors statistics data on various forms of domestic violence, promotes necessary legislative measures and supports expert education.

Currently the Committee for Prevention of Domestic Violence prepares a **National Action Plan for Prevention of Domestic Violence**, supported by central state administration bodies and non-governmental non-profit organisations. Intended target groups of the action plan are: women/men - victims (subgroups: women – foreigners and women with health or social handicaps), children, seniors, perpetrators of domestic violence, institutions providing assistance (e.g. psychologists, social workers, medical doctors etc.) and the general public. The National Action Plan intends to approach the issue of domestic violence from the position of the society in general. The plan is based on key pillars for solutions to the issue of domestic violence (prevention and repression) and in this sense suggests also its key targets:

- Support to persons endangered by domestic violence
- Children endangered by domestic violence
- Work with violent persons
- Education and interdisciplinary cooperation
- Society and domestic violence
- Research (cross-sectional)
- Legislation (cross-sectional)

As at 1 January 2007 **Act No. 108/2006 Coll., on Social Services**, came into effect, defining individual types of social services, some of them providing assistance also to victims of domestic violence. Victims of domestic violence are targeted namely by the following

types of social services: expert social advisory services, crisis assistance, crisis assistance by phone, asylum homes and intervention centres. The list of all registered social services including the ones assisting the victims of domestic violence is publicly available in the Registry of Social Services Providers at the website of the Ministry of Labour and Social Affairs.

On the basis of the Act on Social Services and the Act on Protection against Domestic Violence (Act No. 135/2006 Coll., amending certain acts in the area of protection against domestic violence) 15 intervention centres started to operate as at 1 January 2007 in the Czech Republic, to provide crisis assistance for persons endangered by domestic violence. The assistance is provided to endangered persons reported to the intervention centre by the Police of the Czech Republic in a copy of an official record on banishment, as well as to persons, who address the intervention centre with their own request for help. By an amendment to Act No. 108/2006 Coll., on Social Services, the current intervention centres have been since 1 January 2008 incorporated into the system as a new type of service. Since this date other providers of social services may register a social service of an intervention centre.

As at 6 August 2010 victims of domestic violence in the Czech Republic could use in total 183 services of expert social consultancy, 24 services of crisis assistance, 25 services of crisis assistance by phone, 17 intervention centres and 104 asylum homes (data from the Registry of Social Services Providers).

Economic protection

Financial assistance to families refers to two key spheres:

- tax measures
- social security scheme

Tax measures

Families are financially supported indirectly via the following tax measures:

- The tax credit for maintained children living with a tax-payer in a common household
  An amendment to **Act No. 586/1992 Coll., on Income Tax**, as amended, stipulates that, since 1 January 2005, the non-taxable part of the tax base for a maintained child has been replaced by a new institute called 'tax credit for a maintained child living with a tax-payer in a common household'. The tax credit for a maintained child, unlike the non-taxable part of the tax base, is not deducted as a fixed amount from the tax base but is deducted directly from the calculated tax or, in the case of employees, from calculated advances to tax for each calendar months. The tax allowance consists of a reduction in the calculated tax (monthly advances to tax for employees) by a fixed amount of tax credit (tax relief). If a tax-payer is liable to tax which is lower than the tax credit (tax relief), he/she can claim a tax bonus (up to the remaining tax credit). To qualify for the tax bonus, the tax-payer must be economically active, i.e. the tax-payer can claim the tax bonus only if he/she has taxable incomes in the taxable period at least six times higher than the minimum wage or, in the case of monthly advances to tax, his/her income is at least equal to half of the amount of the minimum wage. In 2009 the tax credit for a child amounted to CZK 10 680 per child.
- Tax deduction for a spouse (tax relief)
  A tax deduction (tax relief) can be claimed for a spouse living with the tax-payer in a common household, whose income does not exceed CZK 68 000 in a calendar year. The tax relief amounts to CZK 24 840 annually for a dependent spouse.

Measures in the social security system

Assistance to families with dependent children was in the reference period provided through the benefit scheme under the state social support system (Act No. 117/1995 Coll., on State Social Support, as amended). Since 2006 this system has recorded substantial changes.

2006

In relation to parenthood support and balancing of occupation and childcare duties the most significant changes in 2006 applied to the parental allowance, where the eligibility conditions, as well as the amount of the allowance changed. With effect from 1 January 2006 the right to **parental allowance** was modified to include a condition requiring personal full-time and proper care of the child. Formerly the condition requiring personal full-time care was not met if a (healthy) child below the age of 4 had attended a crèche, kindergarten, or a similar facility for pre-school children for more than 5 calendar days in a month. The restriction affecting the placement of (healthy) children in preschool and similar facilities was modified to enable children under the age of 3 to attend a crèche or similar preschool facility for a maximum of 5 calendar days in a month, whereas a child who has reached the age of 3 may regularly attend a kindergarten or similar facility for up to 4 hours a day.

With effect from 1 April 2006 an amendment to the Act on State Social Support helped parents of children starting their compulsory school attendance by implementing a one-off benefit – **allowance for required school items** (CZK 1 000). This amendment also improved the financial situation of parents with small children by increasing the **birth grant** (by 10 times – and for the birth of twins, triplets or more simultaneous births by 15 times – the minimum subsistence amount to cover the child's personal needs).

Due to termination of compulsory military service the **maintenance allowance** was cancelled.

2007

Amendments to parental allowance effective since 1 January 2007 substantially increased the income of a family with small children. Simultaneously parametric changes were made on the basis of a new construction of the subsistence minimum (Act No. 110/2006 Coll., on Subsistence and Existence Minimum, as amended). A significant change related also to the new construction of the housing allowance.

A parent was entitled to a **parental allowance,** provided that he/she personally, fully and duly cared for at least one child under 4 years of age for an entire calendar month. In case of a child with long-term disability the entitlement to the parental allowance was extended up to the child's age of 7 years.
The condition of care for an entire calendar month was considered fulfilled in the following situations:

- the child was born,
- the parent was on the basis of sickness insurance for a part of month entitled to maternity benefits, financial assistance or sickness benefits granted in relation to the childbirth,
- the person took the child into substitute care on the basis of a decision issued by the appropriate authority,
- the child reached the age of 4 or 7 years, or

- the child or the parent died.

The entitlement to the parental allowance existed if a child under 3 years of age attended a crèche or a similar preschool facility for up to 5 calendar days in a month. A child older than 3 years could attend a kindergarten or a similar preschool facility for up to 4 hours a day. In case of serious health reasons on the part of either the child or the parent the Act on State Social Support specified other situations when the condition of personal full-time care for a child was fulfilled.

The parent's income was not tested; the parent could carry out an occupational activity without losing his/her entitlement to parental allowance. However, during the period of this occupational activity, the parent had to ensure that the child was in the care of another adult.

The parental allowance amount was in 2007 set at 40 % of the average monthly wage in the non-commercial sector for the calendar year 2 years before the relevant calendar year of the parental allowance. Therefore, for 2007 the basis derived from the average wage of 2005 and the parental allowance amounted to CZK 7 582 per month.

Child allowance represented an entitlement of a dependent child and was paid on three levels according to the family income. Families with income exceeding 4 times the subsistence minimum were not entitled to the child allowance. The amount of the benefit was set as a multiple of the child's subsistence minimum and the relevant coefficient.
A dependent child is entitled to a child allowance:

- at increased rate – 0.36 times the child's subsistence minimum, provided that the reference income of the family does not exceed the amount of 1.50 times the family's subsistence minimum;
- at basic rate – 0.31 times the child's subsistence minimum, provided that the reference income of the family exceeds the amount of 1.50 times the family's subsistence minimum but is less than 2.40 times the family's subsistence minimum;
- at reduced rate – 0.16 times the child's subsistence minimum, provided that the reference income of the family exceeds the amount of 2.40 times the family's subsistence minimum but is less than 4 times the family's subsistence minimum.

Child allowance according to age of dependent child and family income
(as at 1 January 2007, CZK per month)

Allowance assessment	increased	basic	reduced
coefficient / SM amount	0.36	0.31	0.16
under 6 years 1 600	576	496	256
6–15 years 1 960	706	608	314
15–26 years 2 250	810	698	360

Entitlement to a **social allowance** belonged to a parent, who cared for at least one dependent child, provided the reference family income did not exceed 2.20 times the family's subsistence minimum.

Social allowance according to age of dependent child and complete family income
(without other social situations, as at 1 January 2007, CZK per month)

Age of dependent child in the family	Social allowance for reference family income in the preceding calendar quarter		
	1.0 SM	1.6 SM	2.0 SM
under 6 years *	873	437	146
6 – 15 years	1070	535	179
15 – 26 years	1 228	614	205

NB: * family not eligible for parental allowance

Net income limit in CZK per month for eligibility to social allowance since 1 January 2007

Complete family (both parents) with the number of dependent children:	1.0 times the subsistence minimum (maximum)	2.2 times the subsistence minimum (no entitlement)
one, under 6 years	7 080	15 576
two, 5, 8 years	9 040	19 888
three, 5, 8, 12 years	11 000	24 200
four, 5, 8, 12, 16 years	13 250	29 150

The amount of the social allowance is in addition to the family income influenced also by other adverse situations faced by the family, particularly care for a disabled child. Situations where the parent is a disabled person or single parent or where the child studies at a secondary school or university in a full-time programme are also taken into account.

Property owners or tenants registered as permanently resident in that property are entitled to a **housing allowance**, provided that

- the housing costs exceed the multiple of the reference family income and the coefficient of 0.30, in the capital of Prague the coefficient of 0.35, and simultaneously
- the multiple of reference family income and the coefficient of 0.30, in the capital of Prague the coefficient of 0.35, does not exceed the specified standard housing costs.

Standard housing costs are set as average housing costs according to the municipality size and the number of family members in the household. For tenement flats they include the rent amounts in accordance with the Rent Act and similar costs for residents of cooperative flats and privately owned flats. They also include the cost of services and energy. Standard housing costs are calculated for reasonable sizes of flats according to the number of persons permanently residing there.

Standard housing costs

tenement flats

Number of family members	Number of inhabitants in relevant municipality				
	Prague	over 100 thousand	50 000 – 99 999 inhabitants	10 000 – 49 999 inhabitants	up to 9 999 inhabitants
1	3 339	2 893	2 659	2 518	2460
2	4 926	4 233	3 913	3 721	3640
3	6 764	5 858	5 440	5 188	5083
4 and more	8 545	7 453	6 948	6 644	6517

cooperative flats and privately owned flats

Number of family members	Number of inhabitants in relevant municipality				
	Prague	over 100 thousand	50 000 – 99 999 inhabitants	10 000 – 49 999 inhabitants	up to 9 999 inhabitants
1	2 236	2 236	2 236	2 236	2 236
2	3 362	3 362	3 362	3 362	3 362
3	4 730	4 730	4 730	4 730	4 730
4 and more	5 978	5 978	5 978	5 978	5 978

The housing allowance is set as a difference between the standard housing costs and the multiple of the reference income and the coefficient of 0.30 (in Prague 0.35).

Eligibility conditions or amounts of the **allowance for school items** and the **funeral grant** did not change in 2007.

The amount of **birth grant** was in 2007 set as a multiple of the child's subsistence minimum and the coefficient amounting to 11.10 for a birth of one child and 16.60 for two or more simultaneous births. The amount of the birth grant according to the number of simultaneously born children in 2007:

- 1 child: CZK 17 760
- 2 children: CZK 53 120
- 3 children: CZK 79 680
- 4 children: CZK 106 240

Foster care benefits:

- Allowance for the needs of the child
- Fostering allowance
- Fostering allowance in special cases
- Foster care grant
- Motor vehicle grant

Allowance for the needs of the child – the allowance for the needs of a dependent child in 2007 amounted to 2.30 times the child's subsistence minimum. In the case of a disabled child, the coefficient by which the subsistence minimum is multiplied is

increased in proportion to the level of disability and represents 2.35 for a child with a long-term illness, 2.90 for a child with a long-term disability and 3.10 for a child with a severe long-term disability. The amount of the allowance for the needs of a non-dependent minor child is set as a multiple of the child's subsistence minimum and the coefficient of 1.40.

Amount of allowance for the needs of the child according to age and health condition of child in foster care
(as at 1 January 2007, CZK per month)

Allowance for the needs of the child since 1 January 2006, CZK per month				
Dependent child aged	Good health of the child	Long-term illness	Long-term disability	Severe long-term disability
	coefficient 2.30	coefficient 2.35	coefficient 2.90	coefficient 3.10
under 6 years	3 680	3 760	4 640	4 960
6 - 15 years	4 508	4 606	5 684	6 076
15 - 26 years	5 175	5 288	6 525	6 975

A foster parent who takes a child into foster care is entitled to an allowance (**fostering allowance**). The foster parent allowance was in 2007 set as a multiple of the individual subsistence minimum and the coefficient of 1.00 per every child in foster care. In the reported year the fostering allowance per child amounted to CZK 3 126 per month.

Fostering allowance in special cases – if a foster parent cares for at least three foster children or at least one child who is severely disabled and requires special care, the coefficient applied upon calculation of the allowance for this foster parent shall be increased to 5.50 and further increased for each additional child in foster care. For the fourth and further child in foster care the fostering allowance shall be increased by the multiple of the individual subsistence minimum and the coefficient of 0.50 for each child in foster care; for a severely disabled child requiring special care the coefficient is 0.75.

A foster parent who has taken a child into foster care is entitled to a **foster care grant**. The amount of the grant upon taking a child amounts to 4.45 times the child's subsistence minimum. Amounts of the grant upon taking a child by age of the child in foster care in 2007:

- under 6 years: CZK 7 120
- 6 –15 years: CZK 8 722
- 15 – 26 years: CZK 10 013.

Eligibility conditions and the amount of the **motor vehicle** grant did not change in 2007.

2008

In 2008 several parametric changes were made to the Act on State Social Support, within the context of public budgets stabilisation (Act No. 261/2007 Coll., on Stabilisation of Public Budgets). These changes included, inter alia, also amendments to eligibility conditions and amounts with respect to certain benefits: child allowance, parental allowance, birth grant, allowance upon taking a child to substitute care, social allowance and funeral grant. From most benefits the automatic valorisation mechanism (dependence of the benefit amount on the subsistence minimum) has been removed. The amendments aimed to interrupt the trend of the

state budget expenses increase, to enable parents better streamlining of their parental and working duties and to compensate reduced benefits in the sphere of taxation.

Child allowance since 1 January 2008 belongs to a dependent child living in a family with an income of less than 2.4 times the family's subsistence minimum. The eligibility limit was reduced from 4 to 2.4 times the family's subsistence minimum and the automatic valorisation and differentiation of the benefit according to the specific income level was removed. The child allowance is set as a fixed amount differentiated according to the child's age and for a child under 6 years of age it amounts to CZK 500 per month, for a child aged 6 – 15 years CZK 610 per month and for a child aged 15 – 26 years CZK 700 per month.

Parental allowance is from 1 January 2008 provided at three rates that are set at fixed monthly amounts – increased (CZK 11 400), basic (CZK 7 600) and reduced (CZK 3 800). A parent may choose to draw parental allowance for a period of up to two, three or four years. By selecting the period of support, the parent also selects the amount of the allowance, as follows:

- faster draw-down of parental allowance – after maternity benefits or benefits paid to men at the increased rate (CZK 11 400) until the child is 24 months old; only a parent entitled to maternity benefits of at least CZK 380 per calendar day may request this form of draw down;
- standard draw-down – after maternity benefits at the basic rate (CZK 7 600) until the child is 36 months old; only a parents entitled to maternity benefits may request this form of draw down;
- slower draw-down – after maternity benefits or from the birth of the child (if the parent is not entitled to maternity benefits) at the basic rate (CZK 7 600) until the child is 21 months old and then at the reduced rate (CZK 3 800) until the child is 48 months old;
- in the case of disabled children, the parent is entitled to parental allowance at the basic rate (CZK 7 600) until the child is 7 years of age, from the day on which the child is diagnosed as a child suffering from a long-term disability or a severe long-term disability.

The basic condition of eligibility for parental allowance has been retained – the parent's due full-time personal care of the child in an entire calendar month, newly a child over the age of 3 years may attend a facility for pre-school children for no more than 4 hours a day or a maximum of 5 calendar days in a given calendar month; a child of a school age diagnosed as a child suffering from a long-term disability or a severe long-term disability may attend a special primary school for no more than 4 hours a day.

Birth grant since 1 January 2008 amounts to CZK 13 000 for each child born. The amount has been unified and set at a fixed sum without any regard to the number of children born simultaneously; the automatic valorisation mechanism has been removed.

Foster care grant (one-off foster care benefit) since 1 January 2008 is set at a fixed amount of CZK 8 000 upon taking a child under 6 years of age, CZK 9 000 for a child aged 6–15 and CZK 10 000 for a dependent child older than 15. By the amendment the automatic valorisation mechanism has been removed.

Allowance for school items was terminated.

The **funeral grant** is since 1 January 2008 provided only to a person who has arranged for the funeral of a dependent child, or to a person who was the parent of a

dependent child, on condition that the deceased was a permanent resident of the Czech Republic on the date of death. The amount of the benefit is set as a fixed amount of CZK 5 000. The valorisation condition has been cancelled.

The social allowance since 1 January 2008 belongs to a parent, who cares of at least one dependent child, provided that the income of the family for the preceding calendar quarter does not exceed 2 times the family's subsistence minimum. The limit of the family's income limiting the eligibility for the benefit has been reduced from 2.2 to 2 times the family's subsistence minimum. Coefficients increasing the basic benefit have not changed.

Support to person (family) with low income – case in case of poverty

The most significant change in the reference period consisted in adoption of **Act No. 111/2006 Coll., on Assistance in Material Need**, which with effect from 1 January 2007 replaced Act No. 482/1991 Coll., on Social Need, as amended. As at 1 January 2007 also the construction of subsistence minimum has been changed and the concept of existence minimum has been implemented by **Act No. 110/2006 Coll., on Subsistence and Existence Minimum**.

Regarding developments of the system of assistance in material need, since its creation in 2007 this system has not recorded any substantial changes except for specifications or tightening of partial eligibility conditions for benefits in material need.

The system of assistance in material need is a modern system to assist those with insufficient income, motivating them to actively strive to secure the resources they need to meet their living requirements. It is one of the means applied by the Czech Republic to combat social exclusion. The system is based on the principle that all persons who work (try to change their adverse situation) must be better off than those who are out of work or who avoid work (do not try to change their adverse situation).

Social work and particularly social advisory services form an integral part of the system. The Act on Assistance in Material Need stipulates the right of everyone to basic social advisory services to deal with or to prevent material need.

Material need refers basically to a situation where a person or family does not have enough income and their overall social and property relations prevent them from enjoying what the society accepts to be basic living requirements. At the same time, these persons are objectively unable to increase their income (through one's own work, through the due application of entitlement and claims or through the sale or other disposal of one's own assets), thereby improving their situation through their own actions. An insufficient income is not the only condition of eligibility to this benefit, also the impossibility to increase the income due to serious reasons constitutes a substantial element. Therefore, persons in material need are not those who evidently do not try to improve their situation by own actions; who are not in an employment or similar relationship, not self-employed or not listed in the register of job seekers; who are listed in the register of job seekers and refuse to take up short-term employment or to participate in an active employment policy programme without serious reasons, those who are not entitled to sickness benefit, or who have been awarded a reduced level of sickness benefit because they intentionally brought on their incapacity for work; those who are self-employed and their income after deduction of reasonable housing costs is lower

than the amount of living due to the fact that these persons have not registered for sickness insurance etc.

Benefits of assistance in material need include: **allowance for living, supplement for housing** and **extraordinary immediate assistance.** Delegated municipal authorities are responsible for granting and disbursing of benefits in material need.

Allowance for living assists a person or a family with insufficient income. Persons or families are entitled to an allowance for living if the income of these persons or families is less than the amount of living when reasonable housing costs have been deducted. The amount of allowance for living is established case-by-case based on an evaluation of the person's income, efforts and opportunities. The amount of allowance for living for families is determined by the sum of the amounts of living of each family member. The amount of allowance for living is derived from the subsistence minimum and existence minimum amounts.

The amount of the allowance for living is set as the difference between the amount of living of a person or family and the income of that person or family, less reasonable housing costs. Reasonable housing costs are the costs of housing to a maximum of 30%, in Prague 35%, of the income of the person or family.

Supplement for housing tackles cases where the income of the person or family, including the entitlement to a housing allowance from the system of state social support, is insufficient to cover housing costs.

The benefit is provided to a tenant or house owner entitled to an allowance for living and a housing allowance. The Act on Assistance in Material Need allows to provide the supplement for housing in exceptional cases when the applicant is not eligible for the allowance for living, or to an applicant, which is not eligible for the housing, because he/she uses other than tenement form of housing (asylum home, dormitory etc.).

The amount of the supplement for housing is determined in such a manner that, on payment of justified housing costs (i.e. rent, services related to housing and energy costs) the person or family is left with the amount of living.

Extraordinary immediate assistance is provided to persons who find themselves in situations that have to be resolved immediately. The Act defines five such situations:

- Where a person does not meet the conditions of material need but without the assistance, due to a lack of funds, the person is at serious health risk. The benefit may be provided at an amount to top up the person's income to the existence minimum level (or the subsistence minimum in cases of dependent children).
- Where persons are victims of a serious extraordinary event (a natural disaster, storms and gales, ecological disaster, fire, etc.) The maximum amount of the benefit is fifteen times the individual's subsistence minimum, i.e. CZK 46 890.
- Lack of resources to cover essential one-off expenditure connected, for example, with payment of an administrative fee for duplicate copies of personal documents or in case of a monetary loss. The maximum amount of the benefit is the amount of this one-off expenditure.
- Lack of funds to acquire or repair basic furniture or durables or to cover justified costs relating to the education or special interests of dependent children. The amount of the

benefit may be a maximum of the specific expense, but the sum of benefits granted must not exceed ten times the individual's subsistence minimum in one calendar year, i.e. to an amount of CZK 31 260.

- Persons at risk of social exclusion. This concerns, for example, the situation of persons who have been released from prison, who have left an orphanage or foster care on reaching adulthood, or who have completed treatment for an addiction. A benefit of up to CZK 1 000 CZK may be granted. The benefit may be awarded repeatedly, but the sum of benefits granted in one calendar year may not exceed four times the individual's subsistence minimum, i.e. the amount of CZK 12 504.

Non-discrimination of nationals of member states of the European Social Charter

Entitlement to benefits under assistance in material need, allowance for living and supplement for housing arises to a foreigner without permanent residence on the territory of the Czech Republic, to whom such rights are guaranteed by an international treaty. The European Social Charter constitutes such a treaty and the legislation directly refers to it. A person, who legally resides/works on the territory of the Czech Republic and is a national of a signatory state of the European Social Charter, shall be eligible to social assistance since the beginning of his/her stay in the Czech Republic, i.e. there is no waiting period and the required assistance shall be provided immediately after occurrence of the relevant situation.

The benefit of extraordinary immediate assistance is provided to even wider group of persons. The benefit is provided also to persons legally staying on the territory of the Czech Republic, however, without legal residence or legal job.

Extraordinary immediate assistance to persons at risk of severe bodily harm shall be provided also to foreigners staying on the territory of the Czech Republic in violence of the Aliens Act, i.e. illegally. Under this provision effective assistance shall be given also to victims of trafficking in human beings, persons involuntarily providing commercial sex services or kidnapped victims etc.

Authorities charged with assistance in material need, similarly as in other spheres of application of law, are provided with methodological guidance. The issue of the "group of eligible persons" became a theme of several methodological documents, received special attention upon training courses and the authorities charged with assistance in material need address the Ministry of Labour and Social Affairs to consult individual cases, if they have any doubts regarding proper application of law. The Ministry of Labour and Social Affairs cooperates with them in such issues upon request.

Information on the situation of the Roma

The European Committee for Social Rights requested in their previous conclusions information on the activities to fulfil the social, legal and economic protection of the Romani population.

Based on the Resolution of the Czech Government No. 136 of 26 January 2005, the Czech Republic joined the **Decade of Roma Inclusion 2005-2015**. It is a political commitment of the participating states which provides a unique opportunity to tackle poverty, social

exclusion and discrimination of the Roma communities on a regional scale. The implementation of the program is based on taking advantage of participation of the Roma themselves. The Decade is not a new institution, it does not provide additional bureaucracy or new funds, it mainly allows the individual states to exchange good practices. The activities implemented under the Decade shall be financed from national budgets of the participating states. In addition to the basic objectives in the area of education, employment, housing and health care, this initiative addresses the cross-cutting issues of discrimination, children, gender equality and poverty.

The Decade brings together the participating governments, international institutions and Roma civil society in the process of:

- the introduction of initiatives to strengthen social inclusion of the Roma as a priority on the regional and European political agenda,
- exchange of experience and mutual learning,
- participation of the Roma men and women in decisions that affect them,
- exploiting international experience and professional expertise to help make progress on the challenging issues of Roma integration and
- raising public awareness about the situation of the Roma through active discussion in the whole society.

The goals of the Decade are fulfilled through national action plans in which each country defined particular tasks in the area of education, employment, health care, housing and also cross-cutting themes. The results are continuously monitored and the information obtained allows each state to assess progress in meeting these objectives.

The **Presidency of the Czech Republic in the Decade of Roma Inclusion 2005-2015** started on 1 July 2010, to run until 30 June 2011. The priorities that the Czech Republic has set for its Presidency of the Decade have gone through a broader discussion between government departments and NGOs. The representatives of the Secretariat of the Decade, the World Bank, the Open Society Institute and the Roma Education Fund also participated in the discussion on priorities.

Building up on the priorities of the previous Presidencies, the Czech Republic will focus on the following priorities:

- Inclusive education - creating an inclusion policy backed by empirical data and possibilities of collection and use of ethnically non-aggregated data
- Situations in life and children's rights
- Roma women – assessing the policy of integration in all the aspects thereof
- Implementation of integration policies at the local level, focusing on self-government bodies
- Media and the image of the Roma

http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/en_Czech-priorities.doc

Information on the Implementation of the Decade of Roma Inclusion in 2009
http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Informace_Dekada09.doc

A **Report on the State of the Roma in the Czech Republic in 2009** was drafted in the year 2010, setting out several partial goals. The first one is to assess the situation of the

Roma in areas that determine the quality of their lives, using research studies published in 2009, and further the evaluation of the success of integration policies implemented. In addition, the Report reflects the legislative and institutional changes during that year and the impact thereof on the situation of the Roma. The aim is to identify partial successes and failures of the inclusion measures, to present examples of good practice and outline the risks of further developments in the case of failure to solve the current problems affecting the lives of the Roma. The Report includes an annex with detailed information on the situation of the Roma communities in different regions of the Czech Republic in 2009. The second important document is the material **Information on the Implementation of Resolutions of the Government Related to the Integration of the Roma Communities and Active Approach of State Authorities to Implementing Measures Related to the Resolutions Adopted by the Government as of 31 December 2009** which provides information on how the tasks to improve the situation of the Roma in the ministries involved had been worked on. http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/3_zprava_09_material_final.doc

http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Priloha_situace-v-krajich_09.doc

http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Informace-o-plneni-usneseni_2009.doc

http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/Zprava-o-pokroku09.doc

Report on the Status of the Roma Communities in the Czech Republic in 2008
http://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/dokumenty/archiv/zpravy/2008_KRP_vyrocka_fin.doc

The Resolution of the Czech Government No. 85 of 23 January 2008 established the **Agency for Social Inclusion in the Roma Communities**. The aim thereof is to provide assistance to municipalities in the process of social integration through the Agency. Its mission is to link organizations at the local level to cooperate in social inclusion. It supports supra-departmental access and interconnection between the public authorities and the voluntary (non-profit) sector.

The Agency currently operates in its pilot phase. The project included 13 localities (both cities and regions) in 2009 where the Agency worked and gradually standardized its activities. 20 other cities will be included in the next year.

The basic document for the promotion of social integration in cities, villages and micro-regions:
http://www.socialni-zaclenovani.cz/dokumenty/o-agenture/agentura-pro-socialni-zaclenovani-zakladni-dokument/download

The Agency for Social Inclusion in the Roma Communities and the Ministry of the Interior and the non-governmental organization Člověk v tísni (*People in Need*) have developed **Guidelines for Social Integration** which is to serve local officials and municipal self-governments as a guide in their efforts to prevent and eliminate social exclusion - a phenomenon the negative impact of which is still affecting more and more municipalities,

cities and regions in the Czech Republic. The handbook offers basic principles, tools and possible solutions that may lead to stabilization of socially excluded people and gradually also to their social advancement.
http://www.socialni-zaclenovani.cz/dokumenty/o-agenture/prirucka-pro-socialni-integraci/download

Reports on the activities of the Agency for Social Inclusion in the Roma Communities:
http://www.socialni-zaclenovani.cz/dokumenty/o-agenture/zprava-o-cinnosti-agentury-pro-socialni-zaclenovani-v-romskych-lokalitach-v-roce-2009/download
http://www.socialni-zaclenovani.cz/dokumenty/o-agenture/zprava-o-cinnosti-asz-01-2008-06-2009/download
http://www.socialni-zaclenovani.cz/dokumenty/o-agenture/zprava-o-cinnosti-asz-v-lokalitach-01-2008-06-2009/download

The Ministry of Labour and Social Affairs uses the finances from the **European Social Fund** through the **Operational Program Human Resources and Employment** to provide funding to eligible entities in the area of support 3. 2 - **Promoting Social Integration of the Roma Communities**. Through the support in this area, social inclusion of socially excluded Roma communities is promoted, ensuring the availability, quality and checks of services, including the removal of barriers to their access to education and employment and access to investment support.

The calls published in this area are mainly focused on supporting education of the funding authorities, providers and users of services in support of social services (e.g. drop-in daycare centers for children and youth, socially stimulating activities for families with children, outreach programs, social rehabilitation centers, shelters, halfway houses, professional social advisory) and other measures (such as programs of prevention of socially pathological phenomena and crime prevention, programs to learn basic socio-professional and social skills, motivation programs, employment and social rehabilitation programs, programs for drug users, programs to prevent economic instability of families and individuals, programs for ex-prisoners, programs for people leaving school facilities for institutional or protective care, etc.) for social inclusion of socially excluded Roma communities / sites and to support the process of provision of social services and development of partnerships.

Eligible applicants for financial subsidies are social service providers, non-governmental non-profit organizations, regional self-governments, municipalities and organizations established by municipalities and regions involved in social activities and further educational institutions.

The Ministry of Labour and Social Affairs also uses the resources of the **European Regional Development Fund** through the **Integrated Operational Programme** to provide financial assistance to eligible entities in the area of support 3. 1 - **Services Aimed at Social Integration of Socially Excluded Roma Localities / Communities**, especially in the intervention area 3. 1 b) - **Investment Aid in Ensuring the Availability of such Services that Allow the Return of the Most Vulnerable Socially Excluded Roma Localities back to the Labour Market and into Society**.

The call is open to those municipalities, municipality associations and nongovernmental organizations outside the region of the capital of Prague which will focus on investing in selected types and forms of social services and other activities in socially

excluded localities. The supported social services include for instance professional social counselling, drop-in facilities for children and youth, outreach programs, emergency assistance, contact centres, or the so-called halfway houses. Other supported activities include investment in community centres and particular activities in socially excluded Roma localities. This have the form of recreational (free-time), educational and sports activities and expert advisory. Investment funds provided under the Integrated Operational Programme are earmarked for renewal and acquisition of both movable and immovable property.

ARTICLE 17: RIGHT OF MOTHERS AND CHILDREN TO SOCIAL AND ECONOMIC PROTECTION

With a view to ensuring the effective exercise of the right of mothers and children to social and economic protection, the Contracting Parties will take all appropriate and necessary measures to that end, including the establishment or maintenance of appropriate institutions or services.

The Public Childcare

Resolution of the Government No. 1180 of 18 October 2006 approved the **Concept of Care for Vulnerable Children and Children Living Outside their Family until 2008** based on a proposal of the Ministry of Labour and Social Affairs. This was the first conceptual material on socio-legal protection of children whereof principal aim was to define functional cooperation and communication of entities within care of vulnerable children. Other priorities of the Concept of Care for Vulnerable Children and Children Living Outside their Family were to support the education of all entities within the state administration that directly provide social-legal protection of children and non-state entities responsible for the carrying out of socio-legal protection of children, raising public awareness about the role thereof in socio-legal protection of children, developing a network of alternative care for children and deepening the emphasis on the child's opinion and their rights in the decision-making regarding the child and care for him/her. The measures contained in the Concept of Care for Vulnerable Children and Children Living Outside their Family have been introduced by the Ministry of Labour and Social Affairs in collaboration with other government departments/ministries, long-term measures have been introduced gradually.

In the course of the implementation, the Concept of Care for Vulnerable Children and Children Living Outside their Family has been introduced in the document **Analysis of the Current State of Institutional Safeguarding of Care of Vulnerable Children**. That analysis was of a supra-departmental character and was drafted in cooperation between the Ministries of Labour and Social Affairs, Health, Education, Youth and Sports, the Interior and Justice. The analysis described the current situation in the system of care for vulnerable children in the Czech Republic in terms of incorporation of the agenda in the tasks and workscope of a variety of ministries. The purpose of the material has not been to provide a thorough analysis of all existing problems in the area of protection of vulnerable children and the causes thereof, but to specify the basic characteristics and features of the institutional arrangements of this agenda, including the weaknesses of the current system that are the target of repeated criticism both within the Czech Republic and by the relevant international organizations such as the UN Committee on the Rights of the Child or the Council of Europe.

The analysis identified as the main weakness of the current system of care for vulnerable children in the Czech Republic the lack of coordination and coherence of actions, objectives and policies of the individual ministries involved, i.e. of the ministries that shall deal with the issue of protection of vulnerable children. Fragmentation of the agenda of care for children at risk at both the vertical and the horizontal level negatively affects the level of protection of children in the Czech Republic as it is below the level corresponding to advanced European countries, especially with regard to the high number of children in institutional care and the inadequate offer of alternative forms of work with the child at risk and his/her family. Partial sub-sectoral activities (of the individual ministries) are ineffective because they can not incorporate a comprehensive, long-term and systematic work with the vulnerable child and its family. The analysis contained proposals of solutions consisting of unification and standardization of care for vulnerable children.

The government discussed the Analysis of the Current State of Institutional Safeguarding of Care of Vulnerable Children and took note of it in its Resolution No. 293 of

26 March 2008. Based on the Analysis, the government assigned to the Minister of Labour and Social Affairs the task to establish an interdepartmental coordination group for the drafting a proposal of measures to transform and merge the system of care for vulnerable children with the deadline for submitting this proposal to the government by 31 December 2008. In accordance with this Government Resolution, the Deputy Prime Minister and the Minister of Labour and Social Affairs established an **interdepartmental coordinating group** composed of representatives of the Ministry of Labour and Social Affairs, Ministry of the Interior, Ministry of Education Youth and Sports, Ministry of Health, Ministry of Justice, the Association of Regions of the Czech Republic and the Union of Towns and Municipalities of the Czech Republic. The main task of interdepartmental coordinating group was in the first phase of the transformation of care for vulnerable children to define common principles that would be binding to all the entities which have within their responsibility caring for vulnerable children. So far, various ministries and levels have worked in an uncoordinated and unrelated way, the whole system has been fragmented, and it has had a negative impact on children themselves.

In the period by the end of 2008, draft measure were prepared by the interdepartmental coordination group entitled **Proposal of Transformation and Unification of Systems of Care for Vulnerable Children - the Basic Principles** which was submitted to the government for review in December 2008. This paper defined the basic assumptions and principles on which the transformation process is to be based and which had been agreed by all the ministries and experts in the interdepartmental coordination group. The fact that consensus was found in all the ministries involved in naming the fundamental principles of transformation made the material a real breakthrough as the evaluation of existing problems and proposals for their solution had always been presented from the point of view of the individual ministries/departments and not within a common consensus. The material also describes in its second part the optimum structure of the system after the transformation and the necessary framework measures in the area of make-up of services, financing, management and coordination, legislation, monitoring and maintaining quality, in human resources and data collection.

The Proposal of Transformation and Unification of Systems of Care for Vulnerable Children - the Basic Principles was adopted by the Government by its Resolution No. 79 of 16 January 2009. Following the approval of the basic principles of transformation and unification of systems of care for vulnerable children, the Government tasked the Minister of Labour and Social Affairs to ensure the continuation of the work of the interdepartmental coordination group and to submit by 30 June 2009 to the Government a draft National Action Plan of Transformation and Unification of the Care of Children at Risk which would describe concrete measures to unify and standardize the system of care for vulnerable children and families for the period 2009 to 2011.

The National Action Plan of Transformation and Unification of the Care of Children at Risk for the period 2009 - 2011 was approved by the Government Resolution No. 883 of 13 July 2009. The plan systematically continues where the Concept of Care for Vulnerable Children and Children Living Outside their Family left and represents the next stage of the transformation process that was started by the Concept. It lays down binding rules for specific actions within the individual ministries which will achieve the target state after the transformation of the system, i.e. in particular:

- a clear preference for the care of children in a family environment rather than in institutional care and thus decrease of the number of children in institutional care,
- to expand the possibilities of placement of children in foster care in case of children who cannot be (for temporary or permanent reasons) in the care of their parents, and development of ancillary support services for foster families,
- to enhance preventive work with vulnerable families and reduce the number of children withdrawn from parental care,
- to enhance individual access and multi-disciplinary work at ground level and the active involvement of children and their families to address their own situation,
- the staffing and financial strengthening the institutions of socio-legal protection of children within municipal authorities which will play a key role in coordinating cooperation of all institutions, agencies and facilities providing assistance to vulnerable families,
- the harmonization of legislative changes, methodological materials and practices within the work of all ministries/departments involved in the system of care for vulnerable children.

The National Action Plan contains an analysis which is a prerequisite for defining the scope and focus of the planned changes. Among other things, this analysis will include a sub-analysis of regional (district) network of services for vulnerable children and families: quantitative and qualitative coverage of services, financial and personnel management, quality management and network planning according to the changing needs of the region. The Ministry of Labour and Social Affairs is currently preparing, in collaboration with other ministries, the methodological basis for the transformation, as well as creating - *inter alia* - quality standards of working with vulnerable children and families - the working group for this activity was established in November 2009. Further, a public awareness campaign and an information campaign is also being prepared that will include a description of the regular activities of individual departments responsible for working with endangered children and families.

The **interdepartmental coordination group to transform the system of care for vulnerable children** still works and should focus primarily in the next stage of the process of transformation on continuous monitoring and evaluating of the implementation of measures contained in the National Action Plan and preparing the draft of a new action plan for the period 2012 - 2013. In accordance with Government Resolution No. 883, the Minister of Labour and Social Affairs, Minister of Education, Youth and Sports, Minister of Health, Minister of Justice, the Interior Minister, the Minister for Regional Development, and the Minister for Human Rights are currently required to participate in the interdepartmental coordination group. The Minister of Labour and Social Affairs was tasked with coordinating the implementation of the National Action Plan and of the activities of the interdepartmental coordination group.

In 2006, negotiations between the Ministry of Labour and Social Affairs, the Ministry of the Interior and the Ministry of Finance took place to address the insufficient number of employees of the institutions of social-legal protection of children. This had been a long-term problem which was highlighted by an amendment to Act No. 359/1999 Coll., on Socio-Legal Protection of Children, effective from 1 June 2006, which introduced new responsibilities to municipal authorities of municipalities with extended powers. Given the fact that one of the major reasons of existing problems in the exercise of socio-legal protection was lack of funds for the exercise of delegated powers, it was decided that allocation of funds to cover the costs

of the socio-legal protection of children will be done apart from the allocation for the exercise of state government administration.

To this end, the Ministry of Finance paid out from the state budget to municipalities with extended competences a **special-purpose non-investment subsidy** in 2007 **to cover the costs associated with the performance of socio-legal protection of children**. This is a separate subsidy included in the state budget in chapter General Cash Administration under indication Subsidies for Activities Undertaken by Municipalities with Extended Competences in the Social-Legal Protection of Children. The subsidy is provided pursuant to Section 58 Para. 1 of Act No. 359/1999 Coll., on Socio-Legal Protection of Children which provides that the costs incurred in connection with the socio-legal expenses shall be borne by the state, unless otherwise specified. In 2007, the subsidy for the socio-legal protection of children was paid out at the total amount of CZK 697 million, in the amount of CZK 718 million in 2008 and 739 million CZK was paid in 2009.

The subsidy for the provision of socio-legal protection of children is divided among the municipalities with extended competences according to the number of registered cases which reflects the differences in the utilization of individual authorities. Each municipality with extended competences gets, however, as a minimum guaranteed funding for at least two workers performing the agenda of socio-legal protection of children. The data necessary for determining the subsidy are obtained from statistical reports of the Ministry of Labour and Social Affairs V 20-01 on the execution of socio-legal protection of children. The calculation of the subsidy is based on the following statistical indicators of statistical reports on the execution of socio-legal protection:

- number of staff carrying out the agenda of socio-legal protection of children in municipalities with extended competences
- the number of registered cases in the field of socio-legal protection of children
- average number of cases per worker
- average subsidy per worker of municipality with extended competences

Subsidies to municipalities with extended competences are paid quarterly in advance (in January, March, June, September) by the Ministry of Finance and is subject to financial settlement. The subsidy is intended to cover all necessary costs associated with the performance of the agenda of socio-legal protection of children, whether they are staff costs (especially labour costs of employees), operational (e.g. energy costs, telephones, rent, costs of using a car, etc.) or material (e.g. office equipment, mobile phones or other costs in the amount of up to CZK 40 000). If the municipalities with extended competences demonstrate in the settlement of the subsidy that their actual reasonable expenses on the socio-legal protection of children exceeded the amount of subsidy granted, they will be reimbursed the difference between the amount of subsidy and the actual cost retroactively.

Number of children in foster care

	2005	2006	2007	2008	2009
Children in foster care and guardianship	6 873	7 149	7 583	8 159	9 237
Number of foster families	4 720	4 845	4 927	5 790	6 313
Children with ordered institutional education	8 648	8 691	9 064	8 009	7 975
Children with imposed protective education	154	159	205	194	205

Source: Statistical Yearbook on the performance of socio-legal protection of children V (Ministry of Labour and Social Affairs) 20-01

The Prohibition of all Forms of Violence Against Children

The protection of children against domestic violence was an important step in the amendment to Act No. 359/1999 Coll., on Socio-Legal Protection of Children which became effective on 1 June 2006. The range of children who are targets of socio-legal protection was extended by children who are at risk of violence between the parents or other persons responsible for the upbringing of the child, or violence between other individuals. This addition to the Act was a clear sign of the fact that even when the child is not a direct victim of violence, acts of violence in the family affect them in a harmful way in many ways, threatening their development and influences negatively the child's life later in adulthood. The child becomes a secondary victim of domestic violence and for this reason the state must ensured to the child socio-legal protection in an appropriate extent.

Inclusion of children at risk of domestic violence between parents or other persons inhabiting the household with the child within into the group of children provided with socio-legal protection has practical implications for the activities of the authorities of social-legal protection of children, among them municipal authorities of municipalities with extended powers that carry out the main part of the tasks.

First of all, the bodies of social-legal protection of children shall seek children at risk of domestic violence and keep them in their files/records. **The obligation to report to municipal authority with extended competences information on a child affected by domestic violence** enshrined in the law applies to other state agencies, but also to non-state entities responsible for the provision of socio-legal protection, schools, educational facilities, medical facilities and other facilities designed for children; the reporting shall be done without undue delay after they learn about such a child. The breach of this obligation to notify authorities of socio-legal protection of children is punishable in administrative proceedings by a fine of up to CZK 50 000.

The fact that violence occurs between parents or other persons in the home occupied by a child, endangering the child, can be notified to the authorities of social-legal protection of children also by any other person, while this person is legally guaranteed protection of data on his/her identity. Also a parent of the child may contact the bodies of social-legal protection of children with a request for assistance if the child has been exposed to domestic violence

from the other parent, and of course the child himself/herself who can do so without the knowledge of parents or other persons responsible for his/her education/upbringing.

When the competent authority for socio-legal protection of children receives information about the child at risk of domestic violence, it must intervene in the family and closely examine and assess what additional measures of protection it is desirable to take. The primary task is to discuss the whole issue with the parents and provide or mediate counseling to help the parents and the child. If necessary, the body of social-legal protection of children may impose educational measures or to go to court with the relevant proposals and initiatives to protect the child.

Section 51 Para. 5 b) of the Act on Socio-Legal Protection of Children requires that the institution of social-legal protection of children **notifies law enforcement on facts suggesting that there is violence between parents, other persons responsible for the upbringing of a child or other individuals in a household occupied by a child**. This special provision extends the general duty of all state authorities to notify the prosecutor or the police of facts indicating the commission of a criminal offense according to Section 8 Para. 1 of the Criminal Procedure Code.

If the parent against whom the domestic violence in the family is aimed decides to leave the household occupied together with the aggressor and to resort to another place (to live with relatives or friends, to a shelter, to a leased flat, etc.) together with the children, **the workers of the authority of socio-legal protection of children are required by law to maintain secrecy about the whereabouts of the said parent and cannot divulged this information to any other person or any authority**. They can be relieved in writing of the duty of confidentiality only by the parent, to whom they owe the duty of confidentiality, indicating the scope and purpose.

Act No. 40/2009 Coll., the Criminal Code, as amended, became effective on 1 January 2010 and tightened sanctions to perpetrators of the **crime of battering a person entrusted to one's care** (Section 198) and also extended the provisions of the qualified aspects of this crime to include cases where the abuse of the person in care causes serious injury or death. The penalties were also increased for the **crime of neglect of compulsory maintenance** (Section 196) both in the basic form as well as qualified aspects with stricter punishment in cases of repeated crime. Newly introduced **crime of endangering the child's upbringing** (Section 201) was linked to threats to *intellectual, emotional or moral development of children* in accordance with the terminology of the UN Convention on the Rights of the Child and of the Czech Family Act. The crime now explicitly includes criminal punishment of act or omission by which the offender seriously breaches their duty to care after a child or another important obligation under the parental authority.

In a number of different elements of the Criminal Code, a special aggravating circumstance substantially increasing the criminal punishment has been introduced, i.e. the circumstance when the crime is committed against a child. In some cases, particularly severe sanctions punish such acts against a child younger than 15 years. In considering the penalty, the court assesses as a general aggravating circumstance if the crime has been committed to harm a child (Section 42 h).
http://portal.gov.cz/wps/portal/_s.155/701?number1=40%2F2009&number2=&name=&text=

Obtaining valid data on violence against children in the Czech Republic is difficult. Pilot studies have reported inaccurate and often misleading information. There is an existing process of data collection within the Ministry of the Interior, Ministry of Labour and Social Affairs, Ministry of Health, the Czech School Inspectorate and the Institute for Information in Education. The upcoming Child Injury Registry provides data only for intentional injuries / injuries caused by physical violence. This is an interdepartmental and inter-disciplinary issue that must be addressed systemically.

A number of strategic documents pay attention to violence prevention: the National Strategy for the Prevention of Violence Against Children in the Republic for the period 2008 - 2018, the National Family Policy Concept, the Concept of Care for Vulnerable Children and Socio-Legal Protection of Children, Gender Equality, Assistance to Families in Need, Concept of State Policy for Children and Youth, the National Plan to Combat Commercial Sexual Exploitation of Children, National Plan to Combat Trafficking in Human Beings.

Prohibition of Corporal Punishment

Czech law does not provide for a general prohibition of corporal punishment. Under Section 31 Para. 2 of the Family Act, parents in the exercise of their parental authority are entitled to use only such means of education/upbringing which do not affect the child's dignity and in no way jeopardize the health of the child and the child's physical, emotional, intellectual and moral development. The legal regulation of the rights of parents in the upbringing of a child makes it clear, therefore, that parents cannot resort to inappropriate means of education/upbringing which would degrade the human dignity of the child or in any way endanger his/her health and positive development. This prohibition applies both to the use of excessive corporal punishment as well as to any other inappropriate forms of punishment of the child (e.g. various forms of restrictions and limitations of the child, etc.).

If corporal punishment of a child reaches the intensity of a crime, it shall be punished according to the relevant provisions of the Criminal Code, such as the crime of **battering a person entrusted to one's care** if the child was looked after by the offender or crime of bodily harm under Section 146. We also can not rule out criminal punishment for the crime of breach of the public peace when the excessive corporal punishment is carried in public but does not result in bodily injury.

In less serious cases in which parents or others persons responsible for the upbringing of the child apply excessive corporal punishment to the child or other inappropriate educational measures but their actions do not amount to a crime, such acts may be punishable as a misdemeanour in the area of socio-legal protection of children under Section 59 Para. 1 h) of the Act on Socio-Legal Protection of Children, for which the offender may be condemned in administrative proceedings to admonition or a fine of up to CZK 50 000.

If parents use physical punishment of children, their actions may lead to restrictions or to elimination of parental authority. A parent thus loses authority to exercise certain precisely defined rights and obligations arising from his/her parental responsibilities when his/her parental authority is limited. In the case of elimination of parental authority, the parent loses their parental rights altogether. Among the reasons for the waiver of parental authority is an intentional crime against the child which – provided a certain level of danger to society is present - could include physical punishment. The court usually decides on the custody of

another person, initiates proceedings for custody or a foster care or adoption proceedings, or decides that the child should be put in institutional care or in a facility for children in need of immediate assistance.

The court or the authority of social-legal protection of children can also adopt the so-called educational measures under the provisions of the Family Act according to the intensity of misconduct by the parent. They may warn the parents, introduce supervision over the child's upbringing or the court may put the child in institutional care or in the care of a facility for children in need of immediate assistance, unless a more appropriate way to address the situation is possible.

The Civil Procedure Code gives the courts a tool of a special interim measure - according to Section 76a of the Civil Procedure Code, the court orders placing the child in an appropriate environment if the development of a child is threatened or disrupted. This interim measure allows the courts to respond flexibly to address domestic violence on children. In cases where one parent is committing violence against the child or another child or another person in a common dwelling, the court may also use the form of interim measure to order the offender under Section 76b of the Civil Procedure Code to leave the common dwelling, not to enter it, ban meetings and also order avoiding undesirable behaviour.

Juvenile Justice

Act No. 218/2003 Coll., on Liability for Unlawful Acts of Youth and on Juvenile Courts and on Amending Certain Acts (**Act on Juvenile Justice**), as amended, regulates the conditions of liability of the youth for unlawful acts listed in the Criminal Code, measures imposed for such illegal acts, procedure, decision making and punishment by the juvenile court.
http://portal.gov.cz/wps/portal/_s.155/701?number1=218%2F2003&number2=&name=&text=

The Act on Juvenile Justice is designed to define specific differences in legislation on juvenile justice in criminal cases as compared with the general rules contained in the Criminal Code and related legislation. The purpose of this Act is to regulate in a separate code the complex substantive and procedural aspects of the punishment of juveniles, to newly constitute a system of specialized juvenile courts and clearly define the complete range of possible responses to juvenile crime, based *inter alia* on the concept known as restorative justice which emphasizes a balanced, fair reaction by the society to a crime committed by a juvenile when the society does not renounce its partial liability for the failure of juvenile and derives the consequences not only for himself/herself, but also to deal with this aspect of other persons and groups associated with the crime.

The personal scope of the Act on Juvenile Justice covers two age groups of youth:
- children under 15 years of age
- to juveniles who are persons who at the time of committing the offense reached the age of 15 years and did not exceed 18 years to age

A person starts to be criminally liable when they reach 15 years of age. At the same time, however, it is assumed that the mental state of adolescents will be assessed as well as their mental state from the point of view of checking whether they achieved a certain level of

intellectual and moral maturity, and the Act therefore stipulates that a juvenile who at the time of the offense did not achieve such mental and moral maturity to be able to recognize the danger to society or to control their conduct shall not be criminally liable for the given act.

A child that does not reach 15 years of age at the time of the offense is not criminally liable. Measures needed to remedy the child, educate and protect him/her can be applied against such a child who committed acts otherwise criminal, as these acts do require an appropriate response. These measures are ordered by a youth court in civil proceedings, not in criminal proceedings. Such procedures allow to better take into account the specifics which are connected with this group of youth and the measures imposed by a juvenile court specialized in dealing with youth delinquency can be sufficiently strong so as to ensure proper further influence on the child younger than fifteen years of age in relation to prior delinquent behaviour (if any) cases dealt with by the same court. At the same time, this secures adequate protection of the society from any further infringement by such underage offender.

The role of the special juvenile courts is carried out by specialized tribunals and single judges of the district, regional, High Courts and the Highest Court. The judges, prosecutors, Probation and Mediation Service officials active in criminal matters of juveniles and young adults are chosen from people who have enough life experience and they undergo a special preparation in dealing with youth.

The following measures may be used in case of a juvenile (15-18 years) only:

- reformatory measures,
- protective treatment measures and
- penal measures.

Reformatory measures include supervision by a probation officer, probation program, reformatory duties, reformatory restraints and reprimand with warning.

Protective treatment measures include protective medical treatment, safeguarding detention, seizure of an item or other asset and protective rehabilitation. The purpose thereof is to positively influence the mental, moral and social development of juvenile and protect the society from juveniles committing offenses.

Protective rehabilitation is carried out in educational establishments of the Ministry of Education Youth and Sports when the health of a child under 15 years or of juvenile requires priority placement in medical facilities. The performance of protective rehabilitation is ordered by the presiding judge in a competent facility under Act No. 109/2002 Coll., on Institutional and Protective rehabilitation in School Facilities and on Preventive Care in School Facilities and on Amending Other Laws.

For an offense committed by a juvenile, the court may impose only the following penal measures: community service, financial measures, financial measures with a suspension, forfeiture of chattels or other assets, disqualification/debarment, expulsion, house arrest, ban of entering a sports / cultural / other social events, imprisonment suspended for the period of probation (suspended sentence), sentence suspended for the period of probation with supervision and unconditional imprisonment.

Juvenile Detention and Custody Pursuant to the Juvenile Justice Act:

Sub-division 5

Specific provisions on custody and juvenile detention

s. 46

Custody of a juvenile

(1) The juvenile may be arrested only if the purpose of custody cannot be achieved otherwise.

(2) The detention, arrest or custody of a juvenile should be promptly notified to his/her legal representative, his/her employer, the relevant Probation and Mediation Service office and the relevant authority charged with the social and legal protection of children; in the case of a juvenile who has been ordered to undergo protective rehabilitation, the information shall be sent also to the educational facility in which he/she undergoes the protective rehabilitation.

s. 47

Duration of Custody

(1) Custody in juvenile cases may not last longer than two months and in case of a particularly serious offense it may not last longer than six months. After this period, the custody may exceptionally be extended by up to two months and in the proceeding regarding a particularly serious offenses by up to six months if it is not possible to finish the criminal prosecution within this time-limit because of the complexity of the case or for other serious reasons and if it is impossible to release the juvenile as that would create the risk of frustration of the purpose of the criminal prosecution or it would make it considerably more difficult to achieve the purpose of criminal prosecution. Such extension may occur only once in the pre-trial phase and once in the proceedings before the juvenile court.

(2) The extension of detention in the pre-trial proceedings shall be ordered by the district court judge for the youth based on a proposal by the prosecutor. The proposal for extension of custody shall be delivered by the prosecutor to the court no later than 15 days before the deadline; the same applies to the steps of the prosecutor even if the prosecutor files the indictment in less than 15 days before the end of the custody period.

(3) The extension of custody during the court trial phase is a decision of the judge of a court superior to the youth court which is to decide the matter or in front of which the matter is already pending. The proposal for extension of custody shall be delivered by the presiding judge to the superior youth court at least 15 days before the deadline.

(4) If the proposal is not delivered in the manner stated in Para. 2 or 3, the presiding judge or the prosecutor in pre-trial proceedings shall release the juvenile not later than on the day subsequent to the expiry of the period for which the custody was limited.

(5) The periods referred to in Para. 1 shall be calculated from the time when the arrest or detention of a juvenile happens, or (if the custody was not preceded by an arrest or detention) from the restriction of the personal freedom of the juvenile as result of the decision on custody. When the case is returned back to the prosecutor for additional investigation, the time-limit referred to in Para. 2 runs from the date on which the file was delivered to the prosecutor.

(6) The length of custody that was ordered under extraordinary appeals shall be counted separately and independently of the custody in the main proceedings.

(7) After the release from custody, supervision of the juvenile by a juvenile probation officer may be ordered; the supervision may last until the end of the prosecution. Section 16 shall apply mutatis mutandis to the regime of the supervision.

s. 48

Review of the Grounds for Custody

All law enforcement authorities under this Act are required to examine in each period of the criminal prosecution whether the grounds for custody still exist and whether they have not changed; if the reasons for custody cease to exist, the juvenile must be released immediately. If a reason for detention is found regarding the juvenile, the law enforcement authorities under this Act shall examine whether continuing custody of the juvenile can be replaced by other measures. Once such alternative measure is determined, the juvenile must be released from custody without any undue delay. Enforcement authorities under this Act shall act in conjunction with the Probation and Mediation Service and with the competent authority charged with social and legal protection of children.

s. 49

Replacement of the Custody by Other Measures

(1) The custody of a juvenile may be replaced by guaranty, supervision, promise or by placing the juvenile in the care of a trustworthy person.

(2) The custody of a juvenile can also be replaced by financial guarantee.

s. 50

Replacement of the Custody by Placing the Juvenile in the Care of a Trusted Person

(1) A juvenile for whom there are grounds for custody may be entrusted to the care of a trusted person instead of custody, if

a) such person is willing and able to take care of him/her and supervise him/her, undertakes in writing to care for the juvenile and assume responsibility for the juvenile to appear based

on a summons in front of a criminal justice authority under this Act and that the juvenile will also meet other conditions designated by the court,

b) The juvenile agrees to be entrusted to the care of such person and promises in writing to behave according to the agreed-upon terms and will meet also the other conditions laid down by the juvenile court.

(2) If the trustworthy person or the juvenile fails to comply with their obligations under Para. 1, the relevant authority shall decide based on the proposal of the juvenile or the trustworthy person in whose care the juvenile is, or also without a proposal, that

a) the juvenile and the said person is relieved of the obligations accepted under Para. 1, and

b) simultaneously designates another trustworthy person in accordance with Para. 1 or takes other action to replace the custody, or if not possible, decides on custody or issues an order to arrest the juvenile.

s. 51

Juvenile Detention

(1) A juvenile who has not reached their eighteenth year of age at the time of arrest must be housed separately from adults.

(2) Para. 1 shall not apply if

a) the juvenile cannot be detained in a place designated for the performance of juvenile detention because of the need to ensure his/her safety or the safety of other persons or

b) there is no available space for juvenile detention.

Under Section 42, each **juvenile shall have a defender** (defence counsel) from the moment when remedies under the Act on Juvenile Justice are used against him/her acts under the Criminal Procedure Code are carried out, including urgent and unrepeatable acts, except cases when the operation cannot be postponed and the notification cannot be sent to the defence counsel.

The juvenile shall have a defence counsel in the enforcement procedures:

- if the juvenile court decides in open court (public hearing) and the juvenile is younger than 18 years of age
- in the case of conditional release from a prison sentence of a juvenile who has not reached 19 years of age at the time of the public hearing.

The juvenile must be represented by defence counsel in proceedings on a complaint for breach of the law, in appellate proceedings and in proceedings on a proposal to permit renewal of the proceedings if he/she has not reached 19 years of age at the time of the public hearing.

Where the juvenile does not exercise their right to choose their defence counsel and if his/her legal representative does not choose one either, his/her kin or their sibling, adoptive

parent, husband, partner and interested person may choose the defence counsel instead. These persons may do so even against the will of the juvenile. The juvenile may pick a different defence counsel instead of the one appointed by a person entitled to choose defence counsel instead of the juvenile.

All bodes involved in criminal proceedings shall always inform the juvenile on his/her rights and give him/her full opportunity for the application thereof. In appropriate cases, the bodies shall inform the juvenile of the conditions for the conditional suspension of prosecution, settlement or withdrawal from criminal prosecution.

Internal differentiation in prisons

The European Committee of Social Rights asked in its conclusion XVII-2 about the application of internal differentiation in prisons under Section 5, Para. 3 of Act No. 169/1999 Coll., as amended.

When issuing the verdict regarding an unconditional prison sentence, the court sends the convicted person into one of four types of prisons:

- open prison,
- prison under supervision,
- prison especially guarded,
- top security prison.

In addition to these types of prisons, there are special prisons for juveniles. These types of prisons, as is evident from the titles, differ in the way of external surveillance and security. The determining factor is the offense and the personality of the offender. If the purpose of the terms of imprisonment requires a transfer of the prisoner to another type of prison, this can only be determined by a court. The classification allows the prisoner's own active approach to influence his/her particular way of life while in prison and gradually fulfill the conditions for transfer to a less severe type of prison, possibly for parole.

Under Act No. 169/1999 Coll., on the Prison Sentence, based on the results of a comprehensive report, which is a summary results of psychological, pedagogical, social and medical assessment and which shall be confidential, convicts should be placed either in a department ensuring standard punishment or a department that accepts diversity of some groups of prisoners - young people, women, mothers of minor children, foreigners - or in specialized departments for sentenced people who cannot carry out work permanently, prisoners with mental disorders and behavioural problems, prisoners sentenced to life imprisonment, prisoners to whom the court ordered protective treatment in a medical institution. Advisory services are available to prisoners with a protective form of treatment in outpatient clinics.

The behaviour and conduct of the convict during his/her prison sentence, his/her attitude to the offense committed and the choice and method of implementation of the treatment program are crucial factors in the classification into one of usually three groups of internal differentiation.

Based on personality characteristics and the crime committed, juveniles in prison are divided into four basic categories of differentiation. Core Group A spans individuals whose

basic characteristics of personality are normal whose behavioural disorders result from inappropriate social environment, emotional and social immaturity, or from ill-treatment. Core Group B contains prisoners with a hint of discordant development of personality. Core Group C groups inmates with behavioural problems, including behavioural disorders caused by the use of drugs and prisoners who require specialized treatment. Core Group D is intended for convicts with mental retardation. The inclusion of a convicted juvenile in a basic differentiating group is done by the prison director based on the recommendation of professional staff.

These core groups of internal differentiation of juvenile prisoners are usually divided into three promotional groups. Young inmates are assigned into these groups based on their behaviour, actions and attitudes to the criminal offense and imprisonment. The first promotional group has offenders with predominantly active approach to the program and performing their other obligations and behaving and acting in accordance with the internal regulations. The second promotional group is intended for inmates with unclear or changing approach to the treatment program and to their responsibilities. The third promotional group is for offenders who primarily view the treatment program passively or refuse it, who do not fulfil their obligations, or who behave and act in breach of internal rules. The inclusion or a change in the classification of juvenile regarding a promotional group is a decision of the head of the prison department, the department of custody and imprisonment, based on a proposal of a special educator usually during the preparation and evaluation of the program dealing with juvenile inmates.

The basic differentiation groups differ in content and manner of treatment appropriate to the needs of the desirable personality changes of the juvenile. Education and an appropriate form of social training programs is part of the treatment of prisoners in all the four basic categories of differentiation groups.

Promotional groups of internal differentiation form a unified system of positive motivation of convicted juveniles. The internal rules lay down detailed conditions of internal differentiation in order to provide each convict while in prison with the opportunity to be transferred into the individual groups based on their approach to the treatment program, the compliance with duties and behaviour and conduct in compliance or non-compliance with the internal rules.

ARTICLE 19: RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Contracting Party, the Contracting Parties undertake:

9. permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire,

No changes.