



European
Social
Charter

Charte
sociale
européenne



– The Czech Republic and the European Social Charter –

Dates of Ratifications and provisions accepted

1961 European Social Charter: ratified on 03/11/1999, 51 paragraphs (initially 52) accepted out of 72 (Article 8, paragraph 4, initially accepted, was denounced on 25/03/2008).

1988 Additional Protocol to the Charter: ratified on 17/11/1999, all 4 articles accepted.

1991 Amending Protocol to the European Social Charter: ratified on 17/11/1999.

1995 Additional Protocol providing for a system of Collective complaints: ratified on 04/04/2012

1996 Revised European Social Charter: signed on 04/11/2000 (not ratified yet).

Accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	3.1	3.2	3.3
4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	6.4	7.1	7.2
7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	8.2	8.3	8.4
9	10.1	10.2	10.3	10.4	11.1	11.2	11.3	12.1	12.2	12.3	12.4
13.1	13.2	13.3	13.4	14.1	14.2	15.1	15.2	16	17	18.1	18.2
18.3	18.4	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	19.10
AP1	AP2	AP3	AP4	AP= Additional Protocol				Grey = Accepted provisions			

The Charter in domestic law: Article 10 of the Constitution: "The ratified and promulgated international treaties on human rights and fundamental freedoms, by which Czech Republic is bound, shall be applicable as directly binding regulations having priority before the law."

Reports*

Between 2001 and 2015, the Czech Republic submitted 12 reports on the application of the 1961 Social Charter.

The 11th report, submitted on 30 October 2013, covers the accepted provisions relating to Thematic Group 3 "Labour rights" (Articles 2, 4, 5 and 6 of the 1961 Charter and Articles 2 and 3 of the Additional Protocol).

The conclusions in respect of these provisions were published in January 2015.

The 12th report, submitted on 13 November 2014, concerns the accepted provisions relating to Thematic Group 4 "Children, family, migrants", namely:

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

In addition, the report concerns the information required by the European Committee of Social Rights in the framework of Conclusions 2013 (Articles 3, 11, 12, 13 and 14 of the 1961 Charter and Article 4 of the Additional Protocol, relating to the Thematic group "Health, social security and social protection"), in the event of non-conformity for lack of information.

Conclusions with respect to these provisions will be published in January 2016.

* [Following a decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Situation of the Czech Republic with respect to the application of the 1961 Social Charter

Examples of progress achieved in the implementation of social rights under the European Social Charter¹

Right to work

▶ Amendment of the labour code, introducing different types of additional holiday and reducing working time for workers in dangerous and unhealthy occupations.

Protection of the family

▶ Amendments of the Criminal Code (in force in 2004) introducing protection from acts of domestic violence
▶ Measures taken to strengthen the economic protection of the family: tax allowances concerning married couples (tax reform which came into effect in 2005), increase of the number of beneficiaries of the parental allowance for children up to the age of four (reform of the calculation's basis of the allowance).

Protection of children

▶ Amendment of the Criminal Code, increasing protection of young persons aged between 15 and 18 from sexual acts or other defined acts.
▶ Entry into force (1/01/2007) of a new Labour Code, which prohibits employment of children of either the age of 15, or older than 15 until completion of their compulsory school attendance. This prohibition applies to any and all types of work in any economic sector, performed within or outside the scope of employment relationships.
▶ Amendment of the Criminal Code (Article 192, Act No. 40/2009 Coll., in force in January 2010) sanctioning the possession (i.e. any type of holding) of child pornography for one's own purposes with a term of imprisonment from two to six years.

Equal opportunities and equal treatment in matter of employment, health and social security

▶ Restrictions on the activities prohibited to protect pregnant and nursing mothers (Order No. 261/1997 replaced by Order No. 288/2003, which lists only the activities prohibited to protect mothers).
▶ Adoption of an anti-discrimination legislation on 17 June 2009, which bans discrimination in areas including access to employment, business, education, healthcare and social security on the grounds of sex, age, disability, race, ethnic origin, nationality, sexual orientation, religious affiliation and faith.

Non-discrimination (old-age)

▶ Adoption of legislation (Act No 89/2012), explicitly prohibiting discrimination on the ground of old age in the area of social security, access to health care and its delivery, access to education and its provision and access to goods and services, including housing, if they are offered to the public.

Right to organise

▶ Entry into force (on 22/03/2012) of a new Civil Code ("NCC") which, with a view to aligning domestic law with Article 5 of the Charter, provides that trade union organisations and employers' organisation (referred to as "societies") will no longer be subject to registration but to notification.

¹ « 1. The [European Committee of Social Rights] ... rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure » (Article 2 of the Rules of the Committee).

Cases of non-conformity

Thematic Group 1 "Employment, training and equal opportunities"

► *Article 153- Right to work- Free placement services*

It has not been established that employment services operate in an efficient manner.

[Conclusions XX-1 \(2012\)](#)

► *Article 1 of the 1988 Additional protocol – Right to equal opportunities and treatment in employment and occupation without sex discrimination*

Legislation only permits equal pay comparisons between employees working for the same company or undertaking.

[Conclusions XX-1 \(2012\)](#)

Thematic Group 2 "Health, social security and social protection"

► *Article 12§1 – Right to social security - Existence of a social security system*

The minimum levels of old-age, unemployment and sickness benefits are manifestly inadequate.

[Conclusions XX-2 \(2013\)](#)

► *Article 12§4 – Right to social security - Social security of persons moving between states*

- Equal treatment with regard to access to family allowances is not guaranteed to nationals of all other States Parties
- The right to maintenance of accruing rights is not guaranteed to nationals of all other States Parties.

[Conclusions XX-2 \(2013\)](#)

► *Article 13§1 – Right to social and medical assistance - Adequate assistance for every person in need*

- It has not been established that the level of social assistance is adequate
- Czech legislation allows withdrawal of residence permit to foreign nationals in material need.

[Conclusions XX-2 \(2013\)](#)

► *Article 13§4 – Right to social and medical assistance - Specific emergency assistance for non-residents*

It is not established that emergency social assistance is available to all non-resident foreign nationals of other States Parties, irrespective of their status.

[Conclusions XX-2 \(2013\)](#)

► *Article 4 of the 1988 Additional Protocol – Right of the elderly to social protection*

- The level of the minimum pension is manifestly inadequate
- During the reference period there was no legislation prohibiting discrimination on grounds of age outside of employment.

[Conclusions XX-2 \(2013\)](#)

Thematic Group 3 "Labour rights"

► *Article 2§1 - Right to just conditions of work - Reasonable working time*

A rest period may be reduced to a minimum period of 8 hours within 24 consecutive hours for employees in various occupations.

[Conclusions XX-3 \(2014\)](#)

► *Article 2§5 - Right to just conditions of work - Weekly rest period*

Agricultural workers may, pursuant to collective agreement or individual contract, postpone weekly rest resulting in an excessive number of consecutive working days.

[Conclusions XX-3 \(2014\)](#)

► *Article 452 - Right to a fair remuneration - Increased remuneration for overtime work*

An increased compensatory time-off for overtime hours is not guaranteed.

Conclusions XX-3 (2014)

► *Article 454 - Right to a fair remuneration - Reasonable notice of termination of employment*

The period of notice and/or the amount of severance pay is not reasonable in cases where the worker has more than 15 years of service.

Conclusions XX-3 (2014)

► *Article 654 - Right to bargain collectively - Collective action*

- The thresholds for calling a strike in disputes regarding the conclusion of collective agreements are too high;
- The time that must elapse before mediation attempts are deemed to have failed and strike action can be taken is excessive.

Conclusions XX-3 (2014)

Thematic Group 4 "Children, families, migrants"

► *Article 754 – Right of children and young persons to protection - Working time for young persons under 16*

The length of working time for young workers under 16 years of age is excessive.

[Conclusions XIX-4 \(2011\)](#)

► *Article 852 – Right of employed women to protection - Illegality of dismissal during maternity leave*

Exceptions to the prohibition on dismissal during maternity leave go beyond those authorised by the Charter.

[Conclusions XIX-4 \(2011\)](#)

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

- It has not been established that families receive adequate social protection with regard to housing
- The level of family benefits does not constitute an adequate income supplement.

[Conclusions XIX-4 \(2011\)](#)

► *Article 17 – Right of mothers and children to social and economic protection*

There is no explicit prohibition in legislation of corporal punishment in the home, in schools and in other institutions.

[Conclusions XIX-4 \(2011\)](#)

The European Committee of Social Rights has been unable to assess compliance with the following provisions and has requested the Government to provide more information in the next report thereon:

Thematic Group 1 "Employment, training and equal opportunities"

► *Article 152 – Conclusions XX-1 (2012)*

► *Article 1552 – Conclusions XX-1 (2012)*

Thematic Group 2 "Health, social security and social protection"

► *Article 1353 – Conclusions XX-2 (2013)*

► *Article 1451 – Conclusions XX-2 (2013)*

Thematic Group 3 "Labour rights"

► *Article 453 – Conclusions XX-3 (2014)*

► *Article 5 – Conclusions XX-3 (2014)*

► *Article 652 – Conclusions XX-3 (2014)*

Thematic Group 4 "Children, families, migrants"

► *Article 755, 9 – Conclusions XIX-4 (2011)*

Czech Republic: Collective complaints and State of Procedure²

Collective complaints (under examination)

European Roma and Travellers Forum (ERTF) v. the Czech Republic, No. 104/2014

Decision on Admissibility of 30/06/2014. The complaint, registered on 3/03/2014, relates to Article 11 (the right to protection of health) and 16 (right of the family to social, legal and economic protection), alone or in conjunction with the non-discrimination principle stated in the Preamble of the 1961 Charter. The complainant organisation, the ERTF, alleges that, in the Czech Republic, Roma are disproportionately subjected to residential segregation, substandard housing conditions, forced evictions and other systemic violations of the right to adequate housing and the right to health.

Association for the protection of All Children (APPROACH) Ltd. v. the Czech Republic, No. 96/2013

Decision on Admissibility of 2/07/2013 - The complaint, registered on 4/02/2013, relates to Article 17 (the right of mothers and children to social and economic protection) of the 1961 Charter. The complainant organisation alleges that the lack of explicit prohibition of corporal punishment in the family, in all forms of alternative care and in schools violates the above mentioned provision. In addition APPROACH claims that the Czech Republic has not acted with due diligence to eliminate such violent punishment of children in practice.

Collective complaints (proceedings completed)

Complaints inadmissible or where the Committee has found no violation

None

Complaints where the Committee has found a violation which has been remedied

None

Complaints where the Committee has found a violation and where progress has been made but not yet examined by the Committee

None

Complaints where the Committee has found a violation, which has not yet been remedied

None

² The case-law of the Committee relative to collective complaints may be consulted on the European Social Charter website on the [Collective Complaint webpage](#). Searches on complaints may also be carried out in the [European Committee of Social Rights Case-law database](#).