

CZECH REPUBLIC

1961 CHARTER

Questions on Group 4 provisions Conclusions XXII-4 (2023)

Children families and migrants

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 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;

a) Please provide information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. In this regard, please provide information on the number of children actually working (either from existing statistics on this issue or from surveys to be conducted to obtain such information), as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally (General question, Conclusions XXI-4 (2019)).

In the Czech Republic, a child, which for these purposes means a natural person under 15 years of age or over 15 years of age until the end of compulsory schooling, is only permitted to engage in artistic, cultural, sporting and advertising activities if they are appropriate to his or her age, are not dangerous to him or her, do not interfere with his or her education or attendance at school or participation in educational programmes, and do not harm his or her health, physical, mental, moral or social development.

However, this is not an employment relationship as the child is not competent to enter into such a relationship. Permission for child activity is issued by the Labour Office of the Czech Republic on the basis of the provisions of Sections 124 to 121 of Act No. 435/2004 Coll., on Employment, as amended.

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

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;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the question(s) raised.

The State Labour Inspection Office (SLIO) did not identify any child permit violations as part of its monitoring activities in 2021, and in 2020 there was one.

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;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

The organisation of the school year is governed by Decree No.16/2005 Coll., on the organisation of the school year, as amended. The school year begins on 1 September and ends on 30 June of the following calendar year. The organisation of the school year shall be divided into first and second semesters and the main holidays shall last from the end of the second semester until the start of the first semester of the new school year.

If, in secondary education, vocational or artistic practice or sports training is held during the main holidays in accordance with the framework curriculum of the field of education concerned, the second half of the school year shall end before the fixed date.

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

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;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

The legal order of the Czech Republic has no such limitation. The Act No. 262/2006 Coll., Labour Code, provides in Section 79a limitations on the length of working time only for persons under 18 years of age. There is no lower age limit.

Since 2008, the Czech Republic has increased the maximum weekly working time limit for juvenile employees to 40 hours in all employment relationships of juvenile employees. This was an acceptance of the joint demands of the representatives of the social partners, which the Ministry of Labour and Social Affairs accepted and modified the Labour Code.

The Czech Republic does not see any benefit in further differentiating the length of weekly working time for juvenile employees according to their age. The current regulation is in some respects stricter than required by the European Social Charter, as this limit applies to all employment relationships negotiated by a single employee.

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

a) Please provide updated information on net minimum wages and allowances payable to persons under 18 years of age. Please provide information on measures taken to ensure that fair remuneration is guaranteed to young workers:

i) In atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.)

ii) in the gig or platform economy and

iii) having zero hours contracts.

The current regulation of remuneration for work and compensation in Czech labour law does not allow differentiation between different groups of employees on the basis of their age.

At present, the same monthly and hourly minimum wage of CZK 16,200 and CZK 96.40, respectively, applies to all employees.

The amount of monthly remuneration for productive activity for a fixed weekly working time of 40 hours must be at least 30% of the minimum wage set by Government Decree No. 567/2006 Coll., on the minimum wage, on the lowest levels of guaranteed wages, on the definition of a difficult working environment and on the amount of wage supplement for work in a difficult working environment.

If the duration of the weekly working time is different or if the apprentice has not been engaged in productive activity for a whole month, the amount of the remuneration for productive activity shall be adjusted proportionately.

Where practical training is given in a school of which the apprentice is legally an apprentice, the specific amount of the apprentice's remuneration shall be determined by the head of the school in accordance with the above rules, according to the extent and quality of the productive activity. In other cases, the amount of the remuneration for the productive activity shall be determined by the body for whom the productive activity is carried out. The head of the school whose apprentice is concerned cannot influence the amount of the remuneration in accordance with Act No. 261/2004 Coll., Education Act.

b) Please provide information on measures taken to ensure that this right is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions) (General question, Conclusions XXI-4 (2019)).

The current regulation of remuneration for work and compensation in Czech labour law does not allow differentiation between different groups of employees on the basis of their age.

With regard to public enforcement of the above principle, Section 13(1)(a) and Section 26(1)(a) of Act No. 251/2005 Coll., on Labour Inspection, as amended, provide that an employer commits an offence in the area of remuneration of employees by failing to provide an employee with the same wage or salary as another employee for the same work or work of equal value.

The State Labour Inspection Office (SLIO) conducts such checks on compliance with labour law, including ensuring equal conditions for all employees regardless of their age.

Special working conditions for minors are regulated by Sections 243 to 247 of Act No. 262/2006 Coll., the Labour Code, as amended.

The provision does not contain any additional criteria that would allow a distinction to be made between employees on the basis of their age. A fine of up to CZK 500 000 may be imposed on the employer for the offence.

c) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

The current regulation of remuneration for work and compensation in Czech labour law does not allow differentiation between different groups of employees on the basis of their age.

Even the concept of the special provision of Section 110 of Act No. 262/2006 Coll., the Labour Code, as amended, includes, for the purposes of granting remuneration for work, exclusively aspects consisting in the work performed, not in the person of the employee. The employer is thus prohibited by the applicable legislation from including, for example, the gender, nationality or age of the employee among the criteria for determining the amount of remuneration for work.

This concept applies in all segments of labour law, i.e. not only in the case of employment, but also in the case of agreements on work performed outside the employment relationship.

Secondary vocational education in the Czech Republic is based on the work base learning (WBL) system and the principle of dual system of education is not applied here. Apprentices who are educated in secondary vocational schools do not enter into contracts with employers for practical training and the secondary school is fully responsible for their education.

Practical training takes place in schools and educational establishments or at the workplaces of natural or legal persons who are authorised to carry out activities related to a given field of education and have concluded an agreement with the school on the content and scope of practical training and the conditions for its conduct. The provisions of Act No. 262/2006 Coll., Labour Code, governing working hours, occupational safety and health, care of employees and working conditions for women and adolescents, and other regulations on occupational safety and health apply to apprentices during practical training.

In accordance with Section 122 of Act No. 261/2004 Coll., Education Act, apprentices of secondary vocational schools are entitled to remuneration for productive activity. This remuneration is provided by the legal entity which carries out the school's activities, from the funds obtained through these productive activities.

The amount of this remuneration shall be determined by the head of the school according to the extent and quality of the productive activity.

Where apprentices undertake practical training or professional practice with another person, the remuneration for productive activity shall be provided by that person. A productive activity is considered to be an activity which generates income.

The minimum monthly remuneration for productive activity for a fixed weekly working time of 40 hours shall be 30 % of the minimum wage.

If the duration of the fixed weekly working time is different or if the apprentice has not been engaged in productive activity for the whole month, the amount of the remuneration for productive activity shall be adjusted proportionately.

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;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Check of compliance with labour law regulations in the area of remuneration in connection with the performance of dependent work is one of the indispensable control activities of labour inspection bodies.

In 2021, a total of 2 771 compliance checks focusing on remuneration were completed. These checks detected 2 389 violations. A total of 1 445 compliance checks were carried out in relation to complaints (some checks responded to more than one complaint per employer). There were also 104 follow-up compliance checks with no significant findings.

In the framework of the check of compliance action, which was exclusively focused on the area of remuneration (i.e. excluding inspections on the basis of an initiative), 373 checks were carried out and completed in 370 legal entities (220 legal entities and 150 entrepreneurial natural persons). No infringements were found in 305 of these checks, i.e. 81 % of the entities checked.

In 2021, the State Labour Inspection Office (SLIO) completed checks of compliance in the area of remuneration on 2 771 legal entities (some repeatedly), of which 2 105 were legal entities and 459 were entrepreneurial natural persons.

The area of remuneration was checked mainly for small and small entrepreneurs, namely 682 employers in the size category up to 9 employees; and 404 employers in the size category 10-49 employees. A total of 1 167 breaches of legislation on remuneration were found among these employers.

The most frequent violation detected in 619 cases was a violation of Section 141(1) of the Labour Code; in particular, failure to pay wages when due, failure to pay wages or part of wages, and payment of wages in an incorrect amount. This fact is probably also related to the fact that violations of the provision in question affect several types of conduct on the part of the employer. These include cases where the employer does not pay the wages at all (or the salary or remuneration from the agreement), but also situations where the employer pays a certain part of the remuneration for work late (after the due date) and also cases where the employer provides the employee with only a part of the wage (or the pecuniary payment under the agreement). The employer may also pay the employee the amount of the salary or remuneration under the agreement to which the employee is entitled, either as a result of an incorrect billing or as a result of an unjustified reduction of the employee's wage entitlement.

The next most frequent finding in 243 cases was a violation of the provisions of Section 112(3) of the Labour Code - failure to comply with the lowest level of the guaranteed wage or failure to provide a supplement to the guaranteed wage. This included 108 employers with up to 9 employees.

Among the more frequent findings were also breaches of obligations by employers to provide compulsory supplements, despite the fact that the regulation contained in the Labour Code is very clear and transparent. 157 cases of non-payment of extra pay for Saturday and Sunday work under Section 118 of the Labour Code and 169 cases of non-payment of extra pay for night work under Section 116 of the Labour Code were found. However, when assessing this

area, the situation is often complicated by employers' failure to keep, or incorrect keeping of, records under Section 96 of the Labour Code.

In 2021, 452 fines in the total amount of CZK 11,636,000 were imposed on checked employers for breaches of legal regulations relating to remuneration. Of these, 151 fines were imposed for the employer's failure to provide the employee with a wage at least equal to the minimum wage or the lowest level of the guaranteed wage or a salary in the specified amount.

Checks are carried out across all business sectors and for all types of employers. The biggest source of information for checks in this area are the complaints for checks and the labour law advices provided.

However, the labour inspection authorities have not received any specific suggestions from school graduates relating specifically to remuneration in the context of professional practice within the meaning of Section 229 of the Labour Code.

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.

a) Please provide updated information on the measures taken to strengthen the protection of children, including migrant, refugees, and displaced children, from sexual exploitation and abuse (in particular in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

The child labour is generally prohibited in the Czech Republic. The conditions under which a child may engage in an activity similar to gainful employment, with the permission of the Labour Office, are specified in Sections 121 to 124 of Act No. 435/2004 Coll., on Employment. Their compliance is checked by the State Labour Inspection Office (SLIO) as mentioned in the previous answers.

There has been no tightening of these conditions during the Covid-19 pandemic, i.e. no recent legislative measures have been taken in this area in order to tighten the conditions under which a child may carry out an activity.

The Ministry of Labor and Social Affairs annually monitors statistical indicators on the performance of social-legal protection, which are based on data provided by child social-legal protection authorities. These data are processed in the *Annual Statement on the Performance of Social Protection*, where the current statement always reflects the situation in the previous year. The statement is published on the Ministry's website <https://www.mpsv.cz/web/cz/statistiky-1>.

The report also includes data on the number of children registered with the social and legal protection bodies who have been found abused, exploited or neglected. A related negative phenomenon is the commercial exploitation of children for child prostitution or for the production of child pornography. All these data are recorded in general terms.

The Office for International Legal Protection of Children keeps records of reported cases of unaccompanied foreign minors intercepted by the child welfare authorities.

In the framework of the First Action Plan to implement the National Strategy for the Protection of the Rights of the Child 2021-2029 for the period 2021-2024 under the heading B1 - measures for the establishment of a guaranteed network of support for families and services for children and families - an interdisciplinary team was created to define a guaranteed network of services

for families with children, including working groups dealing with the issue of services for children and families with specific needs (health disadvantages; mental illness; addictive behaviour; abused and exploited children; parents who have been removed from their child's care; unaccompanied minors; children with parents in prison, etc.).

With regard to measures taken to strengthen the protection of children, including migrant and refugee children, from sexual exploitation and abuse, particularly in response to the risks posed by the Covid-19 pandemic, in terms of general protection, these included measures in the facilities of the Refugee Facilities Administration of the Ministry of the Interior.

In order to prevent the easy spread of the disease, quarantine and epidemiological measures were set up at certain times (especially in the period 2021). However, these rules have always taken into account the needs of particularly vulnerable groups (women, women with children, families), who, even under quarantine, have been placed in separate sectors so as to avoid their potential risk of exploitation and abuse.

b) Please provide information on the impact of the Covid-19 pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.

During the reference period, in the context of the Covid-19 pandemic, access to child protection was ensured through child welfare authorities and related services, and many services expanded their functioning to include online or telephone consultations.

The Ministry of Labor and Social Affairs has set up a section on its website with information on ongoing measures and provided constant methodological and advisory support, especially in cooperation with regional authorities. The Ministry of Labor and Social Affairs also monitored the situation in the facilities for children in need of immediate assistance, monitored staffing and kept an overview of institutions that were under quarantine. In the context of the Covid-19 pandemic, practical situations were regularly addressed in the framework of methodological consultations with regional authorities, child welfare authorities and facilities for children in need of immediate assistance.

During the Covid-19 pandemic, children and adolescents were monitored as in previous years.

c) Please provide information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

As far as preventive measures are concerned, they are currently governed by the Ministry of the Interior's Crime Prevention Programme for 2022. The Ministry of the Interior has allocated funds of almost CZK 2 million for the crime prevention programme. These funds are earmarked for prevention projects submitted by organisational units of the Ministry of the Interior and the Police of the Czech Republic.

The priority areas concerning children for the current period are:

- Violence in families (due to long-term social isolation of children, home office, distance learning and weakening of social ties due to anti-coronavirus measures);
- Addiction issues (alcohol and drug abuse with implications for road safety and property crime, activities to support the ban on the sale of alcohol to children, prohibition of gambling by children, risk prevention and legal awareness raising, systemic education in this area);

- Security in the digital environment (safe movement in the online environment, elimination of fraudulent behaviour and cybercrime);
- Children as particularly vulnerable victims, children and domestic violence, crimes committed by children, prevention of disruptive behaviour such as bullying, fight bargaining, etc;
- Care for victims of crime, mutual tolerance and suppression of aggression (work with victims, domestic violence, police work in relation to minorities, elimination of racial conflicts, non-acceptance of aggressive behaviour);
- Prevention of property crime (including damage to property and spraying).

Sexting and sexual offences in the digital environment will continue to be a top priority in 2023 as well.

d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

On the Committee's request for confirmation that all acts of sexual exploitation of children, including child prostitution, simple possession of child pornography cover children until 18 years of age:

The Czech Republic hereby confirms that all forms of child sexual exploitation, according to generally accepted interpretation of this notion under international law, are criminalized by the Czech legal order covering children under 18 years of age. According to Section 126 of Act No. 40/2009Coll., Penal Code, a child is generally understood to be a person under 18 years of age.

Therefore, all criminal acts constituting sexual exploitation committed against children, including production and other disposal (possession etc.) with child pornography, abuse of a child for production of pornography or abuse of a child for child prostitution, are covered. The lower age of sexual consent is therefore irrelevant in the context of criminalization of abovementioned criminal acts.

On the Committee's question whether child victims of sexual exploitation could be prosecuted for any act related to such exploitation:

According to the principle of legality enshrined in Section 2 (3) of Act No. 141/1961, Penal Procedure Code, the public prosecutor is obliged to prosecute all criminal offences which he or she gains knowledge of, unless the law, directly applicable act of the European Union or a promulgated international treaty binding to the Czech Republic stipulates otherwise. It implies that public prosecutor is obliged to prosecute all criminal offences including those committed by child victims of sexual exploitation.

However, considering the fact that involvement of children in criminal activities might arise from being compelled to commit certain criminal acts as a direct consequence of being subjected to sexual exploitation and because of the risk of secondary victimisation, the criminal law enshrines several options which allow national authorities not to prosecute or impose penalties on victims.

Firstly, court may decide on waiver of punishment in relation to a person who has committed a misdemeanor and who regrets having committed the act and demonstrates genuine efforts of rectification if it can be reasonably expected, with regard to the nature and seriousness of the offence committed and the current way of life of the person, that merely discussing the matter in court will suffice (Section 46 of Act No. 40/2009 Coll., Penal Code).

Secondly, a person who has committed a criminal offence may exculpate from liability for the commission of a criminal offence provided that he or she acted in extreme necessity, i.e. if person repels an impending danger to an interest protected by the Penal Code. Under these circumstances, such act would not be considered as a criminal offence (Section 28 of Act No. 40/2009 Coll., Penal Code).

Thirdly, public prosecutor may terminate prosecution, if given the significance and extent of the breach or threat to a protected interest that was affected, the manner in which the act was performed and its consequences or the circumstances under which the act was committed, and given the conduct of the accused person after committing the act, particularly his or her effort to compensate the damage caused or to eliminate other harmful consequences of his or her act, it is clear that the purpose of criminal proceedings has been reached [Section 172 (2) c) of Act No. 141/1961, Penal Procedure Code].

Besides abovementioned options, the court may also decide on extraordinary mitigation of a sentence of imprisonment under the conditions stipulated by Section 58 of Act No. 40/2009 Coll., Penal Code.

None of abovementioned options precludes prosecution and punishment for criminal offences which person has voluntarily committed or participated in (i.e. criminal offences committed without direct consequence of being subjected to sexual exploitation).

At the same time, child victims of sexual exploitation offences cannot be prosecuted as perpetrators for acts that place them in the role of victims for acts committed against them.

In the Czech Republic, only the perpetrators are always prosecuted, not the victims of crimes, even if the victim was coerced by the perpetrator to commit the unlawful act.

The victim is always treated as a victim under the legal system of the Czech Republic. For example, if a victim of sexual exploitation is forced by the perpetrator to act in a way that would meet some of the elements of a criminal offence, e.g. production and possession of child pornography, he or she is not prosecuted in this respect.

The Czech Republic has a sophisticated system for the protection of victims of crime, particularly crimes against children.

In addition, children under the age of 15 are generally not criminally responsible, i.e. they cannot be prosecuted for a criminal offence.

On the Committee's request that information be provided in the next report on measures taken to address the issue of sexual exploitation of Roma children:

Roma children, like all children, were categorized as „particularly vulnerable victims“ not only because they were children, which in itself qualified them as particularly vulnerable victims, but also because they were a minority.

Particularly vulnerable victims are afforded even greater protection under Act No. 45/2013 Coll., on Victims of Crimes, than ordinary victims of crime.

Police officers are trained to deal with such victims with an emphasis on a sensitive and empathetic approach. Specialists work with child victims. Interrogations of such children take place in special interrogation rooms according to a special methodology that takes into account all the needs of children as such, including child victims.

The interrogation of such a child is carried out by a specially trained police officer - a specialist in working with children and young people.

Article 8 – The right of employed women to protection

With a view to ensuring the effective exercise of the right of employed women to the protection, the 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;

a) Please provide information whether the Covid-19 crisis had an impact of on the right to paid maternity leave (in particular whether all employed women concerned – in the private as in the public sector - continue to receive at least 70% of their salary during the whole length of the compulsory maternity leave during the Covid-19 crisis).

The Covid-19 crisis had no impact on the conditions of entitlement or the amount of maternity benefits in the Czech Republic.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

The cash benefit provided by sickness insurance for the duration of maternity leave is maternity allowance, which is a sickness insurance benefit and replaces the income of the insured person who misses it when she is unable to work during the final stage of pregnancy and then for a specified period after the birth when she is caring for the newborn child.

Maternity allowance is also granted to insured women and men who have lost countable income because they have taken custody of a child.

Briefly said, its level is not linked to household income (more precisely, it is calculated from the mother's previous income). There is no minimum amount of maternity cash assistance, and protection for low-income families is provided under the state social assistance and assistance in material need schemes.

Among other things, in order to protect low-income families after the birth of a child, it is possible to pay the parental allowance simultaneously with the maternity allowance - if one of the parents in the family is entitled to the maternity allowance in a calendar month, the parental allowance is payable if it is higher, in the amount of the difference between the parental allowance and the maternity allowance.

An employee is entitled to maternity benefits if she has been covered by sickness insurance for at least 270 days in the two years prior to the start of the benefit and her insurance (employment relationship) or the so-called protection period after the end of the employment relationship continues. The post-employment protection period is a maximum of 180 days for a woman whose insurance ceased during pregnancy and a maximum of 7 calendar days in other cases.

The period of 270 calendar days includes periods of insurance with previous employers, as well as periods of successful completion of studies at secondary, higher vocational and higher education institutions and periods of receipt of a third-degree invalidity pension if this pension has been withdrawn and insured activity has arisen (or continued) after the withdrawal of this pension.

Entry into maternity benefits begins on the date the insured woman determines between the beginning of the 8th and the beginning of the 6th week before the expected date of childbirth. The sub-support period is 28 weeks (for an insured woman who has given birth to two or more children at the same time, the sub-support period is 37 weeks).

An insured woman who has given birth may not be entitled to maternity allowance for less than 14 weeks and the payment may not end before the expiry of six weeks from the date of delivery. The man may take the place of the mother in caring for the newborn child - the maternity allowance shall be paid to the father of the child or the husband of the woman who has given birth, subject to a written agreement. This agreement may be concluded with effect from the beginning of the seventh week after the birth of the child at the earliest and for at least seven consecutive calendar days.

The amount of cash maternity assistance is determined on the basis of the daily assessment base, i.e. the insured person's previous countable gross income divided by the number of calendar days of the reference period, which is usually the 12 calendar months preceding the calendar month in which the social event occurred.

For the calculation of the maternity benefit, the daily assessment base is adjusted by calculating the full amount up to the first reduction threshold, 60 % of the amount between the first and second reduction thresholds, 30 % of the amount between the second and third reduction thresholds and no account is taken of the amount above the third reduction threshold.

The amount of the first reduction threshold shall be set at the average salary determined for pension insurance purposes, the second reduction threshold at 1,5 times the amount of the first reduction threshold and the third reduction threshold at three times the amount of the first reduction threshold.

The Ministry of Labour and Social Affairs shall announce the amount of the reduction thresholds applicable from 1 January of the calendar year in the Collection of Laws by means of a notice. For 2021, the reduction thresholds were set as follows: the first reduction threshold was CZK 1 182, the second reduction threshold was CZK 1 773 and the third reduction threshold was CZK 3 545.

The amount of the daily maternity benefit is set at a rate of 70 % of the reduced daily assessment base. For insured persons with average or lower wages, the maternity allowance represents a benefit equal to 70 % of gross wages and, given that sickness insurance benefits are not subject to income tax, the ratio of the amount of maternity allowance to net wages is even higher for this group of insured persons. For insured persons with above-average wages, maternity benefits are lower, which is in line with the principle of solidarity on which sickness insurance is based. Only 1.1% of female employees who started receiving maternity benefits in 2021 had a daily assessment base higher than the amount of the third reduction threshold in that year (CZK 3 545).

Pecuniary maternity assistance is provided in an amount that significantly exceeds the standard set by the European Code of Social Security and meets the requirements of ILO Convention No. 183 on Maternity Protection.

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;

a) Please provide information:

i) whether the Covid-19 crisis had an impact on the possibility of dismissing pregnant employees and employees on maternity leave and

ii) whether there were any exceptions to the prohibition of dismissal during pregnancy and maternity leave during the pandemic.

There is no indication that the Covid-19 had an impact on the dismissal of pregnant employees or employees on maternity leave. Such action would be contrary to Act No. 262/2006 Coll., Labour Code.

On the contrary, during the pandemic, job retention was promoted through so called „Antivirus Programme“, whereby employers who were unable to assign work to employees due to the pandemic were fully or partially compensated with wage payments.

In doing so, it was significantly pointed out by the Ministry of Labour and Social Affairs that compliance with the terms of the above mentioned „Antivirus Programme“ and therefore labour regulations, would be rigorously monitored by the State Labour Inspection Office (SLIO) for beneficiaries of aforesaid contributions.

Due to the Covid-19 crisis, there has been no change to the termination of employment legislation in the Labour Code.

b) If the previous conclusion was one of non-conformity, please explain whether and how the non-conformity was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

An employer may only dismiss an employee for the reasons set out in Section 52 of Act No. 262/2006 Coll., Labour Code.

When the employee is pregnant and on maternity leave (i.e. during the protection period), the prohibition of termination applies, with certain exceptions (Sections 53(1)(d) and 54 of the Labour Code).

Mothers on maternity leave are the most protected from dismissal of all employees; the employer may only give them notice of dismissal on the grounds of the closure of the employer or part of the employer and may not give notice of dismissal to an employee on maternity leave for other reasons.

An employer may give notice to a pregnant employee only on the grounds of the dissolution of the employer or part of it and for a reason for which the employer may immediately terminate the employment relationship with the employee.

If notice is given to the employee before the start of the protection period so that the notice period should expire during the protection period (including during pregnancy or maternity leave), the protection period shall not be included in the notice period.

The employment relationship will only end upon the expiry of the remaining part of the notice period after the end of the protection period unless the employee informs the employer that she does not insist on the extension of the employment relationship (Section 53(2) of the Labour Code).

According to Section 69(3) of the Labour Code, if the employer has terminated the employment relationship invalidly but the employee does not notify the employer that he or she insists on continuing to be employed, it applies unless the employee agrees in writing with the employer on a different termination date, the employment relationship has ended by agreement,

(a) where invalid notice has been given, on the expiry of the notice period,

(b) if the employment relationship was terminated immediately or during the probationary period, on the date on which the employment relationship should have ended as a result of such termination; in such cases, the employee shall be entitled to compensation for wages or salary equal to the average earnings during the period of notice.

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

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

The employer is obliged to excuse the employee's absence from work for, inter alia, the period of maternity or parental leave (up to 3 years of age of the child), for the period of nursing a child under 10 years of age or another natural person in cases under Section 39 of the Sickness Insurance Act and for the period of caring for a child under 10 years of age for the reasons set out in Section 39 of Act No. 187/2006 Coll., Sickness Insurance Act, or for, where the natural person who otherwise cares for the child has undergone an examination or treatment by a health care provider which could not be arranged outside the employee's working hours and is therefore unable to care for the child (Section 191 of Act No. 262/2006 Coll., Labour Code).

The employer is obliged to excuse the employee's absence from work for the entire period of treatment or care, regardless of whether the employee receives sickness insurance benefits under the Sickness Insurance Act, e.g. the need to care for a child lasts 2 months, the employer must excuse the employee's absence from work for the entire 2 months, even if she is only entitled to benefits for 9 or 16 calendar days.

According to Section 242 of the Labour Code, an employee who is breastfeeding her child is obliged to take special breaks for breastfeeding in addition to breaks from work.

An employee who works for a fixed weekly working time is entitled to 2 half-hour breaks for each child up to the end of 1 year of age and 1 half-hour break per shift for the following 3 months. If she works shorter hours but at least half the weekly working time, she shall be entitled to only 1 half-hour break for each child up to the end of the child's first year. Breaks for breastfeeding shall be counted as part of working time and shall be compensated at the rate of average earnings.

The number and length of breastfeeding breaks depends on the number of children, the age of the child and the length of the working time. The number of breaks is always fixed for one shift.

A shift is the part of the weekly working time, excluding overtime, which the employee is required to work on the basis of a predetermined shift schedule. Breaks shall be granted for 2 half-hour breaks per child per shift in a fixed week.

If shorter working hours are agreed, breastfeeding breaks shall be granted only if the duration of the working time is at least half of the fixed weekly working time. In that case, only one break shall be granted until the end of the child's first year of age.

If the employee works less than half the prescribed weekly working time, she shall not be entitled to breastfeeding breaks.

It is the total amount of the agreed weekly working time, not the length of individual shifts, that determines the provision of breaks for shorter working hours.

4. a) to regulate the employment of women workers on night work in industrial employment;

b) to prohibit the employment of women workers in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy, or arduous nature.

a) Please provide updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

Female employees are prohibited from engaging in work that endangers their maternity.

The Ministry of Health shall establish by decree the jobs and workplaces that are prohibited for pregnant workers, workers who are breastfeeding and maternal workers until the end of the ninth month after childbirth.

It is forbidden to employ a pregnant employee, an employee who is breastfeeding and a female employee who is a mother until the end of the ninth month after childbirth in work for which they are not medically fit (Section 238 of Act No. 262/2006 Coll., Labour Code).

If a pregnant employee performs work which is prohibited for pregnant employees or which, according to a medical opinion, endangers her pregnancy, the employer is obliged to transfer her temporarily to work which is suitable for her and in which she can earn the same income as in her previous job.

If a pregnant night worker requests to be assigned to day work, the employer shall comply with her request. This also applies to a female employee who is a mother until the end of the ninth month after childbirth and to an employee who is breastfeeding.

If, through no fault of her own, the employee earns less in the work to which she has been transferred than in her previous work, she shall be granted a compensation allowance to make up the difference in accordance with a special legal provision, namely the Sickness Insurance Act (according to Section 239 of the Labour Code).

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 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

a) Please provide updated information on measures taken to reduce all forms of domestic violence against women including information on incidence and conviction rates.

The new provisions governing interim measures – such as preliminary proceedings in cases of domestic violence entered into force on 1 January 2014. Moreover, the Act No. 45/2013 Coll., on Victims of Crimes, which entered into force on 1 August 2013, regulates the right to

protection from imminent danger securing adoption of measures to ensure the victim's safety when threat of danger to the victim occurs.

The Czech legal system provides for several interim measures to secure the protection of a victim such as short-term protection and eviction of a perpetrator from the common dwelling in accordance with Act No. 273/2008 Coll., the Police Act. In this case is the police authorized to evict the person even in their absence. The eviction lasts for 10 days and can be prolonged by the court in accordance with the Act. No. 99/1963 Coll., Civil Procedure Code.

There are interim measures under the Act No. 141/1961 Coll., Criminal Procedure Code, aiming at protecting the aggrieved party, persons closely related to her, preventing the accused party from committing a crime and ensuring effective implementation of criminal proceedings. Interim measures under the Criminal Procedure Code such as prohibition to contact the aggrieved person, persons close to them, prohibition to enter a common residence, etc. can only be ordered by a court and, at the pre-trial stage, by the chief judge at the initiative of the public prosecutor or by the public prosecutor.

In the course of the criminal proceedings, it is also possible to conceal the identity of a victim who is in the position of a witness in case such person or persons close to them appear to be under a threat of bodily harm or any other serious risk of violation of their fundamental rights.

The Act No. 45/2013 Coll., Victims of Crime Act, specifies the forms of support and the rights of particularly vulnerable victims of crime, such as the right to legal aid, to protection of privacy, etc.

Since the amendment from January 2022 the extent of the vulnerability of victims of domestic violence does not need to be individually examined on a case-by-case basis. These victims are since the amendment always regarded as particularly vulnerable victims of crime (resp. victim of the crime of maltreatment of entrusted person according to Section 198 of the Act No.40/2009 Coll., Criminal Code, and victim of the crime maltreatment of a person living in common residence according to section 199 of the Criminal Code).

The Action Plan for the Prevention of Domestic and Gender-Based Violence for 2019-2022 was in force during the relevant period and is followed by regular reports on its implementation.

The Action Plan for 2019 - 2022 is the third separate strategic document of the Czech Government in the field of prevention of domestic and gender-based violence. The Action Plan is a follow-up to the previous Action Plan for the Prevention of Domestic and Gender-Based Violence for 2015-2018 and the Government Strategy for Gender Equality in the Czech Republic for 2014-2020 and its implementation is coordinated by the Secretariat of the Government Council for Gender Equality in cooperation with the Committee for the Prevention of Domestic Violence and Violence against Women.

The Police of the Czech Republic performs its tasks primarily in terms of training police officers working with victims and perpetrators of domestic violence, with an emphasis on a sensitive and empathetic approach to victims of such violence:

- 1) Training of methodologists of regional directorates and territorial departments of the Police in the field of domestic violence and other forms of gender-based violence;
- 2) Continuing regular training of male and female police officers of the Riot Police Service and the Criminal Police Service not only in the area of domestic violence, but also in other forms of gender-based violence (including ensuring a gender-sensitive approach to victims of such violence and taking into account the specific needs of persons facing multiple discrimination

and other vulnerable persons), following the Instruction of the President of the Police No.291/2017 on methodological activities in the area of victims of crime and domestic violence;

3) Training of male and female police officers on how to conduct interviews with victims of domestic and gender-based violence (including children)

4) The issue of informing a person at risk of domestic and gender-based violence about their rights is a standard part of the training of methodologists and other police officers;

5) Training on interrogation in the Special Interrogation Room (the police officers train directly in the interrogation room in the performance of criminal procedure acts, including practical demonstration of communication with a victim of domestic and gender-based violence using the relevant methodology)

- 24 methodologists from the Regional Police and the Office of the Prosecutor's Office completed this training programme in 2021.

- 50 police officers were further trained in the methodology "Identification of victims of crime" and methodological procedures for interviewing children and other particularly vulnerable victims;

6) Accredited educational programme "Security and legal activities" implemented by police schools. The issue of domestic violence is included cross-cuttingly in the curriculum in many modules, in particular Criminal Law, Policing, Crime Control, Criminology, Criminalistics, Psychology, Multiculture and especially the compulsory optional module Domestic Violence – focuses on this area and related issues;

7) Within the Office of the Criminal Police and Investigation Service, a methodology called "Identification of Victims of Crime" has been developed, which is specific in that it defines particularly vulnerable victims, including children. The methodology is based on both the legal status and the psychological status of the victim, and this aspect is emphasised. All police officers are trained.

The Ministry of Interior's website highlights structural violence in families and lists organizations being supported by its Department of Crime Prevention with a grant program to prevent domestic and gender-based violence.

Further, the Ministry of the Interior administers the grant programme "Prevention of Socially Pathological Phenomena" with a focus on the prevention and elimination of domestic violence through work with violent persons and persons who do not tolerate aggression in relationships. The amount of CZK 2 million is allocated to the subsidy programme each year. 6 projects were supported in 2018; 10 projects were supported in 2019; 8 projects were supported in 2020 and 11 projects were supported in 2021.

The Ministry of the Interior administers as well a subsidy programme for non-governmental non-profit organisations operating the European crisis or helplines 116 000 (Family and School Line 116 000/Lost Child Line), 116 111 (Safety Line) and 116 006 (Helpline for Victims of Crime and Domestic Violence) in the Czech Republic with allocation of CZK 2 million each year.

Currently (December 2022) the Czech Republic has 80 Special Interrogation Rooms. In 2021, approximately 2,000 operations were carried out there. Victimisation of the victim is reduced by conducting the interview gently and in such a way that it does not have to be repeated. SVM and videoconferencing of interrogations are used. Repeated interviews may occur for a variety of reasons, e.g. new circumstances arise which require the victim to be interviewed. The victim

files a criminal complaint (or explanation), where the circumstances justifying the initiation of criminal proceedings are established and is then questioned in the procedural capacity of a witness, and the questioning in the main trial is at the discretion of the court.

The Ministry of the Interior has further published an article on its website www.mvcr.cz and on www.prevencekriminality.cz about violent persons in domestic violence cases and the possibilities of assistance through programmes supported under the National Grant Programme “*Prevention of Social Pathologies*”, as well as information about other programmes for violent persons, including the “Expulsed Person Card”, which is handed over by police officers as part of the eviction of a violent person, pursuant to an amendment to Act No. 273/2008 Coll., Police Act, in which a child is listed as a person at risk (Section 44 thereof) and the obligation to inform the violent person about the possibility of a therapeutic programme (Section 45 thereof).

Starting from 1 July 2021, there are changes to the statistics in order to better monitor the numbers of domestic violence. Until then, only incidents with characteristics of domestic violence (all incidents between persons sharing a dwelling) were tracked, but these may not have been assessed as domestic violence (they may have been a one-off incident). Newly, a count of the number of incidents that were assessed as domestic violence is available, based on data from a form that officers are required to complete each time they go to a shared household. A total of 4,050 incidents with domestic violence characteristics were recorded in the second half of 2021, of which 611 were assessed as domestic violence, and evictions were carried out in 441 cases. This shows that the Police of the Czech Republic used the institution of expulsion in about 72 % of cases of proven domestic violence.

Section 37 of Act No.108/2006 Coll., on Social Services, as amended, defines social counselling, which includes both basic social counselling and focused social counselling.

Focused social counselling is provided in the counselling centres for victims of crime and domestic violence too; it also includes social work with persons whose way of life may lead to conflict with society.

Section 65 of the Act on Social Services defines social activation services for families with children as field or outpatient services provided to a family with a child whose development is endangered as a result of the effects of a long-term crisis social situation that the parents cannot overcome on their own without help, and for whom there are other risks of endangering the child's development. This service includes the following basic activities:

- (a) educational, training and activation activities,
- (b) facilitating contact with the social environment,
- (c) social therapeutic activities,
- (d) assistance in the exercise of rights, legitimate interests and personal affairs.

The social services that have a registered target group of victims of domestic violence are as follows: shelters, intervention centres, crisis assistance, low-threshold facilities for children and youth, dormitories, professional social counselling, relief services, social activation services for families with children, social rehabilitation, social services provided in inpatient health care facilities, telephone crisis assistance and outreach programmes.

Within the framework of the social services system, the Czech Republic provides foreigners - persons who are on its territory - with the necessary assistance in situations that they are unable to resolve themselves (so-called adverse social situations). Therefore, if foreigners with legal residence on the territory of the Czech Republic (status granted by the Ministry of the Interior)

apply for the provision of a social service, and at the same time they meet the conditions for its provision (they are in an unfavourable social situation to which the social service responds), they will be provided with a social service in accordance with Section 4(2)(a) of the Social Services Act.

The persons in question fall within the category of persons referred to in Section 4(1)(i) of the same Act, i.e. foreigners without permanent residence in the territory of the Czech Republic, whose entitlement is guaranteed by an international treaty that is part of the Czech legal order.

In addition, the Social Services Act contains a special provision in its Section 4(3), according to which the social services defined therein, such as shelters, contact centres, crisis assistance, intervention centres, low-threshold day centres, low-threshold facilities for children and young people, night shelters and outreach programmes, are also provided to a person who is not referred to in Section 4(2) of the Social Services Act, provided that, pursuant to Act No. 326/1999 Coll, Foreigners Act, is legally residing in the territory of the Czech Republic.

Social services such as shelters, crisis assistance and outreach programmes are also provided to a person who is a victim of the crime of trafficking in human beings or the crime of smuggling.

Focused social counselling is provided to a person who is a victim of a crime if he/she is legally residing in the territory of the Czech Republic according to the Foreigners Act and to a person who is a victim of the crime of trafficking in human beings or the crime of smuggling.

b) Please provide updated information on the availability of adequate affordable housing for families.

In addition to economic, demographic and other factors, the situation in the housing sector is influenced by the state's housing policy, the basic basis of which is the *Housing Concept of the Czech Republic 2021 Plus*, which was approved by the Government on 12 April 2021.

The State Fund for Investment Support implements the „*Rental Flats Programme*“ in the form of low-interest loans, which supports applicants (natural and legal persons, including municipalities) in acquiring rental flats intended for specified groups of disadvantaged persons.

The amount of the loan can cover up to 90 % of the investment costs, with a repayment period of up to 30 years from the completion of construction. The interest rate is from 0,5 % p.a. The allocation is CZK 480 million for 2022.

The State Fund for Investment Support also implements the „*Building for Municipalities Programme*“, which provides a subsidy for the acquisition of social rental housing owned by municipalities for low-income and substandard households, and a soft loan for the acquisition of affordable rental housing owned by municipalities on market terms. The budget is CZK 659 million for 2022.

Within the Integrated Regional Operational Programme 2014-2020, as of 19 October 2022, there were 347 projects in total (under evaluation, under implementation or completed projects) - of which 1 project is under evaluation, 28 projects are under implementation and 318 projects have been completed. By the end of 2023, 2154 social housing units should be purchased by these projects for a total of approximately CZK 2.45 billion from the European Regional Development Fund.

In the Integrated Regional Operational Programme 2021-2027, social housing is again supported, with a total allocation of approximately CZK 2.7 billion from the European Regional Development Fund. On 26 September 2022, calls for social housing were announced with a

total allocation of CZK 1.117 billion. These calls will be terminated by the end of August 2023, or may be earlier if the supported projects fill their allocation.

Subsequently, further calls for social housing (Round 2) with the same allocation should be announced in autumn 2023.

In addition, an Integrated Territorial Investments call for social housing with an allocation of CZK 359 million is planned for November 2023 from the European Regional Development Fund.

In total, the Integrated Regional Operational Programme 2021-2027 should provide social housing capacity for 5,615 clients.

Since 2022, work has been underway on the drafting of the Housing Support Act, in cooperation of the Ministry of Regional Development and the Ministry of Labour and Social Affairs. The draft law is expected to be presented in the second half of 2023 and is expected to come into force in 2024.

The law should bring a systemic solution to affordable and social housing. It should focus on housing strategy support, especially for municipalities, social work in housing, prevention of housing loss, housing support instruments (contact centres, social real estate agencies, guaranteed funds).

Since 2016, the Ministry of Labour and Social Affairs has been implementing the project „Social Housing - Methodological and Information Support in the Field of Social Agendas“ (abbreviated as Social Housing Support), which aims to introduce and develop the social housing system in municipalities of the Czech Republic and to provide appropriate methodological and information support for this purpose, based, among other things, on international cooperation and transfer of good practice, research activities and, of course, consultations with key actors (municipalities, NGOs, umbrella organizations, experts). Initially, sixteen municipalities in the country were supported.

In 2019, methodological support was extended to „Housing First“ projects of thirteen NGOs and municipalities. More than 310 face-to-face, telephone and online consultations were provided to them. A Contact Centre was set up for these purposes, and the project educates and keeps informed both the professionals and laymen through its website, Facebook page and Social Housing Newsletter.

In cooperation with municipalities, NGOs, experts and researchers, more than a dozen methodologies, research surveys and other analyses have been developed and published.

Since the beginning of the project, seminars and workshops have been organized for professionals, NGOs and municipal representatives.

Dozens of expert webinars have been delivered since the outbreak of the Covid-19 crisis until the summer of 2022 and are available on the project's YouTube channel.

c) Are family or child benefits provided subject to a means-test? If so, what is the percentage of families covered?

Parental allowance is not an income or means-tested benefit. Child benefit is an income (not means-tested) benefit.

Statistical information for 2019-2021:

| | 2019 | 2020 | 2021 |
|----------------------------------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Number of dependent children entitled to child allowance | 235.9 thousand Mil. CZK 2 279 | 224.4 thousand Mil. CZK 2 138 | 235.1 thousand Mil. CZK 2 565 |
| Number of parents receiving parental allowance | 284.9 thousand Mil. CZK 24 470 | 315.5 thousand Mil. CZK 38 531 | 297.5 thousand Mil. CZK 35 440 |
| Number of dependent children | 2,370.8 thousand | 2,421.8 thousand | 2,416.4 thousand |
| Number of families with dependent children | 1,472.8 thousand | 1,504.2 thousand | 1,500.9 thousand |

In 2021, the child allowance was received by an average of 235,100 of dependent children every month. This means that the allowance was granted to about 9.7 % of all dependent children. In 2021, the parental allowance was received by an average of 297,500 thousand families with small children, i.e. approximately 19.8 % of families with dependent children.

d) Please provide information about the amounts paid in child/family benefit as well as the median equivalised income for the reference period.

50% of median equivalised income (2021) = CZK 11 667.

Amount of child benefit:

- up to 6 years CZK 630 = 5.4% (50% of the median equivalised income)
- from 6 to 15 years CZK 770 = 6,6 % (50 % of median equivalised income)
- 15 to 26 years CZK 880 = 7.5% (50% of median equivalised income).

"Increased" amount of child benefit:

- up to 6 years CZK 1 130 = 9,7 % (50 % of median equivalised income)
- from 6 to 15 years CZK 1 270 = 10.9% (50% of median equivalised income)
- 15 to 26 years 1 380 CZK = 11.9% (50% of median equivalised income).

e) Is there a length of residence requirement imposed on nationals of other States Parties lawfully resident in your country for eligibility to child/family benefits?

Child benefit and parental allowance are due to a person if the person and the persons jointly assessed with him/her are registered for permanent residence in the Czech Republic (in the case of Czech citizens) or have permanent residence in the Czech Republic (in the case of foreigners; a foreigner with permanent residence is, e. g. a person who has been granted asylum) and have a residence (centre of interest) in the Czech Republic.

These benefits are also due to persons who are not permanently resident in the Czech Republic, provided that they are resident in the Czech Republic and are:

- a) foreigners registered for residence in the territory of the Czech Republic pursuant to a special legal regulation (with the exception of applicants for international protection lodged in a Ministry of the Interior residence centre) from the date on which 365 days have elapsed since the date of the report,
- (b) foreigners born in the territory of the Czech Republic and registered for residence in the Czech Republic (with the exception of applicants for international protection lodged in a residence centre of the Ministry of the Interior) up to 1 year of age,
- c) foreign minors entrusted in the territory of the Czech Republic to care replacing the care of their parents or to institutional care,
- d) foreigners who hold a permanent residence permit with the legal status of long-term resident in the European Union in the territory of another Member State of the European Union and have been issued a long-term residence permit in the territory of the Czech Republic
- (e) family members of a foreigner referred to in point (d) who have been issued a long-term residence permit in the Czech Republic
- f) foreign nationals who have been issued a long-term residence permit in the Czech Republic for the purpose of scientific research
- (g) foreign nationals who have been granted subsidiary protection
- (h) foreigners who have been issued a long-term residence permit in the Czech Republic for the purpose of employment requiring high qualifications
- i) foreigners who have been issued with an employment card
- j) foreigners employed in the territory of the Czech Republic or foreigners who have already been employed in the territory of the Czech Republic for at least 6 months and are on the register of job seekers) if they have been issued a long-term residence permit in the territory of the Czech Republic
- k) family members of foreigners referred to in points f), h), i) and j), if they have been issued a long-term residence permit in the Czech Republic
- (l) persons whose entitlement results from directly applicable *acquis communautaire* or persons employed, self-employed, persons retaining such status and their family members entitled to equal treatment under *acquis communautaire*.

Child benefit and parental allowance are also due if the person and the persons jointly assessed with him/her do not have permanent residence in the Czech Republic, if they are dependent children of foreigners, who have been issued an intra-corporate transfer employee card or an intra-corporate transfer employee card of another Member State of the European Union for at least nine months and are transferred to a business corporation or a branch plant with its registered office in the Czech Republic, and these dependent children and the persons jointly assessed with them have been issued a long-term residence permit for the Czech Republic and are resident in the Czech Republic.

f) What measures have been taken to ensure that vulnerable families can meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services)?

In order to avoid significant negative impacts on companies and social problems for the population, the process at European level was paralleled by a multi-level national response for the coming period.

First of all, there is Act No. 287/2022 Coll. amending Act No. 458/2000 Coll. Energy Act, which responds to the current unprecedented situation on the energy market and introduces a new institute of market emergency, through which the authority of the Government is established. The latter may, inter alia, set electricity or gas prices by means of a Government Decree and, in extreme cases, impose an obligation to produce or supply electricity or gas, impose an obligation to supply electricity or gas or limit trading in electricity or gas.

In an exceptional market situation, provision is also made for the payment of a demonstrable loss and a reasonable profit in cases where the price set in an exceptional market situation does not cover the costs of securing supply.

The relevant calculation mechanisms and other details are subject to a subsequent Government Regulation. This Regulation on the determination of electricity and gas prices in an exceptional market situation was approved by the Government of the Czech Republic and published in the Collection of Laws on 7 October this year under No 298/2022 Coll. It specifies the range of customers for whom the lower price will apply and the range of consumption to which the regulated price will apply.

The price for electricity supply was set at CZK 5 000/MWh, with a fixed monthly payment of CZK 130 per electricity supply point per month. The price for the supply of gas was set at CZK 2 500/MWh, the fixed monthly payment for the supply of gas was CZK 130 per customer site per month (prices excluding VAT). These prices will apply not only to households, but also to other entities under the terms of the Regulation.

In the field of gas supply, the prices set also applies to domestic boiler houses or heating plants producing heat on the basis of natural gas.

For the period from 1 October to 31 December 2022, the Government approved Government Regulation No. 262/2022 Coll., on the contribution to the payment of energy costs, the so-called savings tariff. According to this regulation, electricity consumers will receive a financial contribution of CZK 2,000 or CZK 3,500, depending on the distribution rate they have agreed with their supplier.

The Ministry of Labour and Social Affairs and Ministry of the Environment have responded to these needs too.

The Ministry of Labour and Social Affairs has adopted several changes to the system of social benefits to support the payment of increased energy costs for vulnerable families, in particular amendment to Act No. 111/2006 Coll., on Support in Material Need (new social benefit called „extraordinary immediate assistance“ to cover one-off expenses) and Act No. 117/1995, on State Social Support (the norms for calculating the amount of the housing allowance have been repeatedly increased to match the increase in energy prices). Since January 2022, the standard housing costs for the purposes of housing benefit have been increased. There is a further increase in the standard cost from October 2022.

The Ministry of the Environment deals with this issue, e.g. in the framework of the New Green Savings Programme (subsidies for households to invest in energy savings in residential and family houses).

g) If specific temporary measures were taken to financially support vulnerable families during the Covid-19 pandemic, will they or are they expected to they been maintained or withdrawn? If they have been withdrawn, what effect is this expected to have on vulnerable families?

During the covid pandemic, a crisis attendance allowance was introduced, which allowed parents of children under 12 years of age to receive income while staying home and taking care. It was associated with the closure of schools and other childcare facilities and the need for increased care, this measure was valid only during a pandemic. However, the allowance was universal, it didn't aim only at vulnerable families.

Further, several temporary adjustments were made in response to the impact of the pandemic and rules restricting people-to-people contact. Some benefits were 'rolled over' (the Labour Office relied on data that had been documented in the previous period and benefits were paid at the unchanged rate'), and during the state of emergency, applications for non-insured social benefits could be sent by e-mail without a certified electronic signature or a scanned or scanned application with a handwritten signature as an e-mail attachment.

The core of the benefit support was so called extraordinary immediate assistance. A pandemic and its various impacts were considered a "serious emergency" (one of the situations in which extraordinary immediate assistance can be granted) and overall the benefit administration was simplified.

h) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

On Childcare facilities:

Following the enactment of Act No. 247/2014 Coll., on the provision of childcare services in a children's group and on amendments to related acts (hereinafter the Act), one of the priorities of the Operational Programme Employment was to support the establishment and operation of children's groups.

Between 2015 and 2022, a total of 13 calls for support for children's groups were announced with a total allocation of more than CZK 8.23 billion. In these calls, 1,286 children's groups were supported in 2,442 projects (most of them were supported for long-term operation) with a value of more than CZK 7.04 billion, of which 952 children's groups (or 10,408 capacity places) were created with a financial contribution during the project.

In terms of capacity places, the Operational Programme Employment supported the operation of 16,896 capacity places, but thanks to flexible conditions, the children's groups helped to place up to 1,000 children.

After the end of the Operational Programme Employment project, the Operational Programme Employment -supported children's groups were then able to continue their support for their operation through the state contribution, thanks to the amendment to the Act.

The Operational Programme Employment was able to support both public and corporate children's groups (the employer of the parent whose child attends the children's groups is the operator of the facility). The target group of the support are parents with small children, who aim to increase their working time schedule or to ensure equal opportunities on the labour market. Therefore, a condition for the involvement of parents with small children in the project (admission of their child to the children's groups) is the active role of these parents on the labour market, defined by the fact that at least one of the parents is employed or self-employed, or is studying or participating in an accredited retraining course, or if unemployed, is looking for a job.

The Operational Programme Employment's support for children's groups was provided through the simplified expenditure reporting method, where the beneficiary does not prove its actual expenditure, but the results whose unit costs are defined in advance.

The outcome of the Operational Programme Employment project was the registration of children's groups in the Register of Children's Groups and its % occupancy by real presence of children and carers. Qualification or rent was also supported.

It is planned for the follow-up programme Operational Programme Employment Plus (2022 - 2029) to continue to support the creation of new children's groups by this method and thus create 5,000 new places.

From 2022 onwards, the National Recovery Plan (NRP) also supports the creation of new children's groups, in particular the construction of new or renovation of older buildings in which a children's group will be created. The aim is to create around 7.5 thousand new places.

Further, implementation of the "*School Lunches*" project under the Operational Programme for Food and Material Assistance has been continuing in 2022. Children from families in material need in all regions of the Czech Republic seize the opportunity to take free lunches.

In 2022, interest in joining the above-mentioned project has increased slightly compared to the previous school year. New schools (kindergartens, primary schools and other types of educational establishments) that were not involved in previous years have also joined.

Compared to 929 in 2021, 1204 school establishments are involved in 2022, which is the highest in the history of the Operational Programme for Food and Material Assistance. In 2021, projects were prepared for up to 11,005 children; this school year the number is 11,856.

This type of assistance will continue in the next programming period, this time under the Operational Programme for Food and Material Assistance + and with a significantly higher volume of funds than were available in previous years of the Operational Programme for Food and Material Assistance.

On Housing conditions for Roma families:

In order to provide comprehensive support to municipalities with the most excluded areas, the Czech Government established in 2008 Agency for Social Inclusion, which is funded through the European Social Fund.

The Agency focuses on assisting municipalities and other local actors in policy development and social inclusion in the areas of housing, employment, household financial stability, public health, public safety, etc.

Between 2015 and 2022, the Agency organized a large project on Systematic Delivery of Social Inclusion with a budget of CZK 299 million. Within its framework, the Agency has provided expert advice to more than 110 local authorities, planned sustainable housing access strategies and helped to secure appropriate funding for their implementation.

The Ministry of Labour and Social Affairs supported social housing projects that have increased access to housing for Roma people within the framework of Operational Programme Employment Calls for Proposals Nos. 128, 108, 052 and others. In the case of Call No. 108, it was shown that 42% of the supported households were Roma ones.

In June 2022, the Ministry of Labour and Social Affairs announced the Operational Programme Employment Plus Call No. 007 for support of social housing for the period 2022-2025 with a total allocation of CZK 500 million with the aim of increasing access to quality housing for (not only) Roma families. Based on the experience from Call No. 108, it can be assumed that the share of supported Roma families out of the total number of supported households will be between 30 and 50%.

In the aforesaid Operational Programme Employment Plus 2021-2027, a separate specific objective "2.3: *j) Promote the socio-economic integration of marginalized communities such as Roma*" has been newly introduced.

In order to fulfil this specific objective, the following activities will be supported in particular:

- i) Support for community work and community organising to increase the civic competences of Roma; Support for community work and services for families with pre-school children, strengthening their parenting competences;
- ii) Support for the activities of non-governmental non-profit organisations in the area of strengthening Roma participation in elections through information and awareness-raising activities (including strengthening the capacities of these organisations); Support for the activities of non-governmental non-profit organisations in the area of monitoring hate speech against Roma (including strengthening the capacities of these organisations);
- iii) support to NGOs in the field of monitoring, prevention and sanctioning of hate speech against Roma (including capacity building of these organisations);
- iv) Support for the activities of non-governmental non-profit organisations in the field of domestic and gender-based violence against persons from the Roma minority (including strengthening the capacity of organisations and work with victims of domestic and gender-based violence);
- v) Support for capacity building of Roma and pro-Roma NGOs - in particular through training of NGO staff and measures to increase professionalism, organisational management, planning, transparency, effective functioning, sustainability and multi-source financing of NGOs, measures aimed at networking, strengthening partnership and cooperation with public administration and cooperating organisations, support for participation and involvement of NGO staff in the process of preparation and implementation of strategic documents aimed at the Roma minority.

According to the call schedule for 2022, the first calls for support for the above-mentioned activities were announced in December 2022 with a total allocation of EUR 250 million. Projects selected under these calls will be implemented as early as next year. Applicants will include non-governmental non-profit organisations (including social service providers).

In June 2022, a call entitled „*Support for Social Housing (Support for Social Housing)*“ was announced under the Operational Programme Employment Plus specific objective "2.1: *h)*

Strengthen active inclusion to promote equal opportunities, non-discrimination and active participation and improve employability, especially for disadvantaged groups".

The call allocation is CZK 0.5 billion.

The aim of the activities is to ensure support for social inclusion of people in housing need and at risk of housing need, consisting in direct support for the target group, in particular in support for settling into flats with the support of social work and in support for integrated solutions to housing need, including systemic anchoring.

The main activity supported is "Support for housing and housing support"- the main objective of the activity is to support the transition of the target group from housing need to housing need and to support the maintenance of housing in the long term.

The target group would consist of homeless people or persons living in insecure or inadequate housing (as defined by ETHOS).

In August 2022, a call entitled "*Support for social inclusion in excluded localities*" was announced under the Operational Programme Employment Plus specific objective "2.1: *h) Strengthen active inclusion to promote equal opportunities, non-discrimination and active participation and improve employability, especially for disadvantaged groups*".

The call allocation is CZK 0.9 billion.

The call is aimed at supporting municipalities that actively address the issue of social exclusion on their territory, especially in the area of socially excluded localities, as well as municipalities involved in the coordinated approach to social exclusion through the so-called Social Inclusion Plans.

The call targets in particular people living in socially excluded localities.

Within the framework of the supported projects, the number of Roma supported will also be monitored through one of indicators.

Article 17 – The 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.

a) Please provide information on measures taken by the State to:

i) reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth) and

ii) facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation. (General question posed in Conclusions XXI-4 (2019)).

Act No. 274/20221 Coll., amending Act No. 326/1999 Coll., Foreigners Act, created specific legal regulations concerning the procedure for granting the status of stateless person.

The currently prepared supplement to the legal regulation of the Foreigners Act also contains some new provisions which should supplement the existing regulation of the procedure for granting the status of stateless person. This proposal is expected to come into force in mid-2023 at the latest.

b) Please provide information on measures taken to:

i) child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc.) and

Following the Council Recommendation issued on 25 March 2021, which introduces the European Guarantee for Children, Ministry of Labour and Social Affairs has prepared a National Action Plan to meet established obligations for the years 2022–2030. It contains a whole range of measures to support children in five key areas – education, housing, health care, nutrition and a general support framework. It defines 18 target groups of children on whom the measures are aimed.

ii) combat discrimination and promote equal opportunities for children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

Trainings on how to support children and families with low socioeconomic status and how to support children who have disabilities and/or special educational needs are part of education programme offered by Ministry of Labour and Social Affairs – since the amendment to Act No. 247/2014 Coll., on the provision of child care services in a children's group and on amendments to related acts (Act on Children's Groups), the obligation of further continuous education of carers has been stipulated.

iii) States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

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

c) Please provide information on any measures adopted to protect and assist children in crisis situations and emergencies.

Following the Council Recommendation issued on 25 March 2021, which introduces the European Guarantee for Children, the Czech Republic appointed its national coordinator, namely high rank public official from the Ministry of Labour and Social Affairs. The National Coordinator has managed the process of preparing the National Action Plan, along with children's representatives and experts of all Ministry of Labour and Social Affairs, Ministry of Education, Youth and Sports, Ministry of Health and Ministry of Regional Development. The Action Plan includes the definition of children in need through selected risk factors and facts.

The Ministry of Labour and Social Affairs announces the National Subsidy Title called „Family“ every year. The aim of this programme is to support family services of a preventive and supportive nature. These services should strengthen parental competencies, improve family relationships, support families in caring for and raising children and in harmonizing work and family, and assist in preventing and resolving crisis situations in the family, including domestic violence, child abuse and exploitation. The aim is to provide comprehensive assistance to the family as a whole (i.e. the wider family including children and grandparents).

The National Subsidy Title is divided into two subsidy areas:

- (i) Preventive activities to support family, partnership and parenthood - the main objective is to strengthen parenting competences, improve family relationships, provide comprehensive assistance to families with children who may be or find themselves in danger and prevent its possible intensification. Activities aimed at preventing negative phenomena in the family are supported, while at the same time these activities are targeted not only at a narrowly defined group of families, but at all parents and children.
- (ii) Support for work with children and families in the field of social-legal protection of children - the main objective is to support direct work with children and families at risk. The activities are mainly aimed at developing methods of direct work with children in dealing with cases of children and families who are on the social-legal protection of children agenda (the exception being activities for adoptive families and biological children of foster parents).

A significant measure taken to protect and assist children in crisis situations and emergencies was the amendment of Act No. 359/1999 Coll, on Social and Legal Protection of Children, The amendment restricts institutional care for the youngest children.

Since 2022, the consent of the social-legal protection of children authority is required for the contractual stay of any child in a facility for children in need of immediate assistance, in a children's home for children under 3 years of age and for the contractual stay of a child under 15 years of age in a home for persons with disabilities.

The placement of children in a children's home for children under 3 years of age is limited to situations where their health conditions require long-term inpatient care, i.e. outpatient care is not sufficient. It will also no longer be possible to place a child in such a facility because he / she is at risk of an 'inappropriate social environment'.

From 2024 onwards, there will be a ban on placing children under 3 years of age in a children's home on any legal basis; other children will only be able to be placed in a children's home on a contractual basis with the consent of the social-legal protection of children authority or on the basis of a court order.

As of 2025, it will not be possible to impose an educational measure on children under 3 years of age pursuant to Section 13a of Act No. 359/1999 Coll., on Social and Legal Protection of Children, by ordering a stay in an educational care centre, a facility for children in need of immediate assistance, a home for persons with disabilities or a medical facility.

On the basis of the interim measure, a child under the age of 3 can only be placed in the care of a natural person, i.e. not in institutional care or facility for children in need of immediate assistance.

Children can be placed in educational institutions for the performance of institutional education from the age of 4, except for siblings.

Children can be placed in a home for persons with disabilities in the case of contractual and court-ordered stays from the age of 4, except for children in dependency level III and IV, who can be placed even earlier.

The amendment Act No. 359/1999 Coll., on Social and Legal Protection of Children, seeks to encourage increased interest in placing children in foster care, with special attention paid to children with disabilities.

Therefore, with the adoption of the amendment to the aforesaid Act, the financial resources for the foster care of children have been increased and their state of health has been taken into account.

In the case of mediated foster care, the calculation of the amount of the foster carer's remuneration is now linked to a multiple of the minimum wage depending on the number of children entrusted and their state of health.

In the case of unmediated foster care, foster parents are entitled to a new benefit called „foster care allowance“ whose amount is based on a multiple of the minimum subsistence wage, depending on the number of children entrusted and their state of health.

A specific target group that deserves attention in terms of increased protection and care are young adults under the age of 26 who are leaving institutional care or substitute family care by reaching the age of majority or by acquisition of legal capacity.

A significant obstacle to the fulfilment of the right to independent living of this target group has been the unsystematic management of their material security.

Young dependent people leaving foster care were entitled to a one-off allowance of CZK 25,000 paid by the Labour Office of the Czech Republic upon termination of long-term foster care and guardianship with the personal care of a guardian due to the acquisition of full legal capacity.

Young adults leaving a facility for the performance of institutional or protective education were paid a one-off allowance directly by the facility upon termination of their stay in the facility for the performance of institutional or protective education. The amount of the allowance was determined by the facility itself according to an assessment of the child's needs and resources.

However, the one-off support was not sufficient to enable the young people to become fully independent, find and maintain housing and, in general, to participate fully in the ordinary life of society.

For these reasons, the amendment to Act No. 359/1999 Coll., on Social and Legal Protection of Children, introduces a „maintenance allowance for young adults leaving foster care“, which is now provided as a recurrent monthly benefit in the amount of CZK 15,000 and a one-off benefit upon termination of dependency, especially studies.

The amendment to the above-mentioned Act also takes into account the individual plan that the "young adult" draws up with his / her social curator. The approval of the individual plan is conditional on financial support. The main objective here is 'independence' in the sense of full integration or inclusion of the young adult into society after leaving foster care.

The young adult's individual plan must be drawn up by a social curator in cooperation with the person or institution in whose care the young adult was until reaching the age of majority or acquiring full legal capacity.

It is also possible to prepare an individual plan in advance of the termination of foster care, guardianship or institutional care. The competent social-legal protection of children authority, under whose jurisdiction the eligible dependent child is placed until he or she acquires full legal capacity and which monitors the course of institutional care or foster care, including the preparation of the child for leaving foster care, is involved in its preparation.

In July 2021, the Czech Government approved the *1st Action Plan for the Implementation of the National Strategy for the Protection of Children's Rights 2021-2029* for the period 2021-

2024. It contains several dozen activities. In some cases, their continuation in the period of the 2nd Action Plan (2025-2029) is outlined for the respective set of activities. For the sake of clarity, the plan is divided into six thematic areas (action lines) to implement individual measures of the National Strategy.

Prevention in families at risk and conceptual solutions to foster family care are particularly addressed in the following measures:

A. Legal framework

A1 Inter-sectoral cooperation and analysis of public law child protection

A2 Development of a new concept of modern foster care for children

A3 Adoption of new legislation on child protection and service provision for children at risk

B. Infrastructure (network of services and professional assistance)

B1 Establishment of a guaranteed network of family support and services for children and families

B2 Development of a system of foster family care

B3 Transformation of residential facilities for children with emphasis on strengthening outpatient and outreach services

C. Knowledge and education

C1 Development and sharing of good practice in working with children and families

C2 Developing a comprehensive system of training and professional support for those working with children at risk

d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

On the situation at detention facility for foreigners Bělá-Jezová:

The facility is located in a clean and quiet environment - in the protected landscape area in forest.

The vast majority of regime measures were eliminated, especially in the new block for families:

(i) Absence of bars in windows,

(ii) Absence of barbed wire on most fences - fences are now green covered by new trees (so even invisible in couple years time) - the goal is not to give the clients prison-like feeling,

(iii) Removal of most of the internal fencing of the premises,

(iv) Free access to children centre, to dining hall, leisure playgrounds, legal aid and 24/7 reception without need to be assisted by security staff -increasing of free movement (moreover security staff has new also brand new dress code - not to give to clients the prison like feeling),

In this facility following features for families with children are available:

(i) Separate rooms in a brand new building specifically built for families with children,

(There is an adequate equipment - depending on the age of the child, all the devices that the child needs at his/her age are available, e.g. cot, changing table, bath, sanitary facilities, food according to the age of the child.);

(ii) Availability of medical care for both adults and children

(Equipped facilities for adults and children with adequate medical staff are available in the facility);

(iii) Wide range of leisure activities:

- for adults (e.g. fitness, huge gymnastic room, outdoor playground - volleyball/soccer/basketball/tennis, internet corner, tv room, workshops, library)

- for children (e.g. children centre - equivalent to nursery school, various games, a number of play features – bumpers);

(iv) Specialized staff - social workers, free time educators

- free legal advice is available at regular intervals, together with the possibility of interpretation;
- if necessary, the presence of an interpreter is ensured for other purposes related to the foreigner's presence in the facility too;
- psychological and other professional assistance is available where necessary.

On corporal punishment:

The Czech Republic has taken the conclusions of the European Committee of Social Rights decision on the merits of collective complaint no. 96/2013 – Approach v. the Czech Republic and its findings into account and has given them close consideration.

It has long been paying attention to the realization of the right of children to be brought up without corporal punishment. Nevertheless, it is aware that the decision of the ECSR has not been fully implemented yet as the prohibition of corporal punishment of children has not been enacted into law.

Although corporal punishment as such is not prohibited by legislation in the Czech Republic, Section 884(2) of Act No. 89/2012 Coll., Civil Code, regulates educational measures. Educational measures may be used only in a form and to a degree that is appropriate to the circumstances, does not endanger the child's health or development and does not affect the child's human dignity.

The Czech Republic strictly rejects the allegation that corporal punishment is used as an educational tool in children's homes, institutions and care services. The prohibition of corporal punishment of children is a mandatory part of the internal regulations of all institutions where children are placed.

The Czech Republic is aware that the legislative ban alone will not solve the situation and that it must be underpinned by the adoption of other measures, which it has been striving to achieve in the long run.

The necessity to change society's attitude to corporal punishment has been repeatedly reflected in the strategic documents, most recently in the *current National Strategy and in the Action Plan for the Prevention of Domestic and Gender-Based Violence*. A working group has been set up to provide a framework for discussions about the necessary changes and how to install awareness that any violence in the family, including corporal punishment, must be prevented.

The topic was also discussed in various expert forums. It seems necessary to make parents aware of alternate forms of child-rearing. Paediatricians, teaching staff and other experts who are confronted with corporal punishment of children also need to know how to treat such children and the parents.

Recently, the topic has been discussed by the bodies of the Chamber of Deputies, the lower house of the Parliament of the Czech Republic (Standing Commission on Family Issues, Equal Opportunities and Minorities and Subcommittee on Domestic and Sexual Violence). These bodies urged Ministry of Justice and Ministry of Labour and Social Affairs to put forward a proposal declaring the unacceptability of corporal punishment of children. The following process of implementation is about to be discussed within the political parties forming the current governmental coalition.

On young offenders:

The age of criminal responsibility is set forth at 15 years. Therefore, children under the age of 15 cannot be prosecuted under any circumstances. If such child commits an act otherwise criminal an uncontested civil proceeding shall be conducted against them. Through this proceeding will be assessed the child's intellectual and moral development, his or her character, the social environment in which he or she grows up and the impact of such environment, family and surroundings on such child, his or her behaviour at school/at home/in public). Only by such deep analysis can the court reach a complex solution to each individual case.

If the juvenile court concludes that such child has committed an act otherwise criminal, it may decide to impose one of the measures stipulated by Act No. 218/2003 Coll., Juvenile Justice Act (reformatory duties, upbringing limitations, admonition with warning, placing in a therapeutic, psychological or another suitable upbringing program in a centre for upbringing care, supervision of a probation officer, protective upbringing, protective treatment) or to refrain from imposing the measure, if the hearing itself is sufficient to achieve the purpose of the proceeding.

The principles of the juvenile system contain elements of restorative justice, since the law concentrates on the upbringing character of measures rather than imposing a punishment for a committed crime which is contained in the general legal provisions of Act No. 40/2009 Coll., Criminal Code and Act No. 141/1961 Coll., Criminal Procedure Code.

The aim of measures is to effectively contribute to the fact the child shall further abstain from any unlawful action and find such a social position that corresponds to their abilities and intellectual development and shall contribute as to their powers and abilities to the compensation of the harm incurred by their unlawful action.

The measures should aim towards restoration of violated social relation, integration of a child in a family and social environment and prevention of unlawful actions. The court cares for the upbringing influence on the child and follows also the preventive influence of the measure when imposing a measure.

By definition the "act otherwise criminal" is an act which, in the particular circumstances of the case, is not punishable, although in other circumstance the act would a criminal offence according to the Criminal Code. In relation to children under the age of fifteen, these are acts that are unpunishable due to the lack of a characteristic of the subject of the offence, namely the age of the perpetrator, while the other elements of the offence are fulfilled. That means that the children under the age of fifteen cannot be brought before the court for other actions which would not constitute a criminal offence in the first place. An otherwise criminal act must also fulfil a certain degree of social harmfulness, as also imposed by the general regulation in the Criminal Code.

The aim of such proceedings is that due to the continuous evolvement of children it is necessary to have a positive educational effect and help them to reintegrate. The proceedings must be led

with regard to the age, state of health, intellectual and ethical development level of the person against whom the proceedings are conducted, so that his or her future development is affected as little as possible.

The case law also stipulates that children under the age of 15 must be treated as immature and in need of special consideration and therefore, public prosecutors, before filing a motion to the court, should assess not only the fulfilment of all elements of the offence, the social harmfulness and seriousness of the offence, but also the character of the person, his or her motives and manners in which the offence was committed.

Therefore, not all cases are brought before court, but only those ones which fulfil certain degree of seriousness while taking into account all the prerequisites stipulated by the case law. There have been 1324 cases with children under the age of 15 in 2021.

Article 19 – The 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 Party, the Parties undertake:

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

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Act No. 219/1995 Coll., Foreign Exchange Act, was repealed on 18 October 2016 by Act No. 323/2016 Coll., amending certain acts in the field of monetary circulation and foreign exchange management and repealing Act No. 219/1995 Coll., the Foreign Exchange Act, as amended.

The obligation to notify the import and export of financial resources is regulated in Section 41 of Act No. 253/2008 Coll., on Certain Measures to Combat the Legalization of Proceeds from Crime and the Financing of Terrorism.

Every natural person entering the Czech Republic from outside the territory of the European Union and leaving the Czech Republic to such a region is obliged to notify in writing to the customs authority of import and export of valid means of payments in Czech or foreign currency, means of payment pursuant to Article 13a(1)(a) of the aforesaid Act, coins with a gold content of at least 90%, high purity bars with a gold content of at least 99.5%, travellers' cheques or money orders redeemable for cash, bearer or series securities, as well as other investment instruments which are signed but do not contain the name of the payee, with an aggregate value of EUR 10 000 or more, and submit them to the customs authority for inspection.

The same obligation is imposed on a legal person or an entrepreneurial natural person who imports or exports the aforementioned items. This obligation shall be met on behalf of the legal person by the natural person who carries the goods when crossing the border of the territory of the European Union.

The above obligations shall also apply to persons who send or receive a postal or other consignment containing the above-mentioned items across the external borders of the European Union.

The transfer of funds within the framework of cross-border payment transactions is regulated by Act No.370/2017 Coll., on payment transactions, which transposes *Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of charges related to payment accounts, changes to payment accounts and access to payment accounts with basic elements* and provides that consumers who are legally residing in the European Union have the right to access a so-called basic payment account, which they can use to transfer funds.

There are also a number of non-bank payment service providers operating on the Czech market and offering an alternative to standard bank transfers. These entities often offer cross-border money transfers on more favourable terms than banks, so consumers can choose the solution that suits them best.

In 2019, *Regulation 2019/518 of the European Parliament and of the Council amending Regulation 924/2009 as regards certain changes concerning cross-border payments* was adopted, which provides that the fees charged by a payment service provider to a payment service user for cross-border payments in Euros are the same as those charged by that provider for domestic transfers in national currency. The Regulation further provides that the payment service provider is obliged to communicate to the payer the estimated total amount of the payment in the currency of the payer's account, including any currency conversion and transaction fees.

Income of natural persons (residents and non-residents) arising from sources in the Czech Republic is generally taxed in accordance with Sections 6 to 10 of Act No. 586/1992 Coll., Income Tax Act. In the case of migration of workers in relation to the transferred movable property of these workers, the Income Tax Act does not contain any additional settings in the case of natural persons.
