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Legislative provisions on the protection of breastfeeding

The legislator, in accordance with the Maternity Protection Act of 1997, ensures the protection of breastfeeding and the necessary means for the care of children. The woman for breastfeeding and / or the increased care required for the upbringing of her child is entitled, for nine months from the date of delivery or from the date of the maternity leave in the case of adoption, to a break during one hour work, or to commence work for one hour later, or the end of the working day one hour earlier. In case of adoption, the biological mother loses this right as soon as the adopted mother applies the same right for the same child. In addition, it is understood that the surrogate mother loses the right and it is transferred to the biological mother who resorted to surrogate motherhood for the child.

If a woman decides to suspend work within one hour, she can breastfeed, save and save breast milk, and the employer must provide all necessary benefits to her in accordance with the provisions of the Law on the Promotion and Protection of Breastfeeding and the Rules adopted in accordance therewith. The time of one hour of a daily break, or an hour after the start of the working day, or the early termination of work for an hour, is considered and paid as working time.

The parliament voted for the above-mentioned Law on the promotion and protection of breastfeeding in 2018. The purpose of this legislation is, inter alia, the promotion and protection of breastfeeding through information, curriculum development and support groups. The competent authority is appointed by the Minister of Health or a duly authorized representative.

In addition, a National Commission for the Protection, Promotion and Support of Breastfeeding is being established, which will advise the competent authority on the identification of measures to protect and promote breastfeeding.

The Criminal Code was amended by adding a new article that deals with the situation when the mother is breastfeeding. In particular, it is emphasized that anyone who publicly either utters a word or creates a sound that can be heard by any other person in public, or makes a gesture, or establishes any subject, or distributes written or illustrated texts, or behaves inappropriately, or takes any other action to prevent a mother breastfeeding, is guilty of committing a crime and, if charged, is liable to a fine not exceeding three thousand euros (3000 euros).