



Child Rights References in the Universal Periodic Review

Summary:

A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Czech Republic – 1st Session – 2008

Date of consideration: Wednesday 16 April 2008 - 9.00 a.m. - 12.00 p.m.

National Report

a) To ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment:

The Czech Republic ratified the Optional Protocol on 10 July 2006, and fully meets its requirements. The functions of the national preventive mechanism in terms of the Optional Protocol are performed by the Public Defender of Rights (under an amendment to the Public Defender of Rights Act which took effect on 1 January 2006). The Public Defender of Rights (Ombudsman), who previously reviewed only complaints from individuals harmed by the actions of public authorities, is now authorized to undertake systematic preventive visits to places where people are or may be deprived of their liberty. It is not relevant whether the people have been deprived of liberty by an executive order or as a result of their personal situation, and whether they are held in a public or private facility. The Public Defender of Rights may inspect e.g. prisons, police detention cells, aliens detention centres, military facilities, institutions treating juvenile offenders, asylum facilities, social care institutions, health care institutions, institutions involved in the social and legal protection of children, etc.

3) *Institutions protecting human rights in the Czech Republic*

... The Government Council for Human Rights is the government advisory body on the protection of human rights and fundamental freedoms of individuals within the jurisdiction of the Czech Republic. It monitors compliance with the Constitution, the Charter of Fundamental Rights and Freedoms and other relevant legislation, as well as domestic compliance with the Czech Republic's international commitments concerning human rights and fundamental freedoms. The Council may establish expert committees comprising ministry officials and representatives of civil society. At present it is assisted by the Civil and Political Rights Committee, the Economic, Social and Cultural Rights Committee, the Committee against Torture and Other Inhuman, Cruel or Degrading Treatment or Punishment, the Committee on the Rights of the Child, the Committee on Equal Opportunities for Women and Men, the Aliens Rights Committee, and the Human Rights and Biomedicine Committee.

- To take all necessary measures, legislative or otherwise, to eliminate discrimination against groups of minorities, in particular Roma (see item 29 of the Committee's Concluding Observations, 2002)

... The Government decided to develop a comprehensive tool for social inclusion at local level, since it believes that Roma integration in the field of education, employment and housing will help stop the process through which socially excluded Roma communities emerge, and will enable the people living in such communities to take a full part in the life of the society. The basic working method will be to encourage "networking" and partnership of local institutions (municipalities, schools, NGOs/NPOs, private entities and other institutions) that have a direct influence on the living strategies and motivations of people living in socially excluded Roma communities. Municipalities will work with their partners (NGOs/NPOs, schools, employment centres, local employers, Roma communities) to implement projects supporting employment and education and improving the quality of housing for people in socially excluded Roma communities.

- To take effective action to reduce the unemployment rate in particular among Roma people and other vulnerable groups (see item 33 of the Committee's Concluding Observations, 2002)

... Already now, employment centres are running local programmes for jobseekers with longterm job placement problems, including Roma jobseekers. An example is "Try it Together" ("Zkusit to spolu"), a project of Salinger civic association working with young people

at risk of social exclusion. The project helps jobseekers registered with the local employment centre to acquire and improve the skills that they need to find a job. Launched in 2006, the project targets children and young people aged between 15 and 25 years living in the Roma community in Hradec Králové.

- To adopt a general anti-discrimination law and to mandate a special institution to promote and monitor the right to equal treatment and assist victims in bringing their claims including through legal aid (see items 8 and 19 of the Committee's Concluding Observations, 2007)

In its Policy Statement of January 2007, the Government pledged to introduce an antidiscrimination law safeguarding the right to equal treatment and protection against discrimination according to EU directives, with a view to making the prohibition of discrimination effectively enforceable. The bill concerning equal treatment and legal tools of protection against discrimination (hereinafter referred to as the "Anti-Discrimination Bill") safeguards the right to equal treatment and protection against discrimination on the grounds of race and ethnic origin, nationality, sex, sexual orientation, age, disability, religion, faith or world view. It prohibits discrimination in the following areas: the right to employment and access to employment; access to a profession, business or other independent gainful activity; the area of employment including remuneration; membership of and activity in trade unions, employee councils or employer organizations; membership of and activity in professional chambers including the benefits and facilities provided by such organizations to their members; social security and social benefits and facilities; health care; education and access to goods and services available to the public, including housing, and to the provision of such services. The bill describes the situations in which different treatment is not discriminatory. It specified the claims that can be filed by victims of discrimination.

- To establish clear and compulsory criteria for the informed consent of women prior to sterilization and ensure that criteria and procedures to be followed are well known to practitioners and the public (see item 14 of the Committee's Concluding Observations, 2007)

... - As part of the health sector reform, experts are now working on a separate act to cover all specific types of treatment, including sterilizations. This legislation – the Specific Medical Services Bill - is to be presented to the Government for approval in the nearest future. It contains detailed rules on sterilizations, differentiating between medical and non-medical reasons for sterilization. Minors and incapacitated people are given greater protection. The legislation requires that the criteria for assessing the medical need for sterilization, as well as the data to be given in applications for sterilization performed for non-medical reasons, should be defined in an implementing regulation.

- To increase the efforts to prevent human trafficking (see item 18 of the Committee's Concluding Observations, 2006)

... In April 2007, the Government approved a draft amendment to the Aliens Residence Act, which makes the "long-term residence status for the purpose of protection" available also to spouses, minor children or adult dependent children of victims of human trafficking who cooperate with law enforcement authorities. The bill is currently going through the Parliament.

Committee on the Rights of the Child

In January 2003 the Committee on the Rights of the Child considered the Czech Republic's second periodic report on the implementation of the Convention on the Rights of the Child in 1995-1999. In May 2006 the Committee considered the Czech Republic's initial report concerning the Optional Protocol on the Involvement of Children in Armed Conflict. Following the consideration of the each report, the Committee made a number of recommendations, including mainly the following:

- To implement a comprehensive proactive strategy for the improvement of access to education, in cooperation with Roma NGO partners, and targeting the whole Roma child population (see item 68 (b) of the Committee's Concluding Observations, 2003)

Since the adoption of the new Education Act in 2004, progress has been made in the education of Roma children. The Ministry of Education, Youth and Sports takes full account of their needs and provides a wide range of support services to assist them in achieving standard education. The support services include head-start classes, assistant teachers for children from disadvantaged backgrounds, early care for children from disadvantaged backgrounds, and grant-making programmes.

In 2007, the number of subsidized assistant teaching posts rose by 50 (currently there are 380 subsidized assistant teaching posts). The total expenditure on this service is just under CZK 78 million (about EUR 2.6 million). The qualification requirements for assistant teachers are laid down in the 2004 Educational Workers Act. Detailed rules for the creation of assistant teaching posts are contained in the 2005 regulation concerning the education of children, pupils and students with special needs and of exceptionally gifted children, pupils and students. Assistant teachers help pupils to get used to school environment, assist teachers in their teaching work, in communicating with pupils and cooperating with parents and the community in which the pupils live.

In 2006, grant-making programmes supported 56 projects worth more than CZK 12.5 million (about EUR 420,000). In 2007, the call for projects under the Programme of Support for Roma Community Integration specified that the projects should concern the following areas: pre-school preparation of Roma children; primary and secondary education of pupils from Roma communities – support for schools with a significant percentage of Roma pupils in all-day programmes; counselling and guidance for teachers; development of teaching materials and expert surveys on the need for educational programmes, methods and strategies; and out-of-school activities for Roma children reflecting their educational needs. Grants were awarded to 63 projects (the distributed funds totalled more than CZK 9.8 million, i.e. about EUR 327,000). Roma secondary school students continue to receive support; in 2007 it totalled more than CZK 11 million (EUR 367,000). Full integration of Roma children in the field of education is also one of the objectives of the new Agency for Social Inclusion of Roma Communities. In the field of education of disadvantaged Roma pupils, the Agency will offer projects addressing:

- pre-school education of Roma children (integration in kindergartens or head-start classes for disadvantaged children),
- teacher-parent cooperation,
- improving the parents' ability to develop the potential of their children (using e.g.

individual or group work, parents' clubs at community centres, etc.),

- cooperating with parents and children during preparation for school,
- individual tutoring and remedial classes in homes or community centres,
- treatment of learning defects,
- preparation of children for secondary school, etc.

In this area the Agency will cooperate with the "Minorities Integration Centre" project of the Educational and Psychological Counselling Institute. The project includes the mentoring of disadvantaged Roma children by university and secondary school students.

- To increase the protection of children against sexual exploitation (see item 62 of the Committee's Concluding Observations, 2003)

The primary policy document on the fight against commercial sexual exploitation of children is the three-year "National Plan of Fight against Commercial Sexual Exploitation of Children (hereinafter referred to as "the Plan"). It describes the current situation, reviews the tasks set in previous Plans and sets new ones for the next three years. The currently valid Plan for 2006-2008, the third in the series, was approved by the Government in August 2006. It aims mainly to improve the coordination and cooperation of government and local government authorities dealing with vulnerable children at central and local levels, to specify the tasks set in the past period, to improve their effects on the target groups, and to initiate new activities in the field of public awareness and prevention of commercial sexual exploitation of children.

The Plan emphasizes prevention and awareness. To support prevention, it requires regular increase of budget allocations to out of school activities of children from all backgrounds. Well-designed, varied and easily accessible out of school programmes efficiently assist in preventing the socio-pathological phenomena that impede healthy development of children. Preference should be given to activities taking place on school grounds or in school buildings, if the school is located in an at-risk area; to long-term activities; to activities accessible free of charge or for a symbolic fee; and to activities targeting vulnerable children, children from socially excluded communities and street children. To raise public awareness, it is necessary to improve the human rights, healthy lifestyle, multicultural, media and sexual education courses that are part of framework education programmes for primary and secondary schools. Instruction on crimes committed against children and young people is included in several training courses for policemen, ranging from basic recruit courses to specialized courses for the criminal police. The programmes are regularly updated. Special attention is paid to child interrogation techniques.

The Plan proposes that even the simple possession of child pornography should be made a crime. This proposal is now reflected in the new draft Criminal Code, Section 158 ("Producing or otherwise handling child pornography") which is to be considered by the Government in the nearest future. Section 158 and other related provisions fully reflect the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the primary UN instrument in this field.

The Czech Republic signed the Optional Protocol in January 2005, has not yet ratified due to the absence of national legislation on criminal liability of legal entities. The Interior Ministry is working on a bill that will fill in the gap and bring domestic legislation into line with the Optional Protocol.

At present there are several policy concepts addressing the problems of children vulnerable to sexual exploitation, including the National Family Policy Concept and the Plan of Action for its implementation, The Policy Concept of care for vulnerable children and children not living with their families, and the Strategy for preventing socio-pathological phenomena in children and young people in areas falling within the Education Ministry's competence in 2005-2008. Since the fight against commercial sexual exploitation cannot be treated as separate from other related socio-pathological phenomena impeding healthy development of children (sexual abuse, maltreatment and neglect, domestic violence, etc.), a National Plan of Fight against Violence against Children, closely interlinked with the above policy concepts and perhaps replacing some of them, is to be introduced in 2008.

Compilation of UN information

1. CERD, CEDAW and CRC recommended that the Czech Republic ratify the ICRMW, the Statute of the International Criminal Court and CRC OP-SC. CEDAW further encouraged the State to ratify the Convention against Transnational Crime and the Palermo Protocol.²²

3. CRC noted that many positive steps have been taken to bring legislation in conformity with the Convention, but remained concerned at the lengthy process of legislative reform necessary to make the laws fully compatible with the Convention.²⁴

4. The HR Committee, CESCR and CRC expressed concern that no specific legislation has been enacted to outlaw discrimination against the Roma. They were concerned that, despite the adoption of relevant programmes, discrimination against Roma continues to persist in practice, including in the areas of labour, access to employment, health care, education and housing.²⁵ CESCR urged the State to take all necessary measures to eliminate discrimination against groups of minorities, in particular Roma.²⁶ While CRC recommended that the State continue and strengthen its legislative efforts to fully integrate the right to non-discrimination concerning children, the HR Committee recommended that it enact comprehensive anti-discrimination legislation, provide legal aid for victims and institute effective monitoring mechanisms.²⁷ CEDAW recommended the State to take effective measures to eliminate the multiple forms of discrimination against Roma women and girls and to enhance respect for their human rights through effective measures, including temporary special measures.²⁸

7. While CESCR welcomed the establishment of the Council for Human Rights of the Government in 1998 and the Office of the Public Defender of Rights in 1999, it was concerned about the absence of an independent national human rights institution in accordance with the Paris Principles of 1991. The Committee strongly recommended that the State create such an institution, to deal with the protection

and promotion of all human rights, including economic, social and cultural rights. 31 As for it, CRC recommended that the Czech Republic establish an independent body to monitor the implementation of the CRC, including the investigation of individual complaints by children in a child-sensitive manner.³²

8. CRC welcomed the adoption in July 2000 of the National Plan to Fight Commercial Sexual Abuse of Children and the establishment in spring of 2002 of a trilateral Czech-German-Polish working group to address, inter alia, trafficking in human beings. Also, CAT welcomed the introduction in 2003 of the National Strategy on Combating Trafficking in human beings.³³

10. In 2006, CRC recommended, as also highlighted by UNHCR, that the Czech Republic develop systematic awareness-raising, education and training on the provisions of the Optional Protocol for all relevant professional groups working with asylum-seeking, refugee and migrant children from countries affected by armed conflict, e.g. teachers, medical professionals, lawyers, judges and military personnel.³⁵ CRC also recommended, as highlighted by UNHCR, that Czech Republic adopt and implement a policy that adequately takes into account the needs of refugee, asylum-seeking and migrant children from countries affected by conflict. In particular, the Committee recommended that the State provide specific accommodation facilities designed for children.³⁶

13. CRC regretted that some of its recommendations in the previous concluding observations have been insufficiently addressed, inter alia, the reservation to article 7, paragraph 1 of CRC; development of a comprehensive policy on children; development of awareness-raising campaigns aimed at reducing discriminatory practices against the Roma population; comprehensive reform of the system of juvenile justice.⁴⁶

19. CERD, CRC, CAT and the HR Committee were concerned about information according to which Roma, (in particular children according to CERD), are subject to ill-treatment by police officers. CERD was further concerned that they are placed in detention and coerced into confessing minor crimes. CAT expressed concern at the alleged reluctance on the part of the police to investigate such acts of violence against the Roma. CRC recommended that the State enact legislation to adequately protect minorities from racially motivated attacks. CAT further recommended that the Czech Republic strengthen existing efforts to reduce occurrences of ill-treatment by the police and other public officials. CERD, the HR Committee, CAT and CRC strongly recommended that the State ensure that allegations of police ill-treatment and misconduct towards persons belonging to minority groups, in particular the Roma, are promptly and impartially investigated and prosecuted, that victims are granted compensation and that training is provided to the police force with regard to the criminal nature of the excessive use of force.⁵⁷

24. CRC noted the efforts of the State to increase the protection of children from various forms of abuse and neglect, including sexual abuse. However, the Committee was concerned by the ill-treatment and abuse committed against children in the family, the school and other institutions as well as by public officials in the streets and in places of detention. CRC requested that the State develop an effective system for the reporting and investigation of cases of domestic violence and ill-treatment and abuse of children. Also, it recommended that the State adopt and implement measures to prevent and address cases of child abuse and neglect, enact a legislation explicitly prohibiting corporal punishment and contribute to changing attitudes and implement training programmes to promote respect for children in general and Roma children in particular.⁶²

25. While the HR Committee, CEDAW and CRC acknowledged the efforts of the State to address and combat the trafficking and commercial sexual exploitation of women and children, they remained concerned about this phenomenon and the lack of a coordinated system of response. All three Committees recommended that the State continue to reinforce its measures to combat this phenomenon; CEDAW also encouraged the Czech Republic to implement outstanding recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography. ⁶³

30. CRC was concerned that there is a growing number of children living on the street in urban areas and noted that the primary response to the situation of these children is institutionalization. The Committee recommended that the Czech Republic make additional efforts to provide protection to children living on the street and to ensure their access to education and health services and to assist children in leaving the street, placing greater emphasis on alternatives to institutionalization.⁷²

31. CRC welcomed information on the national plan to equalize opportunities for citizens with medical disabilities and was encouraged by the growing number of children with disabilities who are integrated into mainstream education. However CRC, together with CESCR, was concerned that the institutionalization of children with disabilities remains high and that measures to ensure a decent life for persons with disabilities, including the mentally ill are inadequate. CRC recommended that the Czech Republic implement measures to provide an alternative to the institutionalization of disabled children.⁷³

35. CERD was deeply concerned by consistent information according to which the Roma suffer racial segregation on the State's territory in the field of education. While the HR Committee acknowledged the elimination of category of "special schools", it remained concerned that a disproportionately large number of Roma children attend classes with distinct curricula, which appears to lack sensitivity for the cultural identity of, and specific difficulties faced by, Roma children. Both CERD and the HR Committee were concerned at reports that a disproportionately large number of Roma children are being removed from their families and placed in State institutions or foster care. Both Committees requested the State to increase its efforts to assess the situation of the Roma in the field of education and to develop effective programmes specifically aimed at putting an end to the segregation of Roma in this area.⁸¹

36. The Independent Expert on minority issues, the Special Rapporteur on adequate housing, the Special Rapporteur on contemporary forms of racism and the Special Rapporteur on the right to education⁸² referred to allegations that Roma children do not receive the same standard of education as other pupils. According to the information received they have separated classes in regular schools, secondly they attend schools with a bad reputation regarding the education's quality and finally more than a half of the population of Romani children attend schools for children with disabilities (zvláštní pomocná škola), now renamed as ordinary basic schools (základní škola). In addition, Romani children are allegedly excluded from certain advantages allowed only to Czech and EU citizens,

for example free educational services, such as counselling and accommodation facilities.

38. In 2003, CRC recommended, as also highlighted by UNHCR, that the Czech Republic: (a) guarantee special protection and care to all child asylum-seekers with respect to their special needs, including those in the 15 to 18-year age group; (b) avoid any form of detention of asylum-seekers under 18 years of age; (c) facilitate access of children to legal and psychological assistance, including by enabling contact with NGOs offering such assistance; (d) pursue implementation of the new foster care modalities contemplated by the 2002 legislation.⁸⁴

39. CRC noted with appreciation the State's declaration made upon the ratification of the CRC OP-AC that the minimum age of voluntary recruitment into the armed forces of the Czech Republic was 18 years.⁸⁵

Summary of stakeholders' information

21. AI expressed concern about existing legislation on the use of so-called "cage beds". These devices are used to restrain patients in psychiatric hospitals and residents in social care homes for people with mental disabilities. AI considers that the use of "cage beds" and the denial of appropriate rehabilitation and care to children with disabilities may amount to cruel, inhuman or degrading treatment. According to AI, the Czech Ministry of Social Affairs has acknowledged that "cage beds" are used, and stated that domestic legislation does not explicitly forbid this form of restraint. Additionally, the Ministry has mentioned budgetary constraints on hiring qualified staff as a reason for this shortcoming. In the absence of legislation governing the use of seclusion and other harmful restraints, there is concern that even if "cage beds" were eliminated, isolation and increased psychiatric medication would be used instead. The authorities have yet to introduce much-needed reform of the mental health care system, including setting up of community-based alternatives to residential care in psychiatric and social care institutions. In this regard, AI stated that in May 2005, the Czech Parliament adopted an amendment to the law on social care on the use of restraint in all social care institutions, including "cage beds". Although regularization of restraint use is cited as the objective of the law, in fact it legalized the use of restraints. Moreover, the amendment does not provide for supervision or time limits on the restraint order, or any complaint mechanisms for victims. AI called on the Czech Republic to ensure that appropriate legislation is adopted to reform the mental care system and to clearly prohibit any treatment which could be considered inhuman or degrading, such as the use of "cage beds".³¹

23. With respect to the issue of detention of irregular migrants, the CoE CHR welcomed the efforts made by the State to improve the material situation in centres hosting asylum seekers and the creation of new centres for unaccompanied minors, refugees and families. The Commissioner noted with satisfaction that the running of detention centres has been transferred from the Police to a specialized agency and that children below the age of 15 are not sent to detention centres and attend ordinary school. The Commissioner continues to urge the Czech Republic to abolish the strict detention regime and further reduce the maximum detention period of irregular migrants, in particular for those between 15 and 18 years of age.³³ The State provided comments to these recommendations. ³⁴

24. The Global Initiative to End all Corporal Punishment of Children (GIEACP) pointed out that corporal punishment of children is lawful in the home. Children are legally protected from physical and mental violence by the Act on Social and Legal Protection of Children (amended 2002), and from "cruel, inhuman or degrading treatment or punishment" by the Charter on Fundamental Rights and Freedoms (1992). Family relationships are governed by the Act on the Family (1993, amended 1998), under which parents have the right to use appropriate measures that do not affect the child's dignity or endanger the child's health or physical, emotional, intellectual and moral development. There is no explicit prohibition of corporal punishment in schools. In the penal system, corporal punishment is unlawful as a sentence for crime, but it is not explicitly prohibited as a disciplinary measure in penal institutions. Regulation No. 345/1999, Rules for the Service of Prison Sentences, covers the right to protection from "unjustified" violence and degradation of human dignity (section 35). There is no explicit prohibition of corporal punishment in alternative care settings. The GIEACP recommended that the Czech Republic introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including in the home.³⁵

27. COHRE/ERRC/PDF/LT stated that patterns and practices of arbitrary removal of Roma children from the care of their biological parents and their remand into State or other alternate care call seriously into question the compliance of the Czech Republic with international human rights law.³⁸

28. According to the Public Defender of Rights, there is a persisting issue of disallowing contact of children with their parent or parents by persons to whom the child's custody has been awarded by a court.³⁹

35. Regarding the right to education, COHRE/ERRC/PDF/LT noted that officials consistently deny equal access to Romani children, placing them in alarming numbers in segregated, substandard schools and classes. In addition to the inherent harms flowing from this practice, the racial segregation of Romani children in the Czech school system virtually ensures that Roma will remain, for the foreseeable future, a systemically excluded underclass.⁵⁰

36. The CoE CHR stated that, in spite of the efforts made to increase the number of preparatory classes and assistant teachers for Roma pupils, the situation still remains of concern. As the Commissioner recommended in his final report on the situation of the Roma, Sinti, and Travellers in Europe, where segregated education still exists in one form or another, it must be replaced by regular integrated education, and where appropriate, prohibited through legislation. The Commissioner called upon the Czech authorities, therefore, to pursue their efforts in this direction and make greater resources available for the provision of pre-school education, language training and school assistant training in order to ensure the success of efforts to fully integrate Roma pupils into the regular school system.⁵¹ Similar recommendations were made by the Council of Europe's Committee of Ministers.⁵²

Final Report

On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Czech Republic: France, South Africa and Nicaragua. The delegation of the Czech Republic was headed by H.E. Mr Vit Schorm, Government Agent before the European Court for Human Rights, Ministry of Justice.

(i) Summary of the State under Review

- Regarding the education of Roma children, a new concept of education for disadvantaged populations is currently under consideration, based on an inclusive philosophy for children currently educated in separate programmes, and a step-by-step integration process into mainstream schools.

- Since 2000, the Czech Republic has been preparing on a regular basis the National Plan on Combating Commercial Sexual Abuse of Children. The amendment of 2007 to the Criminal Code criminalised possession of child pornography. The amendment introduced stricter punishment for associated crimes.

(ii) Interactive Dialogue with the State under Review

- Canada noted that the Human Rights Committee, CESCR and CRC expressed concern that no specific legislation has been enacted to outlaw discrimination against Roma. They were concerned that despite the adoption of relevant programmes, discrimination against Roma continues to persist in practice, including in the areas of labour, access to employment, health care, education and housing. Canada noted that CERD, CRC, CAT and the Human Rights Committee expressed concern about information according to which Roma are subject to ill-treatment by police officers.

- Canada also noted CRC reports of arbitrary removal of children from care of their biological parents and their remand into State or alternative care. Allegedly Roma children have been disproportionately impacted by this policy. Canada requested further clarification on this issue, and recommended that the Czech Republic provide greater support for foster care as an alternative to institutionalisation of children.

- While thanking the delegation for responses provided to questions, Cuba formulated the following additional questions and recommendations: (a) what measures the Government has taken to eliminate discrimination, in particular racial segregation in education, and ill-treatment against Roma. Cuba recommended the adoption of effective measures such as the establishment of a specific institution tasked to monitor the situation of Roma, including the elaboration of disaggregated data on education, employment and housing. This institution should be an independent body empowered to receive complaints about excessive use of force and ill-treatment against Roma conducted by Czech police;

- Malaysia welcomed, among others, the proposed amendment to the Criminal Code in relation to protecting children against sexual exploitation and the structured approach in fighting human trafficking.

- In responding to questions concerning education of Roma children, the Czech Republic stated that it was fully aware that changing the social situation within the Roma community was a complex issue. Extensive attention has been dedicated to making the school performances of the disadvantaged and at risk groups successful, including Roma. In January 2005, a new act on education came into force. This legal document based on democratic principles represents a modern tool for fulfilling educational needs of all within mainstream conditions. The access to rights is ensured by implementing a broad range of support provisions described in the Schools Act and covered by the national budget. For instance Roma, as a vulnerable group, are entitled to enter preparatory classes one year prior to starting regular compulsory education. The number of staff and teachers is increasing and they are provided with necessary training to be aware of how to deal with differences. Another programme aims at financially supporting Roma secondary schools students. Since 2005, all schools are obliged to start teaching with new curricula based on the concept of school for all. The Czech Republic is listening carefully to voices and evaluations criticizing the fact that most of the Roma children are placed in schools for children with learning difficulties. Therefore, attention is paid to formulating a new education strategy that is at present under discussion.

- On the issue of the removal of children from their families, the Czech Republic stated that this can only take place in exceptional circumstances and is subject to a court approval in each case and court review. The Government is continuing to strengthen its action for the protection of children. In 2006, the concept of care for children at risk was adopted. Moreover, the Act on social and legal protection of children was amended with a view to providing assistance to families whose children are placed in institutions.

- The Netherlands recommended, with regard to continuing discrimination against Roma, particularly with regard to access to education, that the Czech Republic provide a follow-up report about the strengthening of the efforts and actions taken on the ground to ensure the rights of minorities, and specifically the Roma.

- The United Kingdom welcomed initiatives aimed at care and educational institutions and at improving access to education. It also welcomed improvements to child pornography legislation aimed at protecting children from abuse, and efforts to combat human trafficking. It welcomed information on improvement of conditions in child-care facilities, including discouraging the use of restraints such as caged beds and recommended that the delegation consider additional steps to improve conditions for children from vulnerable backgrounds.

- Mexico recommended the Czech Republic consider the possibility of establishing bilingual compensatory school programmes for Roma children.

- The Islamic Republic of Iran noted that there are some causes for serious concern in the field of human rights and fundamental freedoms in the Czech Republic, in particular regarding cases of ill-treatment and abuses against children in the family and various forms of discrimination and violence against the Roma community. In this regard, Iran enquired about the concrete measures taken by

the Government to develop an effective system of investigation as recommended by the CRC. Iran recommended that the Czech Republic take all necessary measures to promote and strengthen the foundation of family and its values in society in order to address the persisting challenges of domestic violence and abuse of children.

- Bangladesh finally commended the Czech Republic on introducing the National Strategy on Combating Trafficking in Human Beings and noted appreciation for the Czech-German-Polish working group addressing this issue. It recommended that the Government take a comprehensive approach to combating trafficking in women and girls involving the source, transit and destination countries.
- Bosnia and Herzegovina enquired about positive steps and efforts to assess the situation of Roma in the field of education. It also asked about additional efforts to provide protection to children living on the street and to ensure their access to education and health services, placing greater emphasis on alternatives to institutionalisation.
- Responding to questions on the need for special education and the future of segregated schools, the Czech Republic noted that education strategies were elaborated to create mainstreamed, inclusive curricula and to provide children with special needs the option to be placed in small groups. Current research shows increased success of Roma children. Despite current achievements, and in order to ensure a successful integration, implementation must respect the sensitivity of Czech culture changes in the educational system. On gender issues, the Czech Republic reiterated that equal access to education without discrimination is a fundamental part the legal system. However, it noted that challenges remain and hoped that it will shortly be able to provide data on the progress of Roma enrolment.
- In response to concerns about the respect for the rights of the child, the Czech Republic replied that the Office of the Ombudsman, by virtue of law, is tasked with providing methodological assistance to victims, making recommendations and carrying out investigations.

Conclusion and Recommendations

In the course of the discussion, the following recommendations were made to the Czech Republic:

- To provide greater support for foster care as an alternative to institutionalisation of children (Canada);
- To consider additional steps to improve conditions for children from vulnerable backgrounds (United Kingdom);
- To consider the possibility of establishing bilingual compensatory school programmes for Roma children (Mexico);
- To take a comprehensive approach to combating trafficking in women and girls involving source, transit and destination countries (Bangladesh);