



ngo group for the crc

STATE PARTY EXAMINATION OF THE CZECH REPUBLIC'S 3RD AND 4TH PERIODIC REPORT

57th SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
30 May - 17 June 2011

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Czech Republic ratified the Convention on the Rights of the Child (CRC) on 7 January 1991. On 31 May 2011, the Committee on the Rights of the Child (the Committee) examined the third and fourth combined periodic report of the Czech Republic. It was last examined on 17 June 2002. The State Party has a reservation on Article 7, paragraph 1.

Opening Comments

The delegation of the Czech Republic was led by Ms. Monika Simunkova. She was supported by a large, high-level delegation consisting of representatives from the Government Council of Human Rights, the Ministry of Labour and Social Affairs, the Ministry of Education, Youth and Sports, the Ministry of Justice, the Ministry of the Interior, the Ministry of Health and the Permanent Mission in Geneva.

Ms. Šimůnková expressed her thanks to the Committee for their work in studying the third and fourth combined periodic report of the Czech Republic. She proceeded to elaborate on the steps that were taken to implement the Convention on the Rights of the Child and the general approach the Czech Republic had taken on issues related to human rights. She stated that there had been many developments since the submission of the State Party report, such as the introduction of the crime of soliciting sexual intercourse to the Criminal Code on 1 January, 2004 and the amendment to the Criminal Justice Act, which criminalised the possession of child pornography. Ms. Šimůnková emphasised the fact that the CRC itself was used by more and more professionals who work with children. She stated that this, along with other developments by the European Court of Human Rights had led to better child development and a departure from the traditional practice of placing children into institutional care facilities purely on the basis of the family's economic and social status. She emphasised that the Czech Republic was working hard to reduce the number of children placed in institutional facilities and was moving toward placing

children within families, with adequate support from the government. She stated that these measures would strengthen a child's right to family life.

With regard to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), Ms. Šimůnková stated that the initiation of the ratification process relies on the adoption of legislation that was currently being discussed by the Chamber of Deputies in the Czech Parliament. She expressed the hope that this legislation would be passed in the near future so that ratification of the OPSC could commence.

Ms. Šimůnková went on to address the issue of commercial sexual exploitation of children and highlighted the Czech Republic's role in international cooperation to combat child pornography. She also outlined the role of the Czech Police Force and "hot lines" operated by NGO's within the country that helped reduce the prevalence of illegal websites. Ms. Šimůnková gave details of National Action Plans that would help unify the system of child care and encourage ministries to work together to better implement children's rights. She stated that this plan would also allow the Czech Republic to gather more data on children's rights abuses occurring, which she stated would help the government implement strategies more effectively and create national standards for the protection of children. She stated that the plans included the broadcasting of information to the general public, in order to raise awareness of the issues. She emphasised that education was improving for all children under another National Action Plan that prevented the school system from discriminating against children, especially Roma children. Ms. Šimůnková concluded by saying she hoped to work with the Committee and have an open and constructive dialogue with the best interest of the child in mind.

Mr. Gurán, the Country Rapporteur, began with an observation on the soft shell policy that the Czech Republic traditionally had on child protection. He noted that not all recommendations of the Committee had been fulfilled and that the Czech Republic has had problems in implementing the spirit of the CRC, for example in nuancing the State approach to child protection, which he felt did not reflect a child rights-centred approach. Mr. Gurán noted the lack of implementation within the Czech Republic and the lack of coordination between government bodies. He drew attention to the level of discrimination faced by Roma children, and the subsequent impact on these children's integration into the school system and into society as a whole. He urged the Czech Republic to integrate an awareness-raising campaign to dispel misconceptions and address discrimination by discussing the situation openly in Czech society. Mr. Gurán asked the delegation how they planned to implement anti-discrimination electives in the future and how they would ensure the cooperation of different human rights bodies for coherent and effective implementation of the CRC and the Optional Protocol on Children in Armed Conflict (OPAC) to which the Czech Republic is also a party. He concluded with the observation that the Czech Republic needed time and a clear path to follow in implementing children's rights, and particularly the spirit of the Convention, which promotes the child not only as a vulnerable being in need of protection, but also as a rights holder.

Ms. Sandberg, The Co-Rapporteur, raised the question of discrimination against the Roma children and stressed the importance of implementing an awareness raising campaign against it. She said that the anti-discrimination legislation was not being implemented to a full extent, with indirect discrimination not covered in the laws. She mentioned children's right to be heard in

political situations, and said that she would have liked to know how the Czech Republic was planning on doing to incorporate children within the system more. To conclude, Ms. Sandberg said that she wanted to know how much input the child had in being placed in alternative care.

General Measures of Implementation

Children's Ombudsman

The Country Rapporteur mentioned that the ombudsman's office was working hard to implement human rights in the Czech Republic but stated that the office was understaffed and not focused specifically on children's rights. He recommended that the Czech Republic should establish an office with that specific focus.

Dissemination and Training

The Committee asked how teachers, social workers, police and other officials who work with children were trained on the provisions and principles of the CRC and how best to apply it to their work. The delegation mentioned an academy that had been established where specific training programmes were offered to judges and prosecutors on the CRC and how to apply it in practice and deal appropriately with children who are victims or witnesses of crime. There was also mention of other training programmes that were in place on how to deal with children involved in situations of domestic violence.

Monitoring

The Committee was concerned about the lack of an independent monitoring body in the Czech Republic that was focused on the implementation of the CRC. The delegation explained that the Public Defender was an independent body that monitors cases of specific children and had received complaints from children. The delegation also explained that the public defender had visited different facilities for children and monitored the condition of the institutions.

The Role of Civil Society

The Committee asked whether the cooperation with NGOs also included the participation of civil society at provincial and municipal levels, in addition to the national level. The delegation replied that civil society was included on all levels of cooperation throughout the State.

General Principles

Non-discrimination

The Committee asked about discrimination and expressed concern about whether direct and indirect discrimination were covered in laws. The delegation responded by referencing the Anti-discrimination Act, which covers both direct and indirect discrimination. They explained that the act was not included in the criminal code but that an offence based on discrimination was

considered an aggravating circumstance, not a criminal offence. The delegation said that no statistics existed about the number of cases where discrimination had been an aggravating factor. They said that discrimination in cases was only recorded if it was one of the aspects of the crime. The delegation also said that in 2010 there were 176 complaints and 149 that were accepted by the Ombudsman. The Committee followed up by asking if the Czech Republic had implemented the EU directives to fight against discrimination. The delegation replied that it had implemented them directly.

The Committee wanted to know whether the approximately 20 cases that had been presented to the Ombudsman that involved discrimination had been put to trial and if sentences had been given out. The delegation answered that it was the court's decision to pursue cases and that the Ombudsman could only provide guidance in these situations and could not enforce decisions. The Committee also inquired about statistics that showed motives of discrimination in criminal cases and the delegation replied that statistics are only based on the person defending on the sanctions applied.

Best interest of the child

The Committee asked the delegation to explain how the practical application of the best interests of the child principle was ensured. The delegation said that the Czech Republic was undergoing re-development and that the best interests of the child were being increasingly implemented. The Committee said that there was a need to address the implementation of children's rights in a manner that is keeping with the spirit of the Convention. The delegation replied that this was being addressed through training of judges and prosecutors and through awareness raising of the CRC in various sectors of the society.

The right to life, survival and development

The Committee asked about the rate of drug and alcohol abuse and the rate of suicide among adolescents and what programmes were in place to prevent this age group from developing such habits. The delegation said that there was a new social protection act that focused on the role of social workers and their part in protecting the child. The delegation admitted that suicides were a problem among young people and that the Czech Republic still needed to implement an effective strategy to help prevent suicides.

The Committee asked about abortion and asked when right to life started in the country. The delegation responded by saying that the constitution protects life from pregnancy and that women could have an abortion within 12 weeks of becoming pregnant. The delegation also noted that the number of abortions had fallen significantly.

The Committee raised the subject of exclusive breastfeeding for children up to six months old and asked whether this right was guaranteed. The delegation said that in 1991, they assured the right to breastfeed up to six months of age and that 90 per cent of newborns had been exclusively breastfed when leaving the hospital. They also said that the Ministry of Health had set new

standards for the nutrition and feeding of newborns. The Committee also wanted to know about the time of maternity leave since it considered that it was crucial for the development of the child to have time to bond with the mother. The delegation said that maternity leave was six months and that the mother was given the choice to stay home for up to four years. The Committee asked if the Czech Republic had adopted the International Code for the Marketing of Breastmilk substitutes. The delegation stated that the Ministry of Health is currently working on a new standard for the nutritional content of substitutes for breastmilk but did not say if they had adopted the International Code.

Respect for the views of the child

The Committee asked if children in the Czech Republic were allowed to express themselves and what avenues were available to do so. The delegation responded by saying that it was possible for children to express their points of view through NGOs that were active in working with children and youth and which were supported by the government. They also said that the constitution guaranteed the right of free speech, which also applied to children. The delegation noted that children and youth were consulted on the development of the education system as a whole, for example on teaching methods and school curricula

The Committee also asked about the right of the child to be heard when decisions were taken to send that child to an institution or special school. The delegation responded that children were examined by a counsellor in the school who had expertise on children's learning needs and that the final decision to send a child to a special school or institution was taken by the parent or guardian. The Committee noted that not enough was being done to fully inform parents and guardians of the child's right to remain in the mainstream school system and those decisions were thus being taken without full consideration for the best interests of the child.

The Committee asked about a child's right to be heard in court proceedings, and whether a child could be used as testimony if they were a witness or victim to a crime. The delegation replied that the Ministry of the Interior had set up rooms specially designed for children in courtrooms to open up about the incident and make the statement about the crime less traumatic on the child.

Civil Rights and Freedoms

Child Abuse

The Committee asked how children who were abused could report the incident and whether there were any preventive programmes in place that helped children in abusive situations. The delegation explained that the criminal code raised standards of protection for children and explicitly laid out the responsibility of parents towards their children and the social and legal protection that the state had a responsibility to provide. The delegation said there was a National Action Plan against violence enacted in 2010 and there would be another one instated in 2014. The delegation also explained that there are hotlines in place within the Czech Republic. They stated that there were 161 hotlines specifically for children set up around the country and in 2010 there was a meeting of social and legal care workers along with police and staff of prevention

centres that reaffirmed the belief that it was just as important to deal with the victim, as well as the perpetrator in cases of domestic violence.

The Committee asked if the Czech Republic was willing to adopt the Universal Ban on Corporal Punishment set out by the EU and as the CRC recommended doing at the end of last session. The delegation replied that even though corporal punishment was not legally banned, the Family Code states that any act that could be detrimental to a child's dignity or conduct could be considered a misdemeanour. The delegation also stated that corporal punishment is not on the list of approved measures for teachers and administrators to use within schools. The delegation said that they had conducted surveys that showed that 24.8% of the tested group were in favor of slapping a child in certain cases. On the basis of this search, the delegation said that the government would go forward with public campaigns against violence and when the population was more favourably disposed toward the EU ban, they can adopt the resolution.

Family Environment and Alternative Care

Adoption

The Committee asked about the legislation that was being passed that would support family based care systems such as adoption. The State answered that they have a lot of work to do within the system and that they had been focusing on foster care, since foster care was similar to adoption and was sometimes faster. The delegation also emphasised that international adoption of Czech children was taken as a last resort.

The Committee wanted to know how the government was preparing families and children for adoption. The Committee said that only some regions had preparative programmes for adoptive parents but that the national government supported NGOs working with families. They explained that those willing to adopt were enrolled in a brief training programme to that assessed their capacity to be appropriate guardians.

Institutional Care

The Committee stated that the Czech Republic had the highest number of children under the age of three in infant homes and asked what the government was doing to close these homes and what was being done to provide them with alternative care. The delegation replied that since 2009, the government has had a national action plan to unify and standardize institutional care and stated that there was a clear preference to keep children within their families in the Czech Republic.

The Committee also asked if there was a plan for those children who fall out of the institutional system when they reach 18 years of age. The Committee asked if there was vocational training available to them or whether there were steps taken to integrate them into society. The Committee also asked for data about this issue.

Basic Health and Welfare

Children with disabilities

The Committee asked about the number of children with disabilities and how the funds made available to the State by the European Union to address these issues were being disbursed. The Committee also inquired about the amount of government funding given to families to help them care for their children with disabilities. The delegation replied by saying that in education it was up to the teacher to decide how to deal with those children placed under their care with mild disabilities. They did not address the issue of to what extent the State had used EU funds to help families care for disabled children.

The Committee stated that there were about 12,000 children with disabilities placed in institutions and that 4% of them were sent there by court order. The Committee asked for the reasons behind these court orders. The Committee also asked about the support given to parents with disabled children.

The Committee also noted that there are 70,000 children with disabilities in primary school but that it drops to 18,000 in secondary school. The Committee asked why there was such a big discrepancy between the two numbers.

Health services

The Committee asked about the health care of children and what had been done to prevent injuries from happening, since it had noted the statistics provided in the State report that showed high rates of injuries among young children. The delegation responded that health care services were delivered to a high standard from the birth of a child. . The delegation also gave information on the number of immunisation programmes that were in place and said that infant mortality had decreased. The delegation stated that paediatric care was provided to up to 19 years of age, and screening was given for many diseases during infancy. The delegation also gave information on emergency care and said it would always be given when a life was in danger. Finally, the delegation noted that new legislation would ensure that child care was in compliance with the CRC and that children's rights were a priority. The delegation stated that compliance with these principles was ensured by a review of health care facilities.

The Committee asked about the high abandonment rate of infants and the baby-boxes that are in place in the Czech Republic, where women can leave their child anonymously. The delegation replied that the first baby-box was in place in 2005 and there are now 34 boxes around the country. The delegation said that from 2005-2010 there were about 36 babies found and all of them, with the exception of one case, were in good health.

Teenage pregnancy

The Committee wanted to know whether sexual and reproductive education was taught in schools and whether free contraceptives were provided for youth. The delegation responded that

free contraceptives were not available and that it was necessary to gain a prescription to obtain contraceptives. They also mentioned that there were health problems that were caused by teenage girls using the pill. The delegation did not comment on sex education in schools but they mentioned that the rate of abortions was decreasing within the country.

Education, Leisure and Cultural Activities

Education

The Committee asked about the right to education and whether this right was given to all children, including Roma children. The delegation responded that education was a priority for the Czech Republic and that the education of Roma students was a very sensitive issue that needed to be looked at from many angles. They stated that there was a comprehensive strategy that was set out by the government that provided financial help for all students as shown by an education act passed in 2005. There was also new legislation that would come into force by next year that would help to reinforce this strategy. The delegation said there were also multiple programmes in place to help all students gain the education they need.

As for the issue of Roma students, the Czech Republic tried to target discrimination and counter it by making the majority of the population aware of Roma history and foster respect for their culture. The delegation mentioned that teachers received training to deal with discrimination within the classroom and that this effort was being covered by the national government.

The Committee was concerned about the high number of children being taken out of mainstream schools and being placed in separate learning facilities. As such, the Committee asked about children who had special educational needs such as speech impediments and whether there were provisions made for them in mainstream education. The delegation responded that counsellors in schools were trained to recognise the needs of students and that speech support for children with speech impediments, for example, was provided by the Ministry of Education.

The Committee also asked about how the child was heard when a decision was made about moving them to another institution for education, such as a transfer to “practical schools.” The delegation replied that children were identified as having special needs by a trained counsellor within their school. The delegation stated that when a solution to the child’s needs was found a decision of what to do next would involve a discussion between the child, parent and counselling expert. The Committee commented that parents could sometimes be easily convinced their child needed special education when it would have been more beneficial to the child to have stayed in mainstream education.

The Committee asked whether human rights was included in the curriculum of schools, as that could help children learn tolerance. The Committee also wanted to know if the Czech Republic was going to use leisure and play in school as a way of breaking down barriers related to diversity.

The Committee said that there was no information given on vocational education or early childhood education and wanted to know if there was a program for both of these.

Special Protection Measures

Asylum seekers

The Committee asked about the status of children who were seeking asylum with their parents. The delegation replied that there was an International Protection Procedure Act which gave the Ministry of the Interior the authority to administer a decision and also provided a way for the families to appeal the decision. The delegation also said that the detention period for families had been reduced from 180 days to 90 days and that the same reduction applied to the detention period for unaccompanied minors. The delegation mentioned that unaccompanied minors were appointed a guardian and it was only possible to expel an unaccompanied minor when the State that they were being sent back to had agreed to provide appropriate protection.

The delegation said that when a family was granted asylum within the Czech Republic, they could stay in a centre specifically for those seeking asylum and children could stay in a special centre that was sensitive to their background and provided for their education. This centre also gave them lessons in Czech so that they could be fully integrated into the culture. Currently in this centre there were 74 children, with 49 new children coming in last year. There were six children unaccompanied by adults and all of these children had either been reunited with their parents, given asylum or were no longer children.

Juvenile Justice

The Committee asked whether the juvenile justice system was truly developed in all regions of the country. They asked for examples of training that was given to professionals and judges in the juvenile justice system. The Committee also inquired about the deprivation of liberty, as a form of criminal sanction, could be given to those under the age of criminal responsibility. The delegation responded that the criminal age of responsibility was 15 and that criminal sanction could not be imposed on those under this age. They explained that for those under 15 only protective and preventive measures were imposed, such as being enrolled in a rehabilitation programme, in order to reduce the likelihood of future criminal activity.

The delegation discussed the judicial academy for the training of judges and prosecutors on how to deal with children who were victims or witnesses of crime. They also said that there were child-friendly rooms where judges could meet with children in order to reduce the trauma that the child would suffer from having to re-live the event. The Committee asked whether such facilities and services were available in all levels of court throughout the country, which the delegation confirmed.. Regarding deprivation of liberty of children between 15 and 18 years, the Committee asked where those children served out their sentence. The delegation responded that the sentence would be served in prison but not in the same space as adult offenders.

The Committee also wanted to know at what age a child could appear before a criminal court. The delegation responded that children were able to appear before court for their crimes from age 12.

Concluding Remarks

Mr. Gurán emphasised again the lack of coordination on the implementation of the CRC within the Czech Republic and the lack of a clear plan for the future. Secondly, he noted the lack of independent monitoring and the need to establish a complaint system that was accessible to children. Finally, he observed that there was a gap between the political centralisation of social services and protection to communities and the funding given to the field of human rights. He stated again the need to express the spirit of the CRC in all programmes and policies in order to adopt a child rights-centred approach.

Ms. Sandberg supported the conclusions of Mr. Gurán and praised the delegation for their good intent but emphasised the need for a concrete plan of action that will fully implement the laws that had thus far been adopted. She also indicated that there was a need within the country for statistics that would effectively show the progress of implementation and where improvements were needed. She concluded by recommending that the Czech Republic should choose one Ministry to oversee and coordinate the implementation of children's rights.

The delegation thanked the Committee for their questions and their recommendations and said they would make it their top priority to bridge the gaps in children's rights that existed and implement the laws that were already in place.