



Convention on the Rights of the Child

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Summary record of the 1616th meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 31 May 2011, at 10 a.m.

Chairperson: Mr. Zermatten

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* No summary record was issued for the 1615th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties

Third and fourth periodic reports of the Czech Republic (CRC/C/CZE/3-4; CRC/C/CZE/Q/3-4; CRC/C/CZE/Q/3-4/Add.1)

1. *At the invitation of the Chairperson, the delegation of the Czech Republic took places at the Committee table.*
2. **Ms. Simůnková** (Czech Republic) said that the third and fourth periodic reports had been prepared using documents from central government authorities and independent institutions, and that the members of the advisory body to the Government, the Government Council for Human Rights, had also been involved in the process.
3. During the period in question, a number of measures had been taken to combat the sexual exploitation of children: soliciting to sexual intercourse had been introduced as an offence in the Criminal Code on 1 January 2004, while criminalizing the possession of child pornography in 2007 through the amendment of the Criminal Justice Act represented a major step in strengthening the protection of children.
4. The new Criminal Code, effective as of January 2010, protected children against abuse, exploitation and neglect. Parents seriously failing in their duties towards their children and thereby endangering the children's upbringing and intellectual, moral or emotional development were liable to criminal prosecution.
5. Since 2007, an increasing number of professionals in contact with children had made reference to the Convention on the Rights of the Child, while some judgments of the European Court of Human Rights concerning the placement of children in institutional care for social and economic reasons had given added weight to the principle of the best interests of the child. Drawing inspiration from such case law, the Czech Government had proceeded with legislative, methodological and procedural changes so that children could no longer be removed from the care of their family for social and economic reasons or because of inadequate housing arrangements, provided that there was no threat to the life, health or personal development of the children. The State had acknowledged its obligation to provide appropriate assistance to parents capable of bringing up their children, so that the children could remain in their family environment.
6. The Czech Republic had thus far been bound solely by the Optional Protocol on the involvement of children in armed conflict, the implementation of which had remained largely unchanged since 2007. The adoption of the Optional Protocol on the sale of children, child prostitution and child pornography was still subject to the adoption of legislation on the criminal liability of legal entities, which was currently being considered by the Chamber of Deputies.
7. Combating the sexual abuse of children often entailed international cooperation, in which the Czech Republic was actively involved. The State was also trying to prevent and combat child pornography by fostering cooperation between the Czech police forces and non-governmental organizations (NGOs), which had opened hotlines for reporting illegal website content.
8. The Czech Republic also supported the third Optional Protocol to the Convention for the establishment of a complaints procedure, aimed at reinforcing the rights of the child at the national and international levels.
9. After considering the Czech Republic's second periodic report, the Committee had made a recommendation calling on the State party to establish or designate a dedicated permanent body with an adequate mandate and sufficient resources to coordinate the

application of the Convention at the national level. In response, the Government had implemented the National Action Plan to transform and unify the system of care for vulnerable children in 2009–2011, demonstrating a preference for childcare in a family rather than in an institution and emphasizing preventive work with vulnerable families with the aim of reducing the number of children removed from the custody of their parents.

10. There was an urgent need to collect data on vulnerable children so that child protection agencies, the police and medical personnel, among others, could have ready access to such information if a child needed particular assistance. The Early Intervention System, an interdepartmental standardized system featuring collaboration and rapid information exchange, should serve to improve the situation faced by children. The plan to extend the system in 2013 would involve the creation of a Central Information Office and a central register of vulnerable children.

11. Given the extent of different kinds of violence to which children were subjected, including in the home, the Czech Republic had carried out public awareness campaigns aimed at changing attitudes. In 2009–2010, the National Action Plan of the strategy to prevent violence against children had been implemented, with the same guidelines as the programme of the Council of Europe, “Building a Europe for and with children”. As part of the strategy, in 2009, the Minister for Human Rights had sponsored the “Stop violence against children” Government campaign to raise public awareness about different forms of violence. The Minister had also organized seminars on the issue for professionals, parents and the general public.

12. A particularly vulnerable group of children were those who ran away from home and children missing for other reasons. The national coordination mechanism for missing children searches, launched in 2010 following a memorandum of cooperation signed with media partners (television, radio and Internet), had the task of tracing such children. Since its launch, the mechanism had already been used on 32 occasions by the police.

13. Taking into account the high number of accidents involving children, many of which were fatal, the Government had started awareness campaigns including the National Action Plan of Child Accident Prevention 2007–2017, adopted in 2007. The rate of death from accidents among children under the age of 14 had decreased in recent years, in particular due to the improved treatment of severe accidents in paediatric trauma centres, and also to the effectiveness of preventive activities and campaigns mainly targeting road accidents.

14. With regard to the right of children to education, the Czech Republic had made significant progress between 2009 and 2011. Steps had been taken to prevent Roma children from being cut adrift from mainstream education and an action plan to promote preschool education and designed to increase nursery coverage for children from underprivileged families had been approved by the Government in 2009.

15. In March 2010, the Ministry of Education, Youth and Sports had adopted the National Action Plan for inclusive education, designed to ensure equal access and opportunities in education and to prevent the social exclusion of persons from certain social groups. In the preparatory phase, which should be completed by 2013, measures would be taken to promote the social inclusion of Roma children, children from other minority groups, children with disabilities and children from other countries.

16. In its general policy statement, the Government formed following the 2010 parliamentary elections had stressed that human rights should be the cornerstone of every democratic society and pledged to give particular attention to those who were most vulnerable, and in particular children. To that end, it would support the activities of the Agency for Social Inclusion; provide financial assistance to alternative care facilities and diagnosis centres; ensure a rise in the number of school psychologists and special needs

teachers in primary and secondary schools and of specialized institutions for particularly gifted children; and increase housing benefits for poor families.

17. She underscored the need to enhance protection of the rights of the child in difficult situations, and especially when marriages between parents ended in divorce. In cases of abuse or neglect, inadequate resources often prevented effective and speedy investigations into complaints. As Government Human Rights Commissioner in the Czech Republic, she would seek to strengthen the existing mechanisms for protecting the child, and would back the appointment of an ombudsperson for children. Like her predecessors, she considered it vital for the central government agencies to work with regional and local authorities, with the non-profit sector and with civil society at large. The prime example of successful cooperation was that of the national Child Rights Committee under the Government Council for Human Rights, whose members came from NGOs active in the protection of children's rights.

18. She said that throughout her term in office, she would try to ensure that the principle of the best interests of the child was applied in all Government activities.

19. **Mr. Gurán** (Country Rapporteur) said that, although the Czech Republic had a long tradition of following social policies and protecting the rights of the child, the practical application of child rights left much to be desired, and the spirit of the Convention had not always been respected. He therefore asked whether the State party had the genuine political will to draw up a comprehensive national plan of action for children, which would take up all the principles enshrined in the Convention.

20. Noting that the State party had not yet transposed into national law the anti-discrimination directives adopted by the European Union, he enquired whether the Czech Government intended to establish an institutional framework for handling individual complaints lodged by children or on their behalf.

21. **Ms. Sandberg** (Country Rapporteur) asked whether it was true that the Anti-Discrimination Act targeted only direct discrimination and whether the State party intended to address the problem of indirect discrimination. She also requested clarification on measures taken to promote the participation of children in political life, in particular at the local and regional levels, and also on measures to raise the standing of bodies for youth representatives in schools allowing the voices of the young to be heard. Furthermore, she asked whether there were provisions for children in alternative care facilities to be heard directly by a judge or child specialists and thus whether a procedure had been envisaged which was sensitive to children and considerate of their needs. Clarification would also be required as to whether, under domestic law, children had recourse to the whole gamut of administrative procedures and in particular to asylum procedures.

22. **Mr. Kotrane** welcomed the adoption of the new Criminal Code and the Act on the social and legal protection of children. Noting with satisfaction that the State party had acceded to the majority of the conventions on the protection of children, he asked whether it intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance. He expressed surprise that the State party had not yet ratified the European Convention on the Adoption of Children (Revised) and asked for an update on the status of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

23. Observing that the State party had submitted a reservation to article 7, paragraph 1, he pointed out that the Committee considered it crucial for children to be able to initiate affiliation proceedings and take other steps to ascertain their origins. He asked what measures had been envisaged in that area.

24. He urged the State party to try to make headway in implementing the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. He asked whether in the near future the State party intended to ratify the Optional Protocol on the sale of children, child prostitution and child pornography.

25. **Mr. Koompraphant** enquired how the Act on the social and legal protection of children, as amended in 2002, guaranteed respect for the best interests of the child by the judiciary. He also asked how the child exercised his or her right to be heard, bearing in mind that, under the law, a child was considered capable of expressing his or her own opinion from the age of 12. He further asked if there were provisions in criminal law to support child witnesses. Lastly, he wished to know what criteria were applied when taking decisions on placement or withdrawal of parental authority.

26. **Ms. Al-Asmar** expressed appreciation at the State party's very clear stance on the issue of early marriage. She asked whether known cases of early marriage among the Roma were punishable by law and whether such marriages were assimilated to the sale of children.

27. **Ms. Maurás Pérez** asked whether there was an overarching mechanism or policy to ensure that measures taken to implement the Convention at the national level were synchronized. Noting that the State party had established a national protection plan for vulnerable children, she stressed that the Convention was designed to protect all children, not only the most vulnerable ones. She requested further information on the proposal for a register of vulnerable children. Since she was unfortunately unable to find any precise information in the periodic report on how funds from the budget were being allocated for the implementation of the Convention, she called on the delegation to give details of how the national budget was apportioned in such a way as to cover all child protection policies. She commended the State party's intention to devise a policy to facilitate achieving a balance between family and professional life. Although the policy would hinge upon private sector contributions to set up nurseries, she wished to know what precise role the private sector played in the general implementation of the provisions of the Convention.

28. **Ms. Lee** asked for an explanation of the statement in the written replies to the effect that discrimination was not considered a criminal offence in the State party.

29. **Ms. Aidoo** enquired what measures the State party was taking to promote awareness of the provisions of the Convention, and asked for clarification on the kind of training in that area given to social workers, teachers, police and judges. She also wished to know how the views of children were taken into account, as prescribed by article 12 of the Convention, and whether there was regular and systematic cooperation between the authorities and civil society, including youth associations, also at the provincial and municipal levels. Were NGOs involved in the drafting of policies which covered all aspects of the protection of children's rights and did the State provide them with financial support?

30. **Mr. Pollar**, referring to the provisions of article 4 of the Convention, enquired how much money the State party had allocated to efforts for international cooperation as part of the implementation of the Convention. He also asked whether the State party cooperated with the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights. Lastly, he asked what actions were being taken to assure children the right to life, in particular to prevent suicides, and whether child deaths were recorded systematically.

31. **Ms. Herczog** asked how disability was defined and what measures had been taken to discourage the abandonment of children. She further enquired how the State party identified the Roma and prevented any discrimination to which they might be subject. She also wished to know how the State party defined vulnerability and if there was a universal

system for notifying authorities about children considered to be vulnerable. Lastly, with regard to the drafting of legislation on child protection, she wondered whether the State party intended to draw on the principles set forth in the Communication from the European Commission on the rights of the child in formulating its child protection legislation and to follow the recommendation of the Council of Europe with a view to imposing a total ban on corporal punishment.

32. **Ms. Nores de García** expressed surprise at reports that one in four pregnancies ended in abortion — a trend particularly affecting minors — and asked whether that information had been corroborated.

33. **The Chairperson** asked how the principle of the best interests of the child was taken into account when drawing up national action strategies to protect children.

The meeting was suspended at 11.15 a.m. and resumed at 11.40 a.m.

34. **Mr. Husák** (Czech Republic) said that the Czech Republic devoted 0.12 per cent of its gross domestic product to humanitarian aid and development assistance, which was the highest amount of any of the former communist countries.

35. **Ms. Lišuchová** (Czech Republic) said that on 18 May 2011 the draft of the new Civil Code had been approved by the Government and would be submitted to Parliament for review and adoption. Given that the draft code contained some 3,000 articles, it would take quite some time to review before its scheduled entry into force on 1 January 2013. Once the new Code was operational, the Czech Republic would be in a position to withdraw its reservation to article 7, paragraph 1, of the Convention.

36. Under the Constitution, before an international instrument could be ratified, national legislation must be harmonized with all of its provisions. In May 2011, a bill on the criminal liability of legal entities had been approved at first reading by Parliament and should be adopted in the near future, before entering into effect in January 2012. The Czech Republic would then set in motion the ratification process for a number of United Nations human rights instruments and in particular the United Nations Convention against Corruption; the United Nations Convention against Transnational Organized Crime; and the Optional Protocol on the sale of children, child prostitution and child pornography.

37. **Ms. Trubačová** (Czech Republic) said that the Government was determined to improve and unify the child protection system. A global strategy based on the principles of the Convention and accompanied by specific implementation plans was under preparation. To that end, the Czech Republic was cooperating closely with UNICEF and NGOs and drawing on the best practice of other countries. The strategy would be focused on all children, not only vulnerable ones, and should be implemented in January 2012.

38. **The Chairperson** asked whether civil society organizations, including children's associations, were involved in the process of drafting the strategy. Which body would be in charge of carrying out the strategy, and how would the activities of the central, regional and municipal authorities be coordinated?

39. **Ms. Trubačová** (Czech Republic) said that the Government was responsible for unifying the child protection system. The strategy had been prepared by an inter-ministerial coordination group, established at the Government's request by the Ministry of Labour and Social Affairs and comprising representatives of civil society and children within the child protection system. The relevant ministries would be responsible for implementing the various measures included in the strategy.

40. **Mr. Gurán** (Country Rapporteur) asked what mechanism the State party intended to establish to ensure effective coordination between the main bodies responsible for the

protection of children's rights: the Ministry of Labour and Social Affairs, the Ministry of Education and the Government Council for Human Rights.

41. **Ms. Trubačová** (Czech Republic) said that the inter-ministerial coordination group, headed by the Minister of Labour and Social Affairs, was responsible for implementing the National Action Plan to transform and unify the system of care for vulnerable children.

42. **Ms. Baršová** (Czech Republic) said that the Government was the principal coordinator of the various activities for the protection of the rights of the child. Another body in Czech Republic, the Child Rights Committee, which was part of the Government Council for Human Rights and made up of representatives of various ministries and of civil society, served to some extent to complement the Government's efforts. The Czech authorities were aware of the gaps in their coordination system and were currently deliberating how best to restructure and enhance the effectiveness of their mechanism for monitoring the implementation of the Convention.

43. **Mr. Pollar** asked whether the State party had set up an independent body in conformity with the Paris Principles, mandated to monitor the state of children's rights, and specifically to receive and review complaints about abuses of children's rights.

44. **The Chairperson** said that the Convention did not prescribe one particular coordination model and that each State was free to choose the system which best suited it and enabled it to apply children's rights, even in the most remote areas of the country.

45. **Ms. Di Falco** (Czech Republic) said that the Office of the Public Defender of Rights was an independent body which specifically tracked cases of discrimination involving adults and children, and could offer assistance to children whose rights had been violated. In 2008, it had handled 168 cases, mainly involving children in institutions, and 133 cases related to family issues; in 2009, it had dealt with 140 and 101 cases respectively; and in 2010, it had handled 120 and 130 cases respectively. Between 2008 and 2010, the Office had received only a small number of complaints directly from children under 15 years of age. The Office of the Public Defender of Rights carried out visits to childcare institutions in order to verify compliance with children's rights and put an end to any possible violations. In 2009, it had made nine visits to institutions for mentally handicapped children while, in 2010, it had visited one children's home, one preventive care facility and two detention centres.

46. **The Chairperson** asked whether there was a minimum age below which children were unable to lodge a complaint directly.

47. **Ms. Di Falco** (Czech Republic) replied that children could lodge a complaint at any age, but that the statistics were disaggregated by age group, with 15 years of age as the upper limit.

48. **Ms. Sandberg** (Country Rapporteur) asked whether the State party had fully implemented the European Union anti-discrimination directives.

49. **Ms. Baršová** (Czech Republic) said that the directives had been fully implemented and that the Anti-Discrimination Act prohibited both direct and indirect discrimination. She stressed that the Act was not part of the body of criminal legislation and that discrimination was not explicitly categorized as a criminal offence. Discriminatory intent in the commission of a criminal offence did, however, constitute an aggravating circumstance.

50. In 2010, 176 complaints of discrimination had been lodged with the Public Defender of Rights, of which only 29 had been considered to be genuine cases of discrimination.

51. **The Chairperson** asked whether the Public Defender of Rights had forwarded the 29 recognized cases of discrimination to the courts.

52. **Ms. Baršová** (Czech Republic) said that the Public Defender of Rights could do no more than give an independent and professional opinion to the complainant and that it was up to the person concerned to decide whether or not to take legal action. Aside from reviewing individual cases, the Public Defender of Rights also played an educative role, formulating general recommendations.
53. **The Chairperson** said that although activities to raise awareness and for educational and preventive purposes were essential, criminal legislation remained pivotal in the fight against discrimination. He wished to know whether there were any statistics for the number of convictions in cases involving discrimination.
54. **Ms. Lišuchová** (Czech Republic) explained that discriminatory intent was not reflected in the statistics compiled by the Ministry of Justice on offenders, types of offence and penalties imposed.
55. **Ms. Di Falco** (Czech Republic) said that, under the Constitution, children had freedom of opinion and that there were platforms for children to make themselves heard, especially in schools. Institutions which took in children had special regulations, based on a ministerial decree, supporting cooperation between the administration of the institutions and the children.
56. **Ms. Kaprová** (Czech Republic) explained that the Education Act clearly set out the right of a child to express his or her opinion. Children, depending on their age, were involved in the development of teaching programmes. Children's opinions were also taken into consideration in childcare institutions.
57. **Ms. Lišuchová** (Czech Republic) said that in civil proceedings, depending on the age and maturity of a child, and at the discretion of the judge, a child could be submitted to questioning in a special interview room or in a courtroom. In criminal proceedings, on the other hand, a child victim or witness was always questioned in a special interview room.
58. **Mr. Cardona Llorens** enquired whether, when a decision was being made to institutionalize a child, the child had a say in the matter and could contest the decision. He also asked whether Czech law stipulated that children must give their informed consent to medical treatment and, if so, from what age.
59. **Ms. Kaprová** (Czech Republic) said that counselling experts were required to identify the special needs of children and to propose solutions to help them within either the regular or the specialized system.
60. **Ms. Herczog** pointed out that parents might easily be led to believe that sending their child to a special needs institution was the best solution because the child would not be subject to discrimination and the parents would not face further rejections from regular schools. She would like more information and data from research to show that institutionalizing a child was beneficial to his or her development and education.
61. **Mr. Gurán** (Country Rapporteur) requested clarification on the institutions providing family-type alternative care and on the agency handling intercountry adoption.
62. **Ms. Sandberg** (Country Rapporteur) asked whether Roma children attended regular schools and whether child refugees enjoyed the right to education and the necessary language training to allow them to integrate into regular schools. She also requested more information on the detention of child asylum-seekers, whether in the country with or without their parents.
63. **Ms. Herczog** said she would like to know what measures the State had taken to help families shoulder their responsibilities and to prevent mistreatment and neglect. She also asked what preparation children, adoptive parents and biological parents were given for simple adoption. Taking note of the recent increase in VAT on basic foodstuffs and hospital

charges, she asked if the repercussions that the increase would have on families, and especially on poor families, had been assessed, and whether any assistance was envisaged. Were there programmes in which conditional grants were offered to parents to encourage them to enrol their children in the preschool system and programmes to reward the efforts or performance of children, particularly for children from underprivileged communities?

64. Underscoring that the issue of domestic violence was often neglected by the State party, she asked what measures had been taken to assist children who were victims of or witnesses to domestic violence, and whether there were preventive programmes. She also wished to know if there were plans to close the various homes for infants under the age of 3, and what alternative solution had been proposed. She asked what was being done to reduce the unduly large proportion of Roma children in childcare institutions. What preparation was given to children in alternative care facilities once they reached the end of their stay, and were there data available showing the level of their enrolment in upper education and their integration into society?

65. **Ms. Varmah** said she wished to know what measures had been taken to identify children who were vulnerable to commercial sexual exploitation and to protect children against sexual violence on the Internet. She asked how the State party combated trafficking for the purposes of sexual exploitation and brought traffickers to justice, and whether there was a hotline for reporting cases of trafficking.

66. **Mr. Cardona Llorens** remarked that the system in each school whereby an interdisciplinary committee was responsible for deciding whether a child should undergo specialized teaching provided by the school, although outside of State support, was liable to incite parents to enrol children with disabilities in specialized institutions, which would run counter to the concept of inclusive education. He also wished to know what measures were taken to combat cultural obstacles preventing children with disabilities from integrating into society, and to enable them to enjoy their right to play and leisure.

67. **Mr. Pollar** requested details on the implementation of article 11 of the Convention.

68. **Mr. Koompraphant** enquired whether the best interests of the child took precedence when a court had to give a ruling on the potential separation of parents from a child and, also, what measures had been taken to protect street children.

69. **Ms. Al-Shehail** asked whether there were any housing benefits other than allowance payments.

70. **Ms. Lee** said she wished to know why there had been a sharp decline in the number of children exclusively breastfed during the first six months, and whether the International Code of Marketing of Breast-milk Substitutes had been adopted and implemented. Referring to paragraph 156 of the periodic report on the placement of children with disabilities in long-term institutional care, she asked about the conditions of children who were institutionalized following a court decision. She regretted the excessively clinical approach to disability and the use of a terminology counter to the spirit of the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child. She wondered why it was that so few children with disabilities progressed from primary to secondary school.

The meeting rose at 1 p.m.