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COMMITTEE ON THE RIGHTS OF THE CHILD

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WRITTEN REPLIES BY THE GOVERNMENT OF THE CZECH REPUBLIC

CONCERNING THE LIST OF ISSUES (CRC/C/OPAC/CZE/Q/1) RECEIVED

BY THE COMMITTEE ON THE RIGHTS OF THE CHILD RELATING

TO THE CONSIDERATION OF THE INITIAL REPORT OF THE

CZECH REPUBLIC UNDER ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

(CRC/C/OPAC/CZE/1)*

[Replies received on 12 April 2006]

GE.06-41309* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Consideration of the Initial Report of the Czech Republic under the Optional Protocol on the Involvement of Children in Armed Conflict at the 42nd Session of the Committee on the Rights of the Child – Written Answers to the List of Issues to be Taken up in Connection with the Consideration of the Initial Report of the Czech Republic under the Technical Review

1. Please inform the Committee whether the Czech Republic has assumed extra-territorial jurisdiction over war crimes which involved conscripting or enlisting children under the age of fifteen into the armed forces or using them to participate actively in hostilities. In the case that extra-territorial jurisdiction has been assumed, is there a requirement of double criminality for such offences?

Conscription or enlistment of children under 15 years of age or their active participation in hostilities is not at present established as a war crime in the Czech Criminal Code and other legislation. In theory, cases of children being used for "active participation in hostilities" might fall under the crime of "using prohibited means and methods of warfare"^a.

However, such conduct is specifically criminalized in the draft new Criminal Code,^b where recruitment of children into armed service in time of war or armed conflict has been added to the list of actions constituting the crime of "persecuting the population"^c. The offender faces five to fifteen years in jail. In this context, the word "child" refers to any person under 18 years of age. According to the draft Criminal Code, the crime is subject to the principle of universality, i.e. it can be tried under Czech law even if it is not punishable under the law of the place of commission.

2. Does the State party consider making any recruitment of persons under the age of 18 years on its territory a crime?

At present, such actions do not constitute a crime. For information on the draft new Criminal Code, see above.

3. Does the State party consider making recruitment of a citizen under the age of 18 years outside of its territory a crime?

At present, such actions do not constitute a crime. For information on the draft new Criminal Code, see above.

4. Please provide information on physical and psychological recovery and social reintegration programmes for asylum-seeking, refugee and migrant children in the Czech Republic who may have been involved in and affected by armed conflicts?

Programmes for asylum seekers, refugees and migrant children in the Czech Republic are mainly the responsibility of the Interior Ministry. The category of children to

whom the question refers falls into two groups. The first group are children under 18 years of age accompanied by parents or guardians. The other group are "unaccompanied minors" - children under 18 years arriving without parents or guardians. This group

again falls into two subgroups:

- (a) Minors accompanied by adults other than parents or guardians (mostly other family members, typically an adult brother or sister, aunt, grandmother, etc.) In such case the minor is placed in the custody of the accompanying adult;
- (b) Minors not accompanied by any adults.

In the case of subgroup (b), the asylum facility's social welfare officer alerts the local child welfare authority. A preliminary order is obtained from the district court, and the child is sent to an "Aliens Children's Home" (a diagnostic facility) and to an "Educational Care Centre", both run by the Education Ministry.

Children who remain at the asylum facility (as opposed to those who move into private accommodation with their parents or guardians) may choose from a range of leisure time activities such as "children's centres" or art courses, organized by the personnel as well as by members of some NGOs who regularly visit the facility. Children as well as adults can consult a psychologist or request the assistance of a social welfare officer. For extra safety, parents or guardians with children can get accommodation in the "protected zone" of the asylum facility.

The competent Czech authorities are not aware of any programmes specially designed for children affected by armed conflicts. The issue may be covered by some of the multifunctional programmes under way at special educational institutions for minor aliens. Staffed with specially trained personnel, including psychologists, these institutions seek to foster a multicultural environment respecting ethnic and religious diversity and the national customs acquired by the child in the country of origin. The first priority is to eliminate the language barrier. The institutions also offer individual programmes for children with psychological trauma. Expert personnel modifies educational and adjustment programmes to match the children's background and individual capacities.

Integration is encouraged i.e. by giving the children access to secondary technical education, or the opportunity to find private accommodation with the assistance of local child welfare authorities.

A factor important for physical and psychosocial rehabilitation of children is compulsory school attendance required by the Education Act.^f The children attend schools in the neighbourhood of asylum facilities where they enrol in ordinary or "catch-up" classes.

There is a programme of humanitarian evacuation of seriously ill children from Bosnia and Herzegovina, Kosovo province and Iraq for treatment in the Czech Republic.

The Ministry of Labour and Social Affairs is currently working on a "Policy concept regarding care for at-risk children and children in non-family setting", which includes policies encouraging physical and psychosocial rehabilitation and social reintegration of asylum seekers, refugees and

migrant children affected by armed conflicts. The policy concept, required by Government Resolution No. 1652 of 21 December 2005, should be presented to the Government by the end of June 2006. It will provide the basis for detailed methodology of work with alien children, including child welfare services and cooperation with the Aliens Police, courts and specialized educational institutions.

According to the Ministry of Labour and Social Affairs, armed conflicts do not currently feature among the common causes of migration of families with children or unaccompanied children to the Czech Republic.

The current problems of migrant children in the Czech Republic are being examined by an interministerial working group on "Minors in detention: assessment of the present situation, legal and psychosocial guidance and capacity building" which functions at the central government level.