



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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### Written replies by the Government of the Czech Republic to the list of issues (CRC/C/CZE/Q/3-4) in connection with the consideration of the combined third and fourth periodic reports of the Czech Republic (CRC/C/CZE/Q/3-4)\*

#### Part I

##### Reply to the issues raised in part I, paragraph 1, of the list of issues (CRC/C/CZE/Q/3-4)

1. The text of Article 7(1) of the Convention on the Rights of the Child (the “Convention”) does not explicitly require that the legal systems of the States parties include such an express provision, but stipulates that every child should know its parents, if possible. This is the objective pursued by Section 740 of the draft new Civil Code,<sup>1</sup> which stipulates the child’s right to deny the paternity of the registered father within one year of coming of age of maturity, or within one year of learning that the registered father is not the child’s biological father. The child may subsequently file a petition for the determination of paternity in relation to the man regarded by the child to be the biological father. The draft new rules also clarify provisions concerning the right of the Supreme Public Prosecutor to file an action for denial of paternity if the denial period of any of the parents lapses. The new legislation seeks the prioritization of biological paternity; only if the registered father (if not the biological father) has formed quality social bonds with the child will the public prosecutor refrain from filing an action for denial of paternity.

2. The right to know one’s parents is also respected by the new provisions in the part on adoption. Section 786 of the new Civil Code establishes the right of a child who has been adopted to peruse the content of its adoption file upon reaching the age of majority.

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

<sup>1</sup> The draft of the new Civil Code was submitted for comment procedure by the Minister for Justice in January 2011; at the time these answers were being prepared, the comments were being addressed and the document was being prepared for submission to the Government. Once approved by the Government, the legislative process will continue in the Chamber of Deputies and the Senate.

The proposed wording in the version sent for comment procedure:

Section 738

- (1) *Where required in the child's interest, the Supreme Public Prosecutor shall file an action for denial of paternity if the time limit set for denial of paternity by either of the parents lapses.*
- (2) *Where it is evident that the man considered to be the father of the child is not the father and the time limit set for denial of paternity by either of the parents has lapsed, the Supreme Public Prosecutor shall file an action for denial of paternity, unless, in exceptional circumstances, denial of paternity is not in the child's interest.*
- (3) *The Supreme Public Prosecutor shall deny paternity in respect of the father, mother and child; if not one of them is alive, the Supreme Public Prosecutor shall deny paternity in respect of the others; if not one of them is alive, the Supreme Public Prosecutor shall deny paternity in respect of the guardian appointed by the court.*

Section 740

Paternity may be denied by the child upon gaining full legal capacity, but not later than one year after reaching the age of majority or one year after the date on which the child learns of facts casting doubt on its paternity, if learned after reaching the age of majority.

Section 786

Upon gaining full legal capacity, an adoptive child shall be entitled to peruse the content of the file kept on that child's adoption procedure."

3. It can be assumed that, if the new Civil Code is approved (the proposed effect is from 1 January 2013), it will be possible for the Czech Republic to withdraw its reservation to Article 7 of the Convention on the Rights of the Child.

**Reply to the issues raised in part I, paragraph 2, of the list of issues**

4. The Czech Republic has not implemented the Convention in the form of a central action plan, but by adopting a number of conceptual cross-cutting documents on individual areas of children's rights; these documents are referred to in the response to the question in Part II(c).

**Reply to the issues raised in part I, paragraph 3, of the list of issues**

5. In accordance with Recommendation 17 of the Committee on the Rights of the Child concerning the Second Periodic Report of the Czech Republic, the task was set in the Concept of Care for Vulnerable Children and Children Living Outside their Family (see below) for the Ombudsman, in cooperation with the Ministry of Labour and Social Affairs, to "increase public awareness of the Ombudsman's activities in the protection of the rights of children and to support the protection of the rights of children through a specialized representative of the Ombudsman." The rights of the child account for much of the Ombudsman's activities, as evidenced by the extent of to which this issue is covered in the annually processed reports on his activities, which are forwarded to the Chamber of Deputies.<sup>2</sup>

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<sup>2</sup> <http://www.ochrance.cz/en/reports/>

6. The implementation of the Convention is also systematically addressed by the Ministry of Labour and Social Affairs, which has authored a number of policy documents, mentioned in more detail below. In addition, the Ministry may examine individual cases; in this respect, it established a team of independent experts in February 2011 to investigate the activities of child protection bodies in an alarming case of long-term child abuse. In its activities, the team focuses on monitoring systemic weaknesses in the protection of children's rights. The output of its activity (the team will be disbanded in May 2011) will be recommendations for systemic changes that may subsequently assist in the implementation of the Convention on the Rights of the Child.

7. Implementation of the Convention in general is monitored by the Government Council for Human Rights, in particular through one of its committees – the Committee on the Rights of the Child. The Council and its Chairperson – the Government Commissioner for Human Rights – monitor legislation with regard to the rights of children and provide comments on draft new legislation with a view to protecting children's rights. In addition, following consultation with members of the Committee on the Rights of the Child, they draw up regular reports on the implementation of the Convention. In her activities, the Government Commissioner for Human Rights pays particular attention to issues related to children's rights; her priorities include the establishment of the post of independent Children's Ombudsman.<sup>3</sup>

#### **Reply to the issues raised in part I, paragraph 4, of the list of issues**

8. In response to the Durban Declaration and Programme of Action, the Czech Republic considered whether to adopt a National Action Plan against Racism. After a careful analysis of legislative and non-legislative measures, the institutional organization, and existing programmes and policies already adopted and implemented by various central government bodies, it was decided not to adopt a National Action Plan against Racism. The Czech Republic is gradually fulfilling the various points of the Programme of Action and the Durban Declaration through already existing measures.

9. The most important legislation providing protection from discrimination is Act No 198/2009 on equal treatment and on legal means of protection against discrimination and amending certain laws (the Antidiscrimination Act). Further information is available in the Eighth and Ninth Periodic Report on the implementation of obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (document CERD/C/CZE/8-9).

#### **Reply to the issues raised in part I, paragraph 5, of the list of issues**

10. This programme was established to reflect the right of pupils with special educational needs to be given an education that meets their needs. This is a model programme, which means its content is adapted to the education of pupils with learning disabilities who, due to reduced levels of cognitive ability, cannot cope with the primary education demands designed for the education of the intact population of pupils. The programme is designed to enable pupils with learning disabilities to achieve the highest possible level of personal development, supported by special training methods and the use of supportive measures offering a bridge to secondary education. Those who complete this curriculum thus receive a full primary education [up to 15 years i.e. lower-secondary

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<sup>3</sup> The Minister for Human Rights and National Minorities sought the establishment of a Children's Ombudsman in 2009 in the form of a general principle for a law proposing several variants. This proposal has not yet been submitted to the Government for consideration.

education] (all subjects covered by the framework curriculum for primary education are taught).

11. The programme is available to pupils with mild mental disabilities in all forms of education, i.e. in the form of their individual integration into mainstream primary schools, in the form of group integration in a class set up specifically for these pupils in a mainstream primary school, in a separate school established specifically for these pupils (a primary school or special primary school [praktická základní škola]), including combinations of these options.

12. The criterion for the education of pupils according to this curriculum is the identification of special educational needs, an assessment thereof in the context of the particular pupil's circumstances, and a written recommendation for the pupil's education according to this curriculum. These activities fall within the remit of the school advisory facility.

13. In all cases, head teachers transfer pupils to this curriculum with the written consent of the pupil's legal guardian. The form of education and the transfer of pupils to the above curriculum are matters decided by the pupil's legal guardian, who gives consent for this approach under the conditions imposed by the Schools Act (a written recommendation from the school advisory facility, written parental consent, information from the head teacher on the differences in the curricula and organizational changes related to the transfer of a pupil to another curriculum).

14. When a student is transferred to another curriculum or to another school, the school creates conditions to compensate for differences in the pupil's knowledge. The education of pupils with mild mental disabilities in the Czech Republic is provided in accordance with special pedagogical principles, with the possibility of integrated and inclusive education in cases respecting and satisfying the special educational needs of pupils with the aim of ensuring the child's quality of life. These children have many measures available to them, e.g. individual education plans, teaching assistant support services and temporary placements ("diagnosis stays").

#### **Reply to the issues raised in part I, paragraph 6, of the list of issues**

15. The Ministry of Labour and Social Affairs guides child protection agencies. In 2011, representatives of municipal authorities of municipalities with extended powers attended training on issues related to judgments of the European Court of Human Rights, to which the Czech Republic responded with series of General Measures (see below). Employees were also informed of child protection findings of the Constitutional Court (see <http://www.mpsv.cz/cs/10258>). The Ministry of Labour and Social Affairs is preparing for the launch, in September 2011, of a major individual project focusing on the systematic training of child protection workers.

16. An extensive training project for child protection agencies is also being prepared, in consultation with the Ministry of Labour and Social Affairs, by the Sirius Foundation; this is a form of support where social workers will be taught, among other things, about the principles of the Convention on the Rights of the Child. Future teachers, counsellors and educators already obtain knowledge about the rights of children in their undergraduate courses, covering rights under the Convention in general, and, more specifically, in relation to the practical realization of children's rights in the education process at all levels of the education system. Further specific training in this field is provided to teaching staff as part of their continuing training in courses and at institutions accredited by the Ministry of Education, Youth and Sports. Schools and educational facilities may draw on allocated funds from the national budget to enable their teaching staff to participate in these programmes. The Ministry of Education, Youth and Sport, under grant programmes, also

supports the activities of nonprofit organizations focused on the practical realization of the rights of children and their families. Teaching professionals, including personnel in facilities for institutional and protective care, deepen their knowledge in the field of children's rights and the practical implementation thereof as part of their lifelong learning by attending programmes specialized in psychotherapeutic training, advanced courses for teachers and educators, self-experience training and other educational and supervision programmes. The Ministry of Education, Youth and Sports (or its directly controlled organizations) organizes methodological seminars for teaching staff, where the instructors are representatives of government committees, physicians, psychologists, social workers and other professionals in the field.

17. The Judicial Academy, in cooperation with other government departments, especially the Ministry of the Interior, organizes training related to issues of youth protection, domestic violence, human trafficking, alternative sanctions, and drug and other addictions among young people. These issues are part of the training system organized for judges, prosecutors, judicial and legal trainees, assistants to judges and other specialized apparatus of the courts and prosecutor offices. Workshops on interview-related issues stress the need for law enforcement agencies to proceed in a way that prevents the secondary victimization of the persons interviewed, including children and adolescents. Each of the education programmes at the Judicial Academy therefore includes international standards such as the Convention on the Rights of the Child, basic principles for the use of restorative justice programmes, standards and rules of juvenile justice, as well as international standards and norms for crime prevention and for criminal justice.

18. Health professionals supplement their knowledge with lifelong learning by participating in postgraduate training, courses, and seminars. A training module on the prevention of child injury and violence against children was created in 2010 as a collaboration between the Ministry of Health and WHO EURO (Biennial Collaborative Agreement – BCA 2010/2011). This involves the application of the WHO TEACH VIP curriculum (Training, Educating, Advancing Collaboration in Health on Violence and Injury Prevention users' manual) in the Czech Republic. In 2010, the grant schemes of the Ministry of Health supported the training programme "Promoting positive parenting", aimed at healthcare professionals providing care to children and their families. In addition, the Society of Social Paediatrics of the Jan Evangelista Purkyně Czech Medical Society annually organizes regular seminars specifically focused on care for vulnerable children and the activities of infant homes and children's homes for children up to the age of three years. The Ministry of Health also holds regular seminars at national and international level on the prevention of child injuries and violence against children and on promoting a safe environment for children.

#### **Reply to the issues raised in part I, paragraph 7, of the list of issues**

19. Since 2007, the ban on corporal punishment has been subject to wider discussion; however, Czech law does not yet contain the explicit universal prohibition of corporal punishment. The current wording of the Family Act contains provisions on the right of parents to use reasonable means of upbringing that do not affect the dignity of the child or threaten the health, or the physical, emotional, intellectual and moral development of the child. The Child Protection Act also prohibits individuals from treating a child unreasonably with the intention of humiliating the child's dignity; any such conduct is classified as a misdemeanour. The planned amendment of this Act, expected to enter into effect on 1 January 2012, lays down the obligation for child protection agencies to be governed in their activities by standards of work quality; this also applies to persons authorized to engage in child protection, specifically in the preparation of persons interested in providing foster care, mentoring and support of foster parents, and operations and work in facilities for children in need of immediate assistance. Mentoring will be governed by

work quality standards and inspected as part of quality inspections. The draft, now in inter-ministerial comment procedure, extends the protection of children from corporal punishment by establishing new constituent elements of this misdemeanour, deemed to be committed by a person who abuses a minor child for physical work disproportionate to its age and level of physical and intellectual development (with the possibility of penalties of up to CZK 50,000). These constituent elements will be used to penalize less serious cases, where children are unreasonably burdened with heavy work, which fall short of the crime of abuse of a child in one's care, as undesirable forms of punishing children on the part of parents or other responsible persons include the exploitation of children to carry out various physically demanding work in the household, in family businesses, etc.

20. In relation to teaching staff, the Schools Act does not permit the corporal punishment of pupils; it only allows explicitly mentioned disciplinary measures, none of which involves corporal punishment. Violation of the physical integrity of a child is penalized under criminal law; since the adoption of the new Criminal Code in 2009, more stringent tariffs have applied to some crimes where the victims are children.

21. Therefore, while the Czech Republic does not explicitly ban corporal punishment in its legislation, current legislation penalizes those who use such punishments in the above sense. The Ministry of Justice, as the coordinator of the new Civil Code, is not taking any new steps in the prohibition of corporal punishment. Nevertheless, the draft of the new Civil Code<sup>4</sup> (Section 696, in conjunction with Section 2963, of the new Civil Code), for example, defines domestic violence, which may also relate to violence other than violence between spouses.

22. The Czech Republic has actively joined the initiative of the Council of Europe and the prior initiative of the United Nations to prevent the physical punishment of children by drawing up a National Strategy to Prevent Violence against Children for the 2008-2018 period, followed up by the National Action Plan for 2009-2010 (see below). Support for the development of parenting skills undoubtedly helps to fulfil the general objective of preventing all forms of violence against children. In this area, the Czech Republic has taken a step forward, as the Ministry of Labour and Social Affairs has released a series of publications, organized training seminars and supported preventive programmes aimed at encouraging a child-friendly environment, and engaged in programmes to strengthen parenting skills. The objectives set out in above National Action Plan include raising awareness of children's rights to protection from violence across society, with a view to changing attitudes in society. Under this strategy, in 2009 the Minister for Human Rights sponsored a Government campaign called "Stop violence against children".

23. In this campaign, sociological research was carried out to gauge public awareness of the existence of violence against children. The results showed that in the Czech Republic the citizens are generally tolerant of corporal punishment. Half of them (49.9%) believe that corporal punishment does not necessarily teach children a lesson, but in some situations is the best solution. A quarter of the population (24.8%) is even more tolerant of corporal punishment and is in favour of smacking or slapping in the upbringing of a child – they do not view this as corporal punishment. More than 1/10 (11.0%) of the population takes an even more uncompromising view, believing that corporal punishment was, is and will be part of a child's upbringing. Therefore, the vast majority of Czech citizens (91.7%) expressed, to a greater or lesser degree, tolerance of corporal punishment in a child's

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<sup>4</sup> The draft of the new Civil Code was submitted for comment procedure by the Minister for Justice in January 2011; at the time these answers were being prepared, the comments were being addressed and the document was being prepared for submission to the Government. Once approved by the Government, the legislative process will continue in the Chamber of Deputies and the Senate.

upbringing; most of this group (approximately 50%) is aware that corporal punishment will not teach a child, but thinks that in some situations it is the best solution. Only 8.3% of Czech citizens are of the opinion that corporal punishment does not belong to a child's upbringing at all and say they would never use it. This group of citizens can clearly be classified as fundamental opponents of corporal punishment for children and the use of such punishment in their upbringing.

24. During the above campaign, a number of seminars were held with the participation of specialists, Government authorities and NGOs throughout the country. A number of publications on violence against children and its specific forms (e.g. safe use of the Internet by children) were produced. Teaching material on positive parenting ("The path to positive parenting") was filmed. In late 2009, the campaign was expanded to the media (television and radio spots, billboards). In an effort to change societal perceptions of the problem and secure active government assistance for families, the Ministry of Labour and Social Affairs has organized a family support grant scheme for 2011, offering grant-based assistance in the following areas: "Support for services to prevent the social exclusion of parents caring for children", "Support for the improvement of partner and marital relations and better parenting skills", "Support for foster care" and "Support for the mentoring of children and young people in foster care and institutional care".

25. In 2010, the Ministry of Health supported the project "Positive parenting – a training programme aimed at healthcare professionals providing care to children and their families". This project aims to create a "positive parenting" training programme to inform experts of aspects of positive parenting; it focuses on prevention and on strengthening the health of the child in the family in the context of social relations. It advises that conflict within the family should be addressed, as a matter of principle, with empathy within the scope of mutual emotional confrontation; the concept of positive parenting precludes the use of the physical and psychological punishment of children. The training course, tested at a workshop for physicians and other health professionals, will be rolled out nationally in the future.<sup>5</sup>

#### **Reply to the issues raised in part I, paragraph 8, of the list of issues**

26. Act No 108/2006 on social services, as amended, allows people in adverse social situations to get the help and support they need. Recipients of such assistance and support include children. The Act defines a total of 32 social services, which are further divided into social counselling, social welfare services and social prevention services, and, according to another criterion, into field services, outpatient services and residential services. The Czech Republic attaches great importance to keeping those in need of another person's help – due to age or health – at home (the provision of home help services). The transformation of residential social care services into different types of services (a move away from the provision of services in large institutions) is progressing. Some services are specifically designed for families with children (e.g. Social Activation Services for Families with Children, Early Intervention) or the children themselves (Drop-in Facilities for Children and Young People); others may be aimed, for example, at mothers with children or families with children (e.g. Shelters), or children themselves (Homes for the Disabled, Outreach Programmes).

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<sup>5</sup> These experiences were also presented at the international seminar "Prevention of accidents involving children, prevention of violence against children, mental health promotion" (Prague, 4–5 June 2009), and at the National Seminar "A Safe Environment for Children – Free of Injuries and Violence" (Třeboň, 19 November 2010), which were held under the auspices of the Minister for Health and the WHO.

27. Social care services are provided by means of the concept of care allowances. Under current legislation, persons more than one year of age may qualify for a care allowance. The amount of the allowance is graded according to the level of dependency (four grades). Persons under 18 years, based on their level of dependence, are entitled to varying amounts, as expressed by the following table:

<i>Level of dependence</i>		<i>Amount of care allowance (CZK)</i>
I	light dependence	3,000
II	medium dependence	5,000
III	heavy dependence	9,000
IV	full dependence	12,000

28. On 28 February 2011, the Ministry of Labour and Social Affairs registered a total of approximately 21,000 care allowances being paid to persons under 18 years of age. The composition of these recipients is expressed by the following table:

<i>Number of allowances</i>	<i>I - light</i>		<i>II - medium</i>		<i>III - heavy</i>		<i>IV - full</i>	
	Under 18 years		Under 18 years		Under 18 years		Under 18 years	
	Male	Female	Male	Female	Male	Female	Male	Female
21,772	4,436	3,192	2,805	1,557	2,749	1,790	3,224	2,019

29. If we were to project the situation in February 2011 for the whole year, every month these care allowance recipients evidently receive funds amounting to about CZK 148.5 million.

<i>Service type</i>	<i>2010 grants</i>	<i>2011 grants</i>
halfway houses	87,000	0
contact centres	0	189,000
emergency assistance	1,864,000	1,826,000
drop-in facilities for children and young people	79,603,700	61,267,000
professional social counselling	4,028,000	2,152,000
personal assistance	55,000	46,000
social activation services for families with children	603,000	504,000
social rehabilitation	19,651,000	22,345,000
telephone crisis intervention	5,494,000	3,625,000
outreach programmes	3,276,000	4,085,000
early intervention	43,891,000	36,467,000
Sum total	158,552,700	132,506,000

30. As regards services where the principal target group consists of “children and young people aged 6 to 26 years” and the early intervention social service, which is aimed at physically disabled children up to 7 years and their families, these services, in the form of grants to assist the provision of social services, were supported with approximately CZK [...] in 2010 and approximately CZK 132.5 million in 2011.

**Reply to the issues raised in part I, paragraph 9, of the list of issues**

31. The Ministry of Health, in collaboration with the relevant professional community and health insurance companies, addresses issues to improve access to and the reimbursement of paedopsychiatric care. In September 2010, the reconstructed child and adolescent psychiatry ward was opened at Bohnice Psychiatric Hospital; 12 beds for troubled patients were allocated here. Furthermore, in 2010 the establishment of a second children's detoxification centre was supported (at Brno Teaching Hospital). In collaboration with experts, the Ministry of Health is preparing a guidance document for general paediatric practitioners on ADHD,<sup>6</sup> depression and autism in children.

32. Health care is generally provided with the consent of the patient or legal guardian. The same also applies to the provision of paedopsychiatric care. The Act on Health Services and Conditions for the Provision Thereof and the Act on Specific Health Services, which are currently being drafted, contain provisions on the hospitalization of patients and the provision of health services without consent, types of restraints and conditions of use thereof.

33. At present, there are no plans to adopt a special law on mental health. Mental health care cannot be reduced solely to the provision of health services in psychiatry; this is an interdisciplinary and interdepartmental issue. Nevertheless, support for mental health falls within the priorities of the Ministry of Health, including grant schemes.

34. Risky behaviour and tobacco, alcohol and other drug use among children and adolescents carries an indirect link to mental health. In July 2010, an amendment to Act No 379/2005 on measures to provide protection against damage caused by tobacco products, alcohol and other addictive substances and amending certain related laws entered into effect. The principal aim of the amendment to this law was to clarify measures to protect against damage caused by tobacco products, especially in relation to passive smoking, including the increased protection of children and young people from the negative effects of smoking. This legislation has also introduced stricter penalties for breaches of statutory duties (the most severe penalties are threatened for the sale or provision of tobacco, electronic cigarettes or alcoholic beverages to persons under 18 years). Another amendment to this Act, focusing mainly on the protection of children and adolescents, is being prepared. The grant schemes of the Ministry of Health supported the creation of the "Handbook of Drug Prevention in the Practice of General Paediatric Practitioners", which was distributed to all surgeries. This handbook serves as a quick addiction guide for physicians, also covering screening, brief interventions and the dispatch of patients to facilities with specialized services. Based on previous experience, the updated manual, and feedback from practising paediatricians, an accredited training programme is being prepared for general practitioners.

35. In 2010, the grant schemes of the Ministry of Health also supported 30 projects aimed at promoting healthy lifestyles and disease prevention. In accident, poisoning and violence prevention, excessive alcohol prevention and tobacco abuse, four health promotion projects were implemented (with an allocation totalling CZK 747,000); in 2010, there were 13 projects (CZK 2,305,000) focusing on health promote among children and adolescents.

36. The Ministry of Health is preparing an update of the national strategy document "Long-Term Programme for Improving the Health of the Czech Population: Health for All in the 21st Century" – "Health 21" (see reply to the question in Part II(c)). Mental health, along with the health of children and young people, is expected to remain a public health priority in the coming period.

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<sup>6</sup> Attention Deficit Hyperactivity Disorders.

37. Overall, in the field of social services for people with mental illness, there is a perceived lack of community services. The Ministry of Labour and Social Affairs, in collaboration with other agencies, has drafted a National Plan for the Development of Social Services, which reflects this situation. The document is now at the stage where the comments of cooperating entities are being drawn up and addressed. Regarding the quality of social service provision, this area is governed by the Social Services Act, i.e. Act No 108/2006, as amended, which governs the principal instruments for the inspection of social service provision and checks on registration conditions. To actually provide social services, agencies need to be licensed (registered), subject to compliance with numerous statutory conditions.

**Reply to the issues raised in part I, paragraph 10, of the list of issues**

38. The opinions and attitudes of the children of refugees or the children of asylum seekers, as well as unaccompanied children, are taken into account; for example, in interviews care is taken to ensure that the interview is not traumatic for the child. As for the legal assistance offered to the children who are asylum seekers, it should be noted that these children, if unaccompanied, are assigned a guardian whose job is also to protect the rights and interests of the child. In other respects, in general Section 21 of Act No 325/1999 on asylum, as amended, applies, according to which applicants for international protection are entitled to request the assistance of a legal or natural person engaged in the provision of legal assistance to refugees. Legal advice for asylum seekers is provided through non-profit organizations or, more precisely, by means of European funds, where the Ministry of the Interior publishes a call and then, after the bids have been assessed, transfers funding to non-profit organizations. In this respect, the Ministry of the Interior makes contributions to legal or natural persons with whom the Ministry has entered into a written agreement on the provision of legal assistance to refugees, with a view to covering some of the costs of providing free legal assistance. Therefore, the Government is indirectly involved in the provision of legal assistance.

**Reply to the issues raised in part I, paragraph 11, of the list of issues**

39. Protective care (ochranná výchova) is a protective measure under Section 21 of Act No 218/2003 on juvenile courts. Its purpose is to have a positive influence on the mental, moral and social development of young people and to protect society from youth crime. Under Act No 109/2002 on institutional care or protective care in educational establishments and on preventive educational care in educational establishments, protective care is provided in educational establishments for preventive care – diagnostic institutions, children's homes with a school attached, educational institutions. Juvenile courts may order protective care if a young person has not been properly cared for and this inadequate upbringing cannot be resolved within his family or within the family with which he lives, if a young person's upbringing has been neglected, or if the milieu in which a young person lives cannot guarantee a proper upbringing, and the imposition of educative measures would be insufficient.

40. A juvenile court imposes protective care on children who have committed an act for which the Criminal Code allows the imposition of an exceptional sentence and who, at the time of the act, were aged between 12 and 15 years. Protective care may also be imposed on a child who, at the time of the act, was under 15 years of age, if justified by the nature of the act which would otherwise be a criminal offence and if necessary to ensure their proper upbringing. Preventive care lasts for as long as necessary, up to a maximum of the eighteenth year of age of the young person concerned; in cases that are in the young person's interest, the juvenile court may extend protective care until he reaches 19 years of age.

41. Security detention (zabezpečovací detence) is a punitive measure (imposed in accordance with Act No 40/2009, the Criminal Code) handed down by a court if the offender commits a crime in a state of diminished sanity or in a state caused by mental illness, or if the perpetrator of an act that would otherwise be a criminal act with the constitutive elements of a particularly serious crime is not criminally responsible on grounds of insanity, allowing him to remain at large would be dangerous, and, given the nature of his mental disorder and the possible effects on the perpetrator, any protective treatment that is ordered cannot be expected to provide society with adequate protection.

42. The court may also order security detention with consideration for the person of the offender, taking into account his life so far and his circumstances, if the offender committed the crime in a stated caused by a mental disorder, allowing him to remain at large would be dangerous, and, given the nature of his mental disorder and the possible effects on the perpetrator, any protective treatment that is ordered cannot be expected to provide society with adequate protection, or where an offender who indulges in the abuse of an addictive substance commits another particularly serious crime, even though he has already served a prison sentence of at least two years for a particularly serious crime committed under the influence of an addictive substance or in connection with the abuse thereof, and it is not expected that society will be adequately protected if protective treatment is ordered in view of the stance taken by the offender towards protective treatment. Security detention takes place at a security detention institution with special security and with medical, psychological, educational, pedagogical, rehabilitation and activity programmes. The juvenile court may refrain from imposing punitive measures on a juvenile if the juvenile committed the offence in a state caused by a mental disorder and the juvenile court holds that security detention will be sufficient.

43. Institutional care (ústavní výchova) is governed by Act No 109/2002 on institutional care or protective care in educational establishments and on preventive educational care in educational establishments and amending other laws, as amended. The purpose of this establishment is to provide alternative educative care to a minor, usually aged 3 to 18 years, or an adult up to 19 years of age (hereinafter referred to as a “child”), in the interests of the child’s healthy development and proper upbringing and education, based on a court decision on institutional care or protective care or on an interim measure. The purpose of educational institutions for preventive educational care is to prevent the emergence and development of negative behavioural aspects in children, to prevent the disruption of their healthy development, to reduce or eliminate the causes or consequences of existing behavioural disorders, and to contribute to the healthy development of the child’s personality. Institutional care facilities are: diagnostic institutions, children’s homes, children’s homes with a school attached, educative institutions. Institutional care establishments also provide care for children who are the subject of an interim measure. Institutional care establishments may make full and direct provision for the needs of a dependent minor on completion of institutional or protective education, preparing him for a future occupation, up to the age of 26 years.

44. The difference between protective care, security detention and institutional care lies in the pursuit of their different objectives. Institutional and protective care is provided in educational establishments set up separately for the provision of institutional or protective care, or in family or educative groups separately for the provision of protective care; under applicable legislation, subject to the Ministry’s consent, an establishment for institutional care may be granted an exception in order to house a child ordered to undergo protective care and vice versa. However, these exceptions are granted only in exceptional individual cases meriting special consideration, as a rule until there is a change in the court’s verdict.

**Reply to the issues raised in part I, paragraph 12, of the list of issues****1. Wallová and Walla versus the Czech Republic**

45. In response to these judgments, the Ministry of Labour and Social Affairs drew up a document, “General Measures for the Execution of Judgments of the European Court of Human Rights – Prevention of the Removal of Children from the Custody of the Parents on the Socio-economic Grounds”, which the Government approved on 7 December 2010 under Resolution No 882. These general measures require the relevant ministries, by specific deadlines (not beyond 2012), inter alia to make specific legislative amendments and take non-legislative measures. These narrowly focused general remedial measures are to be implemented in the broader context of the transformation of the system of care for vulnerable children in the Czech Republic, a process currently taking place under the National Action Plan to Transform and Unify the System of Care for Vulnerable Children 2009–2011 (see below). Depending on the competence of the particular ministry, the tasks set by these “general measures” include:

46. Tasks coordinated by the Ministry of Labour and Social Affairs:

- The preparation of an amendment to Act No 359/1999 on child protection,<sup>7</sup> with a particular emphasis on the legal conditions for the submission of a proposal for an institutional care order or an order for a child to be placed in the custody of a facility for children in need of immediate assistance, and on the prevention of placing a child in alternative care facilities solely on the grounds that the family is in material need. The amendment should facilitate the broader involvement of assisting organizations in the handling of cases concerning vulnerable families with children, and enshrine the obligation of the child protection agency to follow an individual work plan, with a stress on taking action that will enable the child to remain in its natural environment or to return to its family at the earliest opportunity, and clarify cooperation with the parent of a child ordered into institutional care (clarification of the manner of assistance and the possible forms of contact between the parent and the child protection agencies); the amendment proposes the establishment of a mechanism of interagency cooperation for child protection agencies and other bodies and entities in multidisciplinary teams and at conferences.
- The preparation of a new statutory framework for the specialized lifelong learning of workers responsible for the care of vulnerable children and families.
- The training of child protection agencies on the Court’s judgments and on the basic principles of preventive work with vulnerable families, including how to work with families in difficult socio-economic circumstances or in need of housing.
- Optimization of the child protection agency workforce.
- The creation of a high-quality guidance framework for the activities of staff working with vulnerable children and families (standards).

47. Tasks coordinated by the Ministry for Regional Development:

- The creation of a support mechanism to address the circumstances of vulnerable families with children.
- The establishment of the obligation to give priority to households where there is a risk of the removal of a child when awarding lease contracts for subsidized housing.

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<sup>7</sup> At the time of writing, inter-ministerial comment procedure on this amendment was pending.

- The recommendation, in the draft amendment to the Civil Code, to take into account increased child protection (the protection of minors when transferring a lease)
  - The amendment and supplementation of subsidized housing grant conditions, with an emphasis on the needs of vulnerable families with children.
  - Greater awareness of municipalities about the grant schemes of the Ministry for Regional Development in the field of subsidized housing, in cooperation with the Agency for Social Inclusion.
  - The provision of information on existing systems for the support of social housing construction and on civil legislation related to housing leases.
  - The provision of information about municipalities which, since 2003, have received grants from the Ministry for Regional Development and the State Housing Development Fund for the construction of rental apartments with a social function and about the conditions of use applicable to such rental housing.
48. Tasks coordinated by the Ministry of Justice:
- A review of the text of the relevant provisions of the Government's draft of the new Civil Code concerning the conditions under which institutional care may be imposed in the framework of the forthcoming legislative process
  - Modification of the legal conditions for imposing institutional care or placing a child in a facility for children in need of immediate assistance, emphasizing the need to avoid placing a child in the foster care of a facility solely because the family is in material need, based on the conclusions contained in Opinion of the Supreme Court No Cpjn 202/2010.
  - The preparation of an amendment to Act No 99/1963, the Rules of Civil Procedure, as amended – the review and modification of the conditions for a child's participation in civil proceedings, a review of how the child's views are ascertained (Section 100(4) of the Rules of Civil Procedure).
  - The preparation of an amendment to Decree No 37/1992 on the rules of procedure for district and regional courts, as amended.
  - An initiative of the Judicial Academy to train guardianship courts in the basic principles of ECHR judgments concerning the removal of children from parental care.
  - An initiative to create specialized chambers at regional courts to hear appeals in guardianship cases.
  - The Ministry of Justice also lodged a complaint with the Supreme Court seeking the issue of a unifying explanatory opinion to harmonize district courts' practices when considering and ordering institutional care.
49. Tasks coordinated by the Ministry of Education, Youth and Sports:
- Awareness among staff of schools and educational facilities about the system for the protection of vulnerable children (reporting obligation, obligation to disclose information, participation in case conferences, etc.).
50. Tasks coordinated by the Ministry of the Interior:

- The creation of an information pooling system and a register of vulnerable children<sup>8</sup>

51. Further information:

- The principles arising from the judgments were reflected in the case-law of the Constitutional Court (see Decision 1945/08 of 2 April 2009 and Decision II. US 485/10 of 13 April 2010).
- In October 2007, the Ministry of Labour and Social Affairs sent all relevant regional and municipal authorities a directive drawing their attention to the principles contained in the judgments.
- In February 2009, the Ombudsman and various government bodies issued and distributed recommendations for municipalities containing examples of good practice relating to the subject-matter of the judgments.
- In February 2010, the Ministry of Justice sent the presidents of district and regional courts a circular which pointed out the principles of the judgments and their legal liability for the Czech Republic and its institutions, including courts.
- On 8 December 2010, the advisory board of the Supreme Court approved an “opinion on the decision-making of courts in matters of institutional care ordered for reasons of material need within the family, in particular poor housing conditions” (Cpjn 202/2010). The legal sentence of this opinion, the purpose of which is to unify the courts’ decision-making, reads: “The material *need of a family, in particular its poor housing conditions, cannot in itself constitute a reason for ordering the institutional care of a child.*” In the grounds of its opinion, the Supreme Court opinion analyses and evaluates the current judicial practices and highlights, *inter alia*, the principles contained in the judgments of *Walla and Wallová versus Czech Republic* and *Havelka and Others versus Czech Republic*.

## 2. **Kříž versus the Czech Republic and Menzl versus the Czech Republic**

52. In order to implement Court’s judgments in this and other cases, several general remedial measures were adopted. First and foremost, the judgments were made available to the general public and legal professionals (including judges and child protection agencies) following the publication and distribution of their translation into Czech and at seminars hosted by the Judicial Academy. Furthermore, Act No 295/2008, with effect as of 1 October 2008, amended Act No 99/1963, the Rules of Civil Procedure, resulting, *inter alia*, in major changes in the statutory procedure for the care of minors, interim measures, the enforcement of judgments in cases involving minors, and in introduction of special procedure in cases of international child abduction. This amendment also eventually changed the Child Protection Act.

53. The most important changes delivered by the amendment include:

- The obligation to consult a minor in proceedings to which the minor is party;<sup>9</sup>
- A definition of the “suitable environment” into which the court may place a minor by imposing an interim measure, including in cases where the minor’s life or

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<sup>8</sup> This early intervention system was approved under Government Resolution No 191 of 17 March 2011.

<sup>9</sup> Minors’ views are taken into account with consideration for their “age and intellectual maturity”.

positive development is seriously threatened or disturbed, and the publication of a list of “suitable facilities”;<sup>10</sup>

- Stricter proceedings on the enforcement of judgments concerning contact between a parent and minor in relation to the parent subject to obligations under a court decision (fines, the total amount of which may not exceed CZK 50,000, to be imposed only if appropriate; the possibility for the court to impose, for a maximum period of three months, participation in ex-judicial conciliation or mediation proceedings, or family or other appropriate therapy, or to establish an “acclimatization plan” to facilitate gradual contact between the eligible parent and the child);
- The introduction of special procedure for the return of a minor in cases of international child abduction in accordance with the Hague Convention on the Civil Aspects of International Child Abduction (the jurisdiction of only one court only for this type of procedure; the possibility for the court to take appropriate measures establishing conditions for the return of the child, and to decide on interim arrangements for contact between the claimant and the child; the introduction of a six-week deadline for a decision on the merits);
- A designation of the specific obligations of municipal authorities playing the role, in cooperation with the court, of guardian in proceedings concerning minors (the enforcement of judgments, the actions of the liable parent for voluntary compliance with his obligations, the mediation of expert help for the child and parents, the duty to proceed “full-steam ahead” in the enforcement of judicial decisions).

### 3. DH and others versus the Czech Republic

54. In April 2009, the Government of the Czech Republic submitted an action plan to the Committee of Ministers of the Council of Europe containing a list of planned measures to enforce the judgments of the Grand Chamber in the case of DH and Others v the Czech Republic, and a timetable for their implementation and schedule for interim reporting.

55. In July 2009, the first report was submitted, which included information on the performance of two studies designed to identify the data on the current situation of Roma children in the educational system in the Czech Republic. This was sociological research to analyse the form and causes of segregation of children from socio-culturally disadvantaged backgrounds and to analyse the individual approach taken by teachers to pupils with special educational needs.

56. The aim of the former research was to obtain a comprehensive picture of the educational trajectories and opportunities of Roma pupils from underprivileged backgrounds studying at different types of primary schools [i.e. schools providing education for pupils up to the age of approximately 15 years], including a comparison with the trajectories and opportunities of their classmates attending the same school who are not socially disadvantaged. The analysis of this information provided a deeper, long-term understanding of the mechanisms behind the social exclusion of many Roma, including the intergenerational transfer of this cumulative burden.

57. The main aim of the second study was to obtain relevant data on the readiness of schools to meet the individual needs of children with special educational needs, identify potential barriers to a higher level of development of inclusive education, analyse the

<sup>10</sup> Communication of the Ministry of Justice Ref. No 258/2007-LO-SP/96 of 25 August 2008, published on 30 September 2008 in the Collection of Instructions and Communications of the Ministry of Justice of the Czech Republic, No 5/2008.

existing progress in the transformation of the former special-needs school, determine the degree of reintegration of pupils from former special-needs schools to mainstream schools, and identify effective strategies that can be used in reintegration.

58. One of the initial measures responding to the study data was the adoption of an early intervention action plan, which aims to increase the openness of nursery schools to provide necessary support for underprivileged children and their families.

59. Projects aimed at strengthening the capacity of counselling facilities were launched in July 2009, accompanied by work on new teaching standards, which should include a definition of the teacher skills needed to work in the classroom on the principle of inclusivity, and the implementation of measures aimed at systematically supporting the role of teaching assistant.

60. In December 2009, a second report was submitted to the Committee of Ministers, which contained information on the results of an analysis of the diagnostic tools used against Roma pupils from a socially and culturally different environment. The aim of the analysis was to evaluate the objectivity, fairness and validity of the diagnostic tools used in school counselling centres and in clinical psychological practice in relation to the diagnosis of the cognitive abilities of children from the Roma ethnic group. The analysis resulted in the conclusion that the methodology for the diagnosis of children from the Roma minority used standard, valid instruments that are not discriminatory against this group if used in isolation, but are if used in combination. If, therefore, these tools are used by individual counselling facilities as recommended (*lege artis*), they return an objective, undistorted result.

61. In April 2010, a third report was submitted to the Committee of Ministers which set out the main aims and objectives contained in the National Action Plan for Inclusive Education, the basic framework document aimed at ensuring equal access and equal opportunities for all people to education, which was approved on 15 March 2010, pursuant to Government Resolution No 206. The aims of the plan are to increase the degree of the inclusive concept of education in the Czech education system, to prevent the social exclusion of individuals and social groups, and to enhance the social cohesion of Czech society. In the preparatory phase, which should be completed by 2013, specific proposals for strategies and measures aimed at promoting inclusive education at all levels of the education system will be created.

62. One of the first steps taken under the National Action Plan for Inclusive Education was the preparation of amendments to Decree No 72/2005 and Decree No 73/2005 concerning the provision of counselling services and the education of children with special educational needs, which should come into force from the 2011/2012 school year. The amendment to Decree No 72/2005 redefines the rules for the provision of counselling services raises awareness among users of counselling services about the nature and content of recommendations resulting from psychological and special pedagogical diagnoses, and introduces the concept of objections to these recommendations. The draft amendment to Decree No 73/2005 introduces compensatory measures to promote the success of students with social or physical disadvantages in conditions of inclusive education in mainstream schools. An important change under the draft amendment is the concept of the informed consent of a child's legal guardian to placement in a class/school set up for pupils with disabilities or to the education of the child according to an adjusted curriculum. The decree lays down the minimum mandatory scope of comprehensible advice which must be given to a pupil's legal guardian before this consent can be granted. To provide methodological assistance to schools, the Ministry will make this advice available online in Romani. Both draft amendments have almost reached the end of the legislative process.

63. During 2010, a Methodical Recommendation was issued on equal opportunities in the education of underprivileged children; this document contains a set of specific recommendations to primary and nursery schools on how to promote the academic success of underprivileged children and create an environment open to these children. In the field of diagnostics, it recommends specific procedures to allay the risk that the results of underprivileged children will be distorted.

64. In the field of educational psychology counselling services, numerous other measures were taken to clarify and improve diagnostic and intervention work with Roma clients. Counselling facilities must comply with newly defined rules on informed consent and respect the differences that often arise from the different models of upbringing and cultural traditions. Obligatory procedures in the process of diagnosis, binding rules for the writing of reports on examinations, and the methods used to acquaint parents and clients with the conclusions of examinations have been refined and rules on informed consent specified. If a pupil is recommended to attend a special primary school, the parent must be fully informed of all the consequences in relation to the pupil's further education. The activities of school counselling facilities are also regularly assessed; they receive methodological support and training in the diagnosis of Roma children.

65. In 2010, centres for the support of inclusive education were also put into operation. Their mission is to provide methodological, advisory and financial support to schools throughout the country as they seek to implement inclusive education. In particular, they are to provide direct support to schools, educators, the families of pupils, and the pupils themselves.

66. Not least, an information and guidance website has been set up at <http://www.inkluzivniskola.cz/>, containing examples of good practice in inclusive education, where schools share positive experience, inter alia, of the education of Roma children in mainstream education.

67. In 2009-2010, numerous steps were taken to raise awareness of the judgment. The full text of the judgment and measures to act on the judgment are published and updated on the website of the Ministry of Education, Youth and Sports (see <http://www.msmt.cz/socialni-programy/vzdelavani-socialne-znevychodnenych-deti>). In 2009 and 2010, information on the judgment was included in all presentations by the competent department of the Ministry of Education, Youth and Sports at conferences, seminars and information meetings focused on the education of underprivileged children. In this respect, the information was disseminated among individual ministries (e.g. at meetings of working groups on inclusive education and early intervention for underprivileged children), at the Senate of the Parliament of the Czech Republic (for example, a public hearing on the education of Roma children in February 2010), professionals (e.g. Social Exclusion and Poverty – a roundtable discussion organized in February 2010 by the Ombudsman, an expert discussion on “Borderline Children”), the mayors of towns and municipalities at regional conferences held in all regions in cooperation with the Government's Agency for Social Inclusion in October–December 2009, and at expert conferences (e.g. the international workshop on Curricular Reform in Europe in March 2010). A special press conference on the judgment was also held in November 2009 by the Minister for Education, Youth and Sports, called “Two Years After”, which summarized the action taken to improve the situation of Roma children in education and provide information about upcoming steps. This press conference also featured representatives of the “Together to School” coalition of 13 international, Roma and Czech nongovernmental organizations promoting equal access to education (see <http://www.msmt.cz/pro-novinare/vzdelavani-romu-dva-roky-po-strasburskem-rozsudku>).

68. Finally, in 2008–2010, EUR 39,370,000 was earmarked from European Structural Funds for programmes aimed at developing equal opportunities in education.

**Reply to the issues raised in part I, paragraph 13, of the list of issues**

69. All information is summarized in the answers to the previous questions and, furthermore, in the reply to the issues raised in part III, paragraph 2.

**Part II****Reply to the issues raised in part II of the list of issues****1. New bills or laws and their respective provisions**

70. During the reporting period, Section 103 of Act No 94/1963 on the family was amended, according to which parents are now required to pay maintenance for their child even if it is placed in protective or institutional care and its needs are provided by the institute. Regarding maintenance, an amendment to Act No 259/2008 also changed the limitation period for maintenance for minors to 10 years, if maintenance is recognized by a court. The Family Act now contains provisions on temporary foster care following Amendment No 134/2006; a child may be placed in the care of persons entered in the register of applicants for foster care even if a final foster care decision has not been reached. Under Amendment No 134/2006, the court is required, pursuant to Section 46(3) of the Family Act, to review the reasons for the imposition of institutional care after six months; in doing so, it must ascertain the child's views.

71. In early 2011, the Ministry of Justice submitted the draft of a new Civil Code for comment procedure.<sup>11</sup> This draft, repeatedly submitted by the Government, contains provisions guaranteeing the right of the child to information about his or her adoption even before reaching the age of majority.<sup>12</sup> The new Civil Code should provide clear and comprehensive provisions on all provisions of civil law concepts, including family law and adoption issues.

72. An amendment to the Rules of Civil Procedure (Act No 99/1963), effective as of 1 October 2008, regulated the procedure to be followed by the court when determining the views of a minor who is able to articulate his or her opinions and who is a party to any civil proceedings. The amendment emphasized the court's duty to ascertain the views of the child in court proceedings as a matter of principle in a personal hearing of the child, and only in exceptional cases through a representative, expert opinion or competent child protection agency. The court takes the child's opinion into account, with due consideration for the child's age and intellectual maturity.

73. Recommendation No 45 of the UN Committee on the Rights of the Child to the Second Periodic Report of the Czech Republic was reflected in matters regarding the right of the child to parental care and the right of a child who has been permanently or temporarily deprived of his/her family environment to foster care and to the provision of special protection and assistance. An amendment to the Rules of Civil Procedure (Act No 99/1963), effective as of 1 October 2008, clarified and supplemented the imposition of

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<sup>11</sup> The new Civil Code was submitted for comment procedure by the Minister for Justice in January 2011. This procedure should be completed shortly, after which the document should be approved by the Government. The legislative process will then require approval by the Chamber of Deputies, the Senate and, finally, the President.

<sup>12</sup> The first draft of the new Civil Code was approved by the Government under Resolution No 510 of 27 April 2009. However, there was not enough time for it to be debated before the end of the term of the Chamber of Deputies in June 2010. Therefore, the Government prepared a new draft, based on the old one, in 2010.

interim measures by a court to protect a child in a situation where a minor finds itself without any care or where a minor's life or positive development is seriously threatened or disturbed. Under new provisions, in these situations of imminent and serious danger to a child, the court orders an interim measure placing the child in an appropriate environment (specified in the court order) for the necessary period.<sup>13</sup> This amendment also amended provisions on the enforcement of court decisions concerning the care of minors. The obligation to participate in extrajudicial conciliation or mediation meetings, and family or other appropriate therapy, for up to three months was enshrined as a new method for the enforcement of court decisions, along with the preparation of an acclimatization plan to facilitate gradual contact between the child and the party entitled to have contact with the child, if such a plan is in the interests of the child.

74. In 2011, the Ministry of Labour and Social Affairs prepared an amendment to Act No 359/1999 on child protection which, inter alia, respects the general measures arising from the judgments of the European Court of Human Rights in the Havelka and Walla cases (see above). The amendment to this Act will change the activities of child protection agencies (the establishment of standards of work quality, concepts of tutelage, assessments of the circumstances of the child and the family, an individual child protection plan, case conferences, etc.), professionalize foster care and make modifications to the remuneration of foster care, clarify the operations of facilities for children in need of immediate assistance and the activities of persons authorized to provide child protection, and result in other amendments. The amendment is based on the aims of "Social Reform in 2011", which contains a set of measures to monitor, for example, reductions in the administrative burden on service users, the streamlining of the work carried out by government authorities, improvements in the quality of care for vulnerable children, the achievement of the maximum possible efficiency of benefits and their improved targeting and directness.

75. In February 2011, the Ministry of Education submitted a draft amendment to Act No 561/2004 on preschool, primary, secondary, post-secondary vocational and other education (the Schools Act), as amended, to the Government for discussion; it should enter into effect in September 2011. In terms of the implementation of the Convention on the Rights of the Child, we can expect positive impacts and increased legal certainty if the proposed amendments to the provisions are made, including the obligation for schools to create a safe and healthy, non-threatening environment, and clarification of related responsibilities under a new implementing regulation.

76. In March 2011, the Ministry of Labour and Social Affairs submitted a draft general principle of the Act on Child Care Services for external comment procedure. In part, this document is a response to the inadequate capacities of existing facilities and supports the development of alternatives to family care at the stage of pre-primary education, the expansion of company nurseries, alternative preschool facilities in the form of parent and family centres, as well as the concept of "neighbourhood babysitting", and as such creates conditions for parents to return to work earlier. This measure is based on the Czech Government Resolution No 1451 of 19 November 2008 approving the "Set of Pro-family Measures – the Pro-family Package". The purpose of the measure is to enable parents to stay in contact with their employment during child care and to promote reconciliation between the work and family life of parents with young children, giving them the opportunity to participate in the labour market.

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<sup>13</sup> An appropriate environment is a nurturing environment provided by a person or establishment fit to care properly for a minor with regard to his physical and mental state and intellectual maturity, where other actions stipulated by an interim measure may be carried out.

77. The amendment to the Decree on Vaccination against Infectious Diseases, implemented in 2009 and 2010, repealed the TB booster vaccination at 11 years, along with the blanket BCG primary vaccination, and introduced selective BCG vaccinations for children at risk of TB infection.

78. With effect from 1 October 2009, all newborns delivered in the Czech Republic are subject to neonatal laboratory screening for 13 diseases. Previously, newborn screening in the Czech Republic covered only three diseases: congenital hypothyroidism, phenylketonuria and congenital adrenal hyperplasia. This neonatal screening is covered fully by public health insurance (List of Medical Procedures with Point Values). Decree No 3/2010 determining the content and intervals of preventive examinations entered into effect on 1 February 2010. Under this legislation, the content of preventive examinations carried out by general paediatric practitioners was expanded to include the identification of health risks, including the risk of maltreatment, neglect and abuse of the child and a psychotherapeutic interview if the child has or is at risk of a medical condition, including disorders due to the adverse impact of the family or other social environment.

79. The status of foreign minors improved during the reporting period. In Act No 326/1999 on the residence of foreign nationals, as amended by Act No 427/2010, it has become much easier to reunify the family with a long-stay visa if a foreign national has been granted asylum or subsidiary protection in the Czech Republic.

80. Furthermore, the maximum detention period for families has been reduced to 90 days, i.e. this is the same limit as for unaccompanied minors. Unaccompanied minors are now appointed a guardian for administrative expulsion proceedings. In case of doubt about the age of a detained foreign national, acts to determine his age must be initiated immediately after that foreign national is detained. Where an unaccompanied foreign minor is to be expelled, this is only possible after the state to which the unaccompanied minor is to be expelled has communicated that this foreign national will be given a reception commensurate to his age.

81. In Act No 325/1999 on asylum, the availability of various financial allowances which may be granted to those in difficult circumstances (including families) has been expanded. Furthermore, new families who have been granted subsidiary protection may stay in an integration asylum centre for up to three months after receiving this decision, enabling them to bridge the difficult initial period.

82. Act No 40/2009, the Criminal Code, effective as of 1 January 2010, raises the standard of the criminal-law protection of children against abuse, exploitation, neglect and child trafficking. The constituent elements of the crime of trafficking in human beings (Section 168 of the Criminal Code) distinguishes trafficking in children (persons below eighteen years of age), which is prosecuted in all cases, even if there has been no violence, threats of violence or deceit, abuse of error, distress or addiction, and trafficking in persons over eighteen years, where criminal prosecution is conditional on the use of violence, threats of violence or deceit, abuse of error, distress or addiction. In both cases, under this legislation and further to the said international documents, the consent of the person subject to such trafficking is irrelevant, and therefore even if the injured person has given consent to the offender's actions, the offender is punishable within the meaning of that provision. The criminal penalty for the abuse of a person in one's care (Section 198 of the Criminal Code) has been stiffened, and the constituent elements of this crime have been expanded to include cases where child abuse causes grievous bodily injury or death. The penalty for the neglect of mandatory maintenance has also been increased. New constituent elements of the crime of endangering a child's upbringing (Section 201) have been formulated, linked to threats to "the intellectual, emotional or moral development of the child", using the terminology of the Convention on the Rights of the Child and the Family Act. In the regulation of crimes against human dignity in sexual matters (Sections 185 to 193 of the

Criminal Code), a new constituent criminal element is prostitution threatening the moral development of children, committed by a person who operates or organizes prostitution in the vicinity of schools, educational establishments or other similar facilities or places reserved or designated for the stay of children or for visits by children. The set of qualified constituent elements for the crime of entrusting the care of a child to another has been expanded.

83. In February 2011, the Ministry of Labour and Social Affairs issued an Opinion on the authorization of entities engaged in the procurement of substitute family care and persons authorized to carry out child protection to disclose the personal data of children.<sup>14</sup>

84. On 1 April 2009, an amendment to Act No 52/2009, the Rules of Criminal Procedure, entered into effect. The amendment limits the maximum scope of information disclosed to the public about crime victims requiring extra protection, and prohibits the disclosure of their personal data, photographs or video recordings – either through public media or other similarly effective means (e.g. in the form of leaflets). The group of victims receiving such increased protection is limited to victims under 18 years of age and other victims of the crimes specified in the Act.

## **2. New institutions (and their mandates) or institutional reforms; recently introduced policies, programmes and action plans and their scope and financing**

### *(a) Primary policy documents and institutional reform*

85. The “Concept of Care for Vulnerable Children and Children Living Outside the Home until 2008” was approved under Resolution No 1180 of 18 October 2006 on a proposal from the Ministry of Labour and Social Affairs. This was the first conceptual material on child protection whose principal aim was to configure functional cooperation and the communication of entities in relation to the care of vulnerable children. During its implementation, the Concept of Care for Vulnerable Children and Children Living Outside their Own Family was incorporated into the document “Analysis of the Current State of Institutional Care for Vulnerable Children”. This analysis took stock of the current situation in the system of care for vulnerable children in the Czech Republic from the perspective of how this agenda had been incorporated into the remit of various ministries. The aim was to define the material the basic characteristics and features of the institutional arrangements of this agenda, including the weaknesses of the current system, which are the subject of repeated criticism both within the Czech Republic and from relevant international organizations, such as the UN Committee on the Rights of the Child and the Council of Europe. The analysis identified the lack of coordination and coherence of the activities, objectives and strategies of the individual ministries involved in the protection of vulnerable children as the main weakness of the current system of care for vulnerable children in the Czech Republic. The Government discussed the analysis and took due note of it under Resolution No 293 of 26 March 2008, which tasked the Minister for Labour and Social Affairs with the establishment of an inter-ministerial coordination group.

86. In January 2009, the Government approves, under Resolution No 79 of 16 January 2009, the “Draft Measures to Transform and Unify the System of Care for Vulnerable Children – Basic Principles”. This document defined the basic starting points and principles on which the transformation process would be based and which had been agreed by all ministries and experts represented in the inter-ministerial coordination group. This was a breakthrough document in that it won the support of all the ministries involved in the identification of the fundamental principles of transformation. This document also describes

<sup>14</sup> [http://www.mpsv.cz/files/clanky/10285/Stanovisko\\_MPSV-osobni\\_udaje\\_deti.pdf](http://www.mpsv.cz/files/clanky/10285/Stanovisko_MPSV-osobni_udaje_deti.pdf)

the optimal appearance of the system following its transformation and the necessary framework measures as regards the structure of services, financing, management and coordination, legislation, quality control and maintenance, human resources and data collection.

87. The result of this process is the “National Action Plan to Transform and Unify the System for the Care of Vulnerable Children in 2009–2011”, which was approved by the Government under Resolution No 883 of 13 July 2009, and as such followed up on the above documents. The National Action Plan builds on the Concept of Care for Vulnerable Children and Children Living Outside their Own Family and is the next stage in the transition process. It provides a binding definition of specific measures in the competence of the individual ministries which will achieve the target after the transformation of the system, i.e. they will result in a clear preference for child care in a family environment rather than institutional care. This will reduce the number of children in institutional care. Preventative work with vulnerable families will be intensified and the number of children removed from the custody of their parents will fall. There will be a more individual approach and multi-disciplinary work at ground level. Children and their families will be more actively involved in address their own particular situation. Child protection agencies at municipal authorities will receive more staffing and funding, enabling them to play a key role in coordinating the cooperation of all institutions, agencies and facilities providing assistance to vulnerable families. Legislative changes, methodological materials and practices within the scope of all ministries involved in the system of care for vulnerable children will be harmonized.

88. An Analysis of the System of Work with Vulnerable Children and Families was conducted in 2010 as part of the National Action Plan. The Ministry of Labour and Social Affairs now has access to comprehensive, valid information, forming the basis for the optimization of reform measures. The Ministry established close cooperation with regional authorities. The special inter-ministerial coordination group agreed that the planned transformation steps and re-configuration of the various bodies’ field activities, based on the outcomes of detailed regional analyses in accordance with the objectives of the National Action Plan, would have to be verified in pilot projects. In August–September 2010, pilot regions conducted the above-mentioned analysis of the system of work with vulnerable children and families.

89. The inter-ministerial coordination group on the transform of the system of care for vulnerable children continued to pursue its activities. In the next stage of the process of transformation, its task was to focus primarily on the continuous monitoring and evaluation of the implementation of measures contained in the National Action Plan, the preparations for the draft of the new Action Plan for 2012–2015, and the preparation of the new National Strategy of Care for Vulnerable Children.

(b) *Other children’s rights policy documents*

- (i) National Action Plan for Implementation of the National Strategy to Prevent Violence against Children in the Czech Republic 2009–2010, approved under Government Resolution No 936 of 20 July 2009

90. On 3 September 2008, the Government adopted, under Resolution No 1139, the National Strategy to Prevent Violence against Children in the Czech Republic 2008–2018 (the “Strategy”). The National Action Plan for the Implementation of the Strategy 2009–2010 followed up on the Strategy. The National Action Plan for the Implementation of the National Strategy to Prevent Violence against Children 2009–2010 was prepared by the

Minister for Human Rights;<sup>15</sup> the relevant ministers were enjoined to perform the tasks pertaining to them under this document. This action plan was approved by the Government under Resolution No 936 of 20 July 2009. A key element of the action plan is the Government campaign called “Stop violence against children”,<sup>16</sup> implemented in 2009 under the auspices of the Minister for Human Rights (see above).

(ii) Crime Prevention Strategy 2008–2011<sup>17</sup>

91. The aims of the Strategy are to increase the public perception of safety, reduce the extent and seriousness of crime, and strengthen the powers of regions and municipalities in the planning and implementation of preventive measures. The Strategy’s priorities lie in the elimination of criminogenic social and economic factors that embolden the criminal actions, the restriction of opportunities to commit crime, an increase in the risk that offenders will be caught, and citizens’ awareness about legal opportunities to protect themselves from crime. The target groups, receiving special attention under the document, are those children and young people who are exposed to sociopathological phenomena and have experience of crime, first-time offenders, repeat offenders and socially excluded communities. The Strategy’s funding in 2008–2011 amounts to approximately CZK 400 million.

(iii) National Early Intervention System Project<sup>18</sup>

92. The foundations of the early intervention system<sup>19</sup> were laid in 1999, first as a very local project and then, after the public administration reform, as a project applicable in municipalities with extended powers, with the potential to become a nationwide project. The project is based on several principles. The priority principle is to win the child’s interest, ensure his problem-free socialization and rehabilitate his immediate social environment – his family (activities aimed at maintaining or restoring the function of the family in children’s homes with the help of a professional). Adherence to this principle is secured in the project by the coordinated actions of institutions and entities caring for vulnerable children, who carry out their own activities and also work together in Teams for Children and Young People. The second principle is rapid intervention where a child is in an unfavourable situation or where a child is developing along negative lines. Systematically configured communication and information pooling between entities responsible for working with vulnerable children come into play here. Another important principle is the system for the effective use of measures in relation to vulnerable children, based on an individual approach to the child and his family, and the search for adequate, effective solutions to the problems faced by vulnerable children, including the reconstruction of the family environment in which the child is brought up, in order to minimize the removal of children from families and their placement in institutional care. The implementation of all parts of the project will create a standard for the work of child protection agencies in the form of “Teams for Children and Young People” at the municipal and regional level, and “National Teams for Children and Young People” at central level. In addition, a Central Information Environment for the Early Intervention System will be

<sup>15</sup> There was a Minister for Human Rights in the Czech Government from 2007 to 2010. Currently, human rights within the Government are in the remit of the Government Commissioner for Human Rights.

<sup>16</sup> <http://www.stopnasilinadetch.cz/> The Government Minister for Human Rights was tasked with the campaign under Government Resolution No 1139 of 3 September 2008 on a National Strategy to Prevent Violence against Children in the Czech Republic for the period 2008–2018.

<sup>17</sup> Approved under Government Resolution No 1150 of 15 October 2007.

<sup>18</sup> Approved under Government Resolution No 191 of 17 March 2011.

<sup>19</sup> <http://www.mvcr.cz/clanek/prevence-519728.aspx?q=Y2hudW09Nw%3d%3d>

formed, thereby interlinking child protection agencies across the country. A register of vulnerable children will be established which will be accessible to the Ministry of the Interior, the Ministry of Labour and Social Affairs, the Ministry of Health, the Ministry of Education, and the Office for the International Legal Protection of Children; each of these entities will only draw information from the system which they are legally entitled to retrieve. A Cost-Benefit Analysis estimated overall project costs at CZK 121 million in investment funds and CZK 19 million in operating costs associated with project implementation, to be drawn between 2011 and 2015.

(iv) Action Plan for the Implementation of the National Drug Policy Strategy 2010–2012<sup>20</sup>

93. The Action Plan encompasses activities in eight areas of intervention: primary prevention; treatment and social inclusion; risk reduction; suppression of supply; coordination and funding; monitoring, research, evaluation; international cooperation; alcohol and tobacco. This document responds to the current drug situation in the Czech Republic, which reports the highest rate of use (particularly cannabis) among young people in Europe. The cost of activities under the Action Plan is estimated at CZK 54,185,000.

(v) Concept of State Policy for Children and Young People 2007–2013<sup>21</sup>

94. The Concept of State Policy for Children and Young People 2007–2013 focuses on the most serious, most pressing areas of government policy towards children and young people. The Concept includes government measures to address issues affecting the younger generation or impeding its development, a variety of innovative programmes, etc.

(vi) Draft of the Preparatory Phase of the National Action Plan for Inclusive Education<sup>22</sup>

95. The National Action Plan for Inclusive Education is a fundamental document defining the framework of activities undertaken to ensure equal access and equal opportunities for all people in education. This scheme involves the introduction of measures necessary to end the lingering inequalities in Czech schools and to prevent any discriminatory effects.

(vii) National Concept of Support for Families with Children<sup>23</sup>

96. With this document, the Government aims to create or improve conditions for reconciling work and family life by increasing the supply of local, affordable different types of childcare services, supporting the greater capacity and regional availability of nursery schools, providing the motivation for employers and other entities to engage in childcare services, etc.

97. In March 2011, the Ministry of Labour and Social Affairs submitted a draft general principle of the Act on Child Care Services for inter-ministerial comment procedure. In part, this document is a response to the inadequate capacities of existing facilities and supports the development of alternatives to family care at the stage of pre-primary education, the expansion of company nurseries, alternative preschool facilities in the form of parent and family centres, as well as the concept of “neighbourhood babysitting”, and as such creates conditions for parents to return to work earlier. The purpose of the measure is to enable parents to stay in contact with their employment during child care and to promote reconciliation between the work and family life of parents with young children, giving them

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<sup>20</sup> Approved under Government Resolution No 47 of 19 January 2011.

<sup>21</sup> Approved under Government Resolution No 611 of 4 June 2007.

<sup>22</sup> Approved under Government Resolution No 206 of 15 March 2010.

<sup>23</sup> Approved under Government Resolution No 1451 of 19 November 2008.

the opportunity to participate in the labour market. The draft general principle of the law includes measures to introduce new and develop existing childcare services, thereby extending the range of childcare service providers in the Czech Republic to include types of care acting as alternatives to crèches and nursery schools.

(viii) Updated Concept for the Integration of Foreign Nationals in the Czech Republic<sup>24</sup>

98. The Concept for the Integration of Foreign Nationals is an annually prepared strategy. The activities under the Concept are coordinated by the Ministry of the Interior. The integration target group remains foreigners from third countries,<sup>25</sup> including children who are long-term legally resident in the Czech Republic, with the exception of applicants for international protection and those who have been granted international protection (who are covered by different programmes). Particular attention in the implementation of integration measures is paid to foreign nationals in a vulnerable position. These include young people who are a second generation of foreign nationals. It is necessary to encourage their active involvement in the education system and to motivate them to handle their affairs and status in society themselves. They also include the children of foreign nationals. It is particularly necessary to promote a good knowledge of Czech, which is essential for their future education and a prerequisite for their further integration into society. The involvement of foreign children in leisure activities (including sports), together with the children of the majority, is essential for their discovery of the reality of life in the Czech Republic and for their personal development. CZK 10,000,000 has been earmarked in the budget of the Ministry of the Interior to implement the updated Concept for the Integration of Foreign Nationals in 2011.

(ix) Long-term Programme for Improving the Health of the Czech Population – Health for All in the 21st Century<sup>26</sup>

99. This strategy sets targets for health care for the period up to 2020. It was adopted by the Government in response to the WHO declaration of 1998 which formulated the basic political principles of health care in its widest social context. In both the declaration and the Czech Constitution, health is specified as one of the fundamental human rights; improvements in health are the main aim of social and economic development. This national long-term concept elaborates on these 21 goals. In terms of protecting children's rights, the strategy aims to create conditions to ensure that all infants and preschool children have improved health, giving them a healthy start in life.

(x) National Action Plan of Child Accident Prevention 2007–2017<sup>27</sup>

100. This Action Plan is one of the documents implementing the “Long-term Programme for Improving the Health of the Czech Population – Health for All in the 21st Century”. In the Czech Republic, accidents are the leading cause of death in children and young adults, and the third leading cause of death in the population as a whole. Although mortality from injuries in recent years has decreased slightly, which is indicative of a good system of health care, the total number of accidents has not gone down. This conceptual document aims to help improve the overall situation in this area by coordinating activities associated with a reduction in the risk of accidents to children.

<sup>24</sup> Approved under Government Resolution No 99 of 9 February 2011.

<sup>25</sup> Nationals of countries which are not EU Member States.

<sup>26</sup> Approved under Government Resolution No 1046 of 30 October 2002.

<sup>27</sup> Approved under Government Resolution No 926 of 22 August 2007.

**4. Recent ratification of human rights instruments**

101. Changes since 1 January 2007:

- Convention on the Rights of Persons with Disabilities: signature: 30 March 2007, ratification: 28 September 2009, entry into force: 28 October 2009. The Convention was published under number 10/2010 Sb.MS., thus becoming part of the legal system of the Czech Republic.
- Second Optional Protocol to the Convention on the Rights of Persons with Disabilities: Signature: 30 March 2007, ratification: pending.
- Amendment to Article 20(1) of the Convention on the Elimination of All Forms of Discrimination against Women: under discussion at the Czech Parliament.
- European Charter for Regional or Minority Languages: ratification: 15 November 2006, entry into force: 1 March 2007. The Charter was published under number 15/2007 Sb.MS., thus becoming part of the legal system of the Czech Republic.
- Protocol No 14 to the European Convention on the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention: signature: 29 June 2005, ratification: 19 May 2006, entry into force: 1 June 2010 (Article 19). The Protocol was published under number 48/2010 Sb.MS., thus becoming part of the legal system of the Czech Republic.

**Part III**

**Reply to the issues raised in part III, paragraph 1 of the list of issues**

**1. The budgetary allocations for programmes aimed at implementing the Convention or otherwise for the benefit of children**

(a) *Ministry of Health*

(i) *“Caring for Children and Adolescents” grant scheme and “Crime Prevention” programme*

102. The objective of these programmes is to support activities and preventive measures aimed at improving the health of children and adolescents. The range of priorities to be supported is announced every year

- Priorities in 2008: Prevention of children’s injuries. First aid education. Prevention of violence against children
- Priorities in 2009: Prevention of children’s injuries. Prevention of violence against children. Promotion of children’s mental health
- Priorities in 2010: Prevention of children’s injuries. Prevention of violence against children – focusing on deliberate self-harm. Social aspects of health – focusing on young people

103. In 2010, CZK 1,163,000 was disbursed under these grant schemes.

(ii) *“National Health Programme – Health Promotion Projects” grant scheme*

104. In 2010, this grant scheme supported 30 projects aimed at promoting healthy lifestyles and disease prevention. In the field of accident, poisoning and violence prevention and the prevention of excessive use of alcoholic beverages and tobacco abuse, four health promotion projects were implemented, which were allocated a total of CZK 747,000. In

2010, 13 projects focused on promoting the health of children and adolescents. They were granted a total of CZK 2,305,000.

(iii) *“Ministry of Health Drug Policy” grant scheme*

105. The programme is aimed at substance abuse prevent and care for persons dependent on addictive substances. In 2010, CZK 9.6 million was disbursed for projects under this scheme.

(iv) *“Ministry of Health Grant Support Scheme”*

106. The aim of the scheme is to support civic organizations set up to assist people with disabilities.

(b) *Ministry of the Interior*

107. Under the grant scheme “Programmes aimed at children as witnesses of domestic violence”, in 2008 eight projects were supported with a total amount of CZK 1.4 million. Under the grant scheme “Programmes aimed at children as witnesses of domestic violence”, in 2009 five projects were supported with a total amount of CZK 900,000. In 2009, the grant scheme “Prevention of domestic violence, with an emphasis on working with violent people” was open. In 2009, the Ministry of the Interior implemented ran the project “Police officer training in domestic violence issues” as part of an internal scheme. CZK 50,000 was allocated to this project.

(c) *Ministry of Labour and Social Affairs*

108. Since 2005, the Ministry of Labour and Social Affairs has made grants available for family support. The following areas are supported under this scheme:

- Support of facilities providing services to prevent the social exclusion of parents caring for children
- Support for improvements in partner and marital relations and better parenting skills
- Support for foster care

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*Support for the mentoring  
of children and young  
people in foster care and  
educative care*

<i>Year</i>	<i>Allocated (CZK)</i>	<i>Projects</i>	<i>Projects funded</i>
2008	85,000,000	331	237
2009	114,000,000	390	301
2010	123,000,000	390	308

109. As the lack of funding for the exercise of delegated powers was indicated as one of the major causes of existing problems in the provision of child protection, the decision was taken to earmark funds to cover the costs of child protection beyond the contribution for state administration purposes. To this end, in 2007, the Ministry of Finance granted municipalities with extended powers special-purpose non-investment grants from the national budget to cover costs associated with child protection. This is a separate grant scheme included in the national budget in the heading “General Treasury Administration” under “Grants for activities carried out by municipalities with extended powers in the field of child protection”. Child protection grants amounted to CZK 697,000,000 in 2007, CZK 717,910,000 in 2008, and CZK 739,447,000 in 2009. In the 2010 national budget and the thrifter 2011 national budget, despite the economic crisis and adverse developments in

public finances, the child protection grant scheme has been kept at the same level, i.e. CZK 739,447,000. In order to reflect differences in the workload of different authorities, child protection grants are distributed among municipalities with extended powers based on the number of cases registered. However, each municipality with extended powers is guaranteed a minimum grant sufficient to fund at least two workers responsible for the child protection agenda. The establishment of separate special-purpose grants to cover costs associated with the activities of child protection agencies is in keeping with the Recommendations 18 and 19 of the UN Committee on the Rights of the Child for the Second Periodic Report of the Czech Republic.

(d) *Ministry of Education, Youth and Sports*

110. To support the implementation of the Convention on the Rights of the Child, Compass, the Council of Europe manual on human rights education, was translated.

111. Other related programmes:

- Organization of free preparation for the integration of children who are nationals of another EU Member State into primary education – a regular programme, earmarked CZK 4.6 million from the national budget per year
- Safeguarding of conditions for the primary education of minor recognized refugees, persons enjoying subsidiary protection, applicants for international protection in the Czech Republic and the children of foreigners placed in detention facilities for foreigners – a regular programme, earmarked approximately CZK 500,000 per year.
- Support for underprivileged students at secondary schools and post-secondary vocational colleges – a regular programme, allocated approximately CZK 11 million in 2008, approximately CZK 11 million in 2009, CZK 10 million in 2010.
- Financing of teaching assistants for underprivileged pupils – a regular programme, allocated CZK 71 million in 2008, CZK 75 million in 2009, CZK 75 million in 2010.
- Financing of teaching assistants for pupils with disabilities at private and faith schools – a regular programme, allocated CZK 31 million in 2008, CZK 37 million in 2009, CZK 37 million in 2010.
- Grant scheme to support the publication of textbooks adjusted for the needs of pupils with disabilities – a regular programme, allocated CZK 5.6 million in 2008, CZK 5.6 million in 2009, CZK 5.6 million in 2010.
- Support for the supply of compensation and rehabilitation aids for the needs of pupils with disabilities. This is a new scheme; CZK 10 million was earmarked for its implementation in 2010.
- Support for instruction in minority languages and multicultural education – a regular programme, allocated approximately CZK 16 million in 2008, approximately CZK 18 million in 2009, approximately CZK 15 million in 2010.
- Drug policy, social prevention and crime prevention programmes – regular programmes, allocated CZK 24 million in 2008, CZK 24 million in 2009, CZK 26 million in 2010.

2. **The number of children deprived of a family environment, and in providing such information, please specify the type of residential care institution, foster home and/or other form of alternative care that these children are placed in**

	2008	2009
Number of children in foster care	6,145	6,723
Number of children in the personal care of a guardian	2,395	2,514
Number of children placed in the custody of a person other than a parent	-	4,176
Number of children ordered into institutional care	8,009	7,975
Number of children ordered into protective care	194	205
Number of children placed in facilities for children in need of immediate assistance	670	587

Source: Child Protection Statistics Sheet, Ministry of Labour and Social Affairs

(a) *Ministry of Health*

112. At the end of 2009, the Czech Republic had 34 infant homes and children's homes for children up to the age of 3 years. Their capacity at the same date was 1,818 places, of which 1,391 were filled. During the year, 1,966 children were accepted. During the year, 2,022 children were released, of whom 87% were placed in a family environment (55% to their own families, 21% were adopted, and 11% were placed in a different form of substitute family care). Eight per cent of the released children were transferred to a children's home for older children (in the competence of the Ministry of Education); 2% were placed in a social care institution, while 3% were placed elsewhere (the Kangaroo scheme – a family-based alternative to institutional care etc.).

(b) *Ministry of Education, Youth and Sports*

Type of facility, number of facilities, number of children and young people

figures as at 31 October 2008

Type of facility	Number of facilities	Number of children and young people	Number of children and young people of placement based on			
			court decision with institutional care	interim protective care	parental request measure	
<b>Total</b>	<b>232</b>	<b>7,820</b>	<b>6,488</b>	<b>206</b>	<b>1 007</b>	<b>86</b>
children's home	155	4,739	4,278	6	401	29
children's home with school attached	29	742	619	41	82	-
educative institution	34	1,546	1,284	143	111	-
diagnostic institution	14	793	307	16	413	57

figures as at 31 October 2009

Type of facility	Number of facilities	Number of children and young people	Number of children and young people of placement based on			
			court decision with institutional care	interim protective care	parental request measure	

Type of facility, number of facilities, number of children and young people

Total	229	7,878	6,282	229	864	90
children's home	151	4,704	4,041	14	288	13
children's home with school attached	31	787	654	50	74	–
educative institution	33	1,534	1,209	150	118	11
diagnostic institution	14	853	378	15	384	66

figures as at 31 October 2010

Type of facility	Number of children and young people of placement based on					
	court decision with institutional care		interim protective measure		parental request	
Total	228	7,397	6,046	178	720	26
children's home	150	4,628	4,002	–	239	11
children's home with school attached	31	760	619	36	96	–
educative institution	33	1,445	1,176	131	102	–
diagnostic institution	14	564	249	11	283	15

Source: Ministry of Education, Youth and Sports

**3. The number of children who are placed in institutions under the “Protective upbringing” system**

113. Specific figures on the numbers of children in institutional care are provided under (b).

**4. Number of suicides of children**

114. The Czech Republic is among those EU Member States with a higher standardized mortality rate in terms of suicide among children aged 0-14 years. Intentional self-harm (suicide) is the second most common external cause of death among children aged 15 to 19 years after traffic accidents. The number of child deaths caused by intentional self-harm are shown in the table (figures for 2010 are not yet available)

115. Number of child deaths caused by intentional self-harm:

Period	Number of deaths/mortality							
	Absolute				Per 100,000 of population			
	Age group			Total	Age group			Total
	5-9	10-14	15-19	5-19	5-9	10-14	15-19	5-19
2008	1	3	42	46	0.2	0.6	6.5	2.9
2009	0	3	31	34	0.0	0.6	4.9	2.2

Source: Institute of Health Information and Statistics, 2011

116. The figures in the table below are based on the Register of Crime Statistics maintained by the Czech Police Force.

*SUICIDES BY AGE – Czech Republic*

YEAR	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	total
Number of suicides by persons aged 0-18 years	38	28	29	19	32	23	25	20	25	27	266

**5. The enrolment rates at primary and secondary school levels for non-citizen and non-European Union children, including stateless children**

117. Figures for the 2008/09 school year:

<i>Nationality</i>	<i>Primary schools</i>		<i>Secondary schools</i>		<i>Conservatories</i>	
	total	of which girls	total	of which girls	total	of which girls
Czech Republic	98.3%	98.4%	98.7%	98.7%	96.3%	96,9%
Total foreign nationals	1.7%	1.6%	1.3%	1.3%	3.7%	3,1%
EU-27 Member States	0.5%	0.5%	0.3%	0.3%	2.1%	1,6%
of which Slovakia	0.3%	0.3%	0.2%	0.2%	1.5%	1,1%
of which other states of Europe and the world, unspecified	1.2%	1.2%	1.0%	0.9%	1.6%	1.4%

Figures for the 2009/10 school year

<i>Nationality</i>	<i>Primary schools</i>		<i>Secondary schools</i>		<i>Conservatories</i>	
	total	of which girls	total	of which girls	total	of which girls
Czech Republic	98.3%	98.3%	98.6%	98.6%	96,6%	97,1%
Total foreign nationals	1.7%	1.7%	1.4%	1,4%	3,4%	2,9%
EU-27 Member States	0.5%	0.5%	0.3%	0,3%	2,0%	1,5%
of which Slovakia	0.4%	0.4%	0.2%	0,2%	1,3%	0,9%
of which other states of Europe and the world, unspecified	1.3%	1.2%	1.1%	1,1%	1,5%	1,4%

Figures for the 2010/11 school year

Nationality	Primary schools		Secondary schools		Conservatories	
	of which		of which		of which	
	total	girls	total	girls	total	girls
Czech Republic	98.2%	98.2%	98.4%	98.4%	96.2%	96.5%
Total foreign nationals	1.8%	1.8%	1.6%	1.6%	3.8%	3.5%
of which EU-27 Member States	0.5%	0.5%	0.4%	0.4%	2.0%	1.7%
of which Slovakia	0.4%	0.4%	0.3%	0.3%	1.5%	1.1%
other states of the world, unspecified	1.3%	1.3%	1.2%	1.2%	1.8%	1.8%

Source: Institute for Information on Education database

**6. The number, including as a percentage, of cases involving discrimination which received a suspended sentence**

These figures are not available; discrimination is not regarded as a criminal offence in the Czech legal system.

**7. The total number of children with disabilities and the percentage of such children attending regular school**

Vulnerable and chronically ill or disabled children are included in dispensary groups, where they are more carefully monitored by a paediatrician and the relevant specialists. Approximately every fifth child is monitored in dispensary care by paediatricians annually.

Children with disabilities and pupils in the 2008/09–2010/11 school years

	2008/09	2009/10	2010/11
<b>Nursery schools</b>			
Total children with disabilities	8,673	8,970	9,236
of which individually integrated into mainstream classes	19.5%	19.8%	20.7%
<b>Primary schools</b>			
Total pupils with disabilities	72,854	71,801	70,723
of which individually integrated into mainstream classes	47.1%	48.4%	51.2%
<b>Secondary schools</b>			
Total pupils with disabilities	18,698	19,728	18,731
of which individually integrated into mainstream classes	27.6%	31.9%	34.9%
<b>Conservatories</b>			
Total pupils with disabilities	64	65	63
of which individually integrated into mainstream classes	3.1%	4.6%	6.3%

**8. The number of children that have been placed in schools that are part of the Framework Education Programme for Children with Light Mental Disabilities;**

As data related to this curriculum are not collected, we cite the numbers of pupils with mild mental disabilities.

	2008/09	2009/10	2010/11
Primary schools			
Pupils in special classes	17,755	17,948	16,420
Individually integrated into mainstream classes	782	794	877

**9. The number of children living in street situations**

The exact extent of homelessness (whether among adults or children) in the Czech Republic is not known; the numbers of homeless people are only estimated. Specific numbers are known only in large cities where blanket surveys have been carried out. However, the results are inconsistent and there is no general consensus among institutions involved in this field regarding the output of the surveys. The nature of the studied group of citizens makes it very difficult to map them precisely. Homeless people very often migrate around the country, they do not remain permanently in one place, they are not interested in cooperating – indeed, they would rather be invisible to the system, etc. The total number of homeless people in the Czech Republic runs into the thousands. In 1991, it was estimated that there were approximately 9,000 homeless people. The 2001 census revealed that approximately 45,000 people were living in various flimsy dwellings. The largest concentration of homeless people can be found in the large cities, particularly in Prague, where they can benefit from the excesses of consumer society; most overnight options and social service drop-in centres can be found in the capital.

**10. The number of child victims of sexual exploitation and trafficking, as well as related prosecutions, convictions and sentences pronounced**

The following table provides information on selected crimes against persons under 18 years of age during the reporting period (numbers of crimes ascertained)

Name	2008	2009	2010
<i>(relevant provisions of the Crimes Act)<sup>28</sup></i>			
Sexual abuse, other (Section 242 CA; Section 187(1), (3), (4) CC)	711	727	639
Sexual abuse, dependence (Section 242(2), Section 243 CA; Section 187(2) CC)	74	92	84
Commercial sexual abuse, other (Section 242(1), (3), (4) CA; Section 187(1), (3), (4) CC)	6	1	5
Commercial sexual abuse, dependence (Section 242(2), Section 243 CA; Section 187(2) CC)	3	1	0
Rape (Section 241 CA; Section 185 CC)	135	139	133
Grooming for sexual intercourse (Section 217a CA; Section 202 CC)	41	33	31

<sup>28</sup> Act No 140/1961, the Crimes Act, as amended = CA.  
Act No 40/2009, the Criminal Code, as amended by Act No 306/2009. = CC (entered into effect on 1 January 2010)

<i>Name</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
<i>(relevant provisions of the Crimes Act)<sup>28</sup></i>			
Procuring (Section 204 CA; Section 189 CC)	7	8	2
Human trafficking (Section 232a CA; Section 168 CC)	5	3	9

**11. The number of children who are subject to situations of economic exploitation, including that of domestic work and/or other situations**

No comprehensive figures are available.

With regard to commercial sexual abuse, the figures can be read from the previous table under j). Despite the rising trend of increased cases of trafficking in humans for labour exploitation, statistics indicate that this form of trafficking is still on a lower scale than trafficking for sexual exploitation. It should also be noted that cases of trafficking for the domestic slavery of children in the Czech Republic are identified only rarely.

**Reply to the issues raised in part III, paragraphs 2 and 3, of the list of issues**

**1. Additional information**

*(a) General*

We draw attention to the outdated term “handicapped children”; current documents (first and foremost the relevant law itself – Act No 108/2006) and current practice use the term “with disabilities”. The designation “handicapped” is perceived as stigmatizing and degrading.

*(b) Point 21, p. 9 of the Report*

In parenting disputes in recent years, the Office for the International Protection of Children has placed an emphasis on the amicable settlement of such disputes; therefore, the Office has reinforced its team with experts – psychologists trained in mediation.

**2. Other current information related to the implementation of the Convention which is not specifically mentioned in other answers to the questions of the UN Committee on the Rights of the Child**

*(a) Statistics*

In accordance with Recommendations 20 and 21 of the UN Committee on the Rights of the Child concerning the Second Periodic Report that the Czech Republic arrange for the collection of data for all areas covered by the Convention on the Rights of the Child, with effect from 2009 the Ministry of Labour and Social Affairs Child Protection Statistics Sheet (V 20-01) was adjusted. The monitoring of information on children placed in foster care and on children placed in alternative care facilities for the care of children was made more transparent and expanded. In addition to information about children abused and exploited, now comprehensive data are collected on children who are exposed to various forms of neglect.<sup>29</sup>

Special interview rooms

<sup>29</sup> 2009 Statistical Yearbook on Labour and Social Affairs.

Based on Government Resolution No 949 of 16 August 2006 concerning the National Plan to Combat the Commercial Sexual Exploitation of Children 2006–2008, the Ministry of Interior prepared the Programme for the Establishment of Special Police Interview Rooms for Child Victims and Witnesses (the “Programme”) for the period 2007-2009. Funding of CZK 2.5 million was used for this purpose. These resources were used to set up 12 interview rooms. The main reason for establishing the interview rooms is not to harm a child who is a victim or witness of crime any further, and to reduce the trauma of what the child has suffered. The aim is to build a room that is fundamentally different from traditional police offices so that the trauma of spending any necessary time spent in them by children is minimized. Holding interviews in these rooms will make contact with the police easier and protect the child from the unpleasant experience that would be caused by the conventional setting of a police department. Special interview rooms are a suitably arranged and technically equipped workplace ensuring maximum authenticity and documentation of the interview. The room is equipped with high-quality recording equipment, which is a major factor in ensuring compliance with “non-repeatable and urgent acts” under the Rules of Criminal Procedure; the layout and internal furnishings meet the need for an appropriate environment for working with children. There are currently 30 such interview rooms in 12 regions of the Czech Republic. The special interview rooms are usually located in buildings operated by the Czech Police Force; in five cases they are housed in civilian facilities (e.g. hospitals, a children’s home).

(b) *National Coordination Mechanism for Missing Children*

In May 2010, the Minister of the Interior signed a Memorandum of Cooperation with media partners to launch the project for a National Coordination Mechanism for Missing Children. Ten media partners (television, radio, blogs) are currently involved in the project. Under the memorandum, the media undertake to publish information about a missing child whose life is in danger, along with a call for public cooperation, in the shortest time possible after receiving an alert. Conditions for the transmission of such data from the police to the media are regulated by the “missing persons” application on the website of the Czech Police Force ([www.pomoztemenajit.cz](http://www.pomoztemenajit.cz)). The mechanism has been activated by the police 28 times since the project was launched.

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