



# Convention on the Rights of the Child

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**Committee on the Rights of the Child**  
Eighty-fifth session  
Consideration of reports of States parties

## **Replies of Czechia to the list of issues in relation to its combined fifth and sixth periodic reports<sup>\*</sup>, <sup>\*\*</sup>**

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\* The present document is being issued without formal editing.

\*\* The annex to the present document may be accessed from the web page of the Committee.

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## **Part I**

### **Reply to paragraph 1 (a) of the list of issues – Comprehensive strategy on children**

1. The previous complex National Strategy to Protect Children's Rights described in par. 3 of the periodic report ended in 2018 and a draft follow-up strategy is in preparation with an expected date of presentation to the Government in July 2020. At present the situation of children is being governed by other strategic documents like the Social Inclusion Strategy 2014–2020. Support for families as well as deinstitutionalisation and development of networks of early intervention community services are key areas of social inclusion. Optimisation of the child protection system is also included in a follow-up Social Inclusion Strategy 2021–2030 which was adopted by the government in January. Furthermore, deinstitutionalisation is a priority of the National Strategy on Development of Social Services 2016–2025, among others in Chapter on Children at Risk. Preventive and support services for families with children are also contained in the Concept on Family Policy 2017.

### **Reply to paragraph 1 (b) of the list of issues – Coordination of the implementation of the Convention**

2. The Ministry of Labour and Social Affairs continues to be responsible for the coordination of the implementation of the Convention. It is being advised by the Interdisciplinary Coordination Group on Transformation and Unification of the Child Protection System composed of representatives of 7 relevant ministries, associations of local and regional authorities, Probation and Mediation Service, Supreme Public Prosecution as well as NGOs. In 2019 the College of Ministers was also established, composed of the ministers of social affairs, health and education. It met in 2019 and other meetings are planned this year. Last but not least, the Committee on Social Inclusion by the Ministry of Labour and Social Affairs regularly evaluates the implementation of the Strategy for Social Inclusion including measures on optimising the child protection system. The members include 9 ministries, Office of the Government, Agency for Social Inclusion, Czech Statistical Office, and associations of local and regional authorities, the Ombudsperson's office, civil society, academy and other relevant stakeholders.

3. The Committee on the Rights of the Child described in par. 5 of the periodic report continues its work as a working body under the Government Council for Human Rights. It consists of 18 members, half as representatives of relevant ministries and the ombudsperson's office, second half as representatives of civil society, independent experts and academy. It meets approx. 6 times a year and gives recommendations to the Government on whole range of issues relating to children's rights.

### **Reply to paragraph 1 (c) of the list of issues – Business and children's rights**

4. The National Action Plan for Business and Human Rights 2017–2022 does not include topics specifically related to children but covers their rights in general topics like criminal responsibility of legal persons, protection of clients of social services, class action and alternative dispute resolution or recommendations to business companies on human rights obligations and due diligence. Furthermore, the Ministry of Industry and Trade as its serves as the National Contact Point for the implementation of the OECD Guidelines for Multinational Enterprises and informs businesses about their obligations and best practices, organises seminars and issues informative materials. These include e.g. recommendations relating to the Convention and relevant provisions of ILO on the worst forms of child labour and conditions of adolescents' labour. It also promotes the principles of corporate social responsibility. Other issues concerning business and human rights have been described in par. 22f of the periodic report. Children's rights are also strengthened through corporate sponsoring of projects of NGOs supporting child-related issues or children directly.

### **Reply to paragraph 1 (d) of the list of issues – Children's ombudsperson**

5. The discussions on the issue of the ombudsperson for children are ongoing. At present, the work of the Ombudsperson continues as described in par. 13ff of the periodic report.

### **Reply to paragraph 1 (e) of the list of issues – Cooperation with civil society and transparent financial support**

6. Civil organisations representatives are regularly members of advisory bodies of the Government (e.g. Committee on the Rights of the Child and Human Rights Council) as well as relevant ministries (e.g. see par. 2 above). Similar cooperation exists also in other relevant areas. The Ministry of Social Affairs and other public authorities also allocate grants to NGOs for social services or their projects on protection and implementation of children's rights. Funds for early care for families are available under Family Subsidy Scheme and Subsidies for Providers of Registered Social Services run by the Ministry of Labour and Social Affairs. For 2020 the Family Scheme allocation was increased to 120 million CZK (i.e. 4.8 million EUR). Also, 4 654 services were supported by nearly 17 billion CZK (e.g. 680 million EUR) in 2019. For further information see budget allocation and supported programmes and services for 2017–2019 in the Annex.

7. Furthermore, in 2017 the Ministry of Health created a new department on support of patients' rights which focuses on cooperation with civil society including legislation and strategic activities. In 2017 Patients' Council was also established as a permanent advisory body of the Ministry of Health consisting of representatives of patients' organisations including those providing care to children or their parents. It may further set up working groups on separate issues, for example Working Group on Child and Adolescent Psychiatry whose member is among others a person suffering from a mental illness since his childhood as well as parents of children with mental illness.

8. In September 2019 the Ministry of Health also constituted a National Commission for Breastfeeding which will facilitate cooperation among relevant ministries, health care providers, health insurance companies and professional societies. Its aim is to promote quality support and counselling on breastfeeding and infant nutrition after leaving the maternity ward. It will present relevant information, including standards and methodologies in accordance with modern research, UN and WHO programmes, principles of the Baby-friendly Hospital Initiative and obligations deriving from the International Code of Marketing of Breast-milk Substitutes, through the National Health Information Portal. Finally, thanks to cooperation with paediatricians, NGOs and other partners, it shall improve the connection of important stakeholders after release from the maternity hospital.

### **Reply to paragraph 2 (a) of the list of issues – Review of legislation**

9. From 2022 the new Act on the Collection of Acts and International Treaties obliges the government to include into the explanatory memorandum of any legislation the assessment of its impact on the protection of children's rights.

10. Furthermore, an important amendment of the Act on Social and Legal Protection of Children was adopted in 2013. It implemented social work tools into the work of child protection authorities such as assessment of the situation of children at risk and their families, individual plan of child's protection and case conferences that help connecting all relevant institutions and experts relevant to the particular child's situation. Binding standards of social and legal protection of children for all local child protection authorities shall lead to quality, transparent, effective and non-discriminatory system of care of children at risk. The number of staff of child protection authorities was also increased. Furthermore, the procedure of entrusting a child into care of another person was clarified in more detail. Conditions for intermediation of adoption and foster care and criteria of preparation and ongoing education of foster parents were set. Foster parents and other persons carrying out foster care gained a right to support and accompanying services and monitoring and evaluation of the realisation of foster care. The 2014 Civil Code also brought new legislation of individual foster care as described in par. 70ff of the periodic report.

11. In terms of child participation, from 2000 children have the right to freely express their view on all matters relating to them without the interference of their parents or other persons responsible for their education. These views are given adequate attention according to the child's age and maturity. Since 2006, child protection authorities acting as child's guardian are obliged to inform the child about the impact of a relevant decision, if they are able to understand it. Since 2014 it is presumed that from the age of 12 the child is able to form their own opinion and communicate them. From 2017 the court, the child's legal

representative or the guardian are obliged to provide the child with necessary information on the proceeding and possible results of upholding their opinion as well as of the court's decision when they are able to understand the situation. The court has also an obligation to hear a child and take their opinion into account according to the degree of their mental development. If the child is not able to form their own opinion and communicate it, the court hears a person who can protect the child's interest and their interests are not in conflict with the child.

12. Furthermore, in 2019 the Constitutional Court emphasised based on the Convention that it is essential for both the court and the child protection authority to hear children without the presence and intervention of a parent or other persons unless their presence is necessary for serious reasons. Their presence may indeed hinder the child's free expression of their views whether it is for fear, concern, endeavour to please or not to hurt the other present person etc. Children should be heard in an environment they perceive as safe and the authority shall listen to them without prejudice. This decision is binding for all public institutions including child protection authorities that are methodically guided by the Ministry of Social Affairs to act in line with this view. Equally, they are guided to permit a presence of a confidant chosen by the child unless their presence could negatively affect the child's hearing. Such process is similar to the presence of a child's confidant before a court.

#### **Reply to paragraph 2 (b) of the list of issues – Training of professionals**

13. As for the education of judges, the Judicial Academy regularly offers voluntary 3-day seminars on Public Family Law, Private Family Law for Guardianship Judges and Juvenile Justice in Prague and Kroměříž. The Judicial Academy is analysing attendance of individual judges at present. Upon this analysis it will then offer individual education plans to courts with low attendance of their judges, mostly smaller courts, at their premises.

14. In terms of police officers, the specialisation on juvenile criminal activity was extended and now also includes children victims. Such trainings on both child perpetrators and child victims were carried out in all Police regional directories and departments with nationwide competence and the General Inspection of Security Forces. With the 2013 Act on Victims of Criminal Offences there is more emphasis put on special interrogation rooms. At present there are 70 rooms in all local police departments. Trainings of police officers specialised on child matters focusing on the approach and obligations towards a child are organised regularly. Methodologies on Interrogation of Children in special interrogation rooms and on the Role of a Child in Criminal Proceedings were created and published online. In 2020 works on new Methodology on Identification of Victim have begun.

15. Finally, the Czech Bar Association is responsible for registration and education of practicing advocates and trainees. A course on Defence in Juvenile Justice is obligatory and on European institutions of protection on human rights is voluntary for trainees. The Association regularly offers optional 1 day-seminars for lawyers on Childcare Proceedings, International Protection of Children, Family Lawyer etc.

#### **Reply to paragraph 2 (c) of the list of issues – Child and forced marriage**

16. Forced marriage is criminalised under the criminal offence of extortion. If necessary conditions are met, such act may also be prosecuted as human trafficking. The offence of extortion includes acts by which free will of a person (in this case free will to access to marriage) is influenced by violence, threat of violence or threat of other serious harm. The offence of extortion is committed by using violence, threat of violence or threat of other serious harm. In terms of protection of children against forced marriage abroad, in 2018 the Criminal Code was amended to extend the range of the offence of kidnapping to include kidnapping of a person from and to another state than the Czech Republic.

#### **Reply to paragraph 3 of the list of issues – Budget on Vulnerable Children**

17. As stated in par. 10 of the periodic report, public finances are not earmarked according to the goals of the Convention. Budget allocations for concrete issues and topics are included in the Annex.

18. Following the information provided in par. 8 of the periodic report, the comprehensive and centralised information system of the Ministry of Labour and Social

Affairs is being finalised. Data are also collected by law enforcement authorities where efforts of unification and interconnection also take place.

#### **Reply to paragraph 4 of the list of issues – Best interest of children in decision-making**

19. Any public authority must take the best interest of a child and child's individual conditions into consideration as specified in par. 31ff of the periodic report. Under the Act on Residence of Foreign Nationals the competent authority must assess the proportionality of the impact of its decision on the child's family and private life. From 2015 the Act includes provision allowing to detain an unaccompanied foreign minor only if they could pose a reasonable threat to public security or seriously disturb public order, and if it is in their best interest in accordance with the Convention. Same rules apply to cases of expatriation, deportation, handover under readmission agreement to another EU country as well as Dublin transfers. The Methodology Guidelines for Immigration Staff list specific situation when a child may be affected by migration and residence proceedings.

20. The issue of violence against children is partially being governed by the Action Plan on Prevention of Domestic and Gender-Based Violence 2019–2022. Among other measures it includes education of child protection authorities on early risk and threat of violence within family and prevention of secondary victimisation, standards and support of programmes for perpetrators, conceptual and methodology materials on protection of children's rights and domestic violence, support for programmes of telephone crisis intervention for victims of sexual abuse and specialised crisis assistance for children at risk of violence within family.

21. The issues of racism and hate crime are dealt with in the Criminal Code and annual governmental strategies as described in par. 30 of the periodic report. Tolerance, respect and non-discrimination are one of the major legal goals of public education and included in education programmes at all levels. The Ministry of Education, Youth and Sports includes the fight against racism and hatred in the primary prevention at schools. Together with the Ministry of Culture it supports awareness-raising campaigns, lectures, cultural and educational events. The Government also continues its anti-racism and hate free campaign on the internet and social media as well as in schools and municipalities.

22. In terms of corporal punishment, the Czech law allows parents to bring up their children by using proportionate educational measures. These however cannot interfere with child's dignity. Using disproportionate means is sanctioned as a misdemeanour or even a crime in severe cases. Such misdemeanour may be sanctioned by a fine of up to 50 000 CZK (2 000 EUR), a reprimand or an obligation to undergo an appropriate programme for aggression management or on positive parenting. The Ministry of Labour and Social Affairs supported projects on positive parenting working with families through the Family Subsidy Scheme. In the view of the decision of the European Committee on Social Rights in the case *Approach v. Czech Republic*, the Czech Republic will plan future steps in cooperation of relevant ministries.

#### **Reply to paragraph 5 (a) of the list of issues – Child Abandonment**

23. The Ministry of Social Affairs supports social services, social work and social and legal protection of children contributing to the solution of adverse family situation which could lead to child abandonment or removing a child from their family.

24. Qualified social workers at local authorities provide specialised social counselling and refer families to relevant social services dealing with poverty, over-indebtedness, housing emergency, unemployment, adverse health and other issues. Their sufficient capacities are guaranteed by local and regional authorities that are obliged to prepare and implement medium-term plans to maintain and develop networks of social services for different target groups including families with children. Social and legal protection authorities search for children at risk, provide assistance, organise lectures and courses for families in adverse situation to help them with social reintegration.

25. As mentioned in par. 6 of the State's Report, public social and legal protection of children provided by local authorities was revised in 2013 to provide in time sufficient capacities for adequate and individualised social work with the family to prevent the removal of children from families. Adopted changes then led to intensified and structured social work with children and families at risk. Social work is based on a coordinated case

management in cooperation with other experts and social workers who use modern social work methods. The number of social workers at child protection authorities was increased by setting a quota for social workers per number of children considering the needs for social and legal protection of children in the given area.

#### **Reply to paragraph 5 (b) of the list of issues – Deinstitutionalisation**

26. The process of deinstitutionalisation of social services and its priorities are at present governed by the National Strategy on Development of Social Services. Its main goals are to decrease the number of persons living in institutional care, to transform institutional social services and to support community services so that people can stay in their natural environment. The Action Plan on Deinstitutionalisation of Social Services under this strategy shall be adopted in due course. It shall transfer emergency facilities for children from social and legal protection of children as well as institutions for children under the age of three (being within the health services system at present) under social services. It also aims to increase the number of foster carers for children with specific needs due to their state of health, disability or minority background.

27. The deinstitutionalisation of care of children is also a key priority of the National Action Plan of Mental Health 2020–2030 as mental health issues are often a cause or a consequence of institutionalisation.

28. Furthermore, an amendment to the Act on Social Services coming into force from 2021 shall give the priority to non-residential care and provide a definition of community-based care. Among others it also raises remuneration of foster carers and accompanying organisations and limits the maximum number of children in all new emergency residential facilities to 12 children.

#### **Reply to paragraph 5 (c) of the list of issues – Children of imprisoned parents**

29. The accused person is entitled to 90-minute visits of the maximum of four persons including children within 2 weeks. In justified cases the prison director may allow for exceptions exceeding these limits. Children must be accompanied by an adult. A convicted person has the right to visits by close persons in designated hours for up to three hours per month. Maximum of 4 persons at once including children may attend the visit unless the internal prison rules state otherwise. Children under the age of 15 must be accompanied by an adult. A visit in urgent family or personal matters may be permitted more often or outside the designated time by the prison director.

30. In case a convicted woman gives birth to a child in custody, she may take care of the child if it is in the child's best interest. The prison director allows for the care generally until the age of one year of the child taking into consideration the opinion of attending physician and the local child protection authority which also regularly monitors the child's development in prison. Since 2002 a special department in Světlá nad Sázavou prison is established where mothers serving sentence can take care of their children generally up to the age of three. The capacity of this department is 15 mothers serving their sentence and 20 children. The prison director decides on the application on placement into such department taking into consideration the child's best interest assessment of a physician, clinical psychologist and the local child protection authority.

#### **Reply to paragraph 5 (d) of the list of issues – Baby box**

31. The issue of baby boxes was described in par 104 of the periodic report. For more details on efforts made to address relevant causes of child abandonment please see replies to issues 2 (a) and (b) and 5 (a) in particular.

#### **Reply to paragraph 6 (a) of the list of issues – Fathers' care of children**

32. The paternity postpartum care of seven days within puerperium is available in the Czech Republic from February 2018 in the amount of up to 70% of the respective recipient's daily wage. It is availed of by approx. 4 000 fathers monthly (38% of entitled fathers). The participation of men on parental leave, however, still remains low (1,6–1,9%). Increasing the participation of men in care for children is an ongoing priority of the Gender Equality Strategy. See statistics on paternal postpartum care benefit paid out and number of men receiving parental allowance in the Annex. The Family Policy Concept from 2017 also

foresees establishing a motivational swapping bonus to the parental allowance for a parent who swaps with the other parent in child care for three months until the child's age of three.

33. Other present measures include children groups, preschool care for children from the age of three, more flexible parental allowance recently increased to 300 000 CZK (i.e. 12 000 EUR) for a single child and 450 000 CZK (i.e. 18 000 EUR) for multiple children as well as doubled time limit a child may spend in a preschool facility without losing the parental allowance. From June 2018 it is also possible to receive a long-term care benefit for 3 months for taking care for a child in the amount of up to 60% of respective recipient's daily wage. Furthermore, a tax discount in the amount of minimum wage is available when placing a child to a preschool facility. Finally, the possibility of a shared job position among two or more employees was approved by the Government in December 2019. The law is assumed to come into force in 2021.

34. The Ministry of Labour and Social Affairs provides subsidies for establishing and operation of children groups. As of February 2020, 1 030 children groups are in operation with the capacity of 13 491 children. Furthermore, a micro-crèche offers care of up to four children from six months to four years. There are currently 95 micro-crèches with the capacity of 380 children. Both children groups as well as micro-crèches are however visited by approx. 18 000 children in total. The Project Regional Family Policy currently focuses on primary prevention and improving the coordination of national and regional family policies in cooperation with a new target group of employers who are important stakeholders in terms of work-life balance and gender equality. Also, projects on strengthening the father's involvement in child care can also be supported through the Family Subsidy Scheme. Finally, a nationwide competition Family- and Elderly-Friendly Municipality is organised on a yearly basis.

#### **Reply to paragraph 6 (b) and (c) of the list of issues – best interest of the child in adoption and private adoptions**

35. Under the law, the court as well as the child protection authority shall ensure that the adoption is in the child's interest. A guardian, generally the local child protection authority, gives consent for adoption of a child under the age of 12. The local child protection authority staff deepens their competence in the assessment of child's best interest during their preparatory education as well as ongoing education. Such competence is also regularly monitored by higher bodies.

36. In 2016 the Ministry of Social Affairs published a publication with translation of the Convention, its Optional Protocols as well as General Comments No. 2, 8, 12, 13, 14 and 17 and distributed it to all child protection authorities, judicial bodies and NGOs involved in social and legal protection of children. Individual provisions and their interpretation and application in practice, including conformity of adoption proceedings with child's best interest, are then discussed at methodological meetings with local child protection authorities.

37. No private adoptions are allowed in the Czech Republic. The courts decide on all adoptions. The Civil Code then sets out the necessary requirements concerning adoptive parents, conditions of adoption including parental consent or its replacement by a court decision. These requirements must be met even if parents give consent with a specific person as an adopter. For further information see par. 94ff of the periodic report.

#### **Reply to paragraph 6 (d) of the list of issues – Domestic adoptions of Roma children**

38. In general, Czech child protection authorities prefer foster care to adoption as it allows for the conservation of the child's family ties. The Ministry of Social Affairs created informative materials for persons interested in foster care during its project in 2016–2019. These include information on specifics of building an identity of a child from a different cultural background than the foster family. Adoptive families are also supported to deal with specifics of adopted children, including those of Roma origin, under the Family Subsidy Scheme. The ministry also initiated a broad repetitive mapping of the situation of children of Roma origin in the database of children for intermediation of foster care. On the basis of the results, the ministry will draft a strategy for increasing the number of domestic adoptions of children of Roma origin in 2020.

**Reply to paragraph 7 (a) and (b) of the list of issues – Deinstitutionalisation of Care for Children with Disabilities**

39. The National Strategy on the Protection of Children's Rights included a specific goal to equalise opportunities for children and young people with disabilities so that they can be integrated into the society and live an independent life. Such goal is also planned for the follow-up strategy. Child protection authorities provide assistance to families with children with disabilities in cooperation of all relevant stakeholders through multidisciplinary teams.

40. The care and services for children with disabilities, as described in par. 105ff of the periodic report, is also focused on community and ambulant forms in line with the deinstitutionalisation principles described above. The main priority of the prepared amendment of the Act on Social Services will be the provision of social services in a natural environment of persons in adverse social situations including persons with disabilities. Carers will become a separate target group and will receive support from social services such as counselling and practical training. The care allowance shall be regularly valorised in response to development of minimum wage, wage level and life costs.

41. The Ministry of Social Affairs runs the project Systematic Development and Support of Tools of Social and Legal Protection of Children 2016–2019 and project Support of Systematic Changes within Services of Care of Children and Families at Risk 2018–2022. The former aims to lower the number of children removed from their own family through support of capacity-building of all stakeholders including their networking and robust data collection. 12 out of 14 regions have already been participating. The latter is an interdepartmental project among all three relevant ministries which aims to unify procedures of all stakeholders including providers of institutional care and conditions of provision of services revised. This shall then improve the quality and sustainability of the system of care of children at risk.

**Reply to paragraph 7 (c) of the list of issues – Inclusion of children with disabilities in the mainstream education system**

42. The inclusion of children with disabilities into mainstream education is one of the major goals of the reform of inclusive education described in par. 12ff of the periodic report. The Ministry of Education, Youth and Sports adopted several strategic documents to support inclusive education – the Strategy of Educational Policy of the Czech Republic until 2020, the Long-Term Prospect of Education and Development of Education Policy in the Czech Republic 2019–2023 and the Action Plan of Inclusive Education 2019–2020. The Long-Term Prospect's priority goals are then improving the efficiency of the system of school advisory centres through unification of counselling and diagnosis procedures, and recommendation of support measures. Implementation of inclusive education is regularly analysed and evaluated. Inclusion is also one of the priorities of the Strategy of Educational Policy of the Czech Republic until 2030 which is being prepared at present.

43. Children with disabilities can benefit from all supportive measures like teaching assistance, special tools, modification of curricula, adaptation of school premises, individual education plan etc. Their needs are assessed by trained pedagogical counsellors to provide the necessary assistance. All measures are provided free of charge. Teachers, pedagogical counsellors and other pedagogical staff are also continuously trained in modern assessment methods as well as approaches to inclusive education to enable the education of persons with disabilities on equal basis with other pupils.

**Reply to paragraph 7 (d) of the list of issues – Access to health care of children with disabilities**

44. Children with disabilities have full access to health care in the Czech Republic on equal basis with others. The system of access to health care is described in par. 110ff of the periodic report. The Ministry of Health focuses on accessibility of health care including removing communication barriers and supports ambulant forms of health care in line with the deinstitutionalisation principles described above. A special target is the rehabilitation for persons with disabilities as well as access to special care and services. An important element is finally the education and sensitisation of doctors and other medical personnel to the needs of persons with disabilities. The Ministry of Health provides methodological

guidance to medical staff and supports relevant NGO project of prevention, therapy, assistance and awareness-raising through funding. Another important step is the development of child psychiatric care described below in par. 67.

#### **Reply to paragraph 8 of the list of issues – Addictive substances, psychiatric care and suicides**

45. The Act on Protection of Health against Harmful Effects of Addictive Substances came into force in 2017. The Act helped with better enforcement of the prohibition of sale of alcohol and tobacco products to children. It extended the definition of relevant misdemeanours, increased sanctions and added new control authorities, including the Czech Trade Inspection which may carry out test purchases of tobacco products, alcohol etc., even by using/via children. It also includes prohibition of sale of alcohol and tobacco products at events for children or in shops intended for children. Prohibition of smoking was also extended to social services facilities for children and children playgrounds. The adoption of the law was accompanied by an informative campaign “Last ashing”. Other campaigns and preventive programs as well as programmes for smoking cessation are ongoing. Repetitive controls focused on the observance of the prohibition of sale and serving alcohol, cigarettes and gambling to children.

46. The results of the assessment of the quality of care in psychiatric hospitals for children carried out in 2018 are included in the Annex. The assessment indicated that steps have been taken to implement the right to an adequate standard of living and social protection, to enjoyment of the highest attainable standard of physical and mental health and to live independently and be included in the community. Other steps focused on the improvement of the protection against torture or cruel, inhuman or degrading treatment or punishment and exploitation, violence and abuse. On the other hand, some deficiencies were found, mostly relating to unsatisfactory conditions of buildings, lack of qualified and multi-disciplinary trained personnel, inadequate support for individual decision-making of the patients, unsatisfactory emphasis on integration of care users into community or sufficient financing. Among the most problematic areas the evaluation then listed participation of patients in the formulation of treatment and rehabilitation plans, use of alternative methods for de-escalation of emergency situations instead of isolation and restrictive measures as well as focus on educational and employment opportunities. As a conclusion, the report supported deinstitutionalisation and the reform of psychiatric care as the most effective tool to implement the CRPD standards and achieve higher effectivity of community-based services. The reform is currently ongoing.

47. A comprehensive National Action Plan on Suicide Prevention is currently being finalised. It provides concrete measures and aims to decrease the number of suicides and self-harm incidents and the connected stigmatisation. In connection with World Suicide Prevention Day, the National Mental Health Institute published materials describing main suicide warning signs and how to address them. The annual Mental Health Week includes concerts, film and theatre performances, exhibitions, workshops, lectures, discussions and other events around the Czech Republic.

#### **Reply to paragraph 9 of the list of issues – Roma children and social housing**

48. Measures to improve the situation of Roma children were usually taken as part of broader measures, mostly for socially excluded groups or children in general. Families with low income may ask for material need benefits, social services and participate in specific programmes for socially disadvantaged families and children described in par. 63ff and 121ff of the periodic report. Families with children in need can ask for counselling and assistance at local child protection authorities or by municipal social workers as described above in par. 10, 24f and 41. The Czech Republic will further develop and enforce these services.

49. In education, Roma children are also the beneficiaries of inclusive education measures described in par. 126ff of the periodic report. From 2018 preschool education is obligatory from the age of five years. The pre-school attendance in socially excluded localities is being analysed at the moment to map the ongoing obstacles. There will be other measures taken according to the results of this study. For the school year 2019/2020 the Ministry of Education allocated 30 million CZK (1.2 million EUR) on school lunches for socially disadvantaged children. In 2017 6 701 children were supported. The Ministry of

Labour and Social Affairs supported 5 000 children in school year 2018/2019 and allocated 80 million CZK for free lunches for children from disadvantaged families for school year 2019/2020.

50. In 2019 a call on inclusive education for socially excluded localities was published. The aim of this call is to increase the quality of education of children in these localities, to support local authorities in their coordination role in inclusive education, to allocate funding for kindergartens, primary, secondary and high schools and non-formal education institutions on individual integration measures, education of professionals working with children, awareness-raising activities for public, creation of new platforms, workshops and organising study visits to EU countries. The budget allocated for direct pedagogical activities in kindergartens to ensure individualisation in education was 279 258 179 CZK in the 1st phase and 194 471 860 CZK in the 2nd phase (i.e. approx. 19 million EUR altogether).

51. The provision of social housing is in the competence of local authorities as self-governing institutions. The Concept of Social Housing is being revised. Since 2016, the Ministry of Social Affairs supports municipalities in establishing and developing a social housing system. In 2019 a call on Housing First projects was published and 15 projects were approved. Some local authorities use the Housing Led approach. The Ministry of Regional Development started a grant-loan program Construction for local authorities to purchase or construct social or accessible flats or houses with for up to 100% coverage of allowable expenses. The support is aimed at small project of social housing or combined houses designed for socially excluded persons and for example for professionals lacking in the locality. Other programmes are available for persons older than 65 years or persons with disabilities. For budget allocation of grants see Annex. In 2020 a bill on accessible housing shall be prepared.

52. In the past, the Ministry of Health has run the project Support of Health in Excluded Localities – Lowering Health Inequalities. This project led to a publication describing the impact of poverty, education, social status and ethnicity on health. In 2016 the project included 57 interventions for 1 139 children in schools and extra-curricular activities in socially excluded localities. In 2017 it included 62 interventions for 1 316 children. The aim was to increase children’ physical activity, improve dietary practices and dental hygiene, prevent injuries, smoking, addictions, infectious and sexually transmittable diseases, reproductive health as well as networking of key stakeholders (school, social workers, NGOs etc.).

53. At present, the Ministry of Health runs the project Effective Support of Health of Persons at Risk of Poverty and Social Exclusion 2018–2022. Interdisciplinary teams have prepared 11 topical interactive preventive programmes which will be carried out in schools, community centres etc. throughout the Czech Republic. The topics are: personal hygiene, healthy housing, examination of basic body and blood parameters, nutrition, prevention of infectious diseases, cancer, addiction and injuries, mental health and reproductive health. A centre for health support has been found in each out of 14 regions to facilitate improving the health of the target group, carry out preventive programs and connect the network of relevant stakeholders. The long-term goal of the project is to lower inequalities in health and economic losses caused by illnesses.

54. The Constitutional Court has not yet decided on the proposal to abolish housing benefit-free zones.

#### **Reply to paragraph 10 of the list of issues – Education**

55. In general, a standard curriculum for all levels of education exists in the Czech Republic since 2004. As mentioned in § 132 of the periodic report, the Annex to the Framework Education Programme for Primary Education governing the education of pupils with mild mental disability was abolished and incorporated into the inclusive curriculum in June 2016. The last pupils of 8th and 9th grade were educated within this programme in the school year 2019/2020 and there will be no further pupils in this programme as of next school year (see statistics in reply to issue 17 (e)). Therefore there are three different Framework Educational Programmes – for primary and secondary education, for primary and secondary education with adapted results of education due to mental disability and for special primary and secondary school curriculum. The key difference between the former

and the present programme for children with mental disabilities is that the former set the same lowered level in all education areas while the present allows adapting the required results only in areas where necessary according to the individual child's needs and recommendations of the school advisory centre. The adaptation the form of an individual education plan is one of the support measures in inclusive education.

56. The Concept of Family Policy from 2017 includes 39 measures to provide a complex support to families with children such as accessible housing, primary prevention services, accessible preschool education and child care services, free preschool education, accessible after-school activities for all primary school pupils, legal regulation of micro-crèche, systematic financing of children groups and micro-crèche, increasing financial support of families through parental allowance and spouse tax discount. Primary prevention services shall be legally regulated including their definition, quality standards and system of financing and planning. The Concept also foresees an increase in subsidies on pro-family activities to strengthen parental and spousal competences, with the emphasis on gender equality and prevention of domestic violence including work with the aggressor. In 2019, an update of the Concept has been prepared which is awaits its adoption by the Government.

57. Preschool education is usually organised for children aged 3 to 6. The obligation to accept a two-year old child to a preschool facility was repealed. Children under the age of 3 are therefore not legally entitled to be enrolled in a kindergarten but can be enrolled from the age of 2 if sufficient capacity allows it. The care of children under three years is provided mainly in children's groups and micro-crèches provided for by public and private employers for their employees, by local authorities or by private companies.

58. An amendment of the Decree No. 27/2016 is effective from the beginning of 2020. It reflects the need of changes upon previous analysis, for example to decrease administrative burden of school advisory centres and school pedagogical staff and to promote systematic and effective use of personnel support measures. However it shall not change the main goals of inclusive education and the fulfilment of education needs of children

#### **Reply to paragraph 11 of the list of issues – Migrant children**

59. The Law on Asylum does not allow for detention of families with children applying for asylum nor of unaccompanied minor applicants. It also applies in cases where the application for international protection is lodged after the beginning of extradition proceedings. Under the Law on Residence of Foreign Nationals the Police may detain unaccompanied minors only for security reasons. The maximum length of detention is 90 days with no possibility of extension. Minor children are very rarely detained in practice due to these strict legal limits. Children with parents are not detained, but accommodated in the centre only if appropriate care cannot be provided by another member of the family outside the centre. Alternatives to detention are also applied as described in par. 145 of the periodic report. A new alternative to detention of migrants has been introduced – obligation to stay at a location designated by police. The Czech Republic does not plan to ban detention of families with children or unaccompanied minors but provides for adequate conditions during the detention as described in par. 146 of the periodic report. For statistics on the numbers of incoming children to asylum centres and facilities for detention of foreign citizens please see Annex.

60. The obligatory school attendance is provided within the centre or outside in regular schools for all children including illegal residents. Migrant children are also guaranteed the same access to support measures for any special needs necessary. For younger children there are children groups available in detention centres. Older children are provided with tutoring and parents can receive help with translations and social counselling. Czech language courses are also available in all centres. The Ministry of Education also runs a development program on education of foreigners in schools on a yearly basis as described in par. 136f of the periodic report. Its aim is to support integration of children in obligatory preschool and primary and secondary education to the Czech education system. In 2019 the budget allocated is 42 410 000 CZK (i.e. approx. 1 700 000 EUR) and for 2020 the funding amounts to 52 000 000 CZK (i.e. 2 080 000 EUR). The access of migrant children to health care and their participation in health insurance has been described in par. 113 of the periodic report.

61. The Ministry of Interior organises a range of activities to raise awareness and mutual interaction of migrant and majority population including conferences, seminars for public, schools and universities, music and culture festivals, issuing leaflets including those for children (e.g. children's books, quizzes etc.). Also a new PR department was established to organise such activities and contradicting media myths. The ministry also invests great efforts to open the migration centres to public including open days and activities for public within the centres as well as publishing information from the centres on social media.

**Reply to paragraph 12 (a) of the list of issues – Detention of juveniles as the last resort**

62. The Juvenile Justice Act is based on the principles of restorative justice as described in 150ff of the periodic report. The Act gives priority to alternatives to detention and social integration and prevention over criminal measures. Deprivation of liberty may only be imposed if special proceedings and measures would apparently not fulfil the purpose of the law taking into consideration circumstances of the case, the juvenile's personality and previously utilised measures. The possibility of conditional early release is also possible with regard to the age, behaviour of the juvenile during imprisonment and fulfilment of the purpose of the sentence.

**Reply to paragraph 12 (b) of the list of issues – Detention of juveniles separate from adults**

63. Juveniles in custody or prison sentence are always kept separate from adults and other convicted people in prisons in special juvenile departments with further internal differentiation. A juvenile in custody must be held separate from adults even if he/she turns 18 years old during the custody unless it is justified by his/her personal circumstances and it is not contrary to the best interests of other detained juveniles. Placing a juvenile in custody to a cell together with accused adults is possible only in exceptional cases where such process may reasonably be considered more appropriate for the juvenile. The prison sentence for juveniles under 19 years of age is always executed in a special department for juveniles. These conditions apply also to young people after attaining 19 years of age. Only court may decide on placement of such young person to adult prison department.

**Reply to paragraph 12 (c) of the list of issues – Living conditions to all children deprived of liberty**

64. In the prison system, detained juveniles enjoy special care of prison staff and treatment programmes. A special concept of their prison sentence was created in 2019 and its implementation shall start soon. Departments for juveniles shall allow for special conditions including family visits. The prison staff is continuously trained in working with juveniles. A special therapeutic programme shall help to minimize their aggression and violence. Special projects shall aim at facilitating the reintegration of juveniles into society by interrupting the sentence for periods of supervised educational and working activities.

65. All facilities for children regardless of their type must meet appropriate quality standards as described in par. 77ff of the periodic report. Their fulfilment is inspected by the relevant public authorities as well as the Ombudsperson as the national preventive mechanism according to OP-CAT. The Ministry of Labour and Social affairs shall newly also be able to handle complaints concerning the provision of social services and can impose enforced administration in cases of severe violation. An amendment increasing the contribution to emergency residential centres up to 30 000 CZK monthly per child is prepared to be presented to the Government. For recent data on budget allocations on services for children with disabilities see Annex.

66. From 2017 the scope of children in institutional care whom the local child protection authority is obliged to monitor, was extended also onto children to who protective treatment was imposed for committing a crime or a wrongdoing. All necessary competences of the authority have been enacted as well with regards to monitor the fulfilment of their rights, development of their mental and physical abilities and family relationships as well as persistence of grounds for placement. The monitoring takes place at least every 3 months.

67. The National Action Plan on Mental Health 2020–2030 enlists measures on support of mental health of children such as piloting and development of Mother and Baby Units in general hospitals, creating multidisciplinary system of early identification of children at

psychosocial risk including pregnant women, new mothers, specialised programmes of parental competences, programmes in primary and secondary schools and adequate preparation of pedagogues, cooperation with school advisory centres, creating centres of mental health and outpatient children psychiatric clinics and prioritising of alternatives to detention based on individual support.

**Reply to paragraph 12 (d) of the list of issues – Legal guarantees of children in conflict with the law**

68. Juveniles prosecuted in criminal proceedings benefit from broader range of rights than adults as described in par. 150ff of the periodic report. Their age and intellectual and moral maturity must always be taken into consideration. They must be represented from the first moment when criminal measures are applied against them unless a matter of urgency. The maximum length of custody is 4 months with the possibility of extension by 2 months during the court proceedings. In case of particularly serious offence, children may be held in custody for maximum period of 1 year with the possibility of extension by 6 months during the court proceedings. The custody of juvenile may be substituted by a guarantee, supervision, assurance, placing juvenile into care of a trusted person or by a financial guarantee.

69. Children under the age of fifteen and juveniles also have other specific rights that entail a right to a speedy hearing of their case by a specialised court (as well as public prosecutors, police and Probation and Mediation Service officers) to meet the required educational effect of the measure imposed. They also benefit from larger protection of privacy to eliminate the risk of stigmatisation by the criminal proceedings and prevent other negative effects related to publicity of the case. These proceedings are held in camera and persons who get in contact with data on a juvenile are bound by confidentiality and only the pronouncement of judgements on the merits is public.

**Reply to paragraph 13 of the list of issues – OPAC implementation**

70. Involvement of children in military forces and hostilities is criminalised as human trafficking. Child trafficking is then prosecuted even if no violence, threats of violence or other grievous harm or deceit, or abuse of error, distress, or addiction were used taking into account children's higher vulnerability and higher risk of potentially become a victim of human trafficking. The relevant provision states that whoever forces, procures, hires, incites, entices, transports, hides, detains, accepts or gives a child so that the child could be used for service in the armed forces or who preys on such conduct, shall be punished by a prison sentence of two to ten years.

71. In each asylum centre and facility for residence of foreigners the Ministry of Interior runs a children centre with trained staff including social workers and special pedagogues who can deal with child trauma. The training is provided under an annual education plan and contains also development of soft skills, leisure activities and therapeutic activities. All professions mentioned are supervised by a professional. Alien police officers take part in seminars organised by the UNHCR and the Ombudsperson's office on a regular basis. The Ministry of Interior staff deciding on applications for international protection has the legal obligation to undergo complex training including handling applications from minors and vulnerable persons with special needs.

72. The accordance with international obligations including those under the UNCRC and the OPAC are assessed when approving foreign trade with weapons. See Annex for the text of Criterion two of the EU Code of Conduct on Arms Exports.

73. There is only one military high school in the Czech Republic. Its students are informed of their fundamental rights (including the Convention and the OPAC) as well as the complaints mechanism on a yearly basis. Students can file a complaint on breach of their rights separately or together. Employers who include a social worker, psychologist and lawyer can also file a complaint on behalf of a student as well as their parents. Complaints are dealt with in accordance with the Minister of Defence's Decree No. 41/2014. A report is always written about each complaint and measures are taken in case of a breach. Except for complaints mechanism students are consulted on a monthly basis to discuss any issue they may have. Students can also file a complaint with the Ministry of

Defence as responsible authority, the School Ombudsperson of the Ministry of Education or the Ombudsperson.

#### **Reply to paragraph 14 of the list of issues – OPSC implementation**

74. In 2017 a regulation of sanctioning natural and legal persons for breaching the reporting duty to the local child protection authority was unified and now includes health care and social services providers, schools and other children facilities.

75. The recommendation of establishing centralised data collection system will be taken into account in drafting of new Strategy on Tackling Human Trafficking which is planned to be presented to the Government in May 2020. This strategy will also address the recommendation on a child-specific national plan with adequate personal and financial resources and the creation of an interdisciplinary coordination group on child trafficking. The new strategy also includes an awareness-raising campaign on child trafficking. The activities of all relevant stakeholders are coordinated by the National Coordinator on Human Trafficking and the cooperation between the Police of the Czech Republic and local child protection authorities works smoothly.

76. The Ministry of Justice has prepared an amendment of the Criminal Code and laws whereby the offence of Incitement to Sexual Intercourse was added among offences where the limitation period is suspended until the victim's reaching 18 years of age. Newly a person shall be liable for Incitement to Sexual Intercourse if he/she abuses a child older than 15 years for the purpose of sexual satisfaction although he/she is aware that a monetary reward, benefit or advantage has been promised to the child or to a third person. The aim of the offence is to prosecute for example clients of sexual services engaging underage children.

77. The emergency services to child victims are provided by the local child protection authorities and specially trained police officers (see § 14 herein). Further support is then provided by the Probation and Mediation Service (PMS) and specialised NGOs. The PMS offers professional counselling and mediation, if suitable, with a view to remedy the situation including monetary compensation. The NGOs then provide a range of services such as counselling or therapies, anonymous housing, assistance with administration (e.g. applying for new personal documents) or throughout repatriation,

78. Sexting may be criminalised under the offence of Production and other Handling of Child Pornography Sexting according to the circumstances. According to general legal principles the person for whose protection a criminal provision serves (e.g. the child victim) may not be punishable for the crime committed.

## **Part II**

#### **Reply to paragraph 15 (a) of the list of issues – New regulations**

79. As mentioned above in par. 16, the offence of Kidnapping has been recently modified in order to prevent kidnapping for the purpose of forced marriage both to and from the Czech Republic. As mentioned above in par. 76, the limitation period of some other offences (Grievous Bodily Harm by Genital Mutilation, Illegal Abortion without the Consent of the Pregnant Woman, Kidnapping with Intention of Forcing another to Marry, Blackmail or Oppression) was amended to be suspended for the period when the victim is younger than 18 years.

80. The amendments to Juvenile Justice Act, the Criminal Procedure Code and the Act on the Execution of Custody entered into force on 1 September 2019. The amendments were result of the implementation of the Directive 2016/800 and they extended the procedural rights of juveniles as suspected or accused persons in criminal proceedings.

81. An amendment to the Civil Code has been prepared to support consensual forms of solving issues of children and family including maintenance and care. This amendment shall be presented to the Government in the near future. Measures are proposed for prevention of parental conflicts, support of amicable solution of minors' matters, strengthening voluntary fulfilling of parental obligations and deepening of their speed and effective enforceability:

(a) a possibility of mutual agreement on a child's care for the period after divorce with no obligation of court's approval;

(b) introduction of standard use of parental education and informal forms of court proceedings supporting the solution of child's situation after the breakdown of the relationship;

(c) a possibility of assignment of the alimony claim if the parent does not wish to initiate execution proceedings.

82. Another amendment is being finalised to prevent children's debts and limiting their collection, including the introduction of parent's liability in such cases to protect creditors. The rules on parental consent to legal actions of minors will also be revised. Finally, the issue of order of payment and default judgements will be precluded against a minor. On the other hand, the obligation, deduced by the Constitutional Court, to summon older minors represented by parents will be embedded to enable higher participation of children.

83. The Constitutional Court enabled a person living in a registered partnership to a single-parent adoption of a child since 2016. The partner is then entitled and obliged to participate on care and education of the child. The preference is however still given to married couples.

84. In 2018 the remuneration for foster carers was also increased by 50 % with additional increase for care for children with disabilities by 10 %. See concrete figures in Annex. A further increase is prepared with a forthcoming amendment.

#### **Reply to paragraph 15 (b) of the list of issues – New institutions**

85. See replies to par. 1 (d).

#### **Reply to paragraph 15 (c) of the list of issues – Recent policies**

86. The following strategic policies have been adopted recently or are about to be adopted:

(a) the Strategy on Tackling Human Trafficking will be presented to the Government in 2020 which will focus on child trafficking (see replies to issue 14);

(b) the Strategic Framework Health 2030, the National Action Plan on Suicide Prevention, the National Strategy on Prevention and Reducing Harm Related to Addictive Behaviour 2019–2027 and the Action Plan for its realisation 2019–2021 (see replies to issue 8);

(c) the Action Plan on Transition from Institutional to Community Care 2019–2021 (see replies to issues 1 (a) and 5 (b)).

#### **Reply to paragraph 15 (d) of the list of issues – Recent ratifications of human rights instruments.**

87. The OPSC was ratified in 2013, the OPCP in 2015, and the Lanzarote Convention in 2016. The ratification of the Istanbul Convention is constantly promoted by inter alia seminars, awareness-raising and information campaigns including among professionals, in the Parliament, on social media and in public.

### **Part III**

88. For replies to part III please see Annex.