

CZECH REPUBLIC

CRC A/53/41) (1998)

Concluding observations: Czech Republic

1087. The Committee considered the initial report of the Czech Republic (CRC/C/11/Add.11) at its 411th to 413th meetings, on 30 September and 1 October 1997 (CRC/C/SR.411-413), and, at its 426th meeting, on 10 October 1997, adopted the following concluding observations.

Introduction

1088. The Committee welcomes the initial report and written answers to the list of issues (CRC/C/Q/CZE/1) submitted by the State party. The Committee expresses its satisfaction at the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of the State party indicated, in a self-critical manner, not only the policy and programme directions, but also the difficulties encountered in implementing the Convention. The Committee also acknowledges the fact that the presence of a multidisciplinary delegation directly involved in the implementation of the Convention in the Czech Republic enabled it to engage in a fruitful and constructive dialogue.

Positive aspects

1089. The Committee notes with satisfaction that the State party is currently carrying out a comprehensive law reform and welcomes the initiatives undertaken by the State party to further the protection of the family and children by drafting new legislation, such as the proposed law on social and legal protection of children, and proposing amendments to existing legislation, including the Law on the Family, the Criminal Code and the Code of Criminal Procedures.

1090. The Committee views positively the initiating by the State party of a training programme for judges, the police, and several government officials dealing with children's rights in order to increase their awareness about the principles and provisions of the Convention.

1091. The Committee welcomes the initiative of the State party to establish a "crisis line for children", which provides children with a means to report cases of sexual abuse and domestic violence.

1092. The Committee notes with appreciation the long-standing achievements of the State party in the areas of education and medical care and welcomes its commitment to maintain these high standards.

Factors and difficulties impeding the implementation of the Convention

1093. The Committee acknowledges that the State party has had to face economic, social and political challenges during the past few years. It notes that the transition to a market economy has led to increased rates of unemployment, poverty and other social problems, and has had a serious impact on the welfare of the population, in particular on all vulnerable groups, including children.

Principal subjects of concern

1094. While acknowledging the openness of the State party towards the possibility of reviewing its reservation to article 7, paragraph 1, of the Convention, the Committee remains concerned that this reservation might impede the full implementation of the Convention.

1095. The Committee is concerned at the lack of an integrated strategy for children as well as of a systematic mechanism to monitor progress in all areas covered by the Convention and in relation to all groups of children in urban and rural areas, especially those affected by the consequences of economic transition.

1096. The Committee is concerned about the need to strengthen the State party's limited capacity to develop specific disaggregated indicators to evaluate progress achieved and assess the impact of existing policies on all children, in particular children belonging to minority groups.

1097. While noting with satisfaction the existence of government bodies dealing with the welfare of children at the national and local levels, the Committee nevertheless expresses its concern that coordination among them needs to be improved in order to develop a comprehensive approach to the implementation of the Convention.

1098. The Committee expresses its concern at inadequate coordination and communication mechanisms between the Government and the non-governmental organizations dealing with children's issues.

1099. The Committee is concerned that the general principles of the Convention, as laid down in articles 2 (non-discrimination), 3 (best interests of the child) and 12 (respect of the views of the child), are not being fully integrated into the legislative policies and programmes relevant to children, in particular in relation to vulnerable categories such as children belonging to minorities, children with disabilities, children in institutions or deprived of their liberty, children ill-treated and abused within the family, children who are victims of sexual exploitation, and children who live and/or work on the street.

1100. The Committee is concerned that sufficient measures have not been taken to disseminate and raise awareness about the principles and provisions of the Convention in all parts of society, among children and adults alike, in conformity with article 42 of the Convention.

1101. The Committee is concerned that no adequate measures have been taken to prevent and combat all forms of discriminatory practices against children belonging to minorities, including Roma children, and to ensure their full access to health, education and other social services. The Committee is concerned that the principles and provisions of the Convention are not fully

respected as regards Roma children, in particular those who are in detention or otherwise institutionalized.

1102. While acknowledging recent legal measures to resolve the situation of children, especially those placed in institutions or in foster homes, who were not registered for lawful permanent residence and were thereby denied the right to citizenship, the Committee remains concerned at the fact that children and caretakers in such situations are not sufficiently informed about the procedures for applying for citizenship.

1103. In the light of article 17 of the Convention, the Committee is concerned that sufficient mechanisms do not exist to protect children from harmful information, including violence and pornography in the media.

1104. The Committee is concerned that corporal punishment is still used by parents and that internal school regulations do not contain provisions explicitly prohibiting corporal punishment, in conformity with articles 3, 19 and 28 of the Convention.

1105. The Committee is worried about the increasing problems of environmental degradation in the State party, which have a harmful impact on the health of children.

1106. In regard to the situation of children with disabilities, the Committee expresses its concern at the insufficient measures taken by the State party to ensure effective access of these children to health, education and social services, and to facilitate their full inclusion into society. The Committee is also concerned about the small number of well-trained professionals dealing with disabled children.

1107. The Committee is concerned about the insufficiency of the measures taken to tackle issues of reproductive health and the incidence of early pregnancies.

1108. The Committee expresses its concern that the measures, including legal ones, being taken to address the problems of child abuse, including sexual abuse within the family, and the sale and trafficking of children, child prostitution and child pornography are insufficient. The Committee is also concerned that, as referred to in the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95/Add.1), the State party may serve as a transit country for the trafficking of children.

1109. The Committee expresses its concern at the phenomenon of children working and/or living on the street, and at the inadequate measures taken to tackle this issue.

1110. The Committee expresses its concern at the rising incidence of gambling addiction, alcohol consumption and drug abuse among children and the insufficient preventive measures taken by the State party.

1111. The system of the administration of juvenile justice, and in particular its compatibility with articles 37, 39, and 40 of the Convention and with other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles

Deprived of Their Liberty, is a matter of concern to the Committee. The Committee remains particularly worried, *inter alia*, about the rights of the child to legal assistance and judicial review, that deprivation of liberty is not used only as a measure of last resort, and about the stigmatization of the most vulnerable categories of children, including those belonging to the Roma minority.

Suggestions and recommendations

1112. In the light of the Vienna Declaration and Programme of Action of 1993, the Committee encourages the State party to review its reservation to article 7, paragraph 1, of the Convention.

1113. The Committee takes note that a national plan of action has been drafted and encourages the State party to follow all the necessary steps to implement it. The Committee also recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation. Moreover, the Committee encourages the State party to continue and strengthen its efforts to develop a close partnership with non-governmental organizations.

1114. The Committee encourages the State party to pursue its consideration of the establishment of an independent mechanism to monitor the observance of children's rights, such as an ombudsperson or a national commission for children's rights.

1115. The Committee recommends that the State party give priority attention to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children, and in evaluating progress achieved and difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly the most disadvantaged, including children belonging to minorities, children with disabilities, children ill-treated and abused within the family, children in institutions or deprived of their liberty, children who are victims of sexual exploitation and children who live and/or work on the street.

1116. The Committee recommends that further efforts be made to ensure that national laws conform fully with the Convention, having due regard to the principles of the best interests of the child, non-discrimination, respect for the views of the child, and his or her right to participate in family, school, other institutions and social life.

1117. The Committee recommends that consideration be given to incorporating the Convention in the curricula of all educational institutions and that appropriate measures be taken to facilitate access by children to information on their rights. The Committee also suggests that the State party direct further efforts to providing comprehensive training programmes for professional groups working with and for children such as judges, lawyers, law enforcement personnel, army officials, teachers, school administrators, social workers, and personnel of child-care institutions.

1118. The Committee recommends that the State party undertake major efforts to develop

awareness-raising campaigns aimed at reducing discriminatory practices against the Roma population and that it envisage special programmes to improve the standard of living, education and health of Roma children.

1119. The Committee recommends that the State party take further measures in accordance with article 7, paragraph 2, of the Convention, including measures to facilitate applications for citizenship, so as to resolve the situation of stateless children, especially those placed in institutions. The Committee also suggests that the State party consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

1120. The Committee recommends that the State party envisage plans to adopt reproductive health measures designed to reduce the incidence of pregnancies among teenage girls and strengthen its information and prevention programmes to combat HIV/AIDS and other sexually transmitted diseases. The Committee also recommends that the State party take adequate measures, including awareness-raising campaigns and the provision of support services to needy families, in order to prevent the abandonment of children and to protect poor single mothers from child traffickers.

1121. The Committee recommends that further measures to protect children from abuse and maltreatment be undertaken, in particular through the development of a widespread public information campaign for the prevention of corporal punishment at home, at school and in other institutions.

1122. The Committee welcomes the intention of the State party to accede to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and recommends that appropriate steps be taken to ensure its entry into force.

1123. In regard to children with disabilities, the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of disabled children, and envisage awareness-raising campaigns to reduce discrimination against disabled children and encourage their inclusion into society.

1124. The Committee recommends that the State party undertake more comprehensive research on the possible effects of environmental pollution on the health of children.

1125. The Committee suggests that the State party undertake a comprehensive study of child abuse and ill-treatment in the family. The Committee also recommends reinforcing its policies and programmes to prevent and combat all forms of sexual abuse, including domestic violence and incest. As regards sexual exploitation of children, the Committee encourages the State party to take into consideration the recommendations of the 1996 Stockholm Congress against Commercial Sexual Exploitation of Children, as well as those of the Special Rapporteur on the sale of children, child prostitution and child pornography.

1126. The Committee encourages the State party to envisage ratifying International Labour Organization Convention No. 138, regulating the minimum age for access to employment.

Furthermore, in view of the increasing phenomenon of children living and/or working on the street, it recommends that efforts be strengthened to provide social support to such children.

1127. The Committee recommends that the State party envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to the right of children to prompt access to legal assistance. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system and specialized courts should be established.

1128. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the report be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

CRC CRC/C/124 (2003)

322. The Committee considered the second periodic report of the Czech Republic (CRC/C/83/Add.4) at its 852nd and 853rd meetings (CRC/C/SR.852 and 853), held on 24 January 2003, and at its 862nd meeting (CRC/C/SR.862), held on 31 January 2003, adopted the following concluding observations.

A. Introduction

323. The Committee welcomes the timely submission of the State party's second periodic report, which was at times self-critical, as well as the written replies to the list of issues (CRC/C/Q/CZE/2) providing updated information complementing the State party's report. It further notes with appreciation the high-level delegation sent by the State party and welcomes the frank dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

B. Follow-up measures undertaken and progress achieved by the State party

324. The Committee welcomes amendments to existing legislation and the enactment of new legislation, as indicated in the written replies to the list of issues, inter alia regarding strengthening the protection against trafficking and commercial sexual exploitation of children and the integration of children with special needs in regular schools. The Committee notes the very good maternal protection, including satisfactory maternity leave, and the excellent health indicators, including infant mortality, under-5 mortality and vaccination coverage. Furthermore, the Committee welcomes the ratification of the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption and ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

C. Factors and difficulties impeding the implementation of the Convention

325. The Committee notes that the State party continues to deal with socio-economic problems related to the transition to a market economy, including the deterioration of living standards and unemployment. Furthermore, the Committee is aware that persisting traditional societal attitudes further hamper the enactment of new legislation and affect implementation of the Convention that has already been provided for in legislation and practices.

326. The Committee notes, in addition, the occurrence of natural disasters, including, in particular, the 2002 severe flooding, which has had a serious social, economic and environmental impact on vulnerable children.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Committee's previous recommendations

327. The Committee regrets that some of its recommendations in the previous concluding observations (CRC/C/15/Add.81) have been insufficiently addressed, inter alia the reservation to article 7, paragraph 1, of the Convention (ibid., para. 26); development of a comprehensive policy on children (ibid., para. 27); development of awareness-raising campaigns aimed at reducing discriminatory practices against the Roma population (ibid., para. 32); comprehensive reform of the system of juvenile justice (ibid., para. 41). The Committee notes that those recommendations are reiterated in the present document.

328. The Committee urges the State party to make every effort to address those recommendations contained in the concluding observations on the initial report that have not yet been fully implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.

Reservations and declarations

329. The Committee regrets that the State party has not withdrawn its reservation to article 7, paragraph 1, of the Convention. Based on the dialogue, it is the Committee's understanding that the civil registration of irreversible adoption does not necessarily mean that the adopted child has no possibility of knowing his or her (biological) parents.

330. The Committee therefore recommends that the State party reconsider its position and withdraw its reservation.

Legislation and implementation

331. The Committee notes that many positive steps have been taken to bring legislation into conformity with the Convention, but remains concerned at the lengthy process of legislative reform necessary to make the laws fully compatible with the Convention. The Committee is also concerned at the lack of financing for the implementation of legislation.

332. The Committee recommends that the State party expedite and complete effectively the process of legislative review and strengthen implementation and enforcement of new legislation by providing resources and training for the implementation of all legislation relevant to the Convention.

Co-ordination

333. The Committee notes that a Committee on the Rights of the Child has been set up within the

Council for Human Rights of the Government of the Czech Republic established in 1999, but nevertheless remains concerned at the lack of a central adequately mandated and resourced coordination mechanism for all issues relating to the implementation of the Convention.

334. The Committee recommends that the State party establish or appoint a single permanent body, which is adequately mandated and resourced, to coordinate implementation of the Convention at the national level, including by effectively coordinating activities between central and local authorities and cooperating with NGOs and other sectors of civil society.

National plan of action

335. The Committee welcomes the approval of the principles of the State policy for the young generation until 2002, and notes that relevant ministries are responsible for specific areas of evaluation, promotion and protection of the rights of the child. The Committee regrets that a comprehensive rights-based national plan of action addressing all principles and provisions of the Convention has not yet been elaborated.

336. The Committee encourages the State party to develop a coherent and comprehensive rights-based national plan of action with shared responsibilities, clear priorities, a timetable and preliminary estimates of the resources required to implement the Convention at the central, regional and local levels, in cooperation with civil society.

Independent monitoring structures

337. The Committee welcomes the nomination of the Public Defender in 2000 and his report to the Committee. Furthermore, the Committee notes that the mandate of the Public Defender is limited to action or inaction on the part of the public sector and thus does not fully cover all implementation aspects of the Convention.

338. The Committee recommends that the State party take full account of the Committee's general comment No. 2 on the role of national human rights institutions and establish an independent body to monitor the implementation of the Convention, including the investigation of individual complaints by children in a child-sensitive manner. This may be done by broadening the mandate of the Public Defender and providing him with the necessary human and other resources, or by establishing a separate independent children's commissioner or ombudsperson.

Resource allocation

339. The Committee regrets the lack of adequate information on the State, regional and local budget allocations for technical and human resources for the implementation of the rights of children.

340. The Committee recommends that the State party implement article 4 of the Convention in the light of articles 3 and 6 in such a way that the proportions of the State budget that are allocated for the implementation of all rights, and to the maximum extent of all resources available for the economic, social and cultural rights of children, are easily identifiable and presented in a

transparent way. The Committee further encourages the State party to clearly state on a yearly basis its priorities with respect to child rights issues and to identify the amount and proportion of the budget spent on children, and especially on marginalized groups, at the national and local levels, in order to make possible an evaluation of the impact of expenditures on children and their effective utilization.

Data

341. The Committee expresses its concern that data collected by the various ministries is not sufficiently developed and disaggregated for all areas covered by the Convention (e.g. vulnerable and disadvantaged groups). It further notes that data on children are not used in an adequate manner to assess progress as a basis for policy-making in the field of children's rights.

342. The Committee urges the State party:

(a) To strengthen and centralize its mechanism for integrating and analysing systematically disaggregated data on all children under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups, including children belonging to minority groups; children of economically disadvantaged households; children living in rural areas; children in institutions; children with disabilities and children in need of special protection, e.g. street children; working children; children used for prostitution and trafficked children;

(b) To use these indicators and data effectively in formulating and evaluating legislation, policies and programmes for the implementation of, resource allocation for and monitoring of the Convention.

Dissemination/training

343. While noting the initiatives of the State party to promote awareness of the rights set forth in the principles and provisions of the Convention, the Committee is concerned that politicians and all groups of professionals working with and for children, as well as children, parents and the public at large, are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

344. The Committee recommends that the State party strengthen its awareness-raising efforts and encourages the State party to provide systematic training and education in the rights and the principles and provisions of the Convention to, among others, professionals working with and for children and vocational schools.

Co-operation with NGOs

345. The Committee welcomes the transfer to regional offices of all decision-making related to the issuance of authorizations to NGOs as service providers aimed at offering greater support to this sector, and encourages further strengthening of relations and cooperation between the Government and civil society. The Committee remains concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention following a rights-based approach.

346. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, and welcomes closer cooperation with NGOs. The Committee, in particular, urges the State party to involve more systematically and to support NGOs, especially rights-based ones, and other sectors of civil society working with and for children, at all stages of the implementation of the Convention.

2. Definition of the child

347. The Committee welcomes the amendment to section 216b of the Criminal Code concerning the deletion from the text of the words “unless such person has attained majority earlier” in the definition of the child as a person younger than 18 years of age. However, the Committee is concerned at the information received on the ongoing debate on the juvenile justice reform in the State party intended to lower the age of criminal responsibility.

348. In the spirit of the Convention, especially with reference to articles 3 (best interests of the child) and 12 (right to life, survival and development), the Committee urges the State party to retain the present age of criminal responsibility of 15 years.

3. General principles

Non-discrimination

349. The Committee welcomes the Method Instruction of the Ministry of Education, Youth and Sports on education against expressions of racism, xenophobia and intolerance. The Committee also notes the numerous initiatives of the State party to counter discrimination in education, in particular against children belonging to the Roma minority, including the adoption of legislation to counter discrimination in employment (Act No. 167/1999 Coll.). However, the Committee is concerned that the provisions of article 2 are not yet integrated into all relevant legislation and thus not sufficiently implemented. The Committee reiterates also the concerns expressed by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.76, paras. 12 and 23) and the Human Rights Committee (CCPR/CO/72/CZE, paras. 8-11) and remains concerned at the persistence of de facto discrimination against minorities, in particular the Roma and other vulnerable groups.

350. The Committee recommends that the State party continue and strengthen its legislative efforts to fully integrate the right to non-discrimination (article 2 of the Convention) into all relevant legislation concerning children and to ensure that this right is effectively applied in all political, judicial and administrative decisions and in projects, programmes and services which have an impact on all children, including non-citizen children and children belonging to minority groups, such as the Roma. The Committee further recommends that the State party continue to carry out comprehensive public education campaigns and undertake all necessary proactive measures to prevent and combat negative societal attitudes.

351. The Committee requests that specific information be included, in the next periodic report, on

the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, taking account of the Committee's general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Best interests of the child

352. While noting that the principle of the "interest and welfare" of the child is contained in the Act on the Family and in the Law on Social and Legal Protection of Children, the Committee is concerned that the principle of primary consideration for the best interests of the child is still not adequately defined and reflected in all legislation, court decisions and policies affecting children. Furthermore, the Committee is concerned that there are insufficient research and training for professionals in this respect.

353. The Committee, in line with its previous recommendations (CRC/C/15/Add.81, para. 30), recommends that the principle of the best interests of the child in article 3 be appropriately analysed with regard to various situations (such as separation from parents, review of placement) involving the child or groups of children (e.g. minorities) and integrated into all revisions to legislation concerning children and legal procedures in courts, as well as into judicial and administrative decisions and into projects, programmes and services which have an impact on children. The Committee encourages the State party to ensure that research and educational programmes for professionals dealing with children are reinforced and that article 3 of the Convention is fully understood and that this principle is effectively implemented.

The right to life, survival and development

354. The Committee is encouraged by the decline in infant mortality rates in the State party, but remains concerned at the high rate of accidents, including injuries, poisoning and traffic accidents. Furthermore, it is concerned that the suicide rate is relatively high despite the declining trend.

355. The Committee recommends that the State party:

(a) Strengthen efforts to raise awareness about, and undertake public information campaigns in relation to, accident prevention;

(b) Study the possible causes of suicide among youths and the characteristics of those who appear to be most at risk, and take steps to put into place additional support and interventional programmes which would reduce this tragic phenomenon.

Respect for the views of the child

356. The Committee welcomes the amendment to the Civil Procedure Code, including the information by the State party referring to the regulation of the respect for the child's views in the Act on Social and Legal Protection of Children and by amendment to the Act on the Family. The

Committee is concerned that children's participation in other areas, such as school and institutions, is not regulated by legislation or sufficiently observed in practice. Furthermore, the Committee is concerned that awareness of these provisions is quite low, thus contributing to weak observance.

357. The Committee recommends that the State party introduce a comprehensive legal provision establishing the right of the child to participate that would be applicable to courts, administrative bodies, institutions, schools, childcare institutions and families in matters affecting children, and guarantee the right to appeal the decisions, in accordance with article 12 of the Convention. Awareness-raising and educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions of children as objects rather than subjects of rights.

4. Civil rights and freedoms

Name and nationality

358. The Committee welcomes the amendment to the Citizenship Law, adopted in September 1999, which was aimed at resolving the problems of statelessness that had disproportionately affected the Roma population, including children.

359. The Committee recommends that the State party:

(a) Expedite the procedure of acquiring citizenship and ensure its effective implementation at the local level;

(b) Accede to the Convention relating to the Status of Stateless Persons of 1954.

Violence/abuse/maltreatment

360. The Committee notes the efforts of the State party aimed at increasing the protection of children from various forms of abuse and neglect, including sexual abuse, such as the amendment to the Act on Misdemeanours (Law No. 360/1999 Coll.), and welcomes the significant efforts by NGOs in this respect. However, the Committee is concerned at the ill-treatment and abuse committed against children in the family, the school and other institutions as well as by public officials in the streets and in places of detention, particularly in the context of a form of popular justice for an alleged crime such as theft. The Committee is further concerned that certain groups of children, such as Roma, are specifically targeted, and that a very small portion of reported cases of suspicion of abuse and neglect are investigated. It is also concerned at the lack of an integrated system of services and that problems of child abuse and neglect are often solely addressed in an ad hoc manner by NGOs. Furthermore, as noted by the Committee on the Elimination of Discrimination against Women (CEDAW), domestic violence is prevalent and is not specifically addressed in legislation, awareness among professionals and the public is low and support for victims is insufficient.

361. The Committee is concerned that there is no legislation explicitly prohibiting corporal punishment, and that it is practised in the family, in schools and in other public institutions,

including alternative care contexts.

362. The Committee recommends that the State party take action to address ill-treatment and abuse committed against children in the family, in schools, in the streets, in institutions and in places of detention through, inter alia:

- (a) Enacting legislation to adequately protect minorities from racially motivated attacks;
- (b) Ensuring that allegations of ill-treatment by the police and police misconduct are promptly, thoroughly and impartially investigated by an independent authority and that those responsible are identified and brought before a competent tribunal that will apply sanctions provided for by the law;
- (c) Developing an effective system for the reporting and investigation of cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure, avoiding repeatedly interviewing child victims of abuse, in order to ensure better protection of child victims, including the protection of their right to privacy;
- (d) Adopting and implementing effectively adequate multidisciplinary measures and policies, including public campaigns, to prevent and address cases of child abuse and neglect and contribute to changing attitudes;
- (e) Implementing training programmes to promote respect for children belonging to minority groups, in particular Roma children, and monitoring the treatment of children in both basic and special schools in order to ensure the protection of the physical and psychological integrity of all children while in the care of school officials;
- (f) Taking all the necessary steps to enact legislation prohibiting the use of corporal punishment in schools, institutions, in the family and in any other context;
- (g) Making use of legislative and administrative measures, as well as public education initiatives, to end the use of corporal punishment and ensure that this is adhered to;
- (h) Taking measures for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment and violence, including by providing counselling, care, recovery and reintegration programmes for victims as well as perpetrators, in accordance with article 39 of the Convention;
- (i) Taking into account the Committee's recommendations adopted at its day of general discussion on "Violence against children within the family and in schools" (CRC/C/111).

5. Family environment and alternative care

Family environment

363. The Committee welcomes the information on the Policy Statement on measures to be taken relating to child and family welfare and on the preparation of a national programme of support to families with children. The Committee is concerned at the insufficient assistance and guidance given to parents in their child-rearing responsibilities for the upbringing and development of the child (art. 18), resulting in numerous cases of custody procedures or in alternative care in institutions. The Committee is further concerned that preventive efforts and family counselling are inadequate and that placement in an institution may be a solution to social problems and crisis situations in the family.

364. The Committee recommends that the State party:

(a) Urgently improve professional support and counselling for families by ensuring the availability of qualified staff and resources and that children are able to maintain contact with both parents, in accordance with articles 3, 6 and 12 of the Convention;

(b) Undertake a comprehensive review of all legislation, policies and administrative decisions related to children within the family in order to assess their impact on the family as a whole with a view to the adoption of a family policy. The Committee further encourages the State party to adopt a family policy including a minimum of social security for the child and the family, housing and social services, provision for managing both parents' work and their childcare responsibilities, women's and single parents' status, child maintenance, maternity and paternity leave and other family-related issues;

(c) Adopt and implement international and domestic legislation to address these concerns, including the 1973 Hague Convention on the Law Applicable to Maintenance Obligations.

Alternative care

365. The Committee notes the adoption of the Act of Residential Care in 2002, but is concerned that it has not addressed the full range of rights covered by the Convention. The Committee also notes that children may be placed in institutions under the jurisdiction of three different ministries and that a court may order reformatory (preventive) upbringing of a child below the age of 15, which means in practice that such a child will be placed in the same institution as juvenile delinquents. The Committee welcomes the policy of deinstitutionalization, but remains deeply concerned at the increasing number of children placed in institutions by preliminary injunction and at the frequent use of this special measure, which can be revoked only after a lengthy and complex procedure. Furthermore, the Committee is concerned that the general principles of the Convention are not always observed in such situations and that:

(a) Institutional responses to providing assistance to children in difficulty are predominantly used and a disproportionately large number of children are placed in a residential institutional care environment;

(b) Temporary measures may be extended for lengthy periods and that there are no

regulations for review of placement;

(c) Children are often placed at significant distances from parents, who, in turn, may not be aware of their visiting rights; punitive measures such as limitation of phone calls or meetings with parents may also be used;

(d) Contacts with parents are sometimes made conditional upon the behaviour of children in care;

(e) The conditions and treatment of children in some institutions may not be provided in a manner consistent with the evolving capacities of the child and the obligation to ensure his or her survival and development to the maximum extent possible;

(f) Institutions are large and an individual approach to each child is lacking, child participation is minimal, and treatment in some institutions (such as diagnostic institutions) may have undesirable effects.

366. The Committee recommends that the State party:

(a) Establish or strengthen, at the local level, the mechanism for alternative care within the system of social welfare and take effective measures to facilitate, increase and strengthen foster care, family-type foster homes and other family-based alternative care and correspondingly decrease institutional care as a form of alternative care;

(b) Take effective measures to strengthen preventive efforts aimed at reducing the number of children deprived of a family environment due to social problems or in other crisis situations, and ensure that placement in an institution is for the shortest time possible, subject to regular review in accordance with article 25;

(c) Ensure that issuance of preliminary orders by courts is used as a temporary measure and that the best interests of the child remain a primary consideration;

(d) Ensure that children under 15 years of age are not placed in the same institutions as juvenile delinquents, in conformity with the principles and provisions of the Convention;

(e) Take all necessary measures to improve conditions in institutions, in accordance with article 3 of the Convention, and increase the participation of children;

(f) Provide support and training for personnel in institutions, including social workers;

(g) Provide adequate follow-up and reintegration support and services for children leaving institutional care.

6. Basic health and welfare

367. The Committee is encouraged by the decline in the infant mortality rate. However, the Committee is deeply concerned that the present economic situation in the health sector does not allow for compulsory preventive medical check-ups of children from birth to the age of 3 to be covered by public health insurance. Furthermore, the Committee regrets the insufficient information provided following the Committee's previous recommendation (CRC/C/15/Add.81, para. 38) to undertake research on the possible effects of environmental pollution on the health of children.

368. The Committee recommends that the State party urgently:

(a) Define sustainable financing mechanisms for the primary health-care system and an effective utilization of resources, including adequate salaries for child health-care professionals, in order to ensure that all children, in particular children from the most marginalized vulnerable groups, have access to free basic health care of good quality;

(b) Undertake comprehensive research on the possible effects of environmental pollution on the health of children with a view to effectively addressing this problem.

Children with disabilities

369. The Committee welcomes information on the national plan to equalize opportunities for citizens with medical disabilities and is encouraged by the growing number of children with disabilities who are integrated into mainstream education; however, the Committee is concerned that:

(a) The previous recommendation of the Committee (*ibid.*, para. 37) has been insufficiently addressed and that institutionalization of children with disabilities remains high. The Committee notes the concern expressed by the Committee on Economic, Social and Cultural Rights at the inadequacy of measures to ensure a decent life for persons with disabilities, including the mentally ill (E/C.12/1/Add.76, para. 20);

(b) Most public assistance activities are carried out by NGOs without significant support from the State party.

370. The Committee recommends that the State party:

(a) Implement measures to provide an alternative to the institutionalization of disabled children;

(b) Allocate the necessary resources for programmes and facilities for all children with disabilities, especially those living in rural areas, and strengthen community-based programmes to enable them to stay at home with their families;

(c) In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the Committee's recommendations

adopted at its day of general discussion on “The rights of children with disabilities” (CRC/C/69, paras. 310-339), further encourage their integration into the regular educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible.

Adolescent health

371. The Committee reiterates the concerns expressed by the Committee on Economic Social and Cultural Rights (E/C.12/1/Add.76, paras. 21 and 41) at tobacco smoking, drug abuse and alcohol consumption, as well as at the decreasing but still high number of teenage pregnancies and abortions.

372. The Committee recommends that the State party undertake further measures, including through the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health and substance abuse, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child.

Social security and standard of living

373. The Committee notes that new financial benefits were introduced in 1995 under Act No. 117/1995 Coll. regulating contributions and additional social care payments and that the Elimination of Poverty and Social Exclusion Strategy is being implemented. However, the Committee shares the concerns of the Committee on Economic, Social and Cultural Rights (ibid., para. 10) that the inadequacy of the social safety nets during the restructuring and privatization process has negatively affected the enjoyment of economic, social and cultural rights, disproportionately affecting the most disadvantaged and marginalized groups.

374. The Committee recommends that the State party ensure that the provisions of the Convention are taken into account in the privatization process and that all children residing on the territory of the State party equally enjoy social benefits.

7. Education, leisure and cultural activities

375. The Committee welcomes the efforts of the Government aimed at developing post-secondary education, making it more accessible, ensuring education for minority groups and integrating children with disabilities into mainstream education. The Committee welcomes the secondary school for Roma children established on the initiative of the Roma people themselves. However, the Committee is concerned that the implementation of the reform of the education system remains insufficient and that in-service teacher training in this respect is lacking. The Committee is further concerned that Roma children continue to be over-represented in so-called “special schools” and at the discrimination in access to education of illegal migrants and refugees who are denied asylum.

376. Noting the State party’s efforts in this domain, the Committee recommends that the State party:

(a) Ensure the availability and accessibility of free primary education for all children in the State party, giving particular attention to providing children in rural communities, children from Roma and other minorities, as well as children from disadvantaged backgrounds such as refugees and illegal migrants, particularly unaccompanied minors, good quality education, including in their own language;

(b) Continue to strengthen its efforts to professionalize the pre-school assessment of children and avoid, as much as possible, assigning children of Roma origin or other children belonging to disadvantaged groups to special schools;

(c) Implement educational reforms with sufficient preparation and support schools in this regard with extra funding and teacher training, and establish a process for quality evaluation of the new programmes;

(d) Promote quality education in the whole country in order to achieve the goals mentioned in article 29, paragraph 1, of the Convention and the Committee's general comment No. 1 on the aims of education, and ensure that human rights education, including in children's rights, are included in the school curricula.

8. Special protection measures

Refugee and internally displaced children

377. The Committee notes that the number of refugees and asylum-seekers is steadily increasing and welcomes the ongoing efforts of the State party to provide for the special needs of these persons and the systematic recording of information on unaccompanied minors since 1998. The Committee welcomes the ratification by the State party of the Convention on the Reduction of Statelessness of 1961 and notes the intention of the Government to ratify the Convention relating to the Status of Stateless Persons of 1954. It also recognizes the cooperation with the Office of the United Nations High Commissioner for Human Rights (UNHCR) in the drafting process of the new Foster Care Law defining modalities of education and accommodation for foreigners who are also unaccompanied minors. However, the Committee remains concerned that:

(a) Special care and protection are not accorded to all asylum-seekers, particularly those in the 15-18 age group and that children aged under 15 may be placed in diagnostic institutions which are not equipped to provide the special care these children require;

(b) Children may be placed in detention facilities for foreigners for prolonged periods;

(c) Compulsory school attendance is not always observed.

378. The Committee recommends that the State party:

(a) Guarantee special protection and care to all child asylum-seekers with respect to their

special needs, including those in the 15-18 age group;

(b) Avoid any form of detention of asylum-seekers under 18 years of age;

(c) Facilitate access of children to legal and psychological assistance, including by enabling contact with NGOs offering such assistance;

(d) Pursue implementation of the new foster care modalities contained in the 2002 legislation.

Economic exploitation

379. The Committee welcomes the ratification by the State party of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee notes with concern that ILO Convention No. 138 remains unratified, that there are no programmes or activities for the prevention and protection of children against economic exploitation, and that statistical data are lacking. Furthermore, the Committee is concerned that many children, including those under 15 years of age and as young as 7 years, perform regular labour in agriculture, family enterprises and as models.

380. The Committee recommends that the State party:

(a) Undertake a study on the causes and extent of child labour with the aim of preventing and improving the situation of child labour;

(b) Continue efforts to protect all children from economic exploitation through the establishment of an effective mechanism for inspection;

(c) Protect all children above 15 years from performing any work that is likely to be hazardous, to interfere with the child's education, or to be harmful to the child's health or physical, mental or social development;

(d) Make every effort to ensure that those children above 15 who do work legally continue to have access to education;

(e) Ratify ILO Convention No. 138 concerning the Minimum Age for Admission to Employment.

Sexual exploitation and trafficking

381. The Committee welcomes:

(a) The establishment in the spring of 2002 of a trilateral Czech-German-Polish working group to address, inter alia, trafficking in human beings, in particular the sexual exploitation of children for prostitution occurring in these areas;

(b) The information contained in the State party's report (paras. 334 and 335) on social, preventive and resocialization programmes for victims of sexual exploitation, as well as the adoption in July 2000 of the National Plan to Fight Commercial Sexual Abuse of Children and amendments to the Criminal Code and Code of Criminal Procedure made in 2002;

(c) The significant work done by NGOs in this field.

382. The Committee remains concerned at:

(a) Reports of increased instances of sexual abuse of children and the low rate of reporting such crimes;

(b) The lack of a comprehensive system of protection and assistance by qualified professionals to all child victims of sexual abuse and of commercial sexual exploitation;

(c) The lack of follow-up to the recommendations from the 1997 visit of the Special Rapporteur on the sale of children, child prostitution and child pornography;

(d) The lengthy duration of investigations into child trafficking;

(e) The failure to date to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

383. The Committee recommends that the State party:

(a) Increase protection provided to victims of sexual exploitation and trafficking, including prevention, social reintegration, access to health care and psychological assistance, in a coordinated manner, including by enhancing cooperation with NGOs;

(b) Ensure that a confidential, accessible and child-sensitive mechanism is established to receive and effectively address individual complaints of all children, including those in the 15-18 age group;

(c) Implement outstanding recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography, inter alia those related to the cross-border trafficking problem;

(d) Sensitize professionals and the general public to the problems of sexually abused children through education, including media campaigns;

(e) Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Street children

384. The Committee is concerned that there is a growing number of children living on the street in

urban areas vulnerable to, inter alia, sexual abuse, violence, including from the police, exploitation, lack of access to education, substance abuse, sexually transmitted diseases, HIV/AIDS and malnutrition. Furthermore, the Committee notes that the primary response to the situation of these children, as described by the State party in its report, is institutionalization.

385. The Committee recommends that the State party:

(a) Strengthen its efforts to identify the numbers of street children with the aim of preventing and reducing this phenomenon in the best interest of these children and with their participation;

(b) Make additional efforts to provide protection to children living on the street and to ensure their access to education and health services;

(c) Strengthen efforts to assist children in leaving the street, placing greater emphasis on alternatives to institutionalization;

(d) Continue to support NGOs to assist these children;

(e) Strengthen the support and assistance to families in this respect.

Juvenile justice

386. The Committee notes the information provided in the State party's report (para. 293) related to discussions by the Recodification Commission on the non-existence of a juvenile justice system leading to treatment which may not be in conformity with the provisions and principles of the Convention, and welcomes the information provided by the delegation that a bill for juvenile justice reform will be submitted to parliament soon. At the same time the Committee is concerned at the rise in delinquency and crimes committed by children.

387. The Committee recommends that the State party:

(a) Establish a juvenile justice system, including juvenile courts, to ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);

(b) Clarify the minimum age of criminal responsibility in the light of the legal provisions authorizing protective custody for children under the age of 12;

(c) Develop child-oriented proceedings for adjudicating cases involving children in conflict with the law, including specialized training for judges as well as all other personnel;

(d) Ensure that all acts of violence by the police towards minors are ended, including

through the prosecution of police officers guilty of such acts;

(e) Ensure that no children are detained illegally and that when detention is necessary as a measure of last resort, that persons under 18 are detained separately from adults;

(f) Develop mechanisms and provide adequate resources.

Children belonging to minority groups

388. The Committee welcomes the implementation of strategies aimed at promoting Roma children's rights to health-care services and inclusion in education. The Committee also welcomes Roma NGO participation in promoting the rights of their children. However, it remains concerned at the negative attitudes and prejudices among the general public, media representations, incidents of police brutality and discriminatory behaviour on the part of some persons working with and for children, including teachers and doctors.

389. In accordance with article 2 of the Convention, the Committee recommends that the State party:

(a) Initiate campaigns, at all levels and in all regions, aimed at addressing the negative attitudes towards Roma in society at large, and in particular among authorities such as the police and professionals providing health care, education and other social services;

(b) Based on the evaluation of previous strategies, develop and implement a comprehensive proactive strategy for the improvement of access to primary health care, education and social welfare services, in cooperation with Roma NGO partners, and targeting the whole Roma child population;

(c) Develop curriculum resources for all schools, including in relation to Roma history and culture, in order to promote understanding, tolerance and respect for Roma in Czech society.

9. Ratification of the two Optional Protocols

390. Welcoming the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

10. Dissemination of the report, written answers and concluding observations

391. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the

Convention and its implementation and monitoring at all levels of administration of the State party and the general public, including concerned NGOs.

11. Next report

392. In the light of the recommendation on reporting periodicity adopted by the Committee (see CRC/C/114 and CRC/C/124), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee has regular opportunities to examine the progress made in the implementation of the Convention.

The Committee recommends that the State party submit its next periodic report on 30 June 2008, 18 months before the date established under the Convention for the submission of the fourth periodic report, which is 31 December 2009. This report should combine the third and fourth periodic reports. The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.