THE ALTERNATIVE REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN THE CZECH REPUBLIC

2000 - 2010

November 2010

Alliance of Non-Governmental Organisations for the Rights of the Child

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Asociace pro mládež, vědu a techniku (Association for Youth, Science and Technology)
Centrum integrace dětí (Centre for Integration of Children)
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Dětské krizové centrum (Child in Crisis Centre)
Duha - sdružení dětí a mládeže (Rainbow - children's association for outdoor education)
EPHATA (Assoc. for Deaf and Hard of Hearing Children)
Evropská asociace zařízení pro volný čas dětí a mládeže (European Assoc. of Institutions for Leisure-Time of Children and Youth - EAICY)
Fond ohrožených dětí (Foundation for Endangered Children)
Nadace Naše dítě (Foundation Our Child)
Sdružení Linky bezpečí (Association "Hotline for Safety")
Sdružení rodičů a přátel dětí (Assoc. of Parents and Friends of Children)
Sdružení SOS dětských vesniček (Assoc. of SOS Children's Villages)
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Společnost sociální pediatrie ČLS JEP (Society of Social Paediatry of the Czech Medical Society)
Unie katolických žen (Union of Catholic Women)
Unie otců - otcové za práva dětí (Fathers' Unin - Fathers for the Rights of the Child)

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INTRODUCTION

In accordance with Article 45a) of the Convention on the Rights of the Child we present the Alternative report of NGO's to the “Third and fourth periodic report of the Czech Republic on the implementation of the Convention on the Rights of the Child in the years 2001–2006” to the UN Committee on the Rights of the Child (UN CRC).

The second periodic report of the Czech Republic on the Implementation of the Convention in the years 1994-1999 was passed to the UN Committee on the Rights of the Child in 2001, which it discussed and accepted the document CRC/C/15/Add.201 "The Final Evaluation of the Committee on the Rights of the Child: Czech Republic” at its 32nd Session on the 24th January 2003, which was forwarded to the relevant institutions and published in the Czech translation No. 105499/2003-LP.

This Alternative report reflects the opinion of organizations, associations and experts from the non-governmental sector dealing with conceptual and practical issues of implementation of the rights of the child. In its preparation written materials (research reports, theoretical studies, etc.) were used, as well as outcomes of discussions at seminars and conferences, meetings of the Committee on the Rights of the Child of the Governmental Council for Human Rights. Some of its members are experts from non-governmental organizations which were involved in this report, and also information was obtained from children and the public. Data was gained at various events dealing with the children issue in some places in the Czech Republic. Since 1993, NGO's have organized annually, in recent years under the auspices of the deputies of the Parliament, fifteen national interdisciplinary seminars dealing with the implementation of the Convention.

Children and young people under 26 years of age from the existing participative structures work in their own separate section during the annual seminars. Outputs from this section are not only incorporated as conclusions of those seminars but also in this report they form the core of the section on children's participation in society. The Senate has also recently paid a great attention to people's views and proposals of NGO's through public hearings – an institute in the Senate's Rules of Procedure.

When processing the collected data we followed the guidelines for the non-governmental reports from 1998 (revised in 2006) and other recommendations of the NGO Group for the Convention on the Rights of the Child at the UN CRC. Currently, the Committee expected from NGO reports to cover the period from 2000 to the present and, if possible, to provide the latest information on areas identified in the Final Evaluation of the Committee in 2003.

The present report adds or specifies some missing information in the Third and fourth periodic report of the Czech Republic, submitted in 2008 by the Czech Government to the UN CRC. Unfortunately, it paid a little attention to the real situation of children and the impacts of measures taken by the Government on children's lives and society. Therefore, this Alternative report seeks to present concrete standpoints also to the recommendations resulting from the UN CRC session on the Second periodic report on the implementation of the CRC in the Czech Republic, which were adopted by the UN CRC as its Final evaluation.

For expliciteness of this additional report, paragraphs of the Third and fourth (governmental) periodic report, which this Alternative report refers to, are identified with the letter "G", while paragraphs of the Final evaluation of the UN Committee on the Rights of the Child of 24 January 2003, respectively of 1997, are marked with the letter "C".

I. General Measures of Implementation (Articles 4, 42, 44.6)

UN CRC recommendation C 7:

Except of the implemented recommendation C 66 (juvenile justice reform), the Committee could regret to claim repetitively the majority of its recommendations for the Initial and the Second periodic report as not applied, see the details below.

C 9:

Experts welcome the re-codification of the Civil Code, which should include, inter alia, new legislation for indefeasible adoption (see G 11), however, they believe that the age limit of 12 years was unfortunately chosen too high, since it does not correspond with the period of development: the child should be informed in a younger age, when this doesn’t intervene so deeply into an individual's identity, up to about 10 years of age.

Recommendation:

The Committee might wish to ask the Government whether it would revalue the age limit in which the child should be informed about its biological origin.

Legal standards and their implementation (C 11)

The possibility of recourse by children in cases of infringement of their rights guaranteed by the Convention / Coordination and monitoring of the implementation of the Convention

Experts from practice believe that the child's right to ask the governmental social-legal child protection authorities for help (see G 17) works more on paper than in reality – these work in some cases extremely sluggishly, regardless of the protection of the children and their interest, they do not believe the child's statement (stemming from their lack of professionalism), they create coalitions with parents, they often protect the interests and rights of parents at the expense of protecting the child.

Recommendation:

The Committee might wish to ask the Government what actions it plans for the social-legal child protection authorities to improve their practice and to prioritize the interests and opinions of the child in all cases .

Coordinating and monitoring body, see C 11 (1997) and C 13 (2003)

As demonstrated by series of meetings, the Ministry of Labour and Social Affairs, which was charged by the Government in 2003 to implement the UN CRC recommendations (see G 18), had not fulfilled this role until 2008, particularly with regard to its own staffing policy: the Minister authorised the Department of Family Policy for coordinating the implementation of the Convention but the staff there has often changed and lacked a comprehensive knowledge or skills to perform this task with the exception of their own field – family policy and care for vulnerable children.
NGO's and other components of civil society have been completely omitted in the ministerial working group for coordination of the implementation of the Convention – contrary to the recommendations of the Committee. Besides some proposals concerning care of vulnerable children, the working group hasn't published any information on the coordination of the implementation of other articles of the Convention relating to the entire child population.

Already from the recommendation C 11 of the UN CRC of 1997 (on the National Committee for Children, Youth and Family established by the Government, which was dissolved by the Government still before discussing its Second periodic report by the UN CRC), it is clear that this is a persistent problem: **the Committee's recommendations in same issue still haven't been respected** in full range, resulting in the fragmentation of the whole child care and protection system, inability of mutual co-operation of ministries, in the lack of interdisciplinary approach and

case conferences. The competences of individual elements in the child care system haven't been clarified, resulting in their actions being often held very disparately and even contradictory.

Based on these facts, a motion was prepared to raise the level of the existing Committee of the Rights of the Child of the Governmental Council for Human Rights (where non-governmental organizations are represented) to the Governmental Council for the Rights of the Child, which would be both equipped with human resources and with competences to fulfill this task. This initiative, however, had been rejected without discussion by the Government (which submitted the Third and fourth periodic report to the UN CRC), just a couple of days before it got the mistrust vote by the Parliament in April 2009. **Participation of children** under Articles 12 and 13 of the Convention **was not included in any of such proposals**.

Contrary to the recommendations of the UN CRC C 13, C 24 and C 25 about the **co-operation with NGO's** as co-organizers and co-monitors of the implementation of CRC in the State Party**,** the State understands this co-operation as their assistance in the fulfillment or even as the supplementation of its duties and obligations from the Convention – as a "purchase" of their services as expressed in the official terminology.

Recommendation:

The Committee might wish to ask the government, when it intends to establish a cross-sectoral body properly equipped with staff and competences for to coordinate all relevant institutions, as is necessary for the implementation of the Convention. Also, the Government could explain how important could be co-operation with elements of civil society, particularly with participatory structures of children and youth.

National Action Plan, see C 27 (1997) and C 15 (2003)

On the 10th May 2002 UN General Assembly adopted the final Summit on Children's documents, containing the Declaration and Plan of Action for the decade 2000 to 2010.

These documents, unfortunately, remained outside the attention and interest of state bodies and did not become the foundation for the creation of the National Action Plan for the implementation of the Convention in the Czech Republic. Consequently, neither an overall concept has been developed, nor a governmental policy which would determine how children's rights should be ensured. The main reason for the absence of the National Plan of Action in Czechia may be the general lack of political will.

NGO's continue to stress the requirement to develop and adopt a comprehensive concept of national implementation of the Convention because its absence is considered as a serious obstacle to progress in the implementation of the Convention. Appeals to the development of

national plans also come from abroad. For example, the conference "Building Europe for Children – Carry out Rights of the Child at Its Enlargement (Nyköping, May 2001) ranked as a priority the task of the preparation of national plans in each candidate country of the European Union.

In the recent years, programmes or plans have been created focused on current urgent tasks of some ministries concerning problem areas of life of children (e.g. National AIDS Prevention Programme, National Health Plan, National Plan to Combat the Commercial Sexual Exploitation) but so far there has not been adopted any plan let alone a long-term plan, as recommended by the UN Summit on Children (UN General Assembly, "World Fit for Children" on the 10 May 2002), which would monitor the broad issue of the Convention.

As the National Action Plan, the Government reported (G 27) its “Concept of the State Policy for Children and Youth by the Year 2007”, adopted by its Resolution on the 7th April 2003 and following-up the previous “Concept of the State Policy towards the Young Generation in the Czech Republic by the Year 2002”. The latter document (Governmental Resolution of January 6, 1999) determined the tasks of the State in a free-of-charge, modern general and specialised education and training, in the education for the respect for other humans and nature and for tolerance in diversity. It assumed the development concept of youth participation in the creation and operation of advisory and elected bodies representing young people at all levels of public management, and in ensuring conditions for the establishment and operation of those bodies and the legal anchoring of the children's participation in an Act on Children and Youth. Participation of children and youth is neither guaranteed by law nor in practice.

Recommendation:
The Committee might wish to ask the Government to answer the question "Whether and when a comprehensive national plan of implementation of the Convention on the Rights of the Child would be developed?" The Committee could propose to the Government to implement national programmes aimed at separate rights of the child for care and protection and for participation in the family life, at schools, communities and society in the framework of such a comprehensive National Plan of Action.
The Committee might ask the Government how it intends to anchor the Convention in its full scope into the legal system including implementation by-laws.

Non-governmental organizations (C 12 and C 13)

In the 3rd and 4th periodic report (last bullet of G 27, G 38/39), a specific formulation is missing with regard to non-governmental sector, particularly to associations of children and youth. It is only mentioned in general terms of co-operation in the care for vulnerable children but even those organizations complain that they are still in a position of sort of "appendage" which is not

a partnership. The persistence of NGO's is still directly endangered by poor funding system by the State and provinces – there is a non-transparent system of allocating subsidies, lack of possibility to appeal against the amount granted or no grant at all, payment delays, late announcements of the results of the grant procedure for a given period.

The organizations aimed to protect the rights of the child, especially those which represent children themselves, should be treated as partners in the whole process of spreading knowledge about the Convention, particularly in implementing the provisions of the Convention. Nevertheless such a co-operative process isn't the rule (in contrast to G 37). The same applies to nonprofit organizations active in social services. They focus their activities mainly on an assistance to families and children in some way vulnerable (by poverty, social exclusion, social and pathological behaviour, consequences of crimes, etc.), on providing counseling, etc. They are also more and more involved in the litigation for users of social services, particularly children, and in influencing the general social environment in favor of a more emphatic accent on children's rights, even in the legislation area.

Recommendation:
The Committee might wish to ask the Member State to supplement quantitative and qualitative data on the state and development of co-operation with NGO's and the effectiveness of their support by the Government, provinces and municipalities. An evaluation of the work of non-governmental entities for the implementation of the Convention is also missing.

Proposed queries:
How is the co-operation among authorities at all levels of the public management and NGO's in the implementation of the rights of the child reflected into the national legislation?
What are the possibilities of NGO's dealing with children's rights to co-operate with state bodies responsible for social protection, employment, housing, culture, crime (i.a. Racism) prevention, AIDS and drug prevention?

Independent supervisory authorities (C 17)

Such an independent body has not been established in the Czech Republic yet. The motion of the Committee for the Rights of the Child of the Governmental Council for Human Rights to establish the institute of an ombudsperson for children was withdrawn in May 2010 from the agenda of the Government because of a resistance from a number of ministers. They reasoned it with financial demands, although the costs of operation would reach only 20 million CZK for the first year and 10 million CZK for each following year ($ 1 million, respectively $ 500,000). This happened while fighting the State budget deficit, even though Czechia is one of the least indebted countries in Europe and it is not prospective for the same budget to save on the children.

Recommendation:

The Committee might ask the Government whether and when the new Government intends to expeditiously establish an independent body to oversee implementation of the Convention?

Allocation of Resources (C 19)

The Committee's recommendation has not been implemented even partially – on the grounds that the State budget is composed in a way that the Government is not able to budget separate resources for the application of the rights of the child without amending the State Budget Act, but aggregated resources are said to be included in the budget chapters of individual ministries.

Recommendation:

The Committee might wish to recommend the Government that youth participation could be one of the grant criteria of the Government funding programmes. Grant funds should be focused more at the support of children's parliaments, which would not depend on annual grants at the national level but should be supported by long-term funds.

Data (C 21b)

The Committee's recommendation has not been implemented.

Promotion / Training (C 23)

The education programme on the Convention which the Czech section of DCI proposed during the period of the UN call for the human rights education at the beginning of the 1st decade of the 21st century did not find a response in the authorities and therefore was not implemented.

After joining the EU by the Czech Republic, the EU education programmes on human rights have been used (in general, not specifically for children's rights). Awareness of staff working with children and for children (including the staff of newly established provincial administrations and municipalities) of the Convention is at a very low level, as surveys and researches of the National Institute for Children and Youth of the Ministry of Education, Youth and Physical Training conducted in the years 2003 and 2008 repeatedly demonstrated, but no appropriate measures have been deduced from the findings.

III. General Principles (Articles 2, 3, 6 and 12 of the Convention)

Article 2 - Prohibition of Discrimination (C 29)

In accordance with a coalition of 13 NGO's “Together to Schools”, we state with a serious concern that the massive structural segregation of Roma pupils to practical (formerly special) schools continues, in spite of the verdict of the European Court of Human Rights in the cause "D.H. et al. vs. the Czech Republic" from November 2007, which imposes to the Czech Republic the removal of discriminatory barriers in relation to the education of children from the Roma minority. According to the investigation of the Institute for Information in Education provided in 2713 schools in the first half of 2009, **more than 27% of all Roma children** attended practical schools. These schools, which are intended for pupils with light mental disabilities, attend only **two non-Roma children in a hundred**, as it also corresponds to the statistical incidence of mental retardation in each population. And the official monitoring clearly shows that **at least 10,000 Roma children** in Czechia illegally stand aside from mainstream education and training in a way that makes them difficult to enter the labour market. The tolerance of this illegal state by the State Party is not only a violation of human rights, where the Czech Republic systematically fails in its obligations to secure Roma children the right to equal access to education. It also means that education is a direct producer of ethnically defined social exclusion.

Furthermore, we claim with regret that the Ministry of Education, Youth and Physical Training (MoE) should have taken strong and clear steps to guide interested parties, especially school facilities and psychological counseling centres and the whole interested public, at latest upon the recent verdict of the ECHR mentioned above. It would have showed that the common placement of Roma children to schools with lower educational standard is not consistent with applicable law. This has not happened yet.

Recommendation:
Given that the measures implemented by the Ministry of Education can not be seen as sufficient, the Committee might wish to ask the Government whether and in which extent it intends to implement the following set of measures that can effectively guarantee an end of the illegal practice and can be implemented by the responsible authorities within the shortest possible time:

1. A mass media campaign aimed at changing stereotyping attitudes of the majority of the public towards the Roma minority (among the key factors is the pro-segregation pressure from the majority of parents, as well as teachers' discriminatory prejudices);

2. An immediate moratorium on the shifting of Roma children to the Framework Education Programme for Children with Light Mental Disabilities (FEP LMD), which the Minister of Education should adequately promote in the media (this Framework educational program has been systematically misused for the creation of ethnically segregated schools with a lower educational standard and thus it operates significantly discriminately against Roma children);

3. For the same reason, the complete abolition of FEP LMD since the school year 2011/2012;

4. An ethic code promptly addressed to the system of psychological counseling centres (ostensibly an expert diagnosis of LMD in practice often serves only as a formal pretext for the exclusion of Roma children from the mainstream education);

5. Repetition of the survey of the Institute for Information on Education in the first half of 2012 and a proof of shown positive changes in comparison to the previous year.

Measures against racism, discrimination, xenophobia and intolerance (C 30)

The Government fails to fulfill the recommendations of the Durban Declaration and Programme of Action, in particular, it has neither adopted a national action plan nor any specific governmental programme for the prevention of racism, racial discrimination, xenophobia and intolerance. The Governmental Council for Human Rights even abolished its Committee on the Elimination of Racial Discrimination in 2007, where also anti-racist NGO's were represented. The Draft Action Plan to combat racism, as also mentioned in G 50, has never been submitted nor discussed in the Government. Instead of it, the Government adopted conceptually wrong "Strategy to Combat Extremism" in April 2010 which has nothing in common with the existing international legal documents. Just a couple days before that, the delegation of the Czech Republic walked out from the Durban Review Conference in Geneva as a single State Party present. The seminar mentioned in G 51, in which experts from ANO for Children's Rights (the Czech national coalition for CRC) took part, did not reach any obligatory conclusion. From the text of the G 52 and G 55 it is then obvious that the Government confuses the prevention of racism, xenophobia and intolerance (among the majority) with the integration and education of ethnic minorities.
Although the Government has prepared a strategic material for teaching History of the 20th Century, in practice teachers rarely read that history for time reasons, and because these materials are usually perceived controversial: they often place human rights violations in the former Soviet bloc after the World War II at the same level with the Nazi crimes during the war. The result of it among pupils and students is downplaying if not glorification of Nazism rather than a prevention of racism and xenophobia. Populist solutions to today's problems of coexistence with the Roma minority or migrants, respectively Muslims, gain strength, too.

Recommendation:
The Committee might again recommend to the Government to adopt and implement, e.g. according to a model of some neighbour countries, a comprehensive national action plan on the prevention of racism, racial discrimination, xenophobia and intolerance under the relevant provisions of the Declaration and Programme of Action (Durban 2001, Geneva 2010), with particular emphasis on the implementation of children's rights under Article 2 of the Convention, including the mechanism for complaints by children themselves.

Article 3 – Best Interest of the Child (C32)

Daily practice of legislative, executive and judicial powers shows that the "best interest of the child" either is not considered at all, or is often understood rather subjective, distorted, without the knowledge of children's issues, without a deeper understanding of the needs of the child. The short and long-term perspective is not taken into account simultaneously, as well as the perspective of child development and the comprehensive impact of measures on the child. This is mainly due to ignorance of the Convention not only in public but even among workers who make decisions about children, as surveys conducted by the Ministry of Education in 2002 and 2007 showed. G 57 and G 58 refer to the principle of the best interest of the child only at the social-legal protection and in judicial proceedings but not on issues as housing, health or education.

Judges have not been sufficiently educated in minor subjects, especially in Psychology – they are not able to interpret a statement made by the child. Among other things, they do not understand motivations sufficiently, which lead the child to a different answer than the authentic one or than is in its real interest. For example, if a child in negotiations on custody tells what it has been ordered by one of their parents – its motivation might be far more a fear from penalty than own authentic wishes of the child. Another example is the child's need to "protect" one of the parents, etc. Therefore it is very problematic to introduce an obligation of the courts to always hear a child – then it is often done in a very short time, usually at a single meeting, often by direct questions, while a child psychologist would work repeatedly, using indirect methods – therefore it is more difficult to distort them. Currently, the use of rights of the child to testify before the court is often unilaterally seen only as a benefit for the child and for the protection of its rights. The stress to which the child is exposed is also severely underestimated: if the child has to speak and present its attitudes in a court, there is a significant risk that the child in these cases will not be treated with sufficient sensitivity and with the necessary considerations. The obligation to express an opinion may be an unbearable burden for the child in a sense of responsibility, a sense of betrayal to one of the parents, the risk of been punished by the non-preferred parent, etc.

The child is not prepared in any way to give a testimony or express its opinion before the court – so the child enters a situation that is unknown, chaotic, unstructured – and therefore very stressful: it has no idea what is allowed and what is not. The child often experiences strong stress, eg. if it doesn't know an answer to a question, it sometimes tries to tell us things which it doesn't know, just to meet expectations and to "fulfill its task well".

If the custody (often a social worker) defends the interests of child before the court, often without a training in legal matters, it doesn't follow the negotiations continuously because the custodians often change during negotiations. It limits them in their ability to defend the interests of the child from a deep knowledge of the case and family history. The defense of the interests of the child is then only a formal but ineffective action.

The courts do not sufficiently make a difference between various causes of refusal attitudes towards the child's parents. They often confuse the child with an aggravated child who made a personal negative experience with that parent and is forced to contact him/her which is not in its interest (a parent aggressor, addict, abusing the child). In these processes, then, paradoxically, grumblers and parents with certain personality disorders achieve a success if they loudly, aggressively and assertively demand their rights. Competent parents, taking account of the child and thus not using all possible means to reach their aim, do not often have a chance.

In the context of criminal proceedings, courts often ignore the possibility of protection of minors in testimony before the court – the exclusion of the public in sensitive issues, testimony of the child without the presence of the accused. E.g. in a cause of intrafamiliar sexual abuse, the child must testify in the presence of the abuser which is a very uneven confrontation, the child is rightly afraid of retaliation and revenge.

The principle of the best interest of the child (see G 56) is often viewed purely mechanically, without a broader context. The child is often pulled out from the broader family context in its application, only material needs are often evaluated (level of housing, household income, etc.) which often leads to extraction of the child from its environment and location to a "more appropriate" environment (example: children's homes can really ensure materially a "better" environment in many such cases). Emotional needs of the child and the risk of deprivation are not sufficiently taken into account.

Recommendation:
The Committee might wish to ask the Government whether and when it intends to propose a legislative anchoring for the best interest of the child, ideally so that it applies across the legal order of the Czech Republic, such as an embedded principle of compulsory assessment in terms of implementing children's rights in all legislation (children mainstreaming) and financial (children budgeting) proposals. The Government could possibly solve the most pressing imperfections described here by a rapid amending of the Civil Procedure, as proposed by the Committee on the Rights of the Child of the Governmental Council for Human Rights.

Article 6 - Right to Life and Development (C 34)

The Committee's recommendations haven't been met.

The table (Annex to the governmental report) on the number of deaths from intentional self-mutilation does not say anything about the causes of suicide and steps which would reduce this tragic phenomenon. It serves only as "a proof that the number of child accomplished suicides has been steadily declining since 1995," which was true only for the period 1997-1998 (the number of suicides of aged 5-19 years per 100 thousand inhabitants was, respectively, 3.4 and 2.9). The figure for 2006 alone was already 3.7 per 100 000 inhabitants. Number of child suicides has grown rapidly especially in the recent years. In 2003, seven children aged under 18 years died, in 2009 there were already 27 accomplished actions (Source: Police Presidium), apart from the thousands at the stage of the trial.

However, the governmental report did not mention anything about the causes of suicide. Although it is known that it is mostly due to family problems (disputes and break up of parents, which the child can not cope with), school (study failures, in particular if the child has overly ambitious parents with high expectations for its results). The causes of the failures are also due to child's relationships with other children, especially in the first or early ending of unrequited love - but also spreading bullying among pupils. The spread of "cyber-bullying" as a result of misuse of computer literacy to express negativity youth attitudes to other people – classmates, teachers, politicians and the elderly.

In 2003, however, our media noted a suicide by self-burning, which was committed by a high-school student Zdenek Adamec, following the example of Jan Palach, 1969, for his dissent with the current situation in society: "I am another victim of the so-called democratic system in which people don't make decisions, but money and power do", he wrote in his last letter "What I decided to do and why" (daily Právo, 7 March 2003, p. 3). These considerations bring at least a fleeting glimpse of light to the prevailing findings of various surveys on young people, describing youth with no interest in public life, thinking only of themselves and their career. S/he who thinks about more than just this, comes into ideological and emotional problems. As Zdenek Adamec wrote in his last letter: "Throughout my life, I have met issues that I probably could not have solved. But there were too many problems. I cannot handle more. For the others nothing matters, no one cares about anything. It's terrible. People find pleasure in the suffering of others. ... "

The use of tobacco and alcohol by children can be seen as much more risky than traffic accidents and suicides, though it doesn't lead directly to the deaths of children but it leads to their lifetime addiction and health damage or to their premature death during adulthood. Recent surveys show an alarming increase in the consumption of harmful substances by children and even a sharp reduction of the age when children begin to use them regularly, under 10 years, although selling or letting of these substances to children under 18 years of age is prohibited by law.

Recommendation:

The Committee might want to ask the Government whether and when it intends to submit an

amendment of the legislation in order to prohibit tobacco smoking and advertising tobacco products and alcoholic beverages including beer in all public places, and what measures it intends to take to enforce the already existing laws against tobacco smoking and alcoholism.

Article 12 – Respect for the Opinion of the Child (C36)

An improvement occurred only in the field of education: from the 1st January 2005, a new Act No. 561/2004 Coll.: Preschool, elementary, secondary, advanced vocational and other education ("Education Act") came in force, which indicates a possibility to establish pupil or student self-managements at schools, as well as an obligation to the school management to deal with their conclusions. In practice, however, the students themselves have to initiate the establishment of the school parliament, organize elections, meetings, agenda and conclusions, and the only school's responsibility is to express its opinion on those conclusions. Another practical model goes in the opposite direction, when the parliament is artificially created by adults so that pupils and students do not comment on important things, but they only help meet the law. Space for participation in decision-making processes is minimal in both types. There is a lack of a coherent and continuous management, providing information for pupils and students and their support.

Provisions for an improvement can be seen at schools in the imbalance between rights and obligations of pupils, the student participation in changes in the school life made also through their participation in a student self-management:

The rights of pupils and students for participation are determined in § 21, letters d) and e) of the Education Law, its § 22 contains pupils obligations, in § 30 there are school rules and in § 31 there are educational measures and other awards and disciplinary actions.

Participatory elements appear in practice as well as a higher structure associating parliaments, ie. municipal, provincial and the National Parliament of Children and Youth. However, no legal aid and assistance is ensured so they are completely dependent on individual concrete persons in communities and provinces. The non-perception of these participatory structures is shown as the total lack to mention them in the 3rd and 4th periodic report of the Czech Republic. The Czech Republic doesn’t take this situation in the children's participation as an insufficiency, it doesn't understand participation as a contribution to society. Children's participatory components aren't set in any law (except the Education Act), they lack a grant and moral support. A child or youth delegate has neither been included to the Czech delegation to UN General Assemblies nor in a UN special session for children.

A Children and Youth Act has not been adopted yet, although its paragraphed text from 2003 was close to the Government resolution on the National policy towards the young generation in

January 1999, which charged the Ministry of Education, Youth and Physical Training with a task to process the concept of the development of youth participation in the life of municipalities, provinces and the State. Thanks to the public discussion of it, to the National Conference on Youth in 2002 and to the support of the original concept by non-governmental organizations of and for children and youth, the draft envisaged that provinces and municipalities in conjunction with children and young people would not only develop and implement children and youth policies but would also ensure the participation of children and youth to discuss and decide on matters of public interest which will thus contribute to their education for democracy and active citizenship. After commenting consultation with representatives of individual ministries on the 23rd June 2003 "due to the need for major modifications to the draft and the need for a high-quality wording", the bill was returned to the Legislative Council of the Government, discussed again in July 2004 – and since then the Children and Youth Bill has been adjourned till now.

It should have been an "Act on the Protection and Assistance to Children and Youth", UN Committee on the Rights of the Child, however, rightly points out (C 36) the need of change of the traditional understanding of children as objects rather than subjects of rights. If children are (rarely) invited to talk shows of public media, they are not seen as equal partners, they only receive indoctrination from adults.

The social and legal protection of children has not applied pro-client oriented approaches in practice yet, its officials do not often act with clients on a partner level, openly and directly, they do not sometimes take the best interests of the child into account.

Contrary to the observations in G 65, especially for the most serious interventions, such as custody, the withdrawal from the existing environment and so on, the opinion of the child is still often investigated only indirectly (e.g. as a statement of a social worker who made an interview with the child). This practice is inertial while the legislation, especially of courts procedures, has gradually tightened in recent years in what concerns the obligation to direct questioning of the child before the court. But in practice these changes also resulting from the requirements of international conventions, unfortunately, often fail. The last change, the strictest judicial proceedings, has been effective only from October 2008. The possibility for the court to waive to hear a child is limited to exceptional cases. It hasn't been possible to assess yet whether this change significantly improves the practice, or if "exceptions" continue to be misused.

Recommendation:

The Committee might wish to ask the Government whether it intends to legally set in the right of children for individual and collective participation in decision-making on all issues that concern them (except of the judiciary and education), for example as regards the environment, health, safety and spatial planning. With regard to pupil and student parliaments, it could recommend improvements to the current legislation in order to reduce establishing of shadow structures which are set up and function according to wishes of adults (tokenism).

The Committee might also wonder whether the Government intends to improve the status of the child before the courts so that its direct hearing could not be normally replaced with a documentary evidence. Moreover, the interest of the child before the court would be protected so that no one can manipulate a child but the real opinions of child would be discovered. Similarly, what measures the Government intends to take to improve participation of children clients in social and legal protection of children?

IV. Civil Rights and Freedoms (Art. 7, 8, 13 to 17 and Art. 37a of the Convention)

ArticleS 13 and 17e) – Right of access to adequate information and protection against harmful information

A positive aspect is that the Government (MoE) has recently strengthened its responsibility for the education of children in areas where children in many families receive incomplete or misleading information or are provided with it too late (education against racism and xenophobia, parenting education including sexual awareness).

A large part of the public and many experts are concerned that (despite what G 77 to G 79 mention) programmes unsuitable for the healthy development of children, full of violence, are already included in the afternoon broadcast time, the time when the children are often alone at home, without being checked what they watch. The same is true for PC games and many games available on the Internet, which are not treated legislatively at all. If the Council for Radio and Television Broadcasting imposes fines to broadcasting companies, very often such a decision is subsequently annulled by the courts.

Recommendation:
The Committee might wish to ask the Government whether it anticipates that it will propose a change in legislation in order to bridge over the gaps that allow unauthorized children's access to TV shows and games, which can threaten their healthy development.

V. Family Environment and Alternative Care (Art. 5, 18.1,2, 9-11, 19-21, 25, 27.4 & 39)

Articles 5 and 18 – Family Environment (C 42)

The UN Committee appreciated in the conclusions to the initial report of the State Party (1997 C 3) that the Czech Republic was preparing and implementing a comprehensive legal reform in the legislature governing children's rights. The working group for family and children of the Alliance of NGO's for Children's Rights in Czechia (ANO) focused the common action of NGO's to a large extent on the legislation. Prior to the upcoming "big amendment" to the Family Act of 1963, ANO filed a series of proposals to the Government, the House of Commons and Senate. After the

major amendment of the Family Act was adopted in 1998, ANO even asked the President not to sign the law because of serious flaws.

The NGO's developed similar initiative to act on social and legal protection of children, too. It was the second piece of legislation which, according to the Initial Report on the Convention, should ensure rights of the child under the Convention. One of the parliamentary parties (KDU-CSL) made a proposal based on a detailed critical analysis of the draft law, to refund the law to the Government for revision. This proposal was outvoted in the Parliament and the law was adopted in late 1999 without major changes. There were submitted no amendatory motions or amendments to the comprehensive version of the law on the Protection of Children: to amend the relationship of family law and child protection for functional families in a positive sense, to influence dysfunctional families primarily in order to restore the functions of the family. Penalties (fines, criminal proceedings) should have mainly educational impact on parents when necessary. Without them the laws do not reflect the binding of Article 18 of the Convention on the primary responsibility of parents for the upbringing and development of the child.

The ANO prepared the entire set of proposals for its amendment from the missed suggestions of NGO's in 2000, especially the motion to incorporate the basic requirements of the Convention on the Rights of the Child in the preamble to the Act, concerning the role of family and education goals. The proposals were discussed by the Committee on the Rights of the Child of the Governmental Council for Human Rights, adopted by the Council and forwarded to the Ministry of Justice. ANO contacted right the Parliament again with a request for amendments to the Family Law in connection with negotiations on the reduction of the age limit of children criminal responsibility. Several NGO's asked the Parliament not to do so but instead to increase the responsibility of parents to raise children in accordance with Article 18 of the Convention and its focus on the spirit of Article 29 of the Convention.

The Government resolution of 7th March 2003 also attracted the attention of NGO's because it required from the Ministry of Labour and Social Affairs in 2005 to develop the concept of state family policy.

Although the Government resolution noted that the steps and outcomes of this concept would be presented to professionals and the general public to debate, in fact it did not occur. MLSA then invited the Alliance, represented by the DCI, at least to discuss the amendment to the social and legal protection of children. The amendment was also commenting on particular aspects of Art. 6 and 18 of the Convention on the primary responsibility of parents for the upbringing and development of children and Article 27 of the State family assistance.

Social and legal protection of children in the concept of NGO's should be understood broadly: as a support of a functional family, assistance from the State to restore functionality of the family, as a last resort to help find a substitute family. Not just sanctioning a family that does not, or even for objective reasons cannot meet its obligations to the child, or substituting the family environment with institutions such as infant homes and orphanages. Here we highlighted the main proposals for the implementation of the Convention on the Rights of the Child, particularly Articles 18 and

27, into the general provisions of the Act on the Social and Legal Protection of Children under its § 1, with the backing of the recommendations of the UN bring legislation into line with the Convention.

Some results of the efforts of NGO's in the field of law and practice perspectives came to reality, as at least in the field of relations between authorities and the family, though not in their relation to the non-governmental organizations assisting the family and the State in the care for vulnerable children. The governmental report completely ignores the activities of NGO's, even contributing to the creation and implementation of the concept of family-friendly governmental policies, adopted in 2005. There is missing any mention of the origin and development of a network of parent centres right in the first half of the first decade of the 21st century, working alone or collaborating with municipalities and provinces, where they have shown any interest on their activities and promoted cooperation with them. The Governmental report has even not mentioned the Mothers' centres acting as NGO's, though they actually did initialize and now widely implement the governmental concept of family policy, and although the founder of Mothers' Centres and the main organizer of their network was named the Woman of Europe for her activities in the Czech Republic and international cooperation.

Articles 19 and 20 - Protection from Violence and Neglect, Foster Care: C 18 (1997), C 41 (2003)

A frequent problem is the phenomenon of children's rights violated by children, in schools violating by pupils, particularly in various forms of bullying. For its prevention and minimization, schools and school facilities are provided with guidelines how to diagnose this phenomenon, how to resolve it, and in particular how to prevent it.

The Czech Republic is currently the top ranking country as to the number of children placed in institutional care per population. In case we sum up the statistics of the Ministry of Education, Youth and Sports, Ministry of Labour and Social Affairs and other responsible bodies we get to number about 21 000 children and young people who currently live in the institutions of various types (in infant homes around 1500 children, about 9000 children under ordered institutional education or sentenced to the protective education, in social care homes about 10 500 children) in Czechia. The authorities responsible for social and legal protection of children in cooperation with the authorized courts have often the simplest solution to the crisis situation using the child's removal from the original family, and its transfer to alternative care. The reasons for removing children from families are often socio-economic ones, particularly poor housing conditions or homelessness.

C 41(b), (c): The experts from non-governmental organizations are concerned that it happens that the same police experts work with both the offenders and the victims and their approach tends to use the same methods for both groups: the child, even in the role of victim, is seen as destined

for lying. They are not enough educated in child psychology, developmental psychology (even G 32 does not deny it), cannot interpret the child's speech and its communication way. In case of expelling of the violent person from the family home (G 123) the child is often forced into contact with the aggressor, regardless of the position and interests of the child's, where there is preferred adult substance to the right (of access) over the rights of the child (for protection).

C 41 (f), (g): **General prohibition of corporal punishment** (G 135) **was not adopted**, the possibility of penalty for the physical punishment of children (G 133) is not used by institutions, even as regards recurring cases.

C 41 (h): Experts believe that the number of facilities for children requiring emergency care (G13) is wholly inadequate in position of increasing number of such children.

Recommendation:
The Committee might wish to ask the Member State, what specific educational and systemic measures will be taken to remedy the shortcomings described.

C 43:
Ministry of Labour and Social Affairs (MLSA) is the peak of the pyramid of the executive authorities to assist families and children (G 86). Most of the specific competencies are real but in the hands of the authorities at lower levels of government, particularly municipalities and provinces. The system of administration was decentralized between 2001 and 2003 in Czechia, and most of the powers were transferred to local authorities, i.e. municipalities, respectively provinces. A Ministry cannot directly control the authorities of those territorial units. The Ministry can influence them just in a methodological way of how the final safeguard of the rights of the child will look like (i.e. initiating changes in laws and issue decrees, which are binding for the executive bodies of municipalities and provinces, and in particular the influence of financial flows within the state budget.
The magistrate of a city or a larger village, so-called municipality with extended powers, is the most important public institution, which holds the hands of the majority of competencies related to the child, protect his interests for the State and provide care for family and children, which are guaranteed to be fully paid by the State. These authorities concentrate the function of help with the repressive function. Permanent problem of this most important cell of the Czech children's care, in addition to the above-mentioned more repressive nature of the work of its employees, is their overload – for one social worker often fall several hundred "active" files of registered families. This also reflects the concept of work and the inclusion of the authority in the system of public administration. "Social workers" of municipal offices are not viewed as workers in social services (with professional support – e.g. regular and mandatory supervision and lifelong

learning), but as a state (public) officials, including the duration of the statutory exemptions from mandatory vocational training, replaceable still just by “practice” for the office.
In Czechia still does not exist an unified concept and methodology of working with vulnerable children, which would take into account the needs of the family as a whole and would be based on modern principles of exceptional separation of children from their families, especially their own parents, i.e. on the principle of strict protection of family environment, also consistently formulated by the European Court of Human Rights, as well as on the principles of aid effectiveness, pointing to the maximum possible number of cases as expeditiously as possible reunification of the family (G 87). But even if such a concept existed, the social-legal protection, i.e. now departments of local and provincial governments (not the State authorities) would not have been able to meet its prepositions for lack of funds, staff and the adequate education. If there is a family crisis situation (e.g. social decline, poverty, etc.) it is been often solved (and resolved) by just removing the children from the "unsuitable" environment. Modern trends of working with vulnerable children (or rather, with families at risk) are brought up in particular by NGO's working in this field. However, this is problematic for some reasons: these organizations are generally existing in low number and are facing an existential uncertainty by their dependence on continuous funding system, and especially that those organizations cover with their service the territory quite unevenly, they are only available in larger cities in reality.

Working with the biological family, especially with regard to removing children from the family, is totally inadequate and basically formalized, which in turn is related to the lack of a uniform concept of working with vulnerable children. This is now recognized by the State. It has recently been reacted to these facts, such as proposed by the Ministry of Labour and Social Affairs to transform and unify the care of vulnerable children. With the placement of children in foster care (either family or mainly institutional) another problem is related, which is the placement of children away from its original family, which also render effective assistance to the family of origin in order to its re-unification. There is still usual to place the children in alternative environments and split siblings. Stay in institutional care has usually a definite character. Not only does the law not recognize the possibility of placing a child outside the original environment for a specified period, till the disappearance of certain obstacles, etc., but the strict principle of temporary measure has not became domestic in the practice of public administration. They often remove the child from its family which by the application of effective assistance can be functional. Children care authorities as well as the courts have the obligation to assess on a regular basis (once per quarter respectively half a year) whether the reasons for placing a child in institutional care persist, but often such an evaluation after one visit to the child and the institution is limited to saying that they last without effective action been taken to help the family and child.

Long unsolved and yet an extraordinary problem is a very large number of children living in social care institutions for children and youth. This situation is the result of persistent lack of interest by the State, which is unable to adequately support families with children having different type and degree of disability. Families then often face situations when providing necessary day care for a

disabled child means for the family fall to the bottom of the social loss due to failure of family income. The solution is to place the child in a nursing home. The traditional approach of physically or mentally disabled fellow citizens ominously reflects which was common before 1989. The former regime instead of helping these fellows, conducted an active policy of segregation, when so disabled people were specifically placed in social care institutions and isolated from other population. Social care institutions are also often located in peripheral areas and by these the element of segregation of disabled citizens continues. Since 1989, the State failed in this direction to achieve more fundamental changes.

Facilities for foster care (G 94) get into a very difficult situation due to current legal standards where the law orders them to pay a specified sum of money as a "reward" for the foster parent, but does not solve the question where to get these financial resources from. Other facilities for foster care yet have a legal entitlement to the allowance from the state budget, which covers at least the direct costs of the training activities of that facility.

In Czechia, the family matters are administrated within the judicial system at all levels of general courts (G 97). The absence of "family specialized" or even special family courts, which is accompanied often by insufficient education of judges – other than in the legal field (developmental psychology, social work, sociology, etc.) is the lack of Czech law system. Certain specialization in family issues exists only in the courts of first instance. Such specialized family boards at appellation courts are not set up and since the early nineties, the vast majority of decisions in the field of family law have been excluded from review by the Supreme Court, so there is often lack of a unifying judicature. Children's rights as guaranteed by the Constitution and international conventions shall be protected by the Constitutional Court. This is a positive fact, but very difficult in terms of efficiency and speed of decision making.

According to many experts, a child's right to ask authorities of social-legal child protection for help works more in theory (G 18) than in reality – these cases are held sometimes extremely tardy, regardless of the child protection and its interest. Because of non-professionalism the child's statements are not believed, the civil servants create coalitions with a parent, they sometimes protect the interests and rights of parents to the detriment of children's protection.

Often criticized is the fact that the reasons for removing children from families are often socio-economic conditions of the family, particularly poor housing conditions or homelessness. Although the ethnicity of children placed in foster care is difficult to determine, it is a known fact that a high percentage of these children are of Romani origin. This situation is, as mentioned, in the right connection to the lack of the concept of working with vulnerable children as well as the fact that there is no uniform and sensible approach to social housing in place, too. In fact, there is even no such approach at all in place (sub-program "Support for the construction of housing for people with limited access to housing because of their social situation" of 2009, has not yet been

able to show results in practice, of course, and due to a limited amount of funding means it is not likely to significantly affect situation of vulnerable families in the near future, as it would be needed). This fact is repeatedly pronounced by the Ombudsman, such as the Summary Report of the Ombudsman in 2007, where it was said quite clearly that socio-economic reasons, particularly poor housing conditions and homelessness should not automatically become a reason for the withdrawal of children from their family (to the paragraphs G 108 and 109).

The Summary Report of the Ombudsman for the Year 2006 states that the Ombudsman in relation to institutional care have repeatedly met with failure to respect the rights of children placed in infant homes, orphanages and educational institutions. This happens in two ways, by reducing the extent of visits of parents or other relatives (e.g. 2 hours per week in the afternoon) or as a ban on visits as a form of punishment for inappropriate behaviour or poor school children merits. In the framework of the positive approach to work with family of a child placed in an infant home or foster home a personal contact with the child's parents should be kept as broad as possible. One option is to establish a comprehensive system of visits. It is desirable that the time restrictions on visits would not impede the maintenance of emotional and family ties between children and their parents. Infant and children's homes meet the biological and material needs of the child, but in terms of identity formation, and environmental perspective and a successful psychological development of children a family can never be fully replaced.

The Ombudsman considered so called regimening of children in children's homes and punishing them for any break of this regimen a serious shortcoming. The children then do not change their behaviour to the better based on their knowledge acquired through education, but their behaviour purposefully adapt in order to avoid the punishment. From the pedagogical point of view it is unacceptable to insist unreasonably on strict daily schedule and arrangements of children placed in orphanages. This can suppress the fundamental feature of human personality, that is the ability to live as a free individuality, which bears responsibility for his behaviour.

Because the alternative childcare competence is divided among several central departments, there is the issue of inaccessibility of one simple source of statistical information. Databases of the responsible governmental authorities are not compatible, because while the Ministry of Education, Youth and Sports, in its use of statistics uses as a time base a unit of a school year, the Ministry of Labour and Social Affairs and other responsible institutions work with the time period of the calendar year. The consequence of this is a situation where there is no exact statistics on how many children and adolescents are living in institutions, valid for a specific date (compared to G 114).

For determination of maintenance (G 120) does not exist a consistent methodology again and there are diametrical differences in there. The State has not protected children from non-payment of maintenance and has not assumed the role of the person who would pay the alimony out, and then recover it from the non-payer. All the arguments of State officials against such function of the

State provide the evidence that the decision concerning children completely ignores Article 3 of the Convention to impose their interests.

Social and legal protection of children should be understood broadly, as a functional family support, assistance from the state to restore functionality of the family, in extreme cases, seek help foster family, not just sanctioning a family that fails, or even for objective reasons cannot meet its obligations to the child, and replacement of the family environment institutions - homes for the infant and children's homes.

Recommendation:
The Committee might wish to recommend to the Government, before dealing with questions of maintenance treatment for children, rehabilitation of problem families and other social measures, to inform its members that when examining the various options be bound by Art. 3 of the CRC.

VI. Basic Health and Welfare (Art. 6, 18.3, 23, 24, 26, 27.1-3)

Article 23 – Disabled Children

Long unsolved and yet an extraordinary problem is a very large number of children living in welfare institutions for children and youth. This situation is the result of persistent lack of interest by the State, which is unable to adequately support families with children having different type and degree of disability. Families then often face situations when providing necessary day care for a disabled child means for the family fall to the bottom of the social loss due to failure of family income. The solution is to place the child in a nursing home. The traditional approach of physically or mentally disabled fellow citizens ominously reflects which was common before 1989. The former regime instead of helping these fellows, conducted an active policy of segregation, when so disabled people were specifically placed in social care institutions and isolated from other population. Social care institutions are also often located in peripheral areas and by these the element of segregation of disabled citizens continuous. Since 1989, the state failed in this direction to achieve more fundamental changes.

In caring for disabled children in the family (G 157) is a long-term rise in deficits and prevention of late diagnosis in problematic and socially disadvantaged families. In these situations, doctors fear they could be prosecuted for "interference with parental rights" if they want to favour the interest of the child, because their help, and even the information is linked to parental consent. These dysfunctional parents continue to draw on child welfare, as specified by the socio-medical departments of public administration. The repression of parents often affects the child, which

eventually ends up in institutional care.

Recommendations:

The Committee might wish to ask the Government how it intends to implement the preference for the best interests of a disabled child also in a dysfunctional family.

It might also want to know how the Government intends ***to ensure the rights of disabled children in a timely manner****, and consequently with care as determined by a doctor with regard to that children's rights are superior to parent´s rights. Will the welfare benefits be withdrawn from parents who do not comply with mandatory health care for such a child?*

Will the Government ensure the ***screening*** *of handicapped children, social work outreach, health departments in the social protection of children and an assistant help?*

Assessing the health status of children for social benefits, particularly in relation to the provision of care allowance pursuant to Act No. 108/2006 Coll. and Decree No. 505/2006

We believe that these rules violate the children's rights, particularly Art. 23, paragraphs 1) and 2), Art. 26 and Art. 27 of the Convention on the Rights of the Child.

Break of the Convention we see particularly in the fact that the evaluation of the ability of a child for purposes of receiving the allowance for care is based on the fact that the child cannot cope, according to the regulations prescribed, number of acts of self care and self-sufficiency by age. Thus, the more operations it cannot cope with the higher contribution may be granted to it. In practice this means that if parents have due care about their child with disabilities, care for it, rehabilitate, so there is a range of skills improvement, it paradoxically results in a reduction or denial of the allowance at all. If the child had not been cared well and "left" to its destiny, the allowances would be probably granted in a higher amount.

Children younger than 1 year of age are not legally entitled to care allowances, even if it is evident from their birth that they are heavily handicapped, long-term or permanent. And also if it is clear that caring for a child is much more demanding than caring for a healthy child of that age (preparation of special diets, need for regular rehabilitation exercises, etc.) This intensive care is not taken into account anywhere. At the age of 1 to 2 years the most tasks are disregarded. Parents then receive an allowance for care just amounting that one for the first grade handicap. At the same time the parental allowance is reduced by the same amount. This means that the total amount of financial aid is the same as the parental allowance for a healthy child, although even here, as mentioned, the care is different, more challenging, etc.

Children with chronic diseases such as diabetes mellitus, coeliakia, cystic fibrosis in the younger and older school-age can handle a range of those operations so they are not entitled to the allowance. But care for these children should also always be taken, their diet and treatment regimen watched, which often they are not yet capable to do on their own. Parents cannot rely on children to handle the situation themselves (not to eat unsuitable food, ask in time for help with an

acute deterioration, etc.).

Children with severe mental deficiency, multiple disability, disorder associated with a psychiatric diagnosis, conduct disorder, strong hyperactivity, but physically able and capable to handle a series of prescribed tasks, so that their allowance for care is usually not granted, or only a minimum amount. However, such children cannot handle the communication, sometimes even grooming, they are not able to think of impacts of their unpredictable behaviour requiring constant supervision, companionship from their parents. Such a child can do such an act to open the door, turn the tap, washed his hands, to drink from the cup, but opens the door to the hallway and runs into the street where it can run under a car, turns on a water tap but lets the water flow, or overturns a cup of hot liquid in an unguarded moment and scalds.

Children with mental retardation, psychiatric diagnoses and behavioural problems usually get granted allowances to the care of 1st or 2nd grade in their older school age but their need to be accompanied by another person is not taken into account (and thus for the allowance to the 3rd grade care).

These provisions ignore indeed the fact that a child organism is constantly evolving, and therefore the development dimension must also consider all information concerning the child. Regardless the aspect that a large number of children with disabilities grow up in families, and that it is necessary to take into account the role of parents in care of the child, demands of care resulting in a burden on the family, and to evaluate the quality of child care. The law suits apparently adults with disabilities, particularly with physical disabilities. The philosophy of self-assessment and self-care is in terms of that aspect of development and the role of the family for the child totally inappropriate. **Moreover, a reduction in the 1st grade allowance is from 2 000 CZK (110 $) to 800 CZK (45 $) per month is being planned.**

Recommendation:

The Committee might wish to ask the Government how it intends to completely change the criteria for assessing children with regard to the following aspects: the diagnosis of the child, degree of the overall child development, child care demands. With regard to the complexity of caring for a child with disabilities, of emergency care performance in children with chronic internal diseases, children with mental and behavioural disorders, it would be wise to compare the assessment of children with disabilities with the performance of a healthy child of that age, as was the case previously when assessing entitlement to the allowance for children requiring special care or emergency care with special demands.

Article 24 – Basic Health and Social Care (C47)

Steps of the Government which was nominated after the 2006 elections represent rather undermining of pro-family and social policies and are not mentioned in the governmental report at all.

For example: in 2007 the so-called regulatory fees in health care were enacted (per day in a hospital, visiting a doctor on call and per item on drug prescription) for all citizens without distinction, including children – even though e.g. in Germany, children (under 18 yrs according to CRC) are exempted from such health care fees. Also there, a direct contribution to a patient's hospital stay is paid only by adult patients in a length below 28 days. However, the average salary, from which people have to pay those fees for themselves plus for their children and their parents, is in Czechia just a fraction of that in Germany. Also, the quarterly upper limit of those fees was set as a fixed amount in Czechia, whereas in Germany it is set to 2% of monthly income of the patient, for chronically ill only 1% of income, which is socially more righteous and more humane.

As decided at the NGO seminar on CRC, ANO provided this information to all elected parliamentarians in Parliament in December 2008. It is hopefully not too immodest to assume that NGO's in Czechia contributed its share to the fact that, with effect from 1st April 2009, fees for visits at doctor (excluding emergency physicians) were abolished for children under 15 years of age. However, pharmacy fees per prescribed drug items remain for children. For children, respectively for their parents, also the obligation to pay for a sick child stay in the hospital remains, and this applies also to subsequent recovery and rehabilitation of for long-term or chronically ill children in health care facilities. The capacity of these facilities has since remained unfulfilled, thus, there is not a sufficient health care for children. The governmental report, however (the partial abolishment of fees has been valid from 2008 only), states that "The necessary health care for children is covered with the public health care insurance. The State pays the fees for children and young people until they end up their vocational training / up to 26 years of age." (G 152). Parents had to pay even the fees for newborns for their stay in the hospital. Only from the 1st of April 2009, newborn babies were exempted from paying due to public pressure. After all, the fees have been officially termed "regulatory" in order that patients would not visit doctors too often, as their official reasoning – but the measures "regulating" the birth rate in the State Party where it is as low as in Czechia today would be adverse – and the quarterly upper limit for for children under 15 years of age was lowered.

Recommendation:

The Committee might wish to ask the Government whether it considers the abolition of the so-called "regulatory fees" in health care for all children in accordance with the principles of Article 3, paragraph 1 of the Convention, in order to eliminate the barriers to children's access to health care and to prevent the potential danger due to possible negligence of the medical care and due to the deteriorating social situation of their parents.

C53:

The governmental report also highlights the "pro-family" policy (G 88), but does not say anything about its development 2008, as is the deterioration in the implementation of Article 32, paragraph 5 of the Constitutional Charter of Human Rights and Freedoms, that "parents who care for children have the right to the State assistance." By the recent governmental reform, 40 percent of such families were forfeit of the parental allowances. The chance to get them from now on have only those, whose income fit to 2.4 times (compared to four times the pre-2008) subsistence. The tax reform has abolished progressive taxation, introduced a "flat tax" 23% of income that exists almost nowhere in the economically developed world, and for incomes amounting over 80,000 CZK per month it even introduced a "tax ceiling".

The incomes of the State budget – used also for health and social security of families with children – have thus actually decreased, which contributed to the growth of the State budget deficit and infirmed also the Articles 3 and 4 of the Convention on the Rights of the Child. According to them, one party to the Convention – the State – undertakes to provide each child with the protection and care for his/her life, including the economic, social and cultural rights, to the fullest extent of its resources.

Recommendation:
The Committee might wish to ask the Government whether it intends to prioritize the best interests of the child under the Convention while implementing economic reforms.

C 50:

Although G 172 notes that in 2005, the Act No. 379/2005 Coll., prohibiting the sale of tobacco products to persons under 18 years and sales of tobacco and alcohol products in the places and events for persons under 18 years, cigarettes and alcohol are commonly sold to those, inter alia, on the markets – there is no regular systematic review. A research in 2008 showed that smoking, drug abuse and alcohol consumption among children is increasing, while reducing the average age at which children start smoking to below 10 years.

Recommendation:
The Committee might wish to require a list of measures to strictly enforce compliance with Act No. 379/2005 Coll. in relation to children, as well as for a broader prevention (for direct and indirect promotion of tobacco and alcohol in public places and media such as film and television) from the Government.

The Committee might also ask the Government when and how it will provide support for preventive health care practice at paediatricians, as well as recommend a return to the school health care system, an introduction of preventive programmes to schools and health care

facilities, and a try to reach the parents, particularly those lower educated.

VII. Education, Leisure-Time and Cultural Activities (Art. 28, 29 a 31)

The UN Committee stated (see C 54) that the progress in the school reform in Czechia had not been sufficient by then. It recommended further actions in C 55. The Governmental report, however, reacted (G 176 až 184) restrictedly to the letters C 55 (a) and (b) only: the report underlines what the Government did in favour of disadvantaged children and minorities. Letters (c) and (d) were neglected –

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

(d) Promote quality of 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 on the aims of education; and ensure that human rights education, including children's rights, are included into the school curricula.”

The period which is covered by the Governmental report comprises the years 2000 to 2006, of preparing and initiating the educational reform in Czechia – a similar one which were made in the majority of European countries already in the nineties of the 20th century. The principles of the reform were expressed in the Governmental Concept of the Development of Education in the Czech Republic (1999) and in the White Book – the National Programme of the Development of Education (2000).

A ”Public Debate for 10 Million People” was heralded, but it should have only taken place in a short time between the Spring and Autumn of that same year – for teachers in the time of their vacations. Nobody was officially charged with a task to organize studies and debate on the Concept.

As the “legal backbone“ of the educational reform the new Education Act should have served which was being prepared since the end of the nineties and adopted after a series of problems in the year 2004 only. It is, however, merely a law on education as an institution, on its organisation and management – not the promised basis of changes in the educational systém at the dawn of the new millenium. It even lacks a definition of the main notions of the reform – what should be in fact understood as education, who are its participants, which are their relations, rights and obligations. Thus, the new Education Act has not become a guideline for creating and functioning of a school community of pedagogues, pupils and their parents who jointly strive to achieve the aims of education, as the White Book foresaw. The original Governmental bill lacked even a codification of conclusions of modern pedagogy and psychology about the transformation in the ways of education – this was a later work of parliamentarians who embraced the motions of NGO's as amendments of the Bill after those NGO's had failed in the marking-up procedure at MoE. Then the parliamentarians adopted the motions as amendments to the Governmental Education Bill.

It is necessary to go on with improvements of the Education Act – as expressed by participants of the annual seminar on the implementation of CRC, organised by the Czech section of DCI, in a petition addressed to the Parliament.

The Petition Committee of the Czech Senate which had originally asked the NGO's for the whole set of their proposals and remarks, finally referred NGO's back to MoE with its amendments to the Education Act or with all amendment motions of the Lower House of the Parliament. The next step of the civil society then was to submit a further petition on CRC of the seminar participants in 2008 to the Government and the Parliament. In the petition, they required a substantial amending of the Education Act. We consider the Petition Right Act a legal norm which is important what concerns the putting into effect the citizens' right to influence public affairs. The response of MoE to the petition is considered not to be completely adequate to the Art. 21 of the Constitutional Charter of Basic Rights and Liberties of the Citizens of the Czech Republic which admits their right for their participation in public management.

One of the main conceptual insuffiiencies of the implementation of the new way of education is too little a stress on the question – **why the reform**? The Czech section of DCI (DCI/CZ) proposed to start the training of pedagogues for the reform with a common theme “Education – an Actor in the Transformation of the World“ and prepared a pool of trainers for it. This proposal has not been reflected by appropriate authorities, the reform was then started, unfortunately, not with an explanation of its sense but a new obligation was instead imposed on all schools – to create their own School's Education Programme (SEP hereinafter) according to obligatory Frame Educational Programme (FEP hereinafter).

The reform has neither been preceded nor accompanied by recruitment of pedagogues for the educational reform in a way that they would have understood its basis as a change from the

information reproductive way to a formative one, aiming at forming key competences – skills of a young person for his/her work, civil and personal life in which education should give him/her a consciousness of tasks of a human being in the third millenium, as well as abilities and will to cope with them. It is to claim here that MoE has neglected its task to bring teachers and public closer to the **sense** of the curricular reform.

We consider as a positive sign of FEP that they merge former curricula of individual subjects into larger units of educational branches with “cross-sectoral topics“. The “eternal“ problem of relations between school subjects can be so overcome with a collaboration of pedagogues with different approbations With such an interconnection of individual subjects it is possible to bring pupils to an a learning and understanding of the world, nature and society as a whole. Iot is a pity that at least this modernisation aspect of education is not mentioned in the Governmental report (e.g. Part I. General Measures of Implementation) as an expression of the reform. That report mentions FEP only marginally as an important part of the reform in the Part VIII only (G 236). Such an informace on FEP in the Part VII of that report would make a better evidence that the State Party makes endeavours for a principal educational reform for the 21st century.

The Frame Educational Programme have also their negative aspects: besides the assumed simple implementation of “stuff ordered from above“ to SEP at the given school, outcomes of educational branches ara often traditionally too detailed or specialized. They are still perceived merely as a self-standing, isolated “science“ rather than instruments for to be able to understand and oneself, as well as for to create personal characteristics of a pupil and abilities for his/her life. Inovative pedagogues derive considerations from this whether FEP and SEP coming from them would not need, besides of vertical cross-sectoral themes of individual educational branches, also a “horizontal“ cross-sectoral theme which would cover individual branches – (Hu)man and Nature, (Hu)man and Society, (Hu)man and Work, etc. – which would resume the knowledge on the world and life from the whole educational process.

The new important approach to pupils not as objects of the educational process but as participants in education with their rights is necessary to be set in the legislation, as well as a concept of education as a joint activity of the educators and those being educated – towards the aims of education as set up in § 2 of the Education Act. This has been a requirement of NGO's in their principal remarks to this Act.

The Governmental report misses to say that we can state a positive shift in the pre-school education thanks to the project “Healthy Kindergartens“, lead by the Governmental Health Institute, as well as thanks to the well-designed FEP for pre-school education. The latter one stresses above all the personal development of the child, not so much gaining knowledge from different scientific branches (ie. school education).

The Governmental report does not at all mention the intention of the Ministry of Social Affairs and

Labour (MoSAL) as worded in so called “pro-family package“ from the year 2008: after municipalities had closed down their kindergartens due to a lack of children and often sold those buildings to serve for other purposes, a rise of natality came in strong population years (born in the seventies), MoSAL then came out with a plan to create suitable conditions for parents for a harmozation of their work and family life through establishing “mini-kindergartens“ at workplace and even through “neighbour assistance“ in individual appartments – as businesses. The NGO's associating teachers in pre-school education (public, church-led and private ones) strongly require to set up strict conditions for establishing and state control of businesses in this field: the pre-school education cannot become just baby-sitting and thus should be bound, as a licensed business, to a certain grade of the modern pedagogical education which would come out from (not only) a concept of pre-school education mainly as a personal development of the child and its integration into the society.

In the recent years, some grammar (secondary) schools breach the Art. 28 letter b) of the Convention: they include to admission exams a subject matter outside the scope of FEP or which should be taught later than by the date of the exam, according to FEP. Then they bid a PAID preparation training for pupils of elementary schools for to pass the exam. Thus, they discriminate children from socially weaker families which cannot afford to pay, in their access to education.

The Governmental report does not mention the results of international comparisons PISA and TIMSS, where Czech pupils score not bad in general but which repeatedly show the basic deficiencies of the Czech education systém: high selectivity, big dependence on the socio-economic level of the family úrovni rodiny (which means that schools enhance inequalities instead of compensating them), and big differences in quality of education between schools. It leads to a considerable handicap for a further education of children living in a locality where the local school is of a low quality and there is no other choice.

It is necessary to mention also the final outcome of the whole period of the secondary education of children – the matury exam. The “new“ maturity exam, enacted recently, is to respond to the new educational concept which should be based on the personal development of the pupil by education in order to give him necessary competences, ie. abilities for work and life. Pedagogues associated in the Permanent Conference of NGO's in Education at Primary and Secondary Schools (SKAV) point also at the fact that, according to the new § 78a of the Education Act, the scope of knowledge tested by the maturity exam has to be defined by the MoE in its catalogues. Those should be addressed to students in a form of skills to be demonstrated in public.

Member NGO's in SKAV and in the NGO coalition “Together to Schools” point also out that despite the “special schools“ were formally abolished (see G 178) but in fact, they were renamed to “practical elementary schools“ with educational programmes of the special, or even auxiliary,

schools. The basis of their focus has thus been kept, just under a new name. Indeed, the elimination of segregation or discrimination (C 28) has not been achieved, as we have already stated in our commentary to the implementation of the Art. 2 of the Convention. This is in contrary to the recommendation C 29.

An optimal network of pedagogic assistants to socially disadvantaged pupils (G 182) has not been created up to now either. The activities undertaken by now have not a sufficient potential to create the desirable system of a care for socially disadvantaged pupils.

The existence of the Programme of Aid for Work with Children and Youth (G 183) in their leisure-time (non-formal education) is praiseworthy, though the system is incomplete – it is not interconnected to lower level of the public management. Thus, the Government subsidizes even activities of strictly local NGO's (in one village of neighbourhood only) because a Children and Youth Act is still missing, which would shift such an obligation to municipal and provincial authorities. The consequence of this lack is impossibility of contentual control of such financial expenses incurred on children. Since the year 1991, any feedback and evaluation of effectivity has been missing. It applies similarly for the insufficient support of participatory structures of children and youth, the focus of that Programme is filling of their leisure-time only.

Neither the prevention of racism and xenophobia is in that Programme (G 183) financially or otherwise prioritized in comparison with the traditional leisure-time, e.g. outdoor, activities, not speaking about the missing support for the creation of better condition for the membership of children from ethic minorities (such as Roma and immigrant kids) in traditional associations working with children. Such a support with specific criteria has been applied for example in the Swiss governmental grant system for youth NGO's since 1991.

Recommendations:

The Committee might wish to ask the Government whether it intends to improve the legal basis of the reform by amending the Education Act in order to define participants in education and their relations in the educational process, so that children would become its active subjects. It should also include improving conditions for their participation in decision-making processes.

The Committee might also ask for an information about the plans of the Government how to improve the systém of state maturity exams in order that it would measure the grade of creative thinking competencies of secondary school students, too.

The Committee might want the Government to provide it with quantitive data on the rise of number of sport, cultural and other actions dedicated to the prevention of xenophobia and racism among children and young people, at least of those actions financially supported by the Government.

The Committee might further wish to ask whether the measures underlined in the Governmental report what concerns education of socially disadvantaged children, especially those from the Roma minority, constitute a real and adequate reaction of the State Party to the

recommendations C 54 and C 55 to the second periodic report on the implementation of the Convention.

VIII. Special Protection Measures (Art. 22, 32 to 36, 37b to d, 38, 39, 40)

Article 34 – Child Abuse and the Commercial Sexual Exploitation of Children (C62a)

In the issue of commercial sexual exploitation the protection of children from the dangers of sexual abuse through the Internet is still inadequate. This also arises from the absence of this issue in the governmental report.

Child abuse and sexual abuse remain a serious social pathology. The number of actual cases lies well above current estimates. According to an epidemiological study of sexual abuse of children in the Czech Republic, every third girl has got an experience of sexual abuse, and in almost half of the cases the aggressor was a family member, usually even the father or step-father (Vanickova, E. 1998: Retrospective Epidemiological Study of Sex. Abuse of Children in the Czech Republic. Final report on the grant from the Internal Grant Agency of the Ministry of Health, Prague).

A persistent problem in Czechia is still the lack of a unified monitoring system and a great heterogeneity of data collected by individual departments and institutions. This opens space for underestimating and disparagement of the whole problem of the CAN syndrome. Estimates of the number of children differ from each other, among other reasons, it has not been determined uniform criteria for this kind of monitoring yet, and data from different sources can not be compared or combined.

Alarming fact is the age at onset of sexual abuse of children, detecting at an increasingly younger age, not once preschool age, so in an age when the child still can not adequately defend himself/herself and explicitly needs help of vicinage, including technical assistance focused on reduction of the consequences of traumatic experience. Not only girls are at risk of sexual abuse. The case studies highlight the fact that every 7th boy was sexually attacked during his childhood! There is still a serious risk of abuse of boys, who are mostly attacked by homosexual contacts, whereas by boys abuse of unrelated person dominates, with the interest in commercial sexual exploitation, particularly in boy prostitution.

It seems insufficiently respected the fact that child sexual abuse is the greatest threat from relatives, whereas a form of intrafamilial sexual abuse takes longer on average, the frequency of attacks is higher and has more severe consequences than extrafamiliar forms.

The unfavorable situation is also in the field of the physical and psychological abuse. Every year has confirmed that this also applies to children of younger ages, including newborns, infants and toddlers, at the age of the child when he/she still can not intentionally and knowingly "be naughty". Therefore, it is clearly a failure of an adult - abusive - person mostly in the role of parents (father and mother, or stepfather, stepmother). There is still persistent problem in a high proportion of the other parent to physical abuse in the form of passive participation and failure to act in order to protect the child at risk. Czech education is still very punitive and based mainly on the negative use of educational resources (including physical punishment, sanctions, prohibitions, ridicule) at the expense of developing and positive resources (reward, praise, recognition). That fact is confirmed by the daily practice of the Children's in Crisis Center which provides services and care for threatened, abused and exploited children.

Primary prevention of sexual abuse is still a neglected area and children are at risk of sexual abuse and de facto not prepared at all. The desired result would be a preventive action for children from an early age by adequate form, in families, in nursery and primary schools. There is absence of extensive public prevention campaign to increase public awareness to promote prevention, detection and protection of children against abuse, sexual abuse or neglect. If such campaigns exist, they are provided and mainly funded by non-profit organizations. The education of citizens to a greater sensitivity to the phenomena is not sufficient. In general, there is still insufficient attention paid to the issue of sexual abuse in Czechia. Alarming fact is the lack of a safe Internet for children who are common users nowadays. It is a high possibility for child to get to a site with inappropriate content including pornography, high risky is also contacting the children by persons who can very easily present themselves with false identity in communication portals used by children. There is also lack of better information for parents about risks that may threaten their children in case of underestimating the problem.

Despite the specific needs of children with the CAN syndrome, specialized professional services are not available in many regions for to ensure the physical and psychological recovery of victims,

their social reintegration and, in case of intrafamiliar child abuse or torture also erudite redevelopment of family.

There is still a state where it is increasingly difficult to ensure an adequate protection of vulnerable children. Children's rights are in many cases behind the laws to adults, respectively directly to parents, children are still the ones, who must eventually leave the family at least temporarily, to avoid contact with the aggressor or abuser. Completely contrary to their needs, they finally get to, inter alia, diagnostic institutions and institutional care. This situation is negatively influenced by the low level of multidisciplinary collaboration, the fragmentation of care of a dysfunctional family, lack of a coordinator to address the adverse situation of the child. The case conferences have not become an essential part of the process of solving the situation of a particular child yet.

So far there has not been integrated, cooperating closely, clearly structured and coordinated, uniform system of protection and care of vulnerable children. Gap is the lack of clear criteria for the assessment of the threat of child and unification of procedures for discovery torture, child abuse and neglect.

A transformation of the system of care for vulnerable children coordinated by MLSA has been started, but the actual impact on the daily protection and subsequent care of children at risk is still minimal.

The principle of the interest of the child as a priority point of view is in dealing with specific cases not duly respected and fulfilled. The interest of the child is not sufficiently mapped, and if it is being done, persons conducting such mappings are without sufficient preparation for conducting interviews with children and without sufficient grounding to enable them to correctly understand and interpret the child's communication.

The psychological stress on children exposed to traumatic circumstances of torture and / or abuse is unnecessarily augmented by the persistence of such a treatment of a child, which insufficiently respects child's needs and possibilities and his/her developmental level. Children are over-investigated and interrogated repeatedly, negotiations do not respect a different perception of time by children – the negotiations are very long, which, inter alia, inhibits a child cope with psychological trauma. Though it is possible to use child-friendly procedures in the interest of children, their use is not obvious (e.g. the exclusion of the public during the testimony of the child in court in particularly sensitive issues – such as in cases of sexual abuse, protection of the child before the child's contact with the defendant in the courtroom as well). The investigation and court proceedings are not always conducted in a manner friendly to the child, preferably with regard to the interest, needs and protection of child victims. Number of testimonies, to which is the child exposed, are redundant, although the legal provisions would allow the use of child friendly procedures. Preparation and training of persons working with

children is still below adequate levels and awareness of people interested in solving specific cases on the issue of CAN syndrome is still low and inadequate.

Recommendation:

The Committee might wish to ask the Government what action it plans to overcome the systemic weaknesses described in the prevention and repression of sexual abuse of children.

The Committee might also recommend the Government to propose legislative and executive measures to protect children from sexual exploitation through the Internet.

Article 40 – Juvenile Courts (C66a)

The Juvenile Justice Act (G 197) can be viewed as unambiguously good thing, even though many media campaigns, petitions and statements of politicians calling for lowering the age limit for criminal responsibility of a child have not stopped by its adoption: in 2008 has the Parliament even lowered the age limit to 14 years in the new Criminal Code not only for criminal responsibility but also for protecting children from sexual exploitation and abuse. This violation of Article 3 of the Convention fortunately was managed by DCI Czechia thanks to parliamentarians' (not governmental) initiative to remedy before the effective date of the Criminal Code. These campaigns, however, continue because not only the public but many journalists and politicians are not aware of the existence of the Convention and do not know the wording of its provisions.

Compared to the theory described in G 201, protracted hearing often occurs in practice, the courts do not respect different perception of time in children than in adults, the process is an unbearably protracted regardless of the child's interest. In practice, the possibility of non-repetitive operations is not often used, minors are questioned (extracted) repeatedly and redundantly.

Children belonging to minority groups (C79a)

The governmental campaign against racism (G 227) in 1999 spent only 10 million CZK (330 thousand USD), then the amount was reduced annually down to 3.6 million CZK in 2009 (180 thousand. USD) and for the year 2010, this grant call was not issued at all. The campaign was declared in contrary to the recommendation C 79a only at central level in the years in 1999-2009. The governmental report makes no mention at all to the suppression of negative attitudes towards Roma in civil servants and social workers, health and other services.

C79b:

Compared to the ideal situation described in G 229, experts note that medical care is failing in many cases, in the detection of vulnerable and abused children, and in detecting inappropriate environment for healthy child development.

IX. General Remarks

It follows from the composition of the whole periodic report by the Government that, due to non-existence of an independent coordinating and monitoring body for the CRC implementation, the report has not been elaborated using the systemic approach. It is rather a compilation of reports from individual central departments of the Government. The role of municipal and provincial public management has not been documented, although it is just the public management which influences practical fulfillment of the rights of the child population as a whole, especially in municipalities.

Also due to this sectoral approach, the governmental report mentions actions taken for the fulfillment of the Committee's conclusions Nr. 9, 13, 15, 23, 25, 27, 30, 34, 41, 55 and 81 only. It does not mention at all, or does only partially, the Govrtnmentš reactions to the conclusions Nr. 7, 11, 17, 19, 21, 29, 32, 36, 38, 43, 45, 47, 49, 51, 53, 57, 59, 62, 64, 66, 79 and 82.

Recommendations:

The Committee might wish to require an information whether and how the Government distributed to the broad public the complex of reports on the implementation of the Convention together with the conclusions by the Committee from January 2003 (C 82), whether it issued a call for a discussion on the Convention and its implementation and monitoring at all levels of the public management and what were the outcomes of that debate. Would the Government consider such

a debate or its outcomes insufficient, it might tell the Committee which improvements it plans in this matter after the adoption of the Committee's conclusions to the Third and Fourth periodic report.

The Committee might also wish to recommend the State Party to collaborate on the creation of the future periodic reports also with associations of lower levels public management bodies.
The repeated recommendation of the UN CRC (to the initial an second periodic.reports on the Convention) for the Government to work together with NGO's of adults and children for ensuring the rights of the child in Czechia according to the Convention, should apply in a non-reduced form also in the future, of course.

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