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**INTRODUCTION**

According to the Article 45 of the Convention on the Rights of the Child, the non-governmental organizations present the Additional Information to the Initial Report of the Czech Republic on the Implementation of the Convention the Rights of the Child (hereinafter the "Convention") for the period 1993-1994 to the UN Committee on the Rights of the Child. In the Czech and Slovak Federal Republic, the Convention came into force on the 6th of February 1991. After the separation of Czechoslovakia into two independent states in 1993, the Czech Republic committed itself to present reports on the implemen tation of the Convention in its own competence.

In order to prepare the Additional Information, the non-governmental organizations initiated a meeting four interdisciplinary seminars on the topic "Convention on the Rights of the Child in the Czech Republic". The seminars were organized by the Defence of Children International (DCI) Czech Section, the Czech Committee for UNICEF, the Czech Helsinki Committee,

Association of Women's Organizations of the Czech Republic and the Ministry of Foreign Affairs of the Czech Republic. Other non-governmental organizations, representatives of individual ministries, universities and scientific institutions took part in the seminars that were held in the House of Parliament.

The first seminar held in November 1993 resulted in establishing contacts and dialogue between state authorities and non-governmental organizations dealing with the rights of the child. The seminar held in June 1994 dealt with the conception and technical arrangements of drafting both the governmental and non-governmental reports. The seminar held in December 1995 included the discussion on and amendments to the draft of the non-governmental organizations' report. The seminar held in December 1996 dealt with the preparation of the NGO presentation for the Pre-sessional working group of the Committee.

Experts in the spheres of law, sociology, demography, medicine, psychology, pedagogy, culture etc. participated in the seminars. Documents they made available and stimulations coming from the discussion represented a main source while compiling this information. It makes certain data more exact, supplies facts missing in the governmental report, points out certain factors and challenges influencing the implementation of the Convention and suggests measures to be adopted to improve a children's situation in the country.

*The information follows individual parts of the governmental Initial report and refers to the relevant articles of the Convention Figures appended to the individual paragraphs referring to relevant paragraphs of the Initial report.*

## I. GENERAL MEASURES OF IMPLEMENTATION

### A.

#### 1.

#### Legislation Article 4

2. The Convention on the Rights of the Child in general represents an integral part of the constitutional order of the Czech Republic. Provisions of the Convention are superior to the national law. The rights of the child guaranteed in the individual paragraphs of the Convention have been incorporated in various acts preceding mostly a ratification of the Convention. It is a case of following acts:

94/1963 Coll., the Family Act; 40/1964 Coll., the Civil Code; 41/1964 Coll., the Civil Judicial Order; 140/1961 Coll., the Penal Code; 141/1961 Coll., the Criminal Procedure Rules; 50/1973 Coll., the Foster Care Act; 65/1965 Coll., the Labour Code; 29/1984 Coll., the Primary, Secondary and High Vocational Schools System Act; 100/1988 Coll., the Social Security Act; 114/1988 Coll., the Act on the Competence of the Public Administration Bodies of the Czech Republic in the Sphere of the Social Security (all of them in a wording of later amendments).

#### The Family Act

3. The Family Act governs relations between parents and children. First of all, parents represent legal guardians of a child: they have a right and responsibility to bring up a child and to be in charge of his or her affairs. Legal relations between parents and a child are equivalent to those of equal subjects; child is not considered an object of education, training or other kind of similar activity, i.e. there are no paternalistic legal regulations. Parents' rights and responsibilities are defined by the legal order at large. The legal order has to be respected by parents while performing their parental rights.

A new Bill regulating family relations in the sphere of a private law has been already drafted and submitted to the Parliament. The arrangement applies to matrimonial relations and mutual relations between parents and children and regulates them in consistency with the Convention.

It should be included in the Civil Code.

#### The Act on the Social and Legal Protection

6. After a separation of the former Czechoslovakia and establishment of the Czech Republic, relevant scientific/research institutes together with the interested public initiated - beside amendments to the relevant private law - a draft of public law arrangements with the aim to define responsibilities of the state in the spheres that had arisen in connection with a new situation in the society and had not been covered by a law yet. In the Act mentioned above responsibilities of the state bodies should be concretized and differentiated from those being fulfilled voluntarily by the NGOs. The Bill has been worked out but not yet submitted.

#### Recommendation

→ To submit the Bill on the Social and Legal Protection in the wording as recommended in the governmental report:(parg.6)

B.

#### Coordination of Policy

11. No body fully responsible for a policy towards children does exist in the Czech Republic; and - with the exception of the Ministry of Foreign Affairs - there are also no officials in the individual ministries appointed to be in charge of harmonization of the policy with the principles of the Convention. Inter-ministerial commissions (see parg. 141 and 269) do not apply themselves explicitly to the implementation of the Convention; no state administration body stimulating the implementation exists as well. The proposal of instituting an ombudsman has not been accepted yet although it has been supported by non-governmental organizations and even discussed in the Parliament.

The implementation of the obligation to take measures to promote the rights of the child in the economic, social and cultural spheres up to the maximum extent of means has not been included in the governmental report. Therefore, the NGOs wrote a letter to the Minister of Finance asking him to provide them with corresponding information. In the reply of Minister's office, they were informed that the amount of financial means expended on covering children's needs is based on the range of activities set for relevant ministries (Ministry of Labour and Social Affairs, Ministry of Health, Ministry of Education, Youth and Sports, Ministry of Culture, Ministry of Justice and Ministry of the Interior). Financial cover of the children's needs is neither globally budgeted nor observed by the Ministry of Finance. In that reply, there were also doubts expressed whether the NGOs should supply the governmental report with facts based on data required of the Government.

#### Recommendation

→ To fix a date of establishment the governmental institution/mechanism assumed in the governmental report: to include coordination of activities of the ministries in the sphere of the rights of the child and cooperation of the state authorities with a non-governmental domain (parg.15)

C.

#### Making the Convention Widely Known Article 42

16. Dissemination of information about principles and provisions of the Convention cannot be a matter of NGOs themselves since their spheres of activities are limited due to the insufficient possibilities to be donated and/or granted by the governmental resources. Making the Convention widely known requires systematic and complex activities at all levels including mass media; they should cover the adult population in general and persons having legal responsibility for the children in particular (i.e. parents, state and public authorities officials, representatives of self-government, judicial system, health service, education etc.) as well as children in primary and secondary schools, university students and working youth.

Universal access to the text of the Convention with an added commentary corresponding to the users' needs should be a starting point of making public familiar with the Convention. The complex of measures making the Convention widely known by using adequate means cannot be formed without professional monitoring and participation of the state.

Recommendation:

→ To arrange for systematic monitoring the implementation of the Convention in the Czech Republic.

D.

Making the Report Available Article 44.6

20. According to that article, "States Parties shall make their reports widely available to the public in their own countries". Measures indicated in the items 63-65 of the governmental report are absolutely insufficient. They are focused on a limited group of interested persons instead on a public at large. Moreover, they don't provide any opportunity for discussing the current state of children's rights in the Czech Republic in the framework of an open and constructive dialogue.

### III. GENERAL PRINCIPLES

A

Discrimination of Romani Children Article 3

41. The Government is committed to children's welfare through programs for health care compulsory education. Some Romani children do not receive these benefits for a variety of reasons, and the Government's largely bureaucratic and administrative approach has not adequately addressed the disadvantages faced by Roma in many municipalities. Some segments of the Romani community prefer to limit as much as possible their contacts with the majority society.

According to the Ministry of Education, Romani children make up 60 percent or more of pupils placed in "special schools" for those who suffer from mental or social disabilities, although Roma are estimated to comprise only 2 to 3 percent of the population. Language and cultural barriers frequently impede the integration of Romani children into mainstream schools. Moreover, some Romani parents appear to prefer that their children attend such schools, where they can be among others of the same ethnicity, regardless of their mental abilities. Girls and boys as well as children from urban and rural areas enjoy an equal access to the health care and education at all levels.

The analysis of a situation of Romani children at school can be found in the Laura Conway's publication "Report of Children Education in the Czech Republic" issued by the HOST as a part of the PHARE microproject in assistance of the "ROS" Foundation in March 1995 (ROS = Development of the Civil Society).

B.

Protection of Health and Life

45. The environment in the Czech Republic is heavily polluted. It results in negative consequences influencing a public health. The territories of Northern Bohemia and Moravia and the capital city Prague represent areas with a highest rate of pollution which menaces health of inhabitants, especially small children.

The health education and prevention as well as the system of compensation measures and other ways of an individual protection aim at a reduction of the health risks. However, adjustment and changes of technologies that should result in eliminating all sources of emissions are considered unquestioned priorities. Effect of these activities depends, above all, on the support of all bodies of the public administration and a broad public itself.

Increasing road traffic causes frequent accidents that affect children. Head and skull injuries occur very often due to bicycle riding. Sixty up to eighty per cent of young cyclists' fatal casualties have been caused by this kind of injuries. Using crash-helmets is acknowledged to be the best kind of prevention; in certain countries, it is even ordered by a special regulation. Regulations of provisions like that as well as their regular inspection are very important in prevention of children's traffic accidents, especially in case of children-cyclists, pedestrians or fellow-travellers.

Recommendations:

→ To apply the general principle of the best interests of the child in all spheres of the life related to children.

→ To include the principle of the best interests of the child in the law order of the Czech Republic and to ensure its implementation in the regulations of a lower legal force; to evaluate effectiveness of these measures in the Report on the Implementation of the Convention the Czech Republic should submit to the UN Committee of the Rights of the Child in 1999:

#### IV. CIVIL RIGHTS AND FREEDOMS

##### Nationality Article 7

70. The Act No. 40/1993 Coll. on the Acquisition and Loss of the Czech Nationality that had been adopted and issued after the separation of former Czechoslovakia was criticized by the advocates of human rights both in the Czech Republic and abroad. However, this Act was declared - so the Czech Constitutional Court - not to be in contradiction either with the constitutional order of the State or with the international standards. However, certain citizens of former Czechoslovakia have not acquired the Czech nationality due to the strict provisions of the Act mentioned above. It results in a negative impact on many families and children, in particular Romanians living in the Czech territory. For example, some of them have no claim to social benefits for children with consequent slump of their standard of living. The issue was investigated by activists of relevant non-governmental organizations. They found out the impact of the Act was very grinding for many families and it could jeopardize fundamental human rights of children living with those families.

E.

##### Non-Governmental Organizations Article 15

86. In the year 1989, so called large non-governmental organizations split. Instead of them, a number of civic associations and foundations promoting interests of different groups of citizens have been established. For instance, 88 independent civic associations related to children and youth have been registered as to the 1st of July, 1990 instead of the original universal youth organization. During the next period, they started associating again for the purpose of promoting common interests towards the state authorities and because of the affiliation to the international youth movement.

From the beginning of nineties, the civic associations related to children and youth - including those associating disabled persons - have developed many-sided activities. Many of them deal with the issues connected with human rights and contribute to the implementation of the Convention. These organizations lack for a basic law on NGOs that would define their relations to the state, public and private spheres and facilitate fulfilling their tasks in a better and more effective way.

During drafting the governmental report, no organization/body outside relevant ministries themselves was invited to take part in the discussion or to present suggestions how to implement the individual provisions of the Convention or how to promote children's rights in the Czech Republic. It characterizes truthfully relations between public administration bodies and NGOs.

The governmental report was provided to the NGOs when completed. The Ministry of Foreign Affairs also provided a financial assistance to 4 seminars on the Convention on the Rights of the Child which both the public administration and the NGOs representatives participated in. The non-governmental report was submitted to the relevant public administration bodies.

Recommendation:

- To associate NGOs specialized in the rights of the child in a group/coalition representing the Czech Republic at the NGO Group for the Convention on the Rights of the Child in Geneva.

## V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### Family Structure

93. According to vital statistics, there was a total number of 10,333,61 inhabitants in the Czech Republic as to the December 31, 1994. The total number of men inhabitants made 5,020,464; 2,094,207 of them singles, 2,525,288 married, 280,824 divorced and 120,145 widowed. The total number of women inhabitants made 5,312,697; 1,728,410 of them singles, 2,526,676 married, 375,430 divorced and 682,181 widowed. In the year 1993, total number of children born alive made 121,025 and in the year 1994 106,618 children. Natural rise in population made 0,3 per 1000 in the year 1993, while in the 1994 it declined to minus 1,04.

According to the population census in 1991, there were 1,650 thousand family households with unprovided children (i.e. all children until 15 years of age and singles of 15-25 years of age who depended fully on parents as regards alimony, i.e. who had neither an income of their own nor wage nor social benefits - for instance disability pensions or unemployment benefits - and who lived together with their parents).

There were 2,744 thousand these children living in family households and another 3,4 thousand children until 20 living in various welfare institutions. As regards the total of family households with unprovided children, there were 1,396 thousand families complete - i.e. with both parents (166 thousand of one child, 671 thousand of two, 137 thousand of three and 23 thousand only of four and more children). The rate of incomplete families with unprovided children made 15,4 % and the rate of unprovided children living in incomplete families made 13 %.

Incomplete families were headed by women in 225 thousand cases (118 thousand divorced, 35 thousand widowed, 20 thousand unmarried and 51 thousand married women living separated from their husbands from various reasons) and headed by men in 12 thousand cases only (12 thousand divorced). Rashly concluded matrimonies between very young people (mostly due to the bride's pregnancy) was a reason of relatively high number of divorced couples. Marriage of under-age partners (majority = 18 years) is approved from 16 years of age. A low number of incomplete families headed by fathers was influenced among others by the judicial proceedings preferring mother's upbringing her children; it causes problems as regards father's contacts with the child and his participation in common responsibilities of the child.

In the complete families, the two-children pattern has been developed for a long time: as regards complete families where woman was between 30-39 of age (i.e. mostly after her reproductive period had finished and before the oldest children had left home) there were 5 % childless, 19 % with one child, 58 % with two children, 15 % with three and not quite 3 % with four and more children.

Former Czechoslovakia was one of the European countries characterized by the highest rate of the employed women: 95 % women in the age of 20-45 had a paid work out of their homes. Broad network of pre-school facilities and after-teaching care centres was established and subsidized by the state to take care of children of the employed mothers. As from 1990, decline of the total employment rate has been caused by the transition to the market economy; the women's unemployment rate made 4-5 % during last two years, the level of unemployed women ranged round about 100 thousand. Thirty per cent of women without employment have got primary education only or no education at all, 40 % have been vocationally trained (apprenticed), almost one quarter of them have got secondary education and just 2-4 %

university education. Rate of women's unemployment is constantly little bit higher than that of men; a length of a period to find a new job is almost the same by both sexes.

I.

#### Violence against Children Article 19

146. Presence of violence in the family was confirmed by the experience of the individual crisis centres, family guidance and NGOs as well as through the surveys confirming corporal punishment within a family. For instance in 1994, the 3rd Faculty of Medicine of the Charles University realized a survey showing that 21 % of the total of 884 school-age children has been often and 70 % sometimes corporally punished by beating and 10 % children often and 17 % sometimes by kicking. Sexual abuse of children does exist as well, sometimes in a very serious form.

There are also cases of heavy violence between parents and children in particular in families where relations have been disrupted; in fact, such a kind of violence represents an offence against the Penal Code. If such an offence is committed against a person outside the family a legal action against the trespasser is to be taken and he or she mostly arrested. However, there is a provision according to the paragraph 193 a) of the Penal Code under which legal action against relatives can be taken by a consent of a victim only (i.e. member of the family). Many victims of a violence in the family either do not agree with such a legal action against their relatives under a threat of another violence or they withdraw their own consent during a course of penal prosecuting. It means that a criminal offence could remain unpunished due to the facultative agreement/disagreement of the trespasser/member of the family.

According to the Penal Code, there is an obligation to inform either police or a public prosecutor immediately if any violence against a child has been identified. This obligation applies to all persons who have learned about a violence against children reliably including teachers, welfare officers and physicians .

#### Recommendation:

- To establish a system covering prevention, identification, information, fact-finding, evaluation, treatment and follow-up monitoring of cases when children were abused.

## VI. BASIC HEALTH AND SOCIAL SERVICES

A.

#### Children Injuries Rate Article 6.2

155. Children aged between 1-14 years are most seriously menaced by injuries. In that period of life, unjuries represent a higher mortal danger than infections, cardiovascular, malignant tumour and other diseases altogether. According to the research, 13,69 % of the children population of the lower school age in the Czech Republic have been afflicted with injuries; more than 10 % of such children have been subjected to the long-term of permanent consequences following the injuries.

Injuries of head and skull take the third point of the scale (17,4 %) as regards frequency, however, they take the first place as regards a percentage of subsequent mortality or permanent consequences. The injuries take place mostly at home (29,5 %); as regards activities, they occur mostly while playing games or sporting. Physicians treated also a high number of injuries sustained during a conflict with another child.

Children's injuries cause heavy economic losses according to both the international and domestic standards. While in the USA, losses are estimated at 7 billions USD and in the FRG at 7 billions DEM per year, in the Czech Republic they are estimated round at 10 billions

Czech Crowns per year.

Recommendation:

- To improve the behaviour of both the adults and children from the point of view of the injuries prevention; to make full use of the experience from abroad as regards the application of legislative measures and effective and systematic observance of them.

B.

Mentally Disabled Children Article 23

167. Social welfare homes use to serve for mentally disabled children who need a long-term home treatment. However, children coming from regions where is no education opportunity for them or where no adequate service (non-asylum community social service) is available use to live in social welfare homes, too. The absence of such a service prevents children from living at home. It means that there are sometimes more than 100 children living in one home; moreover, there is a permanent lack of the skilled staff. Under such conditions, children cannot get a high-quality treatment according to the rights of disabled children set forth in the Convention. National Plan of Measures to Reduce Negative Impacts of Disability adopted by the Resolution of Government (No. 493 dated September 8, 1993) should contribute to the elimination of undesirable phenomena of the asylum social care. According to that document and in harmony with a world-wide trend, large homes isolated from a normal life should be closed down step by step and an universal institutional treatment should be provided in small apartments communities existing in a normal environment. This one and certain other tasks had not been implemented until June 6, 1994 and measures proposed in the Plan remained to be realized.

Recommendations:

- To establish a legal framework for a new conception of both the institutional and non-institutional community social welfare provided by the state and non-state subjects;

- To set new conditions and standards adequate to modern trends of the disabled persons care including welfare homes; to provide them with good material and personal resources;

- To propose an appropriate funding system and so to create conditions for an establishment of a competitive climate as regards social welfare.

C.

Health Service Article 24

172. Number of well-trying principles and methods of the health care of children have been disturbed by the consequences of a transformation of the health services (for example unity of the preventive and curative care and a system of treatment of children chronic diseases and of disabled children). Problems of the social-health care of children, school health service and guidance service for parents have not been solved yet.

The extent of recorded data on the state and development of children has been cut back and the consistent checking reduced; for instance, particulars on vaccination and infection diseases are either incomplete or missing at all. There also exist no control of obligatory preventive medical checkings; consequently, some children of uncareful parents could remain out of the health service system.

179. Pre-war tendencies to eliminate children and adolescent general practitioners from the primary health care and to replace them by family doctors appear again. Comprehensive health care of children could be jeopardized by the transfer of the primary health care to the family practitioners. Abrogation of children and adolescents general practitioners could be followed by reduction of the children health care level at present; it is inconsistent with the Convention as well.

Recommendations:

- To establish - as soon as possible - an effective system of the health service for children corresponding to the new social conditions and using positive experience of the paediatric care

used until now:

- To evaluate the reduction of the health data according to the need to provide basic characteristics of the children population and so to enable comparing them with other countries.

## VII. EDUCATION, LEISURE AND CULTURE ACTIVITIES

A.

### Education Article 28

193-204. Transformation of the former socialist school system into the new one corresponding with the living conditions in the democratic society needs the solution of a number of issues relating to school policy in general and the individual school levels as well.

Kindergartens: From the beginning of nineties, fundamental changes in the public pre-school education have been realized. The changes manifest themselves - among others - in the degree of the attendance at kindergartens. In the years 1989-90, 98,7 % of the children aged between three and five years attended kindergartens; until 1991-92, the percentage descended to 82,4 % and until 1994-95 it increased up to 86,7 % again. In the said period, the number of kindergartens declined by 11,4 %; underestimation of their pedagogical function was one of the reasons.

That provides the pre/school aged population in general with the opportunity neither to equalize differences in development between the children coming from different social/cultural environment nor to develop the personality, talents and both the mental and physical abilities of any child. The current situation does not correspond with the outcomes of surveys: according to them, the upbringing in the family and the education in the kindergarten complementing each other can contribute to the development of the child and create good conditions of his or her further education. Kindergartens in the Czech Republic provide families with a considerable assistance due to rather high level of the pre-school education that has been achieved through the long-running systematic development of the Czech democratic traditions.

Elementary schools: Compulsory school attendance begins at the age of six and lasts nine years. It is accomplished either in the elementary school or in lower classes of the six-eight year grammar/high school. However, it occurs that not every child finishes his or her school attendance in the last class of an elementary school.

Changes aiming to the democratization and humanization of the school influence the conception of teaching which was concentrated before on acquiring the subject matter of the curricula first but which provided just few opportunities for scholars' cooperation and development of their personalities. The effort to adapt the teaching process to the specifics of the school-aged children manifested itself both in the general curricula of the elementary school and in the alternative or experimental projects having been initiated by teachers and other specialists themselves. Concentration on the development of the personality of the child and the concept of partnership between teachers and pupils represent a common denominator of projects like "Primary School" and "Civil School", "Lively School", "Healthy School", "School-Pleasure" etc.

The changing general climate of the school does not depend on relation "teacher-pupil" and "pupil-teacher" only but on mutual relations between pupils as well. According to the poll arranged by the Institute of Psychology of the Czech Academy of Sciences among 2,400 scholars in 1994 (using D. Olweus' technique), it was found that 18 % scholars had become victims of so called direct bullying and 14 % had been aggressors bullying the others. The

experts share an opinion that bullying is actually a kind of the style in elementary schools and prevention does not correspond to the needs; tendencies either to disregard bullying or to solve it out of the school and not to adopt preventive measures do prevail. In the terms of the law, bullying is covered by the Paragraph 235 of the Penal Code on blackmail: however, perpetrators aged less than 15 - what is mostly the case - have no criminal liability. Tolerance or indirect support of bullying jeopardize human dignity and distorts children's legal consciousness already during their school age.

Recommendations:

→ To support the development of a network of kindergartens and so to provide the access to them to all children of the pre-school age according to their parents' wish:

→ To record systematically the number of children who did not finish the elementary school; to adopt measures to decline that number:

→ To support projects concentrated in increasing a quality and modernization of teaching:

→ To elaborate and materialize a conception of preventing from, revealing and eliminating all manifestations of violence among children in and out of the school:

→ To introduce the issues of prevention of violence among children and non-violent solution of their conflicts into the teachers' education and further training:

→ To reduce public presentation of violence in the TV and other media to the minimum.

B.

Aims of the Elementary School Article 29

25-28 According to the Act on Education No. 171/1990 Coll., "...the elementary school provides elementary education, intellectual training in accordance with the scientific cognition and ethical, art, labour, health education and physical training in the harmony with the principles of patriotism, humanity and democracy; it is also open to the religion education. Elementary school prepares scholars for further education and practice."

Aims provided hereby do not correspond fully with the Article 29 of the Convention. It means that its systematic introduction into the educational and training process in the school is limited. It is also demonstrated by a low attention paid to the Convention from the part of the school administration and in the curricula and co-curricular materials, in particular in the subject of the civics. School administration bodies have not yet published the Convention accompanied with a commentary for children; neither relevant methodical instructions for teachers nor added materials completing teaching (digest of children's books, film or dramatic production) have appeared. The exposition of the Convention and human rights in general has been included in the future teachers' teaching according to the individual interest of lectures only, namely in the individual faculties of the universities, colleges and higher institutes of pedagogy. Moreover, the subject, if any, is usually taught in various ways.

Beside the civics, other projects are realized namely those being inspired and materialized by individuals and/or non-governmental organizations and institutions; for example an experimental programme for the elementary school called "Training for Citizenship", project called "Convention on the Rights of the Child - Important UN Document on Human Rights" (with a purpose to assist in further education of the pedagogical staff) and the manual "Do We Understand Human Rights?" The manual is one of the outcomes of the project "Education for the Culture of Human Relations, Peace, Human Rights, Personal Responsibility, Democracy and Tolerance" aiming to be put across the school life at large.

Recommendations:

→ To bring goals included in the educational documents into a harmony with the Article 29 and other relevant provisions of the Convention;

→ To include the rights and responsibilities of the child in the process of training and education at all school levels and to prepare curricula and suitable co-curricular materials. To pay a special attention to the education for tolerance and to both the multicultural and multiethnic co-existence;

→ To elaborate and materialize differentiated educational schemes for children, teachers, coaches and parents related to their rights and responsibilities set forth in the Convention.

C.

Leisure and Recreation Article 31

209-215 Exercise activities render a worthwhile contents of the leisure to the children. These activities contribute to the harmonic development of the individual in the physical, health and moral aspects. In the Czech Republic, there are quite good conditions for the regime of the interest physical training in the specific P. T. organizations (for instance the "SOKOL", "Sports for All") that are concentrated first of all in the recreation physical activities having their units in almost all communities. Their broadly framed plan which is carried out through voluntary instructors starts with a common physical training at school. The plan includes also physically and mentally disabled children. All interested children get an opportunity to train in the P. T. clubs.

On the contrary, talented individuals have less opportunity in the sports organizations. The number of children in the groups associating the performing sportsmen is limited due to the economically demanding character of running sports equipment, increasing prices of gears, insufficient appropriations/donations for the youth groups and increasing financial needs of the families. The ambition of training children from their tenderest childhood in order to achieve a top performance is sometimes connected with an inadequate and one-sided practice which edges a damage of children's health and eventuates in the impairing their development and neglecting their right to their own opinion and to decide about themselves. Principles and provisions of both the Convention and the European Charter of Sports should be fully respected and put into practice by coaches, parents and representatives of the individual groups of sports federations and the Olympic Committee.

Spontaneous children's games also contribute perfectly to the regeneration of physical and mental power. In this respect, high-quality toys and a safe environment are needed both at home and outside. During last years, freely accessible areas have disappeared, children's playgrounds have either wasted or destroyed. Due to the financial reasons, cultural and other leisure facilities for children operate in a limited way only. On the other hand, gambling houses with machines and boxes have developed enormously. Although they were intended for adults, children use to attend them what represents a new risks for them.

Children living in towns in the large housing estates have notably unfavourable conditions for a worthwhile spending their leisure time. In 1994, Declaration of Principle of the Capital Prague towards Children and Youth referring to the Convention and the European Charter on the Youth Participation in the Life of Towns and Regions was worked out in order to improve the situation. The document includes a set of measures like the best possible utilization of the existing and building new facilities for children; financial assistance for children coming from large or incomplete families that enables them to participate in outdoor schooling, excursions etc.; support of summer camps for parents with children; changes in the housing policy providing families with children with the apartments of their own.

Recommendations:

→ To develop conditions providing children with adequate and equal opportunities in the spheres of cultural, art and other leisure activities:

→ To coordinate policies towards children and their leisure time; to include them in the local programmes and in the drafted National Plan of Action to the World Declaration on Survival, Protection and Development of the Child in the Nineties.

## VIII. SPECIAL PROTECTION MEASURES

### Deprivation of Liberty Article 37

243. Rigid and bureaucratic treatment of juvenile defendants and convicted persons represents a serious problem. Data on the increasing crime rate should not result in conclusion the penal repressions to be tightened. On the contrary, due to the deterioration in a social interaction in the overcrowded custody facilities, juveniles usually gain an undesirable experience; this could lead to the recidivism. Differentiated approach proceeding from the principle of the penal law subsidiary and - further on - implementation of various alternatives to the imprisonment represent a solution of certain extent. International standards of human rights, in particular as regards juvenile delinquents should be applied in practice, too. Regretfully, the increasing rate of the juveniles taken into custody shows that the opposite is true; during the last five years, this rate became five times higher. The index of juvenile prisoners is generally very high as well, in particular in comparison with other European countries; in 1995, there were approximately 90 juvenile prisoners of the total number of 100,000 juveniles being fully liable.

#### Recommendations:

→ To call for adoption of a special Act on Penal Judiciary as regards children and juveniles in the framework of the Penal Code reform; that Act should reflect specifics of juvenile delinquents (i.e. specifics of age, social, family and personal specifics) in a more appropriate way:

→ To apply the taking of juveniles into custody as an utmost measure in cases the custody cannot be replaced by another procedure. To take advantage of the adjudications on the preventative and home rehabilitation:

→ To pass a verdict of custodial sentence without suspension in the exceptional cases only; not to leave juveniles in a social isolation during the execution of the punishment but to allow them to participate in activities out of the prison (to attend a school, to use sports and cultural facilities etc.). To use ambulatory sanctions or non-judicial solution (adjustment, suspended abate of criminal prosecution etc.) wherever it is possible:

→ To entrust probation officers - specialists in the treatment of jeopardized juveniles - with a pedagogical work related to the juvenile delinquents under ambulatory sanctions.

## SUMMARY

The Convention on the Rights of the Child gives a chance to improve the children's life and to change their status in the society. The Czech Republic has been bound by the Convention since 1. January 1993, after the dissolution of the Czech and Slovak Federal Republic. Neither provisions of the Convention nor of the other international documents have been flagrantly violated in the Czech law order. Care of the young generation has been there traditionally on quite a high level. However, these issues do not represent a priority of present policy what is manifested through an indifferent approach to the implementation of the Convention.

Many steps are to be taken to solve the complex of issues related to children in cooperation with all relevant bodies of the society: it concerns the implementation of the principles and provisions of the Convention in both the legislation and other spheres of the life of the society. Recommendations how to solve certain concrete issues are included in this Report.

The Convention on the Rights of the Child - reflecting the issues of the child as a political matter - stimulates broad activities of non-governmental organizations engaged in the issues related to children.

The activities include:

- Monitoring of the implementation of the Convention; making it widely known to both the specialists and the public at large; children's and adults' education in the spirit of the Convention;
- Coordination of the NGOs activities in course of launching the rights of the child on both the national and international levels;
- Cooperation with the state administration while improving living conditions of the children in the society.

The effectiveness of the NGOs' activities depends on the progress in constituting a civil society in the Czech Republic.

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