Implementation of Convention on the Rights of the Child – challenges for the Czech Republic

Ladies and gentlemen,

thank you for the opportunity to present what has been achieved and what remains to be done in the area of the rights of the child in the Czech Republic.

As you know, my country has experienced the transition from communism into democracy. The 40 years long socialist regime brought us lots of bad but also good aspects and many good things in relation to the rights of the child were implemented at that time. After the revolution, in the euphoric era of commencing democracy we wanted to dispose ourselves of everything that reminded us the previous regime. Only now we are able to evaluate that we have also removed policies that were beneficial for children which we had to implement then again. In my opinion this is something our country has a unique experience with and other countries might also learn a lesson from bearing in mind that the best interest of children should always prevail.

Czech Republic has been the state party to the Convention on the Rights of the Child for 22 years. We have ratified also two optional protocols – on Children in Armed Conflict and on Sale of Children and Sexual Exploitation of Children. At the moment we are at the very end of ratification process of the 3rd Optional Protocol introducing individual communication mechanism.

Over those 22 years the Czech Republic has been implementing different laws, law reforms and practical measures that seek to protect better and more effectively the rights of children. Let me briefly describe the main challenges identified in the process which include inclusive education, rights of children without parental care or in vulnerable situations and protection of children against violence.

In the area of the right to education the Czech Republic has a well-developed network of elementary and secondary schools as well as vocational schools and universities. Today, the most challenging issue is inclusiveness.

Over the years, whole set of measures have been adopted to transform our educational system into a truly inclusive one, but stereotypes and discriminatory attitudes take long and strenuous efforts to be changed. Among them, new diagnostic instruments for children were developed to assess more accurately children from different cultural backgrounds and in particular from socially disadvantaged backgrounds. Role of the counselling centres was transformed and new institute of assistant teachers supporting disadvantaged pupils at primary schools was created to help the pupils adjust to the pre-school and school environment, and to work with pupils, their families and teachers in addressing the everyday problems of children with special educational needs. Many schools have opened head-start classes to facilitate the integration of socially disadvantaged children. A compulsory one year pre-school education programme is being prepared.
Equal and non-discriminatory access to education is emphasized also in the area of education of children with disabilities. Their access to mainstream education used to depend on the local conditions and on the openness and equipment of the school. Now it has become a fully fledged right of children with disabilities to attend their catchment school as non-disabled children. Assistant teachers are now expected to help pupils with severe disabilities to take care of themselves and move about the school during school hours. Whole system of specific support measures designed to enable all pupils to receive full mainstream education and reach their full academic potential is being prepared.

Education, despite being tool for social mobility, can often remain a factor prolonging inequality and social exclusion (as among other, OECD - Organization for Economic Cooperation and Development – reports confirm), be it on the grounds of disability, social status or ethnicity. In this context, our country experienced some difficulties with Roma children being educated in schools for mentally disabled children loosing thus any chance of higher or university education and any reasonable employment prospects. But many of the above mentioned measures are already bringing results. The share of Roma pupils taught according to education programmes for pupils with mild mental disabilities is steadily declining.

Another challenge we identified on our way of implementation was the question of institutionalization (i.e. placement of children into state facilities). While formal declaration of institutional care being the last possibility was included in the law, in practice not many other alternatives were used. Nowadays individual forms of care must be considered first. Also if a child is placed in an institutional care, the court has to regularly reconsider whether the need for such solution continues or better option has been discovered.

Child protection authorities are now explicitly banned from requesting courts to interfere with parental responsibility only because of the family’s economic hardship or unsatisfactory housing. A new concept of social accommodation has been adopted only recently to address the situation and ensure in the near future that families in such dire situations receive appropriate support. Legal ban on placement of children under certain age in to institutional care remains in stage of a draft bill.

Also, Minister of labour and social affairs last year introduced a campaign and national action plan The Right to Childhood, striving further to limit the over-use of institutional care through building a professional foster care service and processes where foster carers are being thoroughly trained before entering the service, receive every kind of support when fostering a child and whose care is adequately monitored.

Specific issue in the area of rights of the child that recently provokes discussions and that is for me, personally, very interesting is the perception of the term “violence against children”. The interpretation of this term might be perceived differently in different cultures and societies. We must therefore distinguish what can be considered a disciplinary measure and what must be legally assessed as violence against children. Our country has been criticised because our legal system does not contain an explicit ban on corporal punishment of children in families. Although we do not have such explicit ban, it does not mean we don’t fight violence against children in all settings.

According our law, parents are only allowed to use disciplinary measures that are proportionate to the situation, do not endanger the child’s health and development and do not
violate the child’s human dignity. Parents who use unreasonable corporal punishment may have their parental rights taken away or restricted. Parents who unintentionally injure a child by corporal punishment and who treat, or threaten to treat, a child harshly may be held liable. In case the injury is caused intentionally, the case may be classified as the crime of bodily harm. In an extreme case, the crime may fall under the heading of ill-treating a dependent person. Also, one of the basic goals and priorities of the National Strategy and Plan of Action against violence against children is to promote positive parenting and children’s right to be brought up without corporal punishment. To this end the Czech Republic has adopted legislative measures, develops services to help parents improve their parenting competences, and organizes educational and awareness programmes to overcome traditions benevolent towards corporal punishment of children at homes.

Our government policies have embraced also the newest phenomenon in the rights of the child – the right to participation which has required the society to change long held believes and traditions related to childhood. Today, number of elementary and secondary schools alike have their own student parliaments as do some municipalities. More and more teachers are learning new methods of working with children with full respect and support to their right to participate in decision making that influences their lives. We continue challenging remaining stereotypes and empowering children to become active players in their daily lives.

According to our new Civil Code, children aged over 12 years are considered capable of forming and communicating their own views and the child’s view should be taken into account in all matters affecting the child. When dealing with younger children, every judge or other decision-maker must assess their intellectual and volitional maturity and provide them with any information they may need to form and communicate their own views.

Ladies and gentlemen,

Oscar Wild said “Children begin by loving their parents; as they grow older they judge them; sometimes they forgive them.”

Let me conclude by expressing my hope that the wide scale of efforts undertaken to implement better the rights of the child in the Czech Republic will represent for our children, when they judge us one day, the reasons to forgive us and more over to grow up with the strength and courage, wisdom and understanding to be the future of our society we hope for.

Thank you.