



Universal Periodic Review - Republic of Czech Republic

Stakeholder report by Lumos, the Child and Family Association (Asociace Dítě a Rodina), Mental Disability Advocacy Centre (MDAC), the Forum for Human Rights and the European Roma Rights Centre (ERRC)

Submission concerning the Czech Republic for consideration during the 28th session of the Universal Periodic Review Working Group in the Human Rights Council.

30 March 2017

Introduction

Lumos¹, the Child and Family Association², Mental Disability Advocacy Center (MDAC)³, European Roma Rights Centre (ERRC)⁴ and the Forum for Human Rights⁵ respectfully submit comments concerning the Czech Republic for consideration of the Human Rights Council (HRC) within the Universal Periodic Review working group at its 28th session, October-November 2017.

The report focuses on children's rights, analysing the Czech Republic's compliance with international human rights standards and conventions. The submission sets out positive legal and policy developments of the last four years and highlights issues of concern. The different sections of this report focus on children separated from their family, institutionalisation of children, education and access to justice. The report also sets out a series of recommendations to improve children's rights in the country.

The UPR review will take place around the time of the Czech parliamentary elections. It is crucial that the newly elected government continues to build on the positive commitments and progress made by the outgoing government. We therefore urge the new government to prioritise children's rights, ensuring children can live and thrive within their families, learn in inclusive schools and have access to child-friendly justice and accountability mechanisms when needed. The submitting organisations urge the Czech Government to implement the recommendations over the coming reporting period.

1. Normative and institutional framework

Positive developments

1. The undersigning organisations welcome the Czech Republic's ratification of the Convention against Transnational Organized Crime and its Protocol.
2. The Amendment to the Act no 359/1999 on the Socio-Legal Protection of Children of January 2013 is a positive development, which has resulted in the standardisation of child protection procedures and strengthening and professionalised the foster care system.
3. We welcome the adoption of the New Civil Code in 2012 (Act no. 89/2012), which recognises that a child should grow up in a family environment.

Areas for improvement

4. The adoption of the Right to Childhood, National Strategy to Protect Children's Rights 2012-2020 is welcomed, particularly the commitment to develop foster care to prevent the placement of children in institutions and the overall commitment to deinstitutionalisation. However, there are concerns about the ongoing implementation of the action plan, which has not yet been adopted.
5. Despite a modest commitment from the Czech Republic to establish a Children's Ombudsman during the previous UPR cycle⁶, the role has not yet been created and there are no legislative proposals or amendments currently negotiated in this regard.

6. While there is a clear commitment to end all institutionalisation of children in the National Strategy to Protect Children's Rights, the Act on Social Services (no. 108/2006 Coll., § 48) and the Act on the Socio-Legal Protection of Children (no. 359/1999 Coll., § 42) preserve a legal framework that allows for institutionalisation of children. The laws also allow parents to place their children in institutions without the involvement of child protection authorities.
7. The child protection system is fragmented. Responsibility is divided among different ministries and authorities. In the 2009 National Action Plan, the Czech Government recognised the absence of a single authority in charge of the promotion of children's rights and child protection reform as a matter that needed to be addressed.⁷ This was also recognised by the UN Committee on the Rights of the Child in its 2011 concluding observations^{8 9}. Unification of the childcare system is one of the objectives of the National Strategy to Protect Children's Rights (under objective no. 12) which sets out the aim to make legislative changes that would lead to unification of the different child protection systems, and to strengthen the coordination role of the Ministry of Labour and Social Affairs (MoLSA) by the end of 2014.¹⁰ However, as of February 2017 no legislative changes have been implemented. The Ministry of Education, responsible for most institutional facilities for children, and the Ministry of Health responsible for institutions for children aged zero to three years (baby institutions), are reluctant to support unification of the system. They do not support the idea of potential transfer of their competences to the MoLSA and the transformation process in general.¹¹
8. We welcome new amendment no. 82/2015 Coll., to the School Act in 2016, recognising primacy of inclusive education over special education and allowing for children with special educational needs to receive additional support within the mainstream education system where necessary. However, there are concerns about the implementation of the amendment, in part because the budget allocated to education reform is insufficient. If this is not addressed, it is feared that segregation in education will continue. We encourage the government to promote inclusive education more broadly by closing all special schools, ensuring all children are included in mainstream schools and explicitly forbidding, by law, any form of segregated education (i.e. by ethnicity, disability or any other criteria).
9. There is no legislation around social housing in the Czech Republic. A law has been under negotiation for the last 20 years. We call on the government to take firm action to adopt the new Social Housing Act.
10. The Czech Republic has as of yet not ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities

2. Implementation of accepted recommendations and promotion and protection of human rights on the ground

A. FAMILY SEPARATION AND INSTITUTIONALISATION

Family separation

11. Separation of children from their families is a widespread phenomenon in the Czech Republic. It is most common among vulnerable families and children, such as children with disabilities and children of Roma origin. There has been an increase in the number of children separated from their families, from 16,649 children in 2005 to 22,663 children in 2015. In 2015, 107 in 10,000 children were separated from their biological parents.¹² In 2015, roughly 9,989 of these children were placed in institutional care, compared to 8,612 in 2005, showing only a marginal reduction.
12. Despite the Civil Code (Act no. 89/2012) prohibiting the separation of children from their families solely for social reasons¹³ or inadequate housing, in practice these remain the dominant reasons for such separation. In 2010, the main reasons for separation of child and family were: social problems (in 57% of cases); housing issues (45%) and financial situation and debt (38%). Problematic behaviour of the child (23 %), disability of the parent (17 %) or alcohol abuse in the family (16 %), were among other reasons. Abuse, neglect or suspicion of it was a reason in only 2.5 % of cases.¹⁴ In 2016, the numbers remained very similar (insufficient parental competencies and housing problems were the dominant causes in about 86% and 58% of cases respectively), whilst abuse of the child was the dominant reason in only 1,4% of cases.¹⁵
13. Community-based services aimed at preventing family separation are failing to do so due to under-resourcing. In 2013, only 8.6% of the budget available for care of vulnerable children was allocated to preventative services, while 81% was allocated to care of children outside of their birth family, 52% of which was spent on institutional care.¹⁶ The severe under-resourcing of preventative services is likely to be a principal cause of the high family separation rate.
14. As of February 2017, there were 259 family separation prevention units (so called 'social-activation services) for families with children throughout the country.¹⁷ Most of these services are understaffed and unable to cope with the workload. In some socially deprived areas, the ratio of social worker per children is as low as 1:100.¹⁸
15. Specialist services for children with autism or challenging behaviour are inadequate. No appropriate support is provided to the parents of such children, which leaves many struggling to cope. Some parents feel forced to place their child in psychiatric hospitals to get some respite. This hospitalisation is usually terminated by the hospital after a certain amount of time, as many of these children do not require psychiatric treatment.
16. A lack of social housing available is another factor that drives family separation. The Czech Republic has yet to adopt an Act on Social Housing. We welcome that a draft Act on Social Housing has been accepted by the government and is therefore at the beginning of the parliamentary legislative process.

Use of temporary court orders

17. Permission for the removal of a child from the family is most commonly granted through temporary court orders. Temporary court orders, as described in the Act on Socio-Legal Protection of Children (no. 359/1999) should only be used in exceptional circumstances, and must be issued within 24 hours after the request has been filed with the court by the social welfare authority. The organisations submitting this report

have witnessed courts who have not been able to provide satisfactory reasons for their decision to grant a temporary court order to remove a child from their family. The Constitutional Court has found the courts practice unlawful (see, e.g., decision no. I. ÚS 2903/14 of 12. 5. 2015). However the practice continues. A temporary court order can be extended every month for a period up to six months. When a child is placed into foster care, it can be extended until the final decision on the merits of the case is taken. In some cases, the proceedings can last as long as three years. As a result, children have been isolated from their parents for a significantly long period without adequate justification.

Institutionalisation of children up to three years, children with disabilities and children with challenging behaviour

18. Despite 80 years of research demonstrating the harm caused by institutional care to children's physical, emotional and psychological development¹⁹ and the strong international human rights framework which prohibits the institutionalisation of children, the Czech Republic remains a country where institutionalisation of children between the ages of zero and three is still widespread.
19. Under the Act on the Socio-Legal Protection of Children, children can be placed into an institution for a period up to six months (with the consent of the social welfare authority). Placements are often subsequently used for further institutionalisation of a child based on a court decision.
20. The Czech Republic is failing to comply with the UN Convention on the Rights of the Child (UN CRC), the UN Convention on the Rights of Persons with Disabilities (UN CRPD) and the UN Guidelines on Alternative Care, by allowing the institutionalisation of children below the age of three, in children's centres also known as Dětská Centra. Thirty-one such institutions exist and data from the Institute of Health Information and Statistics shows that each year more than 1600 children are placed in them. In 2015, of these 1600 children 400 were children of Roma origin. Although the Civil Code prohibits the separation of children from their families based exclusively on social reasons, reports by the directors of institutions suggest that 560 (35%) of the 1,600 children are placed in the institutions on such grounds.²⁰ These figures are however believed to be an under-representation, as several independent analyses suggest that up to 50-70% of children are admitted to institutions for social reasons.²¹
21. Roma children and children with disabilities are disproportionately more likely to be placed into such institutions. Roma children constitute around 20% of the children aged up to three years of age who are institutionalised,²² but are estimated to make up only 3% of the child population in that age bracket.²³ Roma families whose children have been removed from them reported housing and economic conditions as the most common reasons for removal, followed by family problems, school absenteeism and health issues.²⁴ The situation in the Czech Republic amounts to a grave human rights violation and should immediately be put to an end.
22. Despite the strong case against institutionalisation in international law, including the UN CRPD's explicit prohibition of the practice,²⁵ the Act on Social Services (no.

108/2006 Coll., § 48) as well as the Act on Socio-Legal Protection of Children (no. 359/1999 Coll., § 42) provide for possible institutionalisation of children on the basis of a contract concluded between the institution and the parent.

23. Children with disabilities tend to be placed in disability institutions. Under the Act on Social Services, the placement of a child with a disability is not time-limited. Research by Lumos shows that 60% of these children were institutionalised without the involvement of state social services, but instead through a contractual agreement between the parents and the institution.²⁶ The rights of children in disability institutions on the basis of a contract between the parent and the institution are limited in comparison to the rights of children in other types of institutions (i.e. family visits, gifts, pocket money, covering of other costs, such as travel, education, health care). In addition, the child is generally not under the supervision of the child welfare authority. In contrast with other institutions, where the number of children per-carer is limited to three (based on Regulation no. 438/2006, Coll.), the number of children per-carer in disability institutions is not limited. In reality, as witnessed by the reporting organisations, the number can be up to ten children per-carer. This is of particular concern as children with disabilities tend to require more personalized attention and care than children without disabilities.
24. State authorities' fail to inform parents of newly-born children with disabilities about the existing range of services and supporting mechanisms available to support parents and children to stay together. Parents have reported that they are encouraged, right after birth, to hand their child into state care; after which the child is usually placed in a disability institution. This practice is rooted in inadequate training of medical professionals and absence of an instruction to inform parents about their child's needs, future requirements and services available to support children and their parents. In some cases social workers are not employed by the hospital to counsel and support families with newly-born children with disabilities.
25. The possibility to place a child into an institution where no risk to the child is identified, simply based on a parental decision, is discriminatory and contrary to both the best interest of the child and the state commitment to lower the number of children in institutions.
26. Authorities are under an obligation to respect and protect the relationship between a child and their birth family, to allow for the family to visit the child, and to ensure that family reunification takes place as early as possible. However, visiting rights are often not respected or are restricted by the institution. Denial of family visits is sometimes used as punishment for children.²⁷ Parental visits are restricted to a few hours per day in most Czech psychiatric institutions. In contrast to other hospitals, which guarantee the right to stay to a parent of a child under six, this does not apply for psychiatric hospitals.²⁸
27. In 2016, the Czech Ombudsman reported prison-like conditions in one institution in Chrastava, an institution for children with challenging behaviour, from 15 to 18 years old. In this institution, run by the Ministry of Education, children had to wear uniform

clothing, their heads were shaved, and isolation rooms without windows or toilet facilities were used for punishment of children.²⁹

B. EDUCATION

28. The 2012 Universal Periodic Review conclusions contained many recommendations regarding the promotion of inclusive education³⁰ in the Czech Republic. We welcome that in 2016 the Czech Government adopted a new amendment to the law no. 561/2004 Coll., the School Act, and related regulations, explicitly establishing primacy of mainstream education over special education and ensuring legally claimable support measures for children with special educational needs. There is, however, concern, that the budget allocated for the support measures is not sufficient. Schools complain about insufficient training of teachers and support personnel for the education of children with special educational needs and the new system of support measures.
29. We were alarmed that the amendment to the School Act was accompanied by an intensive negative media campaign against inclusive education,³¹ which was insufficiently challenged by the Ministry of Education.
30. We welcome the abolition of the so-called 'light mental disability curriculum', which was often used to segregate Roma children from other children into lower quality schools. Segregation of Roma children in primary education, however, remains a problem in many Czech cities. Research by Awen Amencia in Ostrava in 2016 shows that virtually all schools regarded as segregated are of low quality, from which only 0.5% of children go on to attend secondary education.³² The geographical areas that schools are supposed to cover, so called catchment areas, are inappropriately divided and a lack of fair and suitable assessment techniques of children's abilities often leads to segregation. As Article 24 of the UN CRPD states, the assessment of children, in the context of education, should always be done with the purpose of identifying the support the child might need during his/her studies in mainstream schools. It must never be used for the purpose of segregation. In the Czech Republic, tests promote segregation, rather than facilitate inclusive education, which disproportionality affects children with disabilities and children of minority ethnic backgrounds, including Roma children.
31. Many Roma children continue to be excluded from non-segregated schools with the use of so-called "maturity tests". After 'failing' this test many children have no other option than to attend the segregated school. This practice, as well as the negative consequences of school segregation, was recently condemned and considered discriminatory by the District Court in Ostrava (see decision no. 26 C 42/2016 of 1. 3. 2017).

C. ACCESS TO JUSTICE

32. Many children face serious barriers to access to justice. The CRC Concluding observations in 2011 noted that the traditional perception of a child as an object rather than as a subject is widespread in the Czech Republic.³³ Although promotion of participation of children was one of the goals of the National Strategy to Protect Children's Rights 2012 -2020, in many cases children are excluded from court hearings and other

proceedings concerning them.³⁴ This is despite the fact that the Civic Code (Act no. 89/2012) explicitly obliges both courts and other authorities to directly hear a child who is mature enough to formulate an opinion and communicate that opinion. After the age of 12, such maturity is presumed. Due to the lack of child friendly facilities and support, such hearings are deemed, by the court and authorities, to be traumatic for the child, and are therefore avoided. This is especially true for children with mental and psychosocial disabilities, children with different means of communication, or children with trauma.

33. Child friendly justice measures are not adequately implemented, there are no specialised family law courts and the professionals dealing with children are not trained to communicate with children, particularly children with disabilities. There is no provision requiring the authorities dealing with children to alter their methods when communicating with a child. However, the new Law no. 45/2013 Coll., the Act on Victims of Criminal Offences, introduces certain specific measures for vulnerable victims, including children. Those include free legal representation, access to specifically trained person to conduct the interrogation or the right to be protected by the police.
34. In criminal proceedings, interrogation of a child suspect usually takes place in standard interrogation rooms. In 2012, there were 38 child-friendly interrogation rooms, which amounts to 2-3 per each region with approximately 45 police stations in each region.³⁵ Only six courts in the Czech Republic (of the total number of 99) and the Supreme Public Prosecutor's Office have video-conferencing equipment facilitating participation by a child.³⁶
35. Children with disabilities and Roma children face particular barriers in accessing justice. 2016 Ombudsman data shows that only 10% of alleged victims of discrimination reported this to authorities. Only 4% of these cases were brought to court. Since 2009, fewer than ten law suits were filed on claims of discrimination in education and only two of them were successful before the court.³⁷ Given the vulnerability of victims of discrimination and the costly and time-consuming court proceedings - often against an authority with significant power over the child's future - Roma children and children with disabilities often decide not to bring discrimination claims to a court. It has been recommended by various bodies,³⁸ as well as by the 2012 Universal Periodic Review Conclusions, that the Czech Republic should strengthen the protection of victims of discrimination by, *inter alia*, adopting the possibility to file Actio Popularis by NGOs supporting the victims of discrimination or by the Ombudsman. To date, such measures have not been implemented.
36. Access to justice is further complicated by lack of awareness and jurisprudence relating to, *inter alia*, the rights of persons with disabilities. The Czech Republic has not, as recommended by the 2012 Universal Periodic Review Conclusions, ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities enabling individual communications to the UN Committee on the Rights of Persons with Disabilities.

3. Recommendations

Normative and institutional framework

- a) Ensure effective and timely implementation of the National Strategy to Protect Children's Rights 2012-2020.
- b) Create the position of a Children's Ombudsman.
- c) Revoke legislation that allows for the institutionalisation of children by amending the Act on Social Services (no. 108/2006 Coll., § 48) and the Act on the Socio-Legal Protection of Children (no. 359/1999 Coll., § 42).
- d) Allocate adequate funding for the implementation of amendment no 82/2015 of the School Act.
- e) Develop and adopt a Social Housing Act, ensuring access to social housing for families most in need, including families at risk of separation.
- f) Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

Family separation and institutionalisation

- g) Adopt and implement effective social and child protection measures to prevent removal of children from their birth families for reasons connected solely to poverty.
- h) Adopt and implement measures to enable family unification.
- i) Adopt an action plan for unification of the care system for children at risk of family separation, including a concrete timeframe and identified responsible authorities.
- j) Ensure that more resources are allocated for community-based services to prevent family separation and ensure available, accessible and appropriate care for children with disabilities.
- k) Ensure available, accessible, appropriate, quality services for children with autism or challenging behavior to prevent their unnecessary hospitalisation or institutionalisation.
- l) Ensure that temporary court orders resulting in family separation are used only for the shortest period of time, are adequately justified and regularly reassessed.
- m) Ensure that appropriate information and support is given to parents of new-born children with disabilities at hospitals or birth-centres, i.e. by ensuring a social worker is always on call for support and providing information.
- n) Repeal the possibility to institutionalise a child on the basis of a contract between parents and institutions under the Act on Social Services and the Act on Socio-legal Protection of Children.
- o) Repeal the possibility to institutionalise a child younger than three years of age.
- p) Guarantee equal visiting rights for children under six in psychiatric hospitals.

Education

- q) Ensure sufficient funding is allocated for the education reform under the School Act 2016.
- r) Monitor and evaluate the educational reforms and their impact on the quality of education of children, with specific focus on children with disabilities and Roma children.
- s) Ensure teachers, support teachers and other pedagogical staff are educated in the principles of inclusive education, teaching of children with special educational needs and the new system of support measures and its administration.

- t) Take progressive steps to develop an entirely inclusive education system, including by ensuring that local authorities develop plans to end segregation in education entirely, inter alia, by reviewing the current catchment areas.

Access to justice

- u) Ensure child-friendly measures are implemented and used in courts at all levels and by all authorities dealing with the rights of children, such as the police, the state prosecutor, the Child Protection Authority and other administrative bodies.
- v) Strengthen the protection of victims of discrimination by adopting the possibility for NGOs and the Public Defender of Rights to file *Actio Popularis* in discrimination claims.

¹ Lumos is an international children's rights organisations, working to end the institutionalisation of children worldwide. Lumos works in partnership with governments, social service providers, communities, families and children, to transform care systems to ensure children can grow up and thrive in a family. Lumos' has an office in the Czech Republic, promoting family-based care alternatives in the country. For more information, visit www.wearelumos.org.

² Asociace Dítě a Rodina, z. s. (Child and Family Association) is an association of 63 respected NGOs working in the field of foster care. The aim of the association is to ensure that every child can grow up in a family environment. The association supports vulnerable children in need. For more information, please visit www.ditearodina.cz

³ MDAC is an international human rights organisation which uses the law to secure equality, inclusion and justice for people with mental disabilities worldwide. MDAC's vision is a world of equality where emotional, mental and learning differences are valued equally; where the inherent autonomy and dignity of each person is fully respected; and where human rights are realised for all persons without discrimination of any form. MDAC has participatory status at the Council of Europe, and observer status at ECOSOC. For more information, please visit www.mdac.org.

⁴ The European Roma Rights Centre (ERRC) is a Roma-led international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. For more information, visit www.errc.org.

⁵ FORUM is an international human rights organisation working in the Central European region. It provides support and leads domestic and international litigation and advocacy activities.

⁶ As recommended by Ireland during the 2nd UPR Cycle "Consider the creation of an ombudsman for children's rights in order to further enhance the status of children"

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/CZSession14.aspx>

⁷ Czech Republic Government (2009) The National Action Plan of Transformation and Unification of care of Children at Risk for the period 2009 – 2011. Available at:

<http://www.mpsv.cz/files/clanky/7440/NAP.pdf>. [accessed 24 March 2017]

⁸ UN Committee on the Rights of the Child (2011) Concluding Observations on the Czech Republic, CRC/C/CZE/CO/3-4, para. 14.

⁹ *Ibid.*, para. 15.

¹⁰ Czech Republic Government. The Right to Childhood. National Strategy to Protect Children's Rights, 2012-2020. Available at: <http://www.mpsv.cz/files/clanky/13456/strategy.pdf> [accessed 24 March 2017].

¹¹ Ministry of Education (2014) *Záměr koncepce řízení a rozvoje školských zařízení pro výkon ústavní nebo ochranné výchovy a preventivně výchovné péče zřizovaných MŠMT*. [Intention of Concept of Management and Development of Institutional Facilities Founded by the Ministry for 2014 – 2020]. Available at: http://www.msmt.cz/file/34169_1_1/ [accessed 29 March 2017].

¹³ Social reasons would include a lack of parental competencies, housing problems, long-term unemployment, lack of sustained income, debt, etc.

¹⁴ Kuchařová, V. et al. (2010). *Zhodnocení a optimalizace řízení systému sociálně-právní ochrany (ohrožených) dětí a rodin ve vybraných regionech* [Assessment and Optimisation of the Management of the System of Care for Vulnerable

Children in Selected Regions]. Praha: Výzkumný ústav práce a sociálních věcí. Available at: <http://www.pravonadetstvi.cz/stahnout-soubor/socpravniochranadeti-analyza/> [accessed 24 March 2017].

¹⁵ Lumos (2017) *Ending Institutionalisation. Money Matters. The case for diverting Czech government finances away from institutions towards families and communities*. Unpublished document, on file with Lumos.

¹⁶ Op cit 14.

¹⁷ MPSV (2017) *Registr poskytovatelů sociálních služeb. [Register of social services.]* Available at: http://iregistr.mpsv.cz/socreg/hledani_sluzby.do?SUBSESSION_ID=1487078171471_1 [accessed 29 March 2017].

¹⁸ Op cit 15.

¹⁹ Op cit 14.

²⁰ Institute for Health Information and Statistics. *ZDRAVOTNICTVÍ ČR: Stručný přehled činnosti oboru dětské domovy pro děti do 3 let věku a dětská centra za období 2007–2015. [Healthcare in CZ: Short summary of the activities of the field of children's homes for children under 3 years and children's centres for the years 2007-2015]*

Available at:

http://www.uzis.cz/system/files/NZIS_REPORT_c_K33_09_16_A410_detske_domovy_pro_deti_do_3_let_veku_a_detska_centra.pdf [accessed 24 March 2017].

²¹ Kuchařová, V. et al. (2010). *Zhodnocení a optimalizace řízení systému sociálně-právní ochrany (ohrožených) dětí a rodin ve vybraných regionech [Assessment and Optimisation of the Management of the System of Care for Vulnerable Children in Selected Regions]*. Prague: Výzkumný ústav práce a sociálních věcí. Available at: <http://www.pravonadetstvi.cz/stahnout-soubor/socpravniochranadeti-analyza/> [accessed 16 June 2016].

Věřejný ochránce práv (2012). *Zpráva ze systematických návštěv školských zařízení pro výkon ústavní výchovy a ochranné výchovy [Report from systematic visits to educational facilities of institutional care]*. Available at:

http://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/2012/2012_skolska-zarizeni.pdf [accessed 16 June 2016].

Věřejný ochránce práv (2013). *Zpráva ze systematických návštěv zdravotnických zařízení poskytující péči ohroženým dětem do 3 let věku [Report from Systematic Visits to Health Facilities which Provide Care to Children Under 3]*. Available at: http://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/2013/NZ-25_2012-kojenecke-ustavy.pdf [accessed 16 June 2016].

Institut projektového řízení (2015). *Analýza opatření a služeb nutných pro prevenci příjmů nových dětí do zařízení zapojených do projektu „Transformace péče o ohrožené děti a mládež“* [Analysis of services needed to prevent admissions into facilities involved in the project Transformation of care for vulnerable children and youth]. Unpublished.

²² Institute for Health Information and Statistics. (Op cit 20)

²³ Czech School Inspection (2015) *Tematická zpráva. Žáci vzdělávání v jednotlivých vzdělávacích programech základního vzdělávání. [Thematic report. Students in different fields of primary education.]* Available at: <http://www.csicr.cz/html/TZ2014-15-12/flipviewerxpress.html> [accessed March 24 2017].

²⁴ As observed by the ERRC.

²⁵ Children have the right, as much as possible, to know and be cared for by their birth families and not to be separated from their parents (UN Convention on the Rights of the Child (UN CRC, Art 7 and 9). Parents have the primary responsibility to raise their children and it is the State's obligation to support parents in fulfilling that responsibility (UN CRC, Art 18). Children have the right to protection from harm and abuse (UNCRC Art 19), to an education (UNCRC Art 28) and to adequate healthcare (UNCRC Art 24), all of which they should be able to enjoy while living in their family. Where their family cannot provide the care they need, despite the provision of adequate support by the State, the child has the right to substitute family care (UNCRC Art 20). The Convention and the Guidelines for the Alternative Care of Children (A/RES/64/142) call on States to ensure that families have access to forms of support in the caregiving role. The Guidelines state that, “[e]very child and young person should live in a supportive, protective and caring environment that promotes his/her full potential. Children with inadequate or no parental care are at special risk of being denied such a nurturing environment”. The Convention on the Rights of Persons with Disabilities (CRPD) emphasises the rights of children with disabilities to be raised in their families and included in their schools and communities alongside their peers. See, inter alia, General Comment no. 9 of the UN CRC on the Rights of Children with Disabilities, § 49. Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f9&Lang=en [accessed 24 March 2017].

²⁶ Op cit 14.

²⁷ Věřejný ochránce práv (2012) *Zpráva ze systematických návštěv školských zařízení pro výkon ústavní výchovy a ochranné výchovy [Report from systematic visits to educational facilities of institutional care]*. Available at: http://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/2012/2012_skolska-zarizeni.pdf [accessed 24 March 2017].

²⁸ Based on the joint experience of the reporting organizations – Lumos, Forum for Human Rights, MDAC and Association for Child and Family.

²⁹ Veřejný ochránce práv (2016). *Výchovný ústav a dětský domov se školou Chrastava Zpráva z návštěvy zařízení. [Chrastava correctional institution and community home with education. Report from the visit of the facility.]* Available at: http://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Ustavni_vychova/2016-Chrastava.pdf [accessed March 24 2017].

³⁰ Recommendations were received from Palestine, Canada, Norway, Indonesia, US, Denmark, Kyrgyzstan, Denmark, Finland, Spain, Mexico, Slovenia, Bangladesh, Australia, Austria, Brazil, United Kingdom, Uzbekistan and others.

³¹ Newton Media (2016) *Diskuse o inkluzi jako ukázka možných novinářských přístupů [Discussion about inclusion as an example of different journalistic approaches]*. Available at: <http://www.newtonmedia.cz/cs/mediainfo-cz/analyzy-studie/diskuse-o-inkluzi-jako-ukazka-moznych-novinarskych-pristupu/detail> [accessed 24 March 2017].

³² Awen Amenca (n.a.) *Report to the European Commission. Results and analysis of the survey on the needs of Roma children in 5 socially excluded districts of Ostrava conducted by the team of local community organizers Awen Amenca.* Available at:

<https://drive.google.com/file/d/0B95zcpRdwE5ATjhQcVhGY0IyaUExM0JsdE9IYWYxV0NIN1J3/view> [accessed 24 March 2017].

³³ Op cit 8, para. 34

³⁴ Mental Disability Advocacy Centre (2015) *Barriers children with mental disabilities face in accessing justice in Czech Republic.* Available at:

http://www.mdac.org/sites/mdac.info/files/access_to_justice_children_ws0_factsheet_czech_republic_english.pdf [accessed 24 March 2017].

³⁵ Estimate by the Forum for Human Rights on the basis of numbers of stations in different regions of the Czech Republic found on the contacts webpage of the Czech Police:

<http://www.policie.cz/SCRIPT/imapa.aspx?docid=7979&area=cz&num=15&nid=271>

³⁶ Op cit 34.

³⁷ Public Defender of Rights. Victims of discrimination and barriers to access to justice. 2016. Available at: http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/diskriminace_CZ_fin.pdf [accessed 24 March 2017].

³⁸ ECRI 2015 Recommendations for the Czech Republic, CRI(2015)35, §§ 24-25; CEDAW 2016 Concluding observations for the Czech Republic, UN doc. CEDAW/C/CZE/CO/6, § 11.