

# Mapping child protection systems in the EU (27)

Czechia

May 2023

Contractor: Institute of Sociology of the Czech Academy of Sciences

Authors: Tereza Stöckelová, Linda Sokačová, Edit Szénássy

## **DISCLAIMER:**

This document was commissioned under contract as background material for comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project 'Towards integrated child protection systems'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

## Contents

<b>1. Legislative and regulatory framework and policies</b>	<b>3</b>
1.1. Overview of the normative and regulatory framework.....	3
1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection.....	4
1.3. Policy framework .....	8
1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection.....	11
1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards .....	26
1.6. Orientation/fragmentation of national child protection policy and legislation .....	26
1.7. Development in the past years: achievements, gaps, and challenges .....	27
1.8. Promising practices .....	27
<b>2. Governance, coordination structures, and services</b>	<b>29</b>
2.1. Primary institutions and main service providers responsible for child protection.....	29
2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection. ....	39
2.3. Inter-agency cooperation in the area of child protection.....	41
2.4. Developments in the past years: achievements, gaps, and challenges .....	45
2.5. Promising practices .....	45
<b>3. Capacities (human and financial resources)</b>	<b>47</b>
3.1. Information on budget allocation and funding.....	47
3.2. Information on human resources, qualification requirements, and training .....	53
3.3. Developments in the past years: achievements, gaps, and challenges .....	58
3.4. Promising practices .....	59
<b>4. Care</b>	<b>61</b>
4.1. Prevention measures and services .....	61
4.2. Identification and reporting procedures.....	63
4.3. Referral procedures(s) and investigation and protection.....	69
4.4. Placement decisions – care orders .....	77
4.5. Types of care with focus on alternative care .....	79
4.6. Developments in the past years: achievements, gaps, and challenges .....	98
4.7. Promising practices .....	99
<b>5. Accountability, data collection, and monitoring mechanisms</b>	<b>101</b>
5.1. Accountability mechanisms .....	101
5.2. Developments in the past years: achievements, gaps, and challenges .....	108
5.3. Promising practices .....	108
<b>6. General education, promotion, and awareness raising</b>	<b>109</b>
6.1. Education on child rights.....	109
6.2. Promotion and awareness raising.....	110
6.3. Promising practices .....	112
<b>7. Child participation and community engagement</b>	<b>114</b>
7.1. Complaint procedures.....	114
7.2. Feedback mechanisms .....	116
7.3. Promising practices .....	119

# 1. Legislative and regulatory framework and policies

## 1.1. Overview of the normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

### Institutional framework

Horizontally, the competences and responsibilities in the field of child protection are divided into several ministries. The social and legal protection of children at the national level is primarily ensured by the Ministry of Labour and Social Affairs<sup>1</sup>, but certain tasks and activities are carried out by the Ministry of Education, Youth and Sports (the running and supervision of institutional care facilities for children over the age of 3),<sup>2</sup> the Ministry of Health (institutional care for children under the age of 3 and child psychiatric care),<sup>3</sup> and the Ministry of Justice (the judiciary in matters of youth)<sup>4</sup>.

Vertically, child protection is ensured by the ministries, the regions, the municipalities and authorised non-state actors (NGOs, religious organisations, etc.). Outside of this hierarchical structure is the Office for the International Protection of Children, which is directly subordinate to the Ministry of Labour and Social Affairs.<sup>5</sup>

The social and legal protection of children is carried out in the majority of cases by municipal employees from the departments of the social and legal protection of children (*orgán sociálně-právní ochrany dětí*, hereinafter referred to as OSPOD).

### Normative framework

The fragmentation of the system is characteristic not only at the institutional level, but also at the level of legal regulations. The main legal act in the field of child protection is the Child Protection Act,<sup>6</sup> which does

---

<sup>1</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

<sup>2</sup> Czech Republic, Act No. 109/2002 Coll., on on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002.

<sup>3</sup> Czech Republic, Act No. 372/2011 Coll., on Health Services and the Conditions of their Provision ([Zákon o zdravotních službách a o podmínkách jejich poskytování](#)), 1 April 2012.

<sup>4</sup> Czech republic, Act No. 218/2003 Coll., on the Responsibility of Adolescents for Illegal Acts and on the Judiciary in Matters Related to Adolescents ([Zákon o odpovědnosti mládeže za protiprávní činy a o soudnictví ve věcech mládeže](#)), 1 January 2004.

<sup>5</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 35.

<sup>6</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

not, however, represent a comprehensive regulation covering the entire area. Other relevant acts are, for example, the Health Services Act,<sup>7</sup> the Institutional Education Act,<sup>8</sup> and the Juvenile Justice Act,<sup>9</sup> etc.

The situation is similar in the field of national strategies, action plans, concepts and other policy materials. The goals and vision of the child protection system are defined primarily in the National Strategy for the Protection of Children's Rights 2021-2029,<sup>10</sup> published by the Ministry of Labour and Social Affairs. However, dozens of other materials contain measures concerning children and their rights (the National Strategy for the Protection of Children's Rights mentions another 15 strategies and action plans relevant to the child protection system).

## 1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection

Question	YES	NO	Comments
1.2.1. Does the constitution contain any provisions on children's rights and child protection?	X		Constitutional regulations (in particular the Charter of Fundamental Rights and Freedoms <sup>11</sup> – hereinafter referred to as 'the Charter') guarantee protection for children in Article 6 Section 2 of the Charter, which states that 'human life is worthy of protection even before birth'. The core of the rights of children and the family is then contained in Chapter IV, Article 24, Section 1 of the Charter, which establishes the right of every individual to freely choose his or her profession and training for that profession; Article 29 guarantees adolescents the right to increased protection of health at work and to special work conditions, and further the right to special protection in labour relations and to assistance in vocational training. The fundamental 'family' provision is Article 32, which states that parenthood and the family are under the protection of the law and that special protection is guaranteed to children and adolescents. The same rights and position is guaranteed to all children regardless of whether

<sup>7</sup> Czech Republic, Act No. 372/2011 Coll., on Health Services and the Conditions of their Provision ([Zákon o zdravotních službách a o podmínkách jejich poskytování](#)), 1 April 2012.

<sup>8</sup> Czech Republic, Act No. 109/2002 Coll., on on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002.

<sup>9</sup> Czech republic, Act No. 218/2003 Coll., on the Responsibility of Adolescents for Illegal Acts and on the Judiciary in Matters Related to Adolescents ([Zákon o odpovědnosti mládeže za protiprávní činy a o soudnictví ve věcech mládeže](#)), 1 January 2004.

<sup>10</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)).

<sup>11</sup> Czech Republic, Declaration no. 2/1993 Coll., on the Charter of Fundamental Rights and Freedoms ([Listina základních práv a svobod](#)), 1 January 1993.

		<p>they are born in or out of wedlock. The Charter states that it is the right of the parents to care for and bring up their children, and that children have the right to parental care and upbringing. Parental rights may be limited and children who are minors may be removed from their parents' custody against the latter's will only by a decision of a court on the basis of the law. Parents who are raising children have the right to assistance from the state. Article 33 establishes the right to education, including free elementary and secondary education.</p>
<p>1.2.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children's Act?</p>	<p>X</p>	<p>Since 2000, the Child Protection Act<sup>12</sup> has been in force, which deals solely with the area of the social and legal protection of children. Two major amendments to this Act have been introduced since its adoption. The first amendment entered into force on 1 January 2013,<sup>13</sup> and it set up the standards of quality for local OSPODs, increased the support for foster parents (benefits, education, services), and created space for local OSPODs to be able to hire services for foster families and other families in their care.</p> <p>The second amendment, adopted on 9 September 2021<sup>14</sup> (the first part of it entered into force on 1 January 2022, while the second part will enter into force on 1 January 2025, and the third part on 1 January 2028 ), modified, among others, the functioning and financing of facilities for children requiring immediate aid. It also unified the fragmented system of financial support provided to young adults leaving institutional care, and it modified the financing of foster care. The amendment also prohibited the placement of children under the age of 3 in institutional care, with the exception of children</p>

<sup>12</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

<sup>13</sup> Czech Republic, Act nN. 401/2012 Coll., which Amends Act no. 359/1999 Coll, on the Social and Legal Protection of Children, as amended, and on the amendment of additional laws ([Zákon, kterým se mění zákon č. 359/1999 Sb., o sociálně-právní ochraně dětí, ve znění pozdějších předpisů, a další související zákony](#)), 1 January 2013.

<sup>14</sup> Czech Republic, Act No. 363/2021 Coll., which Amends Act No. 359/1999 Coll, on the Social and Legal Protection of Children, as amended, and on the amendment of additional laws ([Zákon, kterým se mění zákon č. 359/1999 Sb., o sociálně-právní ochraně dětí, ve znění pozdějších předpisů, a další související zákony](#)), 1 January 2022.

			with serious disabilities and in the case of siblings. These facilities should be closed by 2025.
--	--	--	---

1.2.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

Legislation	Date passed	Child protection areas covered
<a href="#">Act no. 359/1999 Coll., on Social and Legal Protection of Children</a> (the Child Protection Act)	1 April 2000	This is the fundamental statute for the area of social and legal protection. It governs the position and scope of operations of OSPOD and of the regional authorities in the process of arranging and mediating substitute family care (foster care, adoption) and the position of persons authorised for the purposes of the social and legal protection of children, as well as the facilities for children in need of immediate help, foster care, and foster benefits.
<a href="#">Act no. 89/2012 Coll., Civil Code</a>	1 January 2014	This is the fundamental statute of civil law that governs family law and substitute care – both family-provided and institutional.
<a href="#">Act no. 292/2013 Coll. on Special Judiciary Matters</a>	1 January 2014	This act is related to the Civil Code and it contains new elements in the area of procedural law (governs judicial proceedings in matters of family and care for children).
<a href="#">Act no. 108/2006 Coll., on Social Services</a>	1 January 2007	This act regulates the content of the service provided by homes for persons with disabilities in which children with disabilities may be placed (not only) within institutional care. The act also governs other services dedicated to families with children – social activation services (rehabilitation of families), early care (for the youngest children with disabilities in a domestic environment), and asylum homes for mothers with children, etc.

<p><a href="#">Act no. 561/2004 Coll., on Preschool, Primary, Secondary, Tertiary Professional and other Education</a> (the Education Act)</p>	<p>1 January 2005</p>	<p>This act governs the fundamental conditions of education in the Czech Republic, from preschool to university education. It governs the framework of educational institutions of a preventive, advisory and residential nature.</p>
<p><a href="#">Act no. 109/2002 Coll., on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions</a></p>	<p>1 July 2002</p>	<p>This is the fundamental statute for educational institutions that governs the provision of institutional and protective upbringing – children’s homes, children’s homes with a school, educational institutions, and diagnostic institutes. It governs the fundamental framework, material and staffing conditions, the rights and obligations of children and of the facility, and independent inspection by the Office of the State Attorney.</p>
<p><a href="#">Act no. 218/2003 Coll., on the Responsibility of Adolescents for Illegal Acts and on the Judiciary in Matters Related to Adolescents</a> (Juvenile Justice Act)</p>	<p>1 January 2004</p>	<p>This statute of law is applicable along with the Criminal Code and governs the conditions of criminal liability of adolescents for illegal actions defined in the Criminal Code, the injunctions imposed for such actions, and the procedure, decision-making, and performance of the judiciary in matters related to adolescents (adolescents are taken to mean children under the age of 15 years who are not criminally liable under the Criminal Code).</p>
<p><a href="#">Act no. 372/2011 Coll., on Healthcare Services and the Conditions for their Provision</a> (Act on Healthcare services)</p>	<p>1 April 2012</p>	<p>This fundamental statute provides the legal framework for the provision of healthcare services. It replaced the old statute from 1966. It explicitly lays down the rights and obligations of patients and of the providers of healthcare services. It also defines the framework for infant care institutions.</p>
<p><a href="#">Act no. 196/2022 Coll., on One-time Child Benefit</a></p>	<p>1 July 2022</p>	<p>The act introduces a one-time benefit of CZK 5,000 for families with children. All families with lower and middle incomes are entitled to apply for it, and its goal is to provide one-time, immediate financial support to a family in a difficult period (the act was adopted in response to inflation, rising energy prices, etc.).</p>

<a href="#">Act no. 588/2020 Coll., on Substitute Maintenance for a Dependent Child</a>	1 July 2021	This act regulates the conditions for the provision of substitute maintenance for a dependent child in the event that the person who has a maintenance obligation for him / her is not fulfilling this obligation.
---	-------------	--

### 1.3. Policy framework

Question	YES	NO	Comments
<p>1.3.1. Is there a specific national or sub-national policy framework and/or a national or sub-national strategy on child rights and/or child protection?</p> <p>If <u>yes</u>, does it require an integrated approach to child protection?</p>	X		<p>At a national level, the main strategic documents in the field of child protection are the National Strategy for the Protection of Children 2021-2029<sup>15</sup> and the Action Plan for the Implementation of the National Strategy for the Protection of the Rights of Children 2021-2024.<sup>16</sup> The Strategy names six sub-goals that are to be reached by 2029:</p> <p>1: Approaches to ensuring and promoting the best interest of the child are unified.</p> <p>2: Children are guaranteed safe care in a family environment.</p> <p>3: The opportunities of disadvantaged children are actively equalised.</p> <p>4: Children are involved in decision-making processes that concern them.</p> <p>5: The quality of life of children and families is improved.</p> <p>6: Development in the area of the protection of children's rights is continuously monitored. A system of data collection and evaluation of measures taken is set up through the quality management system.</p>

<sup>15</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)).

<sup>16</sup> Ministry of Labour and Social Affairs (2020), First Action Plan for the Fulfillment of the National Strategy for the Protection of Children's Rights ([1. akční plán k naplnění Národní strategie ochrany práv dětí 2021-2029](#)).



			The Action Plan concretises and elaborates the steps to be taken in order to achieve these goals.
1.3.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular areas, e.g. children with disabilities, children in care?	X		<p>The National Strategy for the Protection of Children 2021-2029 also deals with the insufficiencies of the child protection system with an emphasis on certain specific groups of children, such as children with combined handicaps, children with mental illness, drug-addicted children, etc. The Strategy sets as one of its priorities the equalisation of the opportunities of disadvantaged (both medically and socially) children and outlines the main tasks to be completed in this field (e.g. increasing the capacities of social services available to disadvantaged children, methodological support for professionals, education, etc.).<sup>17</sup> The Action Plan for the Implementation of the National Strategy for the Protection of the Rights of Children 2021-2024 further specifies these tasks.<sup>18</sup></p> <p>Other relevant materials targeting a particular area of child protection are the National Strategy for the Primary Prevention of Risk Behaviour of Children and Youth 2019-2027<sup>19</sup> and the Action Plan for the Implementation of the National Strategy for the Primary Prevention of Risk Behaviour of Children and Youth 2019-2021.<sup>20</sup></p> <p>There are dozens of other strategic documents and policy frameworks at the national level that concern various sub-areas of the child protection system (e.g. the Roma Integration Strategy 2021-2030, the National plan to Support Equal Opportunities for Persons with Disabilities for the period 2021-2025, the Crime Prevention Strategy 2022-2027, the</p>

<sup>17</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 14.

<sup>18</sup> Ministry of Labour and Social Affairs (2020), First Action Plan for the Fulfillment of the National Strategy for the Protection of Children's Rights 2021-2027 ([I. akční plán k naplnění Národní strategie ochrany práv dětí 2021-2027](#)).

<sup>19</sup> Ministry of Education, Youth and Sports (2019), National Strategy for the Primary Prevention of Risk Behaviour of Children and Youth 2019-2027 ([Národní strategie primární prevence rizikového chování dětí a mládeže 2021-2027](#)).

<sup>20</sup> Ministry of Education, Youth and Sports (2019), Action Plan for the Implementation of the National Strategy for the Primary Prevention of Risk Behaviour of Children and Youth 2019-2027 ([Akční plán realizace Národní strategie primární prevence rizikového chování dětí a mládeže 2021-2027](#)).

			National Strategy for the Fight Against Human Trafficking 2020-2023, etc.). <sup>21</sup> The main focus of these materials is not primarily child protection, but they contain issue-focused or system-relevant chapters.
1.3.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?	X		<p>There is no specific document dealing with child protection in the online space, but it is mentioned in several strategic materials. The most important is the Crime Prevention Strategy 2022-2027<sup>22</sup> and the Implementation Plan to the Strategy,<sup>23</sup> which deal with crimes committed by and against children. In reference to cybercrime, the documents mainly draw attention to the sexual abuse and exploitation of children. It follows from both the Strategy and the Implementation Plan that the Ministry focuses primarily on preventive activities, both in the field of cybercrime in general and in the field of sexual exploitation of children (the Implementation Plan devotes a separate chapter to the prevention of cybercrime and sexual abuse of children in the cyberspace, mentions activities such as education, a campaign focused on children's self-presentation in the online space, strengthening security in schools, etc.).</p> <p>Another strategic document mentioning the safety of children in the online space is the National Strategy for the Primary Prevention of Risk Behaviour of Children and Youth 2019-2027,<sup>24</sup> which draws attention to the threat of cyberbullying and the importance of preventive measures in this area.</p>
1.3.4. Is there a (regular) child participation policy and/or mechanism and/or body	X		This is an area whose improvement is one of the government's priorities, but so far the only institution engaged in this is the National Parliament

<sup>21</sup> E.g. Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 9.

<sup>22</sup> Ministry of the Interior (2022), Crime Prevention Strategy 2022-2027 ([Strategie prevence kriminality 2022-2027](#)).

<sup>23</sup> Ministry of the Interior (2022), Implementation Plan of the Crime Prevention Strategy 2022-2027 ([Implementační plán Strategie prevence kriminality v ČR na léta 2022-2027](#)).

<sup>24</sup> Ministry of Education, Youth and Sports (2019), National Strategy for the Primary Prevention of Risk Behaviour of Children and Youth 2019-2027 ([Národní strategie primární prevence rizikového chování dětí a mládeže 2021-2027](#)).

<p>related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children's rights forum, child surveys, child participation platform?</p> <p>If <u>yes</u>, are appropriate child protection and safety measures in place?</p>		<p>for Children and Youth, which is not linked to any state body. The government's goal is to strengthen cooperation with this organisation (see section 7 for details).<sup>25</sup></p>
---	--	---

#### 1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant action plan, protocol, procedure, or guidance issued by competent authorities. Please always specify how children's participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children's right to be heard).

##### 1.4.1. Children victims of abuse, exploitation, or neglect

In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)

Policy developments	Legislative developments
<p>Although no conceptual reforms have been implemented in this area in the last five years, the strategic documents of various state administration departments address the question.</p>	<p>In the field of bullying, in 2017 the Education Act<sup>27</sup> was supplemented with provisions governing the rights and obligations of teaching staff and provisions on procedure in the event of particularly serious violations of the obligations stipulated by law. The aim of the new legislation is, among other</p>

<sup>25</sup> The activities of the National Parliament for Children and Youth can be found [on its website](#).

<sup>27</sup> Czech Republic, Act No. 561/2004 Coll., on Preschool, Primary, Secondary, Tertiary Professional and other Education ([Zákon o předškolním, základním, středním, vyšším odborném a jiném vzdělávání](#)), 1 January 2005.

## Bullying and cyber-bullying

The National Strategy for the Primary Prevention of Risk Behaviour of Children and Youth 2019-2027 draws attention to the problem of bullying and cyberbullying. In 2018, the Ministry of Education, Youth and Sports financially supported one-year projects designed to monitor the issue of children's online addiction, media education, or the cyberbullying of children and adolescents.

In connection with the amendment to the Education Act, effective from 1 September 2017, the Ministry of Education, Youth and Sports has issued a guide to the new rights and obligations of teachers.

The key documents in the field of bullying remain the Methodological Instruction for Preventing and Dealing with Bullying in Schools from 2013 and the Methodological Recommendations for the Primary Prevention of Risk Behaviour of Children, Pupils and Students in Schools and School Facilities from 2010, both issued by the Ministry of Education, Youth and Sports. In 2016, the Methodological Instruction was amended and some insufficiencies were clarified and the document now also addresses the relationship between pupils and teachers.

things, to respond to certain situations associated with violence and bullying in schools.<sup>28</sup>

On the sexual abuse of children, Act No. 220/2021 Coll.<sup>29</sup> amended § 202 of the Criminal Code (seduction to sexual intercourse). Before the amendment, this criminal offence applied only to cases where someone offered to pay a child (a person under 18) for sexual intercourse, while intercourse did not have to actually take place. Newly, this criminal offence also includes situations where sexual intercourse actually takes place for payment.

In the field of child forced marriages, in May 2016, the Czech Republic signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence from 2011.<sup>30</sup> When implementing the convention, a change in the law was considered, but in the end it was concluded that forced marriages can be punished according to the already valid provisions of the Criminal Code, depending on the circumstances of the case, as the crime of blackmail<sup>31</sup> or human trafficking.<sup>32</sup> Luring another person to a foreign country for the purpose of forcing them to marry is punishable under the current legislation as the crime of 'abduction'.

<sup>28</sup> Ministry of Education, Youth and Sports (2019), National Strategy for the Primary Prevention of Risk Behaviour of Children and Youth 2019-2027 ([Národní strategie primární prevence rizikového chování dětí a mládeže 2021-2027](#)).

<sup>29</sup> Czech Republic, Act no. 220/2021 Coll., Amending Act Act No. 141/1961 Coll., on criminal court proceedings (penal code), as amended, Act No. 40/2009 Coll., Criminal Code, as amended, Act No. 257/2000 Coll., on the Probation and Mediation Service and on Amendments to Act No. 2/1969 Coll., on the Establishment of Ministries and Other Central Bodies of the State Administration of the Czech Republic, as amended, Act No. 65/1965 Coll., Labour Code, in the wording of later regulations and Act No. 359/1999 Coll., on the Social and Legal Protection of Children (Probation and Mediation Service Act), as amended, and some other laws ([Zákon, kterým se mění zákon č. 141/1961 Sb., o trestním řízení soudním \(trestní řád\), ve znění pozdějších předpisů, zákon č. 40/2009 Sb., trestní zákoník, ve znění pozdějších předpisů, zákon č. 257/2000 Sb., o Probační a mediační službě a o změně zákona č. 2/1969 Sb., o zřízení ministerstev a jiných ústředních orgánů státní správy České republiky, ve znění pozdějších předpisů, zákona č. 65/1965 Sb., zákoník práce, ve znění pozdějších předpisů a zákona č. 359/1999 Sb., o sociálně-právní ochraně dětí \(zákon o Probační a mediační službě\), ve znění pozdějších předpisů, a některé další zákony](#)), 1 January 2022.

<sup>30</sup> Czech Republic, [Combined fifth and sixth periodic reports submitted by Czechia under article 44 of the Convention, due in 2018](#), 20 May 2019.

<sup>31</sup> Czech Republic, Act No. 40/2009 Coll., Criminal Code ([Trestní zákoník](#)), 1 January 2010, § 175.

<sup>32</sup> Czech Republic, Act No. 40/2009 Coll., Criminal Code ([Trestní zákoník](#)), 1 January 2010, § 168.

<p><b>Prevention of criminal behaviour</b></p> <p>The Crime Prevention Strategy 2022-2027<sup>26</sup> has an entire section focusing on children. Besides emphasising the importance of prevention and coordinated assistance, the Strategy recognises that crimes committed against children on the internet are on the rise. One of the goals of the Strategy is thus the protection of children in the online world. The Strategy also sets out the continuation of the development of the Special Interrogation Rooms project.</p> <p>During the period of the Crime Prevention Strategy in the Czech Republic for 2016 to 2020, the National Crime Prevention Committee regularly monitored the situation of children and juveniles at risk of crime.</p>	<p>According to the previous regulation, such an act was a criminal offence if the person was abducted from or into the Czech Republic, which did not fully meet the requirements of the mentioned convention. Therefore, by amendment No. 287/2018 Coll., this offence was supplemented to include situations where a person is abducted from or to a country other than the Czech Republic.<sup>33</sup></p>
<p>1.4.2. Children with disabilities</p> <p>Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities</p>	
<p style="text-align: center;">Policy developments</p>	<p style="text-align: center;">Legislative developments</p>
<p>Czechia ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities in 2021.</p> <p>The National Strategy for the Protection of Children's Rights 2021-2029 states in Goal No. 3<sup>34</sup> that disadvantaged children's equal opportunities must be supported. In the explanatory section the strategy explicitly refers to disabled children. The document stipulates that disadvantaged children</p>	<p>In the area of surrogate family care, benefits for foster care families caring for disabled children were increased.<sup>40</sup> The allowance for the payment of the child's needs was increased (the specific amount depends on the age and degree of dependency).</p> <p>A fundamental change is the change concerning so-called infant institutions. An amendment to the Act</p>

<sup>26</sup> Ministry of the Interior (2022) [Crime Prevention Strategy in the Czech Republic for 2022 to 2027](#).

<sup>33</sup> Czech Republic, Act No. 278/2018 Coll., Amending Act No. 40/2009 Coll., The Criminal Code, as Amended, and some other Acts ([Zákon, kterým se mění zákon č. 40/2009 Sb., trestní zákoník, ve znění pozdějších předpisů, a některé další zákony](#)), 1 February 2019.

<sup>34</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), pp. 33-34.

<sup>40</sup> Czech Republic, Act no. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 47f.

must be taken into account in all national strategies and plans, envisions various trainings for professionals working with disadvantaged children, requires that family risk factors leading to children's disadvantage are identified, and calls for setting up sufficient capacities and finances in services for disadvantaged children and their families. The Strategy also plans an awareness-raising campaign regarding equal opportunities for children and guidelines on communicating with disadvantaged children.

The national plan for support to disabled people<sup>35</sup> does not deal with children outside the context of education. Education and inclusive schooling is the topic of Goal No. 8. Children on the autism spectrum are not discussed as a separate category.

The National Strategy for the Primary Prevention of Risky Behaviour of Children and Youth 2019-2027<sup>36</sup> states that since 2010 a number of special guidelines were created for schools, one of which was a guideline on the prevention of risky situations concerning pupils and students on the autistic spectrum.

There is increasing societal pressure to ensure that the right of children to stay with their parents is respected during a child's hospital stay. While some hospitals are open to letting parents stay with their children, other hospitals are wary of parental

on Health Services from 2022<sup>41</sup> cancelled the possibility of placing children up to the age of 3 in children's homes because of the unsatisfactory social environment, and it is now possible to place in these facilities only those children whose health condition requires the provision of medical care in the form of inpatient care and who cannot grow up in a family environment. From 2025, these institutions are to be closed completely.

(Note: An important change took place seven years ago in this field, in 2016 the education system for pupils with special educational needs was comprehensively changed by an amendment to the Education Act and subsequent decree.)<sup>42</sup>

---

<sup>35</sup> Government of the Czech Republic (2020) National Plan for the Support of Equal Opportunities for Persons with a Health-related Disability 2021-2025 ([Národní plán podpory rovných příležitostí pro osoby se zdravotním postižením na období 2021–2025](#)).

<sup>36</sup> Ministry of Education, Sports and Youth (2019) National Strategy for the Primary Prevention of Risky Behaviour of Children and Youth 2019-2027 ([Národní strategie primární prevence rizikového chování dětí a mládeže na období 2019-2027](#)), p. 7.

<sup>41</sup> Czech Republic, Act No. 363/2021 Coll., Amending Act No. 359/1999 Coll., on Social and Legal Protection of Children, as amended, and other related Acts ([Zákon, kterým se mění zákon č. 359/1999 Sb., o sociálně-právní ochraně dětí, ve znění pozdějších předpisů, a další související zákony](#)), 1 January 2022.

<sup>42</sup> Czech Republic, Act No. 82/2015 Coll., Amending Act No. 561/2004 Coll., on Pre-school, Primary, Secondary, Higher Vocational and other Education (Education Act), as Amended, and Certain Other Laws ([Zákon, kterým se mění zákon č. 561/2004 Sb., o předškolním, základním, středním, vyšším odborném a jiném vzdělávání \(školský zákon\), ve znění pozdějších předpisů, a některé další zákony](#)), 1 May 2015; Ministry of Education, Youth and Sports, Decree on the education of pupils with special educational needs and gifted pupils ([Vyhláška o vzdělávání žáků se speciálními vzdělávacími potřebami a žáků nadaných](#)), 1 September 2016.

presence and impose constraints on this. A working group was created at the level of the Government Office to develop a methodology for a unified policy at all hospitals.<sup>37</sup> In January 2023 a two-hour roundtable discussion took place in the Chamber of Deputies focusing on this topic.<sup>38</sup>

The Ombudsperson makes regular visits to psychiatric facilities for children (or to psychiatric facilities where children are also hospitalised). A 2022 summary report<sup>39</sup> pointed out a number of problems from the perspective of child rights and child protection. For instance, the report states that medical professionals in child psychiatric facilities are not accustomed to having discussions with children about their hospitalisation and treatment. Patients are largely treated as objects of care who do not participate in decisions regarding their treatment.

#### 1.4.3. Children in the context of migration

Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented – irregular migrant families; asylum seeking children; refugee children

Policy developments	Legislative developments
<p>The number of unaccompanied children registered on the territory of the Czech Republic had been rising (outside of the context of the war in Ukraine). While in 2020 the number of unaccompanied children who were provided care was 93, in 2021</p>	<p>Regarding the status of foreign children, several changes occurred in the last five years.</p> <p>With regard to unaccompanied children, the Act on the Residence of Foreign Nationals<sup>47</sup> stipulates that if an unaccompanied foreigner refuses to participate in the age determination procedure, s/he is viewed as an adult foreigner. If the results of</p>

<sup>37</sup> Interview with a child protection expert, member of the Governmental Committee on the Rights of Children on 22 February 2023.

<sup>38</sup> Chamber of Deputies (2023) Roundtable Discussion on the Topic: Children need their Loved Ones, Especially during Hospitalization ([Kulatý stůl na téma Děti potřebují své blízké, během hospitalizace zejména. Fakta, zkušenosti a léčebný efekt](#)), press release, 26 January 2023..

<sup>39</sup> Office of the Public Defender of Rights (2022) Facilities for Child Psychiatry: Reports from Visits 2022 ([Zařízení dětské psychiatrie: Zpráva z návštěv zařízení 2022](#)).

<sup>47</sup> Czech Republic, Act No. 326/1999 Coll., on the Residence of Foreigners in Czech Republic (*Zákon o pobytu cizinců na území České republiky*), 1 January 2000.

this number rose by almost 90% to 176 children (out of these 141 were from Afghanistan).<sup>43</sup>

The Facility for Children of Foreign Nationals (Zařízení pro děti - cizince)<sup>44</sup> based in Prague remains the main institution that houses unaccompanied children. The facility provides specialized care to unaccompanied children based on their individual needs. In 2019 the migrant rights NGO Organization for Aid to Refugees (Organizace pro pomoc uprchlíkům - OPU) published a guideline for the transition of unaccompanied children to surrogate family care.<sup>45</sup> Although there are no legislative obstacles to channelling unaccompanied children to foster care, in practice these children are very often diverted to the Prague-based facility.

The number of displaced unaccompanied children from Ukraine is generally low (after a peak in the spring of 2022). Altogether there are thousands of Ukrainian children in the Czech Republic who are not living with their parent(s). They are fostered by relatives or family members.<sup>46</sup>

No specific policy was designed for children from Ukraine who seek temporary protection, as these

the age determination are not conclusive, the foreigner is viewed as an unaccompanied minor. The police must inform an unaccompanied child in their mother tongue or in a language s/he understands about the possibility of carrying out actions to determine their age, the method and consequences of age determination, and the consequences of their refusal.<sup>48</sup>

Another important change occurred in the area of the participation of children of foreigners in public health insurance. The amendment to the Public Health Insurance Act<sup>49</sup> of 2021 greatly expanded the range of persons participating in public health insurance. Children who are born to a mother with a long-term residence permit or a permanent residence permit or who are placed in certain forms of alternative care are now insured.<sup>50</sup>

In 2020, the Act on the Residence of Foreign Nationals was amended. Before the amendment, health services were provided to a foreigner who was in protective detention or detention or who was serving a prison sentence to the extent stipulated by law. According to the new law, these

---

<sup>43</sup> Ministry of the Interior (2022) Report in the Field of Foreigner's Migration and Integration on the Territory of the Czech Republic 2021 ([Zpráva v oblasti migrace a integrace cizinců na území České republiky 2021](#)), p. 182.

<sup>44</sup> The website of the facility is accessible [here](#).

<sup>45</sup> Knězek, T. (2019) Recommendations for Unaccompanied Children's Transition to Surrogate Family Care in the Czech Republic ([Doporučené postupy pro přechod nezletilých cizinců bez doprovodu do náhradní rodinné péče v ČR](#)), Prague, OPU.

<sup>46</sup> Based on a telephone conversation (5 December 2022) with the OSPOD for Prague 5, where the facility is based.

<sup>48</sup> Czech Republic, Act No. 176/2019 Coll., Amending Act No. 326/1999 Coll., on the Residence of Foreigners in Czech Republic and on the Amendment of Certain Acts, as Amended, and Other Related Acts ([Zákon, kterým se mění zákon č. 326/1999 Sb., o pobytu cizinců na území České republiky a o změně některých zákonů, ve znění pozdějších předpisů, a další související zákony](#)), 31 July 2019.

<sup>49</sup> Czech Republic, Act No. 48/1997 Coll., on Public Health Insurance ([Zákon o veřejném zdravotním pojištění](#)), 1 April 1997.

<sup>50</sup> Czech Republic, Act No. 274/2021 Coll., Amending Act No. 326/1999 Coll., on the Residence of Foreigners in Czech Republic and on the Amendment of Certain Acts, as Amended, and other Related Acts ([Zákon, kterým se mění zákon č. 326/1999 Sb., o pobytu cizinců na území České republiky a o změně některých zákonů, ve znění pozdějších předpisů, a další související zákony](#)), 2 August 2021.



children already by law have access to child protection services.

health services must also be provided to a child who is with his/her mother in prison.<sup>51</sup>

Another important change concerning children is the possibility for them to remain in the country after the rejection of their application for a permanent residence permit submitted in the Czech Republic (not at an embassy) for the purpose of family reunification (typically these are children of foreigners-permanent residents who were born in the territory or who reunify with them), if they file a lawsuit against the rejection decision. They can stay in the Czech Republic for the duration of the court proceedings if they apply for a so-called remain-to-stay visa. (Before this amendment, they had to leave the country and wait for the decision of the court abroad.)<sup>52</sup>

The Czech legislation also reacted to the war in Ukraine. Three laws were adopted in 2022 in connection with the war in Ukraine, which regulate the status and rights of persons fleeing the war. Persons who are granted temporary protection under the law<sup>53</sup> are entitled to public health insurance, assistance with accommodation, assistance with basic living needs, humanitarian allowance,<sup>54</sup> etc. Children have access to education

---

<sup>51</sup> Czech Republic, Act No. 165/2020 Coll., Amending Act No. 141/1961 Coll., on Criminal Procedure (Criminal Code), as amended, and some other Acts ([Zákon, kterým se mění zákon č. 141/1961 Sb., o trestním řízení soudním \(trestní řád\), ve znění pozdějších předpisů, a některé další zákony](#)), 1 October 2020.

<sup>52</sup> Czech Republic, Act No. 176/2019 Coll., Amending Act No. 326/1999 Coll., on the Residence of Foreigners in Czech Republic and on the Amendment of Certain Acts, as Amended, and Other Related Acts ([Zákon, kterým se mění zákon č. 326/1999 Sb., o pobytu cizinců na území České republiky a o změně některých zákonů, ve znění pozdějších předpisů, a další související zákony](#)), 31 July 2019.

<sup>53</sup> Czech Republic, Act No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict in Ukraine Caused by the Invasion of the Troops of the Russian Federation (Zákon o některých opatřeních v souvislosti s ozbrojeným konfliktem na území Ukrajiny vyvolaným invazí vojsk Ruské federace), 21 March 2022.

<sup>54</sup> Czech Republic, Act No. 66/2022 Coll., on Measures in the Field of Employment and the Field of Social Security in Connection with the Armed Conflict in Ukraine Caused by the Invasion of the Troops of the Russian Federation (Zákon o opatřeních v oblasti zaměstnanosti a oblasti sociálního zabezpečení v souvislosti s ozbrojeným konfliktem na území Ukrajiny vyvolaným invazí vojsk Ruské federace), 21 March 2022.

	<p>under the same conditions as Czech citizens, compulsory education applies to them.<sup>55</sup></p> <p>Social and legal protection is provided to children to the extent stipulated in the Child Protection Act.</p>
<p>1.4.4. Children in alternative care</p> <p>Specific thematic areas: residential – institutional care; foster care; adoption (including international adoption)</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>As stated elsewhere in this report, there is a shift away from institutional care towards family-based care. Infants’ facilities are to be fully closed down by 2025. The National Strategy for the Protection of Children's Rights clearly prioritises family-based care and prevention rather than institutionalisation.</p> <p>Adoptions are not targeted within the current Strategy.</p> <p>Unaccompanied Ukrainian children fleeing the war:<sup>56</sup></p> <p>In Czechia, unaccompanied children regardless of nationality are as a rule placed at the Prague-based Facility for the Children of Foreign Nationals (Zařízení pro děti cizince), which serves both as a diagnostic institution, where children are examined by psychologists and other professionals, and as a facility for</p>	<p>An amendment to the Child Protection Act entered into force on 1 January 2022<sup>57</sup> (the first part of it entered into force on 1 January 2022, the second part will enter into force on 1 January 2025, and the third part on 1 January 2025), which modifies, among other things, the functioning and financing of facilities for children requiring immediate aid. It also unifies the fragmented system of financial support provided to young adults leaving institutional care (introducing the so-called welfare allowance - zaopatřovací příspěvek), and it modifies the financing of foster care.</p> <p>An amendment to the Act on Health Services also prohibited the placement of children under the age of 3 in institutional care, with the exception of children with serious disabilities and in the case of siblings. These facilities should be closed by 2025.</p>

<sup>55</sup> Czech Republic, Act No. 67/2022 Coll., on Measures in the Field of Education in Connection with the Armed Conflict in Ukraine Caused by the Invasion of the Troops of the Russian Federation (Zákon o opatřeních v oblasti školství v souvislosti s ozbrojeným konfliktem na území Ukrajiny vyvolaným invazí vojsk Ruské federace), 21 March 2022.

<sup>56</sup> This section is entirely based on a telephone conversation (5 December 2022) with the Authority for the Social-Legal Protection of Children (OSPOD) for Prague 5, where the facility is based. No other expert or single institution has a better overview of the topic than the expert FRANET talked to. The data was acquired within the frames of a previous FRA report.

<sup>57</sup> Czech Republic, Act no. 363/2021 Coll., which Amends Act No. 359/1999 Coll., on the Social and Legal Protection of Children, as amended, and on the amendment of additional laws ([Zákon, kterým se mění zákon č. 359/1999 Sb., o sociálně-právní ochraně dětí, ve znění pozdějších předpisů, a další související zákony](#)), 1 January 2022.

long-term stay. In the first month after the war broke out children from Ukraine constituted the overwhelming majority (over 90%) of children at the facility and many children were placed in other institutions around the country. Gradually most children were placed with relatives, who officially foster them. According to the expert the OSPOD Prague 5 many children already arrived with an authorization from their parents (who remained in Ukraine), and their placement in Czech institutions was only temporary.

In December 2022 there were only 13 children at the Facility for the Children of Foreign Nationals and in the previous months the number of new arrivals has sharply decreased. On a monthly basis only one or new children are placed at the Facility. Other institutions also currently care for unaccompanied children from Ukraine, but their number is low. Altogether, it is estimated that there are thousands of Ukrainian children in the Czech Republic who do not live with their parent(s) and who are fostered by relatives or family members. (The Czech Republic had a very large Ukrainian diaspora already before the Russian invasion).

#### 1.4.5. Children affected by custody disputes, including parental abduction

Policy developments	Legislative developments
	On 1 July 2021, the Act on Substitute Maintenance <sup>58</sup> came into effect. This act regulates the conditions for the provision of substitute maintenance for a dependent child in the event that the person who has a maintenance obligation for him / her does not fulfil this

<sup>58</sup> Czech Republic, Act No. 363/2021 Coll., Amending Act No. 359/1999 Coll., on Social and Legal Protection of Children, as amended, and other related Acts ([Zákon, kterým se mění zákon č. 359/1999 Sb., o sociálně-právní ochraně dětí, ve znění pozdějších předpisů, a další související zákony](#)), 1 January 2022.

	obligation (the maximum amount of the substitute maintenance is CZK 3,000/month).
1.4.6. Missing children	
Policy developments	Legislative developments
<p>The Strategy for the Prevention of Criminality 2022-2027<sup>59</sup> mentions that the Ministry of the Interior and the Police co-implement a project on endangered children, children who are crime victims, and children witnesses. The project National Coordination Mechanisms for the Search for Missing Children (Národní koordinační mechanismus pátrání po pohřešovaných dětech) aims to involve the general public in the search for missing children and to provide necessary psychological care to families of missing children. The Ministry of the Interior cooperates with the European platform for missing children AMBER Alert Europe and the NGO Aplikace ECHO, which developed an app providing information on searches for missing children.</p>	No legislative developments were identified.
1.4.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (AROPE)	
Policy developments	Legislative developments
<p>There is no specific strategy for children in social exclusion and most measures are integrated into the Strategy for Roma Integration<sup>60</sup> (housing, inclusive education) and the Strategy for the Protection of</p>	<p>Two new acts were adopted in the last two years that aim to help families with children: the Act on Substitute Maintenance (see above, question 1.4.5) and the Act on the One-time Child Benefit.<sup>62</sup> The act introduces a one-time benefit of CZK 5,000 for families with children. All families with lower and middle incomes are entitled to</p>

<sup>59</sup> Ministry of the Interior (2022) [Crime Prevention Strategy in the Czech Republic for 2022 to 2027](#).

<sup>60</sup> Office of the Government of the Czech Republic (2021) [Strategy for Roma Equality, Inclusion and Participation 2021-2030](#).

<sup>62</sup> Czech Republic, Act No. 196/2022 Coll., on One-time Child Benefit ([Zákon o jednorázovém příspěvku na dítě](#)), 1 July 2022.

<p>Children's Rights<sup>61</sup> (equal opportunities, deinstitutionalization, preventive care).</p>	<p>apply for it (the limit is relatively high, families whose income in 2021 did not exceed CZK 1,000,000 (approx. EUR 43,000) are eligible), and its goal is one-time, immediate financial support to a family in a difficult period.</p> <p>On 1 January 2023, an amendment<sup>63</sup> to the Act on State Social Support entered into force, which increased the child allowance (social benefit that belongs to families with children on a low income). At the same time, this amendment also increased the so-called normative housing costs. Certain benefits can only be received by persons whose income is not sufficient to cover these costs established by law, so by increasing them, more people may be entitled to these benefits.</p>
<p>1.4.8. Children belonging to minority ethnic groups, e.g. Roma, Sami, etc.</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The Strategy for Roma Integration<sup>64</sup> views Roma children in the context of (inclusive) education, desegregated housing, health inequalities, and the disproportionate placement of Roma children into children's homes. The issue of child rights awareness and protection is implicitly encompassed in these topics, but it is not emphasised as a separate category.</p>	<p>In 2022, a new law was passed to provide a one-time amount of money to persons sterilised in violation of the law.<sup>65</sup> This law provides compensation to persons who were illegally sterilised in the period from 1 July 1966 to 31 March 2012. The amount of compensation is CZK 300,000. Illegal sterilisations were performed mainly on Roma, often also on minors.</p>
<p>1.4.9. Children involved in judicial proceedings as victims or witnesses or parties</p>	

<sup>61</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)).

<sup>63</sup> Czech Republic, Act No. 456/2022 Coll., Amending Act No. 141/1961 Coll., on Criminal Procedure (Criminal Code), as amended, and some other Acts ([Zákon, kterým se mění zákon č. 141/1961 Sb., o trestním řízení soudním \(trestní řád\), ve znění pozdějších předpisů, a některé další zákony](#)), 1 January 2023.

<sup>64</sup> Office of the Government of the Czech Republic (2021) [Strategy for Roma Equality, Inclusion and Participation 2021-2030](#).

<sup>65</sup> Czech Republic, Act No. 297/2021 Coll. On the Provision of a One-time Amount of Money to Persons Sterilized in Violation of the Law ([Zákon o poskytnutí jednorázové peněžní částky osobám sterilizovaným v rozporu s právem](#)), 1 January 2022.

Policy developments	Legislative developments
No significant development identified.	Act No. 130/2022 Coll. <sup>66</sup> amended the Act on Victims of Crime. The state provides financial aid to victims of crimes if they meet certain conditions. Before the amendment, the law stipulated that the application for financial aid must be submitted within 2 years of the day the victim became aware of the damage caused by the crime, but no later than 5 years after the crime was committed (no exceptions were made). The amendment added an exception to this provision: the application of a minor victim of a crime against human dignity in the sexual area can now be submitted no later than 2 years of the date on which he/she reached the age of majority, or within 5 years of the time when the crime was committed, if this period expires later.

#### 1.4.10. Children involved in judicial proceedings as suspects or accused persons

Policy developments	Legislative developments
No significant policy development identified.	The most important law in this area, the Juvenile Justice Act, <sup>67</sup> has been amended several times in the last five years. The most important changes were introduced by amendment no. 203/2019 Coll., <sup>68</sup> which primarily transposed EU regulations. Emphasis was placed on educating juveniles about their procedural rights, on strengthening the juvenile's cooperation with OSPOD and with the Probation and Mediation Service, and on the obligation to ascertain the juvenile's circumstances

<sup>66</sup> Czech Republic, Act No. 130/2022 Coll., Amending Act No. 40/2009 Coll., Criminal Code, as amended, Act No. 45/2013 Coll., on Victims of Crimes and on Amendments to Certain Acts (Act on Victims of Crimes), as amended regulations, and some other Acts ([Zákon, kterým se mění zákon č. 40/2009 Sb., trestní zákoník, ve znění pozdějších předpisů, zákon č. 45/2013 Sb., o obětech trestných činů a o změně některých zákonů \(zákon o obětech trestných činů\), ve znění pozdějších předpisů, a některé další zákony](#)), 28 June 2022.

<sup>67</sup> Czech Republic, Act No. 218/2003 Coll., on Juvenile Responsibility and Juvenile Justice ([Zákon o odpovědnosti mládeže za protiprávní činy a o soudnictví ve věcech mládeže](#)), 1 January 2004.

<sup>68</sup> Czech Republic, Act No. 203/2019 Coll., Amending Act No. 218/2003 Coll., on Juvenile Responsibility and Juvenile Justice and Amending Certain Acts (Juvenile Justice Act), as amended, Act No. 141/1961 Coll., on Criminal Court Proceedings (Penal Code), as Amended, and Act No. 293/1993 Coll., on Enforcement of Custody, as Amended ([Zákon, kterým se mění zákon č. 218/2003 Sb., o odpovědnosti mládeže za protiprávní činy a o soudnictví ve věcech mládeže a o změně některých zákonů \(zákon o soudnictví ve věcech mládeže\), ve znění pozdějších předpisů, zákon č. 141/1961 Sb., o trestním řízení soudním \(trestní řád\), ve znění pozdějších předpisů, a zákon č. 293/1993 Sb., o výkonu vazby, ve znění pozdějších předpisů](#)), 1 September 2019.

	<p>during criminal procedures. The possibility of conditionally postponing the submission of a motion for punishment was newly introduced.</p> <p>The second important amendment was implemented by Act No. 220/2021 Coll.,<sup>69</sup> which mainly changed the provisions regarding conditional release, imposition and waiver of educational measures and the position of the Probation and Mediation Service for delinquents under the age of 15. The main goal of the amendment is to establish positive tools for motivating the convict while serving their sentence and to strengthen the position of the Probation and Mediation Service in proceedings against a child under 15 years of age.</p>
<p>1.4.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The areas mentioned above are not relevant to the Czech context.</p>	<p>In the area of child forced marriages, in May 2016, the Czech Republic signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence from 2011.<sup>70</sup> When implementing the convention, a change in the law was considered, but it was concluded that forced marriages can be punished according to the already valid provisions of the Criminal Code, depending on the circumstances of the case, as the crime of blackmail<sup>71</sup> or</p>

<sup>69</sup> Czech Republic, Act no. 220/2021 Coll., Amending Act Act No. 141/1961 Coll., on criminal court proceedings (penal code), as amended, Act No. 40/2009 Coll., Criminal Code, as amended, Act No. 257/ 2000 Coll., on the Probation and Mediation Service and on Amendments to Act No. 2/1969 Coll., on the Establishment of Ministries and Other Central Bodies of the State Administration of the Czech Republic, as amended, Act No. 65/1965 Coll., Labour Code, in the wording of later regulations and Act No. 359/1999 Coll., on the Social and Legal Protection of Children (Probation and Mediation Service Act), as amended, and some other laws ([Zákon, kterým se mění zákon č. 141/1961 Sb., o trestním řízení soudním \(trestní řád\), ve znění pozdějších předpisů, zákon č. 40/2009 Sb., trestní zákoník, ve znění pozdějších předpisů, zákon č. 257/2000 Sb., o Probační a mediační službě a o změně zákona č. 2/1969 Sb., o zřízení ministerstev a jiných ústředních orgánů státní správy České republiky, ve znění pozdějších předpisů, zákona č. 65/1965 Sb., zákoník práce, ve znění pozdějších předpisů a zákona č. 359/1999 Sb., o sociálně-právní ochraně dětí \(zákon o Probační a mediační službě\), ve znění pozdějších předpisů, a některé další zákony](#)), 1 January 2022.

<sup>70</sup> Czech Republic, [Combined fifth and sixth periodic reports submitted by Czechia under article 44 of the Convention, due in 2018](#), 20 May 2019.

<sup>71</sup> Czech Republic, Act No. 40/2009 Coll., Criminal Code ([Trestní zákoník](#)), 1 January 2010, § 175

	<p>human trafficking.<sup>72</sup> Luring another person to a foreign country for the purpose of forcing them to marry is punishable under the current legislation as the crime of ‘abduction’. According to the previous regulation, such an act was a criminal offence if the person was abducted from or into the Czech Republic, which did not fully meet the requirements of the mentioned convention. Therefore, by amendment no. 287/2018 Coll., this offence was supplemented to include situations where a person is abducted from or to a country other than the Czech Republic.<sup>73</sup></p>
<p>1.4.12. Children whose parents are in prison/custody</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>In 2022 Committee on the Rights of the Child and the Committee against Torture and other Inhuman, Currel and Degrading Treatment working under the Government Council for Human Rights founded the Working Group for the Children of Imprisoned Parents (Pracovní skupina k dětem uvězněných rodičů).<sup>74</sup> The aim of the working group is to bring together all relevant actors involved in the situation of children whose parents are imprisoned, and to make systemic changes leading to the improvement of children’s rights. The Working Group relies on the Council of Europe’s Recommendation CM/Rec(2018)5 of the Committee of Ministers to Member States concerning children with imprisoned parents (2019).</p>	<p>In 2020, the Act on the Residence of Foreign Nationals was amended. Before the amendment, health services were provided to a foreigner who was in protective detention or detention or who was serving a prison sentence to the extent stipulated by law. According to the new law, these health services must also be provided to a child who is in prison with his/her mother.<sup>75</sup></p>

<sup>72</sup> Czech Republic, Act No. 40/2009 Coll., Criminal Code ([Trestní zákoník](#)), 1 January 2010, § 168

<sup>73</sup> Czech Republic, Act No. 278/2018 Coll., Amending Act No. 40/2009 Coll., The Criminal Code, as Amended, and some other Acts ([Zákon, kterým se mění zákon č. 40/2009 Sb., trestní zákoník, ve znění pozdějších předpisů, a některé další zákony](#)), 1 February 2019.

<sup>74</sup> The website of the Working Group is available [online](#) in Czech.

<sup>75</sup> Czech Republic, Act No. 165/2020 Coll., Amending Act No. 141/1961 Coll., on Criminal Procedure (Criminal Code), as amended, and some other Acts ([Zákon, kterým se mění zákon č. 141/1961 Sb., o trestním řízení soudním \(trestní řád\), ve znění pozdějších předpisů, a některé další zákony](#)), 1 October 2020.



1.4.13. Children who drop out of compulsory education and working children under the legal age for work

Policy developments	Legislative developments
<p>The National Strategy for the Primary Prevention of Risky Behaviour of Children and Youth 2019-2027,<sup>76</sup> which is the most relevant policy tool regarding this topic, focuses mostly on primary prevention to keep children from dropping out of school. The Strategy does not address children working under the legal age, and this topic does not seem to be relevant to the Czech context.</p> <p>According to the statistics of the Czech Statistical Office, in the academic year 2019/2020, 2540 boys and 1699 girls dropped out of compulsory education.</p>	<p>No developments were identified.</p>

1.4.14. Please insert any other group of children that is not listed above, such as children with drug or alcohol addictions (*add rows as needed*)

Policy developments	Legislative developments
<p>Children's protection from substance use is included in the National Strategy to Prevent and Reduce the Harm Associated with Addictive Behaviour 2019–2027.<sup>77</sup> The Strategy includes a focus on school prevention programmes and identifies the lack of addiction services for children and adolescents as one of the greatest systemic gaps.</p>	<p>No developments were identified.</p>

<sup>76</sup> Ministry of Education, Sports and Youth (2019) National Strategy for the Primary Prevention of Risky Behaviour of Children and Youth 2019-2027 ([Národní strategie primární prevence rizikového chování dětí a mládeže na období 2019-2027](#)),

<sup>77</sup> Government Council for Drug Policy Coordination (2020) [National Strategy to Prevent and Reduce the Harm Associated with Addictive Behaviour 2019–2027](#).

### 1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards that have been pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

There are several areas in which the state does not fulfil its international obligations.

The UN Committee on the Rights of the Child drew attention to several areas in its 2021 Concluding observations.<sup>78</sup> On the legislative level it mentions, for example, that any age limit for obtaining a child's opinion should be abolished, marriages under the age of 18 should be prohibited (it is currently possible from the age of 16), physical punishment of children in any form should be prohibited (there is no explicit ban in the Czech legal code), and a children's Ombudsperson should be established (a draft law on a children's ombudsman is already being prepared).

Furthermore, the Czech Republic lags behind in the provision of care for the youngest children (it has not yet been able to close the so-called infant institutions, where children under the age of 3 can be placed), and there are also shortcomings in the area of protecting children's rights in healthcare facilities.<sup>79</sup> The right of parents to be present in the hospital with a minor hospitalised child is enshrined in law,<sup>80</sup> but due to the lack of methodologies this right is often restricted by hospital staff (a working group at the Government Office was established to develop a methodology for hospitals regarding the observance of parents' rights).<sup>81</sup>

In the field of criminal law, there are also certain shortcomings. In general, short sentences are handed down for crimes against children.<sup>82</sup> Even consensual intercourse is considered a criminal offence (sexual abuse) if it is committed against a person under the age of 15. The UN Committee on the Rights of the Child has urged that the age limit be raised to 18 years.

### 1.6. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

It follows from the above that the child protection system is still fragmented both at the institutional (vertical and horizontal fragmentation) and at the normative level. Different institutions fall under different ministries, and there is no effective coordination between individual actors. Child protection is also

---

<sup>78</sup> UN Committee on the Rights of the Child (2021), [Concluding observations on the combined fifth and sixth periodic reports of Czechia](#), 22 October 2021.

<sup>79</sup> Interview on 21 February 2023 with a child protection and family policy expert, Ministry of Labour and Social Affairs.

<sup>80</sup> Czech Republic, Act no. 372/2011 Coll., on Health Services and the Conditions of their Provision ([Zákon o zdravotních službách a o podmínkách jejich poskytování](#)), 1 April 2012.

<sup>81</sup> Interview with a child protection expert, member of the Governmental Committee on the Rights of the Child, on 22 February 2023.

<sup>82</sup> Interview on 21 February 2023 with a child protection and family policy expert, Ministry of Labour and Social Affairs.

regulated in different laws, a large number of strategies deal with sub-areas, and it is difficult to form a comprehensive picture of all the mechanisms operating within the system.

Strategies and policies recognise that strengthening preventive services is an important goal, but in practice institutional education still prevails. This is evident both from the distribution of expenses (42% of funds are invested in institutional education, only 8% of the budget goes to preventive services)<sup>83</sup> and from the statements of some experts, such as Klára Šimáčková Laurenčíková, the Government Commissioner for Human Rights.<sup>84</sup>

### 1.7. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection legislation and policies in the past 8 years, incl. achievements and (persisting) gaps and challenges.

In the last eight years, a number of strategies, concepts, and action plans have been adopted in the area of child protection. These documents build on previous policies, evaluate the success of these documents, and follow up with further measures. The set goals are similar to those in previous strategic documents (the integration of the child protection system, the strengthening of children's participation rights, inclusion, the strengthening of prevention and substitute family care, the reduction of the number of children placed in institutions, etc.).

However, some of these goals have not been met. Legislation that would unify the child protection system has not been adopted, and fragmentation persists both at the institutional and legislative levels. The coordination of various bodies dealing with the protection of children's rights is often ineffective. The majority of the budget still goes to institutional education, with incomparably less money going to prevention and substitute family care.<sup>85</sup>

A positive tendency can be seen in the strengthening of the position of foster families and in the declared effort to unify the system (primarily in the National Strategy).<sup>86</sup>

### 1.8. Promising practices

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In recent years, several websites and apps have been launched that focus on child protection.

Police have launched an app called Echo to help find missing children.<sup>87</sup>

<sup>83</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 14.

<sup>84</sup> Aktualne.cz (2023), '[Child suicides have increased, covid and the repulsive campaign have worsened the psyche, says the Commissioner](#)', 13 February 2023.

<sup>85</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 14.

<sup>86</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 14.

<sup>87</sup> More information can be found at [the website of the app](#).

The interest association CZ.NIC, in cooperation with the Police, started the website [stoponline.cz](http://stoponline.cz), where it is possible to report illegal content on the Internet (e.g. child pornography, child abuse, etc.). The website also has educational articles focused on internet security.

The NGO Nenech to být also operates in the Czech Republic and launched an online platform for reporting bullying, cyberbullying, sexual harassment, blackmail, self-harm, and physical violence, etc., at schools. Anyone can report (i.e. a parent, a bullied child, or even a classmate). Through the platform, the information is passed on to the management of the schools that are cooperating with the foundation (according to the website, 1,800 schools are cooperating with the platform on a voluntary basis).<sup>88</sup>

---

<sup>88</sup> More information can be found on [the website of the NGO](#).

## 2. Governance, coordination structures, and services

### 2.1. Primary institutions and main service providers responsible for child protection

Question	Yes	No	Comments
<p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p><u>If yes</u>, please provide the name in the comments box.</p>	X		<p>In general, the Ministry of Labour is responsible for the implementation and coordination of activities connected with the social and legal protection of children .<sup>89</sup> It is also responsible for carrying out the system's transformation consisting of the integration and unification of child protection. The Ministry of Labour has the role of coordinator and organiser and is the 'central monitoring body' of the transformation as defined in the policy documents (National Action Plan, Strategy).<sup>90</sup></p> <p>However, the responsibility for providing pedopsychiatric and infant care in institutions (children 0-3 years) rests with the Ministry of Health,<sup>91</sup> and the Ministry of Education<sup>92</sup> is responsible for the education system (counselling, diagnostic and residential facilities such as child homes, etc.).</p>

<sup>89</sup> Czech Republic, Act no. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

<sup>90</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)).

<sup>91</sup> Czech Republic, Act no. 372/2011 Coll., on Health Services and the Conditions of their Provision ([Zákon o zdravotních službách a o podmínkách jejich poskytování](#)), 1 April 2012.

<sup>92</sup> Czech Republic, Act no. 109/2002 Coll., on on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002.

<p>2.1.2. Are there different structures sharing the primary responsibility (e. g. departments in the same or different ministries, different agencies etc.)?</p> <p><u>If yes</u>, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions.</p>		X	The primary responsibility lies with the Ministry of Labour and Social Affairs. Other institutions are required to cooperate with it. <sup>93</sup>
<p>2.1.3. Are there child focal points or similar in different ministries or agencies?</p> <p><u>If yes</u>, in which ministry are they located, what are they called, and what role/functions do they have? How do they coordinate?</p>		X	

Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

<b>Name of the body</b>	<b>Level (national/regional/local).</b>	<b>Area of responsibility and roles in child protection</b> <i>(for example coordination, legislation, policy making, training, monitoring, financing, implementing)</i>	<b>Comments</b> <i>(for example in case of ombuds institution, compliance with the Paris Principles)</i>
-------------------------	---	---	---

<sup>93</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children’s Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)).

Ministry of Labour and Social Affairs	National	Legislation, policy making, financing, coordination, monitoring.	Department for Child Protection and Transformation of Services for Endangered Children and Families, Department of Social Services, and Department of Family Policy. All three departments have some agenda that relates to children with disabilities – their protection and rights, services for them and their families, and financial support for their families. Immigrant children are partly the responsibility of the Department for Child Protection and Transformation of Services for Endangered Children and Families.
Ministry of Education, Youth and Sports	National	Legislation, policy making, financing, establishes and runs institutions such as children’s homes with schools and diagnostic and educational institutions.	Department of Institutional Care and Department of Prevention and Special Education.
Ministry of Health	National	Legislation, policy making, financing, establishes and runs children’s psychiatric institutions and homes for infants (0-3).	Department of Social and Health Care.
Ministry of Justice	National	Responsible for criminal procedures (juvenile justice, probation and mediation service),	

		supervision within educational institutions, refugee facility administration	
Ministry of the Interior	National	Legislation, monitoring, assessment, and policy making in the field of crime prevention and criminality committed against and by children.	
Office for the International Legal Protection of Children	National	Works in cooperation with OSPOD in international cases.	
Regional OSPOD Offices	Regional	Training, inspections, policy making at the level of its region (the commissions, advisory bodies of social and legal protection); they establish facilities for children and mediate surrogate parental care (foster care) and adoption. They provide methodological guidance for municipal OSPODs.	
Municipalities and municipalities with extended powers	Local	Implementation; a fundamental segment of social and legal protection.	
Ombudsperson	National	Inspections, monitoring, raising public awareness, consultation of legislation.	



Labour Office (and its subdivisions)	Regional and local	Inspections, monitoring, raising public awareness, consultation of legislation, deciding on social benefits.	
--------------------------------------	--------------------	--	--

2.1.4. Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc. Please indicate notably if an integrated approach has been sought and/or achieved.

No such changes were identified. The integration of the fragmented child-protection system is a long-term priority for the relevant authorities, both the program statement of the Government and the National Strategy for Child Protection mention it as one of the long-term goals. However, no concrete steps have yet been taken.<sup>94</sup>

2.1.5. Please indicate, in the table below, the major service providers at national level in the area of child protection. Include family support services /measures (i.e. counselling, financial assistance) that are part of the overall social protection/welfare system for children in risk.

<b>Service providers</b> <i>(include the name and the type of institution i.e. public authority, NGOs, religious institutions, private)</i>	<b>Type of services</b> <i>(Include counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness –training activities, etc.)</i>	<b>Target groups</b> <i>(For example, children with disability, children in risk of or living in poverty, immigrant children, children deprived form parental care, child victims of abuse or exploitation. When relevant, please indicate if third country nationals and</i>	<b>Funding</b> <i>(national budget, EU funded, other)</i>

<sup>94</sup> Interview on 21 February 2023 with a child protection and family policy expert, Ministry of Labour and Social Affairs.

		<i>irregular immigrants are entitled to such services)</i>	
Local municipalities, PA (local), Ministry of Labour and Social Affairs	Child protection services, counselling for young people with behavioural problems	All children	National budget, EU funded
Employment agency, PA (regional), Ministry of Labour and Social Affairs	Financial assistance	Parents of children in need	National budget, EU funded
Persons authorised to provide child protection, NGO (local), Ministry of Labour and Social Affairs	Counselling, searching for endangered children, can also run institutions for children in immediate need, institutions for foster care, recreational camps for children	Children at risk, abused or neglected children, families at risk, foster parents and children in foster care	National budget, EU funded, local municipal budgets, private donors
Social service providers, NGO or RI (local), Ministry of Labour and Social Affairs	A wide range of services are provided, those most common in this area are: social activating services for families with children, special social counselling, shelters, recreational clubs for	All children and parents	National budget, EU funded, local municipal budgets, private donors

	children and youth, psychological care, day care centres		
Pedagogical and psychological counselling centres, PA (regional), Ministry of Education, Youth and Sports	Counselling, psychological services, preventive activities in schools	Children with special needs and various kinds of problems in school (including bullying, learning difficulties, etc.)	National budget, regional budget
Diagnostic institutions, PA (national), Ministry of Education, Youth and Sports	Diagnostic residencies for children ordered into institutional care or for children placed there by their parents, counselling	Children with various kinds of problems (mainly behavioural) and children with court orders for placement in institutional care	National budget
Children's homes, mostly PA (regional), sometimes NGO or RI (local level), mainly Ministry of Education, Youth and Sports	Care institutions for children from the ages of 3 to 18	Children with court orders for placement into institutional care	Regional budget, national budget, local budget
Children's homes with schools, PA (national), Ministry of Education, Youth and Sports	Care institutions for children from the ages of 6 to 18	Children with court orders for placement into institutional care or 'protective' care who have serious behavioural problems or intellectual disabilities or are underage mothers - children in this institution cannot attend local schools	National budget

Pedagogical institution, PA (national), Ministry of Education, Youth and Sports	Care institution for children from the ages of 15 to 18 or 19	Children with court orders for placement into institutional care or 'protective' care who have even more serious behavioural problems	National budget
Centres of pedagogical care, PA (national), Ministry of Education, Youth and Sports	Preventive special pedagogical and psychological care during institutional residency	Children with mainly behavioural problems who are placed in this institution with the consent of their parents	National budget
Infant homes, PA (mostly) regional, Ministry of Health	Care institution for children aged 0-3	Children aged 0-3 with court orders for placement into institutional care or voluntarily placed into care by their parents	Regional budget
Facilities for children needing immediate aid, PA (national or regional) or NGO, Ministry of Labour and Social Affairs	Care institution for children needing immediate aid	Children in danger, without appropriate care, abused or neglected children	National budget
Facility for Minor Foreigners, PA (national), Ministry of Education, Youth and Sports	Care institution, diagnostic facility, school	Minors without Czech citizenship	National budget
People in Need Foundation ( <i>Člověk v tísni</i> )	Counselling, legal advice, leisure time activities for children, education	Children at risk of living in poverty	Various combinations of national budget, regional budget, local budget, and private donors

Salesians of Don Bosco ( <i>Selesiáni Dona Boska</i> )	Leisure time activities for children, day care centres	Children at risk of living in poverty	Various combinations of national budget, regional budget, local budget, and private donors
Charity of the Czech Republic ( <i>Charita – Česká republika</i> )	Counselling, care institutions, day care centres, legal advice, rehabilitation services for victims	Children with disabilities, children at risk of or living in poverty, children deprived of parental care, child victims of abuse or exploitation	Various combinations of national budget, regional budget, local budget, and private donors
Diaconia of the Evangelical Church of Czech Brethren ( <i>Diakonie Českobratrské církve evangelické</i> )	Counselling, care institutions, day care centres, legal advice, rehabilitation services for victims	Children with disabilities, children at risk of or living in poverty, children deprived of parental care, child victims of abuse or exploitation	Various combinations of national budget, regional budget, local budget. and private donors
The Czech Centre for the Improvement of Family Life – 'Střep' ( <i>STŘEP – České centrum pro sanaci rodiny</i> )	Counselling, legal advice, education, rehabilitation services for victims	Families with: children with disabilities, children at risk of or living in poverty, children deprived of parental care, child victims of abuse or exploitation	Various combinations of national budget, regional budget, local budget, and private donors

Spondea	Counselling, legal advice, rehabilitation services for victims	Families with: children with disabilities, children at risk of or living in poverty, children deprived of parental care, child victims of abuse or exploitation	Various combinations of national budget, regional budget, local budget, and private donors
The Fund for Children in Need ( <i>Fond ohrožených dětí</i> )	Care institutions, legal advice, rehabilitation services for victims	Children with disabilities, children at risk of or living in poverty, children deprived of parental care, child victims of abuse or exploitation.	National budget and private donors

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

Question	YES	NO	Comments
<p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?</p> <p>If <u>yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p>	X		<p>Non-governmental organisations participate in the child protection system primarily on the basis of the Child Protection Act<sup>95</sup> and the Act on Social Services.<sup>96</sup> The Child Protection Act allows authorised non-state entities (foundations, associations, churches, and other natural and legal persons) to take on certain tasks related to the social and legal protection of children.<sup>97</sup> These organisations are often also providers of social services connected to children and families.<sup>98</sup> These services include social counselling, social care services, and social prevention services.</p> <p>The Ministry of Labour administers the list of persons authorised to provide social and legal protection to children.<sup>99</sup></p>
<p>2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?</p>	X		<p>Only authorised natural and legal persons can provide social and legal protection to children.<sup>100</sup> Authorisation is granted by the Regional Authorities, and authorised persons are considered social and legal protection bodies and can run or organise foster care facilities, facilities for children in immediate need, shelters, diagnostic facilities, and recreational camps.</p>

<sup>95</sup> Czech Republic, Act no. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

<sup>96</sup> Czech Republic, Act no. 108/2006 Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007.

<sup>97</sup> Czech Republic, Act no. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 48.

<sup>98</sup> Czech Republic, Act no. 108/2006 Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007.

<sup>99</sup> Czech Republic, Act no. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 49.

<sup>100</sup> Czech Republic, Act no. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 48.

<p>If <u>yes</u>, which is the responsible authority? How frequent are reviews and inspections?</p>		<p>Non-state entities also provide social services listed in the Act on Social Services (they include social counselling, social care services, and social prevention services). Natural and legal persons must register in order to provide these services, and registration is granted by the Regional Authorities.<sup>101</sup></p> <p>The control mechanisms are the same under both Acts. Regional Authorities control the fulfilment of the conditions for providing protection and services defined in the Acts, the Ministry of Labour is the inspection body that assesses whether the activities of the authorised persons are carried out in accordance with quality standards and whether the obligations defined in the law are complied with. The Act on Social Services establishes a detailed procedure for carrying out inspections (number of inspectors, scope of inspection, etc.), but there is no standard for the frequency of checks conducted by the Regional Authorities or for inspections conducted by the Ministry.<sup>102</sup></p>
<p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p> <p>If <u>yes</u>, What is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services targeted, and financial aspects of such</p>	<p>X</p>	<p>The Child Protection Act<sup>103</sup> established the obligation of all institutions, organisations, parents, or private persons to cooperate with local OSPOD offices on request. In practice this means sharing information with OSPOD, attending case conferences, and coordinating support for children and families, etc. The specific forms of cooperation are not defined by the Act.</p> <p>The National Strategy for the Protection of Children's Rights<sup>104</sup> also envisages cooperation with non-state entities.</p>

<sup>101</sup> Czech Republic, Act no. 108/2006 Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007, § 78.

<sup>102</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, §§ 49b, 50a; Czech Republic, Act No. 108/2006 Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007, §§ 82a, 97.

<sup>103</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 53.

<sup>104</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)).



<p>partnerships (i.e. if done in view of accessing EU funds).</p>		<p>In practice, non-profit organisations play a key role in the field of child protection. However, as noted in an analysis conducted by the Alliance for Children's Rights from 2019, 'the state understands cooperation with non-governmental organisations almost exclusively [...] as "buying" their services from them - to help them fulfil or even replace their tasks'.<sup>105</sup></p>
---	--	---

### 2.3. Inter-agency cooperation in the area of child protection

Question	YES	NO	Comments
<p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p> <p><u>If yes</u>, how is this done? Please comment on the strengths and weaknesses.</p> <p><u>For example</u>, is this cooperation – coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p>	X		<p>There is a legal obligation for cooperation between various entities in the system of the protection of children's rights, and this requirement is especially set out in the Child Protection Act<sup>106</sup> and the Act on Social Services.<sup>107</sup> OSPOD is primarily responsible for the coordination of various entities when providing social and legal protection to children, and at the national level (concept, legislation, etc.) the main coordinator is the Ministry of Labour (the Interdepartmental Coordination Group for the Protection of Children's Rights and the Care of Children at Risk).<sup>108</sup></p> <p>In practice, the child protection system is still fragmented, and different institutions are responsible for different sub-areas (ministries at the national level, regions, municipalities at the local level, and a wide range of services are provided by NGOs). Effective coordination of these subsystems is lacking. Although the system is being</p>

<sup>105</sup> Alliance for Children's Rights (2019), Alternative report on the implementation of the Convention on the Rights of the Child in the Czech Republic between 2011 and 2018 ([Alternativní zpráva o plnění Úmluvy o právech dítěte v České republice v letech 2011 až 2018](#)).

<sup>106</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

<sup>107</sup> Czech Republic, Act No. 108/2006 Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007.

<sup>108</sup> Ministry of Labour and Social Affairs (2020), 1st Action Plan for the Implementation of the National Strategy for the Protection Children's Rights 2021-2029 for the Period 2021-2024 fo ([1. akční plán pro naplnění Národní strategie ochrany práv dětí 2021-2029 na období 2021-2024](#)), p. 1.

		integrated under the Ministry of Labour, the process is lengthy and complicated. <sup>109</sup>
<p>2.3.2. Is there inter-agency cooperation between the relevant actors having responsibility in the area of child protection (including civil society organisations)?</p> <p>If yes, please mention how this is done (for examples are there standing inter-agency committees or meetings, are digital tools used?). Which actor has a leading role?</p>	X	<p>According to the Child Protection Act, institutions, organisations, parents, and private persons are required to cooperate with OSPOD on request.<sup>110</sup> In practice this means sharing information with OSPOD, attending case conferences, and coordinating support for children and families, etc. The law mentions certain forms of cooperation, but does not contain an exhausting list.</p> <p>During the process of developing legislation or policy, the Ministry of Labour and Social Affairs invites organisations and professionals who would like to participate as a group of consultants during the process to apply to do so.</p> <p>At the local level, there is the Commission for the Social and Legal Protection of Children. These commissions can be founded by the mayor of a municipality with extended powers (the mayor has the right to establish such a commission, but it is not an obligation). The commission's role is to execute certain tasks in the area of the social and legal protection of children (e.g. coordination of child protection, evaluation of individual cases, etc.).<sup>111</sup></p> <p>At the regional level, there are advisory panels for the execution of social and legal protection tasks in the region's territory.<sup>112</sup> The panel cooperates on the creation of regional programmes and concepts related to the provision and development of services for families with children, substitute child care, and the prevention of</p>

<sup>109</sup> Interview on 21 February 2023 with a child protection and family policy expert, Ministry of Labour and Social Affairs.

<sup>110</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 53.

<sup>111</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 38.

<sup>112</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 38a.

			<p>negative social phenomena. It also assesses the region's intentions to found and operate social and legal protection facilities and other child care facilities and evaluates applications for a change in authorisation or for the granting of a new mandate to carry out the social and legal protection of children.</p> <p>Cooperation among specialists from the judicial, health, and educational fields is supported and promoted by case conferences, which are to be organised with the presence of these experts.</p>
<p>2.3.3. What are the main challenges regarding effective cooperation and coordination? (For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?</p>			
<p>Regarding the scope and competences of individual actors, the main long-term problem highlighted in various national policies and by experts is the fragmentation of the system and the lack of effective coordination. Unification of the system is progressing very slowly, even though this has been a long-term effort. It also figured in the previous National Strategy for the Protection of Children's Rights,<sup>113</sup> and it was included in the government's programme statement.<sup>114</sup></p> <p>Competences and services often overlap (mainly with regard to the provision of services by state authorities and NGOs). NGOs often have to take the place of the state in the performance of some tasks, and the state often does not treat them as equal partners, but regards them as service providers from which it 'buys' child protection services.<sup>115</sup></p>			
Question	YES	NO	Comments
<p>2.3.4. Are child protection authorities engaging in <u>transnational cooperation</u> in the area of child protection, for example with regards to</p>	X		<p>Ensuring transnational cooperation in the field is primarily the responsibility of the Office for International Legal Protection.</p>

<sup>113</sup> Ministry of Labour and Social Affairs (2012), Right to Childhood. Strategy for the Protection of Children's Rights ([Právo na dětství. Národní strategie na ochranu práv dětí](#)).

<sup>114</sup> Interview on 21 February 2023 with a child protection and family policy expert, Ministry of Labour and Social Affairs.

<sup>115</sup> Alliance for Children's Rights (2019), Alternative report on the implementation of the Convention on the Rights of the Child in the Czech Republic between 2011 and 2018 ([Alternativní zpráva o plnění Úmluvy o právech dítěte v České republice v letech 2011 až 2018](#)).

missing children, parental abduction, or migrant children?			
--	--	--	--

If yes, please briefly comment and include information on transnational agreements-protocols of cooperation as well as on the interaction between child protection authorities and other actors involved in transnational cooperation processes, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any challenges relating to transnational cooperation? Are the challenges different for cross-border cases among EU countries or with third countries?

Please provide information on main relevant agreements – cooperation schemes in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children (family tracing-family reunification –return-relocation).

Legal relations with an international element are mainly regulated by the Act on Private International Law,<sup>116</sup> which establishes the rules for determining the jurisdiction of authorities in matters of child protection. In cases involving minors, unless a directly applicable EU regulation or an international treaty states otherwise, Czech courts have jurisdiction if the child's habitual residence is in the Czech Republic, or if the child is a Czech citizen even if he/she has his/her habitual residence abroad. In this area, the Czech Republic is bound by relevant international conventions (The Hague Abduction Convention, The Hague Convention on the Enforcement of Maintenance, The Hague Convention from 1996, etc.) and EU regulations.

Ensuring transnational cooperation in the field is primarily the responsibility of the Office for International Legal Protection in Brno (ÚMPOD), which is an administrative body whose scope of authority covers the whole of the Czech Republic.<sup>117</sup> Its field of expertise particularly consists of: helping to enforce child maintenance obligations from abroad, dealing with child abduction cases, securing the effective exercise of parental access rights, facilitating international adoptions, and acting as a guardian ad litem in civil proceedings with a cross-border element. The Office also helps to secure the return of children who have been abandoned abroad without a person responsible for them or their upbringing back to their country of origin.<sup>118</sup>

<sup>116</sup> Czech Republic, Act No. 91/2012 Coll., on Private International Law ([Zákon o mezinárodním právu soukromém](#)), 1 January 2014, § 56.

<sup>117</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 35.

<sup>118</sup> More information on the activities of the Office can be found on [the website of the Office for International Legal Protection of Children](#).

## 2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

As to child protection governance and coordination structures, there have been no major changes since 2014.

The biggest problem remains the fragmentation of the system and the lack of effective coordination. Communication between various entities in the system is often insufficient and mutual misunderstandings occur. This is evident, for example, from the way individual actors view the financial and human resources in the field of the social and legal protection of children. While local OSPODs and the Ombudsperson draw attention to the unsustainability of the system, the Ministry of Labour has the opposite view of the situation and believes that it is provided for sufficiently.<sup>119</sup>

On the other hand, the national authorities are also aware of the unsuitability<sup>120</sup> of the system, and the government has committed itself to the gradual integration of the system in its programme statement. The new National Strategy and Action Plan<sup>121</sup> envisage the introduction of comprehensive, systematic change.

## 2.5. Promising practices

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In recent years, several projects managed by the Ministry of Labour aimed at systemic change in the field of child protection have been implemented. From the point of view of coordination structures, the most important projects were a project called Support for Systemic Changes in the Field of Care Services for Vulnerable Children, Young People and Families in the Czech Republic<sup>122</sup> and a project called the Systemic Development and Support of Tools for the Social and Legal Protection of Children.<sup>123</sup> As part of the Support for Systemic Changes project, regional models of service networks for families with children placed in institutional care and families at risk of child removal were created. As part of the second project, analyses of service networks at the local level throughout the country were created. This enabled municipalities to use the services of a so-called networker, who helps in connecting individual services in the area of social and legal protection of children. The first project was completed in 2022

---

<sup>119</sup> Interview on 21 February 2023 with a child protection and family policy expert, Ministry of Labour and Social Affairs.

<sup>120</sup> Ministry of Labour and Social Affairs (2020), 1st Action Plan for the Implementation of the National Strategy for the Protection Children's Rights 2021-2029 for the Period 2021-2024 fo ([I. akční plán pro naplnění Národní strategie ochrany práv dětí 2021-2029 na období 2021-2024](#)); Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)).

<sup>121</sup> Ministry of Labour and Social Affairs (2020), 1st Action Plan for the Implementation of the National Strategy for the Protection Children's Rights 2021-2029 for the Period 2021-2024 fo ([I. akční plán pro naplnění Národní strategie ochrany práv dětí 2021-2029 na období 2021-2024](#)); Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)).

<sup>122</sup> More information on the project can be found [at the website Právo na dětství \(Right to Childhood\)](#).

<sup>123</sup> More information on the project can be found [at the website Právo na dětství \(Right to Childhood\)](#).

and the second in 2019, but their outputs are relevant and represent an important step in systemic integration.

### 3. Capacities (human and financial resources)

#### 3.1. Information on budget allocation and funding

Question	YES	NO	Comments
3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments?		X	<p>The legislative and policy instruments connected to child protection do not state the amount of money allocated or through which government agencies finances are allocated.</p> <p>The Child Protection Act states<sup>124</sup> in Section 58 that <i>'municipalities with extended powers shall be compensated from the state budget for costs incurred in connection with the performance of social and legal protection, with the exception of costs for the establishment and operation of social and legal protection facilities. If a municipality, region, or authorised person is the founder of a facility for children in need of immediate assistance, it is entitled to a state contribution'</i>. From 2022, the financing of the performance of the social-legal protection of children agenda is at the level of municipalities with extended powers and the capital city. The budget chapter of the Ministry of Labour and Social Affairs in the form of a transfer from the state budget: <i>'For the purpose of calculating the amount of the ex-ante transfer granted for the relevant calendar year, the data on the amount of full-time jobs created within OSPOD as of 1 October of the preceding calendar year shall be used. A uniform lump sum per job created is granted to all municipalities. The amount of this lump sum for each calendar year is influenced by the total amount of funds available to the Ministry of Labour for the purpose of the transfer for the implementation of the children's protection agenda. In addition, the reimbursement of costs associated with the</i></p>

<sup>124</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 58.

		<p><i>performance of children's protection tasks is paid.</i><sup>125</sup></p> <p>The number of staff working for the local OSPOD is determined according to the Standards of Social and Legal Protection, specifically Standard 4: Staffing of Social and Legal Protection of Children: <i>'The number of staff shall be appropriate to the catchment area of the social and legal protection body. In calculating the appropriate number of employees of the social and legal protection body, a criterion affecting the complexity of the performance of the social and legal protection of children in the administrative district of the social and legal protection body shall be taken into account. The basic starting criterion is at least 1 worker per 800 children (persons under 18 years of age) who are registered as permanent residents in the administrative district of the social protection body.'</i><sup>126</sup></p> <p>Expenses related to the area of foster family care can be covered by the state contribution for foster care pursuant to Section 47d of the Child Protection Act,<sup>127</sup> which is provided to the municipal authority of the municipality with extended powers by the regional branch of the Labour Office of the Czech Republic to cover these expenses.</p> <p>From the state budget, special-purpose subsidies may be provided to persons entrusted with social and legal protection to finance</p>
--	--	--

<sup>125</sup> [Metodika Ministerstva práce a sociálních věcí pro poskytování transferu ze státního rozpočtu obcím s rozšířenou působností a hl. m. Praze na financování výkonu přenesené působnosti v oblasti sociálně-právní ochrany dětí](#) ('Methodology of the Ministry of Labour and Social Affairs for the provision of the transfer from the state budget to municipalities with extended powers and the capital city of Prague Prague for financing the exercise of delegated competence in the field of social and legal affairs protection of children') (2022). Praha: Ministry of Labour. Accessible in Czech, p. 4.

<sup>126</sup> [Manuál implementace Standardů sociálně-právní ochrany dětí pro orgány sociálně-právní ochrany dětí](#) ('Manual for the implementation of the Standards of social and legal protection of children for social and legal protection of children authorities') (2014). Praha: Ministry of Labour. Accessible in Czech, p. 25.

<sup>127</sup> Czech Republic, Act no. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 547a.



		current expenses related to the provision of children’s protection. The subsidies are provided by the Ministry of Labour. There is no legal entitlement to a subsidy. <sup>128</sup>
3.1.2. Is the budget allocated to child protection (alternatively on children’s rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific budget item allocated to this in 2022?	X	<p>Due to the fragmentation of the system, there is no specific budget item that covers all the expenses connected with child protection. There are budget items under the Ministry of Labour and Social Affairs, the Ministry of Education, Youth and Sports, and the Ministry of Health.</p> <p>The budgets of regional and local authorities are allocated according to their annual budget plans.</p> <p>There is a grant system for child protection and social service providers to apply for grants from local or regional authorities.</p>
3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on the budget allocated to social protection/social welfare in general.		
<p><i>Ca. 100 words</i></p> <p>Since 2013, a detailed analysis of total public budget expenditures on the protection of children at risk has been carried out at three-year intervals. It is thus possible to monitor the evolution of the costs of this important agenda and the budgetary priorities of the state and local authorities.<sup>129</sup></p> <p><b>Supporting parental care through preventive services accounts for less than 10% of public spending.</b></p> <p>In 2019, public spending on the protection of children at risk totalled CZK 16.34 billion, 31% more than in 2016. The increase was recorded in all segments of the system, but most of all in the area of public administration. There was only a small shift in budget priorities. The majority of resources continue to be spent on addressing the consequences of the adverse situation. Thus, the largest share of expenditures continues to be directed towards the care of children who, for various reasons, are forced to leave their families: institutional care (35.0% of total expenditures) and foster care (26.5% of</p>		

<sup>128</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 58.

<sup>129</sup> Macela, M. (2022). [Výdaje veřejných rozpočtů v oblasti péče o ohrožené děti](#) in *Deník veřejné správy*. Accessible in Czech.

expenditures). Support for parental care through preventive services accounts for less than 10% of public expenditures.

Question	YES	NO	Comments
<p>3.1.4. Is the existing budget and funding of child protection services/institutions considered sufficient <u>and</u> sustainable (as compared to only project based for a limited period of time)?</p> <p><i>(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		X	<p>The National Strategy for the Protection of Children's Rights 2021 - 2029 of the Ministry of Labour and Social Affairs states that the main problem is that financial flows are unevenly distributed in the system. The largest proportion still goes to institutional care, while the least is <i>'spent on preventive services for children at risk and their families, which should be the pillar of a functioning system of care for children at risk, which should include the largest part of the financial support to ensure early help for children and their families in order to avoid the risk of institutionalisation. This structural deficit is being addressed in an unsystematic way through EU funds, which are primarily intended for development and not for financing the "operation" of the system'</i>.<sup>130</sup></p>
<p>3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies?</p> <p>Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).</p>		X	<p>The National Strategy for the Protection of Children's Rights states that the structural deficit of the lack of funding for prevention <i>'is being addressed in an unsystematic way through EU funds, which are primarily intended for development and not for financing the "operation" of the system'</i>.<sup>131</sup> This analysis is based primarily on the evaluation of the functioning of the Operational Programme Employment 2014 - 2020 administered by the Ministry of Labour and Social Affairs. It also includes social inclusion and the fight against poverty. OP Employment was also used to innovate the system of child protection and to transform the system from institutional care</p>

<sup>130</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 11.

<sup>131</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 11.

		<p>to foster family care and prevention. The projects focused on supporting the development of social services and social work for the benefit of vulnerable families and children and young people living in children's homes and foster family care, social housing for this target group, etc. Specifically, the projects focused on the transition of children from institutional and foster family care to adult life (through supportive social and educational activities, system setting, etc.).</p>
<p>3.1.6. Is corporate social responsibility developed at national level in relation to child protection services?</p> <p><u>If yes</u>, please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by public-private schemes/ synergies.</p>	x	<p>There are several foundations in the Czech Republic for which funding from business, investments and companies plays a fundamental or key role. These foundations focus on supporting systemic change, foster care, support for individual families at risk, development of children's talent, preventive services, and children's rights. Some of these foundations include the 'Sirius Foundation', the 'Tereza Maxová Foundation', and the 'J&amp;T Foundation'. The Sirius Foundation<sup>132</sup> is a private foundation (since 2008), and its activities are focused on helping disadvantaged children. The foundation is funded by the husband and wife team of Radka and Jiří Šmejč. The foundation supports projects that help vulnerable children and their families. Mostly it focuses on systematic, long-term solutions to problems that fall into the sphere of the prevention of child and family endangerment, foster family care, and support for disadvantaged children. It also provides grants. The J&amp;T Foundation<sup>133</sup> is funded by the investment group of the same name. The foundation makes contributions to both individuals and legal entities - non-profit organisations. The foundation's assistance is primarily directed at children at risk in order to</p>

<sup>132</sup> More information can be found on the [Nadace Sirius website](#). Accessible in Czech.

<sup>133</sup> More information can be found on the [Nadace J&T website](#). Accessible in Czech.

			<p>deepen their comprehensive care, at families with children at risk of social exclusion and poverty, and at people with illnesses and disabilities. One of the foundation's priorities is the development of foster family care. The Tereza Maxová Foundation<sup>134</sup> (since 1997) was set up by a former Czech top model who is very visible in the public sphere and focuses on supporting children from institutional care and abandoned and disadvantaged children and supporting the system of foster family care. The foundation carries out its own activities and supports other organisations that fulfil the foundation's mission. Private companies very often direct their funds to support children in institutional care (e.g. material donations) or otherwise disadvantaged children and children with disabilities.</p> <p>Foundations and endowment funds, like other non-profit legal persons and organizations, may enjoy the following tax benefits if they are also a public benefit taxpayer under the provisions of Section 18a et seq. of the Income Tax Act<sup>135</sup> and do not serve only private purposes:</p> <ul style="list-style-type: none"> <li>• tax exemption for income from donations</li> <li>• income from profitable activity up to CZK 300,000 per year</li> <li>• the possibility of drawing on subsidies</li> <li>• exemption from income tax for income from property forming the foundation's assets or income from their sale.<sup>136</sup></li> </ul>
3.1.7. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving		x	Child protection services in the Czech Republic are implemented mainly by the public administration and the non-profit sector, which fulfils the legal criteria.

<sup>134</sup> More information can be found on the [Nadace Terezy Maxové website](#). Accessible in English.

<sup>135</sup> Czech Republic, Act No. 586/1992 Coll. Income Tax Act ([Zákon č. 586/1992 Sb. o daních z příjmů](#)).

<sup>136</sup> Foundations and endowment funds: <https://www.miras.cz/seminarky/dane-neziskove-organizace.php#:~:text=Neziskov%C3%A9%20organizace%20nejsou%20povinn%C3%BD%20podat,a>.

<p>governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted by government/local authorities to provide services.</p> <p><u>If yes</u>, please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are covered. Provide information based on indicative examples.</p>			
--	--	--	--

### 3.2. Information on human resources, qualification requirements, and training

Question	YES	NO	Comments
<p>3.2.1. Are the allocated human resources in the area of child protection at all levels sufficient? (services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		x	<p>According to the National Strategy,<sup>137</sup> the main problem is the uneven distribution of services in institutional care, foster family care, and prevention. Prevention is the least financially supported, and this is reflected in the insufficient number of professionals working in this area. There are no systemic mechanisms to support families with children with emerging and potential problems,<sup>138</sup> hence the lack of professionals to identify and work with such families. There is also a lack of multidisciplinary services and a lack of professionals who are able to provide multidisciplinary assistance: <i>‘There are no specialist multi-disciplinary services (or systems for coordinating these services) that can respond to children with high levels of support needs (particularly children with severe medical, mental health, or combined disadvantages;</i></p>

<sup>137</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children’s Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 11.

<sup>138</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children’s Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 12.

		<p><i>children with mental illness; children and young people with severe behavioural problems; children and young people who are substance users, etc.). The situation is similar for some specialist services for parents.</i><sup>139</sup> According to the Ombudsperson, the child welfare authorities are overstretched, and based on the Ombudsperson’s deliberations and investigations by local authorities the situation appears to be like this nationwide: <i>‘It is mainly that existing social workers are overburdened due to the understaffing of the offices. As the duties of the OSPODs are increasing, their management is faced with high staff turnover and a lack of interest from new applicants.</i><sup>140</sup></p>
<p>3.2.2. Are the allocated human resources competent in the area of child protection and appropriately trained?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United</i></p>	<p>x</p>	<p>All social workers must meet the statutory criteria under Act on Social Services No. 108/2006 Coll. (§ 109 and § 110),<sup>141</sup> which requires the fulfilment of basic qualification requirements and knowledge of related areas of social and child protection. The qualification requirements include the need for 24 hours of additional training per year.</p> <p>The staff in school institutions are subject to their own act (No. 563/2004).<sup>142</sup> The same applies to staff in healthcare facilities (Act No. 95<sup>143</sup> and Act No. 96/2004<sup>144</sup>), who have to meet</p>

<sup>139</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children’s Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 12.

<sup>140</sup> Veřejný ochránce práv (Ombudsperson) „[Orgány sociálně-právní ochrany dětí jsou podle ombudsmana na hraně svých možností. Pokud stát nezačne jednat, může podle něj systém ochrany dětí zkolabovat](#) (According to the ombudsperson, the child protection authorities are at the edge of their abilities. If the state does not take action, the child protection system could collapse, he said.)“, (12/2022). Accessible in Czech.

<sup>141</sup> Czech Republic, Act no. 108/2006 Coll., on Social Social Services ([Zákon o sociálních službách](#)), 1 April 2000, § 109, § 110.

<sup>142</sup> Czech Republic, 563/2004, Act on Pedagogical Staff ([Zákon o pedagogických pracovnících](#)) 1 January 2005. Accessible in Czech.

<sup>143</sup> Czech Republic, 95/2004, Act on the Conditions for Acquiring and Recognising Professional Qualifications and Specialised Qualifications to Perform the Professions of a Physician, Dentist, and Pharmacist ([Zákon o podmínkách získávání a uznávání odborné způsobilosti a specializované způsobilosti k výkonu zdravotnického povolání lékaře, zubního lékaře a farmaceuta](#)) 2 April 2004. Accessible in Czech.

<sup>144</sup> Czech Republic, 96/2004, Act on the Conditions for Acquiring and Recognising Professional Qualifications to Perform Non-medical Healthcare Professions and to Perform Activities relating to Healthcare Provision and on

<p><i>Nations Committee on the Rights of the Child on country reports etc.)</i></p>			<p>qualification criteria, including the requirement of continuing education (healthcare staff follow a relatively strict credit system).</p>
<p>3.2.3. Is there a <u>compulsory certification or licencing</u> process for social workers and other professionals who work for child protection?</p> <p>If <u>yes</u>, briefly describe the process.</p>		<p>x</p>	<p>All social workers (and workers in child protection) must meet the statutory criteria under the Act on Social Services No. 108/2006 Coll. (§ 109 and § 110), which requires the fulfilment of basic qualification requirements and knowledge of related areas of social and child protection. The qualification requirements include the need for 24 hours of continuous training per year.</p> <p>The staff in school institutions are subject to their own act (No. 563/2004).<sup>145</sup> The same applies to staff in healthcare facilities (Acts o. 95<sup>146</sup> and Act No. 96/2004<sup>147</sup>), who have to meet qualification criteria, which includes the requirement to continue their education (healthcare staff follow a relatively strict credit system).</p>

the Amendment to Some Related Acts (the Act on Non-medical Healthcare Professions ([Zákon o podmínkách získávání a uznávání způsobilosti k výkonu nelékařských zdravotnických povolání a k výkonu činnosti souvisejících s poskytováním zdravotní péče a o změně některých souvisejících zákonů \(zákon o nelékařských zdravotnických povoláních\)](#)) 1 January 2004. Accessible in Czech.

<sup>145</sup> Czech Republic, 563/2004, Act on Pedagogical Staff ([Zákon o pedagogických pracovnících](#)) 1 January 2005. Accessible in Czech.

<sup>146</sup> Czech Republic, 95/2004, Act on the Conditions for Acquiring and Recognising Professional Qualifications and Specialised Qualifications to Perform the Professions of a Physician, Dentist, and Pharmacist ([Zákon o podmínkách získávání a uznávání odborné způsobilosti a specializované způsobilosti k výkonu zdravotnického povolání lékaře, zubního lékaře a farmaceuta](#)) 2 April 2004. Accessible in Czech.

<sup>147</sup> Czech Republic, 96/2004, Act on the Conditions for Acquiring and Recognising Professional Qualifications to Perform Non-medical Healthcare Professions and to Perform Activities relating to Healthcare Provision and on the Amendment to Some Related Acts (the Act on Non-medical Healthcare Professions ([Zákon o podmínkách získávání a uznávání způsobilosti k výkonu nelékařských zdravotnických povolání a k výkonu činnosti souvisejících s poskytováním zdravotní péče a o změně některých souvisejících zákonů \(zákon o nelékařských zdravotnických povoláních\)](#)) 1 January 2004. Accessible in Czech.

<p>3.2.4. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers working with children in various areas?</p> <p><u>If yes</u>, please describe briefly.</p>		x	<p>Act No. 198/2002 Coll. on volunteering exists, but it doesn't cover the agenda of <u>volunteers</u> providing services to children. The law merely states that such services may be provided by volunteers, but it does not set out any criteria. It is up to the organisation or institution to contract volunteers and define the specific conditions for such work.</p> <p>Over the last 5 years, a number of organisations working in the field of children's rights have been developing their own codes of ethics or guidelines to ensure the safety and protection of the children and young people they work with. This is a consequence of the lack of protection of this target group and is also a result of the requirements of organisations that provide grant funding (e.g. Norway Grants). These organisations also often require criminal records when longer-term cooperation and activities are involved. In developing guidelines, organisations draw inspiration from each other and from the experience of more experienced organisations, including within different professional organisations. However, it is more of an informal system and collaboration.</p>
<p>3.2.5. Is there <u>regular training</u> on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area?</p> <p><u>If yes</u>, please include information on the training of law enforcement officials (judges, persecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors).</p>		x	<p>There is no regular or compulsory training for social workers and other specialists involved in the protection system. Social workers must complete a minimum of 24 hours of mandatory development training per year, the content of which depends on their needs and requirements, or those of their employer. There is no mandatory topic in which social workers are trained.<sup>148</sup> Based on the Social Services Act the recommended extent of further training for staff who are directly involved in the work of child protection should also be at least 24 hours per calendar year. According to the Manual for the implementation of the Standards of social</p>

<sup>148</sup> Czech Republic, Act No. 108/2006 Coll., on Social Social Services ([Zákon o sociálních službách](#)), 1 April 2000, § 111.



<p>Please provide information on the mandatory nature of training, its frequency, funding, if it relates to specific needs of children, etc.</p>			<p>and legal protection of children for social and legal protection of children authorities of the Ministry of Labour t he provider must have a written training plan for each employee, and the provider should follow this programme.<sup>149</sup></p>
<p>3.2.6. Are child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists involved in child protection systems? (Please include information regarding law enforcement officials, judges, prosecutors, lawyers, health, and education personnel)</p> <p><u>If yes</u>, please describe briefly.</p>		<p>x</p>	<p>Some schools include specialised, rather one-off courses focused on children's rights, children at risk, etc. (e.g. by the police, etc.). There has been no systematic research examining school curricula on children's rights, human rights, etc. from which official information can be drawn.</p> <p>There are no standards on what should be taught, and no standards requiring the child protection agenda to be included in specific study programmes. The UN Committee on the Rights of the Child recommended to the Czech Republic that it provide systematic training on children's rights to all professionals who work with children (including teachers, judges, prosecutors, lawyers, and police, including through one-to-one training).<sup>150</sup></p>
<p>3.2.7. Are there <u>joint training activities</u> involving professionals and personnel from various disciplines in place?</p> <p>Please provide some examples.</p>		<p>x</p>	<p>As a rule, professional training courses focus on individual professional groups and <u>not</u> on multidisciplinary teams and joint training. Multidisciplinary team collaboration and training tends to take place at the level of individual organisations, which offer accredited education. The multidisciplinary approach in the Czech Republic is in its infancy and is more often pursued by organisations that regularly introduce innovative elements.</p> <p>There is a wide range of training available for social workers and other professionals in the field of child protection. Courses are organised by specialised NGOs, training agencies, and</p>

<sup>149</sup> [Manuál implementace Standardů sociálně-právní ochrany dětí pro orgány sociálně-právní ochrany dětí](#) ('Manual for the implementation of the Standards of social and legal protection of children for social and legal protection of children authorities') (2014). Praha: Ministry of Labour. Accessible in Czech, p. 54.

<sup>150</sup> UN Committee on the Rights of the Child. [Recommendations on implementation of Convention on the Rights of the Child](#) (2021).

		<p>higher authorities. However, there is no standardised or regular offer of training from the ministries. The choice of training courses depends on the needs and requirements of individual social workers and the organisations in which they work.</p>
<p>3.2.8. Outline briefly the <u>main challenges and/ or gaps relating to human resources, qualification requirements and training</u> underlined the relevant authorities and/ or child protection civil society organisations.</p>	<p>The National Strategy<sup>151</sup> states that the system of the protection of children's rights 'does not take into account the needs of children, which are complex in nature and relate to different areas of a child's life. The relevant components of the system focus on sub-areas in the child's life (health needs, educational needs, etc.)'. Thus, a holistic approach is lacking and professionals working in the system lack knowledge of the system itself as well as training and education, and this problem is further exacerbated by the horizontal fragmentation of the system across several different ministries and laws, etc. There is also a lack of systemic and regular expertise based on interdisciplinarity. The system lacks a comprehensive quality management system to ensure the assessment of major gaps in the systemic education and training of social workers and other professionals in the field of child protection.</p> <p>The compulsory 24 hours of further education highly influences the courses that are prepared by educational institutions. Most courses are designed to meet the 24-hour minimum requirement, or the topics are divided into one-day, 8-hour courses. The courses on offer are mainly for new social workers, while there is a fundamental lack of development courses at the 'advanced' level. Managers are often unwilling to allow staff to attend courses beyond the required minimum of 24 hours of continuing education.<sup>152</sup></p>	

### 3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements and (persisting) gaps and challenges

<sup>151</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 10.

<sup>152</sup> Information is based on an interview with a social work expert, Ministry of Labour and Social Affairs, on 6 March 2023.

There is an uneven distribution of services in institutional care, foster family care, and prevention, which are the least financially supported, and this is reflected in the insufficient number of professionals working in these areas. According to the Ombudsperson, the child welfare authorities are overstretched, and based on his deliberations and investigations by local authorities the situation appears to be like this nationwide: *'It is mainly that existing social workers are overburdened due to understaffing of the offices. As the duties of the OSPODs are increasing, their management is faced with high staff turnover and lack of interest from new applicants'*.<sup>153</sup> The system lacks multidisciplinary team composition, multidisciplinary training, and information sharing between different disciplines and areas of social work, including child protection.

An analysis of the system of further education of social workers<sup>154</sup> indicates that social worker training has, among others, the following key challenges:

- The system adapted to the resources from European projects, where further education was considered 'free education'. While this system has enabled large-scale training of workers, it has had a number of unintended consequences and has negatively affected the education market, which is oriented towards offering cheap and short-term training programmes and does not create space for quality provision of further education.
- The identification of needs is not evenly spread across the spectrum of services - it takes place more often in registered social services than in OSPOD and municipal/regional authorities.
- According to more than one-third of employers, workers do not have individual training plans. Most often, OSPOD social workers have an individual plan for further professional training.

According to experts, the problem is also the system of internships, which is better implemented in the training of health professionals. In the field of social work, students who have compulsory practice often just observe or perform administrative tasks.<sup>155</sup>

### 3.4. Promising practices

Please list and briefly describe any promising practice in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

---

<sup>153</sup> Veřejný ochránce práv (Ombudsperson) '[Orgány sociálně-právní ochrany dětí jsou podle ombudsmana na hraně svých možností. Pokud stát nezačne jednat, může podle něj systém ochrany dětí zkolabovat](#)' (According to the ombudsperson, the child protection authorities are at the edge of their abilities. If the state does not take action, the child protection system could collapse, he said.)' (12/2022). Accessible in Czech.

<sup>154</sup> Ministry of Labour and Social Affairs, Sociofaktor (2021). Analýza systému dalšího vzdělávání sociálních pracovníků (Analysis of the system of further education of social workers), pp. 369 - 379. Accessible in Czech.

<sup>155</sup> Information is based on an interview with a social work expert, Ministry of Labour and Social Affairs, on 6 March 2023.

Professional organisations and associations, which voluntarily bring together social workers and other professionals to work directly with different target groups, play an important role in education, development, and innovation in social work. These include the Česká asociace streetwork (Czech Streetwork Association),<sup>156</sup> Společnost sociálních pracovníků (Society of Social Workers of the Czech Republic)<sup>157</sup>, Profesní komora sociálních pracovníků (Professional Chamber of Social Workers),<sup>158</sup> and Profesní komora sociálně-právní ochrany (Professional Chamber of Social and Legal Protection of Children).<sup>159</sup> They organise educational events and information campaigns, negotiate with the Ministry of Labour on working conditions, and work to increase the prestige of the profession. Their limitation is the lack of capacity, as they mostly operate on a voluntary basis.

The Ministry of Labour organised Schools of Social Work in the systemic project 'Systemic Support of Professional Social Work II'.<sup>160</sup> This platform enabled multidisciplinary training and an exchange of information between social workers from different backgrounds and helped to open up topics that the Ministry, based on expert guidance, considered key and neglected in the social work sector.

The Research Institute of Labour and Social Affairs<sup>161</sup> is a scientific and research organisation active in the field of labour and social affairs that was established by the Ministry of Labour. This institute focuses on the analysis of social work and topics related to the status and activities of social workers. One of its major contributions is the collection of information and needs from the field of social work. This contributes to the evaluation of the effectiveness of social work and its better management from the level of the Ministry.

---

<sup>156</sup> The activities of the association can be explored at <https://www.streetwork.cz/>.

<sup>157</sup> The activities of the society can be explored at <https://www.socialnipracovnici.cz/>. Accessible in Czech. It is a member organisation of the International Federation of Social Workers (IFSW). Accessible in Czech.

<sup>158</sup> The activities of the chamber can be explored at <http://www.pksp.cz/>. Accessible in Czech.

<sup>159</sup> The activities of the chamber can be explored at <https://www.pkspod.cz/index.php/o-nas/>. Accessible in Czech.

<sup>160</sup> The activities of the Schools of Social Work and of the project can be explored at <http://www.budmeprofi.cz/o-projektu/skoly-socialni-prace/>. Accessible in Czech.

<sup>161</sup> The activities of the Institute can be explored at <https://www.rilsa.cz/>. Accessible in Czech.

## 4. Care

### 4.1. Prevention measures and services

**4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?**

The systems are not completely interlinked and the service providers are different. Child protection services are covered by municipalities with extended powers<sup>162</sup> and all kinds of benefits and social welfare support are covered by local labour offices.<sup>163</sup> The OSPOD (orgán sociálně-právní ochrany dětí) is the municipal department of the social and legal protection of children. In the majority of cases therefore child protection tasks are carried out by municipal employees from this department.

Despite the fact that both child protection and welfare support they all fall under the same ministry, these institutions are often located in different buildings. The system of cooperation in the field is not clearly defined and neither are the procedures for coordinated activities. Generally, it can be said that social (?) workers in the area of legal and social protection frequently help families with paperwork related to necessary benefits and allowances administered by other institutions.

**4.1.2. Is there evidence that families are supported in their role of primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through universal and targeted services and through every stage of the intervention, particularly through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need.**

At-risk families are provided with preventive, advisory, and financial assistance. If a family at risk is identified (e.g. the family requests assistance, someone informs the OSPOD or the Police about a potential endangerment of a child, etc.), it is the duty of OSPOD to provide preventive and counselling activities to the family, the aim of which is to stabilise the situation and prevent the removal of the child from the family. In doing so, OSPOD can use preventive, protective, and educational measures.<sup>164</sup> NGOs that provide social services (legal, social counselling, etc.)<sup>165</sup> also play an important role in prevention.

---

<sup>162</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children (*Zákon o sociálně-právní ochraně dětí*), 1 April 2000, § 4.

<sup>163</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children (*Zákon o sociálně-právní ochraně dětí*), 1 April 2000, § 47v; Czech Republic, Act No. 117/1995 Coll., on State Social Support (*Zákon o státní sociální podpoře*), 1 October 1995; Czech Republic, Act No. 111/2006 Coll., on Financial Needs Assistance, (*Zákon o pomoci v hmotné nouzi*), 1 January 2007; etc.

<sup>164</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children (*Zákon o sociálně-právní ochraně dětí*), 1 April 2000.

<sup>165</sup> Czech Republic, Act No. 108/2006 Coll., on Social Services (*Zákon o sociálních službách*), 1 January 2007.

Families are supported in the form of various social benefits (e.g. child allowance, maternity allowance, housing allowance, allowance in material need). Health insurance is covered by the state for certain groups of people, such as persons on maternity and parental leave and persons registered as unemployed or in need etc.<sup>166</sup>

In 2021, the Act on Substitute Maintenance for a Dependent Child<sup>167</sup> entered into force, on the basis of which the state pays child maintenance if the obligee does not fulfil this obligation. In 2022, the Act on The One-Time Child Benefit was passed; this benefit of 5,000 CZK (€ 213) can be granted to families with low and medium income (the limit is relatively high, families whose income in 2021 did not exceed CZK 1,000,000 (approx. EUR 43,000) are eligible).<sup>168</sup>

In practice, however, the provision of preventive services encounters problems. In the National Strategy for the Protection Children's Rights 2021-2029,<sup>169</sup> it is noted that it is relatively easy for children to get into institutional care, while the path back to the family is difficult. The Strategy identifies this as one of the main problems that have to be addressed and changed. While 42% of the financial resources of the child protection system go to institutional care, only 8% go to preventive services.<sup>170</sup> The insufficient amount of preventive services has also been pointed out by the Government Commissioner for Human Rights, who stated in an interview<sup>171</sup> that in every second case help for families comes late.

#### 4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

Coordination is assumed by a worker of the local OSPOD.<sup>172</sup> This worker cooperates with other relevant actors, mainly the representatives of schools, educational institutions, and healthcare providers, as well as bodies active in the social area, the police, prosecutors, experts on substitute child care, social service providers, and mandated persons. All of these actors should meet at case conferences, where they decide how to proceed in a given case and whether to submit a proposal for placing the child outside of the family home.

---

<sup>166</sup> Czech Republic, Act No. 48/1997 Coll. on Public Health Insurance ([Zákon o veřejném zdravotním pojištění](#)), 1 April 1997, § 7.

<sup>167</sup> Czech Republic, Act No. 588/2020 Coll., on Substitute Maintenance for a Dependent Child ([Zákon o náhradním výživném pro nezaopatřené dítě](#)), 1 July 2021.

<sup>168</sup> Czech Republic, Act No. 196/2022 Coll., on One-time Child Benefit ([Zákon o jednorázovém příspěvku na dítě](#)), 1 July 2022.

<sup>169</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 11.

<sup>170</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 11.

<sup>171</sup> Aktualne.cz (2023), Child suicides have increased, covid and the repulsive campaign have worsened the psyche, says the Commissioner ([Přibýlo sebevražd dětí, psychiku zhoršil covid i odpudivá kampaň, říká zmocněnkyně](#)), 13 February 2023.

<sup>172</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

The aim of case conferences is to enhance the cooperation and coordination of experts on family issues. OSPOD workers also have to draft an individual care plan for the child, which they put together with the support of a multidisciplinary team of experts on family issues and which is supposed to make the system's interventions better targeted. The plan outlines the causes of the threat to the child, introduces measures to protect the child, provides help to the child's family, reinforces the family's functions, and establishes a timeframe for implementing the measures.

#### 4.1.4. What are the crisis emergency responses in place?

There crisis emergency response is described in the Child Protection Act and the Act<sup>173</sup> on Special Judiciary Matters.<sup>174</sup>

Extraordinary situations outside regular working hours requiring immediate action are entrusted to OSPOD workers who are on call for emergency situations.

If the child's life, normal development, or other important interests are seriously threatened or disturbed, or if he/she finds himself/herself in lack of proper care, OSPOD is obliged to immediately petition the court to issue a preliminary injunction. Based on OSPOD's petition, the court will order that the child be placed in a suitable environment (e.g. in a facility for children requiring immediate aid, in a foster family, etc.). The court must make a decision within 24 hours of the submission of the petition (in cases where justified it may take longer). According to the Act on Special Judiciary Matters, , the child does not have to be represented during the court procedure for the issuance of the preliminary injunction.<sup>175</sup>

## 4.2. Identification and reporting procedures

Question	Yes	No	Comments
4.2.1. Is there an identification/reporting obligation	X		The Special Judiciary Matters established that everybody has the general right to alert parents to their children's unsafe behaviour, <sup>176</sup> as well as the

<sup>173</sup> Czech Republic, Act no. 359/1999 Coll., on Social and Legal Protection of Children (*Zákon o sociálně-právní ochraně dětí*), 1 April 2000, § 16.

<sup>174</sup> Czech Republic, Act no. 292/2013 Coll., on Special Judiciary Matters (*Zákon o zvláštních řízeních soudních*), 1 January 2014, §§ 452-465.

<sup>175</sup> Czech Republic, Act no. 292/2013 Coll., on Special Judiciary Matters (*Zákon o zvláštních řízeních soudních*), 1 January 2014, § 455.

<sup>176</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children (*Zákon o sociálně-právní ochraně dětí*), 1 April 2000.

<p>foreseen in the legislation?</p> <p>If <u>yes</u>, please provide the relevant provisions and indicate authorities and/or individuals that have identification/reporting obligations.</p>		<p>right (not obligation) to inform OSPOD of a breach of obligations or abuse of parental responsibility. Anyone may also inform OSPOD about parents who cannot fulfil their parental responsibilities or that a child is endangered.</p> <p>On the other hand, based on the Criminal Code, in the case of suspicion that certain crimes have been committed (e.g. abuse of a trusted person, sexual abuse, abuse of a child for the production of pornography, human trafficking, etc.), it is everyone's duty to prevent or report such an act to the Police. Failure to prevent or report these crimes is itself a criminal offence.<sup>177</sup></p> <p>A relatively large number of reporting duties also exist. According to the Social and Legal Protection of Children municipal authorities have a duty to search for endangered children and report them to the OSPODs.<sup>178</sup> The same legislation establishes that state bodies, authorised persons, schools, educational institutions, healthcare providers and other facilities for children also have the duty to report facts suggesting that a child is endangered.<sup>179</sup> Lastly, healthcare providers are obliged to immediately report to OSPOD that a mother has abandoned her newborn in a healthcare facility.<sup>180</sup></p> <p>In the field of social services, the workers' pledge of confidentiality as regards their child clients is no longer in place. According to the Act Social Services they are now obliged to provide OSPODs, upon request with information necessary for providing social and legal protection.<sup>181</sup></p>
--	--	---

<sup>177</sup> Czech Republic, Act No. 40/2009 Coll., Criminal Code ([Trestní zákoník](#)), 1 January 2000, §§ 367, 368

<sup>178</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 10.

<sup>179</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 10.

<sup>180</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 10a.

<sup>181</sup> Czech Republic, Act No. 108/2006, Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007, § 100a.



4.2.2. Please describe available national and/or sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in all available reporting mechanisms, including, helplines and hotlines. Include the legislative and regulatory framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.

Please provide details such as if there a common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?

The above-mentioned entities are obliged to report cases of child endangerment without undue delay,<sup>182</sup> and healthcare facilities must immediately report any cases of a mother abandoning her newborn in such a facility.<sup>183</sup>

State bodies, employers, and other legal persons listed in the law are obliged to render, free of charge, information necessary for providing social and legal protection, unless a confidentiality pledge comes into play. A confidentiality pledge cannot be invoked if the information required points to cruelty to children or their abuse or neglect.<sup>184</sup>

Reports should be made to the municipality with extended powers (usually to OSPOD), but there are no restrictions as to how this is done (by post, by email, by phone, in person, etc.). OSPOD workers have to assess whether a report is based on a situation that poses an actual risk to the child. After verification of a reported case, OSPOD decides whether to open a file for a case and act to protect the child. Upon request, OSPOD informs within 30 days the person who reported the case about the result of the investigation.<sup>185</sup>

In the Czech Republic there are two major hotlines focused on children: ‘Line of Safety’<sup>186</sup> (‘Linka bezpečí’) and ‘Line of Trust’<sup>187</sup> (‘Linka důvěry’). Both are operated by NGOs. Besides these major providers there are many smaller or more local hotlines that are not usually limited just to children.<sup>188</sup> Social workers on hotlines have to fulfil professional qualification requirements: they must have a higher professional or university degree and they must complete a qualification course designed for social workers working on hotlines that is accredited by the Ministry of Labour and Social Affairs.<sup>189</sup>

---

<sup>182</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 10.

<sup>183</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 10a.

<sup>184</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 53.

<sup>185</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 10.

<sup>186</sup> The activities of the hotline can be explored at <http://www.linkabezpeci.cz/>

<sup>187</sup> The activities of the hotline can be explored at <http://www.ditekrize.cz/linka-duvery>

<sup>188</sup> The registry of social service providers, including hotlines, can be found at the website of the Ministry of Labour

<sup>189</sup> Czech Republic, Act No. 108/2006 Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007.

Question	Yes	No	Comments
<p>4.2.3. Do children have the right to report independently?</p> <p>If <u>yes</u>, please provide information on the availability of <u>age-appropriate and child-friendly</u> reporting procedures (to whom and how children can report child rights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Please comment briefly.</p>	X		<p>Children have the right to ask OSPOD, social and legal protection facilities, other state authorities, authorised persons, schools, educational institutions, and healthcare providers to help them protect their life and rights. These entities are obliged to provide a child with help. A child also has the right to ask for help without informing their parents or other persons responsible for their upbringing.<sup>190</sup></p> <p>Children can report the abuse of their rights in any form (in writing, orally). They will usually turn to a trustworthy teacher at school, an advisor, a caretaker, or to hotlines operated by social services providers. The legislation does not contain formal rules regarding the child's right to ask for help. Children should be informed about their rights and obligations within the subject of civic education at school (the subject is taught from approx. 12 years of age). As part of this subject, children also learn about forms of substitute family care, about the family, marriage, and about solving conflicts in the family.<sup>191</sup></p> <p>The Ombudsperson has a special website and email address for children who are contacting them for the first time. Children can also use the Ombudsperson's information hotline that guarantees confidentiality or even anonymity.<sup>192</sup></p> <p>Institutions that care for and raise children have their own complaints and reporting mechanisms. For further details, please see question 4.5.11).</p>
<p>4.2.4. Are children informed of their right to report and</p>	X		<p>According to the Child Protection Act, children have the right to ask for help from certain</p>

<sup>190</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 8.

<sup>191</sup> Ministry of Education, Youth and Sports, Education Framework Program for Primary Education (Rámcového vzdělávacího programu pro základní vzdělávání), 2021.

<sup>192</sup> The activities of the Ombudsperson can be explored at its [website designed for children](#).

<p>how they can do it? If yes, by whom and how?</p>		<p>authorities and persons (listed in the Act), even without the knowledge of their parents, and these persons are obliged to help. The law does not establish a general obligation to inform children about this right; however, as soon as the child comes into contact with public administration authorities, OSPOD is obliged to inform the child of all serious matters that concern the child. OSPOD has this obligation to a child who is able to assess the impact and significance of decisions resulting from judicial or administrative proceedings, taking into account the child's age and mental maturity. A child over the age of 12 is considered to be able to understand this information, form their own opinion, and communicate it.<sup>193</sup></p> <p>Institutionalised children have a legal right to be informed of their rights.<sup>194</sup> Specifically, it is the director of the institution in which the child is institutionalised who is obliged to inform the child of their rights.<sup>195</sup> However, there are no clearly defined rules on how this should be done. Every facility must have its own internal code that sets out rights and duties in detail.<sup>196</sup> Children can exercise their rights in writing (in the form of complaints and comments boxes) or in spoken form – they can talk to a member of staff they trust, the director, OSPOD, the Czech School Inspection, the ministry, or the regional authority.<sup>197</sup></p>
---	--	---

<sup>193</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 8.

<sup>194</sup> Czech Republic, Act No. 109/2002 Coll., on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních](#)) 1 July 2002, § 20.

<sup>195</sup> Czech Republic, Act No. 109/2002 Coll., on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních](#)) 1 July 2002, § 24.

<sup>196</sup> Czech Republic, Act No. 109/2002 Coll., on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních](#)) 1 July 2002, § 34.

<sup>197</sup> Czech Republic, Act No. 109/2002 Coll., on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních](#)) 1 July 2002, § 20.

In 2017, the Czech-British o.p.s. organisation conducted a qualitative study investigating the awareness of endangered children about their rights.<sup>198</sup> The organisation interviewed a total of 52 children, and the results showed that only a negligible number of children knew their rights. The majority did not even know the name of their social worker, and they had no contact with their social worker (so the children were unable to contact their social workers without the knowledge of their parents or other adults). During meetings with their social worker, the children were mainly questioned and it was not explained to them what was happening and why. Although that study is now six years old, it points to certain shortcomings in the system that still persist (e.g. a high turnover of social workers, etc.).

#### 4.2.5. What are the main challenges and/or gaps relating to identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?

Although a bill on the Child Ombudsperson is already in preparation,<sup>199</sup> this institute is not yet enshrined in legislation, so children still have to turn to the general Ombudsperson with their complaints.

The aforementioned survey from 2017 points to a number of problems in the area of children's awareness of their rights. Because of the workload and the high turnover of workers, children either do not know their social workers or do not trust them (there has been no change in the situation of OSPOD workers,<sup>200</sup> so it can be assumed that this remains a problem).

The United Nations Committee on the Rights of the Child also points to insufficiencies in the field of children's rights. It welcomes the progress made in the area of a child's right to consent to various processes, but it expresses concern that the perception of children as having rights is not firmly

<sup>198</sup> Jílek, D. Čechová, I. et al. (2017), Current questions in child rights protection. Informing children of their rights (*Aktuální otázky ochrany práv dětí. Informování dětí o jejich právech*), Brno, Česko-britská o.p.s.

<sup>199</sup> Government of the Czech Republic (2022), The bill for the Child Ombudsperson is being prepared. The working group under the auspices of minister Michal Šalamoun has reached an agreement about its basic principles (*Připravujeme zákon k dětskému ombudsmanovi. Na základních principech se shodla pracovní skupina svolaná ministrem Michalem Šalomounem*), press release, 24 November 2022.

<sup>200</sup> Interview with a child protection expert, member of the Governmental Committee on the Rights of the Child, on 22 February 2023.

established in society or among professionals. It recommends that any age limit for a child's right to express their opinion be abolished.<sup>201</sup>

The Government Commissioner for Human Rights has also drawn attention to problems in connection with the early identification of children at risk and the overuse of institutional forms of care. In her words, 'if I were to compare it to a fire, an initially small fire grows into a big fire here every second. Only then the system notices it. Even if we send help, the fire has already grown to gigantic proportions because the help arrives late, and there has been a lot of damage and it cannot be easily repaired'.<sup>202</sup>

### 4.3. Referral procedures(s) and investigation and protection

#### 4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

**In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.)**

The Act on Social and Legal Protection of Children sets forth the procedure as follows: when a child at potential risk is identified (by the mechanisms described above), OSPOD must assess the situation immediately. In cases where OSPOD finds the child is at risk, they need to coordinate help for the child or family. OSPOD must take the necessary social and legal protection measures to protect the child and to provide assistance to the parents or other persons responsible for raising the child.<sup>203</sup> An OSPOD social worker must also create an individual plan of care (within max. 30 days of the day on which the child was identified and registered by OSPOD), which must include cooperation with civil society actors or other institutions if needed.<sup>204</sup>

In cases of severe situations, such as abuse or neglect, the Act on Social and Legal Protection of Children requires that the local OSPOD immediately files a motion with a local court for a 'preliminary

---

<sup>201</sup> UN Committee on the Rights of the Child (2021), [Concluding observations on the combined fifth and sixth periodic reports of Czechia](#), 22 October 2021, p. 5.

<sup>202</sup> Aktualne.cz (2023), Child suicides have increased, covid and the repulsive campaign have worsened the psyche, says the Commissioner ([Přibylo sebevražd dětí, psychiku zhoršil covid i odpudivá kampaň, říká zmocněnkyně](#)), 13 February 2023.

<sup>203</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 9a.

<sup>204</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 10.

measure' The court decides immediately and the child can be immediately extracted from the endangering environment.<sup>205</sup>

The social and legal protection provided to identified children differs for foreigners and for children with serious behavioural problems. The Act on Social and Legal Protection of Children establishes that the social and legal protection of children with behavioural problems (criminal activity, neglect of school attendance, experience with addictive substances, etc.) is carried out by a social curator, an employee of the municipality with extended powers, whose activity focuses primarily on eliminating disorders in the child's normal development.<sup>206</sup>

The Act on Social and Legal Protection of Children also covers children who are foreign nationals without a long-term residence permit in the Czech Republic (who are residing in the country either short term or without a permit). They are provided with social and legal protection to the extent necessary to protect their lives and health and to satisfy their basic needs.<sup>207</sup>

As for children living abroad, based on the Act on Social and Legal Protection of Children their social and legal protection is ensured by the Office for the International Protection of Children.<sup>208</sup>

Question	Yes	No	Comments
4.3.2. Are there applicable standards in the form of legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks regarding investigation and assessment procedures following	X		The Ministry of Labour has issued methodological guidelines on how to proceed when working with a child and their family in these situations. <sup>209</sup> OSPOD's method of work is also defined by the Child Protection Act, <sup>210</sup> which includes quality standards set out in a regulation adopted by the Ministry of Labour. <sup>211</sup> The Child Protection Act <sup>212</sup> states that child protection workers can apply 1) preventive, counselling, and educational

<sup>205</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 16.

<sup>206</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 31.

<sup>207</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 2.

<sup>208</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 35.

<sup>209</sup> Ministry of Labour and Social Affairs, Methodological instruction on the procedure of municipal authorities of municipalities with extended powers in providing assistance to endangered children ([Metodický pokyn k postupu obecních úřadů obcí s rozšířenou působností při poskytování pomoci ohroženým dětem](#)), 2 November 1995.

<sup>210</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

<sup>211</sup> Ministry of Labour and Social Affairs, Regulation no. 473/2012 Coll., Implementing Some Provisions of act on Social and Legal Protection of Children ([Vyhláška o provedení některých ustanovení zákona o sociálně-právní ochraně dětí](#)), 1 January 2013.

<sup>212</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

reporting and identification procedures?		measures and/or 2) measures focused on child protection (including the suspension of parental rights or proposing out-of-home placement). An OSPOD social worker must also create an individual plan of care (within max. 30 days after the child was identified and registered by OSPOD) which must include cooperation with civil society actors or other institutions if needed and must be reviewed after every major change in child life.
4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?	X	<p>The assessment and decision is the responsibility of the OSPOD worker. Nevertheless, the law requires OSPOD to organise case conferences to solve the specific situations of children at risk and their families. These are held in cooperation with parents or other persons responsible for the upbringing of the child. Experts from various fields are invited to participate in these conferences, such as representatives of schools, educational institutions, and healthcare providers, as well as bodies active in the social area, the police, prosecutors, experts on substitute child care, social service providers, and mandated persons.<sup>213</sup></p> <p>In addition to this general provision, the law enumerates specific situations in which OSPOD must organise a case conference (the list of these situations was expanded in 2014 by an amendment to the Child Protection Act).<sup>214</sup> Case conferences are a tool that must always be used before a decision has to be made on placing a child in institutional care, on depriving a parent of parental responsibility, on depriving a parent of the right to give consent to adoption, etc..</p> <p>The law does not stipulate that the results of conferences are binding for OSPOD, so case conferences have more of an advisory function.</p>

<sup>213</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 10.

<sup>214</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, §§ 10, 14.

4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.

The child's situation must be investigated by an OSPOD worker chosen according to the district in which the case belongs and possibly also according to their work schedule. The child's situation is usually verified by a home visit in the family and interviews with persons responsible for the child's upbringing in the office of OSPOD, the child him/herself, or other people. Based on that, the OSPOD worker evaluates the child and their family's situation with an emphasis on determining whether the child can be classified as 'endangered'. The evaluation is then used to draft an individual child protection plan. The OSPOD worker may (in some cases must) also organise a case conference.<sup>215</sup>

Usually a judge becomes involved in the process if OSPOD is unable to stabilise the situation using its own measures and tools and a quick court decision is needed. In such cases (especially if the child's life, development, or other important interest is at risk), the court issues, upon the proposal of OSPOD, a preliminary measure ordering the child to be placed in a suitable environment. The judge decides in a very short period of time (within 24 hours of the submission; if this deadline is not adhered to, the court must explain the reasons for the delay in issuing a decision).<sup>216</sup>

In other cases, a judge will become involved when decisions are being made on matters pertaining to the child.<sup>217</sup> When deciding on the merits themselves (i.e. not by way of a preliminary measure), the court must decide 'as fast as possible', usually within 6 months of the start of the proceeding (this rule was established by an amendment to the Act on Special Judiciary Matters, effective since 30 September 2017); if this does not happen, the court must state the reasons for the delay in issuing a decision.<sup>218</sup>

If there is a court proceeding, another person comes into play – the child's guardian. The Act on Special Judiciary Matters stipulates that the OSPOD submitting the proposal cannot assume guardianship at the same time.<sup>219</sup>

Court proceedings regarding child protection may also involve prosecutors, who can also submit proposals (for example, for ordering or revoking institutional care).<sup>220</sup>

Question	Yes	No	Comments
----------	-----	----	----------

<sup>215</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

<sup>216</sup> Czech Republic, Act No. 292/2013 Coll., on Special Judiciary Matters ([Zákon o zvláštních řízeních soudních](#)), 1 January 2014, § 456.

<sup>217</sup> Czech Republic, Act No. 292/2013 Coll., on Special Judiciary Matters ([Zákon o zvláštních řízeních soudních](#)), 1 January 2014, Part V.

<sup>218</sup> Czech Republic, Act No. 292/2013 Coll., on Special Judiciary Matters ([Zákon o zvláštních řízeních soudních](#)), 1 January 2014, § 471.

<sup>219</sup> Czech Republic, Act No. 292/2013 Coll., on Special Judiciary Matters ([Zákon o zvláštních řízeních soudních](#)), 1 January 2014, § 434.

<sup>220</sup> Czech Republic, Act No. 292/2013 Coll., on Special Judiciary Matters ([Zákon o zvláštních řízeních soudních](#)), 1 January 2014, § 8.



<p>4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society organisations) clearly stated in the legislative and regulatory framework?</p>	<p>X</p>	<p>The powers of OSPOD and the court in the process of child protection are clearly defined. Sometimes they overlap (e.g. parents may be fined, ordered to participate in an initial session with a therapist or mediator, ordered supervision, or issued an admonition). The powers of a guardian and prosecutor are also defined, should they participate in the proceedings.<sup>221</sup></p> <p>The role and responsibilities of civil society organisations are not comprehensively described by the law. According to the Act on Social Services they are obliged to report the endangerment of a child; they may run facilities where endangered children are placed;<sup>222</sup> they cooperate with the national and local authorities, etc.</p>
<p>4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with responsibility in the referral procedure and enhance the efficiency of their actions?</p>	<p>X</p>	<p>There is a common directive of the Justice, Interior, Health, Education, and Labour ministries on the procedure of enforcing court decisions on the upbringing of children (adopted in 2007, amended in 2015).<sup>223</sup> This directive gives detailed instructions about which institutions should perform which steps, who will inform whom, etc.</p> <p>There is also a methodological protocol on the coordination of state agencies in cases of child trafficking.<sup>224</sup> The main recommendations of this document cover in-depth cooperation between the local OSPOD and the Police.</p> <p>Regulation No. 473/2012 Coll. contains a general provision that cooperation between OSPOD and</p>

<sup>221</sup> Czech Republic, Act No. 99/1963 Coll., on the Rules of Civil Procedure (*Občanský soudní řád*), 1 April 1964, § 100.

<sup>222</sup> Czech Republic, Act No. 108/2006 Coll., on Social Services (*Zákon o sociálních službách*), 1 January 2007, § 34.

<sup>223</sup> Ministry of Justice, Ministry of the Interior, Ministry of Education, Youth and Sports, Ministry of Labour and Social Affairs, Instruction no. 142/2007-ODS-Org Regulating the Procedure for the Execution of Court Decisions in Matters of Care of Minors (*Instrukce, kterou se upravuje postup při výkonu soudních rozhodnutí ve věcech péče o nezletilé*), 5 April 2007.

<sup>224</sup> Ministry of the Interior, Recommended procedures for dealing with child trafficking cases for state administration bodies (*Doporučené postupy při řešení případů obchodování s dětmi pro orgány státní správy*), 2019.

		other actors must be part of the individual plan of care. <sup>225</sup>
4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? <i>Please also consider potential divergences depending on main actors involved.</i>	X	<p>The Child Protection Act<sup>226</sup> states that in cases of unaccompanied children who are foreign nationals, the local OSPOD must act immediately in order to protect the child’s life, health, and basic needs. The local OSPOD must immediately contact, if possible, the embassy of the child’s home country and the persons responsible for the child (guardians/parents) and it must inform the Office for the International Legal Protection of Children.</p> <p>As far as moving within the country is concerned: if a family and their child move, for example, from one region to another, then the responsible OSPOD worker is changed according to the child’s address of residence.<sup>227</sup></p>
4.3.8. Are affected children heard as part of the procedures?  <u>If yes</u> , are the hearings child-sensitive and designed age-appropriately and in child-friendly language? Do children receive information and support by competent and trained professionals?	X	<p>Based on the Act on Social and Legal protection of Children both OSPOD and the court have an obligation to hear a child who is capable of forming an opinion. If a child is able to formulate an opinion on some matter, they have the right to communicate that opinion. In the case of children younger than 12 years of age authorities must assess the child’s mental maturity, as well as the child’s ability to understand information and formulate an opinion, on an individual basis. A child over the age of 12 is considered capable of receiving information, forming an opinion, and communicating this opinion, and individual assessments about their mental maturity are not obligatory. The authorities also need to ascertain the pinionn of younger children, but the Act on</p>

<sup>225</sup> Ministry of Labour and Social Affairs, Regulation no. 473/2012 Coll., Implementing Some Provisions of act on Social and Legal Protection of Children ([Vyhláška o provedení některých ustanovení zákona o sociálně-právní ochraně dětí](#)), 1 January 2013.

<sup>226</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 2, 37-42.

<sup>227</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 61.

		<p>Social and Legal Protection of Children assumes that their ability to express an opinion is limited, and their mental maturity has to be assessed individually.<sup>228</sup></p> <p>Regardless of the child's age, the main way in which a court can ascertain a child's opinion is by means of interrogation. Based on the Act on Special Judiciary Matters Children are interrogated by the court, i.e. judges. No trained professional has to be present at the hearing, the judge can hear the child without the presence of other persons (the child's guardian has to present). The child can choose a confidant (anyone), who will be present with them at the interrogation, and the court can only ignore this choice if the interrogation would then be pointless.<sup>229</sup></p> <p>The court can also find out the child's opinion indirectly, through other institutions, e.g. OSPOD, but the Constitutional Court has repeatedly pointed out that this option can only be used in exceptional cases (otherwise the child's rights could be violated).</p>
<p>4.3.9. Are there mental health support services available for affected children?</p> <p><u>If yes</u>, how are services working together? How is it ensured that the child is informed and can make use of these services?</p>	<p>X</p>	<p>On a general level, mental health support is mainly provided by NGOs (such as helplines and hotlines), but it is not automatically provided to children.</p> <p>Institutional care facilities as well as facilities for children requiring immediate help by law provide psychological care, but the extent of this help is not defined in the law.<sup>230</sup></p> <p>Children from 3 to 18 (or 26) years of age are placed in institutional education facilities (Act No. 109/2002 Coll.). Children under the age of 3 are placed in special facilities, but this practice is to end by 2025, and these children are to be placed</p>

<sup>228</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 8.

<sup>229</sup> Czech Republic, Act No. 292/2013 Coll., on Special Judiciary Matters ([Zákon o zvláštních řízeních soudních](#)), 1 January 2014, § 100.

<sup>230</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 42.

exclusively in surrogate families (currently, children with serious disabilities are placed in these institutions, healthy children have to be placed in surrogate families). If the court orders institutional care, the child is first placed in a diagnostic centre, where a personality development programme is drawn up based on (among others) a psychological examination.<sup>231</sup>

In institutional care facilities, an appropriate therapeutic programme must be provided for children with mental disabilities.<sup>232</sup>

#### 4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.

In this area, experts mainly draw attention to the lack of qualified personnel at OSPOD, as a result of which workloads have an extremely heavy workload and do not have the capacity to conduct a detailed assessment of client cases.<sup>233</sup> This also has something to do with the high turnover of these social (?) workers and the fact that children often do not know their social worker, and the worker does not know their case in detail.<sup>234</sup> Placement in institutional care is still overused.<sup>235</sup> In its 2017 report, the Czech School Inspection also draws attention to the lack of psychologists in institutional education facilities.<sup>236</sup>

Despite positive tendencies, the right of children to be heard is still not guaranteed sufficiently. The UN Committee on the Rights of the Child, for example, has repeatedly urged the Czech Republic to cancel any age limit for hearing a child's opinion (even though the situation in this area is gradually improving).<sup>237</sup> Currently only children older than 12 years are considered automatically capable of understanding information and formulating their opinion. The mental maturity of younger children must be assessed on an individual basis. In practice, authorities decide solely based only on the child's

<sup>231</sup> Czech Republic, Act No. 109/2002 Coll., on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002, § 5.

<sup>232</sup> Czech Republic, Act No. 109/2002 Coll., on on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002, § 2.

<sup>233</sup> Interview with a child protection expert, member of the Governmental Committee on the Rights of the Child, on 22 February 2023.

<sup>234</sup> Jílek, D. Čechová, I. et al. (2017), [Aktuální otázky ochrany práv dětí. Informování dětí o jejich právech](#), Brno, Česko-britská o.p.s.

<sup>235</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 11.

<sup>236</sup> Czech School Inspection (2017), [Kvalita výchovně-vzdělávací činnosti v zařízeních pro výkon ústavní/ochranné výchovy](#), Praha, pp. 11-13.

<sup>237</sup> UN Committee on the Rights of the Child (2021), [Concluding observations on the combined fifth and sixth periodic reports of Czechia](#), 22 October 2021, p. 5.

age whether the child can be heard, without considering other factors (the Constitutional Court has repeatedly addressed this issue and emphasized that this practice was illegal).

#### 4.4. Placement decisions – care orders

##### 4.4.1. Following the investigation and assessment of the child’s situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

An OSPOD worker in such a case should call for a case conference (other experts involved in the case as teachers, doctors, social workers, etc.) and explore options for further steps (in order to find out if sufficient effort has been made for a child to be able to stay in the family - for example, through family support, tutoring, etc., and in order to coordinate steps during the placement).<sup>238</sup>

If there are no other possibilities, the worker should file a motion with the local court for certain types of measures (e.g. ordering institutional care, foster care, placement in an educational institution, abjuration of parental rights, etc.).<sup>239</sup>

The relevant judge then makes a decision based on the materials and recommendations of the OSPOD worker (if necessary, the court can investigate to complete the information). The OSPOD does not decide which type of alternative care will be ordered – that is always the decision of the court.<sup>240</sup>

Question	Yes	No	Comments
4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that should be taken into consideration in the assessment of the situation and in the decision-making process?  Are there provisions specifying the criteria that should be considered when deciding to	X		Legal reasons for preliminary measures to remove a child from its family are set out by law: ‘if a child finds itself in a state lacking dutiful care or if the life, regular development or other important interests of the child are seriously endangered or violated’. <sup>241</sup> There is a special regulation concerning domestic violence – ‘if the child is exposed to physical or mental violence by parents

<sup>238</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 10.

<sup>239</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 13a.

<sup>240</sup> Czech Republic, Act No. 292/2013 Coll., on Special Judiciary Matters ([Zákon o zvláštních řízeních soudních](#)), 1 January 2014.

<sup>241</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 16.

<p>remove the child from its family? Are the principles of necessity and appropriateness considered?</p>		<p>or other individuals who live with the child in a shared household'.<sup>242</sup></p> <p>In addition, all other possibilities must be exhausted before this is done – before a child is completely removed from a family (by order of institutional care), the child may be temporarily removed and ordered to stay for 3 months (which can be repeated only once for a maximum of 6 months) in a facility for behavioural care or a facility for children needing immediate aid, and in some cases with a social or health service provider.<sup>243</sup></p> <p>Children cannot be removed from families solely on the basis of insufficient living conditions or the financial situation of the parents.<sup>244</sup></p> <p>Otherwise, specific areas that OSPOD should evaluate concerning the situation of the child and his/her family are stated in Regulation No. 473/2012 Coll.,<sup>245</sup> however, this regulation does not define in what specific situations OSPOD should file a proposal for removing a child. The regulation simply defines the areas that OSPOD should investigate.</p>
<p>4.4.3. Are there provisions requiring that the views of the child should be taken into consideration in the decision-making process?</p> <p><u>If yes</u>, please specify if this is mandatory or left to the discretion of the responsible</p>		<p>Both OSPOD and the court have an obligation to hear the child. The child has the right to communicate their opinion if they are able to formulate it. A child over the age of 12 is considered capable of receiving information, forming an opinion and communicating this opinion. The authorities should also ascertain the opinion of younger children, but the law assumes that their ability to express an opinion is limited,</p>

<sup>242</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 16.

<sup>243</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 13a.

<sup>244</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 14.

<sup>245</sup> Ministry of Labour and Social Affairs, Regulation no. 473/2012 Coll., Implementing Some Provisions of act on Social and Legal Protection of Children ([Vyhláška o provedení některých ustanovení zákona o sociálně-právní ochraně dětí](#)), 1 January 2013.

authorities, and if there are age-related requirements.			<p>and their mental maturity has to be assessed individually.<sup>246</sup></p> <p>The main way a court can ascertain a child's opinion is by means of interrogation, which can take place without the presence of other persons. The child can choose a confidant (anyone) to be present with them at the interrogation, and the court can only ignore this if the interrogation would then be pointless.<sup>247</sup></p>
---	--	--	--

#### 4.5. Types of care with focus on alternative care

Types of care existing in the country	Yes	No	Who is offering such services? (State, regional, local authorities, civil society, religious institutions)	Please make differences between the different types of care explicit
Foster care	X		<p>The regions implement surrogate family care (SFC) generally. OSPOD refers 'appropriate children' to SFC and evaluates applicants for foster care.</p> <p>Foster care as a category of SFC is carried out by private individuals (natural persons).</p>	<p>Foster care is a subcategory of surrogate family care provided by individuals on the basis of a court ruling. The Civil Code states that foster care takes precedence over institutional care and can be temporary or permanent.<sup>248</sup> There are no age or gender limits established by the law.</p> <p>At the end of the year 2022, 12,268 children were placed in foster families permanently and 535 children were placed in foster families</p>

<sup>246</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 8.

<sup>247</sup> Czech Republic, Act No. 99/1963 Coll., on the Rules of Civil Procedure ([Občanský soudní řád](#)), 1 April 1964, § 100.

<sup>248</sup> Czech Republic, Act No. 89/2012 Coll., Civil Code ([Občanský zákoník](#)), 1 January 2014, § 958.

				temporarily. <sup>249</sup> (No data regarding the age of the children were identified.)
Residential – institutional care	X		<p>Institutional care facilities are set up and operated by municipal authorities, regions, and cities, but also by university hospitals (i.e., the Ministry of Health) or NGOs (e.g. the Fund for Children in Need) and private companies.</p> <p>Institutional care facilities are under the direction of the Ministry of Health (infant homes), the Ministry of Education, or the Ministry of Labour and Social Affairs (see particular categories).</p>	<p>Institutional care is ordered by the court usually on the basis of an OSPOD inquiry and is provided for children who are in need, who have been abandoned by their parents, who have behavioural disorders, or who have been ordered protection.</p> <p>The categories of institutional care facilities are:</p> <ol style="list-style-type: none"> <li><u>1)</u> Temporary facilities for children needing immediate aid, usually mistreated and abused children.<sup>250</sup> At the end of the year 2022, 403 children lived in these facilities.<sup>251</sup> (No data regarding the age of the children were identified.)</li> <li><u>2)</u> Infant homes for children under three years of age. These facilities are under the direction of the Ministry of Health (they must be closed</li> </ol>

<sup>249</sup> Ministry of Labour and Social Affairs (2022), Annual report on the performance of social and legal protection of children for the year 2022 (Roční výkaz o výkonu sociálně právní ochrany dětí za rok 2022).

<sup>250</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 42.

<sup>251</sup> Ministry of Labour and Social Affairs (2022), Annual report on the performance of social and legal protection of children for the year 2022 (Roční výkaz o výkonu sociálně právní ochrany dětí za rok 2022).



				<p>down by 2025).<sup>252</sup> In 2019, 818 children lived in these facilities (in 2011, 1,428 children were placed in these facilities, their number is continually decreasing.)<sup>253</sup></p> <p><u>3)</u> Children’s homes for children from the age of 3 to 18 years of age (or 26 years of age if they are still dependents), which are under the direction of the Ministry of Education, Youth and Sports.<sup>254</sup> According to the statistics of the Ministry of Education, 4,261 children are placed in these facilities in the school year 2022/2023 (2,946 children are under 15 years of age, 968 children are between 15 and 18 years, and 347 young adults who are older than 18 years of age).<sup>255</sup></p> <p><u>4)</u> Children’s homes with schools for children usually from the age of</p>
--	--	--	--	---

<sup>252</sup> Czech Republic, Act No. 372/2011 Coll., on Health Services and the Conditions of their Provision ([Zákon o zdravotních službách a o podmínkách jejich poskytování](#)), 1 April 2012, § 43.

<sup>253</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children’s Rights 2021-2029 (Národní strategie ochrany práv dětí 2021-2029), p. 16.

<sup>254</sup> Czech Republic, Act No. 109/2002 Coll., on on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002, § 2.

<sup>255</sup> Ministry of Education, Youth and Sports (2022), Statistical Yearbook of Education - Performance Indicators of the 2021/2022 School Year (Statistická ročenka školství - výkonové ukazatele školního roku 2021/2022).

				<p>6 to 15 years of age, which are under the direction of the Ministry of Education, Youth and Sports. These facilities are for children with behavioural disorders and/or for children with ordered protection.<sup>256</sup> According to the statistics of the Ministry of Education, 733 children are placed in these facilities in the school year 2022/2023 (483 children are under 15 years of age, 247 children are between 15 and 18 years, and 3 young adults who are older than 18 years of age).<sup>257</sup></p> <p><u>5)</u> Youth educational centres for children 15-18 years of age (in exceptional cases, 12 years of age) with serious behavioural disorders, which are under the direction of the Ministry of Education, Youth and Sports and divided by gender. According to the statistics of the</p>
--	--	--	--	--

<sup>256</sup> Czech Republic, Act No. 109/2002 Coll., on on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002, § 2.

<sup>257</sup> Ministry of Education, Youth and Sports (2022), Statistical Yearbook of Education - Performance Indicators of the 2021/2022 School Year (Statistická ročenka školství - výkonové ukazatele školního roku 2021/2022).

				<p>Ministry of Education, 980 children are placed in these facilities in the school year 2022/2023 (55 children are under 15 years of age, 871 children are between 15 and 18 years, and 54 young adults who are older than 18 years of age).<sup>258</sup></p> <p><u>6)</u> Diagnostic centres for children from the age of 3 to 15 and youth diagnostic centres for children from the age of 15 to 18 years who have behavioural disorders and/or for children with ordered protection. These facilities are for temporary (usually 8-week) residency. After diagnosis, children are relocated to one of the previously mentioned categories of institutional care facility. Youth diagnostic centres are divided by gender and age (from the age of 3 to 15 and from the age of 15 to 18) and are under the direction of the Ministry of</p>
--	--	--	--	---

---

<sup>258</sup> Ministry of Education, Youth and Sports (2022), Statistical Yearbook of Education - Performance Indicators of the 2021/2022 School Year (Statistická ročenka školství - výkonové ukazatele školního roku 2021/2022).

				<p>Education, Youth and Sports.<sup>259</sup></p> <p>According to the statistics of the Ministry of Education, 381 children are placed in these facilities in the school year 2022/2023 (186 children are under 15 years of age, 183 children are between 15 and 18 years, and 12 young adults who are older than 18 years of age).<sup>260</sup></p> <p>There is one educational/institutional facility for the children of foreign residents as well, the Facility for Children of Foreign Nationals. Unaccompanied children are placed here.<sup>261</sup></p> <p>Another category of institutional, social, and healthcare facilities are the Homes for Individuals with Disabilities (HID) under the direction of the Ministry of Labour and Social Affairs. These facilities can be set up and operated by</p>
--	--	--	--	--

<sup>259</sup> Czech Republic, Act No. 109/2002 Coll., on on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002, § 5.

<sup>260</sup> Ministry of Education, Youth and Sports (2022), Statistical Yearbook of Education - Performance Indicators of the 2021/2022 School Year (Statistická ročenka školství - výkonové ukazatele školního roku 2021/2022).

<sup>261</sup> Czech Republic, Act No. 109/2002 Coll., on on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002.

				<p>municipal authorities, NGOs, or private entities.<sup>262</sup></p> <p>The network of institutional facilities for children has been historically and still is relatively complex and dense, with equal representation in all regions.</p>
Other forms of family-based or family-like care placements	X		Natural persons (relatives, foster parents, adoptive parents etc.)	<p>There are several forms of surrogate family care in the Czech Republic:</p> <ol style="list-style-type: none"> <li>1. Foster care (pěstounství; see above)</li> <li>2. Care for another person (usually a relative of the child)</li> </ol> <p>At the end of the year 2022, 4,812 children were entrusted to the care of another person.<sup>263</sup></p> <ol style="list-style-type: none"> <li>3. Custodian with personal care</li> </ol> <p>At the end of the year 2022, 3,228 children were entrusted to the</p>

<sup>262</sup> Czech Republic, Act No. 108/2006 Coll., on Social Services (*Zákon o sociálních službách*), 1 January 2007.

<sup>263</sup> Ministry of Labour and Social Affairs (2022), Annual report on the performance of social and legal protection of children for the year 2022 (Roční výkaz o výkonu sociálně právní ochrany dětí za rok 2022).

				<p>care of a custodian.<sup>264</sup></p> <p>4. Adoption</p> <p>In 2022, 302 children were adopted.<sup>265</sup></p> <p>These forms of care differ in several aspects. The most important difference is that while in the case of foster care and care of another person, parental responsibility remains with the parents, in case of custodianship and adoption, parents are deprived of parental rights and duties. The maintenance obligation of the parents remains preserved in all cases except for adoption.</p>
Supervised independent living arrangements for children	X		Regional, local authorities, civil society	Children who reach the age of majority and are no longer dependents may receive supported flats after leaving institutional care facilities where they live in groups supervised by social workers (see question no. 4.5.12).

<sup>264</sup> Ministry of Labour and Social Affairs (2022), Annual report on the performance of social and legal protection of children for the year 2022 (Roční výkaz o výkonu sociálně právní ochrany dětí za rok 2022).

<sup>265</sup> Ministry of Labour and Social Affairs (2022), Annual report on the performance of social and legal protection of children for the year 2022 (Roční výkaz o výkonu sociálně právní ochrany dětí za rok 2022).

Question	Yes	No	Comments
4.5.1. Is there data available on the number of children in care (disaggregated by type of care, gender/age, length of placement, etc)?	X		<p>Education yearbooks (published by the Ministry of Education), as well as annual reports on the performance of the social and legal protection of children (published by the Ministry of Labour) and health statistics contain data on the number of children in care.<sup>266</sup> These statistics use different methods. The statistics of the Ministry of Labour contain information on the number of children in care (registered as endangered children, placed in surrogate families or institutional care) and the number of children who are victims of abuse, etc. The data are disaggregated by type of care and age of the children; only the data on victims of abuse are disaggregated by gender.<sup>267</sup></p> <p>The education yearbooks of the Ministry of Education contain information on the number of children in institutional care, disaggregated by gender, age, type of disability, type of institution, region.</p>
4.5.2. Is there data available on the number of children placed in alternative care that disappeared and/or went missing from residential care institutions?	X		<p>These data are available at the data portal of the Ministry of Education for each school year.<sup>268</sup> For the school year 2021/2022, 323 children out of 6,234 escaped from such institutions.</p>
4.5.3. Is there a <u>national</u> registry of foster care families?	X		<p>A registry of foster parents or potential foster parents is maintained by the Regional Authorities.<sup>269</sup> The information system (in general – not just connected to foster care) is</p>

<sup>266</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children’s Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 17.

<sup>267</sup> Ministry of Labour and Social Affairs (2022), Annual report on the performance of social and legal protection of children for the year 2021 ([Roční výkaz o výkonu sociálně právní ochrany dětí za rok 2021](#)).

<sup>268</sup> Ministry of Education, Youth and Sports (2022), Statistical Yearbook of Education - Performance Indicators of the 2021/2022 School Year ([Statistická ročenka školství - výkonové ukazatele školního roku 2021/2022](#)).

<sup>269</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 22.

How many children can be fostered in one family?		<p>operated by the Ministry of Labour.<sup>270</sup> The Ministry provides information from the registry to regional labour offices for decisions about social benefits, as well as to regional and local authorities (OSPODs). (The registry maintained by the Regional Authorities is more detailed.)</p> <p>The maximum number of children who can be fostered in one family is not stipulated by statute or regulation.</p>
--	--	---

4.5.4. How and by whom foster families are recruited, vetted, and trained? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.

The provision of SFC mediation is left up to the regions and, in the case of foreign nationals, to the Office for the International Legal Protection of Children. Municipal authorities, regional authorities, OSPODs, and authorised persons (e.g. NGOs) seek out children eligible for SFC and individuals who are suitable to become foster parents.<sup>271</sup> Applicants for SFC and the children involved are subject to an ‘expert evaluation’ in which an assessment is made of the psycho-socio-economical situation of the foster family and the child.

A preparation course for potential foster families is arranged by the regional authorities<sup>272</sup> (48 hours for applicants for adoption and foster care and 72 hours for applicants for inclusion in the register of persons who can provide foster care for a temporary period).

Further trainings for foster families should be offered by both the regional authorities and the civil sector. The law states that the foster parent has the right and obligation to undergo further education (at least 24 hours per year).<sup>273</sup>

4.5.5. Are any types of care (foster homes, residential care, other form of care arrangements) monitored once children are placed therein? If so, provide information on the applicable legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, how and by whom?

All types of care are monitored by the authorities.

Foster parents are monitored by OSPOD (and also the regional authorities), which is obliged to monitor foster care placements by making visits or maintaining other forms of personal face-to-face

<sup>270</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 53a.

<sup>271</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 21.

<sup>272</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 11.

<sup>273</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 47a.



contact with foster parents and children in their care. OSPOD has to maintain contact at least once every two months.<sup>274</sup>

In the case of pre-foster care (i.e. in a situation where a child has been entrusted by the court to the care of those interested in foster care for a ‘trial period’) and placement into the care of another person (see question 4.5), OSPOD has to contact the family at least once every three months during the first 6 months and after that at least once in a 6-month period.<sup>275</sup>

In the case of institutional care, OSPOD monitors that the rights of the children are being respected; it mainly monitors the development of children's mental and physical abilities, whether the reasons for the child's stay in an institutional facility continue to exist, and finds out how the relationships between children and their parents are developing.<sup>276</sup>

Compliance with the law in institutional education facilities is also monitored by the Ministry of Education and the Czech School Inspection.<sup>277</sup>

Providers of homes for individuals with disabilities are regularly monitored by the inspection team of the Ministry of Labour.<sup>278</sup>

Facilities of institutional care can be subjects to inspection by the Ombudsperson.<sup>279</sup>

Question	Yes	No	Comments
4.5.6. Are children placed in foster care homes geographically <u>close to their biological families</u> , school, friends, and/or community?	X		A legal obligation to do so (in contrast to placing children in institutional care) does not explicitly exist. The law, however, repeatedly mentions that a condition for foster care is that applicants have their permanent address in the Czech Republic. <sup>280</sup> The requirement to take into consideration the distance of the biological family of the child and the foster parent's place of residence logically stems from further legal regulations, as the foster parent has the legal responsibility to maintain, develop, and deepen the unity between the child and their parents,

<sup>274</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 47b.

<sup>275</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 19.

<sup>276</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 29.

<sup>277</sup> Czech Republic, Act No. 109/2002 Coll., on on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002, § 35.

<sup>278</sup> Czech Republic, Act No. 108/2006, Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007, § 97.

<sup>279</sup> Czech Republic, Act No. 349/1999 Coll., on the Public Defender of Rights ([Zákon o veřejném ochránci práv](#)), 28 February 2000.

<sup>280</sup> Czech Republic, Act No. 89/2012 Coll., Civil Code ([Občanský zákoník](#)), 1 January 2014, § 967.

		<p>relatives, and other individuals close to the child. The responsibility to allow the child the opportunity to see their biological parents is defined in law.<sup>281</sup> This is a responsibility explicitly assigned to foster parents.</p>
<p>4.5.7. Is there a <u>national registry</u> of residential institutions for children?</p> <p>If <u>yes</u>, please provide information regarding the existent number of residential institutions and their capacity (beds).</p>	X	<p>There is no integrated registry of all institutions. Individual types of facilities are registered individually.</p> <p>A registry of educational institutions is maintained by the Ministry of Education.<sup>282</sup></p> <p>According to the annual report on the education system for 2021/2022,<sup>283</sup> there were 203 education facilities in the Czech Republic providing institutional and protective care, with a total capacity of 7,421 beds.</p> <p>Infant care facilities can be found in the registry of medical institutions, which is maintained by the Institute of Health Information and Statistics.<sup>284</sup> In 2019, there were 27 infant care facilities and children's homes for children up to the age of 3 with a capacity of 1,178 beds.<sup>285</sup></p> <p>Residential institutions for children run by social service providers are registered with the Ministry of Labour.<sup>286</sup> There are 19 facilities registered with the Ministry. No information about the capacity of these facilities was found.</p>
<p>4.5.8. Are there <u>accreditation and licensing procedures</u> for residential institutions in place?</p>	X	<p>The accreditation process varies by the type of facility.</p> <p>Healthcare facilities (infant care institutions, psychiatric clinics, or hospital clinics) must have <i>authorisation</i> to provide health services.<sup>287</sup> This authorisation is issued by regional offices. In the application for authorisation, the material facilities, personnel, and technical equipment of</p>

<sup>281</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 47a.

<sup>282</sup> The registry can be found at the [website of the Ministry of Education, Youth and Sports](#).

<sup>283</sup> Ministry of Labour and Social Affairs (2022), Annual report on the performance of social and legal protection of children for the year 2021 ([Roční výkaz o výkonu sociálně právní ochrany dětí za rok 2021](#)).

<sup>284</sup> The registry can be found at [the website of the Institute of Health Information and Statistics](#).

<sup>285</sup> Institute of Health Information and Statistics (2020), Czech Republic Health Yearbook 2019 ([Zdravotnická ročenka České republiky 2019](#)), Prague.

<sup>286</sup> The registry of social service providers can be found at [the website of the Ministry of Labour and Social Affairs](#).

<sup>287</sup> Czech Republic, Act No. 372/2011 Coll., on Health Services and the Conditions of their Provision ([Zákon o zdravotních službách a o podmínkách jejich poskytování](#)), 1 April 2012, § 15.

<p>If <u>yes</u>, please provide information on the legislative framework, the responsible authority and procedure.</p>		<p>the facility are listed. Further expert accreditation then depends on the facility's own initiative (some infant care facilities have ISO accreditation, etc.).</p> <p>After the establishment of such a facility, the responsible authorities continuously check whether it continues to meet the conditions established by law, and it can withdraw the permit in the case of non-compliance.<sup>288</sup></p> <p>Educational facilities are required to be registered in the registry of schools and educational facilities according to the Education Act, the relatively strict conditions of which are set out in Regulation No. 108/2005.<sup>289</sup> Educational facilities must also complete education programmes that are monitored by the Czech School Inspection, which mainly acts on the basis of reports it receives. It can also carry out inspections, but, again, there are no rules regarding their frequency.</p> <p>Providers of the social service of homes for individuals living with disabilities must fulfil some legal conditions<sup>290</sup> for their <i>registration</i> with a Regional Authority. In addition, they must mainly adhere to other detailed standards of social service quality,<sup>291</sup> which are subject to inspection by the Ministry of Labour.<sup>292</sup></p> <p>With respect to facilities for children requiring immediate aid, the Child Protection Act<sup>293</sup> sets out the conditions that these facilities must fulfil in order to receive authorisation to carry out the social and legal protection of children.</p> <p>All of these institutions can be the subject of inspection by the Ombudsperson.<sup>294</sup></p>
---	--	---

<sup>288</sup> Czech Republic, Act No. 372/2011 Coll., on Health Services and the Conditions of their Provision ([Zákon o zdravotních službách a o podmínkách jejich poskytování](#)), 1 April 2012, § 23.

<sup>289</sup> Ministry of Education, Youth and Sports, Regulation No. 108/2005 Coll., on Educational and Accommodation Facilities ([Vyhláška o školských výchovných a ubytovacích zařízeních a školských účelových zařízeních](#)), 8 March 2005.

<sup>290</sup> Czech Republic, Act No. 108/2006, Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007, § 78.

<sup>291</sup> Ministry of Labour and Social Affairs, Regulation no. 505/2006 Coll., about Some Provisions of Act on Social Services ([Vyhláška, kterou se provádějí některá ustanovení zákona o sociálních službách](#)), 1 January 2007.

<sup>292</sup> Czech Republic, Act No. 108/2006, Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007, § 97

<sup>293</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 42.

<sup>294</sup> Czech Republic, Act Non. 349/1999 Coll., on the Public Defender of Rights ([Zákon o veřejném ochránci práv](#)), 28 February 2000.

<p>4.5.9. Are there <u>national applicable standards</u> relating to the operational framework of such institutions (requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children)?</p>	X	<p>Standards of quality for providers of the social and legal protection of children are established in the Regulation of the Ministry of Labour No. 473/2012 Coll. in connection with the Child Protection Act.<sup>295</sup> This law applies to OSPOD, to institutions for children needing immediate help, and to authorised persons (such as providers of social services).</p> <p>In addition, there are quality standards applicable to social service providers, described in a Regulation of the Ministry of Labour from 2006.<sup>296</sup></p> <p>There are 16 areas listed that must be covered and to which the standards apply (including clients' rights, how clients should be handled, documentation, complaint mechanisms, personnel arrangements, staff training development, accessibility of services, awareness among target groups, etc.).</p> <p>The quality standards applicable to institutional educational facilities are set out in the Methodological Instruction of the Ministry of Education,<sup>297</sup> which was adopted in 2015. It defines five areas to which the standards apply.</p>
---	---	--

#### 4.5.10. How is the residential care staff recruited, vetted, and trained?

Residential care staff (in all types of facilities) must meet qualification and other requirements defined by law (these requirements vary by the type of facility).<sup>298</sup> Laws state the required education level, psychological fitness, the obligation to have a clean criminal record, etc. Teachers and healthcare employees both are required to undergo further education, the details of which are defined in the law.

<sup>295</sup> Ministry of Labour and Social Affairs, Regulation no. 473/2012 Coll., Implementing Some Provisions of act on Social and Legal Protection of Children ([Vyhláška o provedení některých ustanovení zákona o sociálně-právní ochraně dětí](#)), 1 January 2013.

<sup>296</sup> Ministry of Labour and Social Affairs, Regulation no. 505/2006 Coll., about Some Provisions of Act on Social Services ([Vyhláška, kterou se provádějí některá ustanovení zákona o sociálních službách](#)), 1 January 2007.

<sup>297</sup> Ministry of Education, Youth and Sports (2015), *Standardy kvality péče o děti ve školských zařízeních pro výkon ústavní a ochranné výchovy a preventivně výchovné péče*, Prague, Národní ústav pro vzdělávání.

<sup>298</sup> Czech Republic, Act No. 95/2004 Coll., on Conditions for Obtaining and Recognizing Professional Competence and Specialised Competence to Perform the Medical Profession of Doctor, Dentist and Pharmacist ([Zákon o podmínkách získávání a uznávání odborné způsobilosti a specializované způsobilosti k výkonu zdravotnického povolání lékaře, zubního lékaře a farmaceuta](#)), 2 April 2004; Czech Republic, Act no. 96/2004 Coll., on Conditions for Obtaining and Recognizing Competence to Perform Non-medical Health Professions and to Perform Activities Related to the Provision of Healthcare ([Zákon o podmínkách získávání a uznávání způsobilosti k výkonu nelékařských zdravotnických povolání a k výkonu činnosti souvisejících s poskytováním zdravotní péče](#)), 1 April 2004; Czech Republic, Act No. 563/2004 Coll., on Teaching Staff ([Zákon o pedagogických pracovnících](#)), 1 January 2005; Czech Republic, Act No. 108/2006, Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007.

Social workers from NGOs or other organisations providing social services should also develop their skills and knowledge, and their employers are required to arrange at least 24 hours of training per year in courses accredited by the Ministry of Labour and Social Affairs.<sup>299</sup>

Question	Yes	No	Comments
<p>4.5.11. Are children placed in alternative care allowed to <u>lodge complaints</u> against the personnel /foster parents and care workers and report abuse or violations of their rights? Are these procedures child-friendly and respective of confidentiality?</p> <p><u>If yes</u>, briefly describe to whom and how children can lodge complaints.</p>	x		<p>Generally, all children have the right to ask for help from certain authorities (OSPOD, facilities of institutional upbringing, national authorities responsible for child protection, schools, healthcare facilities) and can do so even without the knowledge of their parents, and these persons are obliged to help.<sup>300</sup></p> <p>Children can also turn to the Ombudsperson with their complaints.<sup>301</sup></p> <p>Children in institutional educational care can lodge complaints in written or oral form – they can talk to a member of staff they trust, the director, OSPOD, the Czech School Inspection, the ministry, or a regional authority. They have the right to ask the staff of a facility to send out letters they address to certain authorities and organisations, which the staff must do on the next working day and without checking the letters' content.<sup>302</sup> (The term institutional and residential are used here as synonyms, as institutional facilities are an umbrella term for different types of residential facilities).</p> <p>Complaints mechanisms in facilities run by social service providers are set out in the Act on Social Services<sup>303</sup> and the Regulation defining Quality Standards.<sup>304</sup> Providers of social services for children (residential, outpatient, and field services) are obliged to establish internal rules for</p>

<sup>299</sup> Czech Republic, Act No. 108/2006, Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007, § 111.

<sup>300</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 8.

<sup>301</sup> Czech Republic, Act No. 349/1999 Coll., on the Public Defender of Rights ([Zákon o veřejném ochránci práv](#)), 28 February 2000.

<sup>302</sup> Czech Republic, Act No. 109/2002 Coll., on on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002, § 20.

<sup>303</sup> Act No. 108/2006, Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007.

<sup>304</sup> Ministry of Labour and Social Affairs, Regulation no. 505/2006 Coll., about Some Provisions of Act on Social Services ([Vyhláška, kterou se provádějí některá ustanovení zákona o sociálních službách](#)), 1 January 2007.

		<p>submitting and processing their clients' complaints about the services provided. This has to be done in a way that is comprehensible for everyone.</p> <p>OSPOD workers should visit the facilities and foster families and ensure that children are prospering and are not subject to harm (visits should be made once every three months at the beginning and later at least once every six months).<sup>305</sup></p>
<p>4.5.12. What is the <u>assistance available to adolescents that leave alternative care</u> to live independently?</p> <p>(e.g. financial, housing, vocational, educational, employment, life skills, mental health services, social or emotional)?</p> <p>Briefly describe who is responsible for such assistance?</p>	X	<p>Help (housing, financial, and other) is mainly available to persons who, after reaching adulthood, continue to prepare for employment (study) and are considered 'dependent children' until the age of 26.</p> <p>Institutional educational facilities may continue to provide accommodation and care for these children,<sup>306</sup> and their health insurance is paid by the state.<sup>307</sup> So-called temporary accommodation outside facilities, in connection with the education or employment of children, is also possible.<sup>308</sup></p> <p>For those voluntarily residing in facilities (so-called dependent children), the director of the facility can provide independent accommodation to them on or outside the premises of the facility.<sup>309</sup></p> <p>Dependent children leaving institutional or foster care are also entitled to receive the welfare allowance from the state (17,250 CZK/month, some other requirements have to be fulfilled, e.g. clean criminal record, length of alternative care, etc.).<sup>310</sup></p> <p>As well as care provided to dependent persons preparing for future employment, there are services available for</p>

<sup>305</sup> Czech Republic, Act no. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 19.

<sup>306</sup> Czech Republic, Act No. 109/2002 Coll., on on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002, § 2.

<sup>307</sup> Czech Republic, Act No. 48/1997 Coll. on Public Health Insurance ([Zákon o veřejném zdravotním pojištění](#)), 1 April 1997, § 7.

<sup>308</sup> Czech Republic, Act No. 109/2002 Coll., on on the Provision of Institutional Upbringing or Protective Upbringing in Educational Institutions ([Zákon o výkonu ústavní výchovy nebo ochranné výchovy ve školských zařízeních a o preventivně výchovné péči ve školských zařízeních a o změně dalších zákonů](#)), 1 July 2002, § 23.

<sup>309</sup> Ministry of Education, Youth and Sports, Regulation no. 438/2006 Coll., regulating the details of institutional education and protective education in school facilities ([Vyhláška, kterou se upravují podrobnosti výkonu ústavní výchovy a ochranné výchovy ve školských zařízeních](#)), 13 September 2006.

<sup>310</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 50b.

those children who do not continue their studies. In the interest of preparing children over the age of 16 for their future independent life, one or more independent apartments may be set up in an institutional education facility to accommodate individual children or at most groups of 3 children who are preparing to leave the facility. Separate groups can be established in the facilities with a focus on preparing children to perform a profession or job.<sup>311</sup> (The term institutional and residential are used here as synonyms, as institutional facilities are an umbrella term for different types of residential facilities).

There are also half-way homes,<sup>312</sup> which are intended for youths up to the age of 26 who upon reaching adulthood leave an education facility after being in institutional or protective care, or for individuals who have come from other child or youth care institutions or for those who were released from imprisonment or protective treatment.

4.5.13. What assistance is provided to families - while the child is placed to alternative care - to support the return of the child in the family? By whom? Who coordinates the assistance? Please briefly describe.

After a child is placed in alternative care, OSPOD is obliged to help the child's family to arrange their situation in such a way that would allow the child to return to the family (including counselling, cooperation with other authorities, etc.). OSPOD has to visit the family and monitor the situation at least once every three months.<sup>313</sup>

These families are also offered 'social activation services for families with children'. They are provided by social service providers and include a) educational and training activities, b) mediation of contact with the social environment, c) social therapy, and d) help with exercising their rights and interests and resolving personal issues.<sup>314</sup> These services, like other possible services, are coordinated by the local OSPOD office.

---

<sup>311</sup> Ministry of Education, Youth and Sports, Regulation No. 438/2006 Coll., regulating the details of institutional education and protective education in school facilities ([Vyhláška, kterou se upravují podrobnosti výkonu ústavní výchovy a ochranné výchovy ve školských zařízeních](#)), 13 September 2006.

<sup>312</sup> Act No. 108/2006, Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007, § 58.

<sup>313</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 19.

<sup>314</sup> Act No. 108/2006, Coll., on Social Services ([Zákon o sociálních službách](#)), 1 January 2007, § 65.

<p>4.5.14. Is any <u>assistance</u> provided to children and families <u>upon return of the child in the family</u>? Briefly describe. Who is responsible for such assistance?</p> <p>Is there any monitoring and follow-up of such cases?</p> <p>Who is coordinating assistance and support?</p>	X		<p>These activities are in the jurisdiction of the OSPOD worker and depend on their judgement of the situation.<sup>315</sup> The situation is the same as above. If an OSPOD worker decides to coordinate such care, they contact the local social service providers (in the best-case scenario there is continuous cooperation between the family and the social service provider).</p> <p>OSPOD monitors the situation continuously and also adopts preventive measures and provides counselling.<sup>316</sup></p>
<p>4.5.15. Are decisions of placement in alternative care reviewed?</p> <p><u>If yes</u>, please provide the applicable legislative provisions. How frequently is this done? By whom?</p> <p>Are the children's views taken into consideration?</p>	X		<p>According to the law, the maximum length of institutional care is three years, which can be extended by at most another three years.<sup>317</sup> The court is required at least once every six months to reassess whether the reasons for placing a child in institutional care still persist or whether it is possible to provide the child with SFC. Decisions on a child's placement in foster care are not reviewed systematically. For these reasons, the court requires a report from OSPOD, the opinion of the child if they can give one, and the opinion of the parents.<sup>318</sup></p> <p>In facilities for children needing immediate aid, the maximum length of stay is three months, which can then be prolonged by the court to a maximum of six months (afterwards the reasons for extending a stay are reassessed).<sup>319</sup></p>

<sup>315</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

<sup>316</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 10.

<sup>317</sup> Czech Republic, Act No. 89/2012 Coll., Civil Code ([Občanský zákoník](#)), 1 January 2014, § 972.

<sup>318</sup> Czech Republic, Act No. 89/2012 Coll., Civil Code ([Občanský zákoník](#)), 1 January 2014, § 973.

<sup>319</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000, § 42a.



4.5.16. Is there a legal framework regarding adoption? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?

Adoption is mainly regulated by the Civil Code<sup>320</sup> and the Child Protection Act.<sup>321</sup> The process is carried out by the regional authorities.

Regional OSPOD offices implement the expert evaluation, and they prepare the matching of the children with the applicants (the selection of individual children for individual applicants). There is also a mandatory six-month pre-adoption period, after which the court makes a final decision on the adoption.<sup>322</sup> Adoption may be granted based on the consent of the biological parents, but may also be done without this consent. For such cases, the law has established clear conditions: the parent must be stripped of his/her parental duty and the right to give consent to the adoption.<sup>323</sup> Parental consent can be replaced by a court decision determining whether or not the parents' consent to the adoption is necessary or not. The adoption process may be kept secret (from the biological family), but the child has the right to know that they were adopted, and the adoptive parents must inform the child of this no later than by the time the child starts attending school.<sup>324</sup>

In order to monitor the success of the adoption, the court may order inspections by OSPOD. Follow-up does not take place systematically. In the case of an intercountry adoption, the Office for the International Legal Protection of Children comes into play (e.g. by giving its consent).

Private adoptions are not allowed under Czech laws and regulations. Same-sex couples are de facto not prevented from adopting a child, but only one person from the couple can officially adopt a child (the other person can participate in the adoption preparation process, but does not gain parenting rights).

4.5.17. What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.*

The main shortcoming that has long been criticised is the existence of so-called infant institutions (medical facilities for children under 3 years of age). The new law stipulates that these institutions are to be closed by 2025 and the number of children placed in these institutions is decreasing.<sup>325</sup>

<sup>320</sup> Czech Republic, Act No. 89/2012 Coll., Civil Code ([Občanský zákoník](#)), 1 January 2014.

<sup>321</sup> Czech Republic, Act No. 359/1999 Coll., on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

<sup>322</sup> Czech Republic, Act No. 89/2012 Coll., Civil Code ([Občanský zákoník](#)), 1 January 2014, § 829.

<sup>323</sup> Czech Republic, Act No. 89/2012 Coll., Civil Code ([Občanský zákoník](#)), 1 January 2014, §§ 809-822.

<sup>324</sup> Czech Republic, Act No. 89/2012 Coll., Civil Code ([Občanský zákoník](#)), 1 January 2014, § 836.

<sup>325</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 17.

Another problem is the large number of children who are placed in institutional care. (Children from 3 to 18 (or 26) years of age are placed in institutional education facilities. Disabled children under the age of 3 are placed in infant homes for children under three years of age; healthy children under the age of three have to be placed in surrogate families). Help for families often does not come in time (due to the workload and turnover of OSPOD workers and the fragmentation of the system), and as a result many children end up in institutions, even though these situations could have been prevented with early intervention.<sup>326</sup> The majority of funding still goes to institutional care, instead of other forms of alternative care or prevention.<sup>327</sup>

#### 4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

Compared to the situation in 2014, positive tendencies can be observed in the field of alternative care in the strengthening of children's participation and procedural rights and preventive services. The system of care provided to the youngest children has also significantly developed.

The amendment of the Child Protection Act in 2013 significantly strengthened the position of foster families, and this tendency has continued since then (although the number of applicants seeking to become foster parents is decreasing).<sup>328</sup> While the number of children placed in institutional care is slowly decreasing, the tendency is the opposite in the case of surrogate family care.<sup>329</sup> Facilities for children under the age of 3 are to be closed by 2025, and these children should always be placed in surrogate families.

Despite the positive developments, various forms of institutional care are still overused, and the majority of the funding in the field of child protection still goes to institutional care. Preventive mechanisms often fail, endangered families and children are identified late, when the only solution is the removal of the child from the family.<sup>330</sup>

Although there are some persistent shortcomings in the area of children's participation and procedural rights, significant developments have taken place in this area. Children are increasingly seen as partners and as subjects of rights and obligations, whose opinions need to be heard. Various forms of child-friendly interrogation are gradually developing. Court proceedings concerning guardianship are also developing, and trainings are provided to judges. Statistical data in this area are starting to be

---

<sup>326</sup> Aktualne.cz (2023), '[Child suicides have increased, covid and the repulsive campaign have worsened the psyche, says the Commissioner](#)', 13 February 2023.

<sup>327</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 11.

<sup>328</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)).

<sup>329</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 11.

<sup>330</sup> Aktualne.cz (2023), '[Child suicides have increased, covid and the repulsive campaign have worsened the psyche, says the Commissioner](#)', 13 February 2023.

collected.<sup>331</sup> An amendment to the Act on Special Judiciary Matters was adopted in 2017, according to which the court must decide in child protection matters within 6 months.<sup>332</sup>

#### 4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

As well as the promising practices mentioned above, there have been some positive changes in the field of children's rights.

On inter-agency cooperation protocols:

There is a common directive of the Justice, Interior, Health, Education, and Labour ministries on the procedure of enforcing court decisions on the upbringing of children (adopted in 2007, amended in 2015).<sup>333</sup> This directive gives detailed instructions about which institutions should perform which steps, who will inform whom, etc. There is also a methodological protocol on the coordination of state agencies in cases of child trafficking.<sup>334</sup> The main recommendations of this document cover in-depth cooperation between the local OSPOD and the Police.

Various actors (OSPOD, psychologists, teachers, healthcare providers etc.) should meet at case conferences, where they decide how to proceed in a given case and whether to submit a proposal for placing the child outside of the family home.

Guidelines on the identification of and assistance to children in danger for municipal authorities:

The Ministry of Labour has issued various methodological guidelines on how to proceed when working with a child and their families on the level of municipalities with extended competences, e.g. when asking for the issuance of a preliminary order<sup>335</sup> or when organising case conferences,<sup>336</sup> etc.

Ombudsperson for children:

---

<sup>331</sup> Interview with a child protection expert, member of the Governmental Committee on the Rights of the Child, on 22 February 2023.

<sup>332</sup> Czech Republic, Act No. 296/2017 Coll., Amending Act No. 99/1963 Coll., Code of Civil Procedure, as amended, Act No. 292/2013 Coll., on Special Court Proceedings, as amended, and some other laws ([Zákon, kterým se mění zákon č. 99/1963 Sb., občanský soudní řád, ve znění pozdějších předpisů, zákon č. 292/2013 Sb., o zvláštních řízeních soudních, ve znění pozdějších předpisů, a některé další zákony](#)), 30 September 2017.

<sup>333</sup> Ministry of Justice, Ministry of the Interior, Ministry of Education, Youth and Sports, Ministry of Labour and Social Affairs, Instruction no. 142/2007-ODS-Org Regulating the Procedure for the Execution of Court Decisions in Matters of Care of Minors (Instrukce, kterou se upravuje postup při výkonu soudních rozhodnutí ve věcech péče o nezletilé), 5 April 2007.

<sup>334</sup> Ministry of the Interior, Recommended procedures for dealing with child trafficking cases for state administration bodies (Doporučené postupy při řešení případů obchodování s dětmi pro orgány státní správy), 2019.

<sup>335</sup> Ministry of Labour and Social Affairs, Methodological instruction on the procedure of municipal authorities of municipalities with extended powers in providing assistance to endangered children (Metodický pokyn k postupu obecních úřadů obcí s rozšířenou působností při poskytování pomoci ohroženým dětem), 2 November 1995;

<sup>336</sup> Ministry of Labour and Social Affairs, Case Conference Manual (Manuál k případovým konferencím), 2011.

A special website has been established for children who want to turn to the Ombudsperson.<sup>337</sup> The website contains information on the types of complaints children can lodge, and provides specific information (online leaflet) for children who are placed at a child care facility or psychiatric facility/hospital. NGOs are also appearing on the scene, drawing attention to the negative effects of institutional care (such as Lumos)<sup>338</sup> or helping children coming out of institutional care (such as Children in Action).<sup>339</sup>

---

<sup>337</sup> The activities of the Ombudsperson can be explored at its [website designed for children](#).

<sup>338</sup> The activities of the organisation can be explored on its [website](#).

<sup>339</sup> The activities of the organisation can be explored on its [website](#).

## 5. Accountability, data collection, and monitoring mechanisms

### 5.1. Accountability mechanisms

#### 5.1.1. Are there accountability mechanisms in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

There are no comprehensive accountability mechanisms regarding the functioning of the child protection system on the systemic level at this point. The only stakeholder with a mandate to implement comprehensive monitoring is the Ombudsperson, but the Office of the Ombudsperson carries out only ad hoc research and monitoring activities on child protection issues. There are no other national human rights institutions.

The institute of child ombudsperson does not exist in the Czech Republic, but children can turn to the Ombudsperson.<sup>340</sup> The bill to establish the institute of child ombudsperson is currently under preparation<sup>341</sup> and the government is expected to vote on it later this year.<sup>342</sup>

In 2009 the Government Council for Human Rights (Rada vlády pro lidská práva)<sup>343</sup> established the Committee on the Rights of the Child (Výbor pro práva dítěte).<sup>344</sup> The Council (and, within it, the Committee) is an advisory body of the government, and it monitors adherence to constitutional regulations and international obligations. It also assesses legislative proposals and measures and provides conceptual policy recommendations. It has the mandate to assess laws and policies, but do not systematically do so. More than half of the Committee's members are made up of representatives from civil society. In 2022 the Committee established the Working Group for the Children of Imprisoned Parents (Pracovní skupina k dětem uvězněných rodičů).<sup>345</sup>

---

<sup>340</sup> The Ombudsperson's website includes a link to a child-friendly [website in Czech](#) and fliers in English, German, Romanes and Russian languages.

<sup>341</sup> Government of the Czech Republic (2022), The bill for the Child Ombudsperson is being prepared. The working group under the auspices of minister Michal Šalamoun has reached an agreement about its basic principles ([Připravujeme zákon k dětskému ombudsmanovi. Na základních principech se shodla pracovní skupina svolaná ministrem Michalem Šalomounem](#)), press release, 24 November 2022.

<sup>342</sup> Interview with a child protection expert, member of the Governmental Committee on the Rights of the Child, on 22 February 2023.

<sup>343</sup> The activities of the council can be explored on the website of the [Government Council for Human Rights](#).

<sup>344</sup> The activities of the committee can be explored on the website of the Committee of the Rights of the Child ([Výbor pro práva dítěte](#)) in Czech.

<sup>345</sup> The activities of the working group are accessible on the website of the Working Group for the Children of Imprisoned Parents ([Pracovní skupina k dětem uvězněných rodičů](#)) in Czech.

5.1.2. How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

The main goal and six other goals of the current National Strategy for the Protection of Children's Rights (Národní strategie ochrany práv dětí) indicate that the fulfilment of the individual goals are to be monitored by the main stakeholder listed under the given goal. The central actor in the evaluation is the Ministry of Labour and Social Affairs, which requests the relevant information from the other stakeholders (ministries or institutions) that were responsible for fulfilling individual tasks. Once a year an internal evaluation takes place, and once every four years a comprehensive evaluation is presented to the government.<sup>346</sup>

The monitoring of individual tasks is specified in the first action plan for the period 2021-2024. Each measure lists the entity/stakeholder responsible for implementing the measure, the approximate financial costs, and the indicators of change. Further details on the monitoring mechanisms are to be included in the second action plan for the period 2025-2029.<sup>347</sup> There are periodic reports on the fulfilment of the action plans and the Strategy (not yet available).

Question	YES	NO	Comments
<p>5.1.3. Is there a child rights assessment existing or foreseen? Please note that child rights' assessment stands for the measurement of the impact of proposed or adopted legislation on children as a group. It is usually done at the parliamentary or ministerial level.</p>		<p><b>X</b></p>	<p>The Committee on the Rights of the Child (Výbor pro práva dítěte) under the Government Council for Human Rights (Rada vlády pro lidská práva) could be considered an entity that undertakes child rights assessments, but the extent to which it truly addresses all proposed or adopted legislation on children as a group is unclear. The Committee is regularly consulted concerning draft legislation, but there is no obligation to always consult them.</p> <p>The Council (and, within it, the Committee) is an advisory institution to the government, and it monitors the adherence to the constitutional regulations and international obligations. It also assesses legislative proposals and measures and provides conceptual policy recommendations.</p> <p>The first action plan of the current National Strategy for the Protection of Children's Rights includes child protection, but not child rights assessments.</p>

<sup>346</sup> Interview with a child protection and family policy expert, Ministry of Labour and Social Affairs, on 21 February 2023.

<sup>347</sup> Ministry of Labour and Social Affairs (2020), First Action Plan for the Fulfillment of the National Strategy for the Protection of Children's Rights ([I. akční plán k naplnění Národní strategie ochrany práv dětí 2021-2029](#)), p. 7.

			However, further details on the monitoring mechanisms are to be included in the second action plan for the period 2025-2029. <sup>348</sup>
--	--	--	---

5.1.4. Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.

In general, quality standards in schools/educational facilities (different types of children's homes) and healthcare facilities (infant homes and psychiatric care homes) are not entrenched in the law; however, there are certain regulations in place. Quality standards for the authority for the social and legal protection of children - orgán sociálně-právní ochrany dětí, hereinafter referred to as OSPOD) and persons with a permit to provide socio-legal protection to children, facilities for children in immediate need, and social service providers have to hold standards defined in the legislation.

OSPOD's quality standards are defined in Annex 1 to the Directive No. 473/2012 Coll.<sup>349</sup> regarding the Act on the Social and Legal Protection of Children.<sup>350</sup> The list of such standards includes:

- Child protection services are to be provided non-stop in case of need;
- Child protection services are provided in spaces/facilities suitable for communication with vulnerable children and their families;
- OSPOD providers must have 'adequate access' to material equipment (e.g. cars, mobile phones, laptops, cameras, etc.);
- OSPOD staff are 'adequate' to the location and its needs (1 staff member per 800 children with permanent residence in the catchment area);
- OSPOD employees undergo professional development programmes.

There is an established process for accepting notifications on children in danger, as well as a process for judging the urgency of a case. Rules for negotiations, evaluations, and individual plans for the protection of children are established as well.

Prevention services are included, but the annex only defines that OSPOD must 'actively look for and monitor' endangered children and that OSPOD cooperates with a range of other providers.

---

<sup>348</sup> Ministry of Labour and Social Affairs (2020), First Action Plan for the Fulfillment of the National Strategy for the Protection of Children's Rights ([I. akční plán k naplnění Národní strategie ochrany práv dětí 2021-2029](#)), p. 7.

<sup>349</sup> Czech Republic, 473/2012. Implementing regulation about some provision of act on social a legal protection of children ([Vyhláška o provedení některých ustanovení zákona o sociálně-právní ochraně dětí](#)) 1 January 2013.

<sup>350</sup> Czech Republic, 359/1999, Act on Social and Legal Protection of Children ([Zákon o sociálně-právní ochraně dětí](#)), 1 April 2000.

Social care services are set out in Regulation No. 505/2006 Coll.<sup>351</sup> on the Act on Social Services.<sup>352</sup>

Question	YES	NO	Comments
<p>5.1.5. Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and measures and in the development of child protection policies and legislation?</p> <p><u>If yes</u>, at what level is this done? Please provide indicative examples.</p>		X	<p>There is a growing tendency to increase the participation of children in policy and decision-making processes, but at this point there is no comprehensive measure.<sup>353</sup></p> <p>This is an area whose improvement is one of the government's priorities, but so far the only institution engaged in this is the National Parliament for Children and Youth, which is not linked to any state body. The government's goal is to strengthen cooperation with this organisation (see section 7 for details).<sup>354</sup></p> <p>The Committee on the Rights of the Child under the Government Council for Human Rights, which can oversee new legislation, does not have child members or members from families (only professionals from the civil sector).</p>
<p>5.1.6. Is the responsibility for data collection on child protection determined in the legislative framework?</p>	X		<p>The legislative framework appoints different stakeholders as responsible for collecting and sharing different types of data that concern child protection. These include: the Ministry of Labour and Social Affairs, Czech Statistical Office, OSPOD, local and regional bodies, healthcare services, the Ministry of Health (particularly the Institute of Health Information and Statistics), The Labour Office and the Ministry of Education.</p> <p>There is currently no single, unified, transparent database that could pool all available data. In practice, this means that the various authorities exchange information either based on the obligation</p>

<sup>351</sup> Czech Republic, 505/2006. Regulation about some provision of act on social services ([Vyhláška, kterou se provádějí některá ustanovení zákona o sociálních službách](#)) 1 January 2007.

<sup>352</sup> Czech Republic, 108/2006, Act on Social Services ([Zákon o sociálních službách](#)), 1 January 2007.

<sup>353</sup> Interview on 21 February 2023 with a child protection and family policy expert, Ministry of Labour and Social Affairs.

<sup>354</sup> The activities of the National Parliament for Children and Youth can be found on its website.



			to inform the OSPOD on a child protection issue (e.g. when a child is identified in a health facility), or during case conferences, where representatives from different authorities meet up to discuss individual children's cases. The Ministry of Labour collects different types of data on an annual basis and publishes these data with respect to every region.
5.1.7. Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level?  <u>If yes</u> , Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level?		X	There is no single authority - see above.
5.1.8. Are there common indicators in place to monitor the performance of the child protection system?		X	There are no common indicators, but the current National Strategy for the Protection of Children's Rights harbours this ambition (a unified child protection information system is planned). <sup>355</sup> The current action plan contains a measure specifically focused on the quality assurance and monitoring of the child protection system on a systemic level, <sup>356</sup> and it foresees the establishment of an expert group on quality management of the child protection system, the mapping of quality management measures, the creation of a unified quality management system of public child protection services, the introduction of data collection and analysis systems relating to quality management in child protection, the

<sup>355</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 ([Národní strategie ochrany práv dětí 2021-2029](#)), p. 40.

<sup>356</sup> Ministry of Labour and Social Affairs (2020), First Action Plan for the Fulfillment of the National Strategy for the Protection of Children's Rights ([I. akční plán k naplnění Národní strategie ochrany práv dětí 2021-2029](#)), pp. 18-20.

		<p>consideration of disadvantaged children’s needs in relevant strategies and measures, the formation of a working group for the creation of independent monitoring mechanisms in child protection, and the development of legislation to create independent monitoring mechanisms in child protection. Most of these activities are to be supervised by the Ministry of Labour and Social Affairs, which created the Strategy. Other stakeholders include the Ministry of Education, Youth, and Sports, the Ministry of the Interior, the Ministry of Health, and the Office of the Government (the Government Council for Human Rights), etc.</p> <p>In the future, the Ministry of Labour and Social Affairs in particular would like to establish a unified statistical platform for social services, which would include all information (including funding, services, etc.) about individual clients. Currently data are collected only on the level of the individual - only the individual plan of the child exists, but this is not accessible for analytical purposes). The performance of the system, as such, is not monitored.<sup>357</sup></p>
<p>5.1.9. Are there data protection protocols in place and adhered to?</p>	<p>X</p>	<p>The GDPR has put data protection protocols in place, and all stakeholders have their respective legislation adjusted accordingly. The provision of child protection services is particularly strict with respect to secrecy about clients’ data, and NGOs would welcome more sharing of data on clients. The Ministry of Labour and Social Affairs does not propose more data sharing.<sup>358</sup></p> <p>Paediatricians have less clarity about data protection issues and there are also certain questions about data</p>

<sup>357</sup> This paragraph is based on an interview with a child protection and family policy expert, Ministry of Labour and Social Affairs, on 21 February 2023.

<sup>358</sup> This section is based on an interview with a child protection and family policy expert, Ministry of Labour and Social Affairs on 21 February 2023.

			sharing on children who are hospitalised (whether OSPOD should automatically get involved). <sup>359</sup>
--	--	--	--

5.1.10. Are there any gaps in the data collection system related to child protection in the country, which have been identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and consistent collection of data related to child protection at national, regional, or local level? Please mention if efforts are made to address these gaps.

At this point there is no unified data collection system that would enable a systemic analysis of cross-cutting child protection issues or an analysis of the child protection system itself. Data on specific issues are collected by different stakeholders.

There are no common indicators in place to monitor the performance of the child protection system, but the current National Strategy for the Protection of Children's Rights harbours this ambition (a unified child protection information system is planned).<sup>360</sup> The current action plan contains a measure specifically focused on the quality assurance and monitoring of the child protection system on a systemic level,<sup>361</sup> and it foresees the establishment of an expert group on quality management of the child protection system, the mapping of quality management measures, the creation of a unified quality management system of public child protection services, the introduction of data collection and analysis systems relating to quality management in child protection, the consideration of disadvantaged children's needs in relevant strategies and measures, the formation of a working group for the creation of independent monitoring mechanisms in child protection, and the development of legislation to create independent monitoring mechanisms in child protection. Most of these activities are to be supervised by the Ministry of Labour and Social Affairs, which created the Strategy. Other stakeholders include the Ministry of Education, Youth, and Sports, the Ministry of the Interior, the Ministry of Health, and the Office of the Government (the Government Council for Human Rights), etc.

The current National Strategy for the Protection of Children's Rights notes that the child protection system is fragmented and there is no holistic approach to children as such.<sup>362</sup> The Strategy foresees the creation of a unified information system on child protection, which will enable quality analysis, the definition of risks, etc.<sup>363</sup> The system is to be managed by the Ministry of Labour and Social Affairs.

---

<sup>359</sup> This section is based on an interview with a child protection and family policy expert, Ministry of Labour and Social Affairs on 21 February 2023.

<sup>360</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 (Národní strategie ochrany práv dětí 2021-2029), p. 40.

<sup>361</sup> Ministry of Labour and Social Affairs (2020), First Action Plan for the Fulfillment of the National Strategy for the Protection of Children's Rights (I. akční plán k naplnění Národní strategie ochrany práv dětí 2021-2029), pp. 18-20.

<sup>362</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 (Národní strategie ochrany práv dětí 2021-2029), p. 12.

<sup>363</sup> Ministry of Labour and Social Affairs (2020), National Strategy for the Protection Children's Rights 2021-2029 (Národní strategie ochrany práv dětí 2021-2029), pp. 40-41.

The creation of the system is expected to cost hundreds of millions of CZK. In the future, the Ministry of Labour and Social Affairs in particular would like to establish a unified statistical platform for social services, which would include all information (including funding, services, etc.) about individual clients. Currently data are collected only on the level of the individual - only the individual plan of the child exists, but this is not accessible for analytical purposes). The performance of the system, as such, is not monitored.<sup>364</sup>

The UN Committee on the Rights of the Child acknowledges the progress made on the unified information system on child protection, but it has reminded the Ministry of Labour and Social Affairs to collect disaggregated data, including data on various categories of socioeconomically disadvantaged children.<sup>365</sup> It also emphasised that the methodology for data reporting and terminology must be unified across relevant stakeholders.

## 5.2. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

No major achievements have been identified in the area of data collection and accountability as the system is still fragmented and various stakeholders (ministries, institutions) collect various types of data.

Progress has been made on the issue of the child ombudsperson, as the bill governing this position is expected to be passed this year.<sup>366</sup>

The unified information system on child protection promoted by the Ministry of Labour and Social Affairs has not yet been finalised, so at this point it is not possible to assess whether the data collection will adhere to the recommendations of the UN Committee on the Rights of the Child (see above).

## 5.3. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

No promising practice was identified in the area of child protection accountability.

---

<sup>364</sup> This paragraph is based on an interview with a child protection and family policy expert, Ministry of Labour and Social Affairs, on 21 February 2023.

<sup>365</sup> UN Committee on the Rights of the Child (2021), [Concluding observations on the combined fifth and sixth periodic reports of Czechia](#), 22 October 2021, p. 3.

<sup>366</sup> Interview with a child protection expert, member of the Governmental Committee on the Rights of the Child, on 22 February 2023.

## 6. General education, promotion, and awareness raising

### 6.1. Education on child rights

**6.1.1. Does education on child rights form part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career.**

National curricula set out in the Framework Educational Programmes (FEP) define the general obligatory framework for creating school curricula for all fields of study in preschool, basic education, art, language, and secondary education.<sup>367</sup> The FEP are issued by the Ministry of Education, Youth and Sports. Every school creates its own curriculum in accordance with the FEP. The Framework curriculum for primary schools includes concepts such as human rights and children's rights. The main aim of human rights education is the *'prevention of racist, xenophobic, and extremist attitudes, education for tolerance and respect for human rights, [and] equality between men and women'*.<sup>368</sup>

Children's and human rights are included in the FEP for secondary grammar schools.<sup>369</sup> Every student should be able to *'defend his/her human rights, respect the human rights of others, and sensibly speak out against their violation'*. The cross-cutting theme of 'human beings in a democratic society', which includes the field of human rights, is also included in selected vocational secondary education courses, but often to a lesser extent.<sup>370</sup>

The development of human rights competences is part of the FEP for pre-school education. A pre-school graduate *'is aware of his/her rights and the rights of others, learns to defend and respect them, understands that all people are of equal value'*.<sup>371</sup>

**6.1.2. Please provide an overview of the most important national and/or sub-national implemented programmes and activities aiming at educating children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors were those commissioned, funded, and implemented?**

Education on the rights of children and youth is mainly implemented in formal education at all educational levels (see 1.6). This education is carried out by internal teaching staff, while professionals and NGOs are also invited to participate. NGOs provide educational programmes for children and youth in the field of human and children's rights through traditional lectures and

---

<sup>367</sup> FEP were incorporated into the education system of the Czech Republic by Act No. 561/2004 Coll. on Preschool, Basic, Secondary, Tertiary Professional and Other Education. The law is accessible in Czech [here](#).

<sup>368</sup> [Rámcový vzdělávací program pro základní vzdělávání](#) (EFV for primary education). (2021). (p. 52). Praha: Ministry of Education. Accessible in Czech.

<sup>369</sup> [Rámcový vzdělávací program pro gymnázia](#) (EFV for grammar schools). (2021), Praha: Ministry of Education. Accessible in Czech.

<sup>370</sup> For information see e.i. [EFV for chemical education](#), Praha: Ministry of Education (2021). Accessible in Czech.

<sup>371</sup> [Rámcový vzdělávací program pro předškolní vzdělávání](#) (EFV for pre-school education). (2021), Praha: Ministry of Education. Accessible in Czech.

workshops and through modern experience forms - interactive workshops, the use of audio-visual material or by involving rights holders. The One World Film Festival<sup>372</sup> is one of the most important human rights educational activities in the country (held annually in Prague and the regions), it is accompanied by the One World in Schools<sup>373</sup> educational programme. Both activities are implemented by People in Need NGO. Since the festival was established in 1999, it has been bringing documentaries on human rights from around the world to local audiences, screening them in dozens of towns throughout the country and at primary and secondary schools. One World has been awarded by UNESCO for its contribution to raising awareness of human rights. One World in Schools has been running since 2001 and involves more than 4,000 schools. Other organisations working in the field of human rights education include Amnesty International Czech Republic, Nesehnutí, and Multikulturní centrum Praha (Multicultural Centre Prague), etc. They focus on adult education. They educate thousands of pupils and teachers a year. These programmes are financed by the Ministry of Education, EEH and Norway Funds, and the ESF, etc.

## 6.2. Promotion and awareness raising

**6.2.1. Please provide information on awareness raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.**

The Ministry of Labour and Social Affairs is continuing its projects focused on foster care, which include awareness-raising activities. The latest project (2022 - 2025), 'Standardisation of processes of providing foster family care for children', is a continuation of the already implemented projects 'Support for systemic changes in the field of care services for children, young people and families at risk in the Czech Republic' and 'Systemic development and support of instruments of social and legal protection of children'. Previous projects included a campaign to find new foster parents and to promote and raise the prestige of foster care called 'Be a foster parent. Be IN'.<sup>374</sup> The regional authorities run regional campaigns to recruit foster parents. On 1 February 2023, the Czech Television public broadcaster launched the 14-part documentary series 'Plné hnízdo' ('Full Nest') about foster care and families, which was created in cooperation with the Ministry of Labour and the regions. The series includes authentic testimony from foster parents, as well as interviews with experts. The documentaries are accompanied by bonus videos with educational advice on parenting.<sup>375</sup> The

---

<sup>372</sup> More information about the One World Film Festival is accessible on its [website](#) in English.

<sup>373</sup> More information about the One World in Schools educational programme is accessible on its [website](#) in English.

<sup>374</sup> More information about the campaign is accessible on the [campaign website](#) in Czech.

<sup>375</sup> More information about this docuseries is accessible on the [Czech TV website](#) and social media ([Instagram](#), [Facebook](#)) in Czech.

Ministry of Labour projects are funded by the European Social Fund. The Ministry of Labour has not yet carried out an in-depth evaluation. The aim of the docuseries is to raise awareness of the work of foster carers and raise their prestige in society rather than to recruit new foster carers. Recruitment is the focus of campaigns by the regions, which organise various events to introduce the role of foster parents, and setting and improving not only financial conditions is also important for recruiting new foster parents. Czech Television (the national public broadcaster) is one of the most watched television stations in the country, so its broadcasts reach a relatively broad spectrum of viewers (across age groups).

“Linka bezpečí” (‘The Safety Line’) regularly carries out campaigns aimed at the public, focusing on various topics (bullying, cyber security). Pomněnkový den (Forget-Me-Not Day) focuses on missing children and is also commemorated every year. The day is also commemorated by the Ministry of Interior and the Police of the Czech Republic. The information campaign ‘Signal of Help’<sup>376</sup> of the NGO ‘Centrum Locika’ (‘Locika Centre’) focuses on violence against children. This project promotes the use of an international signal that indicates that a child needs help because he or she is the target of physical or psychological violence. The campaign is promoted through information screens in schools to reach the target group. There is no public evaluation of the activities.

6.2.2. Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure<sup>377</sup>? Please briefly describe.

There are no systemic campaigns at the national or regional level on the complaint mechanism or the Optional Protocol. Complaints and feedback can be made against individual social services or organisations providing services in the area of the protection of children’s rights, which are always promoted at the service level. Authorities for the social and legal protection of children (OSPOD) operating at the level of the municipal authorities also have their own mechanisms for complaints and feedback. Clients can also contact the superior institution, which is the Ministry of Labour. In the case of institutional care, such as children's homes, etc., complaints can be lodged at the level of individual institutional care facilities or with the Ministry of Education (as a superior institution) or the Ombudsperson can also be contacted. Some children's homes only allow complaints from persons over 18 years of age in their internal guidelines.<sup>378</sup>

The Ministry of Labour and the Office of the Government promote the possibility of participation in the Universal Periodic Review or the implementation of the Convention on the Rights of the Child in their communication with stakeholders. There are no large-scale campaigns on these activities aimed at the professional or wider public.

---

<sup>376</sup> More information about the campaign is accessible on [the project website](#) ‘Signal of Help’ in Czech.

<sup>377</sup> URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications> [12/12/2022]

<sup>378</sup> See the website of the [Trnova Children's Home](#) for illustration in Czech.

6.2.3. Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

Education on digital literacy is implemented in prevention activities in primary and secondary schools as a part of compulsory education. Schools at different levels cooperate very closely with the Police of the Czech Republic on online prevention. The Ministry of Education focuses on the development of teachers' digital skills and organises grant calls.

In 2021 the Ministry of Education together with the National Office for Cyber and Information Security (NÚKIB) updated a course called 'Safe in Cyber!'.<sup>379</sup> This awareness-raising programme focuses on sexual violence, pornography, and the cyberbullying of teachers. The 'E-bezpečí' ('E-safety')<sup>380</sup> project is a nationwide certified project focusing on prevention, education, research, intervention, and awareness raising. It is implemented by the University of Palacký. This project targets pupils, teachers, and parents.

The online project 'Be safe online'<sup>381</sup> is organised by Avast company and was co-funded by the prominent Czech youtuber Jiří Král. The prevention programme is offered for children, but it also has a module for parents and teachers. The 'Smart School programme'<sup>382</sup> is implemented by the O2 Foundation. It focuses on digital literacy (it covers topics such as Be Safe Online, Discover Fake news, etc.). It organises grant calls for schools and children's homes. As of 2022, the O2 Foundation has supported 214 schools and 22 children's homes.

### 6.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measure targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The Ombudsman's Office has developed a 'children's website'<sup>383</sup> aimed at explaining the work of the Ombudsman in the Czech Republic to children and young people and how they can address their problems to the institution. It also includes a compilation of the Convention on the Rights of the Child in a form that is understandable to this target group.<sup>384</sup> A new simplified and child-friendly version of the Convention on the Rights of the Child is also being prepared by the Ministry of Labour and Social Affairs.

<sup>379</sup> More information about the project 'Safe in Cyber!' is accessible on the [website](#) in Czech.

<sup>380</sup> More information about the project 'E-safety' is accessible on the [website](#) in Czech.

<sup>381</sup> More information about the project 'Be safe online' is accessible on the [website](#) in Czech.

<sup>382</sup> More information about the project 'Smart School programme' is accessible on the [website](#) in Czech.

<sup>383</sup> Ombudsperson's children's website is accessible [here](#).

<sup>384</sup> 'Úmluva o právech dítěte ve znění srozumitelném dětem' ('Convention on the Rights of the child in a wording understandable to children') (2022). Brno: Public Defender of Rights.



Právo na dětství (Right to Childhood), a website run by the Ministry of Labour and Social Affairs, contains a section dedicated to children with a section called Your Rights.

NGOs such as 'Linka bezpečí' ('Safety Line') regularly organise campaigns to promote counselling lines focused on children's mental health, child abuse, or other problems of children and young people.

The NGO 'Centrum Locika' carries out awareness-raising activities focused on children's rights and support for children, especially on the topics of violence against children and mental health. The target group is children, but also parents and professionals in the fields of education, social work, social services, and child protection service provision. An awareness-raising campaign<sup>385</sup> takes place mainly on social media in the form of attractive infographics (in Czech, some parts are available in Ukrainian and English), which are further promoted in schools and social services.

The One World Film Festival<sup>386</sup> is one of the most important human rights educational activities in the country (held annually in Prague and the regions), it is accompanied by the One World in Schools<sup>387</sup> educational programme. Both activities are implemented by People in Need NGO. Since the festival was established in 1999, it has been bringing documentaries on human rights from around the world to local audiences, screening them in dozens of towns throughout the country and at primary and secondary schools. One World has been awarded by UNESCO for its contribution to raising awareness of human rights. One World in Schools has been running since 2001 and involves more than 4,000 schools.

In 2021 the Ministry of Education together with the National Office for Cyber and Information Security (NÚKIB) updated a course called 'Safe in Cyber!'.<sup>388</sup> This awareness-raising programme focuses on sexual violence, pornography, and the cyberbullying of teachers. The 'E-bezpečí' ('E-safety')<sup>389</sup> project is a nationwide certified project focusing on prevention, education, research, intervention, and awareness raising. It is implemented by the University of Palacký. This project targets pupils, teachers, and parents.

According to many NGOs and experts,<sup>390</sup> human rights education in the Czech Republic is generally not sufficiently institutionally supported and developed. The UN Committee on the Rights of the Child<sup>391</sup> recommended that the Czech Republic include the rights of the child in the school curriculum.

---

<sup>385</sup> Awareness raising infographics are available on the Centrum Locika [website](#), [Facebook](#) or [Instagram](#). Some infographics are available [in English and Ukrainian](#).

<sup>386</sup> More information about the One World Film Festival is accessible on its [website](#) in English.

<sup>387</sup> More information about the One World in Schools educational programme is accessible on its [website](#) in English.

<sup>388</sup> More information about the project 'Safe in Cyber!' is accessible on the [website](#) in Czech.

<sup>389</sup> More information about the project 'E-safety' is accessible on the [website](#) in Czech.

<sup>390</sup> See e.g. here: Kálenská, P. (2017). '[Lidskoprávní vzdělávání na základních školách: Česká republika je teprve na začátku](#)' ('Human rights education in primary schools: the Czech Republic is only at the beginning'). In Jurisprudence. Accessible in Czech.

<sup>391</sup> UN Committee on the Rights of the Child. [Recommendations on implementation of Convention on the Rights of the Child](#) (2021).

## 7. Child participation and community engagement

### 7.1. Complaint procedures

Question	YES	NO	Comments
<p>7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles<sup>392</sup> in place, with an ability to hear, review and enforce individual complaints from children?</p>		x	<p>There is no independent mechanism in the Czech Republic that complies with the Paris Principles. The institution of the Ombudsperson was not originally intended to be a national human rights body within the meaning of the Paris Principles. However, the Ombudsperson's activities in the area of promotion and protection of human rights have been gradually strengthened, both at the level of law and practice. These include the rights of persons deprived of their liberty, monitoring the expulsion of foreigners, the rights of persons with disabilities and discrimination. Children and young people can turn to the Ombudsperson<sup>393</sup> on a limited area of topics. The Czech Ombudsperson does not have the full range of competences as a human rights institution defined by the Paris Principles. According to an analysis of the Office of the Government the institution of the Ombudsperson is not a traditional ombudsman office, but a “hybrid institution” as presented by the Office of the United Nations High Commissioner for Human Rights. It is a combination of the traditional Ombudsperson duties with the tasks performed by a national body for the promotion and protection of human rights (NHRI).<sup>394</sup></p> <p>A legal expert expressed that the Ombudsperson’s Office in its current role does</p>

<sup>392</sup> URL: [https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20\(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness](https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness) [12/12/2022]

<sup>393</sup> Information about the roles and competences of the Czech Ombudsperson is accessible on the [Ombudsperson’s website](#) in English.

<sup>394</sup> ‘Analýza možností vytvoření nezávislého mechanismu monitorování ochrany práv dětí a naplňování Úmluvy o právech dítěte’ (‘Analysis of the possibilities of creating an independent mechanism for monitoring the protection of children's rights and the implementation of the Convention on the Rights of the Child’). (2017). Praha: Office of Government. Available in Czech.

		<p>not qualify as a NHRI under the Paris Principles. The expert opined that the human rights mandate of the Ombudsperson is insufficient, as the Ombudsperson does not have the mandate to address the rule of law, the independence of the legal system or the media environment. The Ombudsperson, according to the expert, also does not have sufficient mandate to conduct human rights education or to carry out certain types of research. While the primary role of the NHRI would be to generally monitor the human rights situation in the country and directly address problematic issues, the Ombudsperson's Office currently mostly deals with individual complaints.<sup>395</sup></p> <p>The Ombudsperson focuses on the following areas: benefits, disabled children, discrimination, debt and liability, documents and permanent residence, name and surname, residence of foreigners, work and temporary jobs, family, courts, schools, institutional and family education, health. On its website, it says children should contact the institution '<i>[i]deally when you are complaining about an authority, being discriminated against, or having problems in, for example, a children's home</i>'.<sup>396</sup> Non-compliance with the Paris Principles should be bridged in the future by the introduction of a 'children's ombudsperson law'. At present there is only a draft law, which has not yet been sent to the next stage of the legislative process.<sup>397</sup></p> <p>Social services<sup>398</sup> have a more robust complaints and feedback mechanism in place.</p>
--	--	---

<sup>395</sup> Lhotský J. (2021). 'Česká republika: Jak vytvořit národní lidskoprávní instituci' ('Czech Republic: how to create a national human rights institution?'). Praha: Ústav mezinárodních vztahů. Available in Czech.

<sup>396</sup> More information is accessible on a child-friendly [website in Czech](#).

<sup>397</sup> This part is based on an interview with a child protection and family policy expert, Ministry of Labour and Social Affairs on 21 February 2023.

<sup>398</sup> Standards for complaints mechanisms are defined in the [Decree of the Ministry of Labour and Social Affairs No. 505/2006 Coll. of the Social Services Act](#).

<p>7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact with the law and for children to access justice and seek redress and remedies for violations of the child protection rights?</p>		x	<p>There are no specialised courts in the Czech Republic, although there are specialised chambers in general courts (for labour law cases). The Ministry of Labour and Social Affairs in the project 'Child Participation in Europe - Strengthening the National Framework and Activities for Child Participation'<sup>399</sup> also analysed the possibilities for the participation of children and young people in the Czech Republic in the area of the courts. Although the legislation allows for the participation of children and young people, emphasises the best interests of the child, and allows for the expression of this group, in practice this is <u>not</u> always possible and functional as institutions are <u>not</u> fully prepared to listen to children and young people and respond to their demands and opinions.<sup>400</sup></p>
--	--	---	---

## 7.2. Feedback mechanisms

Question	YES	NO	Comments
<p>7.2.1. Are there government support fora such as children's groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from children and children's groups who have received child protection services?</p>		x	<p>There is <u>no</u> formal mechanism at any level through which children and young people can give feedback and submit their views to the government or other authorities. Some local authorities work with so-called children and youth parliaments, and these are organised at the local, regional, and national levels. This is a voluntary activity of councils, etc. Cooperation with these entities depends on the interest of local political representations. Representatives of the National Parliament for Children and Youth<sup>401</sup> also meet with government representatives. The Ministry of Labour cooperates on its projects with various participatory groups of vulnerable</p>

<sup>399</sup> More information about the project is accessible on the [Právo na dětství \(Right to Childhood\) website](#) in Czech.

<sup>400</sup> Information about the analysis is based on an interview with a child protection and family policy expert, Ministry of Labour and Social Affairs on 21 February 2023.

<sup>401</sup> More information about this initiative is accessible on their [website](#) in Czech.

		<p>children and young people or Česká středoškolská unie<sup>402</sup> (Czech Secondary School Union). The Ministry of Labour also organises conferences with the participation of young people and children (many of them have experience with child protection services, but not all of them). However, these are rather one-off activities, not systemic feedback mechanisms that work for the whole ministry.</p> <p>The Ministry of Labour is more interested in the participation of children and young people than the Ministry of Education, as it is responsible for the Law on Social and Legal Protection of Children and also for dealing with comments from the UN and other international institutions. It also aims at innovations in the system. The Ministry of Education administers the area of institutional education and has long been rather unsupportive of the modernisation and unification of the child welfare system. The responsibilities of the Ministry of Labour and the Ministry of Education are defined in the so-called Competence Act<sup>403</sup>. The Ministry of Labour is responsible for the following areas: social welfare, care and working conditions for women and adolescents, family and child care, and care for citizens in need of special assistance. The Ministry of Education is responsible for state care for children.</p> <p>In 2022, 10 focus groups with children and young people were conducted in the project 'Child Participation in Europe - Strengthening the National Framework and Activities for Child Participation'. Seven of them focused on children from different groups (children from a private school in a big city, children from socially excluded families in a small town, children with disabilities, children from institutional care,</p>
--	--	---

---

<sup>402</sup> More information about the Union is accessible on their [website](#) in English.

<sup>403</sup> Czech Republic, Act No. 2/1969 Coll., on the Establishment of Ministries and Other Central Bodies of the State Administration of the Czech Republic, designating individual central bodies and regulating their competences (Zákon č. 2/1969 Sb., o zřízení ministerstev a jiných ústředních orgánů státní správy České republiky, kterým se určují jednotlivé ústřední orgány a upravuje jejich působnost).

		<p>children from families affected by divorce, children with experience of participating in school parliaments, also children from the Czech Secondary School Union and from National Parliament for Children participated). A total of 54 children and young people participated. A questionnaire survey 'Hear us, it's important to us' was also carried out, which focused on whether and how children can tell adults what they like and dislike.<sup>404</sup></p> <p>The National Parliament of Children and Youth is a project under the umbrella of the Duha Participation organisation. It creates a structure of parliaments, councils and other named organisations of children and youth working on the engagement of young people across the Czech Republic. Its functioning is based on the Convention on the Rights of the Child: the child has the right to participate, the child has the right to express his or her opinion.<sup>405</sup></p>
<p>7.2.2. Are community-based mechanisms functional across the country where necessary and per applicability and per protocols and procedures? Is their effectiveness monitored by independent accountability mechanisms?</p>	<p>x</p>	<p>Social services and organisations operating under social protection mandates (based on the Act on the Social and Legal Protection of Children)<sup>406</sup> have developed mechanisms for complaints and feedback for their clients. The feedback and complaint mechanisms are operational at the level of individual organisations and are also subject to inspections of social services and inspections of child protection services by the Ministry of Labour or regional authorities, or by the Ombudsperson where they have the authority to make inspections (social services, institutional care). OSPOD at the level of individual municipal authorities also have feedback processes. Complaints can also be</p>

<sup>404</sup> Ministry of Labour and Social Affairs (2023). "Právo na dětství" ("Right to Childhood") website.

<sup>405</sup> More information about this initiative is accessible on their [website](#) in Czech.

<sup>406</sup> Czech Republic, 359/1999, Act on Social and Legal Protection of Children (*Zákon o sociálně-právní ochraně dětí*), 1 April 2000.

			directed to higher authorities such as the Ministry of Labour, founding institutions, etc.
--	--	--	--

### 7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In the field of children's rights, there are a few organisations that were founded and are led by children and young people with experience of institutional care or foster care. The organisation 'Vteřina poté' ('The Second After') is one of them. It focuses on the societal participation of children growing up in institutional care.<sup>407</sup>

The organisation Lumos also supports the participation and strengthening of the voice of children and young people. They consider participation in decision-making central to children's development.<sup>408</sup> Lumos works with self-advocacy groups, activates children from disadvantaged backgrounds, and invites these groups to various professional conferences and meetings.

On February 20th 2023, the Office of the Government the Government Commissioner for Human Rights, the Ministry of Labour, the Ministry of Education, Youth and Sports, and UNICEF held a joint press conference<sup>409</sup> on the sociological study 'Young Voices'.<sup>410</sup> The press conference was attended by government officials and by primary school children. The sociological study presented children's needs and perspectives on different areas of social life. The press conference sought to increase the amount of attention given to political representation and make visible children's rights and participation in solving problems they perceive as current and important.

In 2022, 10 focus groups with children and young people were conducted in the project 'Child Participation in Europe - Strengthening the National Framework and Activities for Child Participation'. Seven of them focused on children from different groups (children from a private school in a big city, children from socially excluded families in a small town, children with disabilities, children from institutional care, children from families affected by divorce, children with experience of participating in school parliaments, also children from the Czech Secondary School Union and from National Parliament for Children participated). A total of 54 children and young people participated. A questionnaire survey 'Hear us, it's important to us' was also carried out, which focused on whether and how children can tell adults what they like and dislike.<sup>411</sup>

<sup>407</sup> This information is accessible on [website](#) of the organization, more information about them is also accessible on this webpage in Czech.

<sup>408</sup> This information is accessible on the [website](#) of the organisation, more information about them is also accessible on this webpage in Czech.

<sup>409</sup> Office of the Government (2023). Press release '[Na názoru dětí záleží na každé úrovni, i té vládní. Političky a politici si vyslechli hlasy současné mladé generace](#) (Children's opinions matter at every level, including government. Politicians have listened to the voices of today's young generation)' in Czech.

<sup>410</sup> UNICEF Czech Republic (2023), [Mladé hlasy](#) (Young Voices), Prague, Český výbor pro UNICEF.

<sup>411</sup> Ministry of Labour and Social Affairs (2023). "[Právo na dětství](#)" ("Right to Childhood") website.