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## *Rights of the Child in the Czech Republic*

Report on the implementation of the  
Convention on the Rights of the Child  
by the Czech Republic

Report prepared by the  
World Organisation Against Torture (OMCT)  
for the Committee on the Rights of Child

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## **I. Introduction**

Since the dissolution of the Czech and Slovak Federal Republic and the ensuing independence of the Czech Republic in 1993, social circumstances have been affected by the emerging market economy. Currently the economic policy of the country is geared toward entry into the European Union.<sup>1</sup>

Increasing rates of unemployment have disproportionately affected women, members of the Roma community, and other vulnerable groups. After very low unemployment in the early years of the period of transition to a functioning market economy, the unemployment rate indicator rose rapidly in 1997 to 1998; as of 30 June 2002 the unemployment rate under registration was 8.7%.<sup>2</sup>

Discrimination against the Roma population also persists in the areas of housing and education, and there has been an increase in racially motivated violence against minority groups.<sup>3</sup> The Czech Republic remains a central location for many criminal groups involved in the sexual exploitation of children and trafficking of women.

The Czech government established the Council for Human Rights of the Government in 1998 as well as the Office of the Public Protector of Rights in 1999.<sup>4</sup> The Czech Republic also passed into law the Act on Social-Legal Protection of Children in April 2000.<sup>5</sup> OMCT hopes that these entities will be utilized effectively in order to promote the protection of children's rights in the Czech Republic.

The Czech Republic ratified the Convention on the Rights of the Child (the Convention) on 22 February 1993. The Czech Republic is also a party to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)<sup>6</sup>, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)<sup>7</sup>, and the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>8</sup> On a regional level, the Czech Republic is party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)<sup>9</sup> and the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.<sup>10</sup>

OMCT is pleased to note that the Czech Republic has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.<sup>11</sup> The Czech Republic is also a party to the two principal covenants on human rights, the

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<sup>1</sup> *State Party Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights*, E/1990/5/Add.47, 25 May 2001, par. 19.

<sup>2</sup> Ministry of Labour and Social Affairs, *Information on Unemployment in the Czech Republic – June 2002*, <http://www.mpsv.cz/scripts/nezamestanost/info.asp?lg=2>

<sup>3</sup> *Concluding Observations of the Committee Against Torture: Czech Republic*, A/56/44, 14 May 2001, par. 113.

<sup>4</sup> *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Czech Republic*, E/C.12/1/Add.76, 17 May 2002, par. 5.

<sup>5</sup> Czech Helsinki Committee, *Report on the State of Human Rights in the Czech Republic*, 2000, page 11.

<sup>6</sup> By acceding to the commitments ensuing from the former Czech and Slovak Federal Republic retroactively as of 1 January 1993.

<sup>7</sup> Ratified 22 February 1993.

<sup>8</sup> Ratified 22 February 1993.

<sup>9</sup> By acceding to the commitments ensuing from the former Czech and Slovak Federal Republic retroactively as of 1 January 1993.

<sup>10</sup> Ratified 7 September 1995; came into force 1 January 1996.

<sup>11</sup> Ratified on 30 November 2001.

International Covenant on Civil and Political Rights (ICCPR)<sup>12</sup> and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).<sup>13</sup>

Article 10 of the Czech Constitution provides that “Ratified and promulgated international accords on human rights and fundamental freedoms, to which the Czech Republic has committed itself, are immediately binding and are superior to law.”<sup>14</sup>

## **II. Definition of the Child**

Article 1 of the Convention declares that “a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.”

The Civil Code of the Czech Republic establishes that “majority shall be acquired by achieving the age of eighteen years. Before achieving this age, the majority shall be acquired only by entering into a marriage. The majority acquired in this way cannot be lost even if the marriage becomes extinct or is declared invalid by a court”.<sup>15</sup> According to the Family Act, a marriage is possible when a minor is “older than sixteen years,” but only “exceptionally and for important reasons” with the approval of a court.<sup>16</sup> Therefore, the age of majority in the Czech Republic can potentially be reduced to sixteen years. OMCT would recommend that the Committee inquire as to whether the possibility of marriage under the age of eighteen implies the loss of legal protections at the age of sixteen or seventeen, particularly in the area of criminal justice.

The Labour Code specifies a minimum working age of fifteen years so long as one has completed his/her compulsory school attendance, although children who have completed their compulsory education at a remedial school (generally attended by those with mental disabilities or psychological problems; see Chapter III) may obtain work at the age of fourteen.<sup>17</sup> The legal protections guaranteed in the Labour Code apply to all legally employed “adolescents” and thus there are no provisions that are specific to those children under fifteen who work. An employer may not give adolescents overtime work or work at night. Exceptionally, adolescents over sixteen can perform work at night for no more than one hour, if necessary for their occupational training. Adolescents may not be employed for work underground in mineral mining or digging tunnels and shafts. Adolescents also may not be employed for work which, with regard to their anatomical, physiological and psychological characteristics at that age, is disproportionate, dangerous, or damaging to their health.<sup>18</sup>

Regarding the age of military recruitment, the Czech Republic has staunchly advocated a “straight-18” policy that prohibits children from entering the armed forces voluntarily or by conscription.<sup>19</sup>

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<sup>12</sup> Ratified 22 February 1993.

<sup>13</sup> By acceding to the commitments ensuing from the former Czech and Slovak Federal Republic retroactively as of 1 January, 1993.

<sup>14</sup> Constitutional Act No. 1/1993.

<sup>15</sup> Act No. 40/1964, Chapter 2, Title 1, Section 8 (2).

<sup>16</sup> Act No. 94/1963, Chapter 2, Section 13.

<sup>17</sup> Act No. 65/1965, Section 11(2). This discrepancy is probably due to the fact that basic school education takes nine years to complete, beginning when a child is six years old, while it may be possible for education at a remedial school to be completed at an age earlier than fifteen.

<sup>18</sup> Labour Code, Sections 163-168.

<sup>19</sup> Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*, 2001, page 142.

### **III. Discrimination against Roma Children**

OMCT believes that discrimination is one of the root causes of torture and other forms of ill-treatment and violence. Article 2 of the Convention asserts that “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind...” OMCT welcomes the fact that the principle of non-discrimination is upheld in the Charter of Fundamental Rights and Freedoms, which is part of the constitutional order of the Czech Republic.<sup>20</sup>

#### **Czech Republic’s Legal Framework and Programmes**

Article 3 of the Czech Republic Charter of Fundamental Rights and Freedoms establishes that “Fundamental human rights and freedoms are guaranteed to everybody irrespective of sex, race, colour of skin, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth, or other status.” Article 24 further provides that “The national or ethnic identity of any individual shall not be used to his or her detriment.”

In its Concluding Observations, the Committee on the Elimination of All Forms of Racial Discrimination welcomed

