

# Changes in the Czech System of Child Protection and Hope for Children in Institutional Care

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**D**URING the not very distant totalitarian past in Czech Republic, it was quite common for people in wheel chairs to be cleared from the streets of Prague before the great Communist Party meeting. The legacy of the past, to consider any departure from the working class image as an anomaly, has led to the continuation of widespread discrimination, even in the new democratic Czech state, of individuals who are visually different – owing to race, social status, physical challenges or mental disabilities. It can be said that public attitudes, over the years, are changing for the better for some groups, but the position of marginalised Roma certainly remains almost untouched. When these perceptions play into institutions like child protection departments, courts, children's homes, the police, schools etc. Roma are forced to live in a limbo and continue to be the favourite object of state care. This article will present the experience of our non-governmental organisation, Life Together, in the field of child protection and support for families endangered with forced removal of children to institutional care in the Czech Republic.

## The play of the post-totalitarian legacy in the private lives of families

While respect for the sanctity of family life and privacy is fundamental to a free, pluralistic,

democratic way of life with the state being reverted to the role of the provider of support, we happily observe the lasting struggle of these values in our local environment. The state continues to believe more in its capacities and institutions than the wealth of parenthood. When families are in need, get into some kind of crisis – material, psychological, parental aspects including upbringing of their children – the state continues to opt for taking all responsibilities upon itself.

To most observers, this must seem a very curious behaviour which results in shocking placements of children into institutional care. In the year 2003, Professor Kevin Browne from the UK's University of Birmingham with his team revealed in the report "Mapping the number and characteristics of children under three in institutions across Europe at risk of harm" that Czech Republic, from 33 European countries, has the highest percentage of children below the age of 3 in institutional care.<sup>3</sup> In Czech Republic, there are 60 children per each 10,000 children under 3 years in institutional care. For example, in the United Kingdom it is less than 1 child per 10,000. Even in the Slovak Republic, which shares a communist part of the former times with Czech Republic, the rate of children under the age of 3 is much lower, at 31 children per 10,000. We also have a very high number of children above 3 in institutional care and this is slowly increasing. In the year 2007, there existed 225 institutions where 7,600 children were placed;

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<sup>3</sup> Browne, Kevin, C. E. Hamilton-Giachritsis, R. Johnson et al. 2005. *Mapping the number and characteristics of children under three in institutions across Europe at risk of harm*. Birmingham: Birmingham University Press (in collaboration with EU/WHO)

that is 80 children out of every 100,000, according to Czech Home Ministry statistics published in October 2007.<sup>4</sup>

Report 15/2007 of the Czech Institute of Health Information and Statistics (hereafter “UZIS”) states that of the 1,673 children taken into state care during 2006, 21% were of Romani origin. From our experience, in almost all the child-care institutions that we have visited, a significant proportion of the children are Romani.

### **Now let us ask ourselves these questions**

If the main reason for the placement of children in institutional care is the serious abuse and neglect of children in family environments or the non-existence of parents, then we are confronted with asking ourselves: Is Czech Republic really full of cruel parents? Or, where have so many parents gone, leaving behind their children? How do we explain the fact that after leaving institutional care, 70 percent of Czech children (institutional stay lasts for an average of 14.5 years in Czech Republic) return to their former “cruel” or “incompetent” families?<sup>5</sup>

If the main reason for the placement of children in institutional care is the serious threat to the health, life or development of the child, as stated by the Czech laws, then how is it possible that in such a developed country with a high standard of living, a member of the European Union and a member of the OECD, there are so many children removed from their parental homes for social reasons? In its 2006 report, UZIS claimed that 55% of children under 3 are placed in state care for social reasons.<sup>6</sup>

### **Failure of the Czech system of child protection**

Life Together has been working with the marginalised Romani community of Ostrava

<sup>4</sup> See: <http://www.mvcr.cz/dokument/2007/prevence/mladez1016.html>.

<sup>5</sup> See: <http://www.mvcr.cz/dokument/2007/prevence/mladez1016.html>.

<sup>6</sup> See: [http://www.uzis.cz/download.php?ctg=20&search\\_name=kojeneck&region=100&kind=21&nu\\_id=6200](http://www.uzis.cz/download.php?ctg=20&search_name=kojeneck&region=100&kind=21&nu_id=6200).

since the historical floods of 1997. Twenty eight Romani families were then moved into a temporary container shelter where they faced much animosity from the local neighbourhood. We began our voluntary support work by moving in to live and work with the community and offering field support aimed at easing tensions, working with children, addressing housing needs, humanitarian needs, mediating with local authorities, etc. In January 1998, Life Together was registered as an NGO. Today, Life Together is a Roma-Czech team of 51 professionals carrying out a range of activities in community development, institutional change, social, educational and human rights fields. Annually, we try to address the needs of about 6,000 people.

In our modest opinion, the key to reducing the enormous percentage of children in institutional care in the Czech Republic lies with the social workers. But, is this because they are, as individuals, more insensitive and cruel than other social workers from neighbouring countries? Or, is there room for their further education and change in attitudes of the social workers? Or, is it that there is a great systemic failure with serious legislative limitations?

We would like to identify the following constraints to access, of needy families, to adequate social and legal protection.

Some important services for the support of endangered families are under-developed or lacking:

- Field assistance for families in their home environments.
- Emergency housing for whole families. Often the father is forced to separate himself from the family because shelters only take in mothers with children.
- Low or zero interest loans for the very poor. Unemployed or socially weak families have to resort to local loan-sharks or usurer-type



*Members of Life Together's multi-disciplinary team working on their DAPHNE II-funded project, "Prevention of forced removal of Roma children from their parents to the institutional care through the support of the families and dialogue with state institutions".*

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firms to meet unplanned family expenses like family funerals, rental advances, medical needs, annual fuel and electricity bills, etc. These loans are obtained at about a 100% per month interest rate. It is often beyond the capacity of the families to pay off its ever-mounting debts from these loans. The families often face eviction, hunger, etc, and become highly endangered.

- Short-term foster-care providers who are trained to respect and accept biological parents, and prepared to return the children back to the families. There is a general lack of distinction, in practise, between foster-parents and adoptive parents. This is because the number of children who may be adopted is very few. Families interested in adopting children are many. This situation results in a curious solution when families interested
- in adopting take in children as foster carers. Such families then have a strong resistance to co-operate and communicate with the child's biological parents. Foster care is generally seen not as a service for the child but as a service to families intending to have a child.
- Romani children in care have a poorer chance of being taken from institutions to foster families. There is a general fear of failure among non-Romani families of accepting Romani children. The possibility for Romani parents, to accept Romani children, as foster carers is also untapped.
- Free legal aid is not guaranteed in the Czech Republic for civic suits. This places most families at a disadvantage during court hearings. Romani families are particularly affected by this situation, due to their disadvantaged socio-economic situation in Czech Republic.

Social workers from child protection departments are required by law to “revive the functional family”. However, there are many barriers to their achievement of this responsibility. They are each overwhelmed by, according to the information that we received from the social workers in the field, an average of more than 400 cases. Such an intense pressure evokes a very formal, bureaucratic or disinterested response to needs of the family.

Social workers in Czech Republic are often seen by clients as resorting to repressive measures rather than supportive measures in their attempts to protect the interests of the child. They do not have any support services for reflection, supervision and client feedback.

Social workers are not sufficiently prepared and competent to work with Romani families. Czech society is plagued by strong anti-Romani sentiments and distrust. These attitudes play into the upbringing, education, training and approach to Roma. Social workers often play the up-keepers of societal values. They are often intolerant and demand from Romani families behaviour that was considered appropriate in their own past upbringing.

In addition, Roma are hardly represented among the social workers in the Czech child protection system.

There is no culture of respect for the individuality of families or differences in values. There is a strong middle-class orientated pressure on the families in Czech Republic. Material conditions of the child are given the highest priority. Evaluation of the needs of the family is often done by looking into the cloth racks, cooking pots, refrigerators and even purses. One breast-feeding Romani mother challenged her social worker, who pried into her fridge, by asking, “Why are you looking for meat when my baby does not eat meat?”

The interests of the child are also separated from the interests of the family. It is often claimed by the social workers that they are helping the

child and not the family. But they are constrained by many structural problems such as:

- Social workers are constrained in their local environments by a lack of prestige for their professions.
- Pro-client opinions are often disregarded by municipal housing departments and local authorities. These departments often have conflicting interests. The social department tries to speak up for the families while the housing department is primarily interested in financial aspects. Social housing is not defined by Czech law (unlike the Slovak law). Some municipalities grossly neglect their civic nature and function more as private corporations with no accountability to the socially needy in the field of housing. Social workers are entirely deprived of any means to prevent the forced eviction of families with children to the street, which is a widespread practise in today’s Czech Republic.

There is a poor tradition of trust in NGOs that can offer timely and addressed support to families. NGOs are seen by state institutions as an “excitable group of non-professionals”; competitors rather than partners.<sup>7</sup> There is a general lack of recognition of the positive contributions NGOs can bring to social work, such as:

- NGOs are not repressive but supportive.
- Relations with family and child based on trust and mutual respect.
- Activities are based on field work and field experience in Romani Communities.
- Romani assistants actively involved in support.
- More intensive work with fewer families.
- Flexible and timely intervention.
- NGO advocacy and legal support help before state institutions and courts.
- NGOs are capable of raising funds.
- Capable of initiating new, innovative services to fill gaps in needs.

<sup>7</sup> According to Czech law No 108 of 2006, NGOs may register as accredited social service providers and the state may transfer to them certain entrusted activities.



- NGOs may raise awareness of key issues through creative media work, etc.

Further, in Czech Republic there is no tradition of consultation and co-operation in addressing the needs of the family. The decision to suggest institutional placement is often made by a single social worker. Traditionally, the court decision ordering the removal of a child from his/her family is based almost entirely on the merits of this suggestion.

There are also strong financial motivations for institutions to take children into their care in Czech Republic. Homes for children under the age of 3 receive 10,000 EUR per child per year. Institutions for children above the age of 3 receive about 8,000 EUR per child per year: Even if the children are on the run.<sup>8</sup> Apart from these funds from the state, parents must also pay subsistence costs for their children in institutional care. The amount of the payment is dependent on the income of the parents. It can be around 20-30 EUR monthly per child. If the parent lives only from the minimum income social benefits, the subsistence costs can be excused. The money goes directly to concrete institution where the child is placed and it can be used for any purpose. It is a criminal offence for families default on payments.<sup>9</sup> Courts impose punishments on parents which generally range from several hours of public interest labour to the imprisonment of parents for a period of up to two years.

Most children's homes are paid these enormous sums through state funds. Municipalities do not feel any responsibility and are under no pressure to address the needs of families in a timely and more effective manner through social assistance.

### Several other concerns about children in state care

Apart from our deep concern with the extensive practise of forced removal of children from their parents in Czech Republic, we are also worried by the following:

<sup>8</sup> See: <http://www.mvcr.cz/dokument/2007/prevence/mladez1016.html>.

<sup>9</sup> Article 213 of law number 40/1961.

- The criminalisation of children on the run from institutional care and their parents.
- Parents' lack of information about the use of medicaments on their children in institutional care. There is a need to make transparent the use of medicines and contracts with pharmaceutical firms in institutions for children under the age of 3.
- The breach of the rights of parents by restricting contacts with their children in institutional care.
- The practise of removal of parental rights for so-called parental disinterest is absolutely immoral. This extensive practise is used to prepare children for custodianship. In these instances, the parents lose all rights over their children but are left with the duty to pay for the subsistence of the children.

### Proposals for improvement

There is a need for stronger co-operation between state institutions and NGOs who are often closer to the families in need and therefore maybe better placed to assist the families.

Decisions to propose institutional placement of children should be made by social workers almost only after consultation with a team of external experts from different disciplines like psychologists, teachers, doctors, police, field social workers, parents, the wider family and NGOs. Exceptions of course are life threatening situations.

Courts must be obliged by law to re-open hearings on the placement of a child in state care at pre-defined regular intervals. The courts must also be obliged to make full inquiries on the merits of each placement by contacting all concerned subjects including the social workers and NGOs.

The government must increase its support for the development of preventative field services, emergency housing for whole families, professional short-term foster-care providers, low

or zero interest loans, free legal aid, and training social workers as well as increasing their number to bring down the client ratio.

Finally, the Czech government must declare its decision to prioritise its support for children in their family environment rather than in child care institutions.

### **Life Together's specific experience in preventing the removal of children from their families**

In July 2006, Life Together started to realise a 2-year project supported by the European Commission within the programme Daphne II "Prevention of forced removal of Roma children from their parents to the institutional care through the support of the families and dialogue with state institutions". The aims of the project are the following:

- To improve the system of institutional care of children.
- To decrease the number of children, especially Romani children, in institutional care.
- To change the deficiencies of the system of institutional care in Czech Republic and give the solution to the problem.
- To change the practice of removal of children from their families in Czech Republic and other European countries.

To reach these aims, Life Together created a multi-disciplinary team of 5 Romani field assistants, 2 social workers, a psychologist, a police officer, a lawyer, a pedagogue and a paediatrician. The team provides field assistance for families that are in danger of losing their children to institutional care and also to parents or relatives that already have the children in institutional care and are trying to get them back home.

Life Together realises support for the families through the following activities that we can consider to be gate-keeping activities – activities focused on the prevention of removal of children from the family:

- Assistance and support for parents during their communication with the state institutions, including the child care and protection department, courts, institutions, schools, police, etc.
- Support and training in parental skills.
- Legal advisory and legal support during court procedures.
- Material and financial help for families.
- Support for contact of the parents with their children in institutional care.
- Social advisory – financial problems, debts, living conditions, social benefits, etc. Most of these poor families come from socially marginalised localities. They are hence badly informed of laws, rights and possibilities, choices of improving their situation.
- Information and contact with other specialised organisations – asylum houses, job advisory, etc., to meet their needs.

According our experience, what families need the most is support for their self-confidence and an improvement of their communication with the child protection departments, as well as help for parents to protect the rights of their family during court procedures.

During 2006, Life Together worked with 103, mainly Romani, families. From the total, 76 families were at risk of the removal of their children into institutional care, mainly because they faced problems with accommodation, education of the children, bad financial situation, or violence between the parents. We also worked with 27 families whose children had already been placed in institutional care and the parents were struggling to get their children back home. During the year 2006, we helped 6 children to return back to their biological family.

One of the greatest achievements of the project is involvement of Romani women in the team. This helps to break down the barriers between Romani families and social workers. Romani field assistants are also able to influence the attitude of state social workers to Romani families.

Another very important part of the project is dialogue with professionals during roundtables and seminars, as well as articles published in the professional press. In these activities, Life Together included state social workers, judges, NGOs, and officers from the municipal and regional governments. These activities were realised in close co-operation with our project partners from Hungary (European Roma Rights Centre) and Austria (Burgenland Netzwerk Sozial). During the roundtables and seminars, we have facilitated discussions about how to prevent the placement of children into institutional care and to support the return of children back to their families, how to change the attitude of professionals towards institutional care, as well as exposed social workers to new methods of social work – case conferences for example. Case conference is a method of multi-disciplinary co-operation of the professionals involved in the work with families and children. Such professionals may include doctors, social workers, teachers, the police, parents, advocates, psychologists, etc. It is a way of assessing needs, problems and finding appropriate solution keeping in mind the best interest of the child. Thus, the solution is focused on the prevention of removal of the child from the family or on the preparation for the return of the child back to the family from institutional care.

Life Together will also seek in the future to inform the public about the problems of the institutional care of children and the influence of institutional care on child development through the happenings,

presentation of the theme in the media, the realisation of an exhibition, the creation of an Internet site on institutional care, stories of the families with the experience of institutional care of their children, and photos made by the families. We are also preparing an informational brochure that will contain model cases of the families, information on the ways in which to help endangered families, and inspiration from Hungary and Austria for the improvement of the Czech system of child protection.

In conclusion, we would like to state that the ice is finally melting between the state social workers and NGOs. There is an increasingly vocal public voice claiming that the family is the best place for children to be. There is a new awareness that superbly equipped and materially pampered children's homes do not contribute to the well being of the children; that children grow up in a 'glass house' that does not prepare them for life; that they are often miserable and fall victims of crime on leaving institutional care.<sup>10</sup> NGOs are instrumental in offering alternative services based on support for families facing crisis situations and in changing public attitudes. Several Czech private donor foundations are also lately calling for a re-evaluation of the current sympathy campaigns for stuffing children's homes with soft toys. Instead, they call for increasing support for children in their home, family environments so as to avoid institutional placement. State institutions are beginning to hear this call for change. Our efforts are aimed at supporting this emerging positive trend with our activities.

<sup>10</sup> According to research by the Czech Ministry of Interior, 51% of children that leave institutional care commit a crime. See: <http://www.mvcr.cz/dokument/2007/prevence/mladez1016.html>.