

Documentation of the conference on family policy: Early Child Care Between Family and State

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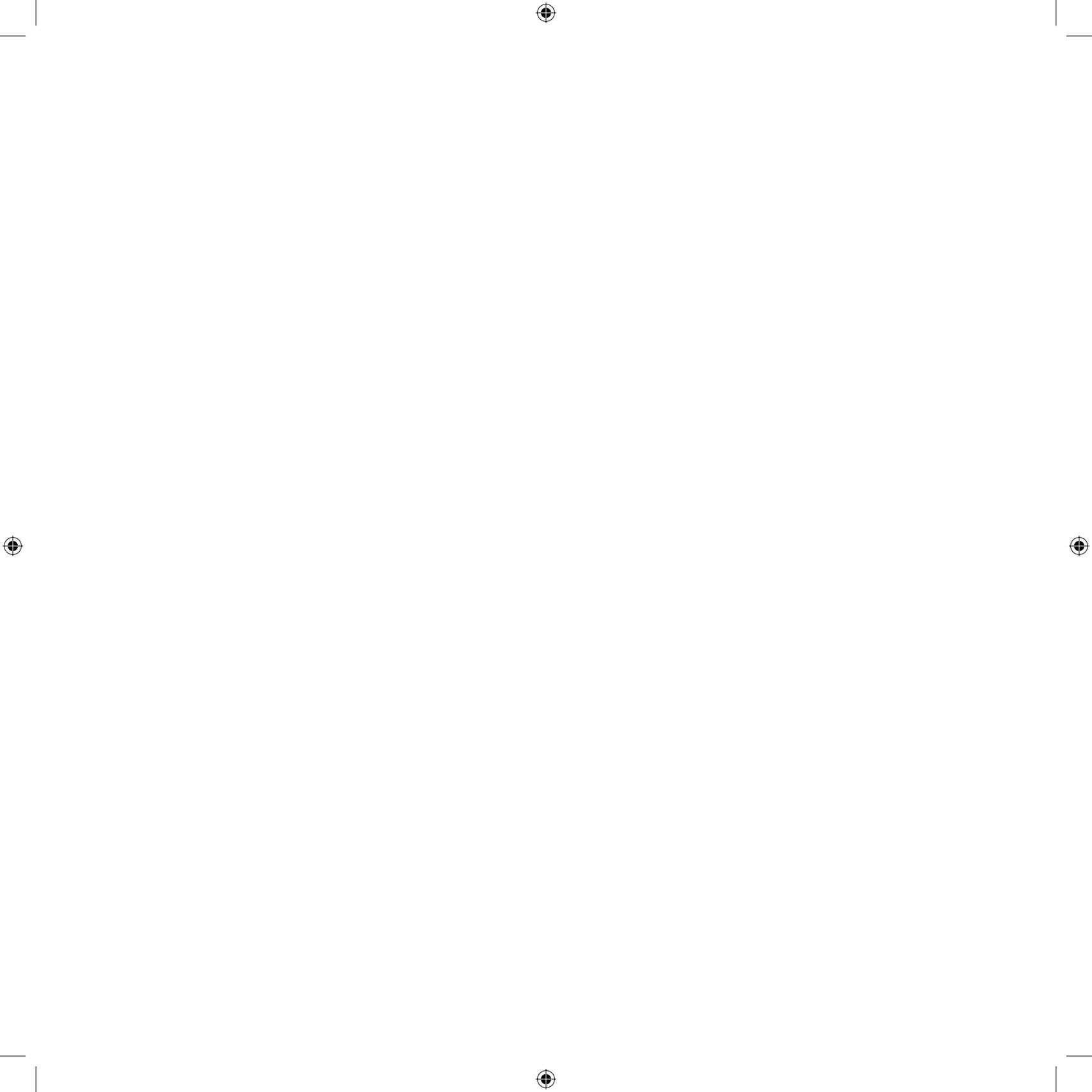
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Opening address

RNDr. Petr Nečas

Ladies and Gentlemen,

I would like to start by welcoming you to today's conference which, as every year, is held by the Ministry of Labour in order to promote the debate on family policy and, in particular, those aspects that can have a direct bearing on the state. We should not forget that, in keeping with the principle of subsidiarity, family policy is not just a matter for central government, but also for the regions and municipalities.

We have chosen to hold this year's conference on a topic which is becoming increasingly topical in Central Europe: the relationship between the state and the family in care for young children. It is no secret that this stage in the life of families, bound up with care for the youngest children, is now regarded as the key point of family policy, and in particular the sub-policy of the reconciliation of family and professional life. For families with older children, there is usually no major problem in combining professional goals with family life, but when toddlers require the constant presence of one person, the career plans of many parents conflict with the natural duties to their family and children.

I do not want to revisit the roots of the problem here, which are clearly linked to economic pressure on the one hand and the transforming values of Czech and pan-Western society on the other. The lingering paradigms from the totalitarian era also play a role, as that was a time when domestic care for very young children was viewed as somehow non-modern, verging on subversive, and when the state did everything in its power to force both parents back to work. The wide range of care-related infrastructure at the time was nothing other than the consequence of the purely selfish policy of the Communist state caught up in its own interests.

I will limit myself to stating that in Czech society today there are many parents with children who prefer intensive domestic parental care of their children, and also many who would welcome the possibility of at least partial non-parental childcare. The reasons for the wishes of the latter group are varied – the simple need for greater financial security, the effort

to keep in contact with the professional sector, or the desire for self-fulfilment in a career. Although most surveys indicate that Czech families (unlike their West European counterparts) prefer the first model, provided that this will not place them at a major financial and social disadvantage, we cannot ignore the large group of households for whom the protracted stages of full-time parental care are simply unacceptable. Even so, the media image of Czech society as a horde of educated female graduates and women managers suffering under the yoke of the stereotypical notion of housework is extremely misrepresented.

I am sure we agree that the state should help families, especially at this stage of their life when they are faced with a heavier burden. The question is what form of assistance to provide. Some want the state to use its means to eliminate stereotypes. They call, for example, for a major reduction in parental leave, which they claim motivates parents to stay at home, and thus promotes the traditional image of the family. The role of the family as carer should then be assumed by crèches as a public, state-financed service. Others view the state as a moral nanny and would prefer to see non-parental childcare banned altogether.

With regard to the debate now raging in neighbouring Germany, for example, and which is only now gaining momentum in the Czech Republic, I would like to present a fundamental argument. The state is not here to define the 'right' way of life for families, demolish stereotypes and act as a guardian of morals. The state and its institutions must remain strictly neutral in this respect. But what does that neutrality mean in family policy? The state must always draw on the principle of the autonomy of the family and freedom of choice in decisions on family affairs, including the relationship between the family and employment and the method of childcare.

When I speak of the family, I mainly have in mind the family as a whole, not just the parents. And this is where the first problem arises. In a family with young children, there are members who are not in a position to share in decision-making, but who still have the right to have their interests respected. I am thinking of the children themselves. Naturally, we can work on the premise that parents always want the best for their children. Even so, there must be guarantees that this really is the case. With regard to our topic, this guarantee might lie in setting a minimum standard of

quality childcare defined by experts – paediatricians and child psychologists. This guarantee could also set the limits of what is acceptable in the context of a family’s autonomy. Just as violence against children is out of the question, the North Korean model of week-long crèches is also inadmissible. In the same vein, the state should have the opportunity, in the light of knowledge in the fields of modern medicine and psychology, to express its preferences concerning methods of childcare without setting any generally binding model.

The arguments I have outlined are partially reflected in the principles of the system for the support of families with young children in the Czech Republic. Individual – where possible parental – care is preferred for children up to three or four years old; at the same time, funds are channelled into non-parental individual care. In both cases, this is financial assistance made directly available to families. Under the public finance reform, we are introducing multi-speed parental allowances, which will make it possible to return to work earlier without suffering any financial loss. Yet we still need to take further action.

We must create a system to support non-parental childcare that would make a contribution for parents to draw on such care and that, unlike the current parental allowance, will not be tied to personal full-time care. In addition to this system, we must preserve the principle of promoting full-time parental care, embodied by a different amount of financial assistance. We should not forget the fundamental fact that parents taking care of children full time consequently find themselves without earnings, unlike all other parents who have arranged another form of childcare. This is despite the fact that full-time child-caring parents carry out activities which are objectively beneficial for the child and the whole of society. Therefore, compensation for the disadvantages faced by such parents must be different in nature from the compensation of the cost of financing childcare that is available to parents in occupations.

As I have mentioned, every form of family support should draw on the autonomy of the family. The state may express preferences – in view of the child’s interests, which are often overlooked – but should not take decisions on behalf of the family. Therefore, not even the support of non-parental childcare should take the form of the direct institutional promotion of crèches and similar

facilities. All money earmarked by the state for family support should be channelled directly into families. Childcare facilities can be set up in the private sector and by regional government. The central government, however, will direct its resources directly to families – let them decide for themselves what type of services they will spend these resources on. If demand is accompanied by sufficient purchasing power, there is no doubt that a system of supply will emerge. Yet the state cannot exist as some sort of replacement nanny. In this respect I am rather sceptical about some trends in West Europe countries which, unlike us, do not have experience of a long-running totalitarian regime and the negative ramifications of the state’s efforts to assume the natural functions of the family.

Ladies and Gentlemen,

I hope you have a successful conference today and tomorrow. Some of the themes I have mentioned in my contribution will be addressed by speakers in the individual blocks, so you will have the chance to reflect on my words against the background of their papers. I am confident that the result will be a fruitful and enriching debate that, through dialogue, will take us another step forward as we strive to formulate the priorities of Czech family policy.

Thank you for your attention.

Family, Civic Society and State in 21st Century – the Nature of Mutual Relationship

Foundational Political Values to Guide Governmental and Family Care of Children

Prof. Thomas K. Johnson

It is a dangerous situation when a philosopher meddles in such practical affairs as government policy and child development. I remember Socrates' experience when he asked some foundational questions of his fellow citizens so many centuries ago; I hope I do not have to watch my wine glass with special care after the conference. But it is my impression that the Athenians' frustrations with Socrates were not entirely with his quest for values; those frustrations arose partly because he mostly asked questions but did not always offer good answers. I will try to ask some questions and also offer some answers; obviously you are free to try to find better answers if you cannot accept my proposals. I am not afraid of disagreement, but please hold the Hemlock.

As a young man I had the privilege of being an academic assistant to the very significant social scientist David G. Myers. His wide-ranging, award-winning research in psychology and sociology was informed by a search for values and principles which would make human life flourish, a kind of Socratic quest. He dared to hope we can identify trans-cultural values which will promote human well-being, happiness, and the common good, and this hope led to his intensive research and extensive writing. He also claimed that it is the big things that have a big effect on human well-being, matters like key ideas and values, whereas he was convinced that many passing fads had relatively little influence on human well-being, no matter how aroused people may become in discussing different government policies and different styles of parenting. So in the spirit of Myers, I will suggest that ideas and values which we can bring into the formulation of policies, programs, and practices in the family, business, and government are more important than many particular decisions which we have to make. Those values and ideas will shape all our policies, programs, reactions, and relationships. Let me illustrate.

I. Children—Gifts or Problems?

At the beginning of all our thinking about children stands a fundamental philosophical question: what is this child? We can make the question more pointed by asking, is a child primarily a gift or primarily a problem? Several years ago a pregnant colleague complained that her medical doctor saw her pregnancy as an illness, a problem, whereas she did not see the pregnancy as an illness or a problem. She saw the child as a great gift. The contrast in basic philosophy of life was stark. Forgive me for speaking plainly, but this contrast, nicely articulated in a medical clinic, is foundational for many matters related to children and child-raising today. It is close to the low birth rates causing the declining population in many developed countries, close to how we treat mothers, close to how we treat each child, and central for policies in business and government.

This is a fundamental existential question that cannot be answered by a study in sociology or economics. Our answer will not only shape our policies and our treatment of each child; the future of western civilization depends on our answer. If we think children are most fundamentally problems to be avoided, we can avoid the problem and bring all of western civilization to an end. And without having clarified and discussed the question, this is the answer implied by our low birth rates in so much of the developed world. In contrast, I see my three children as three of the greatest gifts my wife and I ever received.

I would emphasize that our feelings toward children are an existential decision; by this way of talking I mean it may be impossible to prove to the satisfaction of all people that children are a gift. This is a decision that stands before and influences all our other decisions. A person could choose to see only the problems related to having children, e.g., medical problems, financial problems, loss of time and freedom, worries about their well-being. Babies are dirty, noisy, and expensive. But we can also choose to see the way in which our lives are so deeply enriched by having children, and also desire to pass on the gift of life to another generation. Such a choice is axiomatic in the sense that it comes before and informs rational and scientifically informed decisions. To say it is existential is to say it comes before rationality, provides the basis for rationality, and therefore might not be rationally demonstrable. In a deep sense, it is foundational for all of life, in families, in business, and in the wider culture.

If we decide to value children as gifts, not primarily as problems, this will lead to child-friendly policies in government and business; it will also change our personal reactions to each pregnancy, birth, and child. For example: do we rejoice when a colleague announces her pregnancy, or do we silently complain at the little problems that it will cause for our work? Which we do is determined by our prior value decisions; do we mostly look at the little problems, or do we decide to look at the way in which our lives can be enriched at every level (including the economic level) by the presence of another human being? Our value decisions may appear to be very hidden and private, but that is not really true. All of our actions arise from our value decisions, and in that manner our basic values are communicated.

I would also suggest that the children in our families, businesses, and communities will know from a very young age whether we see them as problems or gifts. Long before children can speak, they know many things at a deep, intuitive level that shapes their experience of the world. If they know that they are welcomed as gifts, they can more easily respond to life with basic trust, love, and the courage to become good citizens and neighbors; if they are seen as problems, their deepest anxieties are unduly aroused, leading to alienation from society and themselves. This is the path of delinquency, whether this alienation is expressed in drugs, crime, or gangs. Our private value decisions have a life-shaping effect on the children in our families, businesses, and wider community; our deepest feelings toward children set a deep direction to their response to their experience of life.

II. Loyalty Promotes Security

Long before they can express their thoughts in language, children seem to be aware of key elements in the value structure of their environment. This goes beyond the question of whether they are seen as gifts or as problems. It includes the presence or absence of interpersonal loyalty. The problem we need to consider is how to prevent children from having undue anxiety that they will be abandoned, especially abandoned by their parents. Anxiety about possible abandonment, or the experience of real abandonment, can easily cause a fundamental break in a child's relationship to society and to the world at large. Abandonment, or anxiety about abandonment, often undermines a child's basic trust and courage to exist. This is, I am convinced, the background to the very dismal statistics we have all read, about how the children of divorced

parents have so many psychological, sociological, medical, and educational problems. These children feel abandoned by the people closest to them, and that experience has damaged part of their basic trust and courage. That is why, I think, that the statistics are so much worse when a woman bears a child as the result of a short relationship and never marries the father; that child was truly abandoned by the father from a very early age. Children as well as adults have a fundamental need for human loyalty. When this loyalty is broken, there is often damage to the spirit of the person, damage which is expressed physically, socially, psychologically, or educationally.

Many times we find the school or state social agencies trying to solve problems in the lives of children that arise because the children were perceived as problems and then felt abandoned by their mother or father. Of course, we need to do all we can to help such people, but we also need to ask about the value structure that will reduce the problem in the future. Part of that value structure is lifetime marriage and family loyalty. Children tend to flourish, with a stronger sense of basic trust and courage to exist, when there is both real and perceived family loyalty; this family loyalty is most often broken by divorce or separation. The divorce or separation of parents very commonly leaves children feeling abandoned, which damages their fundamental courage to live and basic trust toward life. And tragically, the majority of divorces seem to occur after relatively low levels of conflict, levels of conflict which could easily have been overcome or even forgotten.

Without resorting to totalitarianism, there is little a state can do to very quickly eliminate the vast majority of divorces and separations; however, the state can attempt to adopt policies and promote educational materials that will communicate the message that interpersonal loyalty is a fundamental human need. Extreme individualism does not promote happiness; loyalty and lifetime companionship promote happiness and empower our children to flourish. This simple philosophical principle needs to be included in our schools, policies, and laws. It is a fundamental and humane value decision that must be made, implemented, and communicated in the family, in business, and in state agencies. Once this value decision is made and implemented, it can seem to become a self-authenticating and life-giving part of the culture. After implementation of a wise value decision in public policy, that policy or law tends to promote the genuine acceptance of the basic value by the population, even if there is some popular frustration with the policy at first.

III. Unconditional Love and Moral Structure

One of the most difficult challenges with regard to children has to do with the relationship between unconditional love and the need for moral structure. On the one hand, we should all be aware of the way in which children (and probably all people) have a deep need for unconditional love, or as some phrase it, unconditional positive regard. The experience of such positive regard tends to unleash something powerful and creative within a person. In a certain sense, it sets people free. Such positive regard speaks to our deep need for acceptance by others. On the other hand, at the same time, children need practical moral guidance and restraint; they need clear, everyday rules regarding how to act and what not to do. And such practical moral guidance inevitably seems to imply that children (and people in general) are not acceptable if they do not follow the rules; and everyone fails at times.

This leads to a profound complexity at the level of basic values which we hold toward children and which we must communicate to children. Our children are simultaneously gifts which we unconditionally accept (and such loving acceptance has to be communicated) and also recipients of all the rigorous demands of responsible life in society (and these rigorous demands need to be effectively communicated) which are necessary to fulfill in order to be responsible people and good citizens. And such existential complexity has to be effectively communicated in the family, the school, and the society.

In philosophical terms, this is the problem of love and justice, which is also the problem of freedom and form; in the religious tradition it is sometimes called the problem of grace and law. I am pretty sure I cannot solve the problem at the theoretical level; maybe no mortal can give a good explanation. I am also pretty sure that some type of dialectical interaction between the two principles is extremely important for our value stance toward children and for the moral content of our relationship to them. Children have to hear and feel that they are deeply and unconditionally loved by their parents, by their school teachers, and by other authority figures in their lives, while at the same time they also hear and feel that life is filled with profound demands, some of which we might never completely fulfill. It is almost unavoidable that each person will be unbalanced in this question; some people will easily express unconditional love toward children, whereas others will easily express the demand for discipline and control. And society itself tends to fluctuate

between these two poles. True authenticity is reached only at the point of fully embodying and communicating both love and justice, both form and freedom, completely at the same time. But who has reached such a level of personal maturity?

While we may never be able, whether theoretically or practically, to fully express unconditional positive regard (love) and also the need for deep moral discipline (rules and justice), we must take some steps in this direction. At this point, I am mostly forced to draw on my own experience as a parent of three responsible children. We have to consciously take steps to communicate both that we love our children and that life itself (not really us personally) imposes the need for moral discipline. We will need to tell them that certain behaviors are wrong, but we then should also tell them that we love them. We will need to stop our children from doing some actions, but that should be accompanied by our acts of affection, perhaps a hug or an embrace. On occasion children may need to be mildly punished for things they have done, but they also have to hear about our forgiveness when they apologize. And in this process, parents and teachers have to be extremely careful on several matters.

If children are only given unconditional love, without demands and discipline, they can easily become very happy with themselves but irresponsible toward others and toward society, a result none of us here wants. On the other hand, if children only receive discipline, rules, and demands, without much love and tenderness, they easily become bitter and angry toward life, again a result we want to avoid. If children have the feeling that rules and discipline are only the personal demands of a parent or teacher and not somehow the demands of life itself, they will be inclined to look for an opportunity to escape their restraints. And similar to the way in which unduly restrictive civil laws push people into crime, unduly harsh or restrictive discipline in the family or school can prompt rebellion. If children learn responsible behavior with a very small amount of external pressure or enforcement, there is a higher probability that they will internalize responsible behavior and the cognitive value structure that supports such behavior. Children (and probably adults, too) need a living combination of unconditional positive regard joined with sensible (not arbitrary) structure or discipline that fits the demands of life in society.

Comments

There are many detailed questions about child-rearing which resist once for all time, permanent answers. Each child has slightly different needs and opportunities, which have to be assessed by the parents to the best of their abilities. The role of the state is probably to remind parents of this responsibility and to provide advice and testing to assist parents in this responsibility. And many other matters that can seem very important for a short time may have a very small impact on the total lives of our children. They should be seen as matters in which we constantly look for ways to make small improvements, but these improvements should be recognized as small. Here I am thinking about things like the exact schedule of childcare and school, who organizes and pays for their care at what age, exactly how their medical care is organized, how much or which sports at which age, and a thousand other detailed questions. The big things are the big things, and among the truly big things are the ideas and values which we bring into the biggest challenge facing us as individuals and as western society: How do we train the next generation to become people of whom we can be proud and who will be grateful to us, as parents, educators, and citizens, for what they have received from us?

Responsibility of the State, Society and the Family for Childcare

PhDr. Vojtěch Belling

The interrelationship between the state, society and the family is a matter of concern not only for political scientists and sociologists, but also – ever since those sciences came into being – for philosophers. Normative concepts of this relationship are so diverse that even the way the state and its role in the lives of people and society differs. The Platonic idea of an all-inclusive polis as the highest form of moral life is incompatible with Aristotle's pragmatic concept which, in the state, sees a necessary form of life consisting of lower communities and performing those activities which lower units are unable to carry out. The tension between these two concepts pervades the entire history of theories of state and society right up to the present. On the one hand, there are various concepts based on the idea of a competence-limited state – the night watchman – concentrating on simply ensuring the uninterrupted functioning of society and compliance with the law, and on the other hand there are theories pushing the state into the role of a moral category, or in Hegel's words the 'embodiment of the moral idea'.¹ In the first instance, the state's power is constrained by the boundaries of natural law and the derived natural competences of lower communities; on the other hand, there is a power state which is not at all restricted in the exercise of its power or in the definition of legal provisions.

The difference between these varying approaches can largely be attributed to the differing dynamism of the relationship between normative and descriptive elements in the works of the individual authors. In any case, the history of the 20th century has convinced us that the modern state – by drawing on the means at its disposal – can wield absolute power over people, society and the family at any time. This power gives the state the opportunity to change and arbitrarily define legal provisions. However, this need not (and should not) mean that the state must apply its potency to achieve absolute power. Designating the state as a legal person brandishing unfettered power or even identical to the law by no means leads to the conclusion that the state, which can feasibly do anything and intervene in all areas of human life, should act thus. Discrepancies between the concept of society's 'night watchman' and a power-based

¹ This term, still very much alive today, appears, for example, in the work of the well-known German legal philosopher Ernst-Wolfgang BÖCKENFÖRDE, *Der Staat als sittlicher Staat*, Berlin 1978.

organization, from this perspective, appear to be relative, expressing the relationship between the norm and reality. The modern state, given the essence of its concept, is sovereign. The extent to which it actually applies its potentially limitless power and in what areas hinges on its relationship with another category – the legitimacy of that power. Each political power – i.e. power in the state – derives its legitimacy from a certain source. In democratic systems, the state's people are regarded as the source of that legitimacy. However, the will of the people cannot be sovereign in its own right, even in a democratic system – the people are incorporated into the state as its state nation, while sovereignty is a predicate of the state itself. The principle of a democratic legitimate system means nothing other than that the state, in its actions, is compelled to respect the interests of the governed – not the governing – group as a matter of priority.² If it fails to do so, it does not cease to be a state, but its political power ceases to be legitimate.

The principal imperative of the state's respect for the autonomy of society and its natural structures, with family in first place, is derived from this. For a state to be able to respect the autonomy of society, it must be separate from that society and limit any intervention to preserving the existence of society. However, these interventions also include the need to guarantee social solidarity, which necessarily renders a liberal-democratic state social. The principle of the state is absolute civil equality; the principle of society is social differentiation, i.e. this necessarily incorporates inequality. Penetration of the principle of social inequality into the state contravenes the principle of democracy, just as the penetration of the principle of absolute equality into society runs counter to the principle of freedom. However, as social tension in cases of major social differences spills over into the political sphere and threatens to shut down the dualism above, a modern state respecting this segregation is forced to keep this differences in checks in the interests of self-preservation. State intervention in society (which is separate from the state) justified in this manner constitutes the principle of a welfare state from the outset, as described by Lorenz von Stein.³

² This is the basis of the concept of democracy as the identity of the governing with the governed. With regard to this concept as a stabilizing political myth of the liberal-democratic state, see Joseph ISENSEE, *Das Volk als Grund der Verfassung. Mythos und Relevanz der Lehre von der verfassungsgebenden Gewalt*, Opladen 1995.

³ LORENZ VON STEIN, *System der Staatswissenschaft*, Bd. 2: Gesellschaftslehre, Basel 1857; cf. the topicality of Stein's view from the perspective of the reality of the post-industrial society of Ernst-Wolfgang BÖCKENFÖRDE, *Lorenz von Stein als Theoretiker der Bewegung von Staat und Gesellschaft zum Sozialstaat*. In: *IBID.*, *Gesellschaft, Staat, Recht*, Frankfurt/Main 1972, pp. 513 – 547.

It might seem, at this time, that these theoretical arguments are rather remote from the theme of this conference and the contribution itself. This is not the case. The insufficient philosophical enshrinement of current concepts of family and social policy in 21st-century states is an increasingly serious problem. The interests of the state or various social groups that are promoted in the system for the generation of political will very often conflict with the interests of families and society. Similar conflicts were typical in the past for totalitarian states, where the interest of the dominant social group, through the illegitimate application of state power, was forced on all other social groups.

The communist state postulated the philosophy of a radical increase in employment – including the employment of parents with young children – on its pedestal of long-term objectives. At the time, no one asked about the interests of the families. Conversely, it was the totalitarian state's interest in taking over the maximum scope of family functions, with two goals in mind. In the words of the family policy concept from 1988-1989, drawn up by the team led by Prof Alan: to relieve the parents, and especially the woman, of 'concerns relating to the running of the household, and to a large extent relating to the care and upbringing of children, and to enable her to fully realize herself at work'; it also institutionalized childcare, 'i.e. the development of institutions ensuring their physical and mental development from the most tender age; the transfer of socializing roles from the family to the school and other institutions.'⁴ The system employed by numerous supporting institutions, laundry services, ironing services, crèches and other facilities virtually honed these objectives to perfection. The Nazi state developed a similar system. The objective was a little different – not primarily to increase employment, but to ensure the massive population growth of the dominant nation and at the same time, of course – and in this instance it concurred with the communist system – the indoctrination of society from the youngest age.

Understandably, today's democratic state has no interest in political indoctrination, and is rather sceptical regarding purely population-oriented policy; if anything, it pursues that line of policy only in an effort to prevent the extinction of society and maintain a functioning pension system, i.e. the primary goal is not population expansion. Even so, in the era of globalization the state clearly tends to assert its interests in a manner that is at least

⁴ *Koncepcie rodinné politiky* [Concept of Family Policy], Labour and Social Development Research Institute, Prague 1989.

highly controversial from the perspective of legitimacy. A case in point is the massive policies in support of full or maximum employment applied by many states, and even by the European Union, with a view to enhancing their competitiveness and driving forward economic expansion. The emphasis placed on the employment of both parents often sidelines the child's interests and, in many cases, the interests of the parents themselves. How otherwise can we interpret models where the state supports, exclusively or preferentially, parents who decide to go to work and place their children in a public childcare facility? Four years ago, in its programme to support the competitiveness of the European economy (the Lisbon Strategy), the European Union included the target of increasing the number of children up to three years placed in crèches to one third. Although this is a non-binding goal, its incorporation into this document and its exclusive justification referring to the Community's economic interests is hardly acceptable from the perspective of democratic legitimacy.⁵ It comes as no surprise that many European integration theorists are trying to propose an alternative model of legitimacy, most commonly based on efficiency or other categories related primarily to the interests of the state.⁶ Economic competitiveness is undoubtedly a good and indisputable objective. However, it should not be forgotten that it is a derived objective, the purpose of which should be to benefit society, not just the state. Therefore, if certain steps to achieve it run counter to the natural structure of society, to the principle of segregating the state from society and the family, and to the interests of at least one large yet politically very weak (and thus neglected) social group – young children

5 By the same token, in recent years the Council of Europe has attempted to view family policy through the prism of employment policy. Cf. the Conference of European Ministers Responsible for Family Affairs. Changes in Parenting: Children Today, Parents Tomorrow, 28th Session, Lisbon 16 – 17 May 2006, Final Communiqué and Political Declaration, p. 10. In the same place, there is even criticism of part-time jobs and working hours for parents as measures promoting 'traditional gender distribution of caring and household tasks'.

6 Cf. Andreas MAURER, *Parlamentarische Demokratie in der EU*, Diss. Universität Gießen, Baden-Baden 2002, Chapter II/6, passim and Anne PETERS, *Elemente einer Theorie der Verfassung Europas*, Berlin 2001. Andreas Böhm approaches the legitimacy of the European Union from the same position, *Zwischen Legitimität und Effektivität. Das Europäische Parlament nach dem Vertrag über eine Verfassung für Europa*. In: Zeitschrift für Beamtenrecht, 2006, pp. 173 – 176. In contrast, Elisabeth Rumler-Korinek regards the output/legitimization of the EU as clearly inadequate, *Kann die Europäische Union demokratisch ausgestaltet werden? Eine Analyse und Bewertung aktueller Beiträge zur europäischen Demokratiedebatte*, Europarecht, 2003, pp. 327 – 342

– the application of state instruments in this field contravenes democratic legitimacy. If the policy of reconciling family and employment and of developing childcare services is motivated by economic reasons, this is unacceptable.⁷

Justification may be provided only by the interests of families themselves, which should be viewed as social institutions where the interests of their members – as human individuals – equal. Even in respect of those members who are not in a position to express themselves. Like society, the family plays several roles in which the state cannot legitimately intervene (which does not rule out the support of such roles). The carer role is one of them.

What I have just said does not mean that the state cannot give families the chance to select the model of life that suits them best, including the division of roles within the family between the man and the woman, including the structure of the relationship between professional and family life, and including the selection of a given form of childcare. However, this decision must be autonomous and motivated exclusively by the interests and wishes of the family. Childcare is a natural family competence supported by the state. In the context of such competence, it is axiomatic that parents may decide to select a certain type of non-parental childcare. The criterion here is that this form of care must not be to the detriment of the subject – the child – as the child is incapable of expressing a view on the decision. Nevertheless, this may be assessed by virtue of knowledge available in modern paediatrics and child psychology. However, if a family opts for non-parental care, the question is whether the state has the task of playing the replacement carer.

It is common ground that the modern welfare state makes basic arrangements to safeguard human existence through its administrative system. In an industrial society, people are incapable of seeing to the essential requirements of their existence in this world and need certain goods that can only be obtained through the state. Borrowing the expression employed by the German legal philosopher Ernst Forsthoff, this task in the administration of a modern state can be called 'provision for existence' (Daseinsvorsorge).⁸ In particular, this encompasses the provision of public services necessary for human life in its

7 Cf. Mary DALY, Sara CLAVERO, *Contemporary Family Policy. A comparative review of Ireland, France, Germany, Sweden and UK*, Dublin, p. 144.

8 ERNST FORSTHOFF, *Die Verwaltung als Leistungsträger*, Stuttgart 1983. See also IBID, *Der Staat der Industriegesellschaft*, 2. Aufl., München 1971.

effective area of life: transport infrastructure, supplies of energy and water, waste disposal, and the availability of educational facilities or hospitals. Besides these services, the social security system naturally belongs to the state. Notwithstanding the current debate on whether this concept of the state is justified in the post-industrial globalized society,⁹ we can ask what role is played here by family support and childcare support, and what form it should take. An attendant question is the extent to which a public childcare service can be regarded as an essential component of human existence.

The justification for assistance provided to families in a state which safeguards the fundamental prerequisites for dignified human existence stems, paradoxically, directly from the essence of that state. By means of a generous system guaranteeing the quality of human life, that state undermined the most fundamental, welfare-protecting role of the family as far back as the 19th century. The social insurance system, guarantees of health care and, increasingly frequently, the free-time activities of humans have removed the basic motive for starting a family as a natural means of security in the event of unexpected situations in life or old age. It is because the state started playing this originally family and social role that it found itself in a spiral imperatively culminating in compensation for the family's existential disadvantages by other means. The state needs the family, whereas the individual (thanks to the social insurance system) would not miss it. Compensation for such a disadvantage is the only way of justifying the state family policy, and hence state intervention in families.¹⁰ Family support thus motivated is

⁹ In connection with the privatization of these conventional components in the 'provision for existence' in a post-industrial state, there is occasionally talk of a crisis of statehood and of the state per se: cf. Philips GENSCHER, Bernhard ZANGL, *Die Zerfaserung von Staatlichkeit und die Zentralität des Staates*, Das Parlament – Beilage, 2007, Nr. 20/21, pp. 10–16. In this respect, Thorsten KINGREEN talks about the need to replace the concept of the welfare state, providing for human existence, i.e. *daseinsvorsorgender Sozialstaat*, with a concept of the activation welfare state (*aktivierender Sozialstaat*), which places a greater emphasis on support for the personal activity of individuals and on reducing forms of 'nanny state' while preserving the principle of social solidarity (*Rechtliche Gehalte sozialpolitischer Schlüsselbegriffe - Vom daseinsvorsorgenden zum aktivierenden Sozialstaat*, Schriftenreihe des deutschen Sozialrechtsverbandes 52 (2004), pp. 7–47.

¹⁰ Cf. on this position of the family in the field of tension between state intervention and the autonomy of families Paul KIRCHHOF, *Der verfassungsrechtliche Auftrag zu einer familiengerechten Wirtschafts- und Steuerordnung*, Demographie und Wohlstand 2003 (proceedings), Opladen, pp. 103–110.

not only fully legitimate but also essential from the perspective of a democratic state. The goal remains the family in itself, because the family is the subject of the disadvantage described above. In this respect, the routing of assistance to families must be non-certain insofar as it does not a priori assume specific decision-making by families regarding the structure of internal family relations or the form of childcare, or specific expectations derived from these different categories of family behaviour. I will mention the exceptions in the conclusion.

The a priori non-specificity of family support logically leads to the conclusion that the financial resources the state spends on the objective of universal family support (I am not talking about the poor or other socially disadvantaged families drawing on other forms of aid) need to be provided directly to families. Families, in view of their natural and competences not transferable to the state, have the right to use those funds – in connection with the performance of their natural functions – any way they wish. This includes the provision of non-parental childcare, if we are talking of support for families with young children, which are burdened the most both financially and socially. Nevertheless, the de facto implementation of this care, including the related arrangements, is primarily a matter of the relationship between the family and society. Non-parental childcare cannot even be viewed as a public service in the contemporary welfare state because it does not comply with the basic parameters of this category as outlined above. It is not a service essential in guaranteeing human existence in modern society that could not exist outside the system of state guarantee.¹¹ Humans and the family could feasibly exist even without a state-guaranteed system of non-parental care. However, this does not alter the fact that this form of childcare is very important and necessary for numerous people. The fact that it is not directly guaranteed by the state – by setting

¹¹ In the same vein, nor is it a more narrowly defined social service (which does not entirely overlap with the aforementioned concept of public services in Forsthoff's meaning), as that is defined by the law as 'activity or a set of activities ensuring assistance to persons in an unfavourable social situation' (Section 3(a) of Act No 108/2006 on social services, as amended). The determination of such an unfavourable social situation includes a 'socially disadvantaged environment' (Section 3(b)), but the family is not included here because it is explicitly construed as a 'natural social environment' (Section 3(d)). On the other hand, even without such a conceptual explanation of the law, based on established legal practices in the field of social law it would be possible to infer that life in the family cannot generally be regarded as an unfavourable social situation.

up or legislatively enshrining mandatory subsidies – does not imply, however, that it should not be supported from public funds. This support stems from the aforementioned imperative of compensation for the disadvantages faced by the family in connection with the fulfilment of carer and (other) functions. However, it is not inherently designated in respect of the form in which these functions are to be performed by the parents (the only exception to this principle is respect for the interests of the child). Therefore, it is necessary to differentiate the role of the state from the perspective of financial assistance for childcare as such (whether parental or non-parental) and its relationship with the direct realization, or de facto guarantee, of that care. It is here that the differentiation emerges between a public service that the state not only finances, but also provides (or directly subsidizes – in relation to the partially privatized form of such services), and childcare in which decisions regarding the form remain in the hands of families. Actual childcare, including non-parental care, must therefore take place outside a state-established or financed institution, in a sphere that is purely social and hence governed by private law. Accordingly, the financial arrangements must be made via families, who may draw on financial resources from the state to this end – in accordance with the above-mentioned imperative of state assistance for families (so far, such financial resources have not been earmarked for this purpose in the Czech Republic and it is unknown whether they will be available). It is only logical that the state will channel all resources designated for childcare support directly into families so that these families can decide how to handle such funds.

I have already mentioned that exceptions to the non-specificity of universal family support can be defined. In particular, we can differentiate between family support in various phases of life, in the light of a family's financial and social burden connected with the varying degrees of momentum in the performance of its natural functions. A family with a toddler requires support structured differently from that of a family with adolescents. Another exception is the manifestation of a certain preference in view of the interests of family members, which society and parents themselves may tend to neglect and which the state of which those members are citizens must therefore represent in any conflict of interests. In view of their well-being and interests, the state may legitimately, financially or otherwise, prioritize certain types of care without disabling or discriminating against other forms.

At this point, I would like to sum things up: A modern state is built on the duality of the state and society and on the principle of respect for the private sphere of the individual and the family. Its conduct is legitimated by the interests of the people, not by the interests of the state per se. As a result of industrialization and changes in the way people live, the state provides, and must provide, certain existentially imperative services such as transport infrastructure, electrification, and a system of health and social services. Childcare does not belong among those services which must be guaranteed by the state with a view to safeguarding human existence. On the other hand, the fact of the matter remains that the modern welfare state has deprived families of one of their basic roles, lifelong social security, and taken on this role itself. The economic justification behind this (the non-return of the cost of bringing up and socializing children) is therefore compensated by the system of family policy. However, that compensation must be based on the family's freedom to decide. If the state were to finance the building of childcare facilities, it would be making decisions on behalf of families regarding how the money intended directly for such families will be used. At the same time, it would be robbing Peter to pay Paul. Instead of financially compensating economic disadvantages it has structurally caused by crippling one of the principal functions of the family, it would address this situation by usurping other natural functions. There is no need to stress that this step would not only be questionable from the aspect of the child's interests, but primarily illegitimate from the perspective of the role of the state.

The role of the state and the role of the family – forms of state support, child care and the needs of families

PhDr. ThDr. Thomas Schirmmacher

The first years determine the rest of ones life

800 years ago, the German emperor, Friedrich II Barbarossa (1194–1250) wanted to discover which was the original language. He therefore gathered newborn babies from a large number of African, Asian and European countries – as emperor he had the power to perform this type of brutal experiment – and entrusted them into the care of a deaf and dumb nanny, who only nursed and fed the babies, but was not allowed to communicate or to play with them. Which language would they learn by themselves? In what language would they speak their first words? The emperor never discovered the answer because all the children died too early, they literally withered away.¹

Man has adapted to life in the society of others, and because of this isolation still remains one of the cruellest types of torture, even when the prisoner is not otherwise harmed. We now know from a series of research projects what the emperor did not: children do not only need milk, food and physical care because their lives are also dependent on close relationships, conversation, bodily contact, emotions, games and company.

I grew up in an area where there was a lack of iodine, and as a child I did not get enough of it. The result is that I now have to visit the doctor each year to have my thyroid examined, and I take medication on a daily basis. Whereas the connection between these two things is obvious to everyone, many people are unwilling to see the just as scientifically demonstrable relation between our treatment of small children in terms of acceptance, speech, relationships with other people (particularly the mother and father), care and many other factors, and later problems children have in the area of social behaviour or education.

For example, we have known for a long time that the more we talk to small children, and the more intimate this conversation is, the faster their brains develop, the higher the number of synapses and the better they learn to talk and think, the easier they find it to learn later on and the more developed is their

1 H. Citron. „Über das Gespräch“. Wege zum Menschen 16 (1966): 417–427.

emotional intelligence and their confidence in adapting to ever-changing situations. To summarize: each hour we spend talking with children or during which they listen to adult conversations, provides them with a head start on life.

It is therefore in the interests of the state to allow children to spend as much time as possible with one or both parents, and high quality childcare should also be provided outside this period, covering more than just the visible role, and each carer should only have to deal with the smallest possible number of children – psychologists and experts recommend two² or three to four³ children to one carer!

A worldwide psychological study of relationships⁴ proved dozens of years ago that during the first years after birth relationships are more important than learning and that an early stage involving an intensive, intimate relationship with the same adult provides a foundation on which education can subsequently build, whereas no later education can compensate for the lack of a relationship during the first years of life.

During the first year of life (12 months) any deviation from a situation where the primary care is provided by the mother or the parents is clearly and simply associated with a rise in the death rate of babies worldwide, a fact which is continually being pointed out by the Munich paediatrician Theodor Hellbrügge, long-term Institute Director at the University of Munich and founder of the International Academy for Developmental Rehabilitation, which is also closely linked to Prague.⁵ During the first year of life,

2 S. Ralph Dawirs, Gunther Moll. „Kinder lernen mit Gefühl“. Die Welt, 3.11.2007: s. W3. Ke stažení na www.welt.de.

3 S. Uta Rasche. „Schöne neue Krippenwelt“. Frankfurter Allgemeine Zeitung, 31.12.2007. S.1.

4 S. Karin Grossmann, Klaus E. Grossmann. Bindungen – das Gefüge psychischer Sicherheit. Stuttgart: Klett-Cotta, 2004; Deutsche Liga für das Kind in Familie und Gesellschaft. Neue Erkenntnis der Bindungsforschung. Berlin: Deutsche Liga ..., 1996, and a further four collections jointly published by Karl H. Brisch and Theodor Hellbrügge, listed in the publications section.

5 Compare with Theodor Hellbrügge. Erlebte und bewegte Kinderheilkunde. München: Prokon-Verlag, 1994; Theodor Hellbrügge, Klaus Döring. Das Kind von 0 – 6. München: Herbig, 2003 (10th edition.); Theodor Hellbrügge, J. Hermann von Wimpffen. Die ersten 365 Tage unseres Kindes. München: Knaur, 1976 (1996⁴⁵, a number of reprints available). Hellbrügge advocated and supported home care for handicapped children with their parents with professional assistance and proved that this is almost always better than care outside the home, see www.theodor-hellbruegge-stiftung.de. The importance of relationships between small children and a constant close companion for their psychological and physical well-being, can be compared with four collections jointly published by Karl H. Brisch and Theodor Hellbrügge, listed in the publications section.

provided this is at all possible, babies should not be entrusted to other people, and if they have to be cared for by someone else, this should only be for a short time and by someone the child already knows well through his mother.

After these 12 months, the next cut-off point is the first 18 months, which is the age also proposed by supporters of crèches, such as Wassilios Fthenakis, as the youngest at which children should attend crèches, without even taking into account the fact that each specific case should still be evaluated to see whether the child is prepared for crèche care and whether he should attend at a later date. Until he has reached 18 months, the child is not ready to relate to a number of different children, only after that age will he gradually derive more benefit from playing with a fluctuating group of other children.

After 12 and 18 months, the research often takes a cut-off point of 36 months. There is no doubt that during the first three years of life, reliable relationships and structures have a significant importance for later life and we should, as far as possible, avoid even simply moving house or exchanging the main caregiver, not to mention divorce.

The German Association of Psychoanalysts has made the following comments on this subject – which, unfortunately, the German Ministry for the Family has failed to take account of: “The results from studies and experience (not ideology) have shown that the primary factor contributing to the development of a child’s feelings of security, the development of his personalities and his psychological well-being is a sound relationship with his parents. Because of this, it is extremely important that the mother and father be emotionally available and devote time to their children during the first three years of their life.”⁶

Do we want to make families even more non-functional?

Many problems have arisen in modern families because, as its role has been gradually and massively downgraded 300 years, the family has lost a large number of its former functions. Among the most important of these are its economic and educational roles.

6 „Krippenausbau in Deutschland – Psychoanalytiker nehmen Stellung: Memorandum der Deutschen Psychoanalytischen Vereinigung“. www.dpv-psa.de/html/Pressespiegel/artikel/Memorandum%20vom%2012.12.07%20-DPV-KR_Psyche.htm; www.psychoanalyse-aktuell.de/kinder/krippenausbau.html; this memorandum can also be compared with Heike Schmoll. „Verlust der Lebenssicherheit“. faz.net dated 22 December 2007 and Ann Kathrin Scheerer. „Fremdbetreuung im frühen Kindesalter“. www.psychoanalyse-aktuell.de/kinder/fremdbetreuung.html.

This also resulted in a significant loss of stability for the family and many people found that the loss when they allowed their families to break up or when they failed to establish one in the first place became less and less significant.

“This often implicitly entailed the transfer of functions that had originally been performed within the home or the family to higher-level social structures, and in particular to the state. From a perspective of hundreds and thousands of years, we can see this handover of functions to higher social structures in almost all areas of life, in the area of cults as well as that of law, in economic terms and in education. This process of relieving the family of its functions, which is so blatant today, is one of the prevailing trends in the history of family development.”⁷ “We have seen that the lightening of the family’s functional role has been accompanied by the assumption of these functions by parallel or higher social structures or that this has resulted in their formation. Here we could name schools, factories, communities and, above all the state with its varied social institutions.”⁸

For centuries the family was the institution most frequently encountered by the general population. It determined their lives, provided emotional, economic and other support and ensured the relevant educational input. It lost its economic function with industrialization and its educational role with the emergence of schools.

However it is remarkable that, in statistical terms, there is still no stronger influence on a child’s future than the family from which he comes! This is the case whether we look at it in terms of education, social standing, income, social awareness, self-confidence or social involvement: statistically, the influence of the family on the child as a future adult is more important than any other factor, despite the fact that over the long term attempts have been made to mitigate this situation, which is unfair on the child himself, for example through the education system.

I am not now simply bewailing the decline of the role of the family over the past centuries. At the same time we have gained a great deal of freedom and the possibility of development. However, in my opinion, the question today is whether we also want to remove the last functions and tasks it still performs from the family? And whether the state is really able to take over these last remaining functions itself and hand them over to other institutions?

7 Michael Mitterauer, Reinhard Sieder. *Vom Patriarchat zur Partnerschaft: Zum Strukturwandel der Familie*. C. H. Beck: München, 1984³. pp.17–18; compare p. 11+92–116.

8 *Ibid.* p. 111.

The welfare of the child and economic pressures

Children's welfare plays a very subsidiary role in a service and industry based society, because children cannot yet contribute to economic growth.⁹ Although the economy wants a labour force in the future that is educated, socially mature and hardworking, it is not involved in establishing one. Someone else must bear the cost.

Many parents devote very little time to their children, not because they do not want to, but because the social and economic pressures are too strong. No one bothers to ask the children themselves, although the studies show that, "Children do not want to go to crèches"¹⁰.

It has been known for a long time – for example, from the largest long-term study on this theme carried out in the USA and published in 2007 – that children who were only cared for in crèches are far more aggressive, less independent, less secure and more reliant, but the economy is not bothered by this, it simply excludes the more aggressive and less educated children when selecting employees.¹¹ The first research into this topic was performed by the excellent

9 Wolfgang Bergmann. „Von Kindern ist nicht die Rede“. Focus 44/2007: 146–150.

10, „Wohin mit dem Kinder“. Focus 44/2007: 131–136; similarly: Daniela Niederberger. „Kinder wollen keine Krippe“. Die Weltwoche (Zürich) 40/2007, www.weltwoche.ch/artikel/?AssetID=17434&CategoryID=91; Daniela Niederberger. „«Nein, das Kind ertrag ich nicht»“. Das Weltwoche-Gespräch. Die Weltwoche (Zürich) 50/2007, www.weltwoche.ch/artikel/?AssetID=17966&CategoryID=62.

11 In the USA this topic has been the subject of much discussion "Mommy Wars" – as well as research. Studies performed up to 2000 in the English-speaking world include: Claudio Violato, Clare Russell. "Effects of Nonmaternal Care on Child Development: A Meta-Analysis of Published Research". pp.268–301 in: Claudio Violato (ed.). *The Changing Family and Child Development*. Aldershot (GB): Ashgate, 2000. The overall result: intensive non-maternal care leads to a statistical increase in abnormal behaviour (e.g. aggressivity). The largest study was carried out by the National Institute of Child Health and Human Development. The NICHD Study of Early Child Care and Youth Development (SECCYD): Findings for Children up to Age 4 1/2 Years (05–4318). Washington, DC: U.S. Government Printing Office, 2006, http://www.nichd.nih.gov/publications/pubs/upload/seccyd_051206.pdf. The NICHD Early Child Care Research Network (ed.). *Child Care and Child Development: Results from the NICHD Study of Early Child Care and Youth Development*. New York: The Guildford Press, 2005 (here 1,364 children from birth to the 6th class were monitored). Here the results show the highest rate of abnormal behaviour among children attending day-care centres, although it is only statistically significant for the lower quality centres. High quality crèches show a growth in average child vocabulary comparable with other types of care, although it does not preclude a statistically weak [what is "weak"?] increase in abnormal behaviour.

Prague child psychologist, Zdeněk Matějček, who carried out four major studies into child development in Czech crèches as well as the development of children in various different types of families at the University of Prague.¹²

The family, as a small unit, is generally unable to resist the pressure of the modern, capitalistic and ever-more globalizing economic order. It is only the state that can achieve this. For this reason, the state should not use its monopoly of power to further increase the pressure on the family, but instead should take suitable legislative and guidance measures to ensure that, even in the face of economic pressures, parents can act as they deem fit in the interest of the next generation.

This does not only involve the amount of time parents can spend caring for their children at home, but also childcare outside the home. One example should suffice: the experts advise parents, particularly mothers, to ensure a long and gentle transition period when placing their small children in childcare, to allow the child to transfer his confidence from the mother to the caregiver over time. This means that the mother should spend the whole of the child's first day at the crèche, stay one hour less on the second day and thereafter spend part of every day there, even if only a quarter of an hour. But what employer would ever allow that?

The German Association of Psychoanalysts comment on this problem by saying, "Many studies have shown that there is a large difference in terms of developmental psychology between a child who enters non-parental care at the age of one year, or a year and a half, or two years and depending on the numbers a day he spends in care. The longer the period he spends in day care and separated from his family, the higher the level of the stress hormone cortisol can be found in the child's organism. This explains the connection between long-term, or all-day care outside the family and subsequent aggressive behaviour at school, which has been found in cross-sectional studies. Other deciding factors affecting the quality of care in crèches are the size of the groups and the rate of staff turnover. Oversized groups or a frequent turnover of staff prevent the child from making secure relationships; this may in turn make him socially withdrawn

12 Zdeněk Matějček himself gives a short summary in: „Neue Erkenntnisse der Bindungsforschung: Prager langfristige Studien“. p.91–102 in: Deutsche Liga für das Kind in Familie und Gesellschaft. *Neue Erkenntnisse der Bindungsforschung*. Berlin: Deutsche Liga ..., 1996, mainly compare with: Josef Langmeier, Zdeněk Matějček. *Psychische Deprivation im Kindesalter: Kinder ohne Liebe*. München, Wien, Baltimore: Urban und Schwarzenberg, 1977, and other papers listed in the publications section.

or lead, during the course of his development, to restlessness, attention disorders and a lack of concentration. In general, we can say that the younger the child, the less he is able to understand speech and time, the less time he spends in parental care, the longer the periods spent in the crèche, the larger the group of children and the more frequent the staff turnover, the more serious the potential breakdown in his psychological wellbeing.¹³

The voucher system

The voucher system, in the widest sense of the term¹⁴, used in various areas of society, originated in the Netherlands, where it was introduced over a hundred years ago by the theologian and Prime Minister, Abraham Kuyper, who based it on Christian ethics. For a hundred years now the state has been using its tax revenues to provide its citizens with money, through a system of vouchers or by other means, with which they can themselves decide on the school or kindergarten to which they want to send their children, which private radio or television station they want to support, and many other things. In 1955 the renowned Austro-American economist, Milton Friedman, requested that the voucher system be introduced into all areas of the educational system in order to ensure the widest possible decision-making freedom for citizens, enabling them to resist the influence of the state. More and more countries are adopting the voucher system in areas that affect the family – for example Sweden, or the state of Hamburg¹⁵ – because it represents direct state support for children, but at the same time: 1. it leaves parents the freedom of choice because it allows them to select what they want,¹⁶ 2. it frees parents from economic pressures and 3. it creates healthy competition between those offering the best services.

What does that Christian – or to put it more precisely evangelical reformed – system of ethics, which is at the base of this system that has proved its worth in a secularized society like

13 „Krippenausbau in Deutschland“ in the place referred to.

14 Compare Dominik Enste, Oliver Stettes. Bildungs- und Sozialpolitik mit Gutscheinen: Zur Ökonomie von Vouchern. Analysen: Forschungsberichte aus dem Institut der deutschen Wirtschaft Köln 14. Deutscher Instituts-Verlag: Köln, 2005.

15 To appreciate this compare with *ibid.* p. 49–51

16 For an explanation see Vera Bünnagel, Barbara Henmann. „Kleinkinderbetreuung: Wahlfreiheit durch subventionierte Krippenplätze?“ Otto-Wolff-Discussion Paper 1/2007. Köln: Otto-Wolff-Institut für Wirtschaftsordnung, 2007. 21 s. www.otto-wolff-institut.de/Publikationen/DiskussionPapers/OWIWO_DP_1_2007.pdf.

the Netherlands, say? It claims that the family, work, the church and the state are all independent, that institutions that have been established by God, and which did not emerge with one another, do not need to approve of each other because they all derive directly from God. The Church should not decide about the state, nor the state about the Church. Both have their own rights which apply to completely different aspects of life.

In the same way, the state (but also the Church and the economy) deals with marriage and the family, supports them, intervenes when they miss their objectives and slip into crime, governs their public relationships in accordance with the law, but does not determine them, and neither does it decide whether they should exist or not. In the same way as the state discovers the natural environment (the created world) and protects its future, it cannot decide on its existence, it also discovers marriage and the family and protects their future, but it does not consider them its property because it knows that the family develops best when it has maximum freedom and is self-motivated.

In communist states, world opinion asserted that children and families belonged to the state and therefore that parents are entrusted by the state to bring up their children in socialism, or for socialism. The humanistic ethics of our European tradition – for example in Roman law – just as the Christian tradition, has always denied this: parents do not work for the state and children do not belong to the state. In his numerous works at the Prague University prior to 1989, Zdeněk Matějček, who was in constant conflict with the Communist government, bravely and rightly continued to emphasize this fact and after 1990 he provided important momentum for the then Czech family policies.

Catholic ethics rather than the evangelical vocabulary tend to be used more in the European Union nowadays when we talk about “the principle of subsidiarity”: matters that can be handled by a smaller authority will remain at that level, or, in other words: the EU, or a central state etc. will not try to perform every task itself because it will try its best to support the involvement of parents, citizens and municipalities at the lowest possible level and the higher authority will only participate in a complementary manner.

“The new lower class “

I would like to add one more thought, which I referred to in my book entitled “The new lower class: poverty in Germany“. Currently there exists a danger that the growing number of

defective families is leading to the need for state involvement a because of this functional families are being punished to a certain extent because the state also dictates to them how they should behave with their children.

In other words, it is unfortunate but there are families where the children are so neglected or even abused that it is in the interest of the state to place them in permanent or at least long-term care outside the home. When for example children are not taught the language of the country in which they live at home, which means they cannot be integrated into school, as is the case with unemployed Turks in Berlin, day care is often their only chance of learning the language and entering the educational system. However this must not lead into a situation where all the parents who properly care for their children have their rights restricted because of these problems.

The same applies to orphans: an orphanage is always a better option for orphans than leaving them to fend for themselves on the streets. But a new foster family is always better than an orphanage,¹⁷ and because of this all the EU Member States strongly support foster families and only maintain orphanages as a temporary solution.

There are families where – unfortunately – the state must intervene in the care process for the good of the child, but we should not pressurize, either secretly or openly, the far greater number of functional families to entrust their children to the state as often as possible. This is contrary to the best interests of the child as well as to the wishes of most parents.

And if one day the state did actually assume the responsibility of caring for all the children, it would discover that it is not capable, either financially or in terms of staff numbers, to perform this enormous task, which is performed by millions of parents, leaving aside the social consequences this would have.

The head start taken by the middle and upper classes is not simply because they have more money, but also the fact that from the beginning they tend to invest more time and money in their children. The lower classes do not read to small children, whereas the upper classes frequently carefully select something for the parents or the carer to read to children as young as two years old. And if you read the biographies of Nobel prize winners, you will

17 S. Andreas Mehringer. *Verlassene Kinder: Ungeborgenheit im frühen Kindesalter ist nur schwer aufzuholen: Erfahrungen e. Heimleiters mit seelisch verkümmerten (deprivierten) Kleinkindern.* Schriftenreihe der Deutschen Liga für das Kind in Familie und Gesellschaft 11. München, Basel: E. Reinhardt, 1985.

almost always discover how much of a personal effort their fathers and mothers devoted to supporting them from the earliest childhood. We must not prevent this support being given to children by using the argument that the state must intervene in caring for children in other families, where parents neglect their children.

“Modern fatherhood”

As a committed father, I would like to add just one more point: in my book “Modern fatherhood” I have collected a lot of evidence to show how important the father is for the child’s development. The discussion these days tends to focus too much on combining motherhood and a job. Modern research on relationships sees the role of the father as the one who places challenges, advises and protects their independence.¹⁸

We should welcome any initiative that gives fathers more time with their children, particularly if it also helps the mothers. For example, most companies have still not understood that an involved father is one of the most hard-working and best employees you can have.¹⁹ We also need more literature and training to explain to fathers that their children need them just as much as they do their mothers and that the time they invest in them today will serve their children for the rest of their lives.

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18 E.g. Grossmann, *Bindungen*, 223–224 and Seiffke-Krenke, *Psychotherapie und Entwicklungspsychologie*, 195–224.

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'All the best for children' Child-caring parents and the carer state

PhDr. Iva Šmídová

Opinion: presentation from the position of an expert: sociologist, expert in the gender structure of society (gender studies, critical male studies), not professionally involved in state policy, a political party or active party politics. As an expert I present a critical reflection of the themes set by this conference. My opinion is sociological: structural, constructivist, focusing on expert profiling in gender studies. (Each presentation defends a certain opinion; the type of approach taken to the view of society and social mechanisms that maintain or change their functioning. There is no objective, truthful science, but we encounter scientific presentations that conceal their approach – deliberately or due to insufficient reflection.)

The topics set for this conference are: the state, family, children, care (early); complemented in this conference block by the terms: civil society, the present (the whole of the 21st century), interrelationship and the essence thereof. Other blocks include contributions on the topics of: Problems of parental care; Replacement carer – the state; Alternative, non-parental care and comparison with parental care; Financial assistance (from the state) for care and changes thereto, developments; Opinions of policymakers.

The structure of my presentation will also keep to these set areas in their mutual relations. The conference's key topic is early childcare and the roles of the stakeholders in the establishment or this care and any desirable changes thereto. The conference explicitly refrains from drawing the international context of this phenomenon into the debate; instead, the contributions of foreign colleagues and others will introduce a comparison with the situation beyond the Czech Republic's borders into the theme of 'Czech early care'. At least the rules and configurations in the countries of the European Union are relevant. Another aspect is the possibility of historical inspiration directly from experience of early care in today's the Czech Republic in former periods (e.g. Hašková 2007). This necessarily incorporates contemporary relevant 'new topics' into the debate: cultural plurality (Roma family care), socio-economic status (placement of the children of the poor in children's homes?), gender models (carer men and career women; or both playing both roles).

Between the lines we can read the question regarding the nature of early care and 'Who decides what early care is the best?'. In the Czech environment, the state easily has the dominant position. State paternalism, 'etatism' via legislative measures, via welfare policy, and via other steps, indicates that that it is civil activities rather than the parents that have the final say. However much the state dictates what is correct and normal in early care, it seems that it fails to provide good conditions for the stakeholders summoned to carry out this activity.

Practices in the Czech Republic: the dominant role of the state

- Ad hoc policy decisions and influences
- Normative definition of early care using common sense
- Domination of expert knowledge via a medical discussion, where appropriate via popular developmental psychology
- The disproportionate role of other experts, parents, stakeholders in civil society (children)
- The influence of the situation on the labour market and politically relevant topics of 'reconciliation' and 'harmonization'.

Influence of key stakeholders

The state:

The panic that also gripped the Czech Republic relating to population ageing and the 'dearth' of children (i.e. future human resources to earn money for pensions) has not yet resulted in major reform here that – to keep to the theme of the conference – would systematically make it easier for those who want to have children to have them, and to have more than one. Young families, families with multiple children, and families with a single carer figure regular figure on the lowest levels of social wellbeing; the state social policy measures are least effective for these groups (Sirovátka 2004). Furthermore, if the Czech state finds family care for a child to be inadequate based on the state's own yardstick, it will simply take the child/children from the parents (and place them in institutional care), or will make adoption or foster care as complicated as possible for those who want to bring up another child (or further children).

In respect of this state of affairs, there are at least two sets of reasons/factors: institutional and discursive barriers. The first

set includes current legislative settings, ignorance of ‘supply and demand’ – inadequate flexibility on the part of state institutions. In the field of early care, there is a critical lack of facilities (of the crèche type) to facilitate the state-proposed multi-stage parental leave. In the discursive field, the dominant rhetoric of existing experts on early care is a strong force: popular (developmental) psychology, the medical approach to early childhood rather than a combination of socially motivated and teaching experts. The much-touted appropriate approaches to early care are often just a protraction of the inertia of obsolete approaches or, worse, ideological pressures to keep to a single model of the family.

Family:

Another key stakeholder in this conference is the family. Parents and other relatives every day provide what we call ‘early care’. Some of them would welcome the existence of institutions that would make their care easier (not just financial social welfare, but perhaps carer centres, etc.) to a sufficient extent. What is by no means sufficiently reflected at state level is the plurality of family forms: there is not always marriage, the family is not always ‘complete’ (they are not always heterosexual relations). The nature of a specific family is influenced by factors such as gender, class, social level (education and employee status), ethnic group, religion, age, etc.; and the number of children.

There are diverse life and partner approaches to the combination of family and working life (there will always be a group of traditional families where the mother is on parental leave for as long as possible, but in practice we know that there are other family configurations which have a significantly disadvantaged existence). Some of them are explicitly formally supported by the Czech state and the EU, but they de facto leave solutions to individual couples.

Example: In complete families where partners assign value to gender equitable, balanced approach to the sharing of family obligations and to promotion will not be helped by flexitime or part-time jobs solely for women (but not even these exist in the Czech Republic). The involvement of men in carer activities, gender sensitivity and class or ethnic activities.

Civil society:

This is traditionally perceived as the link between private households and the dehumanized state. The reasonable state not only listens to civil activities, but also invites them in relation to proposals on how to deal with social problems, which the civil society stakeholders articulate, and respond to the latest social developments more flexibly. It is hard to say where the Czech Republic would have stood in the international comparison had it not been for numerous NGOs (e.g. MC in relation to the theme of early care) which supplement the state’s non-systemic approach. At the same time, the offer is there for the state to work on a systemic approach to the handling of social problems, e.g. in the field of early care – it can play the role of coordinator (e.g. in cooperation with NGOs and experts on family policy – with sociologists to set the structural rules, with psychologists on an individual level) of stakeholders providing the input of their practical experience and, often, knowledge and inspiration from international cooperation.

On the other hand, organizations and groups active in civil society are disparate and advocate a wide range of approaches to early care. Here, too, we can find anachronisms or demagoguery together with inspirational approaches and interministerial experience. A specific situation in this field is maintained by the Czech media (see, for example, the analysis by Hana Havelková).

Where to head for and how?

We are on the premises of the Ministry of Labour and Social Affairs, a state institution, so are we returning to the concept of ‘what about the state’?

- a positive example is the series of these conferences under the aegis of a state institution (the Ministry of Labour and Social Affairs), I look forward to what the outcome will be (and what the outcome of past conferences has been)
- an open platform for the verbalization of the critical reflection of the status quo: low flexibility in the field of state policies, ad hoc political decisions (populism, the absence of systemic approaches)

situation:

- systemic disadvantages of families with multiple children, incomplete families and other young households, less educated households: with the consequences of poverty and social deprivation, inadequate social inclusion that disrupts general social cohesion (Sirovátka 2004)
- the absence of interlinking state policies in key social problems (health, social and educational aspects)
- insufficient communication with other stakeholders in civil society, but especially with the needs of families with young children
- All this in a situation where (in the diction of today's market society) the involvement of citizens in society includes paid work and the minimization of outage on the labour market. If the state continues to rely on the loyalty of young citizens, that they will somehow have children anyway (which is a value in a system of life priorities other than market: there the children are a clear investment which is not worth making)

E.g. multi-stage parental leave in a situation where there is a critical scarcity of institutional care for children and strict rules (e.g. hygiene) which restrict the possibility of creating alternative facilities and local and temporary facilities (e.g. seasonal institutions), historical inspiration in the Czech Republic (children's shelters) and international inspiration

- the situation regarding the interrelationship – in the conference title – of the named key stakeholders is currently clearly hierarchical in the Czech Republic and set on a very unequal footing in terms of power, where the dominant, decision-making status is held by the state, which relies on the fact that individual stakeholders will simply make their own arrangements

The state: Coordinator, guarantor of actions, interministerial solutions

Experts: interdisciplinary analyses and evaluations, reflection on the plurality of forms and approaches

Civil society: The initiator of actions, negotiator (but remaining just one of the components)

Family: Stakeholders at an individual level, inspiration, experience, plurality of forms

Possible 'solutions'? A summary of the previous solution in the structure from the perspective of sociology:

With the assistance of an expert on analysis of social structure, Sandra Harding:

1. level of individual life trajectories
2. institutionalized level of the division of labour (in the private and public sphere)
3. symbolic level (discussions, language, gender universe)

And with the assistance of another expert, Pierre Bourdieu:

1. invest in an analysis of mechanisms that maintain the status quo in the field of early care and which numerous stakeholders in civil society and families find to be inadequate
2. analyse current legitimization (valid, plausible justification) of the existing configuration of the state - civil society – family relationship and determine what it is built on: what opinion it defends and what social structure is (re)produced
3. analyse the processes that generate this symbolic violence and actively contribute to change

- I only add that, beyond the borders of our small country, there are numerous early care systems that could serve as inspiration. Historical steps in this area in the territory of what is now the Czech Republic could also be used as inspiration. What the expert sociological view of the matter repeatedly offers is an emphasis on the structural interconnection of the stratifying elements of any society. what is the gender regime prevailing in the state concerned, what is the stratification of society from the socio-economic (educational, income) perspective,

and what is the structure of the majority and minority ethnic populations? And who, in the current configuration of state policy, emerges systematically as the winner and who, repeatedly, as the loser? What interests are involved here? Who shares them?

There is a clear, prompt and concise wrong answer to each comprehensive question. I hope this conference will give rise to proposals for answers to the less clear, but still systemic, issues. Various stakeholders will contribute to the search, but their coordination will be shielded and facilitated by the state. In my opinion, that is its role.

And perhaps we, as active stakeholders, could draw the children themselves into this. They would be sure to add their voice to the answer to the question of what is best for them.

Thank you for your attention.

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The youngest children in Czech society based on current demographic forecasts

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In our contribution, we address the issue of developments in the size (by number) of the contingent of the youngest children in the Czech Republic. We deal with the fundamental question of how many children up to three years old we can expect in the Czech Republic in a longer perspective. Our basis is current foresight knowledge, specifically from our latest, unpublished demographic prognosis prepared in 2006.

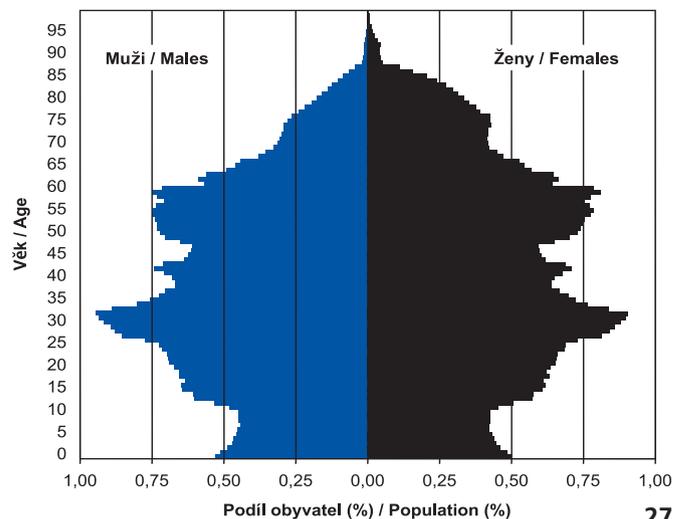
As a preliminary observation, we would like to make some remarks on the relationship between the individual sub-processes constituting the components of population reproduction and the number of youngest children.

The numbers of youngest children are determined principally by the birth rate, i.e. the intensity of the fertility rate and the number of women – potential mothers, and their distribution by age. In the past, the infant mortality rate also played a significant role. These days, this is an almost negligible factor. Along with several other European countries, the Czech Republic heads the world infant mortality rate charts. If we factor in the relatively low mortality in early childhood, we can say that approximately four out of every thousand liveborn infants do not survive to their third birthday. For the sake of interest, we add that, historically, it was normal for 30% to 40% of all born infants not to live to the age of three; in the 1930s the figure was approximately 12%, and in the second half of the 1980s the figure was approximately 1.2% (twelve out of every thousand liveborn infants). The most discussed element of demographics today is migration. Taking the country as a whole, however, the migration of the youngest children is not a particularly significant factor in the development of their overall number because, given the current nature of international migration, it is rare for the youngest children to be participants in this process. A look at statistics shows that there is a migration gain of over 400 children a year in the zero-year age group; in the bracket of children up to three years old, the overall gain is just over 600 children. Therefore, the gain in migrants who have completed their first or second year of life is only a quarter of that compared to those in the first year of life. This disproportion may be rather startling on the face of it, but can be attributed to the practices of population statistics rather than the actual situation in international migration. This is because when a child is born it automatically has permanent

residence at the place of the mother's permanent residence. If the mother gives birth abroad, the child must 'immigrate' to the Czech Republic without actually leaving the territory.

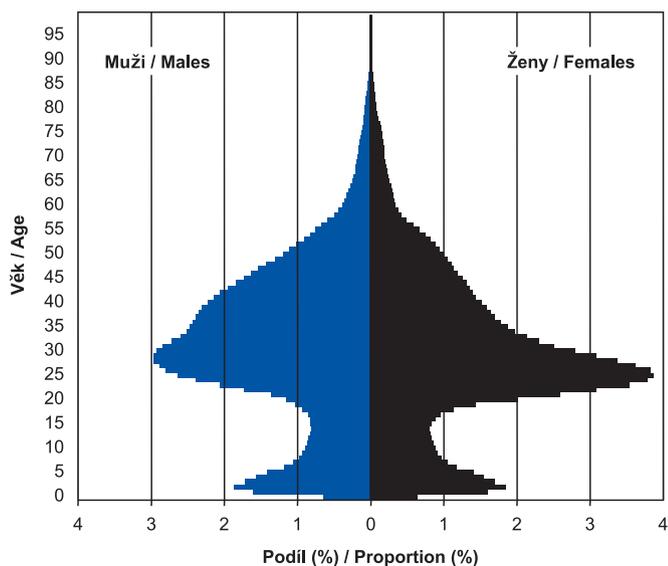
Thanks to the media, perhaps everyone knows the situation regarding the birth rate in the Czech Republic. We all remember well the 1990s, when there was an unprecedented steep decline in the birth rate. The overall birth rate reached a low in 1999; historically, the lowest numbers of newborns (approximately 90,000 children per year) fall between 1997 and 2001. After 1999, we documented an initially very slow rise in the birth rate, and it is only in the past three or four years that more significant growth has been observed. Today, approximately a fifth to a quarter more children are being born compared to the end of the 1990s. This growth has led to certain expectations, especially in political circles. Many politicians openly rub their hands and some even claim that the rise in the birth rate can be attributed to their work in this area. In reality, however, the share of policies and politicians, despite their efforts, is much lower, especially if we factor in direct influences.

The rise in the birth rate that we have observed is affected by numerous factors. The main facets which are reflected in the current development in the number of newborns and which will influence future developments, and hence the number of children in the age group of zero to two completed years, are the number and age structure of women of childbearing age, or at an age when their fertility is at its highest level, i.e. this is currently between the ages of 25 and 35. The irregularity of the age structure has – and will continue to have – a significant impact on how many children are born. These irregularities are very pronounced in the Czech Republic.



It follows from the chart in Figure 1 that the largest wave in the age structure comprises women who are gradually moving out of the age when their fertility is most intensive and who will soon be succeeded by much smaller generations of women. The difference in the sizes of these female generations is so pronounced that it cannot but have an impact on the total number of newborns.

Naturally, the size and gender-based age structure of the migration balance plays – and will continue to play – a pre-eminent role. Since we started including foreign nationals with long-term residency as inhabitants of the Czech Republic in 2001 (on compliance with certain time-based requirements), we can contend that the Czech Republic has gained tens of thousands of new inhabitants every year. In recent years, the annual migration gain has been more than 50,000 inhabitants; from our perspective the age structure of women in the resultant balance could be particularly interesting.



The chart in Figure 2 suggests that the major part of the migration balance of women is concentrated into the ages where the fertility rate is high and even at its peak. Thanks to female immigrants, the total reproduction potential of our population has increased significantly. However, the extent to which these migrants fit in with our hopes (or, for some people, fears) is another matter. For the time being, this is a relatively

low factor. Their fertility rate is roughly a third that of other women in our population. If female foreign nationals were to give birth at the same rate (by age) as these other women, their contribution would be singled out as worthy of attention. The current birth rate among female immigrants is influenced in particular by the nature of migration; in most cases, they migrate for work purposes, and by the fact that most female immigrants come from countries in which the overall fertility rate is the same as or lower than in the Czech Republic.

Other determining factors of the current birth rate are the total intensity of the fertility rate and its distribution by age. The average age of women at childbirth in the past 15 years has shot up to a level close to 30 years; even this level should soon be exceeded (this may already have happened). The distribution of the intensity of the fertility rate by age is in line with the contemporary values of young people. We all know that the values of young people are rather different from those of people of a reproductive age from ten or fifteen years ago, and completely different from those observed 20, 25 and 30 years ago.

The fertility rate is also affected significantly by the availability of housing. Debates have been held on this factor and its significance in the past, but today it is clear that housing is a very fundamental factor. Where building projects are in full swing, children tend to be born. This is corroborated by regional and local demographic studies devoted to certain areas of Prague or certain towns in the Czech Republic where extensive housing construction has taken place in the last few years.

The last factor currently wielding a significant impact on the fertility rate and hence on the birth rate, which is not always taken into account, is the feeling of long-term stability, a socio-economic situation that provides certain guarantees in life as regards what we might term faith in tomorrow or view as how predictable the future is. Where a feeling of stability in developments between people exists, and this need not mean absolutely positive prospects, children are usually born at a greater intensity than in the period when a feeling of uncertainty predominates. This argument can be backed up by several cases in history.

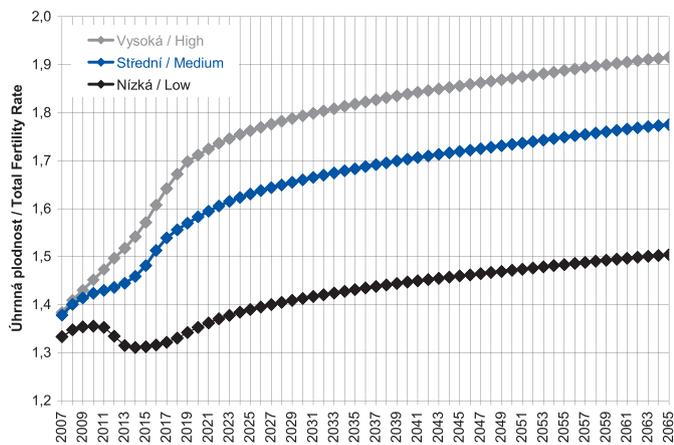
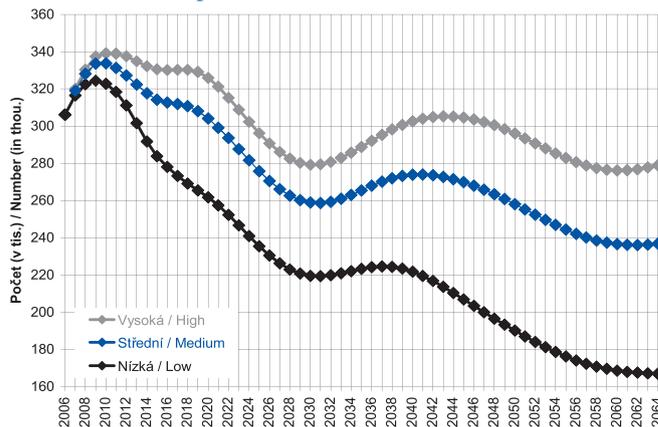


Figure 3 illustrates three variants of our fertility prognosis, depicted by three lines. The indicator we use is the aggregate fertility rate, which stipulates how many newborns an average woman will deliver throughout her reproduction period, on the assumption that the fertility rate by age, estimated by means of the data from the given year or years, remains the same throughout her reproduction period. The middle variant, representing the most likely scenario of future development according to our findings, corresponds to actual developments virtually throughout the period from the preparation of the prognosis. The Statistical Office recently published an estimate where the total fertility rate in the first half of 2007 would be 1.4 children per woman. In our prognosis, we envisage that the value of this indicator will continue to rise irrespective of the substantial reduction in the pace of growth. The forecast slowdown in the coming years will be caused by the fact that women from the generation that, in the 1990s, largely participated in the mass postponement of parenthood and are now full engaged in realizing parenthood, will gradually pass through the threshold of 40 years, when motherhood is – and seems set to continue to be for some time – the exception rather than the norm.

So what are the prospects for demographics relating to the youngest children, specifically children in the first three years of their lives? The birth rate after 2003 in the Czech Republic, characterized by a rise in the number of newborns, is (as we have already explained) only a temporary phenomenon. It is common ground that it will end relatively soon. It is hard to gauge whether it will continue for another two, three or four years, but the rise in the birth rate cannot last much longer than that because of

the transitional factors specific to the present fertility rate. The number of the youngest children in the population is highly likely to decline in the longer term, and that can be regarded as the key conclusion of this presentation.



According to our calculations, we are currently just below the peak in the total number of children in the 0-2 age groups (i.e. children aged up to three years old). There are currently just over 300,000 children in this age group. In the next three or four years at most we should arrive at the peak number of 330,000 children, after which their number is very likely to follow a sustained downward path. However, we also believe that the forecast decline will not be that dramatic. Realistically, we can assume that there will be a long-term decrease in the number of youngest children by 10%-20%, and ultimately by a maximum of 25%.

We are very likely to witness this decline in the foreseeable future, as the relatively gain generated by migration from abroad is already factored into our estimates. As a result, the forecast decline could be even deeper than the results we obtained in the application of our model because it does not take into account the fact that foreign females, attributed with a fertility rate identical to that of all women in the population, do not generally report such an intensive birth rate as other women in the population. Therefore, the resultant number of children may be a little lower than that we present here.

Although demographics deals primarily with quantity, this does not imply that it would be efficient in our case to restrict ourselves to quantity. Furthermore, based on what has been mentioned here, this does not mean that we should stick religiously to quantitative criteria in our assessment. We are entirely conscious of the fact

that a certain quality should also be viewed against the backcloth of quantity. It is clearly apparent that there will not only be ten, fifteen, even twenty per cent fewer children up to three years old, but also that these children will be differentiated qualitatively. This can be attributed to the fact that these children will grow up in a different environment from previous generations.

For example, in the 1990s we documented numerous positive changes in the values of most demographic indicators. However, we did not succeed in reducing the high divorce rate. At the same time, we know that more and more children are being born out of wedlock; there is a very good recent study on this topic by the Institute of Sociology, ČSAV. In connection with the extra-marital fertility rate, a relatively pronounced notional stereotype has even predominated in professional circles that most children born out of wedlock are born in the context of non-marital cohabitation. However, this is not completely true. The said sociological research showed that there is a relatively high share of lone mothers who bring children into the world without living with a partner. From this point of view, we can say, for example, that an increasing part of the child population will have experience of living in an incomplete family.

On the other hand, an increasing share of children in the population is being conceived by non-natural means. In other words, this means that the share of children being delivered into the world aided by assisted reproduction techniques is rising. Approximately 3.5% to 4% of children are currently born via assisted reproduction. In another ten per cent or so of cases, doctors must provide assistance, usually by means of hormonal treatment or operations. Assisted reproduction and hormonal treatment of infertility has the effect of significantly distorting statistics relating to multiple births. Before, twins were born at a ratio of approximately 1:100 and the incidence of triplets in the population was 1:1000. Today, these ratios are much higher; for example, the increase in the successfulness of IVF treatment has resulted in a systematically higher share of ova. Consequently, multiple births with all the resulting ramifications for the security and upbringing of children in the family are much more frequent.

It follows that, besides the continuing (currently temporarily interrupted) decline in the birth rate and the attendant reduction in the proportion of the youngest children in the population as a whole, we are also seeing qualitative changes in this field. On the one hand, for example, the share of children – often without

siblings – growing up in incomplete families is growing; on the other hand, there is a steady rise in the number of cases where parents must look after twins or triplets. As these outlined illustrative changes will unquestionably result in a significant shift in the quality of the setting in which the youngest children are cared for, we believe that the observations and ideas we present here and elsewhere should be accordingly incorporated into conceptual considerations on family policy with regard to the youngest children, which is the subject of this conference.

Children Between Two Carers?

JUDr. Eliška Wagnerová

1. Introduction

The guarantee under Czech constitutional law applies to family life, i.e. more broadly construed as applicable to the family (Article 10(2) of the Charter) and to parenthood, construed as the parents' rights and obligations vis-à-vis a child and children's rights and obligations vis-à-vis the parents (Article 32(4) of the Charter). It is interesting that, in contrast, marriage is not expressly protected, even though it is mentioned in the First Republic's Constitutional Charter. In this regard, the Charter evidently draws on a tradition that is problematic in certain respects, a tradition which was the touchstone of the French Revolution of 1789, resulting inter alia in opposition to power-based authorization stemming from family (marital) bonds. These were automatically regarded as anti-individualist and anti-liberal in configuration, and therefore had to be exterminated. What was meant to remain as the true core of the family as a legal institution was planned to be reset (see Mangoldt, Klein, Starck GG Kommentar, Band 1, fifth edition, Verlag Franz Vahlen, München 2005, p. 674).

In the Josephine period, statism was strengthened in the Austrian-Hungarian monarchy. The rule was that school (general mandatory) was to provide primarily *Erziehung*, i.e. upbringing and not *Bildung*, i.e. education, as no particular private objectives were recognized in the monarchy. The state, in the sense of homeland, i.e. where a person is born, lives and enjoys security and where the territory is defined by the reign of a single ruler, was meant to have priority over the individual, or in other words the defined territory (the state) is the purpose fulfilled by the individual by way of his conduct.

Rationalism and statism were preserved in the First Czechoslovak Republic. Article 119 of the Constitutional Charter (Constitutional Act No 121/1920) provided that 'Public teaching shall be arranged in such manner that it does not contravene the results of scientific inquiry.' Article 120(2) provided that executive management and supervision of all teaching and upbringing was the responsibility of state administration. Under Article 126, marriage, the family and motherhood enjoy special legal protection. The formulation

of the latter provision above could infer that the makers of the Constitution did not constitute those legal concepts, but merely recognized them as existing without regard to the text of the Constitution, and acknowledged their importance by stressing the legislature's obligation to provide them with special protection. On the other hand, it does not follow from the formulation of the Constitution that these are subjective, negative rights intended to serve, in part, as protection against state intervention. Given the quoted content of Article 120 in particular, we can conclude that these rights were not meant as subjective negative rights. In this regard, there was continuity with the mission of the French Revolution, which did not construe the rights in the Declaration of the Rights of Man and of the Citizen as subjective negative rights, but as objectives and tasks for the state, which was meant to comply with them though its activities (especially those activities relating to the legislature).

The Constitutions published in the era of suppression (Constitution 9.5 of 1948 and Constitutional Act No 100/1960, i.e. the first socialist constitution) are a chapter in themselves (although that is not a chapter which can be fully incorporated into this paper). We might just briefly note that before 1989 the direct applicability of the Constitution by the courts would have been unthinkable. All fundamental rights, within the meaning of subjective public rights, if exercised at all, were realized within the scope laid down by a simple law. Nor was the Constitution viewed as a certain value-based canon binding the legislature and the executive in the performance of their powers, including regulatory powers, or the courts in the interpretation and application of legal provisions. Ultimately, to use a Schmitt expression, there was no 'watcher of the observance of constitutionality' (for more information see E. Wagnerová, *Přetrvávající tendence z minulosti v činnosti soudů a obtížnost jejich odstraňování*, in V. Šimíček (ed.). *Role nejvyšších soudů v evropských ústavních systémech – čas pro změnu?*, MU and MPU Brno 2007, pp. 60-71). Article 26(1) of the Socialist Constitution provided that motherhood, marriage, and the family protected by the state. Parenthood is absent from this list intentionally because paragraph (2) of this provision provided that the state and society take care to ensure that the family is the healthy kernel for the development of young people. Put simply, parenthood within the meaning we will discuss below was disposed of by this constitution.

With this hardly encouraging legacy, or rather burden, not at all incompatible with the contemporary European approach, the state proceeded to formulate the rights guaranteed by the Charter. There is evidence of a certain helplessness and confusion in the fact that family life, i.e. the family, is guaranteed under Article 10(2) of the Charter in conjunction with the right to privacy, which therefore expressly assumes the dimension of family life and belongs among the fundamental human rights and freedoms (see the title of Title Two of the Charter and its section one). Parenthood is guaranteed under Article 32(4) of the Charter; it is not clear whether the constitution-makers understood it to be a social or a cultural right, although it is obviously not an economic right (see the title of Title Four of the Charter).

We can infer that the Charter slowly but surely extricated itself from the unsustainable statist and communitarist legacy encumbering the concepts of family and parenthood and, reticently, shifted towards the individualization and subjectivization of their content, which should be protected by constitutional law. The unambiguous secularization is also plain. The constitutional enshrinement of these concepts has been brought to the fore all the more because of this, as the content of the constitutional architecture also plays a stabilizing role that correlates significantly with the relativity of the law viewed over time.

2. Function of the fundamental right to family life and the purpose of the family

Despite the circumstances outlined above, the family cannot be regarded as some sort of abstract, rigid pure legal concept; it should be viewed in a manner consistent with the prevailing majority ideas in society, which are more or less successfully reflected in legislation. This justification should be borne in mind in relation to the first paragraph of Article 32 of the Charter, which on the face of it paradoxically places the family under the reserve of the law within the meaning of Article 41(1) of the Charter, as though it has been dispossessed of its nature of a classic fundamental right, which, conversely, is a benchmark for the activity of the legislators. However, this concept of the provision in question simply expresses and acknowledges the dynamic nature of the institution of the family as it has evolved over the past sixty years or so in particular; the lawmakers should have tried not to overlook this in their activities because, as far as

the family is concerned it is a natural formation which, if grasped legally, requires respect for its natural content.

This was recognized by in Award of the Constitutional Court No II. ÚS 568/06 of 20 February 2007, which drew attention to the fact that the provisions contained in the constitutional architecture do not specify what and how the established relations should be incorporated into the concept of family, or family life. It stated that, in the family, it is necessary first to respect the biological ties of its members, but that it should also be viewed as a social reality – it is this phenomenon which has undergone major change in the past 50 years, and these facts are only subsequently anticipated by the law.

The position of certain subordination of legislation (at the level of an act) to biological and social reality is also the basis used in the protection of the family by the European Court of Human Rights (ECHR), which observed in recital 40 of its judgment on *Orion et al. versus The Netherlands*: ‘Respect for family life requires that biological and social reality outweigh legal presumption...’

2.1 Fundamental right guaranteed under Article 10(2) of the Charter

In particular, it should be noted that, under constitutional law, the family is viewed as a life and educative unit whose function changes over time. In the traditional family structure, i.e. parents and children, the initial function of the family is to provide the children with an environment for their physical and mental development; later, the function of the family changes as the children grow up. The family gradually becomes a unit in which the persons that belong to it interact with one other peacefully, where adult people provide mutual assistance and support in difficult situations in life. It is a unit based on the dialogue of adults, equivalent to the spiritual naturalness of humankind. The purpose of that unit is to contribute to the mental stability of family members in a space that is guaranteed to be private, and therefore each member of the family can express himself or herself in relation to other family members freely and openly here. In this way, the family also contributes to the socialization of its members, in which their social and acculturation function can be identified.

Naturally, under constitutional law the family itself is protected as an autonomous, closed living space in which family life is played out. The family as a unit and its own responsibility for itself must be acknowledged (respected and supported) by the law and those who interpret the law. Where the family is not in a position, through its own resources, to fulfil its functions (see the previous paragraph), the state (obviously within the limits of its economic opportunities) must support the restoration of those resources and the family's own responsibility as such by means of appropriate support measures. In other words, if the family fails in its functions, it must not be immediately 'erased' by government public authority interventions.

This attitude to the state's obligation to take appropriate support measures in relation to families which cannot help themselves as natural units, was expressed by the European Court of Human Rights in its recent judgment *Havelka versus Czech Republic*. In this case, the Constitutional Court rejected a constitutional complaint, concluding that the general courts did not breach the right to the claimant's family life when they ruled on the placement of children in a children's home located in a different town from the place of residence of the family and ultimately only of the father. The claimant, as the father, has the children in his care and the mother did not live the family. Admittedly, the father has collected many social benefits that he has apparently been unable to manage efficiently as he owed a high amount on rent arrears. The European Court of Human Rights did not ignore the hardship of the family, the deficiencies, and the social incompetence of the father. Even so, it expressed the conviction in the judgment that the social welfare body was obliged to keep looking for ways for the family to overcome its difficult situation. In other words, the state was to provide the father with advice concerning his failings. At the same time, the European Court of Human Rights referred to the adequate application of the conclusions it had made in the case of *Walla, Wallová versus Czech Republic* (in particular recitals 74,75 of the judgment). Further, the court criticized the Czech Constitutional Court for failing to put the judgments of the general courts to the test of proportionality as it failed to consider why the general courts had not upheld at least the father's petition to have the children placed in a facility for children requiring immediate assistance (Section 46(2) of the Family Act) that provides care of a family nature

and where parents can visit their children every day, which would have been a lesser intervention in the claimant's right to family life compared to the placement of the children in a children's home.

Everyone has the right to protection of against unauthorized intervention in their private and family life, according to Article 10(2) of the Charter, which is a rather imprecise copy of Article 8(1) of the Convention on the Protection of Human Rights and Fundamental Freedoms ('Convention'). That reads: everyone has the right to respect for his private and family life, his home and his correspondence. The difference between the concepts of the two articles consists of the fact that the Convention linguistically expresses the fundamental right to family life in its most innate, most original and basic liberal form, i.e. in the form of a negative right which clearly expresses the natural-law character of the family and family life, in which the state must not encroach. Conversely, the state is obliged only to respect this negative right of each natural person.

The fact that the fundamental right to family life, expressed thus, could ultimately be interpreted through the courts as a positive right, i.e. the family's right to certain considerations from the state, or the right to expect the protection of family life from the state against interventions in that right by third parties, is the result of the steadily forming dogmatic nature of fundamental rights, which, put simply, is characterized by the respect of public authority for fundamental rights (an expression of their negative function) and the obligation of public authority to protect those rights (an expression of their positive function in relation to the state, which is thus forced to take various measures – primarily legislative action – protecting the family and family life, and this is also an expression of their recognition in the position of values that light up the whole body of law and influence the content or interpretation and civilist disciplines, and thus indirectly have a normative effect on the behaviour of private third parties). That protective function of the right to family life, despite the linguistic formulation of Article 8(1) of the Convention, at first glance enticing the reader to interpret the right as a negative right, is also recognized by the European Court of Human Rights, as documented in the judgment in the case of *Kutzner versus the Federal Republic of Germany* (see in particular recital 61).

On the grounds above, the linguistic expression contained in Article 10(2) of the Charter (the words ‘right to protection’) should be interpreted not only grammatically but also, and in particular, in the light of the functions performed by the fundamental rights, primarily the creation of room for the freedom of the individual from the state in the area covered by the respective fundamental right, and as the constitutional recognition of values on which the Czech constitutional architecture is built. The case-law of the Constitutional Court also draws on the various functions of the fundamental right to family life (see Award II.ÚS 568/06).

Like any genuine fundamental right (the rights contained in Title Four of the Charter, i.e. economic, social and cultural rights, which are in the reserve of an act under Article 41(1) of the Charter, cannot be regarded as such), the right to family and family life can be restricted only by an act provided that the restriction is a measure required in democratic society, and a restriction may only pursue a limited set of objectives and apply the most economical means available to achieve the objective pursued. Article 10 of the Charter, unlike Article of the Convention, does not contain a list of purposes (nor, indeed, is there a blanket reference to an act which could restrict the fundamental right) because of which the fundamental right to family life can be restricted. In such a situation, according to the case-law of the Constitutional Court (e.g. Pl. ÚS 42/02) building on the German theory of fundamental rights (see, for example, Ch. Starck *Praxis der Verfassungsauslegung*, Nomos Verlagsgesellschaft, Baden-Baden, 1994, p. 25 and numerous judgments of the Federal Constitutional Court), the right concerned can be restricted only for a purpose which, whether in the form of another fundamental right or in the form of a public interest, i.e. in the form of assets protected under constitutional law, is contained in the constitutional architecture. An expansion in the set of purposes beyond the goods contained in the Constitution is impossible because this would deny the most innate function of the Constitution, i.e. the function restricting the rule of the public authority only in material bounds set by the Constitution, all in favour of the individual and in the interest of guaranteeing his freedoms.

3. Function of the fundamental right to parenthood and the purpose thereof

The fundamental right to parenthood (Article 32(4) of the Charter), which, like the family, has a clear natural-

law origin, has undergone significant development towards individualization and subjectivization. This is evident particularly in the upbringing of children, which unquestionably includes their education; with regard to content, education is not in the exclusive domain of the state, but is influenced to a degree by the child’s parents when they select a type of school (see also Article 33(3) of the Charter). The right to parenthood, guaranteed as a fundamental right, is a reflection of the idea of human life in a dimension that goes beyond one generation and renders generational solidarity, confirming one’s own life, a constitutional principle.

The parental right is a fundamental right in the conventional sense. It is primarily a negative fundamental right forming a wall around people that protects them against state interventions. This fundamental right may only be restricted under conditions under which other fundamental rights can be restricted – see above. Article 32(4) of the Charter does not contain a catalogue of purposes in respect of which the fundamental right to parenthood can be restricted. The question is how to interpret the rather poorly formulated Charter regarding the restriction of parents’ rights and their involuntary separation from their children ‘by a court judgment pursuant to an act of law’. Is this a blanket standard addressed to the legislature, which could then restrict this fundamental right for any reason whatsoever? But why did the constitution-maker detach paragraph (4) of Article 32 from the regime laid down in Article 41 of the Charter? Was this blanket reference made to create space to ‘guide the exercise of parental rights’? However, would such a plan be in keeping with the concept of the autonomous individual, albeit in the position of a parent, on which the foundation of the concept of the rule of law is built? There are so many questions and so few answers in the form of relevant Constitutional Court case-law. In my opinion, the case-law of the ordinary courts is not always constitutionally approvable.

The simple reference to an act, as mentioned above, without at least a very rough definition at constitutional level of the purpose of the intervention in parental rights, places high demands on judicial decision-making, as there must be a clear definition of what fundamental rights are in play, and

the court must attempt to define the admissible purpose for restrictions. This is the only way to assess the proportionality of restrictions in the fundamental right to parenthood, or other fundamental rights that come into consideration. If we compare our provision in Article 32(4) of the Charter with the provision contained in Article 6 of the German Grundgesetz (Basic Law), we see that the Czech provision is clearly inspired by the German provision, but transposed it very poorly, evidently without knowledge of the importance of the details. The provision contained in paragraph (3) of the Grundgesetz states that ‘Against the will of persons authorized to raise children, children may be separated from the family solely pursuant to the law if the persons authorized to raise the children fail the children or if a child is at risk of depravity on other grounds.’ Even such generally formulated purposes are capable of preventing blatant intervention by legislators, although the difficulty in interpreting them remains.

The preference for parental rights, or the restrictive interpretation of the purposes admissible for the restriction of those rights, is clearly set out in the above-mentioned case-law of the European Court of Human Rights in respect of family life, which is inherently connected with parental rights (and others). If the constitution-maker had wanted to standardize parental rights as fundamental rights separately, this fact could only be interpreted as an emphasis of the separate meaning.

The fundamental right expressed in the provision of the Charter concerned constitutes the subjective right of parents and children to parental care and upbringing, so it should be interpreted as an institutional guarantee of parenthood that reinforces the functions under individual law. An institutional guarantee covers the model of individual and family care and upbringing. This means that the guarantee also prevents the creation of systems or even random laws that would introduce forced collective upbringing. This guarantee also prevents the adoption of measures that would systematically alienate children from their parents.

3.1 Care and upbringing

Care and upbringing are two aspects of a single unit, i.e. the comprehensive provision of a child’s needs. In literature it tends

to be stated (e.g. GG Kommentar – see above, p. 704 et seq.) that care applies to arrangements for the physical existence and hence the physical wellbeing of the child, whereas upbringing is connected more with psychological and mental existence, although no sharp divide is sought, or no reason is found for this. Even so, the material content of both aspects relating to the parental right should be sought primarily in the interpretation of both terms as words. Thus, care is certainly not harm and upbringing is not complete neglect. Further content should be identified in the stipulation of the scope of the fundamental rights of the children themselves. However, constitutionally it would be incorrect to grasp the rights of children as competitive fundamental rights in relation to parental rights. The Charter does not construe the confrontation of the rights of parents and children, but structures life groups for their interrelations as the constantly reciprocal co-existence of their members.

3.2 The wellbeing of the child and its relationship to parental responsibility

The wellbeing of the child is the central purpose of the provision in question, but not the only purpose (another one is the development of the personality of the parents – see below, and we could identify other purposes). The provision concerned differs from other provisions of the Charter in that a requirement for the uninterrupted exercise of the right is clearly the parents’ obligation to care for and bring up the child. How the parents bring up the child and what the content of that upbringing is primarily designated by the parents. The Charter draws on the idea that it is primarily the parents who, thanks to their natural connection with the child, are best suited to ensure the child’s wellbeing. In line with this is the belief that a child’s wellbeing benefits most if the child is in the direct care of its parents. The upbringing of a minor by the mother and father in a harmonious family environment is regarded as the best way of ensuring that the child will grow into a person capable of assuming responsibility for himself/herself. Even if trends in society were completely the opposite, they could not change this conviction. What is more, their relative short-term nature makes it impossible to draw conclusions. Parental care and upbringing cannot be adequately replaced by any substitute forms. Parents do not act with the authorization of the state, but only on the basis of their own right and in the knowledge of their parental duty.

Naturally, conflicts between the parental right and the child's interests cannot be discounted even if sincere efforts are made at a harmonious relationship. This makes it all the more necessary to deal with any conflict between the parental right and the child's fundamental rights where the original family life has already been disrupted, e.g. if the child is placed in foster care. The parents, in their effort to have the child returned to their care, will rely on their fundamental right to parenthood; the child may benefit from the right to the protection of family life nurtured in the foster environment, or this right in conjunction with the right to the free development of the personality, which can be derived from the right to human dignity (Article 10 (1) of the Charter). In delivering a ruling on such a conflict of fundamental rights, the court would have to attempt to preserve, as far as possible, both competing rights, and if this is not possible, the court would have to give preference to that right which is more beneficial to the general idea of justice, in close connection with an evaluation of the facts of the case. The importance of establishing practical concordance between competing rights, i.e. the interest of the child or the rights of the child must be reconciled with the rights of the parents, is borne out by the case-law of the European Court of Human Rights (see, for example, Sahin versus the Federal Republic of Germany, to which the Constitutional Court referred in Award II ÚS 568/06.

The question is whether parenthood begins with the conception of the child or after the birth. Answering this question would take us beyond the bounds of this paper, and therefore we will keep to the identification thereof. That parenthood ends with the death of the bearer of the fundamental right is undisputable. However, the death of a child does not mean the end of parenthood. Parental responsibility continues to be manifested, e.g. in making the child's funeral arrangements. Parenthood is a process, at the end of which there is an objective in the form of an adult person responsible for himself/herself. Legally, this objective is set in the form of full age. As the child's ability to act and take decisions autonomously grows, the responsibility and scope of compulsory care on the part of the parents declines. The state is obliged to secure this growing space of freedom for children in relation to parents by adopting the corresponding laws. As children grow older, they must be given room for a rising number of independent decisions in respect of which children will not require their parents permission and which may even be taken

against the parents' wishes. The state is not in apposition to make arbitrary changes to the full age. The de facto need of the child for care and upbringing forms the lower limit from the aspect of time; their fundamental rights require an upper limit. However, parental rights do not always end when the child comes of age (the right to considerations from public budgets, e.g. if children study, if children are disabled, etc.).

The parental right is not dependent on whether the parents' behaviour merits the label 'parental', as this would run counter to the recognition of the parental right as a natural right, both from the perspective of the biological basis and from the aspect of the pre-state existence, which the state can only recognize and undertake to respect and protect. The recognition of the parental right as a natural right also has a cultural dimension which carries with it, alongside the culture community, the related expectation that, in selected upbringing targets and means of upbringing, the parents will take into account the age of the child and the child's natural desire for adulthood and decision-making autonomy.

The recognition of the natural-law basis of the parental right draws it very close to, and even places it in, the company of those rights which form the touchstone of the constitutional architecture, and thus the material contours of the essential formalities of a democratic rule of law, a change to which is inadmissible within the meaning of Article 9(2) of the Constitution.

3.3 Parents

Traditionally, the biological parents were the father and mother living in wedlock, forming a family group and jointly caring for and raising their children. As has been mentioned above, the Czech constitutional order does not form the triad of marriage – family – parenthood; unlike the last two, marriage does not receive constitutional protection (although the right to enter into matrimony and start a family is set out in Article 12 of the Convention). The Charter does not differentiate and does not individualize the parents as mother and father; they are referred to as parents, so they are viewed as a unit holding parental rights. However, the constitutional status as parents does not depend on how the child was conceived or whether the woman actually carried the child in her body during pregnancy, or whether the child was wanted or not, or even whether everything progressed

in accordance with the law or not. As the article of the Charter in question is based on the natural right of the parents (see above), it primarily applies to the natural connection of the parents and children, and the legislature must respect this relationship. However, for the sake of the child's wellbeing, the law must expand the group of holders of parental rights (adoptive parents), although the legislators do not have an entirely free hand in how they choose to define parenthood.

An unmarried mother also has parental rights. Here, the legislature can work on the basis that the mother does not live with the father and therefore it can clearly adopt provisions where the child is placed in the custody of the mother. This corresponds to the child's right to the transparent, reliable regulation of its personal relations. An unmarried father is also, of course a parent; the legislature should regulate his status differently, in light of whether this father manifests an interest in the development of his illegitimate child. In applying the legal presumption of paternity in relation to a mother's husband, the parental right belongs both to both the married couple and the biological father of the child. It is the right of the man presumed the father to know whether he really is the father of the child (see the interesting case handled by the German Federal Constitutional Court in Judgment 1BvR 421/05 of 13 February 2007, which concluded that the man must have a proper procedural means at his disposal to verify paternity – careful here, this is not the concept of denying paternity, and if he has no means this is an unconstitutional loophole in the procedural regulation). Multiple paternity and maternity from the constitutional perspective is brought about by insemination technology and surrogate motherhood; this can cause many problems that the Constitutional Court has not yet had to resolve. Adoptive parents are also parents from the constitutional perspective, but constitutionally the biological parents also remain parents. Their status and rights, however, are severely restricted by an ordinary law in the interests of the child; that said, these rights may be activated as the child grows older and reaches adulthood.

In contrast, persons providing foster care have no parental rights. This is because they replace only some of the parental functions and the relationship between them and the children is time-limited by law. If, however, the actual relations between these persons have the contours of a family, their rights may be

protected under Article 10(2) of the Charter. A guardian does not have parental rights either.

Grandparents are not generally granted parental rights, but if a child is placed in their care it would be possible to admit that there was a biological, i.e. natural, and social, and legal link to the extent that this relationship may be regarded as parental. In any case, such a relationship is protected by the right to family life (see Award II. ÚS 568/06). Other persons responsible for the upbringing and sustenance of a child are not granted parental rights either.

In relation to the possibilities of reproductive technologies expand (cloning, artificial wombs, etc.) and their sometimes problematic application, the significance of biological ties, on which the basis of the relationship between parents and children has been formed over thousands of years could decrease in favour of the functional relations between them. Not least, some authors (GG Kommentar – see above, p. 710) conclude from the constitutionally enshrined fundamental right of parenthood that the state is obliged to provide children with a family and responsible parents.

The genuine or innate parental right, consisting of the right to care for children and bring them up, is also an integral part of the right to the development of the personality within the meaning of human dignity. Removing a child from its parents without a genuinely good and compelling reason, or dispossessing parents of their natural parental responsibility, is a very serious intervention in their human dignity, and this would be the case even if parental rights were not guaranteed under Article 32(4) of the Charter.

4. Structure of parental responsibility

The principles governing the structure of parental responsibility include the need for an ordinary law, because without legal empowerment in relation to the child and third parties the due provision of care and upbringing is impossible.

First and foremost, the legislators must allow for individual and material circumstances in individual cases focusing on measures or rulings. Only if this is inadequate to ensure the wellbeing of

the child or fulfil other purposes under parental rights would it be possible for the legislature to impinge on the right to raise the child by means of general prohibitions.

The parental right cannot be cleaved; each parental authorization in relation to a child is accompanied by parental obligations. Parental responsibility is applied in relation to the full personality of the child. As a matter of principle, parental responsibility is implemented by both parents. The discharge of parental responsibility in the family is not, as a matter of principle, subject to interventions by public authorities. It is up to the parents how to structure life in the family so that they abide by their religious and ideological beliefs.

If there is a conflict between the parents, the public authority should initially enter the situation as a mediator that will help resolve the dispute and only then, if mediation fails, will it make an authoritative decision. Certain procedural requirements stem from the primary status of parental responsibility before a public authority can take a decision. Proceedings on a dispute must be preceded by attempts, and procedure must be in place, to reach an amicable settlement to parental disagreements.

Parental responsibility continued even after a divorce, even if the child is placed in the custody of only one of the parents. The right to contact with the child and parental care are the consequence of or a manifestation of parental responsibility. In respect of the fundamental right to parenthood, the legislature can make arrangements that would place the child in the custody of one of the parents only if that parent agrees with the proposed arrangements for the other parent's contact with the child; if the decision is subsequently not respected, the arrangements can be reversed – all provided, of course, that the facts of the case permit.

The natural right to raise a child includes individual decision-making on sexual education. The German Federal Constitutional Court (BVerfGE 7, 320, 324) decided that education on free physical culture belongs within the scope of the right to raise a child. It is clear that the child's wellbeing is linked to upbringing corresponding to the notions of society that are acceptable for society, so that the child can socialize in society. However, it is always necessary to draw on the presumption of a society that is plural in opinion and tolerant.

4. State

The exercise of the parental right assumes that the parents are able and willing to exercise that right to the benefit of the child. It follows from the text of the provision in question and its reasonable interpretation that the state is obliged to act in the interests of the child. Accordingly, whenever it takes decisions on a child, the state must take into account the interests or wellbeing of the child. The reason for the state's involvement is not just the wellbeing of a specific child, but also public interest in ensuring that the next generations of the given community forge a link with the culture of contemporaries, with whom they will nurture a relationship in adulthood and with whom they will be willing to engage in solidarity.

Even so, we must keep stressing that any state intervention must be based on specific circumstances relating to individual cases, and that the room available to apply blanket or general principles is very restricted. This is because, as a matter of principle, we apply the subsidiarity of public authority interventions in relation to parental rights. Therefore, the state may protect parental responsibility, and support and be alert to the discharge of that responsibility, but must not edge it out or reduce it. Further, the state must not assert its notions of the best possible upbringing of children to the detriment of parental rights. Only where parents are unable themselves to discharge their parental responsibility, or whether they constantly fail to the extent that the child is at risk to permanent negative consequences of such failure, may the state intervene with assistance (indeed this is an obligation of the state). This state obligation can be derived from the obligation to protect the human dignity of the child.

The state's obligation to adopt measures does not assume any culpability on the part of the parents, as the child's wellbeing may be jeopardized even in cases where the parents act in good faith and according to their best ability.

4.1 Mediation, support and protective function

A desirable manifestation of the general principle of proportionality can be found when the state, in the performance of its supervisory functions for the wellbeing of the child, acts as mediator initially in conflicts between parents regarding the exercise of parental rights. mediation is, of course, also a justifiable preference

in the exercise of parental rights before the state intervenes.

However, it needs to be borne in mind that not every failure or neglect on the part of the parents entitles the state to make an intervention which could result in the adoption of responsibility by the state instead of the parents. How much parents have failed and what is genuinely in the interests of the child must be laid down in the measure adopted by the state authority. Depending on the assessment of specific circumstances, the state should offer graded assistance and support to the natural parents so that they can discharge their parental obligations (see the case above handled by the European Court of Human Rights, *Havelka versus Czech Republic*). The temporary, or even permanent, revocation of parental rights or components thereof as an essential protective measure in relation to the child comes into consideration only as a last resort which is genuinely required where there is no other possible or feasible assistance. The measures, which are assiduously individualized and which correspond to the relationships ascertained in the case, as well as to the individualized needs, clearly have priority over general, standard measures anticipated in favour of the child.

In order to perform its functions, the court must, of course, have information about the relations of children potentially at risk in their families. If the collation of this information is possible under the law, its application must not result in a situation that the parents and the children could view as guardianship over them, as thus could lead to the disintegration of the primary status of parental responsibility. Only if justified and substantiated suspicions exist that the child's wellbeing is at risk can the dwelling be visited. The performance of state supervision must be influenced by the notion contained in the Charter that the family has priority in the upbringing of children. Therefore, if the law regulates the consequences of the natural parents' failings, for the sake of a constitutional full-value decision, arrangements must be made that will speed up the adoption of the child so that it finds itself back in a situation meeting its natural need for a close family link as soon as possible. Therefore, adoption should be prioritized over placement in a children's home.

Nevertheless, in decisions on the separation of a child from its parents against the will of those involved, the principle of proportionality should be applied very strictly, from which it follows that in each case it is necessary to examine whether all mediation means have been exhausted and all forms of available

assistance have been attempted. Without documented exhaustion of these means the removal of children from their parents cannot be regarded as a solution proportional to the problem.

The state should carry out supervision not only on the level of individual cases, but also on a general level, especially with a focus on how adopted laws allow us to anticipate that conditions will be created for the development of future generations.

Modern Parental Child Care and Relevant Issues

Daily Care Institutions for Young Children – Reasons to Establish and Development Opportunities (a Paris Example)

Olga Trostiansky

Over the last six years the improvement in care for children younger than three has been the Priority of the Paris Council. I have been invited to share my experiences with you. The situation in Paris can certainly not be described as ideal, and we still face much work. But I believe that we have managed to create tools and approaches which could be of interest to many local authorities in the Czech Republic.

I will start my explanation of the manner of our work by a brief acquaintance with the situation of small children in France and Paris. In France there are 2.4 million children from the age of 0 to 3:

28% of children are cared for by a parent on parental leave collecting a contribution paid by the CAF (Caisse d'allocations familiales – Treasury for family supplements),

20% gain financial support for the pay of a carer (this is a duly registered person verified by a body of state administration who looks after children at the carer's home address),

11% attend a collective facility (crèches and so-called "halte-garderie" – a collective form of child minding for just part of the day, half-day crèche)

8% go to nursery,

1% are looked after by a paid nanny in the home of their parents; families receive a financial contribution for the nanny's pay from the CAF and from the state.

And so a total of 68% of children from the age of 0 to 3 are looked after with the assistance of various forms of financial assistance from the state or CAF. But at the same time, in the case of 73% of couples both parents are active (working or seeking work). Many children thus do not utilise subsidised care. At the higher ages of children, the conditions are the same for all: between the 3rd and 6th year, each child has a right to free care in a nursery. Between the 6th and 16th year free school attendance is compulsory.

This national situation contains great regional differences. In Paris:

11.9 % of children are cared for in the context of parental leave,

29.6% attend crèches,

18.9% visit half-day crèches,

5.5% are cared for at a child minder

11.1% are cared for by a paid nanny in the home of their parents

Over the past six years in Paris there has been a 20% increase in the capacity of facilities for collective care (crèches and half-day crèches) of children younger than three.

I will now explain to you our procedure:

I – In order to create a local public service, it is necessary to find and define the needs which it is to serve:

A – Needs of parents

The fact that both parents work is a long-time phenomena in Paris. Women have been active here for a long time, and the employment level amongst women from the age of 20 to 49 is 77.8%. Part-time work here is less usual than in other parts of France: 21% of female Parisians and 9% of male Parisians work part time.

In order to get an idea of what the offered childcare should look like, it is necessary to take into account families' timetables

and working rhythm. Night work, work on weekends, working till late or starting early in the morning, commuting to place of employment: a precise knowledge of the nature of parents' employment makes it possible to create a service which will be useful for families. Knowledge of the manner of work must be combined with a knowledge of how the activity associated with family care is shared between both parents.

We support professional carers in encouraging fathers to care for the child so that care for small children is not only down to the mother.

The number of single-parent households is also an important factor which must be taken into consideration when deciding about care for small children. Children from such families often need longer care because one parent has less time flexibility. In one quarter of Parisian families there is only one parent, 80% of these families consist of a single woman with one or more own children.

B – How have we proceeded in Paris?

As a result of long-term contractual cooperation between the city of Paris and the CAF, between 2002 and 2006 we could finance 4100 places in childcare facilities. These places are financed:

- by CAF and city investments
- their operation is jointly ensured by the CAF (60%), the city (20%) and parents (20%).

In total, during this council's term of office (March 2001 – March 2008) 5800 places were created in crèches and half-day crèches. This is five times more than under the previous council. Care for small children was a political and budgetary priority of the Mayor of Paris.

In order to effectively spread out our efforts, we have divided up the number of facilities according to city quarters, and we took into account the number of children who are cared for in them with the assistance of contributions and support, and the number of children whose parents are both active. Depending on the city quarter, their numbers in 2001 were from 50 to 120%.

We decided to invest massively into collective care because the city of Paris has no decision-making mechanisms available for the following methods of care:

- Carers who care for one to three children at their own home gain registration on the basis of their carer abilities and according to the capacity of the flat. The housing situation in Paris does not allow us to consider the possibility of creating a larger number of places with these assistants.
- Care of child in its own home. the employment of a nanny by parents is supported by the state, the CAF and the city of Paris. This method of childcare is utilised by high-income parents. In spite of this, we proposed the possibility of the nanny's wage being divided between two families, which would allow the joint use of support.
- More children would be sent to nursery schools from the age of two in Paris if the state increased the number of their employees. But this is not the case at the moment, and the number of small children going to nursery schools in our city is decreasing.

Our benefit in the improvement of services provided to families consists primarily of the establishment of facilities ensuring collective care. We can briefly describe these facilities and their functioning. Municipal facilities, which include a garden, playroom, swimming pools etc., can accept a maximum of 66 children. We prefer the model where parents contribute to their running. Association facilities which we subsidise are usually smaller. The fees for municipal and association facilities are designated on the basis of the parents' income (10% of the income of a family with two children).

II – Which services are provided?

A – Broad range of provided services

French families cannot make a legal demand for the ensuring of childcare for the period when the parents are working. The utilisation of this possibility is restricted by many inequalities derived from the place of residence and income. In Paris it is our aim to create a functional public service ensuring care for small children.

This public service works with all methods of care. This makes it possible to create a truly diverse offer, not only in the form of various pedagogical approaches, but we also accommodate the

highly divergent needs of the individual families (timetable, care for handicapped child, care for older children after school etc.).

However we feel that for a system covering different types of care to work, two conditions must be met: the first of them is equality of access of families for each type of care, and the second is the same costs regardless of which type of care the family chooses.

Another reason which supports the offering of different types of care to families is the diversity of jobs offered to employees of these facilities. Mainly women have to try to combine family and professional life with various methods of care for small children. The majority of employees caring for small children are women. The Paris council is trying to ensure that this harmonisation is for them as well. If all types of care are used, it is possible to combine various time possibilities and methods of care without some women caring only for children from rich families.

B – Create family-friendly environment

Over recent decades, many families have left Paris. To a certain extent they left for larger housing, which we can congratulate them for. But this is also evidence of the fact that Paris is not a city where it is easy to live with children. And we wanted to do something about this aspect of the matter. Paris has struck out in different directions to become a family-friendly city:

- facilities (crèches, sports grounds etc.)
- benefits (for housing, childcare),
- quality of life (adaptation of transport, leisure activities for parents and children, healthcare etc.).

The service ensuring care for small children is the pillar of family policy because several issues are dealt with in it: female emancipation, the satisfaction of children, harmonising family and professional life. This is the reason why we focussed our family policy primarily on small children.

Without imposing certain norms on families and without having any demographic intentions, the service which we offer is intended to offer all families a pleasant, friendly city. The service intended for small children and their families is not only restricted

to actual minding of children. The isolation of certain families, economic uncertainty of households with one parent, integration of children from non-Francophone families (40% of children born in Paris have one foreign parent): these are problems which children from birth to the age of six often face. So experts are facing further tasks: parental upbringing, deepening the role of the father, assistance during job seeking, support for integration, protection of children in danger.

Conclusion

Paris wanted to create its own family focussed policy. This would not be possible if we did not have an overall overview of the living situations of families (the local centre for the study of the family was founded in 2006), and we also rely on a network of competent experts who are well acquainted with the environment. After the departure of 50,000 families from Paris from the end of the sixties to the start of the nineties, it would appear that we have managed to halt the drop in birth rates and departure of families to the suburbs and the country.

Today's family differs greatly from that of the sixties. We are trying to create a city for families as they really are, and not for families as we would wish them to be.

New findings of developmental psychology, family, society: future for child

PhDr. Jaroslav Šturma

Modern psychology and paediatrics confirm the centuries' old experience of humankind that the genuine 'preparatory environment' (M. Montessori) for the full actualization of humankind and fulfilment of positive developmental potential is the family based on permanent relations between the parents – a woman and a man. The point at issue, as described by Professor Matějček, is the reciprocal fulfilment of needs between parents and children. Roughly 50 years ago, researchers – pioneers, such as John Bowlby, René Spitz, Theodor Hellbrügge, Zdeněk Matějček and Josef Langmeier, painted a picture of, and described the consequences of, the long-term failure to satisfy the vital psychological and social needs of the child – psychological deprivation – and stirred up interest in addressing the woeful situation of children growing up outside the family. As a result, here too foster care was developed, care was humanized and, at least from the organizational aspect, the lives of children in institutions came closer to the model of a family as this and further alternatives emerged.

However, it is only research carried out in the past decades by Mary Ainsworth, Mr and Mrs Papoušek, who achieved their unique observations thanks to many years' support from Professor Hellbrügge in the Children's Centre he established in Munich, and Mr and Mrs Grossmann from Regensburg, this year's winners of the Gesell Prize, that has enabled us to take a look at the unique dynamism of relations within families where children grow up with their parents, and has traced how the shared lives of parents and children are changing in the modern era. We note that, from a psychological perspective, these changes often do not increase the quality of life of children and do not occur solely for the wellbeing of children and their parents. The happiness of children and the happiness of their parents are closely linked. Evolutionary psychology and biology prove that relations between parents and young children are often very remote from their original anthropological purpose. B. Hassenstein has created the typology of such relations for higher animals. He distinguishes between the young – 'fidgets' (Nestflüchter), e.g.

foals or antelopes, which after birth soon run after their mothers. He contrasts these with the 'nesters' (Nesthocker), e.g. kittens and swallows, whose parents leave them to cover large distances in search of prey to feed them, which is actually the work of these parents. Finally, there are the 'supportlings' (Traglings), who are born immature for independent life, as 'physiologically immature beings', as characterized by Portman, which include kangaroos, the young of anthropoids, and human children. Their development in readiness for to live autonomously takes place in close physical contact with the mother, who carries them in a pouch or fastened to her body (this is clearly the original reason for the newborn's initial grasping reflex), or bound up in a scarf (for example). The fact of the matter is that we behave towards our infants and toddlers as nesters rather than supportlings. Jiřina Prekopová successfully uses close physical and psychological contact between a child and parents to renew or facilitate and intensify fundamental relations if they are disrupted or if they need to be restored, as is the case with foster care. Firm hugging (Festhalten) is grasped as a reflection of lifestyle and a form of psychotherapy. It has been shown that the period of psychological 'becoming independent' (consisting of self-realization, the creation of the first fundamental relationship with a key person and the expansion thereof to a narrow group of other relatives) lasts, in the strict sense of the word, as long as pregnancy and, in a broader sense, until the end of the toddler period.

During the first 7-8 months, based on close co-existence with a key person, who may be either a woman or a man (with the exception of the breast-feeding function), through thousands and thousands of actions entailing the reciprocal exchange of stimuli, i.e. interaction, resulting in mutual pleasure and enrichment, a firm, unique, permanent, constant, fundamental, robust relationship is formed, if the process is successful, called attachment (Bindung). The nature of attachment significantly affects the child and its further relations up to adulthood and, consequently, extends into further generations. In this respect, Mary Ainsworth (1985) states that: 'Attachment is an affectional tie in which relatives are never fully replaceable or substitutable by others.' This attachment is created before the first year, and in the next two years it is consolidated, reinforced and gradually transmitted to other persons in the family and neighbourhood, 'in growing circles' as Rilke says ('in wachsenden Ringen'), so that, on reaching the preschool age, i.e. after the third year, the child

has a broader set of peers who steadily become attractive playing partners. Only then does the child psychologically step over the threshold of the home and mature – with individual variations – to the extent that it can stay in a day-long collective facility such as a nursery school.

Interrupting this exclusive relationship for a longer time (separation) places a heavy burden and stress on the child, and the child – rightfully, from its point of view – attempts to prevent this separation. The seriousness of the problem is well illustrated by the topical example of the two infants in the maternity hospital in Třebíč. On 6 October, in an article on this subject I urgently recommended that the children and the mothers be given ample time so that the primary, fixed tie would not be interrupted or weakened until secure ties had been formed with the secondary relative persons, i.e. the biological mothers. The abrupt or rapid interruption of existing relations, which was considered in this case, would have caused both the children and the mothers serious stress. Patience and support are essential here. At the time, I said that the realignment of relations would take months, which has been borne out by subsequent developments in the problem, and that a time reserve would be needed that is as long as the period over which the primary ties were forged. This is also a reason why the hospitalization of a preschool or younger child together with the key relative (in the event of illness, children tend to regress to a lower developmental level) cannot be regarded as a luxury or above-standard service. It is a fundamental need of the child, just like food and heat.

The child, although physically immature at birth, is nevertheless equipped with communication skills which it incorporates into its behaviour and, in particular, into its emotional manifestations, which the partner perceives as an expression of the child's needs. Thus a long process begins where the child forms a specific relationship to an adult carer, regardless of the quality of the care. The child's need is so strong that the child tends to become fixated even on an imperfect maternal figure: the Harlows (1971) observed that young chimpanzees even became attached to non-animate surrogate maternal figures, and children became attached to a person who treated them with cruelty (we should recall the experience where a child removed from poor quality parental care still calls for its mother).

After the eighth month, in situations of separation from the relative person and on reunification with that person, the child manifests (this is simplified to some extent) three types of behaviour expressing the type of attachment: safe, uncertain – evasive and uncertain – ambivalent or resistant. Safely attached children, even in situations of relational stress, have internalized the figure of the key person to the extent that this is a refuge for them and a source of support, certainty and hope. They have a free, appropriately manifested relationship with that person and their activated relational behaviour is not particularly subdued or, by compensation, excessively irritated as a result of the mother's long-term behaviour. This type of behaviour, which we find in two thirds to three quarters of children in families, originates in interaction with the person who is easily accessible to the child is necessary, who provides the child with sufficient direct physical contact and responds to its signals of need and distress promptly, perceptively and sensitively. Such children are less likely to cry and more willing to cooperate at the end of the first year. Both types of uncertain attachment are born of experience of living with a person who is not sufficiently available and accessible to the child and therefore cannot become a source of security and trust. The biochemical indicator of stress is the level of the cortisol hormone determined in saliva. Children with an uncertain attachment have a higher level of cortisol in situations where they are separated (even temporarily) from the mother, whereas there is no change in the cortisol level in these situations among children with a secure attachment (Spangler – Grossmann, 1993).

The nature of attachment tends to persist throughout childhood and into adulthood. Internalized experience with a key person is a mould or benchmark used by the individual to compare all other significant relations in his/her life. A person who is a source of uncertain attachment to her child generally belongs to the group of those who themselves did not have the benefit of a secure attachment when they were little. The process resulting in the creation and consolidation of the child's fundamental attachment to carers requires close physical proximity and co-existence in real time, which in the experience of a child takes on a character and priorities different from those in the experience of an adult. For a three-year-old child, a year is a significant and formative segment of life; for a young thirty-year-old person it is a small fragment of his life. An adult can shift or postpone certain experiences and challenges in life, but a child, given the existence

of sensitive periods of development, cannot. In this respect, some studies find that, among crèche-attending children, there are those whose attachment to a key person is characterized as uncertain (Ziegenhain et al., 1998, Clarke – Stewart, 1998). We should recall that among children with uncertain attachments there was a higher level of cortisol as a sign of increased stress.

If a child up to three years old remains outside its group of relational persons, i.e. outside the family, for a major part of the day, this can be a major stress for the child; the younger the child and the longer the separation, the greater the stress. It has been shown (e.g. Ahnert et al., 2004) that the level of cortisol as a stress indicator is much higher among young children in collective day care. In cases of longer everyday separation, this level does not decrease even after the child returns home; it becomes a permanent characteristic of the child's biochemical reaction and a correlate of what, on a psychological level, we might characterize as a chronic risk of permanently increased defensive reactions, as though an alarm were constantly on. Other findings in the research group show that, despite the repeatedly confirmed constancy of the type of attachment, a longer stay in a day-care collective facility can result not only in higher cortisol levels, but also in greater uncertainty in the key emotional tie (in the study, during a 2-3 month stay in a crèche there was a change of attachment in 41% of the 56 children: the certain ties dwindled and the uncertain ties increased).

Sometimes there are references to an NICHD longitudinal study which in 1991, on a sample of four-year-old children, found that children who had attended crèche from a very early age and had spent more hours a day there showed – compared to children brought up at home – an increased inclination towards prominent behaviour, which is corroborated when they reach the age of 12, a time when there is a higher number of children with disruptive and agitated behaviour among them. At the same time, it is evident that this is a highly complex matter and that much hinges on the quality of the relationship between the child and the parents at home, outside the collective facility, although, as the well-known Swiss paediatrician Remo Largo says: 'The time a child spends with the mother and in the family cannot be arbitrarily reduced.'

Four hundred delegates of the International Symposium at J. W. Goethe University in Frankfurt am Main in May 2007, together with prominent experts, including Professor Hellbrügge, reiterated, in the final resolution, the tenet concerning the principal significant

of the intensive relationship between the child and its key persons in the first three years, with serious consequences for the lifelong emotional and social development of the individual. Crèche-type facilities are socio-paediatric institutions that should be available to children and families especially in cases of exceptional social and psychological indication, where the alternative would be more pronounced separation of the child from the family. Researchers agree that, to minimize the risk and stress connected with a child's stay in a day-care collective facility, the time spent there should be reduced to the minimum and the childcare conditions should be modified so that the number of children per (as far as possible) constant carer does not exceed 3-4:1. The development of alternative assistance, by the creation of a support network of maternal centres (these could be centres for children and parents, mutual assistance for families who know each other well), perhaps with the assistance of 'day mothers', is recommended. Before assuming care of the child, these day mothers, in a time-consuming process, would first have to become secondary relational persons for the child; this should also be the case with the children who were given to the wrong mothers in the maternity hospital in Třebíč. The new Social Services Act offers inspiration for an alternative, where the parents would receive a decent financial sum in line with the available resources of society, which they would then use as they see fit – as compensation for lost earnings over parental leave, or as an investment for their child to stay in a collective facility. This would also help parents who take personal care of very young children to acquire enhanced social status, as full-time childcare is not only a right and pleasure for parents, but also a significant task in the interests of society as a whole. It would then be up to society to create a friendly environment for the children of these parents, which includes a situation where parents with young children are not regarded as a burden at work, but will have increasing opportunities to engage in further education over their parental leave and the chance to take on part-time work in this period. I am conscious of the fact that this is easier said than done. The forces of all approaches, sectors and the whole of civil society need to be joined here.

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General overview of the early stages of parenthood. Practical consequences.

PhDr. Josef Zeman, CSc.

A systemic approach to the study of biological, psychological and social phenomena does not belong among the most sophisticated theoretical concepts today. However, it has given rise to several important observations which remain valid. I would like to start with several theoretical arguments that I will attempt to apply to current and practical themes.

According to Luhmann¹ the system is formed by the process of differentiation and separation from surroundings. The decisive process is in the formation of the actual structure/organization is self-organization, autopoiesis. This principle was described by other authors earlier², but Luhmann expanded it to social systems. The essence of this argument is that the key factor in system behaviour is the system's internal structure, not stimuli from its surroundings. The process of self-organization is then governed by the search for purpose. Luhmann defined this as the 'limit of possibilities perceived by the system'.^{3,4}

This remarkable definition of purpose is simply to apply to the family: the purpose can certainly be seen in benefits for children and the parents, as well as for the mother and father separately. However, there is a fundamental question here: Is one possible without the other? Can the system functionally self-organize if this is to the detriment of some of its parts? The answer is clear cut: it can! Family therapists describe this system as a paradoxical game, from which the family has no escape⁵. It creates a 'problem-determined system'⁶, in which homeostasis is maintained even at the cost of losing a certain part.

1 Luhmann 2002 – originally 1982

2 Maturana and Varela 1980

3 Šrubø (2002:265)

4 Luhmann, as a radical constructivist at the time, declares that the whole world existing for the system is the product of system operations. Maturana subsequently (2004 in Plháková 2006:270) emphasized that autopoiesis, self-organization, is valid only for animals and therefore returned the whole concept to the sphere of biology. Nevertheless, theorists specializing in systematic family therapy have demonstrated Luhmann's principle of self-organization on family systems, and in practical work with families respect for this premise has been very useful.

5 e.g. Ludewig (1994:72)

6 Goolishian is identified as the author of the term (1988 in Schlippe 2001:73)

Numerous references by the parents of young children, expressed by female statements such as 'I'm enjoying my maternity leave' and by proud male statements such as 'finally we are a family', indicate that the motivation for the functioning of a family system is not rational. Psychologically, it is easy to imagine that the effect need not be entirely intentional. Personally, in this respect I regard Hanuš Papoušek's instinctive parenthood⁷ as a significant discovery and empirically substantiated description because it allows for a more intelligible explanation of the issues as to why young people yearn for children and in most cases manage to cope with the demanding care requirements when the returns on this investment are so contentious. The fulfilment and satisfaction of the desire for parenthood would seem to be hard to explain as a rational decision. Conversely, the notion of the significant influence of the self-regulatory powers of the system, not entirely reflected, yet a very effective search for the purpose of its existence, might be offered as an explanation.

Numerous sociological studies take stock of the value of the child in terms such as 'necessary expense', 'opportunity cost', 'risk', etc., and often add a vaguely worded tag relating to emotional values. The child, as a satisfier of emotional requirements, in particular, the emotional requirements of the mother. However, this required fundamental elaboration. A child satisfies the emotional needs of the parent only if the parent satisfies the emotional needs of the child beforehand. An unhappy child cannot satisfy its parent. Emotional satisfaction from parenthood is therefore principally of a systemic, reciprocal nature.

From the perspective of our deliberations, in practice this depends on how urgently a man or woman experiences parental involvement. Whether they perceive it as part of course of their life and whether is it highly or only moderately significant for them in terms of its course and results. Here, too, we have the possibility of choice, although, regrettably, perhaps not a choice that is entirely free. Families draw up their own purpose, their own values, but they also communicate with their surroundings. If, in the sphere of socially accepted values, they only have a deflected life scenario at their disposal that does not encompass life achievements other than professional and social success, there is de facto no freedom of choice. This traditionally male and, from a certain angle, sub-concept of success, i.e. a preference for professional and social

achievements over success in relationships and parenthood, is being increasingly forced on women too simply because it debases or refuses to admit alternatives.

Successful parenthood as a set of abilities and skills to respond to the needs of a child, share its experiences, offer assistance and safety, and stimulate activity and inquisitiveness, and also the ability to find happiness in ordinary things in which they succeed together, is a personality trait developed by a learning curve. The learning curve, as we know, progresses better the more positive motivation it has. The parents of a newborn child are highly motivated to learn parenting skills and usually succeed in coping well with these skills and enjoying satisfaction. However, for some parents this satisfaction starts to wane over the months. One of the possible explanations for this is a drop in motivation to acquire further parenting skills, which no longer take the form of care, but start to include elements of cooperation, understanding and mutual respect. At around the twelfth month of the child's life, parenthood becomes less biological and instinctive and more cultural and social. In my opinion, this turning point is very important for the child-caring parent because it opens up new horizons not only for the child, but also for the parent. The parent learns, from his/her own child, so to speak, social skills that can be applied in general situations, e.g. even in professional life⁸.

In some Western countries, this area has been given the term family competences. It is an attempt to label the set of instructions above, as well as others, that the parent acquires through childcare and life in general in a family system. In Austria, for example, proven family competences are considered a reason to award a 'Family Competence Certificate, which a woman can use when she enters the job market.

Psychologically, deliberations on family competences are of fundamental importance. Such a social discourse places another stimulus in the 'limit of possibilities of the family system',⁹ an objective from which the family can construe, in the spirit of Luhmann's theory, a further purpose of its existence. There is a shift from the emphasis on the quality of childcare to an emphasis on the further benefits of the functioning of the family system, which

⁸ It could be argued that parents should be mature persons and have a decent level of social skills at their disposal.

However, in active contact with a child, especially in situations of varying forms of stress, there is always something to hone and this means further positive experiences are gained.

⁹ Luhmann's definition of the purpose of the system

⁷ Ditrichová et al. 2004

are relationship and personal gains among all system members. From the social perspective, this is nothing less than the ability to improve interpersonal relations, the cultivation of human resources, the expansion of social capital.

The concept of family competences has a concrete form in the Czech Republic too. It has become the cornerstone of an educational programme for women, created as a collaboration between the National Centre for the Family and the Centre for the Family and Social Welfare in Brno. This programme is implemented in the form of courses for women and attempts to help mothers of young children take a new look at themselves, i.e. to help them as child-caring parents become aware of the specific skills and gains they acquire at this stage of parenthood. On the other hand, it helps them realize the lasting value of these skills and their applicability in other areas of life, including professional life. Under the project 'Support for Woman with Children on the Labour Market', promoted by the European Social Fund and the Czech national budget, the educational programme is available in family centres in eight places throughout the Czech Republic. In past months, more than 500 women have taken courses.

However, let us return to a persistent problem. The tendency to minimize parenthood and narrow its purpose down to childcare, albeit care of best possible quality, is deficient in terms of both the child and parents, and from the social aspect. It also ignores the theoretical achievements of systemic thought. The most common form of this deficit today, i.e. the 'problem-determined family system', is children without siblings, parents giving up their original reproduction plans, the uncertainty of parents relating to the upbringing of a child, and mothers unfairly undervalued in subsequent employment. Besides the above-mentioned possibility way of attempting to tackle these problems, I would like to draw attention to another factor. These problem-determined family systems have a tendency to reproduce intergenerationally. Šťastná¹⁰ cites authors who have confirmed that children do not identify solely with the person of the parent, but also with the relationship between the parents, from our point of view with the system of the original family. Intergenerationally, then, there will be more functional reproduction or more of a problem/deficit-determined system. Let's look at the current tendency to minimize parenthood from this perspective too.

¹⁰ Šťastná 2006

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Changing paternity and changing fathers?¹

PhDr. Hana Maříková

According to the American researcher Lamb (1986), in our cultural sphere paternity has passed through four stages over the past 200 years: first, the father personified moral authority in the family, then he was a remote bread-winner, in the third stage he was a male role model, and now he is the 'new father', taking care of and actively contributing to the care and upbringing of a child from the beginning.

According to LaRossa (1992), however, it is necessary to make a theoretical distinction between the 'social practice' of fatherhood, i.e. the reality of paternal behaviour (or what fathers do) and the 'culture of fatherhood', i.e. universally shared ideals, values and meanings connected with men-fathers and paternity. While it is latently assumed that both levels are synchronized, or that the behaviour of fathers corresponds to norms and expectations, this is not the case. LaRossa believes that the culture of paternity changes faster than the behaviour of fathers themselves.

The moulding of paternal practices, even though it should or could have its 'own logic' (as pointed out by LaRossa), is nevertheless always 'somehow' (albeit not directly) influenced by social traditions, values and standards. These are embodied in numerous social institutions and organizations, regardless of whether they are less formal and more private, such as the narrower or broader family, peer groups, friends, acquaintances or groups of those who are close to us, or whether they are more formal, such as school, the law, morals, and medicine, including government policy, the culture of employer organizations, etc., not forgetting the mass media. To a large degree, fatherhood is formed both by the institutions above and by the discourses of those institutions, which are frequently contradictory and vying with each other (see, for example, Lupton and Barclay 1997). Therefore, on the one hand he is portrayed and presented in public debates as the image of a 'new' – or caring and responsible – father, and on the other hand he is the 'absent' father – irresponsible, failing to fulfil his paternal role.

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Returning to LaRossa's central premise, it is legitimate to ask: How to fathers in our society 'really' behave and is their behaviour changing at all? As families with two (albeit not necessarily biological) parents are still the prevalent type of family structure with children in spite of their falling numbers (see SLBD 2001), I will concentrate exclusively on that type of family and on the participation of fathers in them.

In response to the question, I was inspired in part by foreign observations from longitudinal research conducted in the USA at the end of the 1980s and the beginning of the 1990s, the findings of which I compare to meagre observations from the predominantly quantitative research carried out in the Czech Republic.

1. The 'American' experience – paternity in complete families in the USA

The longitudinal research 'National Surveys of Families and Households' conducted in the USA in 1987-1988 and 1992-1993² made the following important empirical findings regarding complete families.

The impact of parents' jobs:

- Statistics were repeatedly used to prove that women devote increasingly more time to children and the household than men, even though they also hold down paid jobs. In the first stage of the research, many mothers were not working or only had part-time work; in the subsequent period most of them were employed. This debunked the assumption (Hochschild 1990) that if women start working, there would be a significant reduction in, or levelling-out of, the disproportion between the time devoted to children and the household between the two parents.³

² The research was conducted on a full sample of the population, but for certain other analyses referred to in this text it was narrowed down to families complete in both stages of the research where the youngest child at the time of the initial research was less than five years old (N = 762 families).

³ Although there is a nexus between childcare and looking after the household, the factors which predicate their performance are different in the case of men (Deutsch, Lussier and Servis 1993). For men, it is inherently more acceptable to care for children than do the household chores, perhaps because they view childcare as a more pleasant activity connected with greater social appreciation (see Coverman and Sheley 1996). As several researchers mention (Coltrane 1996, Peterson and Gerson 1992), for women these two areas of activity are more interlinked and are generally viewed by women as stressful and insufficiently appreciated.

- In some quarters (Perry-Jenkins and Folk 1994), this disproportion can be explained by the fact that men still spend more time at work than women. In keeping with the theory of the time costs of a child, it was confirmed that the more time men spend at work, the less time they devote to their child.⁴ In this respect, there was a proven tendency for men with a higher level of education to spend less time with a child up to five years old than groups of men with a lower level of education.
- On the other hand, it became apparent that the time women spend at work is positively correlated with the time the husband devotes to a young child, i.e. the more hours a woman spends at work, the more involved the father is in caring for a young child.

The impact of early paternal care

- The number of hours a man spends at work is reflected negatively in the time spent with the child, but only if the father did not start caring for the child in the first year of its life.
- There was a therefore a proven link between the father's involvement in early childcare and childcare in a subsequent period. Fathers who spent more time looking after a child when it was very young also tended to look after the child more five years later compared to other fathers. Where fathers are involved in childcare early on, a code of behaviour is probably formed in the individual life of the man which is then adhered to in subsequent stages of the family cycle.

The impact of one parent's childcare and household care on the other

- The time that fathers devote to their child or children is positively correlated with the time devoted to the child by the mothers: in other words, the more a woman devotes her

⁴ In the initial phase of the research, when the youngest child in the family was less than five, on average the mothers devoted 5.9 hours a day to that child, versus 2.3 hours devoted by fathers. However, in that stage of the family cycle, mothers worked on average for fewer than 20 hours a week, versus 44 hours a week worked by men. Yet even when the mothers were employed to more or less the same degree as fathers (i.e. full time), they still devoted an average of 4.9 hours a day compared to 2.4 hours by fathers. The age of the parents had no bearing on the time devoted to the child. In the second survey, when the youngest child was between five and nine years old inclusive, the number of hours spent with the child was lower on both counts – on average six hours a week on the part of the mothers and four hours a week on the part of the fathers. (Aldous et al. 1998: 815-817).

time to her child, the more the man devotes his time to the child and vice versa.⁵ According to Aldous et al. (1998), this observation runs counter to the claims of conservative researchers (e.g. Park 1996) that women try to prevent men from engaging in childcare because they do not want to lose the power they brandish in this area.

- With regard to women, the performance of housework has no impact on the time a woman devotes to the youngest child (this does not mean that if a woman does less housework she spends more time with the child, or vice versa).
- Another important factor in this respect is that the performance of housework by the woman has no impact on the father's involvement in care. Therefore, there is no indication that the more a mother does housework the more time the father will devote to the youngest child. There is no (time) reciprocity (in the form of 'shifts') here.

The impact of the mother's income

- No significant connection was found between the woman's share in the family budget and the time the father devotes to the youngest child. According to the theory of relative resources, it does not hold true that the higher a woman's share in the family budget, the greater the man's participation in childcare.

The impact of gender ideology

- Fathers are more involved in childcare (they devote more time to the child) if they hold more egalitarian gender views. The woman's stance in this respect has no influence on the man's participation in childcare.

The impact of the age, rank and sex of the child

- The time devoted by either parent to the child or children depends on the age and, often, the sex of the child. In general, both parents spend more time with the child when it is very young. Where there are multiple children, more time is devoted to the first child than the next in order, and least time is devoted to the youngest child (even though the overall time devoted to children tends to increase the more of them there are).

⁵ This finding also draws attention to the important fact that motherhood varies considerably and takes on different standards (or 'qualities') among different (groups) of women.

- Fathers with a traditional gender view spend more time with their sons than their daughters. The same applies to mothers when their daughters are adolescents. This can be explained by the influence of traditional gender norms or traditional gender socialization, which forms a basis where persons of the same sex or gender should be closer (cf. e.g. Harris and Morgan 1991).

The impact of satisfaction with the marriage

- According to the theory of the family system, satisfaction with marriage is conducive to greater involvement in childcare and vice versa (Cumming and Davies 1994) – this applies to both partners. However, as some authors observe (e.g. Belsky et al. 1991), among men both sub-systems, i.e. marriage and parenthood are more interlinked, or less segregated, than among women, and so it can be assumed that marital disagreements might be reflected, among men, in a reduction in their participation in the care and upbringing of the child. In the subset of respondents who were married couples, this premise was not borne out; it was not proven that satisfaction/dissatisfaction with the marriage was reflected, to a statistically significant degree, in the time the father spent with the child.

Based on the findings from the US research, we can sum up by stating that fathers in complete families who participate less in childcare are those men who:

- are more work-oriented, or spent more time at work
- adhere to gender stereotyping
- do not devote themselves to their child from a very young age (from infancy)

Conversely, men tend to be active (more active) fathers if:

- their wives work full time
- they do not hold gender stereotypical views (they have a positive approach to the woman's role outside the family, and the man's role within the family, and a positive approach to the fairer division of work within the family)
- they participate in the first year of life in the care of a child

- their wives devote more time to the child compared to other mothers.

The larger-scale participation of men in childcare generally requires a 'reevaluation' of the man's life: the reorganization of his life to accommodate greater involvement in the family and household and the apportioning of lesser importance to paid work and less pronounced involvement in that sphere.

2. Czech society, paternity and fathers in complete families

2.1. Notions versus reality?

Most people cohabiting with a partner (70.3%) believe that men should make a greater contribution to childcare (see ISSP 2002: women 80.9% and men 52.2%). This finding indicates that the involvement of men in this care falls short of the expected level.

Nor does it achieve the expected level in other surveys. The 'expected' level is the same (equal) participation of both parents in childcare, as follows from the 'Our Society' surveys conducted in 1998 and 2003. The results of these surveys confirm the disproportion between the notional level and the level of reflected behaviour, as people's notions about the division of parents' activities in relation to childcare and the way this division was actually reflected varied significantly in the case of equal participation ('both the same').

Table No 1 Childcare, 1998 to 2003 (%)

Level monitored/ Answers and year	Male			Both the same			Female		
	'98	'00	'03	'98	'00	'03	'98	'00	'03
Notion of the division of activities	0	1	1	51	49	59	49	50	40
Actual division of activities	0	0	4	27	28	36	45	50	57
Difference - actual/notion	0	-1	+3	-24	-21	-23	-4	0	+17

Source: Rozdělení rolí v rodině 2003 [Division of Roles in the Family 2003].

Note 1: In the lines on the Notion of the division of activities and the Actual division of activities for the individual years, the difference up to 100% comprises the answer 'don't know'.

Note 2: Data on Notions of the division of activities are for a representative sample of the whole population, data on the Actual division of activities is only from the group of married persons and those living with a permanent partner.

2.2. Generational shift in the behaviour of fathers (and mothers)

If we monitor generational shifts in the behaviour of fathers (and mothers) between the original (benchmark) family and their own started (procreating) family, according to the results of the survey 'Our Society 2003' it is evident that there has been an intergenerational increase in the share of families where **both parents 'concurrently'**⁶ contribute to the performance of certain activities and families where parents devote time to their children **'alternately'**⁷ depending on which of the parents has time at that moment.⁸ Therefore, there has been a shift from the individual performance of certain activities to the participation of both parents in these activities (cf. Maříková 2006).

The separate involvement of fathers⁹ (rather than mothers) has declined in the family where activities are carried out predominantly by only one of the parents.¹⁰ If we compare only mothers and only fathers, it is evident that the mother remains a very important person in the family. She tends to be left with **regular, challenging and urgent activities** (day-to-day communication and basic care) and in many cases more time-consuming activities (e.g. care during times of sickness,

6 'Both concurrently': trips and sport – increase by (11.6 %), decision-making about studies, occupation (11.1 %), punishment of the child (11.1 %), and talking with the child (10.4 %).

7 'Who has time at that moment': time for the child when the child needs it – increase by (6.2 %), visits to the doctor (5.7 %), learning with the child (4.2%).

8 However, this case is not clear and is rather misleading. It is still women who largely remain at home, and therefore de facto it is the women who continue to spend most time with the children, although there is the possibility that sometimes (generally on request, or as a last resort) the men replace them.

9 In the benchmark families, fathers were largely responsible for punishing the child, but in the procreating families there was a decline by -11.8 %, decisions on studies (-10.7 %), learning with the child (-6.8 %), trips and sport (-6.0 %).

10 Among mothers, their involvement in certain activities has decreased, while in other (more time-consuming) activities it has increased (learning with the children, trips, sport, theatre, reading stories, etc.).

teaching) in relation to the child, which is underscored by the 2003 Our Society survey and the Parents 2005 survey.

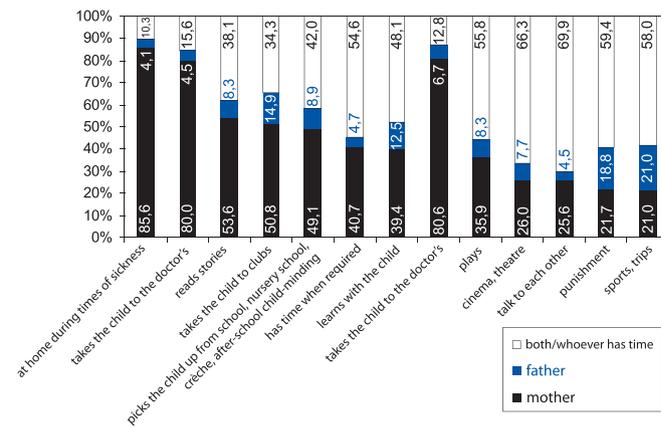
2.3. The father in the contemporary Czech family

a) The father's participation in childcare over the necessary period of care

In most families, the mother continues to be responsible for day-to-day, time-consuming activities and activities related to a particular moment that are linked in terms of time and space.

The father contributes to those activities mainly geared towards older children, activities which are not so obligatory in terms of their binding nature and urgency. The father primarily participates in leisure activities that are not mundane or mandatory, are not urgent, where there is greater freedom, and activities that can be but need not necessarily be carried out (at a given moment, if at all).

Chart No 1: Who does what with children in the family? (%)



Note: Only respondents who cohabit with their wife or partner. N=1544

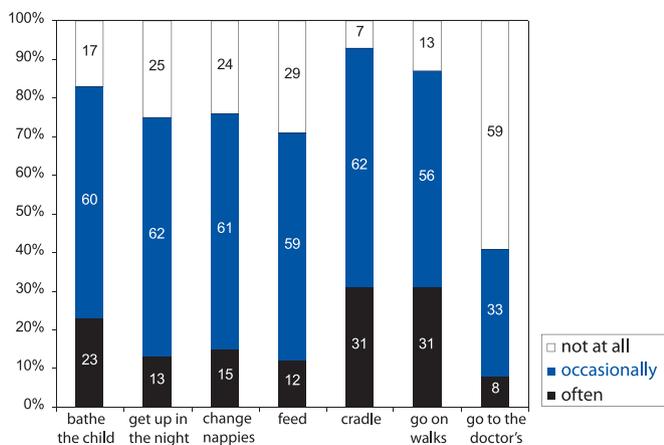
Source: Parents 2005.

b) The father's participation in care for infants

From the perspective of care for the youngest child, which may be a determining factor in further involvement with the child, there is evidently a relatively large group of fathers with a youngest child up to 18 years old that participated in everyday childcare when the child was an infant only occasionally, if at all. From the perspective of age, men over the age of 45 are

represented significantly more often statistically in the group of men not involved in early childcare; from the aspect of education, men with a lower level of education can be found in this group more often than men who have completed upper secondary education with a *maturita* (school-leaving certificate). This finding supports the hypothesis that there has been a generational shift in care for infants, and the hypothesis that the concept of care-oriented paternity (cf. Šmídová 2007) is probably becoming a lifestyle attribute in the Czech Republic among more educated men (or at least a part of that group).

Chart No 2: Care provided by men for children in their first year of life (according to those men) (%)



Note: Only men who cohabit with their wife or partner. $N_M = 743$
Source: Parents 2005.

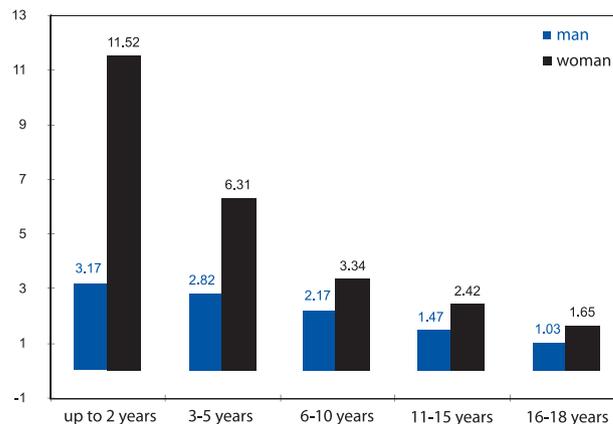
c) Time 'investment' in children among fathers (and mothers)

Fathers' generally low participation in early childcare does not necessarily mean that fathers do not devote themselves to their children at all in this period. Their participation in the care and upbringing of children may even be higher compared to the subsequent periods in the child's life (see the following chart).

The time devoted to children depends on the family or life cycle (the age of the youngest child) and the age of both parents; it is influenced in both parents by economic (in-)activity and flexibility of work rather than by the number of hours worked in paid employment; it is not affected by education, but by marital

status. The time devoted to children by the two parents correlates strongly with time spend on the household; among mothers, there is a weak correlation with the father's involvement in (time devoted to) care; among women, but not men, there is a link to their earnings.¹¹ Childcare is not connected with gender attitudes tested in the questionnaire among either the fathers or mothers.¹²

Chart No 3: Number of hours spent on childcare based on the age of the youngest child (hours per day)



Note: Only those who cohabit with their partner. $N = 1544$
Source: Parents 2005.

The basic findings relating to the time devoted by parents:

- When the child is of preschool age, the differences in the time devoted to the child between the father and the mother in the family are at their largest, as is the case in families with three or more children, i.e. the mothers spend more time with the child. The birth of a child, and a larger number of children in the family, encourages the traditional division of care/work in families.
- From the perspective of marital status, it has been confirmed that marriage diverts fathers most from participation in

11 The more a woman earns, the fewer hours she devotes to her child. A woman's share in the family income does not affect the participation of the man/father in childcare.

12 This does not necessarily mean that gender ideology has no impact at all on the time-based involvement (cf. section 1). There is good reason to believe that the differentiating attitudes may, in this context, be different attitudes from those actually tested.

childcare, while among women the opposite is true.¹³ The norms of marriage have the effect of strapping women to the family (and household) and reducing their chances of an independent existence outside this sphere, while men can participate less in the private sphere and more in the sphere of paid work, which increases their freedom and independence of others (cf. Nock 1998).

- The time devoted to children is markedly (statistically significantly) influenced by economic inactivity – of either parent!¹⁴ Economic inactivity increases the amount of time individuals are involved in childcare, as does the flexibility of the parents' work.

Summary:

Although there has been a generational shift in the behaviour of fathers and although, in the family (and life) cycle, there has been a reduction in the disproportion between the time devoted to children by both parents in the period when the mother starts working on the labour market again, the time differences in childcare persist and tend to be significant still. Only 24% of couples achieve an equal share in childcare; families with children over the age of 11 are statistically most likely to achieve this, while families with three or more children are least likely. The last characteristic applies to 6% of families, where fathers devote at least one hour of time more than women per day to their children.

The results of the 'American' and 'Czech' surveys confirm that childcare is closely linked to looking after the household. Put simply, whoever looks after the child, looks after the household too. That is not to say that men do not share in the housework at all; however, in the overwhelming majority of cases both housework and childcare remain a matter for/obligation/responsibility of the mother rather than the father. The link between women and

the domestic sphere remains strong and men are penetrating this area only very slowly. In Czech society, younger fathers and more educated fathers make the largest contributions to care for the youngest children. Childcare in this and the subsequent period among men is closely connected with their economic inactivity and flexibility of work rather than other indicators and characteristics.

Based on what has been mentioned so far, we can ask the following question: What path do we, as a society, wish to pursue with regard to childcare and the support of childcare? As a society, are we keen on fathers' participation in the family, and if so to what degree?

The traditional model of care, reflecting the structural distribution of society (into a 'production' sphere, i.e. the public sphere, and the 'reproduction' sphere, i.e. the private sphere), has the effect of diverting the father away from the family and decreasing the opportunities he has to spend (more) time with the child. The normal model of care predominant in the Czech Republic, or the modified breadwinner model, where both parents work, but the greater part of childcare falls on the woman along with – 'automatically' – the running of the whole household, is a structure where the man is really only a 'weekend dad', or in the best case merely a friend for the child when it has free time, and is not really an educator or a close and intimate parental figure who has responsibility for childcare incorporated into his everyday life as a regular, inherent feature.

As a society, we are not particularly happy with this state of affairs, as indicated by the results of an international comparative survey. But what can we do about it?

In the context of discussions on how to increase the participation of men/fathers in families, an important and reasonable requirement seems to be that the men should have a realistic – not just formal – chance to leave the labour market for a while (generally subdue or reduce their working activity) and be at home with the child. Overall (on average) men are more involved in childcare when they are not active on the labour market. Experience from abroad shows that if measures are configured appropriately, and real – not just hypothetical – opportunities are created for men to be able to devote time to their children, men take up that opportunity (cf. Brandt and Kvande 2001). This does not necessarily entail paternity leave and parental quotas in the context of parental leave, no matter how essential and important they are at the beginning, but requires part-time jobs for men/

¹³ Men devote themselves to children most when they are single 2.89 (but there was only a very small proportion in the sample population - 37), followed by the divorced 2.46 (59) and the widowed 2.43, with the married trailing in last 2.01 (661). Among women, the sequence by marital status is different, although the 'leaders' are again singles 8.16 (126), followed by the married 5.20 (697), the divorced 3.53 (270), and widows last 2.61 (33).

¹⁴ Economically inactive men (students, non-working pensioners, the unemployed) devote an average of 3.7 hours to children per day as opposed to 1.9 hours among economically active men. Economically inactive women devote 4.6 hours to children, or 10.6 if on parental leave; the economically active spend 2.8 hours.

fathers, special days free for fathers, etc.; in general, it entails all possible measures making it possible for men to realistically combine work with the family too.

So, to close I again ask, a little differently this time:
Which way?'

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What is the Best Care of Children up to Three Years of Age?

PhDr. Ilona Špaňhelová

Ladies and Gentlemen, Dear Colleagues,

For my contribution I have selected the theme of ‘Care for children up to three years old – which is best?’

First let’s take a look at what we understand by the term ‘care’.

I understand care to mean the parent’s concern for the child and the satisfaction of the fundamental needs which the child needs and is entitled to.

Parents should give their child a feeling of security, certainty, protection, love and acceptance.

First, the child should experience that it is loved, accepted, and belongs to the family group.

This care should include, from the birth of the child, the ability for the child to be brought up by a parent and the ability to communicate with the child.

Initially, of course, the child does not understand the content of words; however, it understands the tone of voice used by the parent and the intensity of the voice, and understands whether the expression in the parent’s face is positive or negative.

It is also important to let the child experience feelings of trust and creativity within the family. A child first learns trust based on the fact that the parent trusts in his/her own skills and abilities. The parent learned them from his/her parents and through experience.

These skills and abilities are learnt by virtue of experience, which in certain cases may be negative in relation to the child. For example, a parent might smack the child for something it did. The parent knows that the smack was unreasonable, that it does not correspond to what the child did. At that moment, the parent is just ‘venting’ his/her dissatisfaction, fatigue, the feeling that he/she no longer knows what to do with the child.

Based on this experience, it is important to realize the mistake and to be more vigilant in terms of how these feelings are manifested next time. It is important to apologize to the child.

Creativity is fostered in the family in a situation where the parent plays with the child, replaces toys in the early stage of childhood and notices what quantity of toys is ideal for the child. The parent shows the child what the toy can do. Later, the parent builds bridges with the child, plays at doctors and nurses...

What parental competences (powers) are there and should there be in relation to the child?

In particular, the point is to actually bring the child up. To bring the child up by way of parental example.

It is important to bring the child up at this age in as much unity and harmony as possible between the child’s father and mother.

In this age of infancy and age of the toddler, a varying approach to the way the child is brought up can be confusing for the child. The child can choose the method which suits it best, which allows it more freedom. In the next stage of life – the preschool child – they may be conflict with an authority other than the parent – in most cases teachers at nursery school. If a child does not have a set of rules regarding its upbringing, the situation would be difficult for the child and for the teachers at the nursery school.

In many ways, bringing a child up by example is initially unconscious on the part of the parent. Parents often see their child playing, telephoning and making the same grimaces as it has seen the parents make. The child frequently uses the same words it hears from the parent. The parent does not tell the child to use such words, but at a certain moment the child registers them and because it likes them – often due to their differentness or because of the moment they were used by the parent and because of the parent’s expression at the time – starts using them too.

Another important element in the life of a child is specificity in communication. It is important to say to the child: ‘Please don’t hit that boy, it hurts him. If you want him to lend you the bucket, say please can I borrow the bucket. The point is, do not simply tell the child to stop it. At that moment, the child may not know what it is not meant to do.

Connected with this specificity are the explanations made to a child. If, for example, a parent is tired and is unduly critical of

the child or is edgy, he/she should tell the child how he/she feels at that moment. Even saying this – sharing emotions – can help the parent too in certain cases. In my experience, the parent does not pass this emotion on to the child.

Another element of upbringing is the parent's loving firmness in relation to the child. This firmness is very important for the child. For example, if a child keeps hitting the television with a wooden spoon, the parent will say: 'Please stop hitting the television, I'm worried you might break it. Please don't hit it!' At this moment, the parent's tone of voice and intonation is completely different from his/her voice when he/she is telling the child about something. This loving firmness gives the child the certainty that the parent's reaction to a certain activity of the child will always be the same. Gradually, always with the same reaction of the parent, the child will stop engaging in that activity.

Also, sharing time is important for children. Sharing means time spent together, where the parent and the child say how they spent their day, what they are looking forward to... This is a very important experience, based on which the child notices the family atmosphere, mutually shared time, and humour. The child also perceives a certain future of the family, which can provide the guarantee that the family is functioning and has a future.

Another important element in bringing up a child up to three years old is to teach it to respect other people. A child should be alert to the parent's reactions and behaviour indicating respect for another person and acknowledgement of that person's opinions. The parent's behaviour therefore services as an example for the child. The child will then behave in most cases according to that example.

In the first three years of life, a child should also encounter the concepts of compromise and agreement. The child should learn that things will not always be the way it intends or wants. The parent should explain what compromise means and how it is beneficial. It is beneficial in that the parent and the child do not lose their requirement, their idea, but they can agree on what will make them both happy.

Another element in bringing up a child is to teach the child to recognize peers, to play with them, to realize that each child is different.

On this level, it is necessary for the parent to be with the child, to see what is happening between the children in order to respond correctly. Some children have a tendency to beat another child and use elements of aggressiveness in relation to that child.

In my experience, this is usually because the child does not know how to articulate itself in relation to the situation at that age, or uses action (behaviour) faster than verbal communication.

The parent must teach the child how to use verbal (in some cases non-verbal) communication. On the other hand, there are children who are very good and constructive in contact with another child. The child will lend the other one possessions, start hugging it and they are friends straightaway. Here too, parents must show the child the positive aspect of its behaviour and draw its attention to the possible resulting downsides.

What are the most common problems that a young family with a child up to three years old can experience?

There is a new relationship between the child's parents. A new member has been added to their unit. This often cements the parents' mutual love and support. Sometimes, however, it may disrupt their harmony. When they have a moment's calm, they need to speak about the new development and the positives it will provide them with. If either of the parents notices any difficulties which may occur in the new situation (e.g. the fact that the mother does not devote any time to the father), this new situation needs to be discussed and a view needs to be adopted.

It is very important to reinforce confidence in their parenting. To notice all the positive aspects of their new role, to take a positive view of things. To trust each other. To notice the fact that intuition works in parenthood. To believe that each parent has the possibility of using that intuition, and to trust it. Parents should encourage each other, tell each other about their positive experiences and areas where they did not succeed, and what could be a source of experience in the future.

The new relationship between the parents and the grandparents could be challenging. In many cases, parents determine new mechanisms for the upbringing of their child; they want to create

some privacy, learn how to live in and work their way around the new constellation.

Grandparents may feel left out. This is the novelty of the relationship for which the parents and grandparents can prepare during the pregnancy. However, this novelty can result in benefits for both sides – the joy of trading experiences, the happiness of time spent together, the joy of the experience that a child has been born...

A problematic element could be the lack of time shared between the parents and the child. In many cases, the fathers suffer from a heavy workload. The child clearly needs both parents. It needs not only to see for itself how one of the parents behaves, what stances he/she assumes, how he/she reacts if provoked or when at rest, how he/she launches. The child also needs to see how both parents behave towards each other. The child uses them as models for behaviour with peers.

The assumption of a new role – the role of parent – is also an major challenge for parents. This role entails an expected code of behaviour in the new situation – life with the parent's child. However, with parents this role cannot be drilled. It is a novelty. the mother or father has experience of parental behaviour from the time she/he was a child. Parents know how their parents behaved towards them. In many cases, they either want to or do not want to apply that model. What is important is that the parent must not be afraid to assume that role and embark on life in that new position.

Another problem may be the social isolation of the mother. The mother may experience this isolation primarily when she starts living with the child. Suddenly everything is different. There is no longer the typical morning rush, the experiences shared with colleagues, the opportunity to do as she pleases with her time, which she sets herself. Everything is different.

At this point, the mother should receive help from the child's father and the broader family. They should spend time together and talk about the new situation. A network of facilities, such as maternal and family centres are available to help the mother. The mother can use that network to combat her social isolation. If she spends time with others, she can not only be happier on her new role, but she can learn new facts on how to bring up her child.

This stage can offer true qualitative help for the family as its starts out.

The sign of a young parent should be not to be afraid of being a parent and the desire to bring up the child. This means being someone providing the child, as mentioned above, with a feeling of security, certainty, calm and openness. Parents should feel all this in their life with their partner. The certainty of this feeling should be passed on to the child by the parent.

Another sign of a young family may be difficulty in understanding the child and respecting behaviour which the parents do not expect. Here, the communication between the child and the parent is very important. Parents should not be afraid of telling the child that they do not understand, that they do not know what the child wants... Even though the child is still very young and does not respond, at least the parent can release that emotion. Parents should learn to understand and perceive their child.

Not least, a young family may have problems with finances. In some cases, the parents have to make sacrifices in view of what they were accustomed to before the baby was born. These difficulties should help them come to terms with the situation and enhance the enjoyment of having a child.

Returning to the conclusion of the contribution concerning the original question – what the care for a child up to three years old should be like, this care should primarily be:

- loving
- respecting
- nurturing
- instilling certainty in the child
- instilling a feeling of acceptance in the child

Who should provide this care?

In particular, the child's parents. They should give the child a feeling of security and certainty. There should also be a feeling that the child can turn to a parent any time to ask something.

The carer should be a person who devotes time to the child, is closest to the child, someone whom the child trusts. Parents should also expand the group of people with whom the child comes into contact so that it can recognize other educative processes and other types of authority.

This means the child should be in a group of other children, get to know them, and come to grips with the educative procedures if other parents. The child should first attend these facilities (I am thinking of family centres and maternal centres) with the parent in all cases. Parents help the child take its bearings in the new relationship so that it can understand even reactions which are completely different from those the child is used to at home.

Each child is an individual. It is necessary to gauge when, in this period, parents can leave their child in the care of another person for a certain period. This person should start by respecting the rules the child knows from home.

The child then learns very well from other children. Mimicking and motivation from another child is motivation for the child.

The child is happy with the experience of spending time with other children.

State as a Substitute Carer

Collective Care Hazards in the Early Child Age

Prof. Dr. Dr. hc. mult. Theodor Hellbrügge

I am extremely grateful for this kind invitation from the Czech Ministry of Labour and Social Affairs, as the conference you have organized has provided me with the opportunity of renewing the relations between Munich and Prague that I have been developing for decades now. However my main priority concerns those children who are suffering from a deficit of parental care.

Two years after the second World War, which, we hope, was the last war in Europe, in my role as advisor to mothers in the Munich borough of Thalkirchen, I had the possibility of examining children who were taken from a particular social stratum and were also selected on the basis of their state of health, because they were intended for the leading European elite of a future Nazi state. These children spent the first three years of their lives in a home that was especially well provided for by the State, but on closer inspection they could be seen to be in a pitiful state.

By the criteria of the medicine of that time, they were physically completely healthy. However serious pathological signs could be seen in their behaviour. Relationships they established were based on aggression. Their speech was obviously retarded and their social behaviour was at such a basic level that they were unable to feed themselves with a spoon. As this type of pathological behaviour was not described in any German paediatric textbooks I was obliged to establish international contacts. This was how I encountered the unrivalled research of Professor Zdeněk Matějček in Prague and the paediatrician Dr. Marie Damborská, Head of the Children's Home in Luhačovice, and, most importantly of all, the film "Děti bez lásky" (Children without love) by Prague director, Kurt Goldberger.

It was not easy to establish these contacts because everything in Prague at that time was bound by stringent rules. Despite this, I was able to obtain a personal recommendation from the then Minister of Health enabling Dr. Damborská to visit Brixen

and Munich in order to present the results of her research on children from homes. In particular the film "Children without love", which was probably broadcast on Czech television by accident, caused such a sensation among the population that early maternal bonding and the deprivation syndrome became a topic for political debate. Immediately after the Communists took over power, the State, under the motto of professional equality for women, began to force mothers to return to work as soon as possible after giving birth, leaving their children in day care at state institutions. It is still possible to hear arguments supporting this approach today in this country, asserting that the State should prioritize the education of children in crèches rather than allow them to be brought up by uneducated parents.

It is to the credit of Prague researcher, Zdeněk Matějček and his colleagues that they could show, on the basis of research carried out at regular intervals at a Central Bohemian orphanage, that the development of institutionalized children is slower during the first years of their lives. The work of Prague researcher, Hanuš Papoušek, which shows that the development of twins also lags behind, because man is primarily adapted to develop as an individual, has provided us in Munich with another impulse from the Prague school. It was due to the basic concept proposed by Dr. Marie Damborská that allowed us, thanks to major cross-sectional studies, to build a sound foundation in order to establish this system in Munich. The Munich functional development diagnostics measure lying down, sitting, walking, understanding, perception, speech, understanding speech and social development. The results of this study showed very early on that social development is the most sensitive of all the functional areas an infant has to master. We tested the system in Munich on a major paediatric cross-sectional study at the Institute for Social Paediatrics and Paediatric Medicine at the Ludvík Maxmilián University, which I founded, and published them under the title Munich Functional Development Diagnostics. 1,600 children from two Munich clinics were tested with 400 and 800 examinations or measurements, which were then assessed by the MEDIS Institute – Institute for Medical IT and System Research, Research Society for the study of radiation and the environment. The advantage of this measuring tool is particularly obvious in the social development of infants. It turns out that infants attending any childcare group that cares for infants of the same age lag behind in their social development. This delay is longer

and more evident for larger groups and centres that suffer from a high turnover of caregivers. I would like to give you an example of this delay, or the development profile of a deprived child.

Our research produced the same results as in Prague, the main difference being that we performed the study on selected children. This brought me to the conclusion that early remedial care should primarily require the involvement of the parents.

Our book for parents, entitled “The first 365 days in the life of a child” has already been translated into 36 languages, included some that we did not even know existed. However I have the feeling that there are more foreign language editions to come because I am continually being asked for permission to publish the book in another language. I am happy to agree with this, because all the authors have relinquished their rights to royalties. Parents can use this system to compare with their own child’s development at the same age and will discover whether their infant is falling behind, and in what areas. We can also obtain suggestions for suitable early therapy, because it is not intelligence or a development quotient that is measured here, but delays in specific functional areas.

I should like to place particular emphasis on the functioning of relationships through visual perception. An infant will look only at the face of his mother five or six times a day when nursing. We know from several studies that an infant can already reliably imitate every change in the features of his mother’s face from the time he is four weeks old. Amongst other things, this allows us to show that the most important element for bonding and for communication between mother and child is not hearing so much as vision.

Paediatric units based on the Munich centre have been established throughout the world and these use the Munich Functional Development Diagnostics as determining diagnostic factors as well as Vojta kinetic diagnostics to assess delays in motor development. In this way, over 200 subsidiary paediatric centres have been established worldwide, in which paediatricians, child psychologists, child psychiatrists, physiotherapists, speech therapists and other specialists work together to develop exercise programmes with the parents which will help restore the child to normal development.

Therefore, social development has become the determining element for developmental rehabilitation, a concept I invented in order to link the elements that are particular to the child as opposed to the adult, his development, with measures aimed to help solve delays in development in various areas. The aim is to achieve the most normal development curve, such as the development of speech understanding during the first half of the first year of life.

By means of his imposing multi-generational study, Zdeněk Matějček has shown us that it does matter whether opportunities for the emergence of early relationships are used or not. For some years now we have held a symposium on the functioning of these relationships in Munich during the first week of Advent. We invite international researchers to attend this event. The results to date have been published in the following papers:

Bindung und Trauma (Binding and trauma)
Kinder ohne Bindung (Children without relationships)
Die Anfänge der Eltern-Kind-Bindung (Initial relationship between parents and children)
Der Säugling – Neurobiologie und Gene (The infant – neurobiology and genes)

We have already invited Henri Prens to attend next year’s event. His book is entitled “Healing from the Holocaust” – memories of a psychoanalyst. In his work, he has laid particular emphasis on aggression as a negative phenomenon and I think that our next Autumn Congress in Munich will be on the topic of “Aggression and Relationships”. Researchers in the area of relationships will be honoured by the award of a medal dedicated to the memory of Arnold Lucius Gesell.

Recipients of the Gesell Prize include:

- Professor Dr. Marc Bornstein, National Institute of Child Health and Human Development, Bethesda/Maryland
- Professors Dr. Hanuš (†) and Dr. Mechthild Papoušek, Department of Development Biology, Munich Children’s Centre
- Professor Dr. Marionilla Kolzova (†), former head of the Pediatrics Department, Pavlovova Institute in St. Petersburg
- Professor Dr. Zdeněk Matějček (†), Psychological Institute, Charles University, Prague

- Professor Dr. phil. Emmy E. Werner-Jacobsen, University of California
- Professor Dr. h.c. mult. Franz Halberg, University of Minnesota – Professor Dr. Alain Reinberg, Fondation Adolphe de Rothschild, Paris
- Professor Dr. Sir Michael Rutter, University of London
- Professor John Kennell, M.D., Case Western Reserve University, Cleveland, Ohio – Professor Marshall Klaus, M.D., and Phyllis Klaus, Case Western Reserve University, Cleveland, Ohio
- Professor T. Berry Brazelton, M.D., Harvard Medical School, Children’s Hospital Boston
- Professor Dr. Klaus Grossmann and Dr. Karin Grossmann, Universität Regensburg

I feel that the most important outcome of our studies on the topic of the Prague symposium is the following: early childhood is essentially associated with formation processes which are primarily influenced by relationships. This is why any disturbance of the relationship between the child and his mother represents a problem, which is heightened relative to the size of the group and the frequency the main caregiver is changed. It is better to spend more money on the family and less on the crèche!

We must not forget that every culture and every business, and by this we mean the national economy as a whole, is dependent on healthy children (to provide for old-age). The population must maintain this highest order in optimal condition. A social paediatrician, for whom the relationship between the child and his parents is the focus of research interest, can only come to one conclusion: more family and less state! It is only through our offspring that we can provide care for old people, instead of old-age homes and similar institutions. From this point of view, our educational programme should devote attention to many other aspects. Only he who helps will be happy and independent.

During the nineteen seventies, the family was against the focus of attention in educational terms. Jaroslav Šturma recorded this in his contribution to a book I published in association with Dr. Brisch under the title “Kinder ohne Bindung” (Children without bonds).

However, this will only come about when children are more involved in the democratic processes, in the sense that each child

also receives a valid vote in the elections. I propose that each mother receive one extra vote for each child. A mother with five children would be proud to attend elections and would receive the attention she deserves in a democracy, because here everyone is supposed to have one vote. We cannot exclude millions of children from the basic democratic electoral process. By transferring voting rights to children, we would very soon see family-friendly politicians.

The main problem in Germany at the present time is child poverty in both senses of the word: on the one hand we have too few children to ensure the continuation of our culture, and on the other hand children and families with children are at the bottom of the income ladder. According to the official statistics, they are living below the poverty line, which does not seem possible in one of the richest countries in the world. We must give mothers more recognition – and what better way than by supplying them with extra votes in the elections for their life’s work.

Collective facilities for children up to three years old and their status in childcare – past and present

MUDr. František Schneberg, CSc.

Before I start on the issue of collective facilities for children up to three years old, I would like to shed light, very concisely, on certain fundamental, now universally acknowledged, observations in the field of developmental psychology that apply to the period of development addressed by this conference.

After birth, a child's brain can distinguish between the sounds of human speech and non-speech sounds. At the end of the second month, the first smile appears, used by the child to express its pleasure in the presence of another person, by starting to grasp items from the fifth month the child 'seizes the world', from the seventh month a specific emotional relationship is formed with the maternal figure, and at about one year the first words are uttered and the child takes its first steps unaided. The stage of infancy ends as the era of the toddler dawns. Speech develops quickly. At about two years, the child acquires a 'family identity', i.e. the knowledge that it belongs to 'its own people' and knowledge of a certain social value. After three years, the child starts going beyond the normal confines of the protective boundary of the family and enters a community of peers, where it acquires numerous important pro-social characteristics and attitudes, such as cooperation and the ability to compete, expressions of empathy and sympathy, the joy of playing in a group, and in particular the foundations of friendship are laid; these are characteristics and attitudes that the child cannot assume primarily in the family, but in the company of other children.

The watershed between the age of the toddler and the preschool age is not sharply defined, but it is still evident and exceptionally important. It is the divide between two stages of development. Up to three years, the child is a child of the family, from the third year the child becomes a child of the children's community. Professor Matějček, with whom I am sure you are all well acquainted, said in this regard: 'Children would not have invented crèches themselves – this is an institution built on the wishes and needs of adults, whereas a nursery school is something they would be capable of creating as it is an institution that is beneficial to their development.'

A child is incapable of fleeing or hiding from danger. It overcomes discomfort and anxiety in its mother's arms ('supportling' – Trägling – Professor Hassenstein). First it must attain certainties of life in the protective vicinity of its 'own people' so that it can then set off on an adventure into a society of peers. The child must take on a positive identity, i.e. an awareness of 'who I am and where I belong', before it can work out its place in the company of other children. If the child is not mature and self-confident enough, its anxiety and feeling of danger in a society to which it is unaccustomed will rise disproportionately. The organism puts up defences against such a situation because 'it is impossible to live in anxiety'. A child looks for a way to escape in passivity, by being subdued, or by using behaviour that is a call for help, e.g. aggressively chasing off potential threats. (Langmeier, Krejčířová, 1999).

The idea that crèches are merely an extension of nursery school for children of a younger age and vice versa is therefore grossly incorrect, aberrant and preposterous from the perspective of developmental psychology. This brings me to the actual theme of my message. What role did, do, and can collective facilities play in the care of children up to three years old? For the sake of exactness and completeness it should be added that I am referring not just to crèches, but also to micro-crèches, institutions, nurseries and children's homes for children up to three years old.

Legislation in force classifies three of the facilities above (the others are not legally regulated) among facilities for treatment and preventive care, i.e. healthcare establishments, and does not differentiate between their diverse indications and the method of childcare they provide. Let us look at the individual facilities.

Crèches

The history of crèches as facilities caring for children younger than three years old in small groups during the day is more than 200 years old. The first crèche in what is now Germany was set up by Duchess Paulina Lippe-Detmold in 1802; in 1819, Princess Alexandrina opened a similar institution in Berlin. The first crèches in Bohemia appeared at the end of the 19th century. The number of crèches grew, especially in poor industrial areas, where they were incorporated into the state-guaranteed social welfare system. Up to the end of the Second World War, they

were therefore intended to assist socially disadvantaged mothers and families in an inauspicious situation in life. If we wish to forge a link with today's theme, we should focus on the 1950s.

The ascent of communist ideology in the countries of Eastern Europe culminated in a clear preference for collective upbringing over family upbringing. Collective upbringing was meant to prepare the new socialist, unencumbered by old traditions and the old order, and was intended to allow mothers of the very youngest children to enter the labour market. (Evidence of this perversity in Czechoslovakia included the abolition of foster care in 1951, when approximately 6,000 children suddenly lost their families and had to be placed in hastily set up children's homes.) And because the ideological indoctrination of children was meant to start at the earliest opportunity, crèches became not only a 'shelter' for the children of working mothers, but also the first place in the life of a child where it could be subjected to the ideological influence desired by the state. Because, at the same time, the social system was essentially closed down, crèches were assigned to the health service, which had a positive influence on ensuring a certain quality of care at these institutions.

Whereas in the former East Germany, for example, crèches became the lowest (first level) link in the education system, in Czechoslovakia the Communist ideologists came up with the notion that at least 25-30% of children in the relevant age category should attend crèche. The need to employ women and to make it possible to guarantee a decent standard of living by means of two wages, the wide availability of crèches, and the almost free stay there for children meant that these institutions were well used, even though the planned idea was never fully realized. And thus new regional, company and cooperative crèches were set up, usually offering conventional day care, but also week-long care in certain cases, alongside crèches providing round-the-clock care.

In other countries the situation was different; East Germany, for example, became the absolute 'leader' in this field by placing 85% of all children up to three years old in crèches – half of these children were in day-long and week-long crèches. This resulted in a situation where – unlike in Czechoslovakia – all preventive paediatric care was concentrated in crèches, together with curative care, as the local crèches had an in-patient infection section for acutely ill children.

The relatively lower number of children in crèches in Czechoslovakia was not just the result of the rapid spread of expert knowledge on the necessity of a family environment for the development of the child, including the theory of psychological deprivation, but also as a result of the pro-population measures of the political coordinating bodies at the start of the 1970s (the extension of maternity leave, the introduction of maternity benefit, the possibility of reducing working hours, etc.).

The social changes after 1989 also obviously affected crèches. In particular, the ideological reasons for the state support of these institutions disappeared. A further extension to maternity leave at the beginning of the 1990s and a change to the financing system, where the state and municipalities stopped subsidizing crèches and the costs of a child's stay had to be borne in full by the family, resulted in a significant waning of interest in the placement of children in crèches, and therefore there was a significant decrease in the numbers of crèches and the places on offer.

This reduction is illustrated by the table. In 2006, there were 54 crèches in the Czech Republic with 1,671 places. This means that approximately 0.6% of children up to three years old could attend such an institution. The developments in the new federal states in Germany, i.e. the territory of the former East Germany, are interesting. There has been a decrease in the number of crèches and the places available in them, but on a totally different scale. While the capacity of crèches in 1991 there was enough to cope with more than 80% of children up to three years old, by 1994 the capacity could cope with just under 40% of children.

The problem of crèches seems to have been resolved in favour of the children. Even in new bills on healthcare facilities in the Czech Republic, there is no mention of placing crèches in the framework of the health service, thus leaving them in the competence of the Trade Licensing Act as a regulated trade, i.e. they must be operated by someone competent to pursue a healthcare profession – a nurse.

After a seven- or eight-year delay, when this debate took place in Germany, the issue of crèches has again made its way into public awareness in the Czech Republic, primarily in connection with the theme of equal opportunities, including equality of opportunity for mother's careers and the youngest children. One of the arguments for expanding the network of crèches is that,

if the mother has the opportunity to pursue a career, which will be furthered by the placement of her child in a crèche, she will then proceed to have more children and resolve the demographic problem. This argument is fundamentally erroneous. The former East Germany, where 85% of children were in crèches, recorded the lowest population gains of any of the socialist countries.

If we know that, from the perspective of the child's development, a crèche is not an appropriate institution, and if we pass over the ideological reasons for establishing them, the problem is reduced to the question of what to do with them, i.e. with young children, when the mother needs to go to work. Could we exploit this situation to benefit the child?

It is said that children from good crèches are intellectually more developed. This is an attractive argument. We can say with all truthfulness that our crèches were good institutions of their kind. This could be attributed to the quality staff that has sufficient qualifications to work in crèches, regular assessments of how the children had developed, periodic paediatric supervision, etc.

The comparison of mental maturity really did show that children from crèches performed well. In many cases, they were level with children from families. However, the structure of their maturity was different. Children in crèches could cope well with what they had been programmatically taught, but did not fare so well in terms of what they acquired spontaneously in their environment and in interaction with 'their people'. From the aspect of movement they were well developed, they knew more collective games, they were better at listening, but they were poor at learning to use a potty and, even though they knew more nursery rhymes on average, they had a poorer vocabulary (Matějček 2002). However, all such comparisons are very difficult methodologically. We would have to compare children on entering the crèche to make sure that they are of the same intellectual level at the same age, and that they have the same hereditary background with the same family backdrop, with parents educated to the same level, etc. Intellectual maturity among children carries very little informative value.

Children in crèches are more aggressive. Healthy aggressiveness in adults can be a desirable quality. In the USA a project is under way to compare children who spend 30 hours a week in crèches with children who are there for only ten

hours a week. Between the ages of four and six, those children who spend more time in the crèches manifest statistically significantly more aggressiveness than children who spend shorter times in the crèches (17% versus 6%). The problem is that in this case the aggressiveness is not a healthy, acceptable form of aggression in the form of social application, the ability to surmount obstacles, assert one's opinion and tackle life's problems. The aggressiveness manifested by toddlers in a crèche is defensive, borne out of the frustration of unfulfilled individual needs and the overloading of the nervous system with a single type of stimulus. This is not a show of strength and self-confidence, but of weakness. Aggressive children in crèches are 'suspicious' from the above-mentioned aspects and, instead of celebration they are in a situation where they merit targeted therapeutic assistance.

These children are manifesting the separation-based anxiety of a child who involuntarily (and again and again) leaves 'its people' and the environment in which it has created a feeling of basic certainty in life. This is anxiety stemming from abandonment (Bowlby – 1952, Langmeier, Matějček – 1963). Anxiety is conducive to aggression. Furthermore, the child cannot cope with the unnatural assembly of children at a single time in a single place. The capacity for cooperation and empathy is only developed with the next stage of development (after the child's third year). Children thus drag the same toy around with them, want to sit in the same place, and crawl all over each other. In many children, this induces a feeling of danger, i.e. anxiety again, which leads to aggression. In addition, the age between two and three years is a period of defiance when children are more liable to have tantrums and sulk.

Another of the reasons for the gradual reduction in the number of crèches and the places available in them was their low attendance rate, not sustainable for proper financing. In optimal cases, attendance would reach a maximum of 60-65%. The reason for this was the high sickness rate among the children. This is a serious problem in such a collective way of life. In crèches, children with various degrees of immunity come together in an environment where infectious agents can accumulate, especially viruses. The high sickness rate in crèches can also be attributed to the fact that the convalescence of children making their way back to the crèche tends to have been insufficient.

No up-to-date data are available to us. However, older work by Šamánková, who published several studies on the health of children in crèches at the beginning of the 1980s, suggests that more children in crèches are susceptible to repeated respiratory disorders. Frequent cases of bronchitis, which in the future could have affected the pulmonary function due to obstructions in the lower part of the airways, were regarded as particularly serious.

Between 1971 and 1973, 72% of sicknesses among children in crèches could be attributed to acute respiratory disorders, 5% to acute inflammation of the middle ear, 6% to classic infections, 6% to acute digestive tract disorders, and 11% to other acute disorders. Of the acute respiratory disorders, 69.5% were febrile pharyngorhinitis, 2.5% acute laryngitis, trachitis and bronchitis, 27% acute bronchitis, and 1% pneumonia. (Šamánková, 1983). We can assume that the situation today would be more or less the same, except for the classic infectious diseases, as children are vaccinated against most of them today. The cited conditions are largely viral, and while we have a different spectrum of viruses today, they remain just as problematic as then.

What, then, is the conclusive view a paediatrician takes of crèches? In professional and paediatric circles they are viewed as an emergency solution, and from the perspective of the child's development requirements they are entirely inappropriate institutions. For a child, a crèche entails the premature, inorganic introduction to a social situation which it will not be mature enough to handle until it reaches the next stage of development. As a result, the child is exposed to premature stress for which it is not prepared at this stage of development (Damborská, 1980). If we consider that today approximately 15% of children who have reached the age of three (i.e. these are more resilient and more advanced children) are unable to adapt to the needs of nursery school, we can imagine that the number of children unable to adapt to the requirements of crèches, who are in their second year of life, is more than double.

In conformity with Professor Matějček, as mentioned above, the situation can be summed up as follows. If a mother with a young child feels 'tied to the stove and nappies', if she is unhappy, bored, worried about her career, it would be better for her to place her child in a crèche for part of the day and 'resolve' her inner issues. If she is happy and content, she is sure to give her

child more than if she were permanently stressed. However, if the mother is unhappy and dissatisfied at work, if she keeps anxiously thinking of her child in the crèche and feels that the beautiful time of maternal life with a young child is passing her by, she would be better off giving up some of her material goods to be happy with her child at home. The purpose of maternal benefit was to offer a solution to this dilemma. What is more, today maternity centres, various courses, etc., enable mothers to escape the 'fetters' of the child and occasionally satisfy their own needs to a reasonable degree.

Specialized crèches

The low use of crèche capacity led to a situation at the end of the 1970s where many of them were re-profiled for further rational use. In keeping with government resolutions of the time on improving care for handicapped children, some crèches succeeded in to encompass entirely new areas. As a result, the first rehabilitation crèche was opened in Praha 10 under the supervision of the Rehabilitation Clinic of the Teaching Hospital in Praha 10 and its senior physician Professor Janda. This was used as the blueprint for other crèches.

The emergence of rehabilitation crèches had several important aspects.

1. it facilitated the use of slack capacity
2. it facilitated the professional health care of children under three years old, services for whom had been sparse until then
3. it enabled mothers to become involved, at least partially, in labour market

A little later, demand for specialist care gave rise to crèches for children with chronic respiratory problems. One of the first such crèches was set up in Praha 8, and enabled children to undergo breathing and other rehabilitation, with instructions on the correct use of inhalation devices, etc. In some areas with sensitive social issues, crèches were created for children from a non-stimulating in order to help them integrate fluidly into preschool and then school institutions.

Experts took a constructive view of this type of crèche. The initial indication was the child's needs – to provide the child with professional health care that, for various reasons, had been inadequate or impossible in the family environment.

The effect of the mother's employment played only a secondary role. It should be noted that mothers with disabled children tended to stay at home, and used the possibility of employment to take on part-time work, i.e. the children did not stay in the crèche all day anyway.

Reflecting belief in new social relations, these crèches were transformed into day stations in some places and were closed altogether in others. This type of crèche would certainly have a role to play today, even if these days we try to encourage a situation in care for handicapped children where parents take on much of the care at home. Offers of early care and other institutions contribute to this.

Micro-crèches

Micro-crèches started emerging in response to unsatisfied demand for crèche facilities in certain areas. One of the first initiators of such an institution was the district of Kutná Hora in the 1970s. The principle of micro-crèches was that a woman – nurse – became an employee of the district and, after all sorts of authorizations had been secured from health service bodies, took charge of a group of 5-8 children and cared for them during the day when the mothers were at work. This is similar in some respects to the German model of Tagesmutter, i.e. day mother, although the indications there are different – not just the mother's work, but also other social indications.

This type of facility was well received among experts. A smaller group of children than in a conventional crèche could receive more individual care. Nor were the children stressed by a large number of other people. They had a single authority – the 'auntie'. As the number of children was lower, there was not such a high sickness rate as in normal crèches. These positive aspects compared to ordinary crèches should be taken into consideration in current thoughts on how to provide care to very young children when their mothers go to work.

Stations

In connection with the topic in question, I am mainly thinking of day stations. The main indication for children to attend is the need for specialized care, depending on the child's diagnosis.

These stations are a health service primarily intended for disabled children, and also allow mothers to pursue a profession. There is little difference between stations and rehabilitation crèches. Many rehabilitation crèches have been transformed into stations. Because these stations entertain the possibility of placing mentally disabled children to catch up on their retarded development, the upper age limit has been raised to six years. Therefore, they are not typical early care facilities.

Nurseries and children's homes for children up to three years old

Nurseries and children's homes for children up to three years old are classified, under legislation in force, among special facilities together with crèches, but they play a completely different role. Even so, to a limited extent in the 1960s and the beginning of the 1970s, they also played the role of week-long crèches. The main indication for the admission of a child is the family's impossibility or inability to care for the child. As a general rule, they are facilities for the long-term stay of children; however, as in the case of crèches these stays are construed as temporary stays and as a means of helping the family resolve a particular problem.

In recent years, these facilities have become more open and also provide out-patient care. They can perform the tasks of a station, and are increasingly dealing with the whole family of a child. Therefore, they are in a position not only to accept mothers, e.g. to provide them with childcare training, but can also provide outpatient consulting services in childcare, etc.

Child centres

The whole trend in the development of nurseries and children's homes is on track to provide comprehensive multidisciplinary care to at-risk and disabled children, on both an outpatient and inpatient basis, with an emphasis on family participation. In the future, such facilities will provide not only residential care, but also assistance care, where they will accompany the families of at-risk children and guide them in childcare. The age limit, especially for outpatient care, has been increased, but the objective remains the same, i.e. to provide professional assistance to the child and its family as soon as possible, especially when the child is very young.

The Ministry of Health is also preparing the relevant legislation to guarantee that such care is provided to each needy child who is at risk. One of the facilities that complies with member of staff of the criteria for such a method of care is the nursery in Praha – Krč, which has incorporated this change of activity into its new name – Children’s Centre with Comprehensive Care and Support Family Therapy.

In my paper, I have attempted to paint a picture, from the point of view of a social paediatrician, of the current possibilities of extra-familial care for the youngest children, with an emphasis on day care, enabling the child’s mother to go to work. Understandably, I have placed an emphasis on crèches. I believe several principles are inherent in my paper:

1. as a matter of principle, children under three years old should grow up in a family environment; any collective facilities at this age are inappropriate from the point of view of the child’s development
2. if it is necessary to place a child in a facility, its stay there should be as short as possible; the facility should be able to cope with small groups of children and provide individual care
3. if an indication for the placement of a child is the need for specialized care, then it is necessary to consider what is best for the child – specialized care without the mother or less specialized care with the mother; at present the second possibility is probably best for the child considering the range of different early care associations and entities
4. a key factor for the optimal development of the child is happy, joyful, satisfied parents living with the child but without stress, without victims (as sacrificing oneself for the child is a Greek gift for him)

Opportunities of state assistance for other care providers

Mgr. Halka Jaklová

By way of introduction, I would like to explain the source of my knowledge and experience. I have two young children and I found myself in a situation where I had the need and felt the call to work. Accordingly, I had to look for a quality childcare facility, which was by no means easy. As such, I was happy to take up Aperio’s offer to address the topic of improving institutional childcare services in the context of the EQUAL project. During the project, sociological surveys were conducted which confirmed my personal experience. It appeared that the range of childcare services, and in particular services for preschool children, was well short of demand and, in many instances, of poor quality. This is particularly relevant to the care of children up to three years old, where practically all crèches have been closed; furthermore, there are insufficient nursery schools to cope with the steadily rising number of children. These institutions in the Czech Republic traditionally covered all the needs of parents with children, and are currently exist in the large majority of municipalities. A critical situation with regard to crèches occurred when the state stopped subsidizing these facilities. Most municipalities have closed crèches because they deemed them too expensive to operate. At the same time, there are very few private childcare facilities capable of replacing municipal facilities.

During the project, in talks with the parties concerned, i.e. with parents, institutions and municipalities, I slowly realized that it is not a good idea to have the state – and by extension the municipality – as the sole universal carer, as there was no possibility of choice or scope. Developing and supporting other (private) service providers would offer much more variety and would be better as regards the quality and flexibility of services. These private service providers will adapt to local conditions and offer what is sought and what is needed. It could also ultimately be cheaper for the state than setting up and expanding a network of crèches.

The possibilities offered by such services are far-reaching. I would like to focus on the opportunities of operating and setting up private childcare facilities with state contributions.

Private care for children up to three years old can be provided under the Trade Licensing Act. It is a regulated trade, and a condition for operating this trade is professional competence, i.e. education.

It is also necessary to comply with hygiene conditions laid down in hygiene rules and regulations on the protection of public health. These regulations are very expansive and detailed, and the demands they place on establishments operated for the purposes above are very high.

There are only a handful of private facilities for the care of children up to three years old in the Czech Republic, and no significant rise in their number has been documented despite the demand that exists. On the basis of feedback from employers and other potential founders of such facilities, we found that there are several reasons why these facilities are not being set up despite the interest in them.

The primary, and fundamental, reason is the excessive legislative requirements imposed on establishments from the perspectives of hygiene and space, which disproportionately push up the cost of setting up these services. Not even large multinational companies are willing or able to comply with these requirements.

Another problem is that the professional competence laid down in the Trade Licensing Act is too narrowly configured. It is very difficult for private operators to find people with the right qualifications and pay them while maintaining affordable services for parents.

A third reason is the absence of any incentive or relief from the state in the form of the tax depreciation of investments in these facilities or smaller contributions to state coffers.

In connection with childcare services, I would like to draw attention to the important role of the crucial role and, by extension, employers of parents. It is in employers' interests to ensure that their employees remain in contact with their job even during parental leave and that they return to work without the worry of what will be happening to their child while they are working.

Employers can either set up their own childcare facility or contract another entity to set up and run such a facility for them. Here, I see the potential for state assistance, mainly by means of an amendment to legislation, with a view to simplifying the conditions for the establishment and operation of these facilities.

Alternatively, employers could provide financial assistance

to existing childcare facilities, e.g. municipal crèches or private facilities that already exist. This form of support is quite simple, but the state could promote it by means of greater tax depreciation opportunities (this is currently possible only by way of sponsorship gifts).

Another possibility for employers is to make direct contributions to parents-employees to cover the cost of childcare services. However, this benefit is not tax deductible for employers; again, I believe the state could contribute with tax depreciation.

Examples from abroad show that services set up by employers and their encouragement from the state offer a smoothly running model. In the Czech Republic, large multinational corporations are at the forefront of this initiative. However, given the problems involved, they are tackling the provision of employee benefits in the form of childcare services by other simpler means (e.g. by setting up a maternity corner or centre on company premises).

In the areas outlined above, I feel this is room for the state to support independent childcare providers by way of incentives. This would have the effect of creating a sufficient number of good-quality services adapted to local conditions, which would significantly help needy parents with children.

To close, I would just like to observe that I think it is very important to address what is beneficial for the child, whether to be at home with the parents or to attend a care facility, and to what degree. However, we should not turn a blind eye to the current lifestyle and needs of families with children. Nor should it be forgotten that many women must or want to work even during parental leave, and need to have the best possible conditions to achieve this. A satisfied parent is one of the important preconditions for a happy child.

Alternative Forms of Non-Parental Child Care and Comparison to Parental Care

A small child in the care of a “day mother” – not at his home, but still at home

Petra Schöggel

Childcare by “day mothers” Volkshilfe Wien

Description of the institution

The Volkshilfe Wien is a non-governmental, non-profit making organization (NNO) with over 1,200 employees. It provides services to various groups of residents for the city of Vienna: elderly persons, the unemployed, the homeless or those at risk of losing their homes, refugees, former or active prostitutes, children and adolescents.

In addition to the home itself and some socially educational shared flats, we also have a department called

Childcare by “day mothers”.

What is a day mother? – Explanation of the work, job description, legal status

Definition: this services was introduced in Austria over 30 years ago. Day mothers are women who provide regular paid care for children from the age of infants to the end of compulsory schooling in their homes (in Vienna the number of children is restricted to a maximum of 5 to one mother). They must comply by the principles of childcare (regulated by Federal Constitutional Law), but their activity is also regulated by the relevant implementing regulations applicable in each state. Because of this, Austria does not impose standardized requirements regarding education or financial support.

In Vienna, a total of approximately 268 day mothers care for around 1,000 day children. Of these, around 130 women work full time. In Vienna, 51% of the centres providing childcare are privately owned and the city of Vienna provides them with funding.

Throughout Austria, the proportion of children under the age of 3 who attended some type of pre-school facility totalled 12% in 2006. A further 10.8% attended kindergartens, in Vienna this figure was 22.3% of all children.

While 96.1% of children of working mothers aged between 3 and 5 attended kindergarten, this figure was 18.8% of children of working mothers in the age group from 0–2 years (source: Austria Statistics).

This shows that the standard “crèches” are not the first choice of childcare institution for working mothers with children under the age of three. We can assume that mothers do not find care provided in groups of up to 16 children to be suitable for their child.

This is where the day mothers have an advantage. The child simply goes from his parents’ flat to the day mother’s flat, which means that this individual model of family-type care in a small group feels more homely, and it actually is.

Our services

Day mother – parents – Volkshilfe Wien – Three partners caring for the child’s welfare

Day mother

Each day mother undertakes to care for the welfare of the day child and his development, providing individualized support. The selection interview focuses mainly on her ethical code and on the children’s safety in the flat. It would of course be possible to draw up an objective checklist with the selection criteria, but the decision to take on a specific candidate is definitely always made on an intuitive basis and is a question of “feeling”. Supporters of institutionalized childcare will not favour this “soft” criterion, but the quality of care provided in kindergartens is also decided by the personality of the teaching staff.

Our day mothers are employed by us and fully insured and they are paid according to the number of children in their care and the number of hours worked. They adapt their workplace (=their flats) and fix their basic working hours themselves. This results in excellent job satisfaction because they feel extremely independent.

Parents

The child’s parents will conclude a childcare agreement with the Association for a fixed number of hours a week and the

Association will pay for the childcare. Apart from the regional accessibility, the important factor for selecting a specific day mother is undoubtedly also trust that this person will provide the child with loving care and that he will feel at home. I tend to advise parents who have still not decided and are looking for a suitable place for their child to imagine the following situation: your child falls, hurts himself slightly and is crying. Do you feel that the day mother would pick up your child and comfort him so that he soon feels better again? In that case the decision for a specific place is also purely intuitive.

The parents undertake to turn up on time and to behave correctly. Should any questions arise concerning the care or any criticism be made of the day mother, Volkshilfe Wien is available to help. Monitoring by a large organization and the option of having a mediator available to help in conflictual situations are major market advantages for the employed day mothers in comparison with self-employed people.

The cost of a month of childcare depends on the number of hours and ranges between 100 and 300 EUR, plus money for food.

Volkshilfe Wien – office

The administration is run by two employees who are both qualified social workers.

The Association's activities consist of selecting the day mothers, their professional induction and quality control, the organization of regular training courses and mediating between the parents and the day mother.

We are obliged to the parents to ensure the continuity and high-quality of the care provided. Should it be required, we also offer advisory services in education and crisis management.

Financing

A third of the monthly costs for this type of childcare come from parent contributions and two-thirds from the city of Vienna.

Critical factors

Flexibility:

From the point of view of the unions, this model of childcare using employee day mothers is problematic in terms

of maintaining the working hours or time off during weekends as well as the variations in the salary. Employee day mothers have problems providing flexi-time care to cater for mothers with irregular working hours (such as nurses, women working in the hotel and catering industry etc.) In this type of case a day mother who is self-employed is in a better position because she has no employer who would have to ensure compliance with the protective legislation.

Self-exploitation and establishing boundaries:

Day mothers and day children are in extremely close contact, each conversation takes place in the day mother's private flat, or close to it, and they know a lot about each other. Here it is more important than ever to make a division between private and working life. One of our most important tasks is to underline this fact. We are also constantly reminding our staff that they "may" be sick because their concern for the mothers and their jobs rarely allows them to take sick leave.

Physical stress:

Just as in kindergartens, the main consequence of frequently lifting children is back problems. Volkshilfe Wien tries to motivate its staff to engage in gymnastics and to do back exercises as a preventive measure against these professional health problems.

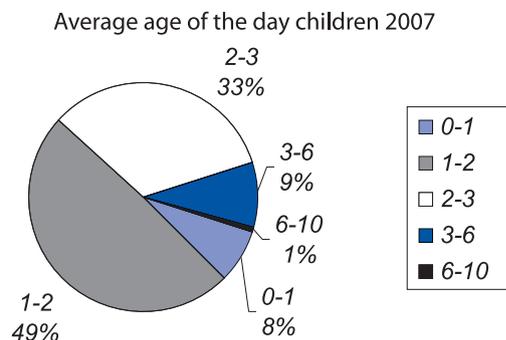
Socio-political factors

For the day mother

Statistically, a day mother works for us for over 3 years if she has not attended higher education and has spent a long time at home with her own children. On average these are women aged between 35 and 50 years. They can choose a job that is not very well paid but requires a high level of personal involvement, in which they can hope to stay until they retire. The initial monthly salary of a carer varies according to her working hours, but ranges between 350 and 2,070 EUR gross a month.

For the child's mother

One day mother has an average of 4–5 (sometimes, when she has a higher number of part-time contracts up to 7–8) mothers who can return to work after their maternity leave, taking up either full-time or part-time work. Because mothers are happy to trust even very small children to the care to day mothers, they are not absent from work for very long, which enables them to maintain their career prospects and also a higher salary level.



Average age of the day children 2007

For the city/municipality

The city of Vienna provides financial support for this model, where employee day mothers care for children on the basis of a number of care places. The key to determining the level of support covers office running costs and general administration. Because it does not include costs for establishing and running a kindergarten-type facility, this form of care is significantly more cost-effective.

If, for example, we compare it with the creation of a crèche with two groups of 16 children in a large housing estate on the outskirts of town (one-off building costs and standard material and staffing costs). Demand will be very high during the first few years (families being established) but as soon as the children leave the pre-school age, the kindergarten will no longer be used to capacity and once it has too many free places, the facility will be closed down.

Because of this, increased attention is being paid to mobile kindergartens that could be moved on an as-needed basis to areas with high demand, like the portable cabins you see on building sites.

This is an area where day mothers can fill the gap that has appeared on the housing estate for the need to care for small children who being born, in a way that is financially advantageous for the municipality.

General notes on the conference

Yesterday conservative, traditional voices could be heard loud and clear at the conference.

They claim that all the statistics, even including hormonal measurements, prove that only the mother can make her child happy. They say that when a child is handed over to be cared by a stranger he is damaged by this, possibly irreversibly. My question may appear provocative:

Where do all these paediatricians, child psychologists and social doctors – I might point out that they are all men – acquire the certainty that only the biological mother can provide the best care? Simply because the child grew in her uterus and she gave birth to it? Does this make her a perfect mother for her child, as if it were determined by God? And who monitors the quality of maternal care? I advance the proposition that a well-trained day mother, who is constantly monitored in terms of quality, can provide far better care for a child than many a biological mother.

Yesterday, the question of “what is good for the child, what does he need up to his first birthday, what does he need during his second and third year of life?” etcetera, was continually being posed. But no one asked “What is good for the woman?” At least we must agree that it is still women who bring children into the world. And if women don’t want to do it, then there will simply be no children.

You can no longer push women back into the herd, they have progressed too far for that so you can forget about it.

So you can ask Czech women what they want – to work or not to work. If a woman decides to stay at home and look after her husband and children for 20 years, her decision should be respected.

However, if she wants to go to work you should let her and make every effort to support her by creating high-quality childcare and providing state or municipal funding.

Childcare Choices for Parents in England

Stephanie Brivio

Good morning everyone. It is good to be here with you today. In the next few minutes, I am going to outline some of the choices available to parents in England and to set them in the context of the latest policy developments.

In England, the childcare landscape has been changing rapidly over the last 3-4 years since the Government produced its 10 year Childcare Strategy. Substantial investment has been made - in creating new childcare places, in infrastructure -capital builds, in raising the quality of childcare and in upskilling the workforce - and investment continues to grow as we aim to improve the quality of the experiences and outcomes for all our children, especially those from the most disadvantaged backgrounds. Research shows that these children currently are at risk of having much poorer outcomes than their more affluent peers. The strategy also seeks to provide affordable and flexible childcare to enable parents to move into and remain in work. In this respect, childcare is a key enabler for work and is seen as a major contributor to the objectives of eradicating child poverty by 2020.

Funding

An investment of over £21 billion has seen the number of childcare places double since 1997. This Investment has allowed us to establish a free entitlement to integrated early learning and childcare for all our 3 and 4year olds, delivered in a range of settings: Childminders- where children go to Child minder's home & group settings- nurseries and pre-schools.

This investment has also allowed us to establish across England a network of children's centres aimed at parents with children under 5. In these children's centres, we have re-configured services to offer a one-stop-shop where parents can get help on a range of issues including health matters – health visitors and midwives work out of those centres - help with parenting and family issues, support with financial matters and debt management as well as guidance and training for parents entering the labour market. These centres provide childcare for parents to use when accessing this help as well as full day care,

8-6 each day for 48 weeks of the year being delivered either on site or in partnership with a local childcare provider.

Targets

Government sets targets to drive the delivery of this agenda. We cannot do this alone and need to work in partnership with the 150 Local Authorities (LAs) in England, with Childminders and nursery owners and most importantly with parents if we are to realise the vision. We give funding to the 150 LAs and require them to work locally to setup and maintain high quality flexible and affordable childcare.

The latest funding announcements and priorities for 2008-2010, put increasing the take up of formal childcare at the heart of the Child Poverty agenda. Access to childcare is also seen as a key driver in improving outcomes for all children & supporting us to close the gap in achievement for those children from the poorest backgrounds

Benefits

We know that good quality childcare particularly from aged 2 benefits cognitive, intellectual, social and behavioural development of children and especially those from disadvantaged backgrounds. Evidence on the benefits of attending before aged 2 is however less conclusive. Research shows that high quantities of centre-based care under two can give a small risk of increased behavioural issues although more recent studies show that this can be countered by raising the quality of care that children experience. To respond to these findings, we have extended paid maternity leave for the first 12 months of a child's life: improved paternity leave and have introduced the right to request flexible working for parents to help balance their work and family life.

However, staying at home until a child is almost 2, may not be possible or indeed desired by all parents. If parents want and need childcare for young children then we have a duty to respond to this demand. We also have strong evidence that poverty --children living in households where income is less than 60% of median income - has long lasting adverse effects on children's outcomes. We need to provide childcare to support parents to work, train and study. So what are the options for over 2s? For all 3 and 4 year olds, we currently provide 12.5 hours of free early education

a week for 38 weeks- this is moving to 15 hours a week by 2010. From 2008, all settings offering this free entitlement, that is group based childcare in nurseries and childminders working together in a network, will deliver the Early Years Foundation Stage(EYFS) - a learning/early education programme where discovery and learning through play is a key element. We are working to ensure that childcare settings deliver these 15 hours by 2010 in a more flexible way, maybe over 2 or 3 days that will support parents in their working patterns. Take up of this entitlement is currently over 96%, but in some communities in particular our Pakistani and Bangladeshi communities, the take up can be 20-percentage point's lower. We know we need to do more with these communities to promote the benefits of early learning for those children and see this as a key building block for preparing them for compulsory school at aged 5. Parents who need more than 15 hours free childcare, then pay for more depending on need and depending on their income families can receive financial help with the cost of that childcare.

For parents with children aged 5-14 years, the childcare strategy is working to deliver high quality, affordable childcare on or near to a school site from 8 -6 each day. This wrap around care before and after school provides a safe place for children as well as offering them a varied menu of activities such as sports, drama, art, music coupled with childcare. Registered childminders play a key role in providing childcare for over 5's and government encourages them to work with schools to look to complement school based provision. Families may wish to choose a mix of school based provision with child minders: our role is to ensure that choice for parents is available.

Formal childcare

We differentiate between formal and informal childcare. Formal childcare is that registered by our regulatory inspector Ofsted. This is a quality mark for parents to reassure them that they are leaving their children in a safe, enriching and secure environment. From research, we know it is the quality of the experience that counts the most and delivers the best outcomes. We are investing in upskilling the workforce, ensuring that training is available and appropriate. By 2015, we expect to see a graduate leader in all group based early year's settings and have provided additional funding to LA's to support this upskilling

Ofsted's role

So, Ofsted have a role in maintaining standards and indeed raising standards. They also need to communicate with parents about the quality of available childcare. We are currently adopting a more streamlined and parent friendly approach to providing information to allow parents to make informed choices. Ofsted also regulate ratios of staff to children.

Informal childcare

We acknowledge that the choices parents have to make about how to balance work and family life are not straight forward. We know that informal childcare - care not registered- is popular for many parents for reasons of choice and necessity. However, our drive is to increase use of formal childcare - for reasons outlined before - better outcomes, socialisation for children- reliability, and safety issues for parents. We do recognise that informal childcare will always be part of a wider package of support for families.

Grandparents in England do provide a high proportion of informal care and it is valued for the trust and flexibility it provides. But although we recognise the valuable services grand parents provide, we believe paying for and regulating childcare arrangements made between family members would be going too far. We do not wish to disturb family relationships by encouraging charging between family members believing it to be intrusive to make checks for payment and therefore this care cannot be registered and is not eligible for financial support.

Places

Slide shows increases in the number of formal places made available since 1997 - now 1.29 million places with 92,000 providers - 67,000 of these are childminders.

Sufficiency

How do we know that these places offered are what parents really want? Are the places in right geographical location, do they offer the right number of hours, at the right time. In a 24/7 society we are increasingly seeing demands for childcare outside the 8-6 day, later evenings and weekends which reflect the diversity of

working patterns. This demand needs to be investigated. So too does demand for childcare for children with a disability and those with additional needs. To answer these questions, we have asked 150 LAs to first assess childcare need in their locality, then respond, and meet those needs. The first of these sufficiency assessments is due in March 2008 but we see this as an ongoing dynamic process, one that is enshrined in law to provide enough childcare to meet needs of parents to allow them to access training and work.

It becomes increasingly important to give up to date information to parents about what choices are available. It is also important to consult with children themselves, especially older children to know exactly when they need.

Lone Parents

We expect to see increased demand by 2010 for childcare for children aged 7 years and over as the Government is proposing changes to lone/single parent benefit system encouraging parents to move into work when their children are aged 7 years. Support for parents will be given to find work that will match the needs of individual families and the provision of good quality childcare is essential to driving this programme forward.

- Affordability for some parents' still remains an issue. We very much appreciate the impact that childcare costs can have on the family budget, especially those in lower income households, which is why we are providing substantial help (over £3m a day) through the tax credit system and through the free early education entitlement for all three and four year olds. This is a means tested financial award where poorer families get more help with childcare costs than more affluent families.

We are looking to give free childcare to workless parents to support them in training that will lead to work: We also have some money to give some free childcare for 5-11 years old from most disadvantaged families in extended schools

We are working also with employers and acknowledge that they have a very positive role to play in supporting parents balance their work and family life. We have employer supported schemes, where employers give financial support to help with childcare costs either through vouchers or directly in salaries. There are incentives for employers via reduced tax and national

insurance contributions.

So - this is a very quick run through of what is happening now. We know that our vision is very demanding and an ever changing one and we need to constantly listen to parents and those working in the sector as well as seeking to raise the quality of childcare so that our children get very best start in life.

Flexible solutions in relation to child care – new possibilities for employers, parents and public service providers

Gisela Erler, M. A.

In the introduction of her speech Ms Erler presented her experiences with the pme Familienservice company, which she managed for seventeen years.

Familienservice is the largest provider of services in the area of care for employees in Germany. The focal point of these services lies in the mediation and supply of solutions for quality and flexible care for employees with small children. These solutions include establishment and operation of company nurseries and family nurseries (micro-crèches), providing for the support of and selection of the so-called **day** mothers- “Tagesmutter”, and other individual solutions in relation to child care, especially for children under 3 years of age.

Ms Erler stressed that all offered solutions are fully flexible, meaning that they take their bearing according to the individual needs of the employee - parent. Simultaneously, all solutions on offer have guaranteed quality standards as only quality services build up the trust which leads to parents’ demand. There is no doubt that such solutions are needed. The circumstances related to life and work have in the last thirty years changed significantly for all of us. On one hand the number of women who have ambitions to achieve something at workplace and in their careers besides bringing up their children are on the rise; on the other hand the numbers of men who actively participate in the family life are also on the rise. It is thus necessary to take into account these changed circumstances also in regard of the demographic development of our societies and to adjust both the state and corporation policies to these ongoing changes. It would very short-sighted for the national economy not to react to the changes outlined above. In this connection Ms Erler mentioned the negative conjunction between the national family policies which supports women as homemakers, and the declining birth rates. It is entirely incorrect to think that providing support to mothers on long maternity leaves, which goes hand in hand with relatively high benefits, does automatically lead to increased birth rates. The European statistics unequivocally

point to the fact that all countries which actively promote these policies in the long-term consequently experience lower birth rates. These countries include: France, the old “bundes” countries in Germany, Italy but also, for instance, Japan.

On the contrary, the higher birth rates are attained by those countries which actively promote employment for women and the related care for children under 3 years.

In the following part of her speech Ms Erler addressed the situation in the Czech Republic.

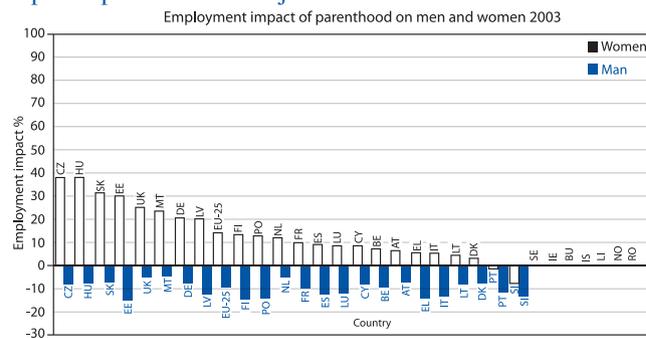
In her analysis Ms Erler built upon her own long-standing expertise but also on the new research undertaken by the European Union.

As the attached graphs show, Czech Republic finds itself in a paradoxical situation.

On one hand Czech Republic displays a relatively high rate of employment of women (reaching nearly 60%). On the other hand, on the pan-European scale, the motherhood in the Czech Republic has one of the biggest impacts on the job market. This is due not only by the extremely long maternity leave most women take (see graph No. 2), but also due to the lack of the available quality childcare for children younger than 3 years (see graph No.3.)

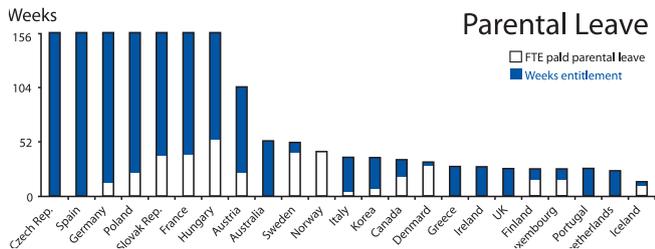
These indicators, which are compounded by the lack of qualified workforce on the job market, and the momentarily increased birth rates of the strong [70s] years result in the negative impact on the economy of the Czech Republic.

Graph No. 1.
Impact of parenthood on the job market for men and women in 2003

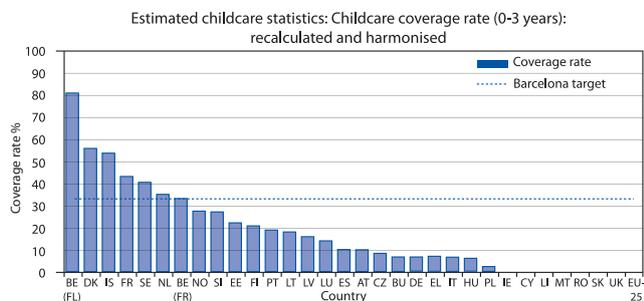


Source JER 2004/2005 (Annex 2)

Graph No. 2
Length of maternity leave



Graph No. 3
Estimated available supply of childcare services for children under 3 years of age in comparison to the Barcelona targets



* Czech Republic figure only for pre-school source: European Childcare Strategies, Statistical Annex

In the concluding part of her speech Ms addressed the arguments of those speakers before her who pointed to the negative impact of early care for children outside the family.

Obviously, there are movements among paediatricians which are convinced of these dangers. These are but one of many movements, and there exist studies which do refute these opinions. From the point of sociology there is not one expert study which would confirm the negative consequences of early childcare outside the family.

The single point though, which is shared by many different studies, points to the risks related to insufficient quality of childcare in this age bracket, especially in relation to children from socially weaker backgrounds, or from lower-educated families.

In the closing part of her speech Ms Erler introduced a model for Europe from the viewpoint of family policies and childcare.

Europe is divided into four different groups with regard to family policies, employment of women and birth rates.

Czech Republic is currently at the crossroads and it is solely up to it which route it will choose to take.

Support of Early Childcare Services in the Czech Republic – Current Plans

MUDr. Marián Hošek

I. Current situation

1. Overview of existing types of early childcare services (i.e. for children up to the age of three years)

2. Definition of these types of services (conditions of operation – in brief)

- Crèches
- The regulated trade of ‘Day care for children up to three’
- The unqualified trade of the ‘Provision of services for the family and households’
- Discursion: Care for children over three years of age – the unqualified trade of ‘Extra-curricular upbringing and education’

II. Proposals in the field of support for childcare services

1. Proposals relating to Act No 455/1991 on licensed trade

- review of qualification requirements
- review of hygiene (operating) requirements
- change in the age limit of children receiving care in the context of a regulated trade

2. Establishment of a new trade in the vein of ‘mutual parental assistance’

3. Mutual parental assistance

I. Current situation

1. Overview of existing types of early childcare services (i.e. for children up to the age of three years)

The Czech Republic is currently faced by a major dearth of preschool childcare services, causing significant difficulties in the reconciliation of employment, childcare and the family. After 1989, there was a significant decrease in the fertility rate, which led to numerous redundancies in childcare facilities. The reduced interest in these services was also connected with the new possibility of receiving

parental allowances for children up to the age of four, which was introduced in the mid-1990s. The rapidly shrinking number of crèches was also affected by the professional public's negative stance towards collective care facilities, which are regarded as inappropriate for the provision of care to the very youngest children. Nevertheless, the decrease in capacity has not been compensated by any other means.

In particular, there is a lack of available care services for children up to the age of three, which in the past were mainly provided by healthcare facilities – crèches. Care for children up to the age of three may also be provided within the scope of Act No 455/1991 on licensed trade, i.e. via the regulated trade of 'day care for children up to three' and the unqualified trade of the 'Provision of services for the family and households' (under which only occasional babysitting for children under the age of three years may be provided). Services operated within the scope of the Trade Licensing Act, however, tend to be unaffordable for the overwhelming majority of parents because high demands on qualifications, hygiene and premises are placed on trade operators.

Maternal centres may also be included among those facilities providing childcare. However, childcare (childminding) at these facilities is only a supplementary activity.

The incidence of childminding at workplaces in the Czech Republic is currently extremely low. It is operated at approximately 2% of Czech workplaces; in 8% of cases there is the possibility of introducing it, and in 83% of cases the introduction of this measure is not viable according to employers¹.

For the sake of completeness, the provision of care for children older than three years of age (generally up to the age of six) is available primarily from nursery schools. Although the network of nursery schools in the Czech Republic is relatively dense, since 2001/02 the share of children attending nursery school in the population of three- to five-year-olds has been more than 100%, and in recent years there have been spiralling numbers of failed applications for admission to nursery school. In the 2005/06 school year, 9,570 applications for the placement of children in nursery schools were rejected in the absence of capacity.

Other preschool childcare services are provided within the scope of the unqualified trade 'Extra-curricular upbringing and education' in accordance with Act No 455/1991 on licensed trade and within the scope of the unqualified trade of the 'Provision of services for the family and households'. Again, the issue here is that parents find these services unaffordable.

On the basis of the above facts, it can be stated that the range of childcare services in the Czech Republic is inadequate. In the forthcoming years, demand is set to increase because women from the baby boom generation are now at childbearing age. Demand will evidently increase after the introduction of the three-track parental allowance.

2. Definition of these types of services, i.e. brief conditions of operation

a) Crèches

These are paediatric treatment and preventive-care facilities taking care of the all-round development of children up to the age of three years. They are largely set up by municipalities as facilities with day operations (and in exceptional circumstances with week-long operations). Since the 1990s, there has been a significant decrease in the number: of the 1,043 facilities with a capacity of 39,829 places in 1991, there were just 46 facilities with a capacity of 1,445 places in 2006, where 1,558 children were admitted in 2006. The geographical distribution is uneven; the provinces of Karlovarský kraj and Liberecký kraj do not have any such facilities. Fees vary widely depending on the promoter; as a general rule, they range from CZK 800 to CZK 5,000 per month.

b) The regulated trade of 'Day care for children up to three'

Operated within the scope of Act No 455/1991 on licensed trade. The content of this trade is as follows: individual educative care of children up to the age of three placed in a day or full-week system of care focusing on the development of intellectual and speaking skills, movement, work, music, and creative skills, and cultural and hygiene habits in line with the child's age. The provision of the security and health of children, time outside in the fresh air, sleep in proper hygienic conditions, and the personal hygiene of children, including the provision of first aid. The fee for placing a child in these facilities is set commercially by the provider.

¹ Source: CVVM, Our Society Research 2004, investigation 04–03; [http://www.cvvm.cas.cz/upl/nase_spolecnost/100036s_horakova-prace.pdf]

An enterprise or its responsible representative and carers must meet high professional criteria. Essentially, at least a three-year course at a post-secondary health college is required, apart from cases where the study of the first grade of the general nursing course at a secondary health school was commenced no later than in the 2003/2004 school year.

If a trade is operated at an establishment, the performance of the trade is contingent on compliance with very high hygiene requirements. For example, outdoor areas: There must be at least 30 m² of open space (garden) per child. The land must be enclosed and the surface of the playground must be at least 4 m² per child. There are also regulations on the planting and care of plants and trees on the land, as well as the supply and quality of water for watering and cleaning. This land may be owned or rented by the operator.

Inside area: The place where children are supervised must be suitable for open playing, rest, personal hygiene (preferably with a regime to make the children hardy) and physical exercise. If the play area is also used as a sleeping area, the law requires that each child have 4 m² or, if the sleeping area is separate, the required space per child is 3 m². Other matters regulated: the space per bed, the storage of beds and bedding, access for persons with reduced mobility, furniture, the choice of floor type, lighting, the regulation of the temperature and ventilation, the supply of drinking water, toilets and washbasins, the length of time that children spend outside, the times and forms of cleaning at the facility, including the changing and washing of bedding.

High hygiene and qualification requirements are a major obstacle hindering the greater development of these trades.

c) The unqualified trade of the 'Provision of services for the family and households'

Operated within the scope of Act No 455/1991 on licensed trade. The content of this trade is as follows: inter alia individual care for children over three years of age, occasional short-term childminding (including for children up to three years of age), care for persons requiring increased care, shopping, and other matters connected with the running of the household and other activity that needs to be undertaken.

For an enterprise or its responsible representative, or for persons directly caring for children, no special professional requirements are set, apart from general qualification requirements under the Trade Licensing Act, i.e. legal capacity, minimum age of 18 years, good character, etc.

The fee for services is set commercially by the provider.

d) Unqualified trade of 'Extra-curricular upbringing and education' (for children over the age of three years)

Operated within the scope of Act No 455/1991 on licensed trade. The content of this trade is the upbringing of children over the age of three years in preschool facilities, teaching in private schools and facilities used for vocational training, if not included in the network of schools, preschool establishments and educational establishments. Other extra-curricular upbringing and education, supplementary lessons for pupils and students, educative activities at children's camps and other recreational events, in particular the management of such events, the provision of educative, recreational and training programmes for the participants of such events, supervision of children, etc. The hygiene and operating conditions relating to this trade are also very strict (see above). As this is an unqualified trade, general requirements under the Trade Licensing Act apply to the qualifications of the persons concerned.

II. Proposals in the field of support for childcare services

Principles:

- the preference for individual care over collective care while ensuring the quality of the care and respecting the interests of the child
- there must not be any significant impacts on the budget

Proposals will be presented to the government for approval by the end of February 2008 via the National Concept of Support for Families with Children. If approved (this is a cross-sectional agenda, under which the Ministry of Labour and Social Affairs cannot impose tasks on other ministries), the articulated version of the proposals will be drawn up by the end of 2008.

1. A promising factor relating to the possible development of childcare services appears to be the liberalization of requirements regarding the operation of 'care' trades, i.e. the regulated trade of 'Day care for children up to three' and the unqualified trade of 'Extra-curricular upbringing and education'.

A review of the operating conditions is possible in two different directions:

- a) review of the qualification requirements imposed on the enterprise, the responsible representative and persons directly caring for children,

- b) a review of the strict hygiene conditions so that the quality of service is preserved and the best interests of the child are respected.

Regarding the review of qualification requirements, in this respect the government has approved an amendment to the Trade Licensing Act in which it expands the group of persons who may operate the regulated trade of ‘Day care for children up to three’ and who may care for children in that framework to include persons not only with professional competence to pursue an occupation as a general nurse, but also, for example, with professional competence to pursue an occupation as a health assistant, midwife, paramedic, or general ambulance attendant under Act No 96/2004 on non-medical healthcare professionals, or persons with professional competence to pursue the occupation of a social worker or a worker in social services in accordance with Act No 108/2006 on social services.

- c) With a view to increasing the availability of care for children over two years old, the government approved a change to the age limit for children able to receive care in the context of a regulated trade. Under this proposal, children over the age of two years would continue to receive care under the unqualified trade of the ‘Provision of services for the family and households’ (for individual full-day care in the child’s own household’ and under the trade of ‘Extra-curricular upbringing and education’ (for care outside the child’s household).

The proposal made by the Ministry of Labour and Social Affairs in the debate on the amendment to the Trade Licensing Act by the government is justified by the fact that, according to information from the databases of the Institute for Information on Education and from surveys conducted by the Research Institute for Labour and Social Affairs, approximately 26% of children under the age of three years currently attend nursery school; it can be assumed that demand is much higher and that the number of applications refused on grounds of capacity for this age group is increasing in response to the rise in the total number of applications rejected. It is also justified by the fact that care for children under the age of three years often takes place in the context of the unqualified trade of the ‘Provision of services for the family and households’, i.e. by means without healthcare qualifications. In this case, the service

should be ‘occasional childminding’, but given the inadequate range of services for the care of children up to the age of three years, the scope often exceeds that of ‘occasional childminding’. It is apparent that the age limit of two years is a time when parents have to decide whether to place their child in the care of another person, even if that person has no healthcare qualifications, or in a facility. As this is a proposal within the scope of the Trade Licensing Act, it can be left up to the parents as primary carers to decide to whom they will entrust their child and under what conditions. In the field of licensed trades, the operating conditions should be defined at a minimum required standard in order to comply with practical requirements, and should not cause pointless complications hindering the development of trades which should be influenced by actual parental demand.

The Ministry of Labour and Social Affairs expects the proposal to liberalize ‘care’ trades and eliminate excessive requirements for engaging in such trades without jeopardizing the interests of the children being cared for, and as such expects to see the trades expanded as new enterprises enter the market, which will make services more affordable.

2) Establishment of a new trade in the vein of ‘mutual parental assistance’

In order to increase the availability of services for the care of young children, the Ministry of Labour and Social Affairs also envisages further amendment of the Trade Licensing Act with the introduction of a regulated trade encompassing educative care for a maximum of 5 children up to the age of approximately 10 years in a domestic environment, focusing on the development of intellectual and speech skills, movement, work, music and creative skills, and cultural and hygiene habits appropriate to the child’s age.

The qualification requirements for this trade would inter alia include participation in a special accredited course covering the content of the trade to the necessary extent.

The operation of this trade would be exempted from strict hygiene requirements; the trade would have to be operated in a habitable setting.

The Ministry of Labour and Social Affairs expects that the introduction of this trade will offer high potential inter alia, combining the need for care services for the youngest children with career prospects for vulnerable persons on the labour market (e.g. women over the age of 50).

3) Mutual parental assistance

This entails simultaneous care for a maximum of five children up to the age of six (five children, including one's own) for limited consideration in the household of the parent providing the care, i.e. a parent simultaneously providing full-day care for his/her own child (children) up to the age of six (or in another domestic environment).

The proposal for mutual parental assistance is based on:

- the current situation where this 'service' is operated as an 'unauthorized business';
- this is a childminding service designed to offer a partial solution to the inadequate capacity of crèches and nursery schools (but it is not an alternative to nursery schools as educational institutions) and to existing childminding services which are unaffordable for a particular group of parents
- the guarantee of service affordability is envisaged (ceilings)
- informal quality control of childcare by the parents of the children being cared for
- the preservation of the high informal nature of the service insofar as this is possible
- respect for the best interests of the child (an imitation of a group of siblings)
- parenthood per se is construed as sufficient qualification to care for other people's children

A requirement for the provision of mutual parental assistance will be the registration of the parent in the register of providers and the conclusion of a contract on care provision with the parent of the relevant child.

Income from the provision of mutual parental assistance will be subject only to withholding tax and the person providing mutual parental assistance will be exempted from the payment of health and social insurance.

Financial Support of Child Care and Development Opportunities

Changes in the Field of State Social Support Benefits from 1 January 2008

Ing. Marie Kudlová

Dear Friends,

In my paper I will inform you about the changes that have occurred in the social welfare system since 1 January 2008. Following the adoption of Act No 261/2007 on the stabilization of public budgets, the changes outlined below have occurred in the welfare system, i.e. changes to benefits granted under Act No 117/1995.

Child allowance

This is available to dependent child up to 26 years old who live in a family where the decisive income is less than 2.4 times the subsistence level.

The income in the previous calendar year is assessed for the calculation of this benefit. The income does not include maintenance paid in the decisive period by the person to the child with whom he is jointly assessed for the purposes of the benefit.

The allowance is paid at three levels depending on how old the child is.

The entitlement to the allowance must be proved every year, no later than the end of September, at social welfare contact points at employment offices and, in Prague, at borough authorities.

Beneficiaries who receive a child allowance in 2007 will have the amount of the allowance automatically adjusted, or if their income is more than 2.4 times the family's subsistence level payment will be withdrawn.

The child allowance is available only in respect of income up to 2.4 times the family's subsistence level, the amount of which is governed by age.

0 – 6 years	CZK 500
6 – 15 years	CZK 610
15 – 26 years	CZK 700

Social allowance

This is available to a parent who cares for at least one dependent child if the decisive income in the family is not more than two times the family's subsistence level.

Complete family (both parents) with the following dependants	Net income limit (CZK per month) for a claim to social allowance as of 1 January 2008 (2.0 times the family's subsistence level)
one up to 6 years	14,160
two 5, 8 years	18,080
three 5, 8, 12 years	22,000
four 5, 8, 12, 16 years	26,500

The income in the previous calendar quarter is assessed for the calculation of this benefit. The income does not include maintenance paid in the decisive period by the person to the child with whom he is jointly assessed for the purposes of the benefit.

The social allowance is increased in cases where a child is long-term severely disabled, long-term disabled or long-term sick; if the parent has any disabilities or is a lone parent, this is also taken into account. A higher social allowance is paid to families where multiple children are born simultaneously, covering the period up to three years of age, or to families where the child studies full time at secondary school or university.

Significant changes have been made to the parental allowance.

Parents who, for the whole calendar month, personally, full time and properly look after the youngest child in the family are entitled to a parental allowance, and this child gives rise to the claim to a parental allowance; the fulfilment of the conditions of the entitlement to a parental allowance are monitored.

Possibilities of selecting and receiving a parental allowance as of 1 January 2008, based on the child's age:

- the new method for the drawing of a parental allowance applies to all children, i.e. including children born before this law entered into effect;

- a parent caring for a child who is more than three years old as at 1 January 2008 will be granted a parental allowance at a reduced level (CZK 3,800) until the child is four years old;
- a parent caring for a child who is more than 21 months old and younger than three years old as at 1 January 2008 (and therefore the parent is unable to select the method for the collection of parental allowance under the law) will be granted a parental allowance at the base rate (CZK 7,600) until the child is three years old; then, until the child is four years old, the parental allowance will be paid at the reduced rate (CZK 3,800);
- a parent caring for a child who is younger than 22 months old as at 1 January 2008 may decide on the fast-track drawing of parental allowance or may opt to collect the parental allowance at the base rate until the child is 21 months old and then make a choice between the base rate and the slower variant;
- a parent caring for a child who is more than 22 weeks old and younger than 21 months old as at 1 January 2008 may decide between the traditional and the slower version of parental allowance.
 - the parental allowance may be drawn at three rates fixed monthly amounts – increased (CZK 11,400), base (CZK 7,600) and reduced (CZK 3,800);
 - parents may choose to draw on the parental allowance for a period of two, three or four years. By selecting the duration of the allowance, parents also choose the corresponding amount, i.e.:
 - accelerated drawing on the parental allowance – after maternity benefit or paternity benefit (PPM), at the increased rate (CZK 11,400) until the child is two years old; however, only a parent with a claim to PPM of at least CZK 380 per calendar day is entitled to choose this form of allowance;
 - standard (base) drawing – after PPM, at the base rate (CZK 7,600) until the child is three years old; this form of allowance is only available to a parent who is entitled to PPM or to sickness benefit granted in connection with birth;

- slower drawing – after PPM or after the birth of the child (if there is no entitlement to PPM) at the base rate (CZK 7,600) until the child is 21 months old, and then at the reduced rate (CZK 3,800) until the child is four years old.
- Both the mother and the father may continue to draw on the parental allowance. All that is required of the parents is a decision on how long they want to collect the allowance. The parents must apply in writing to the competent social welfare authority, using the prescribed form, for the selected duration and amount of the parental allowance. There are two time limits for a decision on the duration of the allowance:
 - parents must apply for the fast-track duration no later than in the calendar month following the month in which the youngest child reaches the age of 22 weeks, or in which a simultaneously born youngest child reaches the age of 31 weeks;
 - parents must apply for the standard duration no later than in the calendar month in which the youngest child reaches the age of 21 months.
- If parents fail to apply for either the fast-track or standard parental allowance or if they fail to comply with the conditions for their choice, the parental allowance is paid in the slow-track system (i.e. at the reduced rate until the child is four years old) after the child reaches the 21st month.
- The duration and amount of the parental allowance may be selected only in the set decisive periods (the calendar month after the 22nd week of the child's life or the 21st month of the child's life). When a decision has been made, the selected option cannot be undone or applied retroactively, even if there is a change in the parent collecting the parental allowance.

Where children have a disability, the parent is entitled to the parental allowance as of the date of assessment of the child as a long-term disabled or long-term severely disabled person at the base rate (CZK 7,600) until the child is 7 years old, irrespective of any previously selected option regarding the collection of the parental allowance (i.e. before the child's health assessment).

This also applies in cases where the child is not the youngest child in the family.

The conditions for the parental allowance under the new legislation have been changed, i.e. a parental allowance may be granted if:

- a child younger than three years old attends a crèche or similar facility for preschool children a maximum of five calendar days a month;
- a child more than three years old attends a nursery school or other similar facility for preschool children a maximum of four hours a day or five calendar days;
- a child attends a treatment rehabilitation facility or crèche, nursery school or similar facility for disabled preschool children for a maximum of four hours a day; and a child of school age who attends a special primary school for a maximum of four hours a day;
- a child of a disabled parent attends a crèche, nursery school or other similar facility for preschool children for a maximum of four hours a day.

The parent's income is not means tested; a parent may earn an income without losing the right to a parental allowance. However, during a period of occupational activity, the parent must arrange for childcare to be provided by another adult.

School equipment allowance

The school equipment allowance has been abolished.

Children who started compulsory full-time schooling in 2007 and met the requirement for a school equipment allowance but did not apply for the benefit may apply for it up to the end of June 2008.

Childbirth allowance

A woman who has given birth is entitled to this lump-sum benefit. If a woman who has given birth dies and the childbirth allowance has not been paid to her, the father is entitled to the benefit. The childbirth allowance is also available to a person who assumes permanent care of a child, replacing parental care, before the child is one year old.

The amount of the childbirth allowance is CZK 13,000 per newborn.

Death grant

The death grant is available as a lump-sum benefit to a person who prepares the funeral of a dependent child or a person who was the parent of a dependent child on condition that the deceased was permanently resident in the Czech Republic on the date of death.

The amount of the death grant is fixed at CZK 5,000.

In conclusion, I would like to inform you about the proposal to set up a National Office for Employment and Social Governance.

It has been proposed that a single specialist state administration authority – the National Office for Employment and Social Governance – be set up on the basis of existing employment offices as of 1 January 2009. The current fragmented structure of central and local government institutions will be replaced by a single specialist public authority. Municipal authorities will thus be relieved of the burden of state administration in the social field. The new office will comprehensively focus on clients in the fields of employment, social benefits and social protection.

The establishment of such a single state administration body will mark the centralization of information and the decentralization of activities, in particular by reinforcing social field work. The interlinking of information systems and the cohesion of procedures in individual areas will facilitate more efficient work with the client and will reduce the possibility of abusing the welfare system. This will ensure that there is a better overview of citizens, their motivation, and their ability and willingness to look for work and participate in activation programmes, which could be reflected in bonuses or penalties.

The aim is to streamline the administration of social benefits and employment-related activities into a single point (the promotion of a client-oriented approach), and to attempt to synchronize them and increase the efficiency of the granting process.

The objective of a system of single specialized state administration is to ensure maximum convenience for clients, who will be able to organize their whole social agenda in a single place. People would not have to make their way from the

employment office to the welfare department at the municipal authority.

This will ensure the uniform, better quality performance of state administration throughout the country, and in particular it will relieve municipalities of the heavy burden of devolved state administration in welfare issues. This plan could result in savings running to several billion crowns in a matter of years.

Political bloc

Mgr. Anna Čurdová

Ladies and Gentlemen,

Thank you for inviting me to this conference on family policy and, in particular, on the financing of early childcare. The contribution by the representative of the Green Party shed light on several principles which are close to the vision of the Social Democrats' pro-family policy. It is only regrettable that Parliament has ultimately distanced itself somewhat from several of the principles presented here. I believe that any reasonable European country must respond to somehow to social and economic reality. I spoke about that in my paper yesterday. There are certain demographics where it is more or less self-evident that the fertility rate in Europe is declining and, as was also mentioned here yesterday, the European population curve is expected to fall again in the next 20 years. On the other hand, we are faced with another phenomenon which, to some degree, is linked to today's topic – population ageing. If we take a look at the forecasts, over the next few decades, calculated up to 2050, there will be a shortfall of almost 48 million people in the workforce. In this situation, each society must examine how it can work with the reserves, the intellectual stock, at its disposal, and whether it is advisable for women to remain at home and simply reinforce their parental and maternal role. If the intellectual stock that is currently untapped to a large degree should remain unused or if it should be given more opportunity to enter the labour market. Obviously, free choice plays a role here, but the interests of the child should always be borne in mind. However, I would like to return to the fact that we live in a certain social and economic reality, and while we can debate the best interests of the child and talk about this from dawn to dusk, this will not change the reality. At this juncture, I would like to quote the words of someone who has spoken before me here, Vladimír Špidla, the European Commissioner: 'If you give people a straight choice of the labour market or the family, in that moment and in that social reality most of them (I do not say all, but most of them) will choose the labour market.' Believe me, I know what I am talking about, because I found myself in that socio-economic reality 17 years ago, when, despite the Labour Code of the time and despite the fact that mothers enjoy protection in the Czech Republic, I was more or less 'forced' to take up a job. Like many women today, I was faced with a choice:

you either take the job and I will hold it for you, or you don't and tough luck. At the time, then, I left behind an eight-month-old child and returned to the labour process, or the labour market as they say today. Here is another dilemma which currently needs to be addressed and which most women are faced with - to start or not to start a family, and to have or not to have a family. In this respect, I think it is impossible to leave it up to the family to find a solution, because a reasonable state must proceed in line with its intentions and needs. It is a question of policy, although the desire to have children is certainly a private matter, but policy should offer and guarantee people conditions that will foster a pro-family climate in society with special regard for young parents. Improving the balance between professional and family life is one of the main conditions that needs to be addressed by society in its social policy and pro-family policy. At this stage, I am not sure if we are pursuing the right path as we seek to address these matters and foster such an environment through social policy. We need change geared towards a dual objective, i.e. an increase in the number of births, and if possible not just in the number of first births, even though we know that women are putting off motherhood, but also the possibility of increasing the number of women on the labour market and facilitating their flexible return. Naturally, the Social Democrats support numerous measures raised here in the speech delivered by the Greens, so there is no need for me also to cite that we are in favour of flexible working time, homeworking, flexible contracts, relief for enterprises, etc. However, I do think that, in childcare, there are basic premises that the state cannot shirk if it wants things to be in order. This means: affordable, local and good-quality childcare. It is true that crèches exist in certain provinces in the Czech Republic, as has been mentioned many times here by supporters and, in most cases, opponents – because crèches are the work of the devil and therefore need to be rejected on ideological grounds. However, there are places, especially around Prague and, of course, in other cities, where satellite communities are emerging that attract young people with children who need various types of services providing care for children aged from zero to six years of age. In the Czech Republic, this is a matter for municipalities, but of course the state can help by providing various subsidies that can be channelled into individual municipalities and then, in the context of community planning, be used to provide care for preschool children. It is axiomatic that we support crèche-based, although I would rather not talk about crèches here because when people

hear the word crèche they have a picture in their minds of 20 or 30 children allotted to a single nurse charged with their care. In my opinion, however, we need to go the way of micro-crèches. It goes without saying that this is more costly, but if there were a ratio here similar to that in France, for example, i.e. 60-20-20, this care could become cheaper. It also depends on the approach taken by local government, because most mayors strive to keep primary schools open in their municipality in the knowledge that the primary school will encourage children and families to stay in that municipality. Here, by means of an awareness campaign of sorts, other facilities need to be offered. It is obvious that the 'central governmental offer, municipal offer, provincial facilities' should be complemented with a whole range of other types of care, which we have mentioned here, such as day-mothers, institutions, corporate nursery schools and crèches. Even in these types of facilities, quality must be of prime importance because, after all, these are our children and our future.

I would like to thank you for your attention and I am ready to answer any questions you may have.

Ing. David Kafka

Ladies and Gentlemen,

I would like to contribute several proposals to the 'database of ideas' on how to improve Czech family policy; it is very important to consider carefully all the pros and cons involved in achieving maximum effect.

The policy is geared towards meeting targets, and therefore we need to ask ourselves what the targets of a pro-family policy should be so that, in the choice between motherhood and a career, motherhood does not lose out so often.

Global objective 1

Pro-population measures (with the criticism that this is a waste of money)

Make parental leave more attractive for those looking after a second or third child so that it is more 'competitive' compared to other enticements offered by contemporary society.

Introduce the concept of 'parental leave' to deal with various unexpected situations in the family.

Introduce the concept of 'paternity leave' on the birth of a child.

As a reward to the parent for bringing up the child, do not put off the retirement age, but apply this when the parent takes care of the child.

In the field of tax, introduce clearer grading of deductible items based on the number of children and index link them.

Global objective 2

Improvements in the living conditions of families with preschool children

Provide tax support for more flexible forms of involvement in the labour market, work from home, and studies enabling parents with children to maintain, obtain or improve their professional qualifications.

Make part-time work alongside parental leave more attractive, e.g. by eliminating the requirement to pay health insurance.

Continue housing support with the current means available, consider how support for housing-related savings schemes can be more advantageous than savings schemes for other purposes.

Introduce the concept of childcare by a ‘non-parent’.

Promote the development of civil sector services connected with various forms of care, especially for children between the ages of two and three years. This can be achieved by providing outpatient and field stays of a sustainable duration and by developing relief services enabling the family to escape from the parental function for a short time.

Support babysitting services so that, in public buildings – where parents are more likely to go with children in tow – the parents can sort their affairs out without the stress of having to keep an eye on their children.

Ing. Tomáš Kvapil

Ladies and Gentlemen, dear Guests,

It is a genuine pleasure for me to address this, the most prestigious conference on family issues to be held in the Czech Republic, and for me to present the point of view of the KDU-ČSL parliamentary club on the theme of early childcare.

The KDU-ČSL supports the family as a unit based on marital and parental relations. We regard this type of co-habitation, in today’s social turbulence, as the strongest bond and optimal place to bring up a child. We want to achieve a situation where the individual members of families and generations can rely on one another and the state can rely on sound, traditional family groups.

I can cite two paragraphs from the family support section of the KDU-ČSL’s election manifesto that directly apply to the theme of this conference.

‘The first is a significant reinforcement in the status of women and mothers in society. Childcare should be financially and socially rewarded so that the educative and carer role of parents is viewed as full-time employment. Therefore, we have submitted fundamental changes to the amount of the parental allowance in the full knowledge that this will have ramifications for the national budget. However, childcare must not be the priority of a single political party, but of the whole of society.

The second point concerning the issue discussed here is the reconciliation of **family life and employment**. We are mindful of the fact that it is necessary to offer the widest possible range of services, but to leave the choice of the best form of childcare to the parents. We are planning the greater availability and further expansion of childcare services – the development of maternity centres, an au-pair system, babysitting, etc. – areas which currently fall within the competence of municipalities. We are keen to apply tax measures and grant titles to ensure that these services can be co-financed to a greater degree by the state.’

That is from the manifesto of the KDU-ČSL, which is a member of the government coalition, and these ideas more or less appear in the current government’s policy statement too. Several sentences are devoted to this issue in the policy statement. I quote: ‘The government will cultivate conditions to reinforce

the cohesion of the family and intergenerational solidarity in the tax and social system, and will facilitate the greater flexibility of maternity and parental leave and strengthen the role of the father in childcare. It will promote greater opportunities for jobs with flexible working hours and will increase employers' motivation to employ parents bringing up children. The government will support improved family services, including non-parental childcare. It will pay special attention to enhancing the quality of life experienced by seniors.' Naturally, this is relatively general language; what is important is to pursue these goals with specific measures.

I would like to enlarge upon the general approaches of the KDU-ČSL and explain which attendant concrete actions it supports. In general, I would formulate three premises:

1. non-intervention, or the least possible intervention, in the free choice of life strategies by citizens;
2. protection of the weakest members of the family – children;
3. appreciation and recognition of the family's contribution to society.

What specific measures stem from these approaches?

Regarding the first point, I am convinced that the state should enable everyone to have free choice of strategy in their lives by dismantling legislative and financial hurdles. It should not determine the division of roles in the family, it should not designate the optimal relationship between the family and work, or force anyone into doing anything by means of quotas, regulations, etc. I have no enthusiasm for declarations to the effect that by 2009 30% of children will be in crèches, or that 80% of women with young children will be employed in the next five years.

As to the second point – the protection of the weakest – our children. Paediatricians and child psychologists have confirmed – and the point has also been raised at this conference – that children up to three years old need full-day care from one person, preferably one of the parents. This is best for the child during this period and therefore the state should support such activity on the part of parents. I am a firm supporter of individual childcare in the early stages of development, and in my opinion the state can promote this in all manner of ways. This means that anyone who wants to follow this model should not be forced to give it up in any way.

And regarding the third premise – the state should duly reward activity within the family, specifically caring for and bringing up a child. A child-caring parent makes an invaluable contribution to society that should be rewarded financially. By this, I mean that in the Czech Republic the parental allowance should be adequately high. However, in order to preserve freedom of choice, as I have called for in my previous point, it is also advisable to support other forms of childcare up to a point. I feel the ideal solution would be a flat-rate benefit for the provision of childcare for children up to three years old for those who are unwilling or unable to look after their child themselves. It is axiomatic that such a benefit should be lower than the parental allowance. However, here too I would clearly prefer individual care over collective care; this is covered in our programme by au-pairs, day mothers, neighbourly assistance, and the like.

If we wanted to transfer this early childcare approach to the level of the reconciliation of family and employment, it would easily comply with the contours of the **follow-up model of reconciliation**, which is geared towards easing the return to the labour market for parents on completion of maternity and parental leave. Naturally, each child and each parent is different, so where the circumstances allow I have no problem with modern forms of employment such as homeworking, shared jobs, project tasks and similar flexible forms of employment that, in tandem with childcare, help maintain contact with the workplace and satisfy the occupational aspirations of child-caring parents.

What can benefit society more than investing in the future of its children? I am sure that preserving freedom of choice in the life strategies of individual families and that personal full-time care for the very youngest children by a parental figure will pay dividends. The proper mental and physical development of the child in the first three years of life unquestionably influences its further actions in both the educational and work spheres. The state should enable parents to provide their children with this care under conditions that will not hurt them economically. I reiterate – first: the least possible state intervention in the freedom of choice in the strategies pursued by families; second: protection of the best interests of the child; and third: recognition of childcare. I regard this as the optimal state approach to early childcare.

Mgr. Ivana Levá

Good morning, Ladies and Gentlemen. I am honoured to have the opportunity to address you here.

I will start from the birth of the child and the woman's commencement of maternity leave, which should be as long as possible. I take the view that, in the post-natal period, the father should have the chance to stay at home not only to form a bond with the child, but in particular to ensure the mother is adequately protected. The post-natal period is a specific period and mothers need help, especially when they have their first child. The only issue is how the Ministry of Finance would respond to the prospect of shared maternity leave.

Some interesting observations were made at the paternity seminar. It was pointed out that, in families where men take maternity leave and remain at home with the child, there is a reduced risk of domestic violence and, something which particularly surprised me, there is a reduced divorce rate. Men evidently learn to appreciate what goes into looking after a child.

We are not yet accustomed to paternity leave in our society. I have encountered a problem. Men who remain at home with their child on maternity leave have complained that their wives are regarded as poor mothers because they chose a career over motherhood. This is a relic of our upbringing, in which mothers had the main say. However, I am sure we agree that parental care is indispensable. Nevertheless, when a child grows up a little and parents decide – and this is their own free choice – that they want to place their child in a facility, society must be accommodating. It makes no difference whether crèches are run by the municipality or an enterprise; the point at issue is that parents must have that opportunity to place their child in a facility. I am 'deformed' by my occupation – as a teacher I prefer children to have the highest possible professional standards of care. There was a fierce debate here during the debate to the effect that a trained teacher need not be a guarantee of the best possible care. Yet today, when we have a strong workforce, it is no problem to secure the best people available. If a trained teacher is found to have no empathy with children, it is easy to replace her.

For me, the word 'crèche' is not a bugbear, but it becomes a bugbear when the mother gets up at five o'clock in the morning to take her child on a long journey to a crèche. I am fundamentally in favour of government contributions and subsidies for crèches

because that is the only way parents can exercise their freedom of choice.

At last year's conference, I heard an interesting address by a French representative – I am afraid I no longer remember her name – who said that France applied to the European Union for a five-year grant to build a network of university and company crèches. I agree that a girl who becomes pregnant at university should be able to place her child in a crèches in the university building or nearby. She would join her child during breaks between lectures to feed it, and then she would return to class and be able to continue her studies freely. Crèches are important for companies too. Happy employees are a guarantee of better performance and a mother's happiness is contingent on whether she knows that someone is taking good care of her child.

'Why hasn't there been a boom in private crèches?' It has been observed here that the reason is the excessive red tape and hygiene requirements. Might it not also be because this is a highly responsible activity? Taking care of a child in nursery school is completely different from caring for a six-month-old baby that cannot speak and often cries. Crèches must have medical care immediately to hand, and that might be why people do not want to start up such a business.

I don't want children simply to be minded. Children should develop under professional guidance; that is why, on the way home from nursery school, we asked our children what the teacher taught them or what they did. A lector from Vienna came up with a new label for women looking after children – day mothers. I am not comfortable with the term 'day mother'. Why can't a child be looked after by an 'auntie'? An auntie should not only babysit, because a child's success at school depends on its preschool education and initial education.

And now I would like to dwell on current trends in nursery schools: there are not enough places, we have closed nursery schools that functioned smoothly and now there is a dearth of them. What else is happening? We will reduce the age at which children start nursery school to two years, which will push up the numbers of children in classes. There is not the capacity. If the teacher is to apply an individual approach to each child, to cradle it, and caress it, and if the child is to develop under her supervision, we need classes with low numbers of children. Today we are witnessing the opposite trend.

Yesterday there was a long discussion about what makes a 'happy mother'. How have we contributed to mothers' happiness?

Not with the Labour Code, that much is for sure. Today an employer can change working hours as he sees fit. He decides that a woman is to start her shift at 10 o'clock in the morning next week, but he doesn't ask whether they will be prepared to wait for her at the nursery school until six in the evening. No one is interested in women's problems.

Part-time work is rare here because the family needs the woman's salary and because employers are unwilling to take on part-timers. I would like to see one of the parents take on reduced working hours when the child starts the first grade at school. A child needs patient, loving care. It would be wrong for mothers to come home worn out and stressed, sit down with the child to help with homework, and get angry when the child can't cope with a certain aspect of grammar. No, a child needs success and encouragement. The start of school is of paramount importance for a child, and is often instrumental in its further development. When things get hard and the child doesn't succeed, there is a mental block and the child doesn't want to go to school. Part-time work with several months of financial subsidy from the government would be a great help.

The whole system of childcare is a matter for parents. It is up to them which path to pursue. I welcome any alternative, but I reiterate: let's place children in the hands of professionally trained people. The courage of English mothers who entrust their kids to students who are barely adults is appalling. However, I am pleased to have heard here that changes are being made to preschool care in England.

Ladies and Gentlemen,

I don't want my contribution to cause a storm. I would not be so bold as to contend that someone who looks after children at home carries out worse work than nurses in crèches or teachers in nursery schools. The same benchmark that applies to other professions also applies to work with children. You go into a shop, it's a joy to see the first sales assistant. She serves you with a smile, offers alternative choices, and so on, but for another sales assistant you are a nuisance because you want something from her. And they both have the same qualifications. The same can be said of the women we entrust to look after our children in crèches or nursery schools. One genuinely loves children and is happy that she can work with them, the other is only there to earn some money. The mistake is not in the system of collective care, but in the people. The principal of a facility must make sure that

the staff in her nursery school or crèche are there because they have not only the training, but a personal connection to the work they do.

Today's conference is about the exchange of experience in finding a way forward and I welcome that opportunity. Thank you for your attention.

Bc. Michal Uhl

Ladies and Gentlemen,

I would like to thank the Ministry of Labour and Social Affairs for organizing a conference on this subject. I regard early childcare as an important theme widely discussed in Europe. Unfortunately, in the Czech Republic it does not receive the space it deserves. I am confident that this conference will provide some background that will form a basis and provide room for political consensus.

My role at this forum is to offer a brief presentation of the view taken by the Green Party.

I would like to begin by following up on what was said at the outset by Minister Petr Neèas. He said it was important for everyone to have freedom of choice. That is something we cannot but agree with, and on behalf of the Greens I would add 'freedom of real choice'.

Minister Neèas also mentioned that we are not here to invent the wheel. There are good examples abroad. Scandinavia and France have shown us how we can tackle this issue.

I listened closely to yesterday's contributions. Some were more abstract, others more concrete, based on knowledge regarding the real needs of society. We should also draw on that knowledge in the Czech Republic, because, as has already been said, we are not living in a vacuum. Some yearn for legitimate self-realization and others simply want to safeguard the smooth economic running of the household; we pay mortgages, we pay the bills, we want a healthy diet – one wage is often not enough to cover these needs.

The state intervenes in the form and functioning of the family, just as it did in the past and will do in the future. Some oppose this. But the fact that the state supported institution of marriage exists is an example par excellence, the fact that this conference is taking place is proof that the state has ambitions to help mould space for the family. The argument that everything is a matter for families alone and not the state does not hold water. The question is not whether the state should intervene in the family, but how it should intervene in the family.

An apposite and important statement for this conference has already been voiced by Vladimír Špidla, the European Commissioner: 'If you give people a straight choice between the family and the labour market, they will choose the labour market.'

I am sure that everyone in this hall will say that if anyone takes that decision, then that is a bad thing – that the state has been very negligent in its duties. Many of you can confirm that lots of people are faced with such a choice and it is a big problem.

There are two spheres, the family and private life, which we do not want to neglect, and the labour market, which we need. The only solution is to promote very actively the reconciliation of family and working life, especially via the state. It should be possible to be a father, mother, and at the same time a working man or woman. Functional models can be found not only in the Scandinavian countries, but also in Germany and Slovenia, for example, where paternity leave as an instrument of reconciliation has been introduced.

If freedom of choice is to exist, and here I mean conformity within the coalition, there must be supply. The basic premise, the prerequisite for reconciliation, is that there must be good-quality, available care for children up to three years old. We cannot get by without this.

Besides, the Barcelona Objectives, derived from the Lisbon Strategy, clearly state that a third of children should have the opportunity to use these facilities. Regrettably, the Czech Republic does not yet comply with the Barcelona Objectives, but we have time to set this right by 2010.

How can we conceive early childcare and comply with the Barcelona Objectives?

We have two systems here. One disintegrating system of care for children up to three years old, and a very good functioning system for children from three to six years old. It is interesting that today 26% of two-year-old children attend nursery school – whether or not a nursery school admits children below the age of three is up to that school. But the point is that the demand is evidently there and that the supply is absent.

The first step, based on the good experience of other European countries, is a step that to a degree entails remediation. There should be a reduction in the age limit for nursery schools to two years, again the possibility of accepting children from age of a year or a year and a half. These facilities are in the competence of local government, and this is how it should remain.

The provision of care for children up to two years old is complex in the Czech cultural environment. If we want reconciliation we must set conditions, including a whole set of measures and benefits

that will be useful for older children too (both schoolchildren and preschool children).

What other conditions?

First, as Marián Hošek has already mentioned, we need to encourage changes in corporate culture. We need part-time jobs and shared jobs – the general flexibility of the labour market, and we can start in central government administration.

Homeworking.

Legislative opportunities to set up in-house nursery schools at companies - now companies are starting to address this issue as the workforce is scarce.

Secondly, it has been mentioned several times that the Czech Republic is a leader in terms of the duration of parental leave. The Green Party would prefer to see parental leave intensified so that the majority of funding+ allocated from the national budget is made available to parents at the beginning. So that, for a period of 10-12 months, the parental allowance is a dignified substitute for a wage, so that parents in the middle income and high income brackets, who may be repaying a mortgage, can afford to spend a year with the child to form that all-important attachment, as psychologists say.

A very important factor is active fatherhood and the attendant alternating care, which was presented to us most transparently by the Finnish representative. Fathers Days increase the real acceptance among employers for men to take parental leave. In Germany, paternal care was introduced in 2006, and one of the first observations has been that acceptance of fathers on parental leave increased by 80% in society and among employees.

Today, men are legally entitled to parental leave, but the fact of the matter is that pressures from society and the market do not make ‘fathers days’ a viable choice.

Thirdly, as has already been mentioned by foreign speakers, if the reconciliation of family and working life is to be effective, we must create conditions for child-minding. The more models there are, the greater the freedom of choice will be. I am very pleased that high-standard ‘mutual parental assistance’ is being prepared. This is a concept that could be a great help in tackling the situation in the Czech Republic.

We also have crèches here, as has been mentioned many times. As many people have an ideological problem and negative associations with this term, I propose changing the name – it will help us redefine the content more easily too. I would just note that

crèches are governed by legislation from 1966. So let’s not refer to them as crèches, but nursery units.

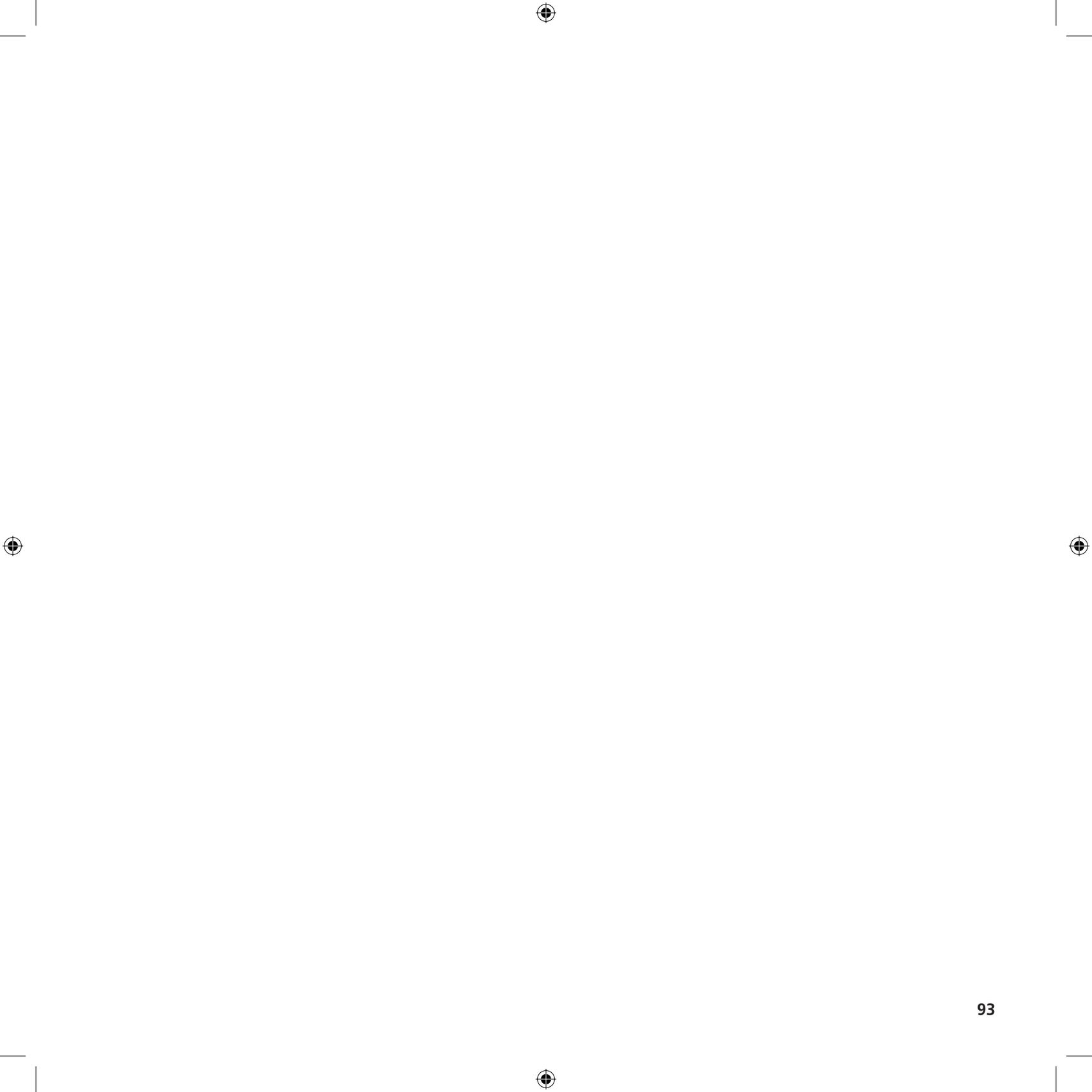
The operation of nursery units is very expensive compared to nursery schools; there are pointlessly high hygiene standards and, in my opinion, the role of education is underrated. For the whole system to operate smoothly, it would be a good idea for nursery units to transfer to the competence of the Ministry of Education. A quality nursery unit should have small collectives with a family environment, professional and educated staff, and should offer various forms of child-minding. This could range from hourly babysitting, when you need to sort something out at a local authority which does not yet have a children’s corner, to full-day child-minding. Again, freedom of choice.

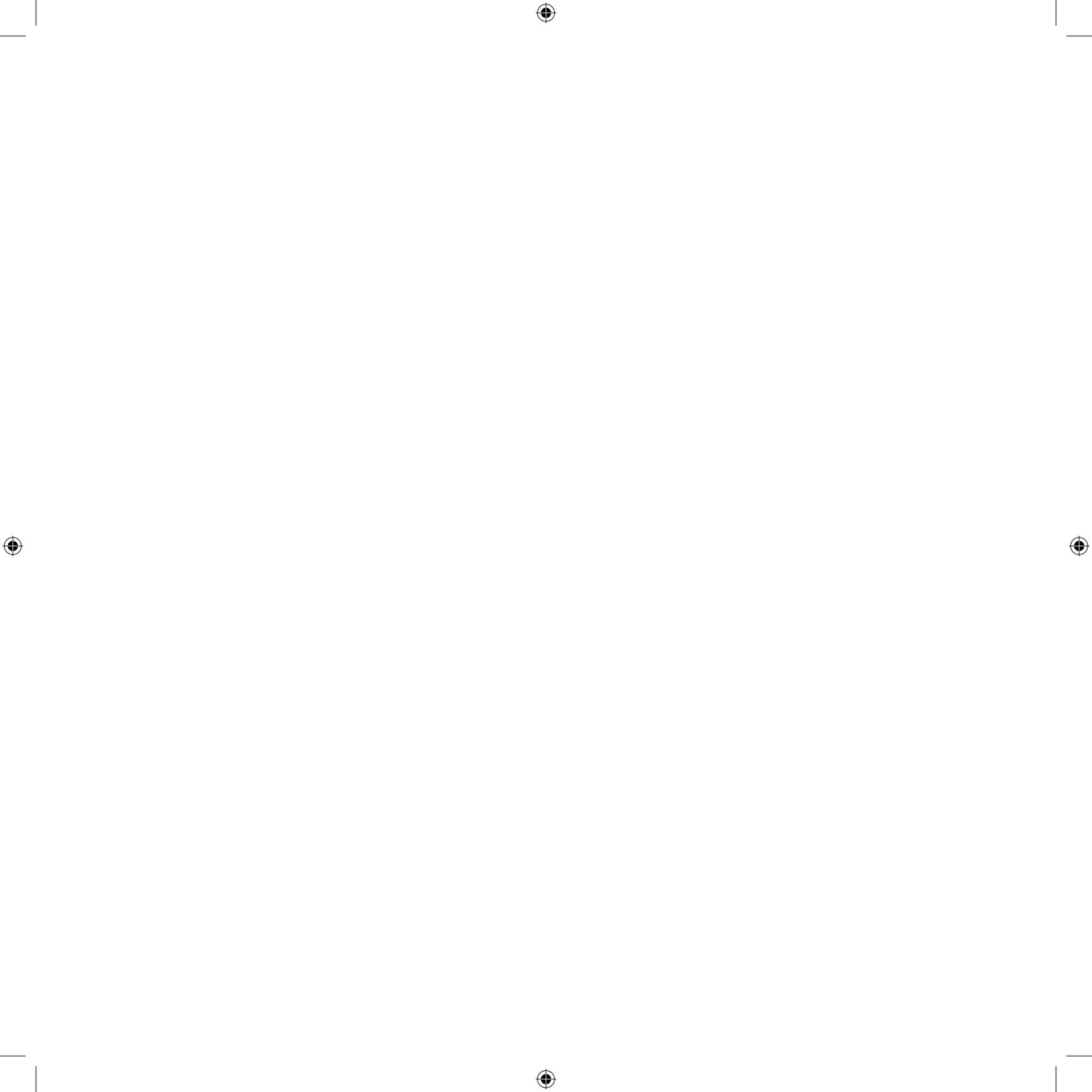
The funding of nursery units should have three sources; I am keen on the French model, where 60% is covered by the state, 20% by the municipality and 20% by the parents. If we succeeded in setting up this model, it could be budget-neutral, because state costs could be covered from the taxes of the mothers or fathers, who are reconciling professional and family life.

State support for nursery units and complementary means of childcare, such as mutual parental/neighbourly assistance, should become one of the ways of facing up to the demanding pressures of the market and facilitating the reconciliation of family and working life. Nor should we forget the biological needs of children and their sound and healthy psychological development; the needs of mothers should not be underestimated either. I am confident that the requirements of all stakeholders can be handled to the benefit of everyone involved.

I have attempted to provide a brief outline of the ideas of the Green Party. The active role of the state, municipalities and parents themselves should be important. I will end where I began. Freedom of choice is important and choice is possible only if real alternatives exist. Unfortunately this is forgotten.

Thank you for your attention.





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