



**Convention on the Rights
of Persons with Disabilities**

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**Implementation of the Convention on the Rights
of Persons with Disabilities**

**Initial reports submitted by States parties under article 35 of
the Convention**

Czech Republic*

[1 November 2011]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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Introduction

The Czech Republic submits to the Committee on the Rights of Persons with Disabilities its Initial Report on the measures taken to give effect to its obligations pursuant to the Convention on the Rights of Persons with Disabilities.

The Instrument of Ratification of the Czech Republic was deposited with the Secretary-General of the United Nations, the depositary of the Convention, on 28 September 2009. The Convention thus entered into force with respect to the Czech Republic pursuant to its paragraph 2 of Article 45 on 28 October 2009. Consistent with Article 10 of the Constitution, the Convention, following its proclamation on 12 February 2010¹, was incorporated in the legal system of the Czech Republic. In compliance with the same Article, the Convention takes precedence over the law.

The Initial Report of the Czech Republic was prepared in conformity with the recommendations of the Committee on the Rights of Persons with Disabilities contained in the "Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities".

The Report summarises information on the situation of persons with disabilities in the Czech Republic, explains the principles of state policy in relation to persons with disabilities and contains data on the adopted measures, specific programmes and laws in respect of the rights of persons with disabilities.

The Report was prepared by the Ministry of Labour and Social Affairs, the focal point of the Convention in the Czech Republic, based on the documents provided by the central authorities of state administration: The Ministry of Transport, Ministry of Finance, Ministry of Culture, Ministry of Defence, Ministry of Regional Development, Ministry of Industry and Trade, Ministry of Justice, Ministry of Education, Youth and Sports, Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Health, Ministry of Agriculture, Ministry of the Environment, Czech Statistical Office, Human Rights Department of the Office of the Government, Government Board for People with Disabilities, Research Institute for Labour and Social Affairs and some other specialised departments and organizations. In addition, non-governmental organisations were asked to contribute to the report, in particular the organizations of persons with disabilities. The request addressed to such organizations stated expressly that by contributing to the official report sent to the Committee on the Rights of Persons with Disabilities on behalf of the Czech Republic, they do not waive their right to submit their own "shadow report" assessing the measures taken to give effect to this international Convention.

The Czech Republic has not ratified the Optional Protocol yet, however, the National Plan for the Creation of Equal Opportunities for Persons with Disabilities 2010–2014² takes into account the preparation of a draft for its ratification by the end of 2012.

¹ Communication No. 10/2010 Collection of International Treaties

² Approved by Resolution of the Government of the Czech Republic on 29 March 2010 No. 253.

I. General Provisions

Article 1 - Purpose

The Czech legal system does not contain a unified definition of either disability or a person with disability. The individual legal norms use their own specifications where this is needed.

The Anti-Discrimination Act³, in force since 1 September 2009, in paragraph 6 of Article 5 states:

"For the purpose of the present Act, disability is understood as physical, sensory, mental, intellectual or other disability which hinders or may hinder the persons in their right to equal treatment in areas defined by this law; whereas such disability must be of a long-term character which has lasted or is supposed to have lasted at least one year according to the findings of the medical science."

According to provisions of Article 67 of the Act on Employment⁴, persons with disabilities are individuals who

- a) qualify for disability of the third degree according to a social security agency,
- b) qualify for disability of the first or second degree according to a social security agency,
- c) qualify as disadvantaged in terms of health as decided by the Czech Labour Office. A person disadvantaged in terms of health means an individual whose ability to carry out a job or other gainful activity continuously has been preserved, however, her or his ability to be or remain involved in their work, to perform their previous job or to use their present qualification or to gain new qualification have been substantially limited on the grounds of their long-term unfavourable state of health (i.e. a state which is supposed to last for more than one year according to the findings of the medical science, restricts their psychical, physical or sensory abilities substantially and thus their chances of finding employment).

For the purpose of the School Act⁵, in force since 1 January 2005, disability means mental, physical, visual or hearing disability, speech impediment, multiple disability, autism and developmental disorders of learning or behaviour (paragraph 2 of Article 16). Being disadvantaged in terms of health thus means having a weakened state of health, long-term illness or less severe health disorders which result in learning and behavioural disorders that have to be given consideration in education (paragraph 3 of Article 16).

³ Act No. 198/2009 Coll., on Equal Treatment and on Legal Means of Protection against Discrimination and on Amendment to Some Acts, as amended.

⁴ Act No. 435/2004, on Employment, as amended.

⁵ Act No. 561/2004 Coll., on Pre-School, Primary, Secondary, Tertiary Professional and Other Education, as amended.

Article 2 - Definitions

The right to equal treatment and the prohibition of discrimination are defined by the Anti-Discrimination Act⁶. Paragraph 3 of Article 2 understands direct discrimination as such action or inaction, where an individual is treated less favourably than another person is treated or would be treated in a comparable situation, on the basis of race, ethnic origin, nationality, gender, sexual orientation, age, disability, religion, belief or opinion. Moreover, paragraph 5 determines discrimination as the action of treating an individual less favourably on the basis of her or his alleged origin as set out in paragraph 3.

Afterwards, paragraph 2 of Article 3 of the referred Act defines indirect discrimination on the basis of disability also as the refusal or omission to take appropriate measures to enable the person with disability to access a certain job, to carry out certain work tasks or functional or other procedures at work, to utilise vocational counselling, or to participate in other specialized learning, or to take advantage of services intended for the general public, unless such measure would impose a disproportionate burden.

While making a decision whether a particular measure does not impose a disproportionate burden, in particular the level of merit is taken into consideration which the implementation of the given measure will bring to persons with disabilities, the acceptability of the financial burden of the measures for individuals or legal entities who are in charge of such implementation, the availability of financial and other assistance to give effect to the measures, and the eligibility of alternative action to meet the needs of persons with disabilities. A measure is not considered to impose a disproportionate burden if an individual or a legal entity is obliged to give effect to such measure under special regulation.

Articles 3 and 4 – General Principles and General Obligations

In the last two decades, the Czech Republic has joined the states realising their increased responsibility to eliminate barriers which hinder citizens with disabilities from enjoying their full participation and social inclusion. It has strived systematically for a progressive solution of each specific area directly related to persons with disabilities with a view to enhancing the conditions as well as quality of their life.

To this end, the recent period has already witnessed the gradual preparation, Government approval, and giving effect to five national plans which formulate the state policy concerning citizens with disabilities. The national plans have laid down specific steps for each Ministry that have been assessed important and a priority for the relevant period. Annually, the Government reviewed the accomplishment of the national plans and, where this was needed, modified or supplemented them.

Fulfilling the national plans has provably improved the attitude of the state to persons with disabilities, which has been reflected favourably in several areas that are essential in order to provide conditions for a quality and dignified life of this group and to promote their social inclusion.

⁶ Act No. 198/2009 Coll., on Equal Treatment and on Legal Means of Protection against Discrimination and on Amendment to Some Acts, as amended.

Another merit is the fact that the representatives of organizations protecting the interests of persons with disabilities have always contributed actively to the preparation of the national plans, and the final wording of each adopted action has thus been a compromise agreed between such representatives and the respective central authority of state administration.

The first adopted document was the National Plan for the Assistance to Citizens with Disabilities⁷ of 1992. Its major goals included in particular eliminating the most serious instances of discrimination and initiating system modifications regarding the support of citizens with disabilities.

This document was immediately followed by the National Plan of Measures to Reduce the Negative Impact of Disability⁸,

The third in line was the National Plan for the Equalization of Opportunities for Citizens with Disabilities⁹. The structure of the plan was based on the fundamental document of the United Nations the "Standard Rules on the Equalization of Opportunities for Persons with Disabilities", approved in 1993.

In 2004, the Government approved the Medium-Term Concept of State Policy Concerning Citizens with Disabilities¹⁰. Afterwards, the National Plan for the Promotion and Integration of Citizens with Disabilities 2006 - 2009 followed in the key aspects of the strategy¹¹.

The last and currently implemented document is the National Plan for the Creation of Equal Opportunities for Persons with Disabilities 2010 - 2014¹². The preparation as well as the overall form of this document was directly influenced by the ratification of the Convention by the Czech Republic in September 2009. The elemental form of the National Plan, both in contents and structure, arises from the general principles which the Convention is based on. To prepare the document, such articles of the Convention were selected that were perceived as paramount and highly topical regarding the formation of equal and non-discriminatory environment for persons with disabilities in the following 5 years in the Czech Republic.

In reference to the individual articles of the Convention, the National Plan is divided into separate chapters. Beside a quotation of the relevant article of the Convention, each chapter also contains a concise description of the existing situation and goals to be achieved by the measures, and a group of fixed term and continuous measures including an indication of the department in charge of their implementation. In case more departments participate in giving effect to the measures, they are collectively responsible for their accomplishment. At the same time, they are obliged to submit an annual report to the Government for discussion on the implementation of the individual measures of the National Plan in the previous calendar year, in accordance with the approved Monitoring and Evaluation Rules for the Implementation of Measures of the National Plan.

⁷ Adopted in 1992 by Resolution of the Government of the Czech Republic No. 466.

⁸ Adopted in 1993 by Resolution of the Government of the Czech Republic No. 493.

⁹ Adopted in 1998 by Resolution of the Government of the Czech Republic No. 256.

¹⁰ Adopted in 2004 by Resolution of the Government of the Czech Republic No. 605.

¹¹ Adopted in 2005 by Resolution of the Government of the Czech Republic No. 1004.

¹² Approved by Resolution of the Government of the Czech Republic on 29 March 2010 No. 253.

Supporting documents from relevant departments and other institutions are used in the annual preparation of the comprehensive Report on the Implementation of Measures of the National Plan. The Secretariat of the Government Board for People with Disabilities adopts a position to the information on the implementation of measures in cooperation with the Czech National Disability Council.

The following positive changes in the recent period can be considered most significant:

- a) The adoption of the Act on Social Services¹³, in force since 1 January 2007, provided the base to introduce the reform of social services. This Act brought about a substantial and unequivocal extension of competences and rights of the users of social services, and a new social benefit was designed for them - the care allowance.
- b) In the education of children, pupils and students with disabilities, the emphasis on equal access and non-discrimination of such persons has been growing gradually. The School Act¹⁴ defined more accurate conditions with the view to enabling their education in both basic streams – the main as well as the special one - while respecting the rights of legal representatives of the child or the person with disability. The Higher Education Act¹⁵ has ensured the right to equal access to higher education with the duties of tertiary education institutions to provide all necessary measures for equalization of opportunities of students with disabilities.
- c) The progressive enhancement of accessibility of the individual types of public transport led to growing numbers of barrier-free accessible stations, stops as well as means of public transport.
- d) Improvement of access to information systems for persons with disabilities consistent with the Amendment to the Act on Information Systems in Public Administration¹⁶ (in force since 29 November 2011), which obliged public administration institutions to enable persons with disabilities to enjoy remote access to information published by such institutions.
- e) Regarding the access to cultural heritage, there are an increasing number of museums, galleries and other cultural facilities that are barrier-free accessible even for persons with severe disabilities. The accessibility of public libraries and information services for such persons has improved as well.

Although the majority of measures contained in the so far accomplished national plans have been implemented, there are still a number of open and unresolved issues affecting directly the life of each group of persons with disabilities.

Such topics include in particular:

¹³ Act No. 108/2006 Coll., on Social Services, as amended.

¹⁴ Act No. 561/2004 Coll., on Pre-School, Primary, Secondary, Tertiary Professional and Other Education, as amended.

¹⁵ Act No. 111/1998 Coll., on the Higher Education, as amended

¹⁶ Act No. 365/2000 Coll., on Information Systems in Public Administration and on Amendment to Some Acts, as amended.

- a) The persisting unfavourable situation in the employment of persons with disabilities. The following period will require an overall review of the system of employment support for this group of persons, including an impact assessment of associated systems (social, fiscal).
- b) Systematic continuation of eliminating barriers in public buildings as well as transport structures built before the date of entry into force of the Building Act¹⁷ (in effect since 1 January 2007) imposing the duty to build barrier-free constructions.
- c) The consistent application of the principle of inclusive education for pupils and students with disabilities, and the successive systematic solution of conditions for students with disabilities in tertiary education.

I. Specific Rights

Article 5 – Equality and Non-Discrimination

One of the primary and essential preconditions for the creation of conditions for full and equal participation and social inclusion of persons with disabilities is undoubtedly the provision of efficient legal protection against potential discrimination.

In this respect, the adoption of the Anti-Discrimination Act was momentous¹⁸. Persons with disabilities are expressly included in the provisions of Articles 2 and 3 of the Act which prohibits both direct discrimination on the basis of disability and indirect discrimination which is defined as the action or inaction having the effect of disadvantaging a person for any legal reason on the basis of a seemingly neutral provision, criterion or practice. Nevertheless, indirect discrimination is not the case if such provision, criterion or practice is objectively justified by a legitimate goal, and the measures to achieve it are appropriate and essential.

In the course of the following period, the experience as well as benefits of this regulation will have to be assessed from the point of view of persons with disabilities and, where needed, additional modification will have to be suggested to legal norms that manifest signs of discrimination on the basis of disability.

As far as labour-law relations are concerned, the Czech Republic guarantees equal treatment to all employees without distinction of any kind. According to paragraph 1 b) of Article 13 of the Labour Code¹⁹, the employer must ensure equal treatment of employees and observe the prohibition of discrimination of any kind. The Labour Code is based on the general principle of equal treatment and prohibition of discrimination (stipulated already in

¹⁷ Act No. 183/2006 Coll., on Spatial Planning and Building Code, as amended.

¹⁸ Act No. 198/2009 Coll., on Equal Treatment and on Legal Means of Protection against Discrimination and on Amendment to Some Acts, as amended.

¹⁹ Act No. 262/2006 Coll., Labour Code, as amended.

Article 3 of the Charter of Fundamental Rights and Freedoms²⁰), where paragraph 1 of Article 16 states that employers are obliged to ensure equal treatment of all employees in respect of their working conditions, remuneration for work and the provision of other pecuniary performance and performance of pecuniary value, specialized vocational preparation and the opportunity of being promoted to a higher-level position or of making a career at work.

Any discrimination is prohibited in labour-law relations. The concepts of direct discrimination, indirect discrimination, harassment, sexual harassment, persecution, instruction to discriminate and incitement to discrimination and instances where differentiated treatment is admissible are covered by the Anti-Discrimination Act²¹ which sets forth the general framework of provisions for the protection against discrimination in the Czech Republic. Discrimination according to paragraph 3 of Article 16 of the Labour Code is not understood as differential treatment if it follows from the character of the work tasks that differential treatment is an inherent requirement of the particular job; the purpose of such an exception must be justified and the requirement appropriate. Moreover, measures aiming at the justified prevention or equalization of disadvantages that arise from the affiliation of an individual to a group defined by any of the features listed in the Anti-Discrimination Act are not considered discrimination.

According to provisions of the Employment Act²² (Article 4), any direct or indirect discrimination in exercising the right to employment on the basis of state of health is prohibited as well. However, differential treatment is not considered discrimination if it results from the character of the job that such reason represents a substantial and crucial precondition for the performance of the respective job – but again, the requirement for exception must be proportional. Another very relevant provision of this Act regarding the opportunities of persons with disabilities in the labour market states that discrimination excludes legally imposed measures targeted at the prevention or equalization of disadvantages arising from the affiliation of an individual to a group defined by any of the features listed in the Act – the state of health being one and de facto the main reason for such affirmative measures. As a result, in line with such approach, persons with disabilities can be offered vocational rehabilitation containing, inter alia, special counselling, founding of sheltered workshops and sheltered jobs, providing financial support to employers for their employment, etc. Similarly, the Employment Act (Article 12) prohibits making job offers (by employers, employment agency, etc.) of a discriminatory character. In addition, an employer selecting employees may not require information regarding their personal data (i.e. the state of health as well) if, however, such data are not intended to meet the employer's duty imposed by special regulation, and to require data not immediately related to the conclusion of the contract of employment (paragraph 2 of Article 30 of the Labour Code).

²⁰ Resolution No. 2/1993 Coll., the Presidium of the Czech National Council on the Declaration of the Charter of Fundamental Rights and Freedoms as an Integral Part of the Constitutional Order of the Czech Republic.

²¹ Act No. 198/2009 Coll., on Equal Treatment and on Legal Means of Protection against Discrimination and on Amendment to Some Acts, as amended.

²² Act No. 435/2004 Coll., on Employment, as amended.

The Czech Republic also uses the opportunity to take other steps regarding employment where employers with more than 25 employees are obliged to employ persons with disabilities pursuant to the mandatory share of such persons in the total number of persons employed by such employer. Currently, the mandatory share is 4 %.

As mentioned above, the Labour Code protects all employees without distinction of any kind, which manifests itself, for example, in the legal provisions on safety and health protection at work. In this context, paragraph 1 a) of Article 103 of the Labour Code is relevant as it obliges the employer not to allow the employee to perform forbidden work and tasks whose demanding character does not match his or her abilities and medical fitness.

The generally binding decrees and resolutions, decisions and other actions of municipalities, regions and the capital city of Prague, adopted within their individual authority, are supervised by the Ministry of the Interior. The assessed aspects also include any prospective discriminatory provisions contained in such documents. Should the staff of the interior department reveal in the review that some provisions include signs of discrimination on the basis of disability, they are bound to intervene actively. No instance of such kind has been recorded to date, though.

The legal system of the Czech Republic contains several provisions providing a higher-level protection of rights to persons with disabilities than imposed by the Convention. This includes especially the measures implemented in the scope of social rights, in conformity with the priority strategy of inclusion of this group of persons. In the pension system, for instance, the Act grants certain advantages in relation to "disability pension" beyond the framework of obligations under the relevant international treaties.

Internal rules within the competences of the individual authorities of state administration are created in conformity with the principles of equal approach and non-discrimination. Their activities as well as prepared legislative norms are continuously compared to applicable legislation, especially with respect to the elimination of all forms of discrimination and, by implication, discrimination of persons with disabilities. Many departments have also introduced employee training concerning the observance of the equality and non-discrimination principle.

Additional examples of specific measures adopted might include the update of the Czech Transport Policy 2005 - 2013. This update is prepared by the Transport Department and the issue of the general non-discrimination principle is a horizontal priority there.

The Department of Agriculture features a permanent effort to respect the needs and to apply the principle of tolerance towards persons with disabilities which is substantiated by legal and moral norms such as the Code of Ethical Conduct of the staff of the Ministry of Agriculture particularly emphasizing the ethical values, non-discrimination of different social groups, tolerance to the other gender, promotion of equal opportunities for all employees and enhancement of mutual cooperation.

Article 8 - Awareness Raising

Annually, the Government Board for People with Disabilities announces the Journalism Award for Work Focused on Disability Issues. The award has been issued since 1994, and the aim of the competition is to rouse the interest of mass media in these issues and to use the media for positive influence of public opinion and attitudes concerning persons with disabilities.

The award is given for works dealing with the topic of disability in three categories - television, radio and press. In all categories, the works may also be published on the Internet. For example, 94 competing works in total were registered and assessed in 2010, in the 17th year of the competition. Competition results are announced every year in early December on a festive evening celebrating the International Day of Persons with Disabilities attended by the Prime Minister and other members of the Cabinet.

In the grant programme Promotion of Useful Public Activities of Civic Associations of Persons with Disabilities, regularly announced since 2008 by the Office of the Government of the Czech Republic in cooperation with the Government Board for People with Disabilities, organizations of persons with disabilities with nation-wide scope of activity can gain subsidies for educational and informative activities regarding the equalization of opportunities for persons with disabilities. Such subsidies are provided to promote education focused on enhancing professional and social skills in the community of persons with disabilities, on organising awareness raising campaigns for the public, participating in exhibitions and public presentations, including accompanying programmes, organising expert conferences and seminars, operating informative web portals, issuing informative material, leaflets, printed matter and publications. In 2010, the grant programme supported 39 projects amounting to CZK 7,219,100 in total.

In addition, educational and training events are organised for the staff of state administration as well as self-government with a view to raising their awareness on the principles of equal treatment and the importance of their observance.

As far as the Convention itself is concerned, the Ministry of Labour and Social Affairs, as its focal point, has organised several conferences and seminars in cooperation with other stakeholders, intended both for persons with disabilities and the staff of state administration and self-government. The events aimed at informing about the individual provisions of the Convention and at establishing cooperation essential for its implementation in the Czech Republic.

Subsidies from the state budget fund also campaigns and informative undertakings of non-governmental organizations targeted at persons with disabilities as well as the general public.

Next, it is possible to mention the activities of the Department of Agriculture which organises annual seminars for employers in agriculture, the agricultural public and citizens living in rural areas in the effort to raise the social and legal awareness regarding the prohibition of discrimination on the basis of disability.

In 2010, two regions held seminars with the topic "Observing the Mandatory Share of Persons with Disabilities", "Employment of Persons with Disabilities in Horticulture, Forestry and Park Management in Reference to Their Vocational Preparation in Sheltered Workshops" and seminars of vocational training for assistants of persons with mild mental disability dealing with the issues of crop and livestock production, forestry, bio farming and crafts related to the life in rural areas.

Article 9 – Accessibility

Barriers to accessibility and necessity to overcome them have remained one of the main problems for persons with disabilities so far.

In connection with the creation of barrier-free environment, certain basic regulations are worth mentioning, in particular the Building Act²³ and its Implementing Decrees.

The referred Building Act features significant and substantial modification, as opposed to previous provisions, which is the fact that barrier-free solutions and usage of buildings are recognised to be in public interest. The Building and Construction Authority can, under the provisions of the Act, order the owner of the construction, building site or developed area to arrange for its barrier-free access and usage. In addition, only such products, materials and constructions may be used in the building which will enable the due usage of the building including its barrier-free usage if the building has been designed as such.

Detailed solutions of all buildings in terms of their barrier-free accessibility and usage are contained in the Implementing Decrees to the Building Act.

The Implementing Decree on Building Documentation²⁴ comprises conditions and requirements for clearly defined and controllable solutions of buildings in terms of barrier-free access and usage by persons with limited mobility and orientation, both in the text as well as drawings sections.

The Decree on General Land Use Requirements²⁵ determines conditions for designing public areas so as to allow their barrier-free usage.

²³ Act No. 183/2006 Coll., on Special Planning and Building Code, as amended.

²⁴ Decree No. 499/2006 Coll., on Building Documentation.

²⁵ Decree No.501/2006 Coll., on General Land Use Requirements.

The Decree on General Technical Requirements for Barrier-Free Usage of Constructions²⁶ specifies general technical requirements for buildings and their parts so as to ensure their usage by persons with mobility related, visual, hearing and mental disability, the elderly, pregnant women, and persons accompanying a child in a pram or a child under the age of three. In spite of the fact that the improvement of accessibility of houses and flats should have a positive effect on both economic and social aspects, there certainly still remain some gaps in ensuring barrier free access.

On 14 July 2004, the Czech Government, in its Resolution, adopted the Governmental Plan for Funding the National Development Programme Mobility for All²⁷. This programme focuses on the elimination of barriers in transport and buildings intended for public usage implemented before the date of entry into force of the Building Act which imposed the duty of barrier-free access.

The programme aims to create continuous and coherent barrier-free access routes in cities and municipalities so as to improve the accessibility of transport and buildings for persons with disabilities. In the programme, invitation to submit plans for barrier-free access routes is announced twice a year. The plans are discussed and assessed by the Steering Committee and Assessment Committee of the programme. In its meetings, the Steering Committee, consisting of representatives of each department, deals not only with the evaluation of plans but also with issues of the concept, promotion and funding of the whole programme.

In 2010, the programme supported 42 projects submitted by 29 cities and municipalities. Provided subsidies reached CZK 89,645,195.

Consistent with the above referred Resolution, the Ministry of Culture created a sub-programme Mobility for All. The sub-programme is incorporated in Programme 234 210 – Development and Renewal of Material and Technical Basis of Regional Cultural Facilities.

For the section of the Ministry of Culture, an obligation results from the Resolution to provide funding of investment undertakings in 2009 - 2015 leading to the elimination of barriers in the buildings of cultural facilities, i.e. in the buildings of museums, art galleries, theatres, cinemas, etc. amounting to approximately CZK 10 million annually.

The elimination of barriers is funded proportionally and the respective sources include the establisher's (programme participant's) budget by 30 %, and the budget of the Ministry of Culture. The share of the city (municipality) is determined by its share in the implementation of the barrier-free route where the building of the relevant facility is located. In 2009, this sub-programme funded 8 initiatives in the total amount of CZK 12,979,000, and in 2010 there were 3 undertakings reaching CZK 3,902,145 in total.

²⁶ Decree No. 398/2009 Coll., on General Technical Requirements for Barrier-Free Usage of Constructions.

²⁷ Resolution of the Government of the Czech Republic of 14 July 2004 No. 706.

All contributory institutions of the Ministry of Culture strive to provide barrier-free access to their premises depending on their local and construction conditions. For instance, the National Heritage Institute has been looking for such solutions and organisational steps within their compass regarding availability, technical aspects and funding to allow visiting of monuments and sights to persons with limited mobility and orientation as well. Similarly, the National Institute of Folk Culture in Strážnice endeavours incessantly, within its compass, to arrange for barrier-free access to the whole premises of the conservation area of the castle park and the South Moravian Village Museum in form of gradual adjustments. Besides making cultural heritage and live culture accessible to citizens with disabilities, this organization provides access to additional information, especially to the electronic library, via its web portals. What is more, its web space offers a virtual tour round the South Moravian Village Museum which allows in particular the persons with very limited mobility to obtain any information needed without the necessity to come and see the site on their own.

The promotion of accessibility of cultural services for persons with disabilities is regarded a priority even in the fundamental strategic document for libraries, the Library Development Concept 2004 – 2010. The measures are implemented both in form of the continuous funding of the Library and Printing Office for the Blind K. E. Macana, a contributory institution of the Ministry of Culture, and by announcing grant tenders.

The scope of activity of the Ministry of Regional Development includes the programme "Barrier-Free Municipalities" whose purpose is to provide state support to investment and non-investment plans concerning the elimination of barriers in the buildings of urban and municipal authorities and in the social care facilities incorporated in the all-embracing chains of barrier-free routes in municipalities and cities. The state support is a system of investment or non-investment subsidies covering up to 50 % of the actually incurred costs of the undertaking in the relevant year. Only such municipalities or cities may become beneficiaries whose plans of barrier-free routes in form of projects have been approved by the Steering Committee of the National Development Programme Mobility for All.

The following activities are referred to in particular:

- elimination of barriers in entrances and exits of buildings,
- elimination of barriers inside buildings,
- barrier-free adjustments of sanitary and social facilities in public premises,
- acquisition and application of lifting and transport technologies and systems.

9 initiatives with a budget of CZK 10,000,000 were funded in 2009, and the support for seven undertakings in 2010 reached CZK 10,584,000.

In conformity with the conditions leading to the elimination of barriers to accessibility for persons with disabilities, police stations and additional premises used by the Czech Police have been subjected to gradual adjustments as well. Older premises of the district departments of the Czech Police which have not been adjusted yet are equipped with

button signalling for persons with limited mobility and orientation leading to the office of the supervisor or security guard.

While renovating premises such as the previously and newly established contact and coordination centres, barrier-free entrances are built and parking space provided. In the existing premises, entrance doors are being adjusted, additional entrance platforms installed where the construction allows, and entrances for persons with disabilities are signed accordingly.

Premises of service rooms must be adjusted for internal communication, including the appropriate equipment for contact with persons with disabilities. Moreover, the venues designed for imparting information to the public must be equipped, besides other things, with induction loop system and signed with the international symbol of hearing disability.

Within the administration of the Ministry of Industry and Trade, legislative regulations were issued in recent years to institutionalize testing of aids and devices, and certification of selected products for buildings and constructions. To accomplish the tasks of the National Development Programme Mobility for All, the Ministry took steps to ensure elimination of current barriers in the buildings of the Ministry and its subordinate organizations from 1 January 2005 to the end of the year 2015.

Regarding transport structures, the principle of non-discrimination focuses mainly on accessibility of transport routes for passengers with limited mobility and orientation. Solutions of all constructions in terms of their barrier-free accessibility and usage are contained in Implementing Decrees to the Building Act²⁸. Issues of the barrier-free usage have also been incorporated in technical standards: ČSN 73 6110 Design of Local Communications (2006), ČSN 73 6425 Bus, Trolleybus and Tram Stops, Part 1: Design of Stops (2007).

1 April 2011 was the effective date of the Government Regulation on the Determination of Minimum Values and Indicators for Quality and Safety Standards and on the Proving Method in Connection with the Provision of Public Services in Passenger Transport²⁹, which implements the Act on Public Services in Passenger Transport³⁰ and defines the share of vehicles in public transport which must allow the transport of persons with limited mobility and orientation. The purpose is to enhance access for persons with disabilities to public transport provided by the state, regions or municipalities.

The Department of Transport, in cooperation with the Road and Motorway Directorate of the Czech Republic provides barrier-free usage of motorway and speedways constructions

²⁸ Implementing Decree No. 398/2009 Coll., No. 499/2006 Coll., No. 501/2006 Coll., No. 503/2006 Coll. to Act No. 183/2006 Coll., on Special Planning and Building Code, as amended.

²⁹ Government Regulation No. 63/2011 Coll. on the Determination of Minimum Values and Indicators for Quality and Safety Standards and on the Proving Method in Connection with the Provision of Public Services in Passenger Transport.

³⁰ Act No. 194/2010 Coll., on Public Services in Passenger Transport and on Amendment to Some Acts, as amended.

in places accessible to pedestrians, which means in particular rest areas and the surroundings of emergency call boxes, as part of its competence of a Special Building and Construction Authority for the respective land communications. The review of norms, technical regulations and model sheets of land communications concerning the issues of barrier-free usage of land communications are prepared in cooperation with the appointed representatives of non-governmental organizations, in particular with the Czech National Disability Council.

The Ministry of Transport has participated actively in the preparation of the European Parliament and of the Council Regulation on the Rights of Passengers in Bus and Coach Transport³¹ which will come into force on 1 March 2013. This Regulation is, inter alia, targeted at persons with limited mobility in consequence of disability, and it was adopted with a view to enabling such persons to travel by bus and coach at a comparable level with other citizens.

In railroad transport, the accessibility for persons with disabilities is incorporated in all programmes. By construction, update or renovation, the railroad constructions are designed and realized so as to meet the requirements of barrier-free accessibility according to the Decree on General Technical Requirements for Barrier-Free Usage of Constructions³².

The update and operation of nation-wide railways incorporated in the European rail system are subject to principles of the directly applicable EU regulation which is the Commission Decision on Technical Specifications for Interoperability Relating to Persons with Limited Mobility and Orientation in Trans-European Conventional and High-Speed Rail System³³.

Mobility issues as such, including recommendations how to solve issues of mass transport (low-floor means of transport, equipment of stops, or traffic islands, adjustment of pavements and other movable or immovable facilities of cities and municipalities to suit persons with disabilities) are the subject of "Mobility Issues in an Aging Population" published by the Centre for Traffic Research and designed for staff of state administration³⁴.

³¹ Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the Rights of Passengers in Bus and Coach Transport and amending Regulation (EC) No 2006/2004.

³² Decree No. 398/2009 Coll., on General Technical Requirements for Barrier-Free Usage of Constructions.

³³ Commission Decision 2008/164/EC of 21 December 2007 concerning Technical Specifications of Interoperability Relating to Persons with Reduced Mobility in Trans-European Conventional and High-Speed Rail System.

³⁴ Published by NOV PRESS, Brno, ISBN-978-80-87342-05-3.

Since 2009, the barrier-free usage of the premises of schools and school facilities has been regulated by a separate Decree of the Ministry of Regional Development on General Technical Requirements for Barrier-Free Usage of Constructions³⁵.

From 2007 to 2010, the Ministry of Labour and Social Affairs within the National Development Programme Mobility for All implemented three initiatives in the total amount of CZK 2,607,000 out of which the state budget subsidy constituted CZK 1,952,000. Beyond the framework of approved initiatives of the National Development Programme Mobility For All, the state budget subsidised other 5 initiatives dealing with mobility of persons with disabilities in the total amount of CZK 6,781,000 within the sub-programme 113 312 Promotion of the Reproduction of Assets of Social Prevention Services and Mobility Support 2007 - 2010.

The scope of activity of the Health Department includes Decree on Requirements for Material and Technical Equipment of Health Care Facilities³⁶ which determines, in addition to the above conditions, that the basic operating areas of inpatient departments must be equipped so that they can be used by patients with limited mobility and orientation.

Article 10 – Right to Life

The right to life belongs to the most essential fundamental rights. The Czech legal system guarantees it in provisions of Article 6 of the Charter of Fundamental Rights and Freedoms and Article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms. In addition, the Charter sets out the inadmissibility of capital punishment.

Article 11 – Situations of Risk and Humanitarian Emergencies

The issues of giving effect to measures protecting persons with disabilities under extraordinary circumstances and in emergency in the Czech Republic are solved in regional emergency and crisis management plans.

While analysing the origin of extraordinary circumstances (risk analysis), not only the facts on the locality, the likelihood and scope of extraordinary circumstances are collected, but also facts on expected damage and risk for the population. The findings are presented in the informative part of the regional emergency management plan.

Emergency planning (plans of evacuation, taking cover, emergency survival, individual protection, population warning) gives priority to planning measures for the following groups of population:

³⁵ Decree No. 398/2009 Coll., on General Technical Requirements for Barrier-Free Usage of Constructions.

³⁶ Decree No. 221/2010 Coll., on Requirements for Material and Technical Equipment of Health Care Facilities.

- a) children in school facilities,
- b) patients in health care facilities,
- c) persons in social care facilities and
- d) persons with disabilities.

To facilitate the implementation of rescue and disposal tasks, emergency plans contain lists of schools, medical and social care facilities including the number of located persons. The manner of informing legal entities and individuals about the character of potential risk, prepared actions and the way of their implementation are subject to the Implementing Decree to the Act on Integrated Rescue System³⁷.

The organization (distribution) of humanitarian aid is set forth in the emergency survival plan which is an integral part of the regional emergency plan. The emergency survival plan of the population summaries actions and procedures of materially competent authorities and other stakeholders carried out with a view to minimizing any negative impacts of the extraordinary circumstances on the health and life of the affected population. Under the Act on Economic Measures for Crisis Situations³⁸, the Administration of State Material Reserves creates reserves for humanitarian aid as part of the emergency supply system. The reserves are intended for all individuals seriously affected by the crisis situation. The distribution and responsibility for allocation of humanitarian aid from the reserves is regulated by the above mentioned Act.

Even the Czech Police is covered by the integrated rescue system. It takes part in the processing of crisis plans to individual crisis situations. Such plans contain special procedures of managing critical situations. In the crisis plans (e.g. for floods), evacuation priority is given to women with children and persons with disabilities, and such persons are provided with any necessary care.

In connection with the access of citizens with disabilities to the services of the Czech Police, for example, emergency calls are accepted in the integrated centre operated by the fire rescue service. This system allows communicating with such citizens over their mobile phones. Afterwards, the operating centre of the fire rescue service notifies all the other units needed. To solve specific situations which may occur, for example, during the evacuation and care for persons with disabilities, the operating centres of the Czech Police are equipped with contacts to organizations caring for persons with disabilities. The system is assessed as functioning properly and no significant shortcomings have been discovered so far.

In terms of deploying Czech armed forces in areas of armed conflicts, such issues are part of the introductory preparation for the entry of armed forces as well as of the subsequent preparation prior to sending to the particular foreign operation. The training covers legal aspects, international humanitarian rights and rules for the use of force. In addition, the

³⁷ Act No. 239/200 Coll. on the Integrated Rescue System, as amended.

³⁸ Act No. 241/2000 Coll., on Economic Measures for Crisis Situations, as amended.

preparation warns about the necessity to use relevant procedures that give due consideration to the current state of health and needs of all persons, i.e. persons with disabilities as well.

In case of humanitarian crises and natural disasters in the Czech Republic, the deployment of armed forces is managed by the integrated rescue system or by reinforcement of the Czech Police.

Article 12 – Equal Recognition before the Law

The Ministry of Justice incorporated the provisions of this Article in the draft of the new Civil Code which should come into force on 1 January 2014 in the section pertaining to legal capacity of individuals (Article 38 and following.).

The major amendments include:

- a) The new Civil Code shall stipulate various forms of assistance for persons with disabilities. Before restricting one's legal capacity, assistance institutes will have to be used in the decision making as well as representation by a household member, or custody without any limitation of the legal capacity to help the person decide in certain more complicated situations. Only in case such institutes are unable to improve the situation of the person with disability, the court can proceed to restrict the person's legal capacity.
- b) Paradigm shift from legal capacity restriction. Newly, the court will be able to restrict a person in his or her legal capacity only so that the court's decision will define particular legal acts in which the person will be restricted.
- c) When determining a guardian, a preliminary declaration can be used where the person, for example, expecting deterioration of his or her mental disease, can chose a person they consider suitable to be appointed their guardian in future.
- d) The court shall appoint the guardian in the same procedure which restricts the person in their legal capacity so as to guarantee that the person has their representative for the whole time their legal capacity is restricted.
- e) It is possible to appoint a guardian council consisting of persons interested in the guarded person. The guardian council shall participate in the decision making regarding the issues of the guarded person.

Article 13 – Access to Justice

A new Penal Code became effective on 1 January 2010³⁹. The Code protects the life and health of individuals as the primary social value and even its taxonomy has been modified to suit this principal idea of the law. A special section is opened by criminal offences against life and health. Moreover, the new Penal Code has introduced the fact that a criminal offence was committed to the detriment of a person with disability as another general aggravating circumstance. Otherwise, persons with disabilities are not excluded by the penal legislation in any way and such persons enjoy the same protection as the others.

Civil judicial proceedings, administrative judicial proceedings as well as criminal proceedings are based on the constitutional principle of equality of parties to the proceedings (paragraph 3 of Article 37 of the Charter of Fundamental Rights and Freedoms⁴⁰). Participants in the proceedings must be eligible to have rights and duties (Article 19 of the Rules of Civil Procedure⁴¹). If a person is deprived of legal capacity, or their legal capacity is restricted, their rights in the proceedings are exercised by their legal guardian or by the guardian appointed by the court.

The finding of the Constitutional Court of 13 April 2011, Ref. No. Pl. US 43/10, announced under No. 130/2011 Coll., cancelled first sentence of paragraph 3 of Article 33 of the Rules of Administrative Procedure⁴² with effect from 20 May 2011, which excluded all persons from procedural capacity who lacked full legal capacity. Such amendment was isolated in the legal system and could not be justified by any specifics of the administrative judiciary. The Constitutional Court found the provision in contradiction, inter alia, to Articles 12 and 13 of the present Convention. Henceforth, even the proceedings in administrative judiciary shall be subject to the principle which is commonly respected in the procedural law that a party has their procedural capacity to such an extent that they are capable to acquire rights and assume responsibility by their own acts. The procedural capacity in matters of administrative judiciary shall thus be preserved even for a person who is partially limited in their capacity regarding certain acts; however, their material abilities allow their full participation in the proceedings before administrative courts. Accordingly, the Ministry of Justice has also adapted the amendment of the Rules of Administrative Procedure which contains such legal provisions.

Regarding non-legislative measures enabling persons with disabilities to access justice, the Ministry of Justice carried out an accessibility analysis of court buildings and of rooms in such buildings for persons with limited mobility and orientation in 2010. All technical issues should be solved subsequently with the aim to make court buildings, or at least part of them, accessible.

The issues concerning persons with disabilities were also on the agenda of programmes and educational initiatives intended for judges and public prosecutors, justice and legal candidates and other higher expert administrative machinery of courts and public prosecution service. The issues formed an accompanying programme of educational initiatives implemented in criminal judiciary, seminars on the youth and juvenile crime, seminars on the Labour Code and within the educational initiatives on associated matters such as racial discrimination, persons trafficking, domestic violence, extremism, gender policy, internet crime, and the like.

The educational initiatives did not only refer to the topics from a purely legal standpoint, but interdisciplinary approach was emphasized as well as the necessity to address such issues even in terms of psychology, sociology and pedagogy to

³⁹ Act No. 40/2009 Coll., Penal Code, as amended.

⁴⁰ Resolution No. 2/1993 Coll., the Presidium of the Czech National Council on the Declaration of the Charter of Fundamental Rights and Freedoms as an Integral Part of the Constitutional Order of the Czech Republic.

⁴¹ Act No. 99/1963 Coll., Rules of Civil Procedure, as amended.

⁴² Act No. 150/2002 Coll., Rules of Administrative Procedure, as amended.

the most comprehensive extent possible. Teachers and lecturers of the trainings consisted of public prosecutors and judges as well as physician, sociologists, psychologists, court-appointed experts and other specialists active in the relevant field.

As far as the Czech Police is concerned, all persons which the police deal with while performing their tasks (in any procedural position) have equal rights and duties according to applicable Czech legal provisions. In the effort to eliminate their disadvantage, persons with disabilities, where this is needed, are provided with sign language interpreters or other communication experts, and pursuant to paragraph 4 of Article 33 of the Act on the Police of the Czech Republic⁴³, they receive any necessary medical and assistive devices when they are placed in a police cell.

Article 14 - Liberty and Security of the Person

The right to personal liberty is guaranteed at the constitutional level by Article 8 of the Charter of Fundamental Rights and Freedoms⁴⁴. According to the provisions of this Article, personal liberty is guaranteed and nobody can be prosecuted or deprived of liberty unless for reasons and in a manner imposed by the law.

The law also defines cases when a person can be admitted to or held in constitutional health care without their consent. The court must be notified of such measure within 24 hours and the court shall decide on such admission within 7 days. Statutory specifications of those cases are contained in regulations of the health care law⁴⁵. The rights of such persons are protected in the proceedings regarding the determination of admissibility of the admission or holding a person in the health care institution pursuant to provisions of the Rules of Civil Procedure⁴⁶.

Legal provisions oblige the health care institutions, where the persons are admitted for reasons referred to in special regulation, to inform the locally competent court within 24 hours about who was admitted in the facility without their written consent and about the restrictions of the person admitted to health care with their written consent regarding the person's free movement or interaction with the outside world in the course of the treatment. The court shall initiate proceedings regarding the determination of admissibility of the admission in accordance with paragraph 1 of Article 191a of the Rules of Civil Procedure, or the restriction according to paragraph 2 of Article 191a of the Rules of Civil Procedure and the further holding in the facility, unless the admission and holding were ordered by the court in other proceedings. The admitted person is entitled to be represented as a party to the proceedings by a representative of their own choice. The admitted person must be informed about all their procedural rights and obligations if their state of health allows that. Should the admitted person fail to choose a representative, the Chairman of the Senate shall appoint a guardian for the proceedings from among the attorneys at law. The court is obliged to decide within seven days after the date when the restriction took place, whether the admission was legally justified, whereas the subsequent written consent of a person who manifests signs of a mental disease or intoxication is disregarded in the already initiated

⁴³ Act No. 273/2008 Coll., on the Police of the Czech Republic, as amended.

⁴⁴ Resolution No. 2/1993 Coll., the Presidium of the Czech National Council on the Declaration of the Charter of Fundamental Rights and Freedoms as an Integral Part of the Constitutional Order of the Czech Republic.

⁴⁵ Act No. 20/1966 Coll., on Public Health Care, as amended.

⁴⁶ Article 191a up to Article 191g of Act No. 99/1963 Coll., Rules of Civil Procedure, as amended.

proceedings if such person is, at the same time, dangerous to themselves or their surroundings. The facility can release the admitted person even if the court decides that the admission was legally justified.

Should the court determine the admission as legally justified, and the admitted person continues to be restricted in their interaction with the outside world, the court continues in the proceedings to determine the admissibility of their further holding in the institution. To ascertain the state of health of the admitted person and to find out whether the further holding of the admitted persons in the institution is or is not necessary, an expert shall be appointed by the court. The expert may not be a physician working in the institution where the person is held. In such proceedings, the court shall initiate negotiations and invites the admitted person (if the person admitted in the institution is capable of perceiving the course and meaning of the proceedings according to the attending physician's opinion or the written opinion of the expert), their representative or the guardian for the proceedings, and the institution to participate. In the judicial proceedings, the court shall hear the expert, or the attending physician if applicable, the admitted person and it shall demonstrate additional suitable evidence as may be necessary. After determining the admissibility of the admission in the institution, the court will decide within three months whether the further holding is admissible and for how long. The effect of such decision shall expire after one year after the date of its proclamation unless a shorter period has been specified. Should the holding in an institution be extended beyond that period, a new examination must be conducted and the court must decide again on the permission for further holding. Again, the decision of the court prevents neither the institution from releasing the person held in the institution before the expiration of the permitted period, nor the guardian court from taking any other steps.

Before the expiration of the period for which the holding is admissible, the admitted person, their representative, guardian and close persons may request another examination and decision on the release if there is a justified assumption that further holding in the institution would not be reasonable. If the court has declined a suggestion to release the admitted person repeatedly, and if no improvement in their state could be expected, the court can decide that no additional examination shall be performed until the expiration of the period for which the holding in the institution was permitted.

As far as future legislation measures are concerned, a working group was established by the Ministry of Justice this year consisting of experts in the issues of human rights headed by the Government representative of the Czech Republic before the European Court of Human Rights. The aim of that group is to prepare recommendations for the Ministry of Justice how to amend the above described legal provisions so that they guarantee better protection of fundamental human rights of these persons.

Regarding the restriction of personal liberty and the protection of persons against torture, cruel, inhuman or degrading treatment or punishment, the Act on the Police of the Czech Republic⁴⁷ contains general provisions for all persons - for example, a person with restricted personal liberty may not be subjected to torture or cruel, inhuman or degrading treatment and they may not be treated in a manner disregarding human dignity. In case of persons restricted on their personal liberty and deprived of their legal capacity or persons with restricted legal capacity, the police are obliged to inform their legal representatives. After that a special procedure is set forth to intervene against a person with obvious disability or disease. When in doubt about the mental health of the person against whom the proceedings are conducted, expert opinions are issued relating to the mental health status of the perpetrators and the veracity of persons so as not to deprive such persons of their right to a just process.

⁴⁷ Act No. 273/2008 Coll., on the Police of the Czech Republic, as amended.

Certain restrictions of rights apply to assessing requests for the issue of a gun licence. Assessing the state of health of the person applying for a gun licence is fully in the scope of competences of the general practitioner. The relevant administrative authority will fully respect the opinion on the applicant's medical fitness.

Legislative measures targeted at the observance of rules of politeness, honour and respect and human dignity are also incorporated in the Act on the Police of the Czech Republic and apply to all persons and, by implication, to persons with disabilities. Police officers and the staff of the Czech Police are obliged to observe those rules.

As a standard, the Convention on the Rights of Persons with Disabilities is integrated in the profile of graduates of the basic vocational preparation of newly hired police officers with a view to raising awareness and promoting the affirmative attitude to persons with disabilities, and enhancing the chances to include such persons in the ordinary life while emphasizing their protection and assistance and taking into consideration their rights and dignity. These issues are reviewed by the staff of the Internal Inspection Departments of Regional Directorates of the Czech Police and through preventive actions of the police officers' direct superiors.

The Czech Prison Service, despite great difficulties with overcrowding of remand prisons and custodial prisons, gives attention and significant funding to improve the environment intended for accused and convicted persons with disabilities.

The access to health care of all prisoners and, by implication, prisoners with disabilities, is unlimited. In all remand prisons and custodial prisons, any requesting prisoner has access to a physician in regular working hours. In the Prague-Pankrác Remand Prison and in the Custodial Prison and Institute for Security Detention Brno, it is 24 hours a day. Outside the regular working hours, health care in emergency is provided beyond prison in the nearest state health care institution where the prisoner is transported, or the ambulance service is used which comes to the prison facility to provide emergency health care.

It is important for every prisoner and essential for their future life after the release from remand or custodial sentence to keep in touch with their social background, i.e. with family members or friends who exchange letters or come to see them. And because persons with disabilities may be among such persons, they are enabled to meet their close relatives or friends in prison by means of barrier-free entrances and optimally equipped visiting rooms, including barrier-free sanitary facilities.

Imprisoned persons with disabilities do not acquire any new rights but the already existing rights have been modified to apply to specific situations of such persons. Individual as well as group activities lead by the expert staff of remand prisons and custodial prisons promote the exercise of rights of imprisoned persons, not only of persons with disabilities.

The closest person to solve problems of the accused and convicted is the instructor in custodial sentence and the warden in remand. Through such employees, prisoners can get to a psychologist when solving psychical problems, to a special pedagogue regarding issues of inclusion in group and educational activities, and to a social worker available for solving matters related to current social setting and social relationships inside and outside the custodial prison. Besides the above mentioned staff, instructors and therapists are also available in specialised departments intended for convicts with personality disorders caused by or related to the excessive use of alcohol and drugs.

After the acceptance of every prisoner and, by implication, persons with disabilities, to their remand or custodial sentence, a process begins of determining the needs of such person in the relevant location (in our country, this includes

remand prisons, custodial prisons or institutes for security detention) and of looking for ways to meet them while using available resources.

Stimulating activities for the target group of imprisoned persons with disabilities are summarised, pursuant to paragraph h) of Article 3 of Act on Social Services⁴⁸, in the Social Service Development Plan. The Social Service Development Plan contains:

- a) description of the plan processing method,
- b) description and analysis of existing resources and needs of the persons for whom social services are intended,
- c) strategies for providing and developing social services,
- d) duties of participating stakeholders,
- e) monitoring and assessing methods of plan implementation and
- f) methods for adapting the provision of social services.

The organisational units, however, have also prisoners without any chance of improvement of their current state of health and social services are provided to them including personal assistance services⁴⁹. Normally, beyond the prison environment, assistance services are subject to charges and persons with disabilities either chose a person or organization in their surroundings to provide such services in their natural setting or they are assisted in social services facilities. A municipality with extended competence, after assessing their state of health and social investigation to verify that they are a person who needs assistance by other people, will grant a respective care allowance ranging from CZK 800 to CZK 12,000. In case the duration of the remand or custodial sentence exceeds 30 days, the payment of the benefit to imprisoned persons with disabilities, who were granted a care allowance in the past, is suspended. Social services are paid from the budget of the remand prisons and custodial prison then.

Persons with disabilities and seniors from among convicts are placed in specialised departments for persons without permanent working assignment⁵⁰. In certain organisational units, specialised departments contain convicts with such severe disabilities that all-day care is provided to them by assistants (caregivers). The management of organisational units has chosen a way to accomplish a difficult task – providing comprehensive health and social care by means of assistants selected from convicts with suitable personalities, paid and employed by the prison who are provided with initial training in assistant nursing activities by relevant stakeholders (Red Cross, Charity, etc.) and, of course, remuneration for their work.

Through their Basic Vocational Preparation, the staff of remand prisons and custodial prisons is made familiar with the possible disabilities of their clients, and mainly the communication and dealing with clients with physical disabilities as well as mental health problems is trained. The specialisation course Specific Methods of Work with Convicts pays

⁴⁸ Act No. 108/2006 Coll., on Social Services, as amended.

⁴⁹ Personal assistance is provided to persons with disabilities or senior citizens whose situation requires assistance of another person. The service contains assistance in the management of regular tasks of self-care, assistance in personal hygiene or arranging for conditions to allow personal hygiene, assistance in food intake, mediation of contacts with social environment and assistance in the enforcement of their rights and interests.

⁵⁰ General Director's Decree No. 12/2010, on Remand Prisons and Profiling of Custodial Prisons of the Czech Prison Service.

attention to time proven best practice of dealing with convicts with disabilities with predicted successful social inclusion after their release from custodial sentence.

Every prisoner has an opportunity to take part in an appropriate manner in the political and public life, for example, by using their right to vote, accept visitors and correspond with persons and organizations protecting and promoting the rights of persons with disabilities.

Prisoners participate in activation programmes, including educational and reintegration programmes, where they are provided with necessary support in order to maximize their education and social development and life-long learning without any discrimination.

In line with the Act on Public Health Insurance⁵¹, citizens and, by implication, imprisoned persons with disabilities are entitled to free health care and assistive aids and devices. Health care is closely connected to the payment of regulatory fees for visiting physicians, for each prescription item and for staying in hospital. Imprisoned persons who have relevant funds available or employed persons pay regulatory fees, however, persons with disabilities who did not qualify for disability or old-age pension undertake, by their written consent, to pay the owed regulatory fees as soon as they are released from the remand or custodial sentence. The debt to the prison service and its enforcement is a great complication for the social situation of persons with disabilities following their release from remand and custodial prisons. Placing such persons in social care facilities if they have no suitable social background is almost impossible. Such facilities usually require payment for services at least 15 days in advance while the administrative procedure regarding care allowance last for tens of days, which destabilizes the social situation of persons with disabilities.

By a multidisciplinary assessment of individual needs of imprisoned persons with disabilities, the staff of the prison service enables such persons to attain and maintain the highest possible level of independence, to use their full physical, intellectual, social and professional abilities, which may help them achieve full inclusion and participation in all aspects of social life after their release from remand or custodial sentence.

Article 15 – Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment

The Czech Republic is bound by the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment⁵², which takes precedence over the law pursuant to Article 10 of the Constitution. Observance of this Convention is regularly assessed by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) whose last visit of the Czech Republic took place in 7 - 16 September 2010.

The new Penal Code defines the criminal offence of torture and other inhuman and cruel treatment as follows: *"Who causes physical or psychical suffering to anyone by torture or another inhuman and cruel treatment in connection with exercising the discretion of an authority of state administration, territorial government, court or another authority of public power shall be punished by custodial sentence of six months up to five years."*

⁵¹ Act No. 48/1997 Coll., on Public Health Insurance, as amended.

⁵² Communication No. 9/1996 Coll.

The penalty is increased by the following qualified state of facts. Two-year up to eight-year custodial sentence shall be imposed on a perpetrator if they commit such crime as a person in authority; to a witness, expert or interpreter in connection with the exercise of their duties; to another person for their real or alleged race, ethnic origin, nationality, political opinion, confession or because they really or allegedly are without any confession; if they commit such crime at least together with two other persons, or repeatedly. The custodial sentence of five up to twelve years shall be the penalty of the perpetrator if they commit such crime to a pregnant woman; to a child under the age of fifteen; in an especially brutal or tormenting manner; or if they cause severe damage to health by such action. Custodial sentence of eight up to fifteen years will be the penalty of perpetrators if they cause death by such action.

Legal provisions on torture in the new Penal Code defines only the criminal offence of torture and other inhuman and cruel treatment, however, it does not contain a definition of the torture itself. The basic characteristics of torture defined in Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are the action, intention, causing severe pain or physical or psychological suffering, the goal and the existence of the element of the state. In spite of the fact that the national provisions do not contain any definition of torture, the state of facts of the criminal offence of torture and other inhuman and cruel treatment contains all those elements. According to the current applicable provisions of the Penal Code, intentional fault is required by all criminal offences unless the law determines expressly that fault in negligence is enough (paragraph 2 of Article 13). Therefore, intention is required for committing the criminal offence of torture and other inhuman and cruel treatment.

The new Penal Code does not put into place qualified states of facts for cases when such criminal offence is committed to a person with disability. Nevertheless, this circumstance will have to be given due consideration by the court within the general aggravating circumstance which the new Penal Code has introduced for cases in which the criminal offence was committed to the detriment of a person with disability.

The government draft of the Act on Specific Health Care Services (currently debated in the Czech Parliament) regulates the issues of verification of new procedures regarding preventive, diagnostics and medical care or biomedical research connected with health and its disorders by a method which has not been established in the clinical practice yet (hereinafter referred to as "unestablished method").

An unestablished method can be verified only on the understanding that the patient who should be the subject of the verification of the unestablished method has granted, based on the provided information, their written consent with the verification of the unestablished method. Another condition is that the unestablished method is expected to bring favourable results in favour of the patient who should be the subject of the verification, and there are reasons for assuming that it will become a new method of prevention, diagnostics or treatment after the successful verification. It must further apply that the unestablished method cannot be verified with comparable effect in another way, and there is no well-founded risk that long-term or severe damage to the health of the patient who should be the subject of the verification of the unestablished method as the consequence of such verification.

Unestablished methods can be verified on minor patients or patients deprived of their legal capacity only on the basis of a written consent of the patient's legal representative, after being duly informed, provided that

- a) the conditions set out above are met,
- b) the unestablished method cannot be verified with comparable effect on patients able to give their consent and

- c) such patients, with respect to their intellectual maturity or ability to comprehend information, have given their consent to the verification; the dissent of patients with such verification can be disregarded in case such verification is the only possible treatment alternative of an otherwise incurable disease.

The Act on Pharmaceuticals⁵³ regulates the conduct of clinical assessment of human medications. Such assessment can be carried out only based on the free and informed consent of the patient.

Article 16 – Freedom from Exploitation, Violence and Abuse

The respective issues are regulated in several legal norms and certain latest documents of strategic character. These include, for example, the National Plan of Action for the Prevention of Domestic Violence 2011 - 2014⁵⁴ and the Departmental Methodology Regarding Domestic Violence of the Ministry of Health⁵⁵.

At the practical level, the protection of persons from exploitation, violence and abuse is implemented in form of cooperation of several entities; therefore, interdisciplinary teams are created. In this regard, the Czech Police works together with authorities of state administration and local government, health-care facilities, non-governmental organizations, intervention centres, city police, and additional institutions. The individual institutions inform each other about their findings and potential suspected commitment of a criminal offence (e.g. social worker carrying out their tasks who suspects the maltreatment of a person can contact specialised police centres directly). The Czech Police has efficient instruments to solve such situations (expulsion, penal sanction). Civic associations (such as the White Circle of Safety) provide assistance to victims of illegal action. In cases a person with disability is the victim of domestic violence, services of several non-governmental organizations can be used within the Interdisciplinary cooperation, which provide sign language interpreting and other forms of communication, suitable asylum accommodation for the person with a specific disabilities (e.g. barrier-free access), etc.

The police approaches persons with disabilities and persons without disability without distinction of any kind, nevertheless, due consideration is given to ensuring that persons with disabilities can fully enjoy their rights at any times. It is taken for granted that such clients are provided with proper information on their rights, duties and alternative options of necessary assistance.

Intervention teams for providing psychological support to victims of crime and to victims of extraordinary circumstances have been established for communicating with victims, mainly by grave offences. In case of persons with hearing disability, sign language interpreters are used or other communication experts. Blind persons are allowed to be given relevant protocols either in the presence of their accompaniment, or they are read out to them before signing. Persons with mental disease or mental disability have, where this is needed, a guardian appointed who is authorised to make decisions on their behalf to the necessary extent, however, taking their rights into consideration at any times.

In the Czech Republic, the Ministry of the Interior is in charge of the safety and internal order of the state whose competences include the issues of crime prevention – i.e. creating preventive policy of the Government of the Czech Republic and promoting their implementation at the national and local level. Since 1996, the administrator of the Crime

⁵³ Act No. 378/2007 Coll., on Pharmaceuticals, as amended.

⁵⁴ Resolution of the Government of the Czech Republic of 13 April 2011 No. 262.

⁵⁵ Bulletin of the Ministry of Health No. 6/2008.

Prevention Department designing crime prevention strategies and coordinating and supporting programmes and projects focused on the prevention of crime and mitigation of its consequences.

The Prevention Department in its informative activities targets all citizens. However, significant attention is paid to groups at risk – children, women, and senior citizens. Even persons with disabilities belong to the groups at risk of crime, and in this regard the information on the risk of crime and rules of safe behaviour apply to them as well.

Generally, this concerns preparation of informative and awareness-raising materials related to property crime prevention (security of flats and houses), but also the specific materials on the prevention of domestic violence, violence against children, women, prevention of persons trafficking, prevention of negative phenomena in virtual communication (such as cyberharrasment, cybergrooming, sexting, stalking, risks of social networks and abuse of personal data).

The staff of Crime Prevention Department (prevention police officers, crime prevention managers, and the staff of local governments as well as non-governmental organizations) use materials focused on the above mentioned groups in their awareness-raising and educational initiatives. The information is identical in content. However, persons with disabilities receive such materials via the social and health care departments of local governments and non-governmental organizations.

The project of the Emergency Text Line for persons with hearing disability has been implemented with the support of the Ministry of the Interior and the Czech Police, and it has been in operation since 2006. Another supported project is the "We Are Here For You As Well!" project designed for citizens with hearing disability to enhance their communication with the police in risk and complicated situations. Many cities as well as city police operate fax lines for citizens with hearing disability and they are funded by the Ministry of the Interior within the crime prevention programmes at the local level.

Most projects designed directly for seniors and citizens with disabilities are supported by the programmes of the capital city of Prague. They include both informative materials and targeted awareness-raising activities, and technical equipment (such as assistance in flat security, fitting chains to flat doors, connecting citizens to centralized protection boards operated by the city police - emergency call). The emergency call service and the uninterrupted monitoring of the client's state and security in their flat, "AREĪON", is organised by the civic association Život 90 (Life 90).

The preventive campaign has given rise to a cycle of video programmes "Diagnosis: Domestic Violence" and the information folder "Stop Domestic Violence." They discuss all forms of domestic violence and address the group of citizens with disabilities as well. The cycle is focused on general public and, in addition, it should raise the awareness of police officers.

Even the Czech Police performs tasks concerning prevention. For instance, preventive information groups target their activities at a wide spectrum of various different age categories of children and adults. Moreover, they devote to preventive initiatives focused on children as well as adults with disabilities. Within the activities associated with Community Policing, police officers engaged in public order police services distribute leaflets intended to enhance crime prevention (including violent crime), for example, in waiting rooms of surgeries or hospitals. Through their divisions and organisational units, they are also engaged in the discussion and cooperation in this field. Discussions and blocks of lectures for persons with disabilities concentrate on personal safety, transport, regulations pertaining to such persons, etc. At all events, citizens receive leaflets about the particular issue under discussion.

The Czech Police also works with children from educational facilities and social care facilities (e.g. Jedlička Institute in Prague) affected by different types of disability, either mental or physical. The work with children in such facilities is systematic. Children receive information concerning their safety in ordinary life in an appropriate form with respect to their age, above all on traffic safety. They are imparted basic and essential information relating to safe movement on roads and, in order to be sufficiently marked and visible for other road users, they are handed out reflective features that may be placed to wheelchairs, forearm crutches, and the like. Older children are mainly trained in legal awareness. Such information covers potential risks in connection with crime that can be committed against them, ways how to avoid such risks and what to do if the children become a criminal offence victim. Similarly, they are passed information on the age limit of criminal liability and potential consequences in case they become offenders.

The new Penal Code⁵⁶ has amended the criminal offence of persons trafficking in Article 168. It states that custodial sentence of two up to ten years will be the penalty of those who induce, arrange, hire, wheedle, seduce, transport, hide, withhold or hand over a child to be used by others for sexual intercourse or other forms of sexual abuse or harassment, or to produce a pornographic work, to collect tissue, cells or organs from their body, to serve in armed forces, to slavery or servitude or to forced labour or other forms of exploitation. Identical penalty shall be imposed on those who, to that end, induce, arrange, hire, wheedle, seduce, transport, hide, withhold or hand over another person than indicated in the previous sentence by using violence, threat of violence or other severe damage or fraud or by taking advantage of their mistake, distress or dependency. Similarly, even preparing such action is punitive as well as the fact that a person profits from such action.

Again, the new Penal Code does not put into place a special qualified state of facts for cases when such criminal offence is committed to a person with disability. Nevertheless, this circumstance will have to be given due consideration by the court within the general aggravating circumstance.

Generally, the issues of children with disabilities are solved in the National Strategy on Child Violence Prevention of the Czech Republic 2008-2018⁵⁷.

Consistent with Article 19 of the Convention on the Rights of the Child, every child is entitled to be protected from any physical or intellectual violence, offending or abuse, including sexual abuse, neglect or negligent treatment, torment or exploitation during the time they are in the care of one or both parents, legal representatives or any other persons taking care of the child.

Protective measures include, as needed, effective procedures to create social programmes aimed at providing the necessary support to the child and those it is entrusted to as well as other forms of prevention. With a view to finding out, notifying, assigning, investigating, treating and subsequent monitoring of instances of maltreatment concerning children, they also cover procedures for intervention by judicial authorities.

In conformity with the provisions of Act on Social and Legal Protection of Children⁵⁸, the social and legal protection of children in the Czech Republic targets at children exposed to all forms of physical abuse, psychical abuse and bullying, sexual abuse and maltreatment or child neglect threatening the life, health and favourable development of a child (especially the neglect of child's nutrition, hygiene, clothing, health care, education, due supervision of the child as well as neglect of the child's emotional needs).

⁵⁶ Act No. 40/2009 Coll., Penal Code, as amended.

⁵⁷ Approved by Resolution of the Government of 3 September 2008 No. 1139.

⁵⁸ Act No. 359/1999 Coll., on Social and Legal Protection of Children, as amended.

Every child that is physically or intellectually tormented or abused as well as the child that has lost its necessary care or whose life, health or favourable development is at serious risk is entitled to ask for assistance:

- authorities of social and legal protection of children (in particular the municipal authority in the place of child's residence or in another place where the child stays),
- facilities of social and legal protection of children (in particular counselling facilities specialised in the childcare and facilities for children in need of immediate assistance),
- state authorities (in particular authorities of the Czech Police, courts or public prosecution service), individuals and legal entities authorised to exercise the social and legal protection of children,
- schools and school facilities,
- health care facilities.

All of the referred authorities, facilities, individuals and entities are obliged to provide adequate assistance to the child within their scope of activity. A child is entitled to ask for help even without the knowledge of parents or other persons in charge of upbringing the child.

Every individual who finds out about maltreatment, abuse or neglect of a child or who has justified grounds for suspecting a violation of the child's rights and interests is authorised to report it to any authority of social and legal protection of children (department of social affairs of the municipal or city authority in the reporter's place of residence). Reporting can take any form, the reporter's identity must not be disclosed to anyone, not even to the parents of the child or to the court or other authorities, and neither can it be established from the set of documents of the authority of social and legal protection of children. The personnel of the authority of social and legal protection of children is legally obliged to maintain confidentiality with respect to identity of the person reporting about the child at risk, unless the actual reporter discharges them from the duty of secrecy in writing.

All state authorities, schools, school facilities, health care facilities and non-governmental organizations authorised to exercise the social and legal protection of children are legally obliged to report to the municipal authority of the municipality with extended competence without undue delay about any facts indicating a potential risk for the child, including information on any maltreatment, abuse or neglect. With a view to fulfilling the obligation to report to authorities of social and legal protection of children, the law breaks the duty of secrecy imposed on such persons by other legal regulations (such as the secrecy of health care staff). In case they fail to fulfil this obligation to report, the relevant individuals and entities may be charged a fine.

Based on the accepted report of potential maltreatment, abuse or neglect of a child, staff of the authority of social and legal protection of children is obliged to investigate the child's situation and assess what measures have to be adopted to protect the child. Parents are obliged to enable social workers to visit the child and hold a survey in the place of residence. Social workers are entitled to take photos in their survey as well as video and audio recordings as probative evidence. Social workers are empowered to speak with the child alone without the presence of its parents. In addition, social workers may collect information in the school, from the attending physician or other persons in touch with the child.

If the conducted survey confirms the suspected maltreatment or abuse of the child, the authority of social and legal protection of children:

- a) shall file a motion to the court to order an interlocutory injunction if the life or health of the child or its favourable development are at immediate risk. The court is obliged to decide on the motion within 24 hours after its filing. The interlocutory injunction of the court may take the child away from its parents' care and entrust it to the care of a suitable individual (such as someone within the wider family of the child), to the care of an school or health care facility or to the care of a facility for children requiring immediate assistance. In the subsequent proceedings, the court shall decide on the further solution of the child's situation, e.g. imposing educational measures (supervision of the child's upbringing), ordering institutional education or other form providing for the child's upbringing.

- b) shall report to authorities of the Czech Police or the public prosecution service about the suspected commitment of the criminal offence of mistreatment of the entrusted person (or bodily harm) or sexual abuse.

The new Penal Code⁵⁹ intensifies the standard criminal law protection of children from mistreatment, abuse, neglect and child trafficking. In the provisions concerning criminal offences against family and children, the penal sanction has been raised for the criminal offence of mistreatment of entrusted person, and the provisions on the qualified state of facts of such criminal offence have been extended with cases where the mistreatment causes grave damage to health or death to the entrusted person. In addition, the penalty has been raised for the criminal offence of nutritional neglect, both in the basic state of facts, and in the qualified state of facts, and now it is possible to penalize the cases of repeated commitment of such criminal offence more strictly. There has been a new formulation of the state of facts of the criminal offence of endangering a child's upbringing which has been linked to endangering "a child's cognitive, emotional or moral development" in conformity with the terminology of the Convention on the Rights of the Child and the Act on Family⁶⁰. The amendment to such state of facts has expressly incorporated the penal sanction for action or inaction where a perpetrator seriously violates their duty to care for the child or any other of their important obligations arising from their parental responsibility.

In the legal provisions on criminal offences against human dignity regarding sex, a new state of facts has been stipulated with respect to the criminal offence of prostitution endangering the children's moral development committed by those who operate or organise prostitution near a school, an educational or other similar facility or a place designated or intended for the stay or visit by children. In the legal provisions on criminal offences against liberty and rights to the protection of personality, private life and privacy of correspondence, the scope of qualified states of facts has been extended in respect of the criminal offence of entrusting the child for reward in the power of another person.

By exercising their rights and duties arising from their parental responsibility, parents are entitled to use only proportional educational measures so as not to affect the child's dignity and not to endanger its health or physical, emotional, cognitive and moral development. Should the parent fail to fulfil their obligations arising from their parental responsibility properly and if required in the child's interest, the court may limit their parental responsibility; whereas always the particular set of rights and duties shall be specified which are the subject of such limitation. If the parent misuses their parental responsibility or performance or neglects it seriously, the court will deprive them of their parental responsibility. In case a parent has committed an intentional criminal offence against their child or used their child under the age of fifteen to commit a criminal offence, or if they committed a criminal offence as an accomplice, exhorter or assistant to the criminal offence committed by their child, the court shall always assess whether any grounds are present to initiate proceedings concerning the deprivation of parental responsibility.

⁵⁹ Act No. 40/2009 Coll., Penal Code, as amended.

⁶⁰ Act No. 94/1963 Coll., on Family, as amended.

The ombudsman, whose position and activity is regulated by the Act on Ombudsman⁶¹, has become a national preventive mechanism since 1 January 2006 which the Czech Republic undertook to create by the adoption of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In that respect, it is the task of the ombudsman to carry out systematic preventive visits to all places and facilities where persons with restricted liberty are or may be located.

In terms of the present Convention, it is important that such premises cover even facilities where there are persons with restricted liberty due to dependency on the care provided to them.

In particular, this applies to the following state as well as private facilities:

- social care facilities, especially facilities providing residential services (homes for persons with disabilities, homes for seniors, special regime homes, asylum centres, sheltered housing, week care centres, halfway houses),
- health care facilities, i.e. in particular medical institutions (including psychiatric sanatoria and long-stay hospitals), moreover, there are special children's facilities, i.e. infant homes, children's homes and nurseries taking care of children up to the age of three as well as hospitals (especially departments providing inpatient care, their closed departments) and other health care facilities such as alcohol detoxification centres or hospices,
- facilities of social and legal protection of children, i.e. facilities for children requiring immediate assistance,
- public facilities for the survival of population in crisis situations.

In compliance with his mandate, the ombudsman inquires by the visits of facilities how the persons with restricted liberty are treated, how their fundamental human rights are respected and how they are protected from actions disregarding human dignity.

Within such systematic and regular visits, the ombudsman and the staff of its Office are empowered to visit any facility of their choice, even without prior notification, to speak alone with persons of their choice, to inspect any rooms in the facility, to study files and other documents, to ask questions, assess and evaluate the situation.

After the completion of the visit, the ombudsman prepares a report with recommendation or suggested remedies and sends it to the facility (or to its establisher or the competent authority) for comments. Through its authority and argumentation, the ombudsman strives to make the respective entities rectify an undesirable situation. If the facility, establisher or competent authority fails to accept such recommendations, the ombudsman may address an authority at a higher level. Afterwards, comprehensive reports from visits are published on the website of the Office of the Ombudsman.

⁶¹ Act No. 349/1999 Coll., on Ombudsman, as amended.

Article 17 – Protecting the Integrity of the Person

The new Civil Code, currently debated in the Czech Parliament, sets out in Article 101 that intervening in the integrity of a person incapable of judgment in a manner with lasting consequences is allowed only with the consent of a court unless in emergency where immediate intervention is essential (Article 99 of the Civil Code).

In addition, the new Civil Code determines rights for a person admitted to a health care facility without his or her consent (Article 104 and following). Within 24 hours, the facility has to notify the legal representative, guardian, supporter, spouse or another close person as well as the court of the admission of such person. The health care facility has to ensure that the admitted person has received sufficient explanation about their present position. The admitted person will also be entitled, according to the new Civil Code, to be examined by an independent physician with respect to his or her health, medical documentation and the attending physician's statement regarding the admitted person's incapability of judgment and of expressing wishes.

The respective issues are also dealt with by the government draft of the Act on Health Care Services and the Conditions of their Provision, currently debated in the Czech Parliament. The draft regulates for example the conditions of involuntary hospitalization and urgent medical intervention (article 38), use of restrictive measures and other related duties of the health care service provider (article 39).

Article 18 - Liberty of Movement and Nationality

Commitments arising from the Convention in the sphere of citizenship are implemented by the provisions of the Act on Naturalisation or Loss of Czech Citizenship⁶², particularly the right from birth to a citizenship, and the right to acquire and change a citizenship. The referred Act does not differentiate among individuals without any disability and individuals with disabilities.

Provisions of Article 2 of the referred Act lay down that Czech citizenship is acquired by birth, adoption, determination of paternity, finding on the territory of the Czech Republic, by declaration and granting. Provisions of Article 16 of the referred Act allow Czech citizens to waive such citizenship if they are citizens of another state and live abroad.

The prohibition of involuntary deprivation of citizenship is covered by provisions of paragraph 2 of Article 12 of the Constitution of the Czech Republic⁶³.

Commitments arising from the Convention with respect to Registry Offices (names and family names) are implemented by the provisions of the Act on Registry Offices⁶⁴, particularly the children's right to a name in provisions of Article 14.

⁶² Act No. 40/1993 Coll., on Naturalisation or Loss of Czech Citizenship, as amended.

⁶³ Constitutional Act No. 1/1993 Coll., Constitution of the Czech Republic, as amended.

Article 19 – Living Independently and Being Included in the Community

The system of social services is regulated by the Act on Social Services⁶⁵ and by the Decree of the Ministry of Labour and Social Affairs⁶⁶ implementing some provisions of that Act. In consequence of the significant change in legislation, there have been several amendments relating directly to the transformation and deinstitutionalization of social care. This includes, in particular, the introduction of the following fundamental principles:

- a) everyone is guaranteed free social counselling;
- b) the extent and form of assistance and support provided by means of social services must respect human dignity of the persons;
- c) assistance must be based on individually determined needs of the persons, it has to stimulate them, foster the development of their independence, motivate them to such activities that do not result in long-term stagnation or deterioration of their unfavourable social situation, and it should enhance their social inclusion;
- d) social services shall be provided in the interest of the persons in the adequate quality and with such methods so that observance of human rights and fundamental freedoms of such persons is always consistently guaranteed.

At the same time, the newly formed system of social services:

- a) provides such mechanisms to allow the social services to react flexibly to the needs of their users or persons interested in such services;
- b) provides a wide-ranging offer of individual types of social services from which a person may choose freely as they may consider appropriate, according to their financial situation or other individual preferences;
- c) creates space for participation of persons in the decision making processes regarding the extent, types and accessibility of social services in their municipality or region;
- d) provides social benefits - care allowance - to persons who need assistance by other people in their everyday lives because of their age or state of health;
- e) guarantees that the provided services shall be safe for the user, professional and adjusted to their individual needs.

⁶⁴ Act No. 301/2000 Coll., on Registry Offices, Name and Surname, and on Amendment to Some Other Related Acts, as amended.

⁶⁵ Act No. 108/2006 Coll., on Social Services, as amended.

⁶⁶ Decree No. 505/2006 Coll., implementing some provisions of the Social Services Act.

Social services are divided in three basic areas:

- Social counselling which is usually specialised for a certain target group or situation, whereas basic counselling is an integral part of all provided social services.
- Social care services cover services whose main aim is to provide for basic living needs of persons which may not be secured without the care and assistance of another person. At the same time, they should allow persons to the highest extent possible to be included in the ordinary life of society, and to arrange for dignified environment and treatment in cases where this is not possible due to their physical and psychical state.
- Social prevention services are especially intended to avoid social exclusion of persons at risk of undesirable social phenomena.

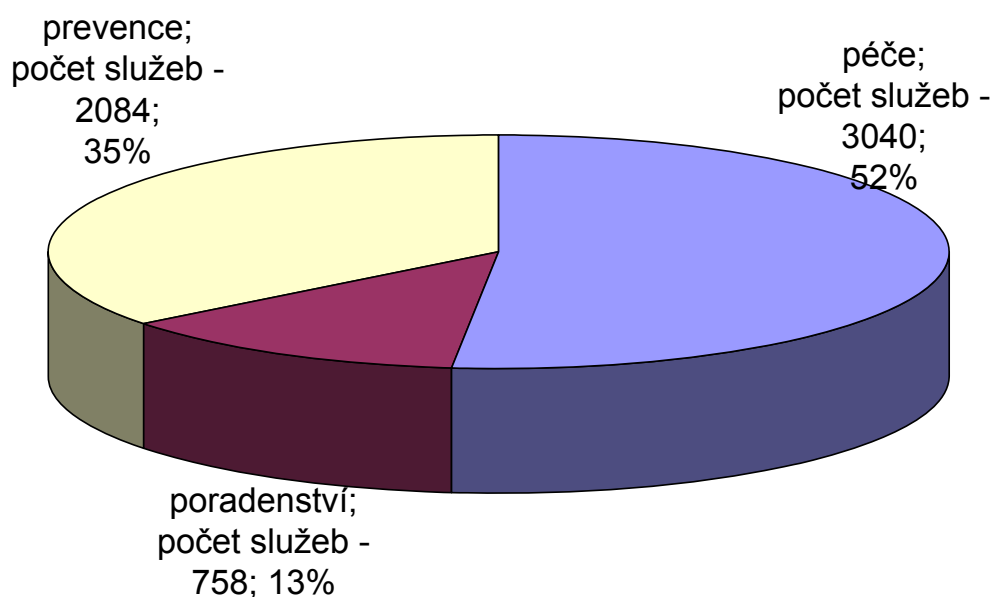
Number of registered social services disaggregated by types:

Social care services – 3040 – 52 %

Social prevention service – 2084 – 35 %

Social counselling services – 758 – 13 %

Graf - počet sociálních služeb dle jednotlivých skupin vedených v registru poskytovatelů služeb



Source: Selected statistical data on social service funding and care allowance, Ministry of Labour and Social Affairs, 2010

An important principle of the social services system is the opportunity to combine diverse types of services as well as to combine services with the assistance and support from family or other close persons.

Persons who need assistance by other people in their everyday lives because of their age or state of health are provided with care allowance intended to enhance the competences of these persons and the caring environment so that everyone may choose individually the most practical and useful way of meeting their needs. This benefit is provided with a view to ensuring necessary assistance both informally (such as by a family member) or formally (such as by a registered provider of social services). The care allowance is provided in four degrees according to the level of dependency of the person in need of assistance by other person which is established by a medical assessment and social survey. In line with the established level of dependency, the level of financial support is differentiated as well. In addition, there is difference between persons under the age of 18 and persons over the age of 18.

At present, approximately 252 000 benefits are paid every month, whereas the amount of financial resources paid in form of the care allowance was CZK 19,800,489,000 in 2010.

Social services are provided to approximately 700,000 clients, i.e. to about 7 % of Czech population. Not every person with disability receiving care allowance is provided social services too. As a matter of fact, the system of assistance and support also covers informal provision of care and assistance, especially by the family and other close persons. At the same time, the use of public sources, i.e. social services, is assumed.

The network of social services is not distributed evenly over the territory of the Czech Republic. Services are more available in urban agglomerations. The system of a service network meeting the needs of citizens is based on social service planning in accordance with the evaluations of citizens' needs, providers' capacities and the objectives of public administration. Social service planning is the task of regional governments.

Social services are funded from multiple resources. The total costs of the social service system amounted to approximately CZK 26 billion in 2009, which is about 0.72 % GDP. 35 % of the total costs are composed of service users' payments, 25 % account for territorial government, 30 % is the state budget, and national health insurance funds make 3 % (usually in concurrence of health and social care in homes for seniors, homes for persons with disabilities and a special regime homes).

The share of the individual funding sources differ according to the group of social services, whereas the state subsidy is a substantial financing resource especially by social counselling services where it accounts for more than 56 % of all funding sources. By social care services, payments from service users are the most substantial source of funding.

Sources of Funding Social Services by Groups of Social Services⁶⁷

⁶⁷Source: Selected statistical data on social service funding and care allowance, Ministry of Labour and Social Affairs, 2010.

Sources of Funding	Total CZK	Total in %	Social Care Services	Social Prevention Services	Social Counselling Services
Subsidies from the Ministry of Labour and Social Affairs 2010	6,657,714,000	29.27%	27.50%	43.49%	56.03%
Contributions from the Labour Office	78,026,989	0.34%	0.25%	1.26%	1.11%
Subsidies from municipalities	589,966,448	2.59%	1.90%	9.37%	8.86%
Contributions from establishers - municipalities	1,647,673,022	7.24%	7.77%	1.70%	3.95%
Contributions from establishers - regions	1,019,892,383	4.48%	4.71%	1.47%	5.51%
Payments from users	10,192,162,329	44.81%	49.13%	4.27%	0.67%
Funds of health insurance institutions	1,023,975,222	4.50%	4.95%	0.26%	0.14%
Departments of state administration in total	156,635,999	0.69%	0.06%	7.35%	4.41%
Subsidies from regions	407,849,291	1.79%	0.93%	10.53%	8.31%
Structural funds	112,772,843	0.50%	0.09%	4.73%	2.82%
Other resources	860,652,008	3.78%	2.71%	15.57%	8.18%
Total	22,747,320,534	100%	100%	100%	100%

As mentioned above, providing social services is supported in form of subsidies from the state budget to registered providers of social services. In 2011, the target group of persons with disabilities was supported by social services amounting to approximately CZK 2.2 billion. The total amount paid within the subsidies for social services was thus CZK 6,816,699,000.

Subsidies for each type of social services are listed in the following table:

Type of Social Service	Subsidy Amount in 2011
asylum houses	1,171,000
day service centres	41,813,000
day care centres	202,452,000
homes for persons with disabilities	1,289,884,000
homes for seniors	7,743,000
special regime homes	67,778,000
sheltered housing	130,627,000
crisis assistance	300,000
special social counselling	52,936,000
respite services	44,998,000
personal assistance	108,729,000
domiciliary services	10,145,000
supported housing	1,679,000
guiding and reading services	4,685,000
early intervention	17,829,000
social activation services for families with children	1,154,000

social activation services for seniors and persons with disabilities	38,083,000
social therapeutic workshops	12,170,000
social rehabilitation	37,762,000
social services provided in health care residential facilities	11,690,000
field programmes	227,000
emergency assistance	284,000
interpreting services	12,569,000
week care centres	71,242,000
Total	2,167,950,000

Implementation of Article 19 of the Convention is mainly related to social care services, particularly to the following types of services:

- homes for persons with disabilities;
- sheltered housing;
- respite services;
- supported housing;
- week care centres;
- homes for seniors;
- special regime homes;
- day care centres;
- social therapeutic workshops;
- social rehabilitation.

As far as personal assistance and domiciliary services are concerned, growing demand is expected. The same applies to certain social prevention services such as early intervention, social activation services for seniors and persons with disabilities as well as services of specialised social counselling. Currently, the capacity of homes for persons with disabilities is considered sufficient and the demand for such type of service tends to decline. In contrast, the quantity of sheltered housing tends to grow slowly, mainly with respect to sheltered housing provided by contributory organizations of the regions and so called "other legal form organizations".

At present, the Transformation and Deinstitutionalization Process of Social Services is being implemented in close cooperation with the regions and selected providers of social services.

In 2007, the Government of the Czech Republic has adopted a document titled "Concept to Support the Transformation of Residential Social Services into Other Types of Social Services Provided in the User's Natural Community and Enhancing the User's Social Inclusion in Society"⁶⁸. This strategic document determines objectives and measures to support the process of transformation and deinstitutionalization which is, practically, being implemented in the Czech Republic now.

The transformation process in the years 2009 – 2013 is supported in particular by the individual project of the Ministry of Labour and Social Affairs "Support of the Transformation of Social Services" funded by the European Social Fund under the priority 4.3 Social Integration and Equal Opportunities of the Operational Programme Human Resources and Employment. In total, CZK 136,250,000 was allocated for this project.

⁶⁸ Resolution of the Government of the Czech Republic of 21 February 2007 No. 127.

The general aim of the project is, based on detailed analyses and mapping the current situation regarding social services, to arrange for a comprehensive system to support the transformation of such services, to prepare development plans taking the issues of the transformational process into account, to raise awareness about the transformation process of institutional care for persons with disabilities, to create a system of vertical and horizontal cooperation among all entities involved in the transformation process of institutional care, to support the process of enhancing the living conditions of users of today's residential social care facilities and to foster the fulfilment of human rights of users of residential social services and their rights to enjoy a full life comparable to their peers living in natural environment.

Project outputs are channelled towards the pilot launch of the transformation process in selected top-risk facilities in all regions (beyond the capital city of Prague), under the condition of cooperation with all stakeholders and observance of principles of transformation process transparency.

Training programmes are running for project participants from selected facilities and regions targeted at the management of the facilities and staff of the regions, social workers and workers in direct care. Mostly, such programmes focus on managing change in the organization, on assessing users and mastering the methods of care according to users' individual needs.

Providers have already been receiving continuous methodical support and the system of best practice exchange. At the same time, they will be allocated a supervisor by means of a public contract.

The sets of methods created within the project as well as the modules of educational programmes and selected seminars will be available to all providers and establishers of social services in the Czech Republic.

The key idea of the project is to maintain a daily routine and living regime (cycle) for persons with disabilities which should be identical to that of persons without disabilities. A person with disability lives in an ordinary household⁶⁹, uses public services, goes to work or school or uses similar services of daily programmes⁷⁰, becomes a member of the local community and lives like persons without disabilities. Households, premises for day programmes as well as community-type facilities should be located in ordinary housing development area and copy the life of persons without disabilities. Thanks to services transformed into small-capacity households and services of day programmes, persons with disabilities can live a normal life and they are not socially excluded to such a high extent. At the same time, services are provided only to such an extent that the clients really need.

Non-investment support of activities contributing to the independence and self-sufficiency of persons with disabilities is also realized by the Operational Programme Human Resources and Employment, Area of Support 3.1 Support of Social Integration and Social Services, through global grants and individual projects. Persons with disabilities are the target group of two global grants, Support of Social Integration and Social Services and Social Economy. Indirectly, they are also funded from a third global grant Support of Education and Processes in Social Services and by individual projects of the regions.

Within Priority 3 of the Integrated Operational Programme the Enhancement of Quality and Accessibility of Public Services, area of Intervention 3.1 - Services in the Field of Social Integration, the Czech Republic also

⁶⁹Social services provided in a household form can receive a registration under Act No. 108/2006 Coll., on Social Services, as amended, to the service named 'a home for persons with disabilities' or 'sheltered housing', but it can also be the user's own flat or another flat where the service 'supported housing' or 'personal assistance' will be provided.

⁷⁰ Daily programmes cover both employment in the open labour market and similar activities and services, such as day care centres or daily programmes for services named 'a home for persons with disabilities', 'sheltered workshops' or even 'school attendance'.

supports Transformation of Residential Social Care Facilities and Development of Instruments of Social Economy (see Article 27).

Area of Intervention 3.1 - Services in the Field of Social Integration Activity a) process Investment support and implementation of unified approach to transformation of social services residential facilities in other types of social services.

This initiative aims at the transformation of residential facilities of social services to the intent of deinstitutionalization, with a view to enabling persons with disabilities to remain in their natural environment and to participate actively in the labour market and society. The funds are channelled to the pilot launch of the transformation process in 27 selected top-risk residential social care facilities in all regions of the Czech Republic. Using the programme funds, such facilities will be transformed progressively to modern low-capacity residential facilities emphasizing individual approach and taking into account users' abilities⁷¹. The support should also introduce a unified system of transformation and deinstitutionalization whose implementation will continue within the independent scope of activity of the regions. The support is also interlinked with activities of the Operational Programme Human Resources and Employment, Area of Support 3.1 Support of Social Integration and Social Services. Contributions from the European Regional Development Fund (ERDF) amount to 85 % of the overall public expenses, the co-funding rate from national public sources (only state budget resources), in reference to finances provided by ERDF, is 15 %. The total allocated amount for Activity 3.1 a) for programming period 2007- 2013 is EUR 56 million.

The integration of persons with disabilities is also the subject of volunteer initiatives. Tasks connected with the application of the Act on Volunteer Service⁷² are given effect to by the Ministry of the Interior. Paragraph 1 a) of Article 2 of the referred Act identifies directly the assistance to persons with disabilities as one of the areas of volunteering. The Act set standards for the activities of volunteers who work without claiming any reward in their free time concerning the assistance and support of persons with disabilities.

Volunteers offer help in overcoming barriers at work, enable persons with disabilities to participate in leisure activities, they facilitate their access to education and contribute to their stimulation and enhanced self-sufficiency.

Volunteer service is carried out both in the home environment of persons with disabilities, and in residential services. It is organised by means of non-governmental organizations which inform persons with disabilities about their offer and options of volunteering. The list of organizations accredited by the Ministry of the Interior to organize volunteer services can be found on the website of that department.

In addition, the Czech Republic offers benefits to persons with disabilities focused on their specific needs regarding mobility (such as the benefit for the purchase of a motor vehicle, benefit for the operation of a motor vehicle etc.), housing (a benefit for flat adjustments) and special aids (a one-time benefit for the purchase of special aids and devices) and contributes to the realization of an independent way of life and inclusion in society.

The issues of persons with disabilities are also addressed by the "Social Reform 2011", which is currently debated in the Parliament of the Czech Republic within the legislative process and whose major goals include simplifying the social protection system, reducing the administrative burden for service users, improving the efficiency of state administration authorities, better focusing and addressing of social benefits, accomplishing the maximum possible usefulness of the benefits and supporting the harmonization of family and work life in families with children.

⁷¹ The maximum permitted capacity of one household is 6 users. It is not possible to build households for more than 12 persons in one building...

⁷² Act No. 198/2002 Coll., on Volunteer Service and on Amendment to Some Laws, as amended.

Moreover, the social reform contains a draft of the Act on Provision of Benefits to Persons with Disabilities, consistent with the measures of the National Plan for Creation of Equal Opportunities for Persons with Disabilities 2010 – 2014. The Act, amends the provisions concerning the following two benefits: a mobility benefit and a benefit for special aids; in addition, certificates of persons with disabilities are modified by the referred Act.

The social reform also amends the Act on Social Services in order to reduce the burden on clients due to the multiple assessment of long-term unfavourable state of health for the purpose of various different social benefits. The proposed amendment assumes that the unfavourable state of health will only be assessed once, in accordance with one assessment scheme with emphasis on evaluating the need of everyday extraordinary care. Such change will also result in the transfer of financial resources spent on social benefits and parental benefits paid by virtue of disability of a child from the system of state social support benefits into the care allowance under the system of social services. As a consequence of this amendment, the administrative matters concerning social situation for families who care for a disabled child will be simplified both for parents and administrative authorities, which will reduce their price.

The Department of Defence pays special attention to war veterans as well. Pursuant to provisions of Article 4 of the Act on War Veterans⁷³, the Ministry of Defence:

- establishes and manages war veterans social care homes,
- subsidises social services providers who operate social services facilities similar to homes where care is provided to war veterans as well as to their spouses,
- may provide war veterans with daily meal benefits etc.

Article 20 – Personal mobility

Nowadays, the process of giving effect to equal opportunities in public transport continues in the Czech Republic. On 3 December 2009, the European Parliament and of the Council Regulation on Public Services in Rail and Road Passenger Transport⁷⁴ entered into force. The decision to prepare a national Act on Public Services was made with respect to the need to adapt the legal system of the Czech Republic to this Regulation (in particular the need to define competent authorities, to specify supervisory authorities, to determine the selection process of carriers), and with a view to unifying legal provisions on public services in rail and road transport (including the solution of issues of integrated services in passenger transport).

The process of approving the new Act finished on 20 May 2010 when the Act on Public Services in Passenger Transport⁷⁵ was adopted, coming into force and effect on 1 July 2010. Its fundamental parts relate to definitions of transport accessibility, procedures for providing public services, procedures in extraordinary situations, determination of remuneration for provided public services, and supervision of contract concluding.

⁷³ Act No. 170/2002 Coll., on War Veterans, as amended by Act No. 70/2007 Coll. and Act No. 308/2008 Coll.

⁷⁴ Regulation (EC) No 1370/2007 of European Parliament and of the Council of 23 October 2007 on Public Passengers transport by Rail and by Road and Repealing Council Regulations (EEC) No. 1191/69 and No. 1107/70.

⁷⁵ Act No. 194/2010 Coll., on Public Services in Passenger Transport and on Amendment to Some Acts, as amended.

In relation to the implementation of the Transport Operational Programme – a grant programme from the EU structural funds, equal opportunities are one of the paramount principles. All documents as well as procedures in the selection, assessment and implementation of projects are based on the general Council Regulation on General Provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund⁷⁶, where Article 16 deals directly with the equality of men and women and the prohibition of discrimination, guaranteeing that the implementation shall not tolerate discrimination on the basis of gender, racial and ethnic origin, religion or belief, disability, age or sexual orientation. In initiatives (projects) funded from the above mentioned programme, measures are taken to provide access (such as public transport stops – lifts, dropped kerbs) to persons with limited mobility and orientation.

Regarding civil aviation, the rights of persons with disabilities and persons with limited mobility and orientation are regulated by the European Parliament and of the Council Regulation on the Rights of Disabled Persons and Persons with Reduced Mobility when Travelling by Air⁷⁷, in full effect since 26 July 2008.

The Regulation lies down fundamental principles for the transport of persons with disabilities and persons with limited mobility and orientation caused by disability, age or another factor, and specifies the duties of airport operators and air carriers in the process of air transport. The key principle of the Regulation is as follows: persons with disabilities and persons with limited mobility and orientation have to be able to use air transport in a manner comparable to other passengers, whereas the service provided to such persons is not subject to additional charges.

The Regulation imposes a direct prohibition of refusing transport of persons on the basis of their disability or limited mobility and orientation. Only these cases are excluded where the applicable safety requirements of international, EU or national legal regulations must be observed.

The airport operator is directly responsible for providing assistance at the airport. Obligations of the airport operator include, inter alia, designating places of arrival and departure in the airport area where persons with disabilities and persons with limited mobility and orientation may easily announce their arrival and ask for assistance. All duties of the airport operator are set out in detail in Supplement I to the Regulation. Supplement II to the Regulation lists specific types of assistance provided by the airport carrier.

Moreover, the Regulation obliges air carriers and airport control authorities to arrange for training on equality of persons with disabilities and on the issues of disability in general to all staff working at the airport and coming into direct contact with the travelling public. Employees providing direct assistance to persons with disabilities and to persons with limited mobility and orientation have to be familiar with the methods of meeting the needs of such persons.

In conformity with the Regulation, a Member State is obliged to nominate an entity in charge of enforcement of the Regulation, or to take steps necessary to safeguard the observance of rights of persons with disabilities and persons with limited mobility and orientation. Such entity shall also deal with complaints of passengers concerning the non-observance of the above mentioned Regulation. In addition, Member States must impose sanctions for the violation of the Regulation.

The appointment of an entity in charge of enforcing the Regulation as well as sanctions imposed in case of violation of the Regulation were incorporated in the Czech Republic in the proposed draft amendment to the

⁷⁶ Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999.

⁷⁷ Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the Rights of Disabled Persons and Persons with Reduced Mobility when Travelling by Air.

Act on Civil Aviation⁷⁸. The legislation draft appoints the Civil Aviation Authority as the entity in charge of enforcing the referred Regulation.

In order to provide persons with disabilities and persons with limited mobility and orientation with complete information, a special link Travel of Persons with Disabilities was created on the website of this Authority which contains a "Guide to Air Transport for Persons with Disabilities and Persons with Limited Mobility and Orientation" and other important information.

The Ministry of Transport has assumed the patronage over the Euroklíč (Eurokey) Project whose goal is the quality enhancement and facilitation of travelling for persons with limited mobility and orientation. The Ministry of Transport co-funds the project promotional materials.

Rail transport is subject to the Government Regulation Stipulating Minimum Values and Indicators of Quality and Safety Standards Related to Providing Passenger Transport Public Services⁷⁹ stating that trains, when providing public passenger transport services in public rail passenger transport vehicles on national and regional railways assembled from at least a half of vehicles launched into operation after 1 April 2011, have to have at least one rail vehicle accessible to persons with limited mobility and orientation, in conformity with technical requirements laid down in the respective decree regulating the conditions for approving technical worthiness of rail vehicles⁸⁰.

In terms of barrier-free accessibility of rail transport, the railway timetable 2010/2011 has introduced already 2,562 trains with the sign of barrier-free access (i.e. approximately 45 %). Compared to 2009, this means 440 more barrier-free rail routes. In long-distance transportation, almost a half of all routes are equipped with a vehicle accessible for persons with limited mobility and orientation.

Generally, accessibility solutions of rail transport structures for persons with limited mobility and orientation are part of railway corridor modernization plans. Progressively, stations and stops on many tracks have been adjusted.

Information on the accessibility of stations and stops of public rail transport can be found in the printed version of the public rail transport timetable in the list of stations or it is available electronically on the website of Czech Railways⁸¹.

Construction conditions for road vehicles of mass passenger transport (including the transport of persons with limited mobility and orientation), comprising of buses and coaches (vehicles of M₂ or M₃ category), are laid down in all EU countries, including the Czech Republic, by standards, especially by the UN ECE Regulation No. 107, on Approval of Vehicles of Categories M₂ or M₃ with Regard to Overall Construction, published in accordance with the international treaty, the 1958 Geneva Convention, or the still applicable EU Directive⁸².

International standards for vehicles of individual passenger transport (cars) do not set forth any technical requirements. In the Czech Republic, the Act on Conditions of Vehicle Operating on Land Communications⁸³ allows a partial adaptation of a vehicle, upon request, to the requirements of the requesting persons with

⁷⁸ Act No. 49/1997 Coll., on Civil Aviation and on Amendment and Supplement to Act No. 455/1991 Coll., on Trade Licensing, as amended.

⁷⁹ Government Regulation No. 63/2011 Coll., Stipulating Minimum Values and Indicators of Quality and Safety Standards Related to Providing Passenger Transport Public Services.

⁸⁰ Decree No. 173/1995 Coll., Issuing the Railway Transportation Rules, as amended.

⁸¹ <http://www.cd.cz/vnitrostatni-cestovani/sluzby-na-nadrazi/pristupnost-stanic/-3726/>

⁸² Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to Special Provisions for Vehicles Used for the Carriage of Passengers Comprising more than Eight Seats in Addition to the Driver's seat, and amending Directives 70/156/EEC and 97/27/EC.

⁸³ Act No. 56/2001 Coll., on Conditions of Vehicle Operating on Land Communications, as amended.

disabilities. All requirements of the requesting person shall be applied that are not in contradiction to other legally binding technical regulations and do not pose a threat to the safety of other road users.

Regarding road traffic, the right of persons with disabilities to free movement with the maximum possible level of independence is reflected especially in provisions of the Act on Road Traffic⁸⁴, Act on Land Communications⁸⁵ and in the respective implementing decrees⁸⁶.

Certain limitations do not apply to vehicles transporting a person with severe disability, for example, drivers of such vehicles do not have to respect, in some cases, the "No Parking" and "No Entry" signs (see provisions of Article 67 of the Act on Road Traffic), designated parking spaces are established for them where other vehicles may neither wait nor park, they are free from the general pricing of land communications (motorway tolls, tolls), the police and municipal police while supervising road traffic safety and continuity is not empowered to use technical measures to prevent such vehicles from entry, etc.

To allow the drivers to use such advantages, the vehicle transporting a disabled person must be identified with a special sign issued by the competent general authority of the municipality with extended competence or a competent foreign authority. An important change in this regard was brought by the new Act on Road Traffic⁸⁷ with effect from 1 August 2011. The current signs for a vehicle transporting a disabled person (Sign O 1) will be substituted by a parking certificate for persons with disabilities. The template and design of the parking certificate to the intent of the enabling provisions of paragraph 11 of Article 67 of the Act will be determined by an implementing legal norm.

The crucial advantage of the new certificate is the fact it will conform to particulars prescribed by the Council Recommendation on Parking Card for People with Disabilities⁸⁸, and unlike the existing sign O 1, it will be accepted in other countries of the European Union where the holders of the O 1 sign have not been advantaged yet (in particular regarding special parking spaces) designed for persons with disabilities.

The accessibility and personal mobility are also facilitated by specific technical measures such as acoustic signals serving for the orientation of person with visual disability at crossroads and pedestrian crossings, guide grooves for persons with visual disability at pedestrian crossings etc.

Another measure facilitating the mobility of persons with disabilities is the support in form of benefits - a benefit for the purchase of a motor vehicle, benefit for the operation of a motor vehicle, benefit for individual transportation and one-time benefit for the purchase of special aids.

In addition, transport benefits are worth mentioning which are drawn on account of certificates TP (physically disabled), ZTP (severely physically disabled) and ZTP/P (severely physically disabled requiring attendance).

A person qualified for the TP (physically disabled) certificate is entitled to:

⁸⁴ Act No. 361/2000 Coll., on Traffic on Land Communications and on Amendment to Some Acts, as amended.

⁸⁵ Act No. 13/1997 Coll., on Land Communications, as amended.

⁸⁶ Especially Decree No. 30/2001 Coll., implementing the Traffic Rules on Land Communications and Regulation and Control of Traffic on Land Communications.

⁸⁷ Act No. 133/2011 Coll., amending Act No. 361/2000 Coll., on Traffic on Land Communications and on Amendment to Some Acts, as amended, and some other acts.

⁸⁸ Council Recommendation 98/376/EC of 4 June 1998, on Parking Card for People with Disabilities.

- a) designated seat in the public transport means for regular mass transportation of persons except for buses and trains where a seat is bound to purchasing a seat reservation ticket,
- b) priority in official interactions concerning private matters if such interaction requires longer waiting, in particular standing; neither purchasing in shops, procurement of paid services nor treatment and examination in health care facilities are considered personal interaction concerning private matters.

A person qualified for the ZTP (severely physically disabled) certificate is entitled to:

- a. designated seat in means of public transport for regular mass transportation of persons except for buses and trains where a seat is bound to the purchase of a seat reservation ticket,
- b. priority in official interactions concerning private matters if such interaction requires longer waiting, in particular standing; neither purchasing in shops, procurement of paid services nor treatment and examination in health care facilities are considered personal interaction concerning private matters.
- c. free transportation on regular routes of local public mass passenger transport (trams, trolleybuses, buses, underground),
- d. 75 % fare discount in second class coaches of passenger trains and express train in national transport and 75 % fare discount on national bus routes on a regular service.

A person qualified for the ZTP/P (severely physically disabled requiring attendance) certificate is entitled to:

- a) designated seat in the public transport means for regular mass transportation of persons except for buses and trains where a seat is bound to purchasing a seat reservation ticket,
- b) priority in official interactions concerning private matters if such interaction requires longer waiting, in particular standing; neither purchasing in shops, procurement of paid services nor treatment and examination in health care facilities are considered personal interaction concerning private matters.
- c) free transportation on regular routes of local public mass passenger transport (trams, trolleybuses, buses, underground),
- d) 75 % fare discount in second class coaches of passenger trains and express train in national transport and 75 % fare discount on national bus routes on a regular service.
- e) free transportation of the accompanying person on means of public mass transport in national passenger mass transportation on a regular service,

- f) free transportation of the guide dog of a completely or practically blind person if they are not accompanied by a guide.

Persons with disabilities can also acquire technical and rehabilitation aids from the system of national health insurance. These are medical assistive devices such as electrical and mechanical wheelchairs, prosthetic and orthotic devices, walkers, technical aids for persons with hearing disability etc.

Article 21 – Freedom of Expression and Opinion and Access to Information

Access to public information is addressed by provisions of the Act on Free Access to Information⁸⁹. This Act is guaranteed by the Ministry of the Interior and it is in its discretion to enforce the refusal of information on obliged entities.

As far as web portals of public administration are concerned, they are strictly subject to the Act on Public Administration Information Systems⁹⁰ and the Decree on Accessibility⁹¹, including the methodical instruction to that Decree setting forth its own accessibility criteria. Usually, the websites also comply with the requirements of Web Accessibility Initiative (WAI).

In line with the "Declaration of Accessibility," information imparted on the official website of the Czech Police is presented in compliance with the Decree on Accessibility and with all rules referred to in the Supplement to this Decree. News and contact information is published in an easily available text form, suitable for special reading devices of persons with disabilities. Information services are also provided in English and the transcript of certain news is in form of audio files. The absolute majority of information has their Supplements processed as an integral part of their major Article because separate Supplements may complicate the use of a special reading device.

In all official interactions, persons with disabilities may use, without any limitation, sign language, Braille and other forms of communication by means of interpreters paid by the police. Citizens with hearing disability have a mobile phone device available where they can send text messages regarding potential emergency. The 158 line accepts reports sent by text messages to the phone number +420 603 111 158 with a confirmation of acceptance. Afterwards, the procedure follows standard rules as in other emergency cases. Moreover, persons are informed by information leaflets and press releases.

The Concept of the Ministry of Finance is based on the idea of accessibility where the synonym for accessibility is such basic state of the website whose users do not face any significant barriers, independent of their disability, ability, knowledge, experience, or display options.

In rail passenger transport, pursuant to provisions of paragraph 5 of Article 73 of the Rail Transport Rules⁹², information on train operation is imparted to passengers by means of audio and video information devices. Essential information in graphical design must be contrasting and visible from the distance from which it is supposed to be read. On major communication routes in stations, such information is complemented with acoustic, tactile and visual elements used by persons with limited mobility and orientation. Access to

⁸⁹ Act No.106/1999 Coll., on Free Access to Information, as amended.

⁹⁰ Act No. 365/2000 Coll., on Information Systems in Public Administration and on Amendment to Some Acts, as amended.

⁹¹ Decree No. 64/2008 Coll., on the Form of Publishing Information Related to Public Administration on Websites for Persons with Disabilities.

⁹² Decree No. 173/1995 Coll., implementing the Rail Transport Rules.

information in rail transport for persons with disabilities is provided including the use of Braille and audio announcements for passengers with visual disability. Moreover, information is available through remote access on the website of railway carriers.

Free access to information is also stipulated in certain legal norms concerning the issues in the scope of competence of the Ministry of Culture. One of the measures of the State Culture Policy 2009 - 2014⁹³ supports projects facilitating the access of disadvantaged citizens and minorities to cultural services. The essential conceptual material for libraries - Library Development Concept of the Czech Republic 2004 - 2010⁹⁴ indicates the improved accessibility of libraries and their services, elimination of barriers hindering the access to their usage, extension of library services for persons with disabilities as well as national minorities, unemployed and other disadvantaged social groups as the partial objectives of the library development system (Point 13). The prepared Library Development Concept of the Czech Republic 2011 - 2014 follows this trend and, in addition, it declares the support of libraries as the guarantors of equal approach to information resources and the Internet.

The independent Department of Literature and Libraries announces an annual grant selection procedure Knihovna 21. století (21st Century Library). The project comprises the support of general accessibility of library services for persons with disabilities based on subsidies (to libraries registered according to the Act on Libraries) for purchasing library collections for blind and partially sighted users and for purchasing technical devices and software enabling the access to library collections and electronic information sources in libraries to the blind and partially sighted users. In 2009 - 2011, this support covered 85 projects amounting to CZK 866,000 in total.

Annually, a grant selection procedure Public Information Library Services is announced as well, and the primary goals of the sub-programme No. 3 Information Centres of Public Libraries (VISK 3) include the support of general accessibility of services for persons with disabilities - the purchase of technical devices (except for common hardware) and software enabling the access to library collections, electronic information resources and services in libraries to the blind, partially sighted persons and persons with hearing disability. 4 projects received funding in the total amount of CZK 270,000 in 2009 - 2011.

From the legal norms in the scope of activities of the Media and Audiovision Department, the Act on Operation of Radio and Television Broadcasting⁹⁵ imposes the obligation to make information accessible to persons with disabilities in Article 32: *"The operator of licensed nation-wide television broadcasting is obliged to provide at least 15 % of broadcasted programmes with hidden or open subtitles for persons with hearing disability and to make at least 2 % of broadcasting programmes accessible to persons with visual disability. The operator of nation-wide television broadcasting is legally obliged to provide at least 70 % of broadcasted programmes with hidden or open subtitles and to produce at least 2 % of broadcasted programmes in the Czech sign language or with simultaneous interpreting in the Czech sign language for persons with hearing disability and, in addition, to make at least 10 % of broadcasted programmes accessible to persons with visual disability."* An identical duty is incorporated in the Act on Czech Television⁹⁶.

⁹³ Approved by Resolution of the Government of 19 November 2008 No. 1452.

⁹⁴ Approved by Resolution of the Government of 7 July 2004 No. 679.

⁹⁵ Act No. 231/2001 Coll., on Operation of Radio and Television Broadcasting and Amendment to Some Acts, as amended.

⁹⁶ Act No. 483/1991 Coll., on Czech Television, as amended.

Another legal measure which is worth mentioning in this context is Article 3a of the Act on Conditions of Production, Distribution and Archiving Audiovisual Works⁹⁷: *"The distributor of a Czech audiovisual work accessible in form of reproductions with the subtitle setting option is obliged to provide such reproductions with hidden subtitles to meet the needs of persons with hearing disability. This does not apply to Czech audiovisual works not containing any spoken word."*

Further, provisions of paragraph 4 of Article 6 of the Act on Audiovisual Media Services on Request⁹⁸, in effect since 1 January 2011, are important: *"The provider of audiovisual media services on request is obliged, where useful, to provide a programme with open or hidden subtitles or interpreting in the Czech sign language for persons with hearing disability and a soundtrack intended for persons with visual disability, if available, or to ensure in another manner that some programmes provided within the audiovisual media service on request are accessible to persons with hearing disability and to persons with visual disability."*

The fact is also significant that *"persons with complete or practical blindness of both eyes and persons with complete or practical deafness in both ears, if living alone, are exempt from radio and television fees; such persons are exempt even in case they live together in one household."* - Paragraph 1 g) of Article 4 of the Act on Radio and Television Fees⁹⁹.

All cultural facilities, contributory institutions of the Ministry of Culture, make their information accessible on the Internet or on electronic carriers, and many of them such as the National Institute of Folk Culture in Strážnice, administer extensive digital libraries on their websites as well.

The National Information and Consulting Centre for Culture, a contributory institution of the Ministry of Culture, compiles monthly overviews of projects implemented by entities associating persons with disabilities, or providing them public services funded from the grant selection procedures in the Programme for Support Cultural Activities of Citizens with Disabilities and Seniors. Such overviews are published on the website of the Ministry of Culture.

Museums and art galleries, contributory institutions of the Ministry of Culture, have been digitalizing their collections progressively.

Mediation of information to citizens with visual disability is in the scope of the Library and Printing Office for Blind Persons K. E. Macana established by the Department of Literature and Libraries of the Ministry of Culture.

In health care area, the government draft of the Act on Health Care Services and Conditions of their Provision (currently debated in the Czech Parliament) sets forth that patients with sensory disability or with serious communication problems caused by their state of health are entitled, in communication related to providing health care services, to communicate in a manner which is comprehensible for them and to use

⁹⁷ Act No. 273/1993 Coll., on Some Conditions of Production, Distribution and Archiving Audiovisual Works, on Amendment and Supplement to Some Acts and Some Regulations, as amended.

⁹⁸ Act No. 132/2010 Coll., on Audiovisual Media Services on Request and on Amendment to Some Acts, as amended.

⁹⁹ Act No. 348/2005 Coll. on Radio and Television Fees and on Amendment to Some Acts, as amended.

means of communication of their own choice, including methods based on interpreting by another person. In case interpreting by another person is arranged for by the provider, the patient may be asked to pay for the interpreting-related costs if they are not covered from other resources.

Imparting information on public contracts is regulated within the general regulations on information provision (Act on Free Access to Information, or Act on Public Administration Information Systems.) In accordance with paragraph 1 c) of Article 30 of the Convention, provisions of paragraph 3 of Article 45 of the Act on Public Contracts¹⁰⁰ impose the following rule for the technical conditions of building and construction public contracts: *“If justified by the subject of the public contract, the contracting entity shall take into account the requirements of accessibility for persons with disabilities or accessibility for all users in the determination of technical conditions.”*

Children, pupils and students with disabilities who are unable to communicate in spoken language are guaranteed the right to education by the School Act¹⁰¹ consistent with their needs and possibilities, the right to education by means of substitute forms of communication, including the sign language or Braille and other communication systems in accordance with the needs and the selected communication system.

The state budget funds, in form of the development programme of the Ministry of Education, Youth and Sports, the equipping of schools with assistive and special didactic aids and devices for pupils with disabilities, including specific reading and communication ICT is supported.

In addition, the referred Department, through announced grant programmes, supports the publishing of textbooks and study texts adjusted to the educational needs of pupils with disabilities, including publications in Braille.

The system of educational programmes supports the use of the sign language as a natural means of communication of deaf persons. The knowledge of the sign language among the pedagogues and parents of pupils with hearing disability is spread in form of courses organised within the further education of pedagogues and educational activities of school counselling facilities which provide services to children and pupils with disabilities and their parents.

The competence to communicate in alternative communication systems is part of educational programmes of colleges and universities preparing future teachers. Relevant legal regulations applicable to the Department of Education expressly state that the competence of communicating in sign language is a professional precondition of pedagogues educating pupils with hearing disability.

To parties in the civil proceedings or administrative judicial proceedings, the court shall appoint an interpreter if no communication with them is possible other than by one of the communication systems of deaf and deaf-blind persons (paragraph 2 of Article 18 of the Rules of Civil Procedure¹⁰²). Analogous procedure is applied to criminal proceedings if the contents of a document, testimony or other procedural act have to be interpreted (paragraph 1 of Article 28 of the Penal Code¹⁰³). Such provisions project the general equality principle into procedural regulations.

Moreover, all persons with disabilities and their organizations have the opportunity to become familiar with the prepared legal norms in the Library of Prepared Legislation <http://eklep.vlada.cz/eklep/page.jsf>. This public portal, consistent with the decision of the Government of the Czech Republic, provides access to

¹⁰⁰ Act No. 137/2006 Coll., on Public Contracts, as amended.

¹⁰¹ Act No. 561/2004 Coll., on Pre-School, Primary, Secondary, Tertiary Professional and Other Education, as amended.

¹⁰² Act No. 99/1963 Coll., Rules of Civil Procedure, as amended.

¹⁰³ Act No. 141/1961 Coll., on Criminal Judicial Proceedings, as amended.

documents of legislative character intended to be discussed by the Government. It is possible to follow the whole course of the preparation of documents such as drafts of acts, drafts of their amendments and other documents of legislative character.

Article 22 - Respect for Privacy

The right to privacy and its protection is guaranteed by the constitutional order. In addition, it comprises the protection of private and family life and personal data protection (Article 10 of the Charter of Fundamental Rights and Freedoms¹⁰⁴). The right to privacy and protection of personality is further extended in the Civil Code¹⁰⁵. It states that no intervention is allowed in personality rights other than with the consent of the relevant person. The only exception is the intervention of public power authorities in pursuance of statutory requirements (i.e. official licence), and the use of certain personality assets as portraits, photographs and video or audio recording and personal documents for news, scientific and artistic purposes (news, artistic and scientific licence). Such use, however, may not contradict the justified interests of the respective person (Article 12 of the Civil Code).

The fundamental means of judicial protection of the right to privacy is the civil judicial action for the protection of personality which may be brought in order to cease unauthorized intervention in their rights, to eliminate consequences of such intervention, and to provide the person with adequate satisfaction including the possible compensation for non-material injury in money.

Apart from that, the Authority for Personal Data Protection acts as an independent administrative authority for the protection of privacy supervising the observance of obligations in personal data processing in accordance with the Act on Personal Data Protection¹⁰⁶. The purpose of the Act is to ensure the right of a person to protection against unjustified interference with their private and family life, the right to protection against unjustified collecting, disclosing and/or abuse of personal data.

The protection of privacy is incorporated in the criminal law of the legal system, too. The new Penal Code defines criminal offences of the unauthorised use of personal data (Article 180), damage to the rights of others (Article 181), breach of confidentiality of transported messages (Article 182), breach of confidentiality of papers and other documents kept in privacy (Article 183) and defamation (Article 184). The new offence is stalking, also with the focus on preventing intervention in person's privacy (Article 354). The circumstance that a criminal offence was committed to the detriment of persons with disabilities will be taken into account by the court within the newly formulated general aggravating circumstance.

The government draft of the Act on Health Care Services and Conditions of their Provision sets out that patients, provided health care services, are entitled to respect, dignified treatment, considerate approach and respect for privacy in accordance with the character of such services.

Article 23 – Respect for Home and the Family

In the Czech Republic, persons with disabilities have traditionally been granted the right to a family life. The new Civil Code expressly states that the guardian may not act in matters concerning the exercise of parental rights and duties or matters related to entering into or terminating a marriage (Article 451).

¹⁰⁴ Resolution No. 2/1993 Coll., the Presidium of the Czech National Council on the Declaration of the Charter of Fundamental Rights and Freedoms as an Integral Part of the Constitutional Order of the Czech Republic.

¹⁰⁵ Act No. 40/1964 Coll., Civil Code, as amended.

¹⁰⁶ Act No. 101/2000 Coll., on Personal Data Protection, as amended.

Likewise, a rule is set out that anytime the court restricts legal capacity, it will also decide on parental responsibility, which means whether the state of the person is such that their parental responsibility must be suspended (paragraph 2 of Article 860). Thus, the exercise of parental rights is fully in the competence of a person with restricted legal capacity unless the court has restricted the exercise of parental rights and responsibilities as well (then a guardian is appointed for minor children).

Educational programmes in schools comprise sexual education and birth control. In the context of rights of pupils with disabilities to education in accordance with their needs, such information is imparted in adequate format and communication code.

Health care laws do not restrict persons with disabilities from access to birth control and assisted reproduction and there is no forced sterilization in the Czech Republic.

The discussed government draft of the Act on Specific Health Care Services regulates the referred issues in great detail. In addition, it permits sterilization for other than health reasons which may only be performed on a person older than 21 years of age based on their written request. Patients older than 18 may undergo sterilization for health reasons based on their written request. In case of minor patients and patients with restricted legal capacity, this will require the consent of an expert committee set up by the health care service provider as well as the consent of the court.

Before the sterilization, the physician will be obliged to inform the patient and his or her legal representative about the character of the operation, its permanent consequences and potential risks. An appropriate period of time must be allowed between the imparting of information and giving the consent with the medical intervention - at least 7 days by sterilization for health reasons, or 14 days by sterilization for other than health reasons.

Pursuant to Article 23 of the Convention on the Rights of the Child, binding the Czech Republic, a child with mental or physical disability has the right to enjoy their full and due life under conditions safeguarding their dignity, supporting their self-confidence and enabling the active participation of the child in society. The Contracting States recognise the right of the child with disabilities to special care and, depending on the extent of existing resources available, they support and provide the entitled child and persons caring for them with necessary assistance consistent with the child's state of health and the situation of parents or other persons taking care of the child. Consistent with paragraph 5 of Article 32 of the Charter of Fundamental Rights and Freedoms, parents caring for their children are entitled to receive state support to the extent and under the conditions determined by the law.

The Czech education system respects the right of parents to choose the educational path for their child, the right to educate the child in the mainstream school system. Parents are entitled to be imparted comprehensible and substantial information based on which they make decisions regarding the education of their child. Children, pupils and students with disabilities are provided supportive special pedagogic, psychological and counselling services aimed at enhancing the participation of children, pupils and students with disabilities in ordinary life activities, fostering their success in education and social integration.

Pursuant to Article 9 of Act on Social and Legal Protection of Children¹⁰⁷, parents or persons treated as such are entitled, in exercising their rights and duties, to ask for assistance by authorities of social and legal protection of children, other state authorities in charge of the protection of rights and justified interests of the child under special regulations, or an individual or legal entity authorised to perform social and legal protection of children. Such authorities, in the scope of their activity, and authorised persons, in the scope of their authority, are obliged to provide the parent with any assistance necessary.

The counselling duty of the authorities of social and legal protection of children covers

- a) assisting parents in solving educational or other problems associated with childcare,

¹⁰⁷ Act No. 359/1999 Coll., on Social and Legal Protection of Children, as amended.

- b) providing or mediating counselling to parents in upbringing and education of their child and in care for children with disabilities,
- c) organising lectures and courses focused on managing educational, social and other problems associated with childcare and upbringing.

Parents or other persons in charge of upbringing a child can also ask for assistance in counselling facilities specialised in childcare in pursuance with Article 40 Act on Social and Legal Protection of Children. In particular, such facilities provide guidance targeted at solving mutual relations between the parents and children, parents' care for their children and the care for children with disabilities. Specialised counselling covers the provision or mediating of guidance to parents or other persons responsible for the upbringing of children concerning the matters of children's education and nutrition, and other issues related to their family, social and intergenerational problems arising from childcare. Altogether, there were 81 counselling facilities specialised in childcare in the Czech Republic in 2010, whereas 41 facilities out of that were run by non-governmental organizations, 30 facilities by the regions and 10 by municipalities. In the course of 2010, such counselling facilities provided assistance to 14,089 clients in total.

The objective of the Czech Republic is to prevent, to the greatest extent possible, taking children away from their parents' care, and to reduce on a long-term basis the number of children placed in substitute care, in particular in substitute institutional care. For that purpose, transformation of the system of care for children at risk has begun now, in conformity with the "National Plan of Action for the Transformation and Unification of the System of Care for Children at Risk 2009 – 2011" approved by the Czech Government¹⁰⁸. The National Plan of Action sets forth, with binding effect, specific measures in the scope of activity of the individual departments which should result in the accomplishment of targets after the system transformation, i.e. mainly:

- in the definite preference of childcare in family setting to institutional care, hereby in the reduced number of children in institutional facilities,
- in extended preventive work with families at risk and the reduced number of children taken away from their parents' care,
- in deepened individual approach and multidisciplinary work at the field level and in a more active involvement of children and their families in solving their own situation,
- in personnel and financial strengthening of authorities of social and legal protection of children at the level of municipal authorities which will play a key coordination role in the cooperation of all authorities, entities and facilities providing assistance to families at risk,
- in harmonization of legal provisions, methodical materials and practical procedures in the scope of activity of all departments engaged in the system of care for children at risk.

The Ministry of Labour and Social Affairs has recently submitted to the Government the amendment of the Act on Social and Legal Protection of Children which emphasizes the importance of the child development within family environment. The amendment stipulates binding procedures for activities of authorities of social and legal protection of children, in particular in cases when serious intervention in child and family life occurs (e.g. placement of a child in substitute family care or substitute institutional care). At the same time, the conditions for the development of substitute family care are established by increased support of foster care, changes in financial security of temporary foster care and conditions for the development of support and respite care services for foster families.

Disability does not constitute a fact preventing persons with disabilities from adoption, foster care or guardianship of a child. All applicants requiring the mediation of adoption or foster care must comply with the conditions specified by the Act on Social and Legal Protection of Children. In the first place, such applicants have to meet the following requirements:

¹⁰⁸ Resolution of the Government of the Czech Republic of 13 July 2009 No. 883.

- residence on the territory of the Czech Republic or a continuous stay lasting for at least 1 year,
- evidence of such state of health that does not constitute an obstacle to proper child care,
- evidence of clean criminal record of the applicant and all other persons sharing the applicant's household; for the purpose of foster care mediation, clean criminal record means that the person has not been convicted for any criminal offence against a child or for any other criminal offence whose character should interfere with the applicant's preconditions for child care; proofs of clean criminal record are provided by a copy from the Central Criminal Register where all potential convictions of the applicant are recorded (including the obliterated ones),
- evidence of adequate financial and housing situation of the applicant,
- completion of a special preparation course in child adoption of approximately 40 to 50 hours,
- undergoing a psychological assessment by an expert examining in particular the educational abilities of the applicant, characteristics of their personality and psychical state, motivation to accept a child in foster care, stability of the applicant's partnership and family setting, or other facts decisive for entrusting the child to foster care.

Details on the state of health assessment of the applicants for substitute family care mediation are laid down in the methodical material of the Ministry of Labour and Social Affairs "Recommended Procedure for Examining and Practising Physicians in State of Health Assessment of Children and Applicants for Substitute Family Care."

The state of health of applicants with disabilities is examined as a complex together with other statutory criteria with respect to whether the character of the disability allows the applicant to care for the entrusted child. If the applicant with disability shares their household with other persons or submits the application together with their spouse, the applicant's ability to provide childcare is examined with respect to the possible assistance by such other persons. For the purpose of state of health assessment in the substitute family care mediation, applicants for child adoption or foster care are obliged to undergo an examination of their state of health, to provide information about their state of health and to indicate the name, surname and address of their attending physician and the name and address of the medical facility of their treatment (paragraph 4 of Article 53 of the Act on Social and Legal Protection of Children).

Examining the applicant's state of health for the purpose of adoption or foster care mediation includes assessment whether the applicant's state of intellectual, physical or sensory health does not hinder the long-term, systematic, sufficient and proper care for and upbringing of the child. Such examination should prevent the situation that the demands of many years' childcare would deteriorate or cause gradual deterioration of the already unfavourable state of health of the applicant during the period needed for the upbringing and care for the child, at least until it comes of age.

Examining the applicant's state of health has to be individual, may not be based just on the actual existence of disability as such but on the impact of such disability on the long-term care and upbringing abilities of the applicant. The assessment of the applicant's state of health with a view to adoption or foster care mediation is carried out by the physicians of regional authorities and the Ministry of Labour and Social Affairs. In their assessment, the examining physician should consider, in the first place, the medical records and opinions of registered general practitioners for adults and specialised physicians who have the applicant in their medical and continuing health care. Similarly, the assessing physicians may consider results of a psychological evaluation or a social survey, however, only to the extent important for the assessment of the applicant's state of health for the purpose of adoption or foster care mediation. General practitioners' reports should contain a completed "Form for Adoption or Foster Care Mediation Applicants" and the reports and findings of specialised physician treating the applicant. Specialised physician' reports must contain data on the current state including the respective functional findings regarding the recent course and length of the disease, on the treatment method and disease prognosis. An applicant treated by a psychiatrist during the last 5 years must undergo a psychiatric examination. In other cases, the psychiatric examination is performed only if the assessing physician finds it necessary for the evaluation of the applicant's state of health for the purpose of adoption or foster care mediation, notably if the state of health affects the applicant's peace of mind.

The final decision regarding child adoption or foster care is made by the court. In case of adoption, the Act on Family obliges the court to ascertain, based on the medical examination and other necessary evaluations, the state of health of the adoptive parents, their personality dispositions and motivation to adoption and to assess whether they do not contradict the goals of adoption, and to inform the adoptive parents as well as legal representative of the adoptee about the results of its inquiry (Article 70 of the Act on Family¹⁰⁹).

Article 24 - Education

Education in the Czech Republic, pursuant to applicable legal regulations, is grounded in democratic principles of equal approach to education without any discrimination, including the prohibition of discrimination on the basis of state of health or gender, with respect to the individual's educational needs. Education is compulsory for 9 years and this obligation pertains to all pupils and, by implication, pupils with disabilities. Primary, secondary and tertiary education in public school is free of charge. The right to life-long learning is codified as well.

Children, pupils and students with disabilities are granted wide range of rights lying in the creation of conditions for educating such children, pupils and students in conformity with their needs. At the level of preschool, primary, secondary and higher vocational education, the right is guaranteed to adapt the conditions of entrance and final examination, to use textbooks and study texts adapted for the educational needs of pupils with disabilities, the right is guaranteed to be provided counselling services, to be supported in the development of natural abilities and talents, to the access to school services and extracurricular activities, to the use of services of a pedagogical assistant. It allows extending the length of primary and secondary education and using an individual educational plan. The right to equal access to tertiary education is ensured with the duties of tertiary education institutions to provide all necessary measures for equalization of opportunities for students with disabilities.

Contents of preschool, primary, secondary and higher vocational education comprise the area of general knowledge as well as practical and social skills. The contents and form of education are adapted to the needs and possibilities of children, pupils and students with disabilities. The education of children, pupils and students with disabilities contains, in line with the character of the special educational needs, sign language classes, as well as other alternative forms of communication and independent movement and orientation classes.

Inclusive education is the principal trend. The form of education must be chosen in conformity with the best interest of the child, pupil or student. Parents have, under applicable legal regulations, the right to choose the educational path of their child.

The activity of schools and school facilities for children, pupils and students with disabilities are extended with an offer of supportive care and services including the provision of methodical assistance to pedagogues of other schools and to legal representatives. Independently established schools for pupils with disabilities provide services mainly to pupils with the greatest range of special educational needs and the most severe degree of disability.

Czech schools also employ qualified teachers with disabilities.

The right of pupils with disabilities to education is fulfilled using a wide range of supportive measures involving pedagogical and organisational initiatives including the option of the concurrent activity of more pedagogues in the classroom and the option to use an individual educational plan, counselling services, safeguarding the right to communication by means of alternative forms of communication.

The principal legal regulation for the education of children and youth with disabilities is the School Act¹¹⁰. The education of children, pupils and students with special educational needs is specified in Article 16 of the referred Act. A

¹⁰⁹ Act No. 94/1963 Coll., on Family, as amended.

¹¹⁰ Act No. 561/2004 Coll., on Pre-School, Primary, Secondary, Tertiary Professional and Other Education, as amended.

child, pupil and student with special educational needs mean a person with disability or with a disadvantage in terms of health or social status.

For the purpose of the School Act, disability is defined as mental, physical, visual or hearing disability, speech impediment, multiple disability, autism and developmental disorders of learning or behaviour.

As a result, being disadvantaged in terms of health means a weakened state of health, long-term illness or milder health disorders leading to learning and behavioural disorders that have to be given due consideration in education.

Accordingly, the Decree on Education of Children, Pupils and Students with Special Educational Needs and of Extraordinary Talented Children, Pupils and Students¹¹¹ specifies the forms of special education of pupils with disabilities, types of special schools, individual educational plans and the tasks and position of the pedagogical assistant. The Decree stipulates the supporting and compensatory measures to enhance the success of education of children, pupils and students with special educational needs, sets forth conditions for accepting pupils to schools established for pupils with disabilities, conditions of their education according to the educational programme adjusted to the educational needs of pupils with disabilities, conditions for granting the informed consent of parents of minor or major pupils with their education in the classroom or school established for pupils with disabilities and education in compliance with the proposed educational programme, etc.

The school counselling facility is in charge of inquiring about the special educational needs of children, pupils and students. Children, pupils and students with special educational needs are entitled to education whose contents, forms and methods correspond to their educational needs and possibilities, to the creation of essential conditions that make such education possible and to the counselling assistance of the school and the school counselling facility. For pupils and students with disabilities and disadvantages in terms of health, suitable conditions regarding their needs are determined at their acceptance to and completion of education. Evaluation of pupils and students with special educational needs takes into account the character of the disability or disadvantage. The length of secondary and higher vocational education may be extended by the headmaster in exceptional cases to individual pupils or students with disabilities, however, by no more than 2 school years.

Children, pupils and students with disabilities are entitled to the free use of special textbooks and special didactic and assistive learning devices provided by their school for education purposes. Deaf and deaf-blind children, pupils and students are guaranteed the right to free education with the help of or by means of communication systems for deaf and deaf-blind persons pursuant to another legal regulation¹¹².

Children, pupils and students who cannot read common script with their vision, are guaranteed the right to education in Braille. Children, pupils and students who cannot communicate with spoken language are guaranteed the right to free education with the help of or by means of substitute means of communication.

If the character of the disability requires, schools, or alternatively individual classrooms, departments or study groups with adapted educational programmes within the school are established for children, pupils and students with disabilities. Pupils with moderate and severe mental disability, pupils with multiple disability, and pupils with autism are entitled to education in special primary schools if they are not educated in another way. Pre-school education of children with moderate and severe mental disability, with multiple disability or autism can be provided in the preparatory stage of the special primary school.

The headmaster of a nursery school, primary school, special primary school, secondary school, conservatory and higher vocational school can introduce a function of a pedagogical assistant in the class or study group containing a child, pupil or student with special educational needs. In case of children, pupils and students with disabilities or disadvantage in terms of health, an opinion of the school counselling facility is needed.

¹¹¹ Decree No. 73/2005 Coll., on Education of Children, Pupils and Students with Special Educational Needs and of Extraordinary Talented Children, Pupils and Students, as amended.

¹¹² Act No. 155/1998 Coll., on Deaf and Deaf-blind Persons' Communication Systems, as amended.

Establishing an individual class, department or study groups with adapted educational programmes within a school and introducing the function of a pedagogical assistant requires the consent of the Ministry by schools established by the Ministry or registered churches or religious societies authorised to exercise the special right to found church schools, or the consent of the regional authority in case of schools by other establishers.

In nurseries, primary and secondary schools and conservatories, altogether 98,700 children and pupils with disabilities or disadvantages in terms of health are educated in the school year 2010/2011.

In the school year 2010/2011, nurseries educate 9,200 children with disabilities or disadvantages in terms of health, which is 2.8 percent of all children in nurseries. 1,900 children are individually integrated in ordinary classrooms of nurseries (i.e. 0.6 % children in nurseries).

Primary schools have the highest share of pupils with disabilities or disadvantages in terms of health from the whole school system. In the school year 2010/2011, they include 70,700 pupils with disabilities or disadvantages in terms of health (i.e. 9.0 % all pupils in primary schools). The share of individually integrated pupils in ordinary classrooms of primary schools has been growing successfully, the share of such pupils reached 4.6 percent in the school year 2010/2011.

In the school year 2010/2011, the share of pupils in special classrooms dropped for the first time, namely to 4.4 percent from 4.7 percent in the school year 2009/2010. In special classrooms, the highest share represent pupils with mental disability (61.1 %), with learning disorders (13.4 %) and with multiple disability (12.5 %).

In the school year 2010/2011, 18,700 pupils with disabilities or disadvantages in terms of health go to secondary schools in full-time study, which is 3.8 percent of secondary school pupils. Almost a third of all secondary school pupils with disabilities or disadvantages in terms of health is integrated in ordinary classrooms. Likewise, the share of pupils with disabilities integrated in ordinary classrooms of secondary schools has been rising year by year. For instance, there was 20.2 percent of secondary school pupils with disabilities integrated in ordinary classrooms in the school year 2005/2006, whereas the share of integrated pupils reached 34.9 percent in the school year 2010/2011.

Only a small percent of pupils with disabilities go to conservatories (1.9 % of all full-time pupils in conservatories).

At the tertiary level of education of students with disabilities, there is a system of counselling support and other supportive services focused on fostering successful education and elimination of barriers in the access to tertiary education of students with disabilities.

The Education Department pays great attention to the education of children, pupils and students with disabilities and to the elimination of barriers in the access to all forms and levels of education. To promote and develop education of the referred group of pupils in preschool, primary, secondary and higher vocational schools, the system of supportive measures is used financed from the state budget section of the Ministry of Education, Youth and Sports, including funding for the creation, production and distribution of textbooks and didactic materials adapted to the educational needs of pupils with disabilities (the development programme Special Textbooks, Special Study Texts and Materials for Pupils with Visual, Hearing, Mental Disabilities and Specific Learning Disorders), assistive and didactic aids and devices (the development programme Equipping Schools with Assistive and Rehabilitation Aids and Devices), the support of further education of pedagogues educating children, pupils and students with disabilities, the support of competence development of pupils with disabilities by means of ESF funds, etc. The education of students with disabilities in tertiary education schools is financially supported by the development programmes announced by the Ministry of Education, Youth and Sports and also by the financial resources of the European Social Fund.

The education system is complemented by counselling services in schools intended to foster the success of education of children, pupils and students with disabilities, to participate in the creation of adequate conditions for the education of the respective group of pupils, and to assist in choosing one's educational and professional path.

To provide access to life-long learning, Resolution of the Government of the Czech Republic¹¹³ of 2007 was issued. The resolution became the basis for the Lifelong Learning Strategy Implementation Plan 2008.

The key strategic trends account for priority areas receiving the most attention:

- a) Creating an open space for life-long learning including the recognition of results from informal education and learning. Since 1 August 2007, the Act on Verification and Recognition of Further Education Results¹¹⁴ came to full force and effect which is an important step towards the equalization of the many different routes leading to qualification. Recognising the results of all forms of education and learning opens the space for life-long learning.
- b) Gradually, the National Qualifications System has been built in order to create an administrative and relational framework for all qualifications recognised in the labour market. The National Qualifications System should enhance transparency and recognition of qualifications acquired in the Czech Republic at the European level, including their international recognition. As the basis for building the National Qualifications System, the Ministry of Labour and Social Affairs has been compiling the National System of Professions, an open information database on labour market demands. It contains information on professions applicable in the labour market and requested competences. It is used in business practice, counselling services and in influencing vocational training. Employers create it by means of departmental councils and the state is the guarantor.
- c) Enhancing the accessibility and equality of chances to access life-long education for persons with disabilities includes retraining which is organised by the Czech Labour Office. Regarding further professional education, persons with disabilities are not treated differentially. Unless the state of health of the applicant or the person interested in the profession significantly hinders their participation in an educational activity, such persons are commonly enrolled in courses alongside persons without any disabilities. Vocational rehabilitation covers specialised retraining courses that are better adapted to the possibilities of persons with disabilities. Counselling services of the Czech Labour Office comprise individual and group counselling to pupils and graduates of schools with disabilities regarding the selection of occupation. Counselling focuses on the selection of occupation with respect to medical contraindications, and on information regarding the subsequent employment opportunities in the labour market. Information and counselling centres impart up-to-date information on the network of secondary and tertiary schools, study and vocational subjects in the region and all over the Czech Republic, on conditions and the course of entrance procedures, demands and requirements of each occupation, employment options of graduates with disabilities as well as retraining opportunities.

Since 2004, the Government Board for People with Disabilities has engaged an Expert Group for Education composed of specialists in the individual levels of education, representatives of academia and territorial Government. In the first place, the Committee is in charge of monitoring and assessing the activity of entities involved in raising the educational level of persons with disabilities. At present, it concentrates on preparing system modifications regarding the accessibility of tertiary education for persons with disabilities.

Article 25 - Health

Health care laws set out equal access to provided health care services to all persons without distinction of any kind. Analogously, health care services can be provided only upon a free and informed consent (the law specifies cases when health care service is provided without consent).

¹¹³ Resolution of the Government of the Czech Republic of 11 July 2007 No. 761 on Lifelong Learning Strategy in the Czech Republic.

¹¹⁴ Act No. 176/2006 Coll., on Verification and Recognition of Further Education Results, as amended.

Health care provided to persons with disabilities is an inseparable part of the unified system of national health insurance. It will be the goal for the following period to continue in applying such instruments that would reduce the need of health care, or that would result in its higher effectiveness and quality.

The instruments will not only include the development of primary prevention, subsequent health care, integrated care in health and social care facilities, but also the support of preventive, rehabilitation and therapeutic activities for persons with disabilities and the chronically ill as well as the further development of secondary prevention through a grant policy for the education of such persons. Education contributes to enhanced treatment effectiveness, reduction of secondary consequences of disability, better quality of life of persons with disabilities, extended length of their working and social activity, and thus to savings in expenses from public resources.

Moreover, attention is paid to consistent respecting, fulfilling and enforceability of patients' rights arising from the Convention on Human Rights and Biomedicine¹¹⁵ and other normative acts. Ensuring the exercise of such rights has to be reflected in all relevant legal regulations that are being prepared at present.

The interdepartmental working group of the Ministry of Health deals with the origin of the system of health and social care for the mentally ill, especially at community level. Regarding the enhancement of life quality of such persons, the primary objective is to promote development initiatives of community centres because there is not sufficient quantity of small community facilities in the Czech Republic where mentally ill persons could live or which they could attend.

Annually, the Ministry of Health announces grant programmes intended to support projects of non-governmental organizations of persons with disabilities and chronically ill citizens. Such programmes address the education of health care beneficiaries from among persons with disabilities or chronic illness.

In the framework of the "National Programme for Solving HIV/AIDS Issues", a grant programme also funds the operation of the facility of the Czech AIDS Help Society named "The Lighthouse" which is a social prevention service – an asylum centre. The service is used by persons with disabilities – particularly by HIV positive persons and persons with AIDS. In addition, grant programmes of the Ministry of Health fund educational and intervention initiatives regarding the prevention of HIV transmission targeted especially at HIV positive persons, persons with AIDS, but also at the general public.

Article 26 – Habilitation and Rehabilitation

In the new National Plan for the Creation of Equal Opportunities for Persons with Disabilities 2010 - 2014¹¹⁶, Section 11 formulates measures regarding rehabilitation of persons with disabilities so that both its all components - medical, social and vocational rehabilitation as well as education - are developed, and legislative and material conditions are prepared for their coordination, while introducing interrelatedness and the indispensable continuity.

In cooperation with the relevant departments (Ministry of Labour and Social Affairs, Ministry of Health and Ministry of Education, Youth and Sports), the expert public and representatives of organizations of persons with disabilities, the draft of the legislative intention of the Act on Rehabilitation Coordination of Persons with Disabilities is being prepared. The draft gives priority to solving especially the coordination of rehabilitation provided to persons with disabilities, taking into consideration the currently applicable legal provisions concerning the components of such rehabilitation.

The key features of the proposed solution include:

- provision of rehabilitation coordination, i.e. arranging for all its principles (on time provision, comprehensiveness, continuity, accessibility, individual approach and multidisciplinary assessment),
- provision of expert counselling,

¹¹⁵ Communication No. 96/2001 Collection of International Treaties

¹¹⁶ Approved by Resolution of the Government of the Czech Republic of 29 March 2010 No. 253.

- active approach and cooperation of persons with disabilities in solving their unfavourable life situation,
- appointing an entity in charge of rehabilitation coordination.

Due to the time when the draft of the legislative intention is being prepared, it is possible to take advantage of the Council of Europe Recommendation titled "Action Plan to Promote the Rights and Full Participation of People with Disabilities in Society: Improving the Quality of Life of People with Disabilities in Europe 2006 – 2015" and especially of the provisions of Article 26 of the present Convention.

As far as medical rehabilitation is concerned, it is regulated by the Government draft of the Act on Health Care Services. It sets forth that the patient must be informed about all successive health care and social services which might contribute to the improvement of their state of health, in particular about the options of social and vocational rehabilitation and education.

Analogously to other health care services, providing medical rehabilitation is voluntary and requires the patient's consent.

During the last ten years, the Czech Republic has seen considerable development of social rehabilitation. Mainly, it is the merit of non-governmental organizations, especially the civic associations of persons with disabilities, several health care facilities (specialised medical institutions), foundations and the like, which begun operating centres where persons with disabilities have had the opportunity to learn basic skills regarding self-service, self-sufficiency, orientation training etc. By 1 July 2011, there were 361 registered social rehabilitation providers altogether in all forms of service provision, i.e. field, residential, and outpatient.

The Act on Social Services¹¹⁷ has brought significant improvement to the legal status concerning the provision of social rehabilitation as it has defined social rehabilitation as a type of social services. The Act regulates the key activities which a social rehabilitation provider is obliged to carry out and whose content in form of individual tasks is set out in the implementing regulation. The key activities of social rehabilitation include:

- training of skills to manage self-care,
- training of self-sufficiency and other activities leading to social inclusion,
- mediation of contacts with the social environment,
- educational and stimulating activities,
- assistance in the exercise of rights, justified interests and in managing personal affairs,
- basic social counselling,
- in addition, centres of social rehabilitation services provide accommodation, food and personal hygiene.

The majority of social rehabilitation is funded by subsidies provided to non-governmental entities by the Ministry of Labour and Social Affairs and by the regions. In 2010, the subsidies amounted to CZK 123,445,600. Users are provided with basic social rehabilitation free of charge. Service users only pay for costs connected with the stay, i.e. costs for accommodation, food and assistance in personal hygiene.

Vocational rehabilitation is implemented through the regional branches of the Czech Labour Office in line with the Employment Act¹¹⁸ and other norms under this Act. In terms of legal provisions, vocational rehabilitation can be considered the most comprehensively elaborated area of rehabilitation.

Vocational rehabilitation is a measure of the active employment policy aimed at equalizing opportunities of persons with disabilities in the labour market and it belongs to a complex of activities and actions leading to their full integration. The entry of persons with disability in the process of vocational rehabilitation is voluntary.

¹¹⁷ Act No. 108/2006 Coll., on Social Services, as amended.

¹¹⁸ Act No. Act 435/2004 Coll., on Employment, as amended, Decree No.518/2004 Coll., implementing Act No. 435/2004 Coll., on Employment, as amended, and Normative Instruction No. 3/2009.

Vocational rehabilitation is provided by the Czech Labour Office to persons with disabilities based on their submitted application. It is not decisive for the provision of vocational rehabilitation whether the applicant for vocational rehabilitation is registered by the Czech Labour Office as a job applicant. Every person with disability who is not entitled to sickness benefit, old-age pension or wage (salary) or compensation for wages (salary), has the right to receive retraining benefit for the period of vocational preparation and participation in specialised retraining courses in accordance with the decision of the Czech Labour Office.

An Individual Vocational Rehabilitation Plan is drawn up with the person who has applied for vocational rehabilitation and it is basically a time schedule for fulfilling the agreed procedure leading to future employment. The Czech Labour Office has set up regional expert working groups in accordance with provisions of paragraph 3 of Article 7 of the Employment Act. Consistent with the applicant's documented state of health, their preserved abilities to work, recommendations from ergo-diagnostic examination etc., the expert working group will assess and suggest suitable forms of vocational rehabilitation in the submitted proposal of the Individual Vocational Rehabilitation Plan prepared by the officer in charge – the vocational rehabilitation counsellor. The composition of the expert working groups reflects the broader range of specialised professions. Members of the expert working group include, for instance, physicians, representatives of social agencies, representatives of non-profit organizations dealing with the issues of persons with disabilities and representatives of employers employing persons with disabilities.

- The Czech Labour Office is obliged to pay in full the forms of vocational rehabilitation in the individual plan draft recommended by the expert group for approval, namely from the active employment policy funds or from funds intended for the projects of the relevant measures of the Operational Programme Human Resources and Employment.

From 2005 to 2008, the project "Rehabilitation-Activation-Work" was implemented and it was funded from the European Social Fund within the EQUAL programme and from the Czech state budget. The goal of the project was to design a usable model of integrated system for working with persons with disabilities. Altogether, five work modules were designed in the project. Analysis results of Module I "Rehabilitation-Activation-Work" project in the past confirmed that still not all of the key instruments and mechanisms regarding vocational rehabilitation have been put into practice successfully so far. The present system is imbalanced in terms of offer and demand for vocational rehabilitation services, there are differences between the structure of offered services and the needs of persons with disabilities, with considerable regional disproportions. Issue solving is not coordinated at the level of local vocational rehabilitation systems and standardization of the whole process is missing including the standardization of provided services and implemented procedures.

In order to cover all of the accessible standardized services, the system project "Regional Network for Cooperation in Vocational Rehabilitation" (abbreviated to PREGNET) was submitted for implementation. The PREGNET project aims at designing a system of regional cooperation networks regarding vocational rehabilitation and at creating adequate conditions for their development. The PREGNET project intends to introduce fundamental changes to the system of evaluating the state of health of persons with disabilities by the medical assessment service and the Czech Labour Office and to promote the development of vocational rehabilitation which is a comprehensive tool of active employment policy in the return of persons with disabilities to the labour market.

The education of children, pupils and students with disabilities contains subjects of special pedagogy care focused on strengthening and development of relevant abilities and skills that enhance independent life of persons with disabilities and their social integration. In addition, new technical and assistive devices are used; pedagogues are continuously trained in using such technologies and in mastering the skills necessary for the education of pupils with diverse educational needs.

Counselling services provided in the school system engage special pedagogues, psychologists, social workers, and the teams may include a physician as well. Schools established for pupils with disabilities allow arranging for other rehabilitation aspects in accordance with the pupils' needs.

In vocational rehabilitation pursuant to Act on Employment (Article 69), children with disabilities are also entitled to counselling dealing with the choice of profession, choice of employment or another gainful activity and with the theoretical and practical preparation for their occupation; the services are provided by the Czech Labour Office.

In respect of assistive devices, the one-time benefit for the purchase of special aids and devices is paid beyond the framework of health care aids provision, which enables persons with physical, visual or hearing disability to acquire certain aids and devices (PCs with special programmes, digital magnifying glasses, induction loop systems etc.). This benefit, currently paid by municipal authorities of municipalities with extended competence, contributes to better accessibility of aids and technologies for persons with disabilities.

Moreover, the grant programmes of the Ministry of Health promote the establishment and operation of hire service of assistive and rehabilitation aids and devices.

Article 27 – Work and Employment

To start with, again, any form of direct or indirect discrimination is forbidden in exercising the right for employment by a person with disability. However, situations where the character of the job (type of work) does not allow employment of persons with disabilities do not constitute discrimination.

The state employment policy pursuant to Article 2 of the Employment Act¹¹⁹ comprises measures to promote and achieve the equal treatment of men and women, of persons independent of their racial and ethnical origin, of persons with disabilities and of other groups of persons with a difficult position in the labour market in respect of access to employment, retraining, vocational preparation and specialised retraining courses, and measures adopted to employ such persons. Similarly, it covers actions taken to employ individuals with disabilities and other groups of individuals with a difficult position in the labour market. This legal regulation contains a series of steps for the protection against discrimination.

Paragraph 2) of Article 4 prohibits discrimination in exercising the right to employment, inter alia, on the basis of the state of health; paragraph 9) of Article 4 states that discrimination also means harassment and sexual harassment on the basis of disability.

Consistent with provisions of Article 80 of the referred Act, employers are obliged

- a) to extend, in accordance with their conditions and in cooperation with the physician of company preventive care, the opportunities of employing persons with disabilities by individual adjustment of work positions and working conditions and by designating jobs for persons with disabilities,
- b) to cooperate with the regional branch of the Labour Office regarding the provision of vocational rehabilitation,
- c) to keep records of employed persons with disabilities; the records should contain data on the reason why such persons have been recognised as disabled,
- d) to keep records of jobs designated for persons with disabilities.

Paragraph 1 of Article 29 of the Charter of Fundamental Rights¹²⁰ states that persons with disabilities are entitled to enhanced protection of health at work and to special working conditions. Paragraph 2 of the same Article reaffirms the right of persons with disabilities to special protection in labour relations and to assistance in vocational training.

With a view to support persons with disabilities in finding of employment (including students with disabilities), tools of active employment policy are implemented to motivate employers to employ this group of persons. The motivation

¹¹⁹ Act No. 435/2004 Coll., on Employment, as amended.

¹²⁰ Resolution No. 2/1993 Coll., the Presidium of the Czech National Council on the Declaration of the Charter of Fundamental Rights and Freedoms as an Integral Part of the Constitutional Order of the Czech Republic.

includes financial support paid to employers for the creation of new work positions for persons with disabilities, i.e. sheltered jobs and sheltered workshops. In this case, employers receive financial support to purchase equipment necessary for the creation and adaptation of the job. Afterwards, the employer hires persons with disabilities for the subsidised position and undertakes to maintain the job for 2 years.

In the first half of 2011, there were 451 of such new sheltered jobs and places in sheltered workshops. Progressively, 728 persons with disabilities have been employed in those jobs. In 2010 there were 1,029 of such positions and 1,588 employees.

Moreover, financial support is available to persons with disabilities who decide to become self-employed. The support covers acquisition of equipment necessary to start business. 27 persons were supported in the 1st half of 2011, and 52 persons in 2010.

Employers of persons with disabilities and self-employed persons with disabilities are paid subsidies as partial reimbursement of operational costs. The subsidies can be used, for instance, to pay for rent, fuel, power, water and sewage rate, transportation etc. In the first half of 2011, the operational subsidy supported 7,833 sheltered jobs and places in sheltered workshops. In 2010, there were 10,076 of such jobs.

Except for the above mentioned tools, every employer employing more than 50 % persons with disabilities (of the total number of their employees) is entitled to receive the subsidy promoting the employment of persons with disabilities. This subsidy is paid on a monthly basis to refund wage costs incurred with respect to an employee who is a person with disability. In the fourth quarter of 2010, the subsidy was paid for 38,320 persons and to 1,988 employers.

Such subsidies are provided independent of the work form (work in a workplace, teleworking, work from home, etc.) which promotes innovative forms of employing persons with disabilities.

The above mentioned instruments have the character of including persons with disabilities in the "sheltered labour market" (they are employed by employers specialising in this group of persons, or certain jobs are created which have to be occupied by persons with disabilities for a certain period of time).

However, there are also tools promoting the inclusion of persons with disabilities in the "open labour market." Again, they include financial support paid to employers for the creation of jobs and contributions for the compensation of wage costs.

Another tool is the mandatory share of persons with disabilities employed, which means that every employer having more than 25 employees is obliged to employ persons with disabilities in the amount of the mandatory share of 4 % of such persons out of the total number of employees. This mandatory share can be met by contractual employment of persons with disabilities, by purchasing products or services from employers employing more than 50 % of employees with disabilities, or by levies to the state budget. The employer may choose one option or combine them as they please. In 2010, direct employment of persons with disabilities accounted for 56 % of the obligation.

Last but not least, employers are motivated to employ persons with disabilities in the open labour market by income tax deductions. Every employer employing a person with disability receives a tax deduction of CZK 18,000 per every employee who is such person (with recognised disability of 1st or 2nd degree) and a deduction of CZK 60,000 if such employee is a person with more severe disability (with recognised disability of the 3rd degree).

Instruments of the active employment policy emphasize the promotion employing persons with more severe disabilities. When employing a person with more severe disability, the employer is paid a higher subsidy for the creation of sheltered jobs and sheltered workshops. The tools "subsidy to promote employment of persons with disabilities" and "mandatory share of persons with disabilities in employment" are linked to the average converted number of persons with disabilities and to the determination of the 50% share of such persons out of the total number of employees. For this purpose, every person with more severe disability is counted three times. Last but not least, persons with more severe disabilities are advantaged in terms of income tax deductions – see above.

To promote the start of or the return to employment with respect to persons with disabilities, the following individual forms of vocational rehabilitation were given effect to in 2009 and 2010:

- counselling (balance diagnostics, vocational diagnostics, ergo-diagnostics, counselling on the choice of profession, counselling on the choice and change of employment, counselling on the choice of retraining, counselling on the choice of vocational preparation, counselling on the selection of suitable tools of the active employment policy),
- vocational training (starting a systematic vocational training - return to the school system),
- vocational training (training of persons with disabilities for working in the employer's workplaces, training for work carried out in sheltered workshops and in sheltered jobs of legal entities or individuals or in educational facilities),
- specialised retraining courses (professional retraining, qualification extension, preparation for self-employment),
- employment mediation (counselling aimed at the mediation of suitable employment, counselling regarding other gainful activities, agency mediation of a job placement),
- maintaining and change of employment, change of profession (stimulating and motivational programmes),
- creating suitable conditions for job performance (supported employment, financial support to employers for the creation of sheltered workplaces for the person with disability),
- creating suitable conditions for the performance of another gainful activity (financial support to a person with disability to establish a socially purposeful job and become self-employed).

In the recent period, financial support was provided from the active employment policy resources as well as other sources such as those intended for funding projects of the relevant measures of the Operational Programme Human Resources and Employment.

The total costs to support employment of persons with disabilities reached CZK 323,661,000 in 2010 (a subsidy to create a sheltered job, sheltered workshop, a subsidy to partial reimbursement of the operational costs of sheltered workshops and sheltered jobs, vocational rehabilitation of persons with disabilities). Subsidies to promote employment of persons with disabilities reached CZK 2,712,304,000 in total. All costs of the Czech Labour Office incurred by the provision of vocational rehabilitation to persons with disabilities amounted to CZK 3,129,000 in 2009 and to CZK 3,594,000 in 2010.

The instruments of the active employment policy as well as tools promoting the placement of persons with disabilities in the open labour market are realized independent of the gender of the promoted person. Therefore, men and women have equal opportunities in using the described tools, but men tend to achieve more satisfying results than women.

Persons with disabilities have an easier access to instruments of the active employment policy compared to other citizens. The support of sheltered jobs and sheltered workshops does not require the person with disability to be registered as a job applicant. Access to other employment services is the same for such persons as for other citizens.

As far as the protection of employees with disabilities from dismissals is concerned, labour-law regulations do not contain any special measures dealing only with this group. That is because of the previous legal regulation which contained an obligation for the employer to conclude work contracts with persons with disabilities only for an indefinite period of time, and the employer was not allowed to conclude a probationary period contract with such persons. The regulation proved counter-productive.

The Ministry of Labour and Social Affairs, pursuant to provisions of paragraph 1 g) of Article 6 of the Employment Act, for the purpose of employment, provides, inter alia, the management of a central register of persons interested in employment, job applicants, persons with disabilities etc.

The general directorate of the Czech Labour Office, pursuant to provisions of paragraph 8c) of Article 8, adopts measures to promote and achieve the equal treatment of men and women, of persons independent of their nationality, racial or ethnical origin, of persons with disabilities and of other groups of persons with a difficult position in the labour market, in respect of access to employment, retraining, vocational training and to specialised retraining courses, and takes steps to employ such persons.

The regional branch of the Czech Labour Office, pursuant to Article 8a, adopts measures in its scope of competence to promote and achieve the equal treatment of men and women, of persons independent of their nationality, racial or ethnical origin, of persons with disabilities and of other groups of persons with a difficult position in the labour market, in respect of access to employment, retraining, vocational training and to specialised retraining courses, and takes steps to employ such persons. In addition, it pays subsidies promoting the employment of persons with disabilities to employers employing more than 50 % employees with disabilities, assesses whether the person is disadvantaged in terms of health and, on the other hand, an individual shall not be considered a disadvantaged person if he or she has not undergone an assessment of their state of health or another specialised examination although they have been informed about such opportunity. For employment purposes, records are kept of free jobs, records of persons interested in employment, records of job applicants, records of persons with disabilities, records of foreigners and records of permissions to carry out artistic, cultural, sporting or advertising activities of children. Data from such records are transmitted to central registers administered by the Ministry.

In job placement activities, increased care is devoted, pursuant to provisions of Article 33 of the Employment Act, to job applicants who need it because of their state of health, age, childcare or other reasons. Such applicants include individuals with disabilities as well. Individual Plans of Action are used to raise the chance of placing the job applicants in the labour market. It is a document prepared by the regional branch of the Czech Labour Office in cooperation with the job applicant. The Individual Plan of Action contains, in particular, defining the procedure and time schedule for the accomplishment of each measure to raise the chances of the job applicant's placement in the labour market. By setting out the content of the Individual Plan of Action, the achieved qualification, state of health, options and abilities of the job applicant are taken into account. The Individual Plan of Action is prepared by the regional branch of the Czech Labour Office each time a job applicant has been registered continuously for more than 5 months. The job applicant has to cooperate with the regional branch of the Czech Labour Office in preparing the Individual Plan of Action, its updating and assessing, in line with the schedule specified by the regional branch of the Czech Labour Office, and they have to meet its requirements. In line with this increased attention, the employer, under Article 36 of the Employment Act, at the request of the regional branch of the Czech Labour Office, will choose from the registered free jobs which are suitable for the job applicant who has been receiving more intensive care in job placement activities from the regional branch of the Czech Labour Office.

In Article 237, the Labour Code¹²¹ sets out a general obligation for the employer to employ persons with disabilities and to create conditions for their employment. As far as employers' duties to employ individuals with disabilities and to create necessary work conditions are concerned, the Labour Code refers to Article 67 up to Article 84 of the Employment Act. Paragraph 5 of Article 48 of the Labour Code still obliges employers to notify the relevant branch of the Czech Labour Office in case of employment termination with a person with disabilities (however, the amendment of the referred law with effect from 1. January 2012 does not contain the duty). Under paragraph 5 of Article 103 of the Labour Code, the employer has to take, at their own costs, technical and organisational measures with respect to the employee who is a person with disability, in particular the necessary modification of work conditions, adjustment of workplaces, establishment of sheltered jobs and workshops, initial training or initial practice of such employees, and raising their qualification in their regular job performance.

The fact is that in spite of all adopted measures, persons with disabilities still have a lower chance of finding employment than other groups of citizens. The current situation in the employment of this target group highlights the need for an overall review of the employment support system, including an evaluation of the impacts of related systems. For this reason, a panel of experts was established by the Ministry of Labour and Social Affairs in 2009 with the aim to focus on the employment of persons with disabilities in a broad context; the panel discussed the differentiation between

¹²¹ Act No. 262/2006 Coll., Labour Code, as amended.

social therapy and work, classification of disability, use of supported employment system and evaluated the existing implementation of employment policy tools as defined in the Employment Act. The provision of a comprehensive solution to support the employment of persons with disabilities is addressed by the systemic project "Increasing the effectiveness of the system for the support of the employment of persons with disabilities in the Czech Republic.

In respect of employment, projects of the Operational Programme Human Resources and Employment focused on persons with disabilities are implemented as well.

In Areas of Support 1.2, 2.1 and 3.3 of the Operational Programme which are implemented with respect to employment, emphasis is also placed on the group of persons with disabilities. This group of persons is either the direct target group or it is a subgroup of the target group with emphasis on increased care for this target group in job placement etc. As a matter of fact, it is the most frequent target group in particular in Area of Support 3.3 which the project activities focus on.

The key activities contained in such projects include motivational courses, vocational diagnostics, vocational training, retraining courses, jobs on trial, job placement and newly created jobs. Frequently, counselling and additional related services are provided in order to facilitate the labour market for persons with disabilities. Such projects are mainly submitted by non-profit organizations.

Implemented projects consist of regional projects in the territory of one region as well as supra regional projects covering more regions, or alternatively the whole territory of the Czech Republic.

In addition, persons with disabilities are the target group of the global grant for the Promotion of Social Economy funded from the Operational Programme Human Resources and Employment, Area of Support 3.1. This programme funds entrepreneurial activities whose substantial part focuses on supporting selected target groups not only by employing them but also by their additional inclusion within the company and beyond.

The Ministry of Labour and Social Affairs relies on the following definition of social economy:

Social economy constitutes a group of activities carried out by various different organizations in order to serve their members or the community by means of entrepreneurship or support of entrepreneurship. It originates from and develops according to the concept of triple benefit: economic, social and environmental. In the social economy, profit (surplus) can be generated; however, it is not the primary goal. Priority is given to using the potential profit to develop company activities and/or to meet the needs of the local community. A social company and its management neither depend on foreign capital nor on public funding and institutions. Internal relations are directed towards democratic decision making, external relations generate social capital.

In the framework of priority 3 of the Integrated Operational Programme Improving the Quality and Accessibility of Public Services, the Area of Support 3.1 - Support of Social Integration and Social Services, investment support is provided for the development of social economy.

Area of Intervention 3.1 - Social Integration Services Activity c) Investment Support for Providers of Social Services, Employers and Other Entities in Promotion and Implementation of Social Economy Tools

The goal of the Activity 3.1 c) is to provide investment support to promote and develop social economy tools. This includes promotion of innovative entrepreneurial activities which enable socially excluded persons and persons at risk of social exclusion to enter the labour market and entrepreneurial environment. Persons with disabilities are one of the four target groups of this initiative. It comprises the initiating, pilot support of tools of social economy and setting an appropriate model to promote social entrepreneurship in the Czech Republic. The successful start of this model requires that new social enterprises are provided with initial equipment, necessary devices, machines, etc. while the scheduled payment of wages and other operation costs is observed. In this manner, this initiative can be interrelated with the support in Area of Intervention 3.3 Integration of Socially Excluded Groups in Labour Market of the Operational Programme Human Resources and Employment. In the projects of Activity 3.1c, 20 % of eligible expenses of the individual projects are paid from the beneficiaries' private resources, while 85 % of the remaining funds come from

ERDF and 15 % from the state budget. The total allocated amount for Activity 3.1c) for the programming period 2007-2013 is EUR 14 million.

Employment of persons with disabilities is solved by all authorities of state administration in their scope of activities. Examples of their approach to these issues are given below.

The Employment Act¹²² adopted in 2004 cancelled the exception from the mandatory employment of citizens with reduced capacity to work in armed forces and armed units which was stipulated in the provisions of Article 28 of the previous Act¹²³. Since the date of entry into force of the referred Employment Act, even the armed forces and units are thus, consistent with provisions of Article 81 of this Act, obliged to employ persons with disabilities in their facilities in the amount of the mandatory share of such persons out of the total number of their employees. First, the Ministry of Defence was bound by this duty in 2005 and the department failed to meet the mandatory share in the employment of persons with disabilities at that time. In the following four years, 2006 to 2009, the department met its duty both by the direct employment of persons with disabilities but, above all, in the substitute manner, which means by purchasing products and services from employers employing more than 50 % of persons with disabilities.

The prospective service of persons with disabilities as professional soldiers is limited by the requirements imposed on the service of professional soldiers by legal regulations. Provisions of paragraph 1 e) of Article 3 of the Act on Professional Soldiers¹²⁴ stipulates an obligatory condition for the call to service – fitness for duty. This is also one of the reasons for obligatory service termination - the loss of fitness is determined by an assessment committee, or the service authority is obliged not to allow a soldier to carry out duties which require such level of fitness that the soldier cannot meet¹²⁵. Therefore, persons with disabilities may only serve during their temporary incapacity to work until their disability is legally confirmed, which means termination of their service at the same time.

The tasks of the Czech Police are carried out by police officers and employees integrated in the police. Regarding the character of activities carried out by police officers while fulfilling their duties, the Act on Service of Members of Security Corps¹²⁶ imposes very strict criteria for medical fitness of a person applying for the service of a police member or a police officer. Therefore, the service of police officers according to the Service Act does not allow the inclusion of persons with disabilities among other police officers. In case the disability originates in the course of police service, the Czech Police tries to place such persons among their civil employees to positions consistent with their options.

The Czech Police accepts citizens with disabilities to employment without any discrimination (education, vocational training, increasing qualification, motivation to offering and accepting employment, promoting the creation of new job opportunities etc.). The occupational categorisation of such persons in the individual payment classes must conform to the Supplement to the Government Decree on the Job Catalogue in Public Services and Administration¹²⁷ while respecting the extent of their long-term disability. The key criterion for categorising a citizen with disability to a certain occupation is the opinion of the physician who will assess whether such occupational category is appropriate regarding the disability of the assessed person.

In reference to the Government Decree on Job Catalogue in Public Services and Administration, internal control acts define, within the systemization of the Czech Police, occupations suitable for employing persons with disabilities. The Czech Police is obliged to give priority to occupying such positions with the referred persons, to cooperate with the Czech Labour Office and to adapt current jobs for persons with disabilities.

¹²² Act No. 435/2004 Coll., on Employment, as amended.

¹²³ Act No. 1/1991 Coll., on Employment, as amended by Act No. 231/1992 Coll. and Act No. 311/2002 Coll.

¹²⁴ Act No. 221/1999 Coll., on Professional Soldiers, as amended.

¹²⁵ Provisions of paragraph 4 e) of Article 98 of Act No. 221/1999 Coll., on Professional Soldiers, as amended by Act No. 254/2002 Coll.

¹²⁶ Act No. 361/2003 Coll., on Service of Members of Security Corps, as amended.

¹²⁷ Government Regulation No. 222/2010 Coll., on Job Catalogue in Public Services and Administration.

According to personnel records, persons with disabilities were employed by the Czech Police in June 2011 mostly in occupations of administrative and manual character (payroll accountant, gatekeeper, locksmith, car mechanic, waiter, operations manager, officer, telephone operator, maintenance clerk, stock clerk, sales clerk, etc.).

The Ministry of Industry and Trade approaches persons with disabilities in a non-discriminatory way with respect to the Trade Licensing Act. The Trade Licensing Act neither restricts persons with disabilities in the opportunity to start their own business nor in other areas of entrepreneurship, it does not assess the medical fitness of such persons, i.e. it treats all persons equally – without distinction of any kind. A partial goal of the Trade Licensing Act is also to foster entrepreneurial opportunities as well as activities of persons with disabilities. The global goal concerning the labour market is boosting the employment of persons with disabilities, and thus their inclusion.

The Government, in its resolution to the "National Plan for the Support and Integration of Persons with Disabilities"¹²⁸ imposed on the Minister of Industry and Trade to announce an annual award, in cooperation with the Association of Employers of Disabled People in Czech Republic, for excellent results of entrepreneurial activities of both persons with disabilities and entrepreneurial entities employing persons with disabilities.

In relation to that resolution, the Ministry of Industry and Trade in cooperation with the Association of Employers of Disabled People in Czech Republic and the Government Board for People with Disabilities prepared "Rules for Awarding Entrepreneurial Activities of Persons with Disabilities and Entities Contributing Significantly to Employment of Persons with Disabilities" in 2010, based on which a public competition was announced repeatedly and winning entities awarded. The Ministry itself meets the mandatory share of persons with disabilities both by their direct employment and by purchasing products from workshops of persons with disabilities.

In the school system, counselling is provided to pupils with disabilities including career counselling focused on the orientation in the labour market and opportunities of further education and placement in the labour market, alternatively in sheltered workplaces.

From 2010 to 2014, initiatives of other organisations under the governance of the Ministry of Education, Youth and Sports will continue to include providing educational and career counselling (direct consulting and counselling centres of career counselling, e-learning courses for educational counsellors, annual update of the publication "Kam na školu" (Which School To Go To?)). Within the Career Counselling project under the curricular reform conditions, even the quality of the information system will be enhanced to provide comprehensive information on the options of education and finding employment for pupils and graduates including pupils and graduates with disabilities. Similarly, there will be empirical surveys focusing directly on the collection of data on education and finding employment for this target group. The issues will be developed progressively through extending the cooperation among vocational schools and social partners. Vocational schools as well as employers will be offered the opportunity to present their best practice regarding the care for pupils and graduates with disabilities on the website of the National Education Institute. Implementation of the national project named "The New Final Examination" will include the design of uniform assignments of the final examination for all subjects of secondary education with vocational certificate while taking into account the educational needs of pupils with various types and degrees of disability, analogously to the secondary school graduation examination.

The Ministry of Labour and Social Affairs, as the employer, respects the provisions of the Labour Code, the Employment Act and other regulations, and treats its employees equally in selecting employees, accepting them to employment, in making changes during the employment as well as in terminating employment. In selecting and accepting employees to employment, knowledge, abilities and skills of the prospective employee are the key aspects, not their state of health. The working environment is adapted to employees with disabilities according to the degree of their limitation, and they are equipped with adequate working devices (e.g. barrier-free access, sound computer, etc.).

The Ministry of Transport consistently enforces the principle of equality in its personnel policy. In selecting applicants for free jobs, procedures are observed to guarantee equal treatment and to prevent all forms of discrimination. The

¹²⁸ Resolution of the Government of the Czech Republic of 17 August 2005 No. 1004 to the "National Plan for the Support and Integration of Citizens with Disabilities".

guarantor of their observance in selection processes is, inter alia, the gender focal point which is an integral part of the selection commission teams.

The Ministry of Culture continuously uses the Institute of Occupational Health Care so that in employing persons, including persons with disabilities, health is not damaged at work, and adverse impacts on the health of persons, including persons with disabilities, are eliminated. If a reasonable accommodation of the workplace is required or the provision of assistive devices, the Department of Human Resources meets such persons' requirements in full.

The internal regulation of the Ministry of Finance declares equal position of persons with disabilities in acceptance procedures as well as in the remuneration system which is determined according to the relevant occupational category in the generally applicable regulations.

The Ministry of the Environment does not discriminate persons with disabilities when occupying its free positions; the only assessed criterion is fitness allowing the performance of required activities in terms of safety and health protection. The same applies to the course and length of the labour-law relationship. Work rules of the Ministry contain principles of equal treatment and the prohibition of discrimination related to persons with disabilities as well. Those rules also include procedures for dealing with complaints about discriminatory conduct and sanctions for the violation of such rules. In the monitored period, the Ministry did not deal with any complaint concerning discrimination on the grounds of employees' or job applicants' state of health.

In 1996, a Memorandum of Cooperation was signed by the Ministry of Agriculture, the Agrarian Chamber of the Czech Republic and the French agricultural insurance company Mutualite Sociale Agricole. In reference to this Memorandum, the first joint Czech and French pilot project was prepared in respect of employing persons with disabilities in agricultural operation adopted by the European Union with the name Partnership - Czech Republic – Development. The project implementation started in 1997 and the first phase was successfully completed in 1999. Two centres were established - agricultural farms - in Neratov and in Týn nad Vltavou, where vocationally trained staff works in particular in agricultural primary production with persons with mental disability who would most probably find no other employment.

The civic association Neratov and Pomoc Týn nad Vltavou managed to establish two model facilities that were very successful in dealing with the integration of disabled persons in society through employment in agriculture. Integration of persons with mental disability in this form has proved to be perfectly effective. Conditions in Týn and Neratov enable such persons to participate actively in an agricultural farm, in the maintenance of city greenery, in orcharding, forest work, in the maintenance of agriculturally unused areas. Additional job opportunities were also created in the newly opened sheltered workshops of cabinetmaking, ceramics, basketry, gardening, and weaving. At present, the centres also provide a wide range of social services, counselling, leisure and educational activities. In addition, their work is important for the development of life in rural areas (municipality population, employment, and infrastructure).

Both facilities use their certification for training in respect of employing persons with disabilities for the whole Department of Agriculture (in cooperation with the Agrarian Chamber, regional authorities and employers' associations). In co-ordination with the Labour Office, they provide services related to employing persons with disabilities and their placement in the labour market, namely in form of training, seminars and counselling. The associations themselves employ more than 75 % of persons with disabilities. Annually, the Ministry of Agriculture supports the activity of both centres in form of non-investment and investment subsidies.

Since 2003, the Expert Panel for Employing Persons with Disabilities has been working by the Government Board for People with Disabilities composed of representatives of specialised employers of persons with disabilities, organizations of persons with disabilities and relevant departments. The programme and goal of the group is to map the situation in respect of employing persons with disabilities, to initiate, or to propose and recommend to competent divisions of the responsible Ministries, a set of system modifications to promote employment of persons with disabilities. Nowadays, the key topics cover impacts of social reforms and the intended reform to improve the system efficiency of support for employing persons with disabilities.

Article 28 – Adequate Standard of Living and Social Protection

The Act on Pension Insurance¹²⁹ regulates conditions of entitlement to pension insurance benefits, the manner of determining the level of pensions and conditions for their payment. The fundamental principles include the compulsory participation of economically active entities, universality – unified legal provisions for different groups of insured persons, the compulsory character of pensions, safeguarding the acquired rights, arranging for judicial protection, the guarantee of state pension and solidarity within a generation as well as among generations. Despite the fact that the main principles of basic pension insurance comprise unified legal provisions without any deviations for different groups of insured persons, the Act admits certain advantages with respect to disability pension:

- the origin of the entitlement to disability pension for disability of the third degree in case of persons disabled since childhood (the beginning of the third-degree disability before the age of 18) even if such cases do not comply with the fundamental general condition which applies to the entitlement to all types of pension, i.e. completing the necessary length of insurance,
- the legal provisions also contain a special minimum level of disability pension which depends on the average wage level, although, as a matter of fact, such insured person has never received any income; such special minimum level of pension, however, also applies to young disabled persons and all disabled persons who complete an insurance period of at least 15 years – this special minimum level of disability pension considerably exceeds the framework of obligations arising from international treaties in this field,
- as the period of full insurance for assessing the percentage of the disability pension, even the 'sum-completing period' is taken into account (the period from the origin of the entitlement to disability pension to the coming to pension age – fictitiously, such period is considered to be a period of gainful activity),
- moreover, the gainful activity has no impact on either the entitlement or the payment of disability pension and disability pensions are not tested on income or assets in the Czech Republic.

According to provisions of Article 38 of the Act on Pension Insurance, the insured person is entitled to disability pension if they are younger than 65 years and have become:

- a) disabled and received the necessary period of insurance, unless they complied with the requirement for the entitlement to old age pension on the day when their disability originated,
- b) disabled as a result of an industrial injury.

The insured person is disabled under Article 39 of the Act on Pension Insurance if their ability to work has decreased by no less than 35 % on account of their long-term unfavourable state of health. If the ability to work of an insured person has decreased:

- a) by no less than 35 %, however, no more than 49 % - it is the first degree of disability,
- b) by no less than 50 %, however, no more than 69 %, this means disability of the second degree,
- c) by no less than 70 %, this means disability of the third degree.¹³⁰⁾

¹²⁹ Act No. 155/1995 Coll., on Pension Insurance, as amended.

¹³⁰⁾ These legal provisions have been effective since 1 January 2010. Previously, the Act on Pension Insurance differentiated only between full disability (reduction of ability to carry out continuous gainful activity by no less than 66 %) and partial disability (reduction of ability to carry out continuous gainful activity by no less than 33 %). This is also related to the amendment (since 1 January 2010) to the types of disability pension; before that date, two

Ability to work means the ability of an insured person to carry out gainful activities corresponding to their physical, sensory and intellectual abilities, with respect to their accomplished education, experience and knowledge and previous gainful activities. A decrease in the ability to work means a reduction in the ability to carry out gainful activities in consequence of their limitation of physical, sensory and intellectual abilities compared to the state which the insured person had before the origin of the long-term unfavourable state of health. For the purpose of assessing the decrease in the ability to work, disability is defined as a group of all relevant functional disorders.

By determining the decrease in the ability to work, the key aspects comprise the insured person's state of health documented by results of functional examinations; at the same time, consideration is given to:

- a) whether it is a disability with permanent impact on the ability to work,
- b) whether it is a stabilized state of health, by implication, the state of health which has stabilised at a level which allows the insured person to carry out gainful activities without any deterioration of their state of health due to such activities; at the same time, maintaining the stabilization of the state of health may be conditioned by following a certain treatment or occupational limitations,
- c) whether and how the insured person is adapted to their disability (whether they have gained or regained their abilities and skills which allow them, together with their preserved physical, sensory and intellectual abilities, to carry out gainful activities without any deterioration of their state of health due to such activities),
- d) the ability of the insured person's to be retrained <http://business.center.cz/business/pravo/zakony/duchodpoj/poznamky.aspx> - poznámka34b in other gainful activities than they have been carrying out so far,
- e) the ability to utilize their preserved ability to work in case of decrease in ability to work by no less than 35 % and no more than 69 %,
- f) in addition, in case of a decrease in the ability to work by no less than 70 %, whether the insured person is able to carry out gainful activities under completely extraordinary conditions.

Article 40 of the Act on Pension Insurance grades the necessary insurance period for insured persons to become entitled to disability pension according to their age as follows:

- a) less than one year for a person below the age of 20,
- b) one year for a person aged between 20 and 22 years,
- c) two years for a person aged between 22 and 24 years,
- d) three years for a person aged between 24 and 26 years,
- e) four years for a person aged between 26 and 28 years,
- f) five years for a person above the age of 28 years.

The necessary period of insurance for the entitlement to disability pension is ascertained from the period before the origin of disability; in case of insured persons above the age of 28 years, from the last ten years before the origin of

type of disability pensions were differentiated, i.e. full disability and partial disability, which have been replaced by one benefit, the disability pension in different levels according to the disability degree.

disability. By insured persons older than 38 years, the condition of the necessary insurance period for the entitlement to disability pension is considered to be fulfilled even in case the period was completed during the last 20 years before the origin of disability; whereas the necessary insurance period is 10 years.

With a view to meeting the condition of necessary insurance period for the entitlement to disability pension, the insurance period is also defined, to the respective extent, as the period of participation in the insurance of persons registered by the Czech Labour Office as job applicants. For such purposes, the insurance period also means the period of secondary or tertiary education in the Czech Republic before coming to the age of 18 years, however, no sooner than after the completion of compulsory school attendance, and the insurance period continues for the first 6 years of such education after the completion of the age of 18 years, although that period was cancelled with effect from 1 January 2010 as a substitute (non-contributory) insurance period.

The amount of pension consists of basic assessment (identical for all types of pensions – at present CZK 2,230 a month) and percentage assessment (the amount depends on the length of the insurance period and on the percentage rate per one year of insurance).

The amount of the percentage assessment of the disability pension for every whole year of the insurance period is

- a) 0.5 % of the calculating basis a month for first-degree disability pension,
- a) 0.75 % of the calculating basis a month for second-degree disability pension,
- c) 1.5 % of the calculating basis a month for third-degree disability pension¹³¹.

An important change is the transformation (conversion) of the disability pension into old age pension which came into force on 1 January 2010. Pursuant to provisions of paragraph 1 of Article 61a of the Act, the entitlement to disability pension expires on the day when its beneficiary has come to the age of 65 years; on that day, such beneficiary becomes entitled to receive old age pension in the same amount as the previous disability pension was paid. Besides, such pensioner can request that their level of old-age pension is calculated according to the rules set forth in the Act on Pension Insurance.

The statistical data (June 2011) allow to state that the total amount of pensioners (2,833,000) account for 80 % old age pension beneficiaries, 16 % disability pension beneficiaries¹³² and 4 % survivor's pension beneficiaries. When trying to compare the average level of disability pension to old age pensions, only old-age pensions and disability pensions for third-degree disability¹³³ can be compared – the percentage rate to determine the pension amount for every year of insurance is identical in those cases; the average level of disability pensions for third-degree disability is 94 % of the average level of old age pensions.

The annual amount of money spent on disability pensions was CZK 47,681,513,000 in 2010.

¹³¹⁾ Before 1 January 2010, the percentage rate for a year of insurance in case of full disability pension was 1.5 % and in case of partial disability pension 0.75 % of the calculating basis.

¹³²⁾ This comprises 8 % disability pension beneficiaries of the third-degree disability (decrease in the ability to work by no less than 70 %), 2 % disability pension beneficiaries of the second-degree disability (decrease in the ability to work by no less than 50 %, however, no more than 69 %) and 6 % disability pension beneficiaries of the first-degree disability (decrease in the ability to work by no less than 35 %, however, no more than 49 %).

¹³³⁾ In old age pensions, the percentage rate for every whole year of the insurance period until the origin of the entitlement to such pension is 1.5 % of the calculating basis, which is the same as by disability pensions for third-degree disability, whereas the rate for disability pensions for second-degree disability is 0.75 %, and 0.5 % of the calculating basis by disability pensions for first-degree disability.

The Act on State Social Support¹³⁴ regulates the system of benefits and conditions for their granting. This legal regulation does not apply to persons with disabilities only but they are advantaged in some cases.

The fact that a citizen is disabled is taken into account by tax and fee regulations as well.

The following tax concessions can be considered important:

- Individual income tax - payers of this tax are individuals, i.e. individual citizens. The advantage of persons with disabilities is set forth by the Act on Income Taxes¹³⁵ which includes, for instance, the opportunity to reduce the income tax for the relevant tax period in case of persons with disabilities (or their family members).
- The value added tax - the Act on Value Added Tax¹³⁶ is one of the several acts taking disability into consideration. It is significant because the majority of aids and devices for citizens with disabilities belong to groups with reduced tax rate, which makes them considerably more accessible. Another important fact is that social services, upbringing and education, health care services and commodities are completely tax-free. In addition, the Act allows VAT refund by the purchase of personal vehicles.
- Administration fees - the Act on Administration Fees¹³⁷ defines that persons with disabilities are exempt from tax with respect to the following items: recording in the register of vehicles, issuing a driving licence, approval of vehicle roadworthiness after conversion or approval of roadworthiness of an individually produced or imported separate technical unit or approval of using the vehicle for training in the driving school, issuing a certificate of vehicle registration and issuing an abstract from the vehicle technical certificate as well as recording the change in vehicle documentation, issuing a permit to the special use of motorways, roads and local communications etc.
- Local charges - are the subject of the Act on Local Charges¹³⁸. Pursuant to Article 2 of this Act, the obligation to pay a fee for dogs does not apply to dog owners who are blind or persons with severe disability eligible to receive benefits from the group of third-degree extra benefits under the special regulation, persons training dogs to accompany such persons. Under Article 4 of this Act, persons with disabilities are not subject to the fee for using public areas, i.e. for the designation of a permanent parking place. Holders of the certificate of severely physically disabled persons and their accompaniment do not pay, in line with Article 10, the fee for the permission to enter certain places and city parts with a motor vehicle.

The Act on Social Services¹³⁹ regulates conditions for providing assistance and support to individuals in unfavourable social situations by means of social services and care allowance. The care allowance enables such persons to arrange for the necessary level of assistance and support by purchasing services from registered providers of social services or by an informal provision of assistance and support (most frequently through a family member).

Another way which makes the opportunity to receive support and assistance more available in terms of financing are the grant programmes to promote the provision of social services consisting of state budget subsidies to registered providers of social services for their regular operating expenses. Another, no less important tool of enhancing the accessibility of social services is the determination of maximum payment limits for the provision of social services or of the respective basic tasks of social services. Such limits are specified by the legal regulation to the Act on Social Services¹⁴⁰ for each individual type of social services provided against payment. At the same time, the Act in Article 73 guarantees to persons living in residential social services facilities, in case of insufficient income to pay for the already limited rates

¹³⁴ Act No. 117/1995 Coll., on State Social Support, as amended.

¹³⁵ Act No. 586/1992 Coll., on Income Taxes, as amended.

¹³⁶ Act No. 235/2004 Coll., on Value Added Tax, as amended.

¹³⁷ Act No. 634/2004 Coll., on Administration Fees, as amended.

¹³⁸ Act No. 565/1990 Coll., on Local Charges, as amended.

¹³⁹ Act No. 108/2006 Coll., on Social Services, as amended.

¹⁴⁰ Decree No. 505/2006 Coll., implementing certain provisions of the Act on Social Services.

for the basic social care provided, a minimum income balance which accounts for 15 % in residential facilities, and 25 % in week care centres.

The Act on Social Security and the Act on the Competence of Czech Authorities in Social Security¹⁴¹ in provisions of Article 86 specify extra benefits for three groups of persons with disabilities including their relevant certificates.

Citizens with severe disabilities, in particular blind persons and persons with severe disability of their musculoskeletal system, are paid in kind, receive financial benefits and interest-free loans to overcome obstacles arising from their disability.

Citizens with severe physical, sensory or mental disability who are substantially limited in their mobility or orientation abilities are provided extra benefits according to their type and degree of disability, in particular in transport or if they need a guide; severely disabled citizens are granted extra benefits of the first degree, citizens with very severe disabilities are granted extra benefits of the second degree, and citizens with very severe disabilities who need a guide are granted extra benefits of the third degree. The degree of extra benefits is documented by the certificate of extra benefits, which means TP certificate (physically disabled), for the first degree, ZTP certificate (severely physically disabled) for the second degree and ZTP/P certificate (severely physically disabled requiring attendance) for the third degree. The certificate of extra benefits is a public document.

The Decree implementing the Social Security Act and the Act on the Competence of Czech Authorities in Social Security¹⁴² regulates the assessment of state of health and incapacity to work by the Examining Committees of the Ministry of Labour and Social Affairs. The principal provisions of this legal regulation provide benefits and extra benefits for citizens with severe disabilities. These include, in particular: benefits for the purchase of special aids and devices, benefits for the purchase, general overhaul and special conversion of motor vehicles, benefits for the operation of motor vehicles, benefits for individual transportation, and repeating benefits include the benefit for completely or practically blind citizens. In 2010, the costs of benefits for persons with disabilities paid under the referred Decree amounted to CZK 1,791,489,000.

The social reform contains also a draft of the Act on Provision of Benefits to Persons with Disabilities. The Act amends the provisions concerning the above mentioned benefits and establishes the following two new benefits: a mobility benefit and a benefit for special aids; in addition, certificates of persons with disabilities are modified as well.

As far as sufficient nutrition is concerned, no problems have been identified in any group of population, not only by persons with disabilities, in this regard in the Czech Republic. The market offers sufficiency of nutritionally suitable foodstuffs which are accessible even to persons with disabilities. Emphasis is placed on food labelling and proper information that help in choice. In the Czech Republic, no deficiency of significant nutrients has been identified. The deficiency in iodine in the past has already been eliminated and, for this reason, the compulsory iodination of salt has been cancelled. Some persons may experience certain deficiency of some nutrients, particularly due to their unbalanced diet, which may be corrected by diet modification or, in case of health problems, by consuming food supplements containing the necessary nutrients, vitamins or minerals. Information is available on proper eating habits, nutrition guidance. In case of various health problems or disorders, information is available on appropriate diets for various conditions or there is the service of dietary counsellors. In respect of disability or disorders, guidance regarding suitable diets is provided directly in the health-care facilities. In addition, under provisions of Article 29 of the Act on Assistance in Material Need¹⁴³, the living subsistence amount for a person is increased if their state of health requires, according to the recommendation of the relevant specialised physician, higher diet costs.

Similarly, all Czech citizens, not only persons with disabilities, are provided with sufficient quantity of safe drinking water. Drinking water from the public pipeline is supplied to more than 90 % citizens. Quality of public water supply is

¹⁴¹ Act No. 100/1988 Coll., on Social Security and Act on the Competence of Czech Authorities in Social Security, as amended.

¹⁴² Decree No. 182/1991 Coll., implementing the Social Security Act and the Act on the Competence of Czech Authorities in Social Security, as amended.

¹⁴³ Act No. 111/2006 Coll., on Assistance in Material Need, as amended.

subject to regular reviews both by pipeline operators and by public health protection authorities. If the water fails to meet the quality required by applicable regulations in any of its quality indicators, the public health protection authority can, based on the health risk assessment, impose a milder sanitary limit for a limited period provided that all steps will be taken to remedy the unsatisfactory situation and protect the citizens' health. Generally, supplied water is of a very good quality. Besides the safe drinking water supplied by the public pipeline system, the Czech market offers a wide range of bottled water (natural mineral water, spring water, bottled infant water as well as bottled drinking water) available to anyone as well.

With respect to housing policy, the following instruments can be used to improve housing accessibility for persons with disabilities:

- a) In the years 2003 to 2007, the State Housing Development Fund provided grants for the construction of flats to lease in accordance with the Government Regulation No. 146/2003 Coll., on the Use of Funds from the State Housing Development Fund to cover part of costs related to construction of flats for persons with limited income, as amended. The Decree regulates conditions and the extent of subsidies provided to municipalities to support the construction of flats to lease for persons with limited income. When constructing a residential building with 10 and more flats, at least 10 % of them must meet the requirements for barrier-free accommodation.
- b) In the years 2009 and 2001, the State Housing Development Fund provided grants for the construction of flats to lease in accordance with the Government Regulation No. 333/2009 Coll., on the Use of Funds from the State Housing Development Fund to cover part of costs related to construction of social flats in form of subsidy to legal entities and individuals, as amended. Again, flats to lease built in accordance with this Decree may be provided (for no less than 10 years) only to persons with limited income on condition that in case of constructing more than 10 flats, at least 1 flat out of each following 10 commenced flats must meet the requirements for barrier-free accommodation.
- c) Support for the construction of flats to lease for persons with disabilities. Grant programmes for the construction of flats to lease built with the support of state subsidies either contain a condition that a certain percentage of the new flats will be barrier-free, or they motivate the construction of such flats by higher subsidies. Annually since 2003, the Ministry of Regional Development announces a sub-programme "Grant for Construction of Subsidised Flats" which sets forth conditions for funding the construction of subsidised flats intended for the living of persons with special accommodation needs. Two grant titles are announced – social care flats and initial flats. The social care flat is designed for persons with limited mobility and orientation in consequence of old age or state of health; such flats must meet the requirements for barrier-free accommodation and social services must be provided there according to the lessees' individual needs with the emphasis on strengthening their autonomy and self-sufficiency. Initial flats are intended for persons who in consequence of unfavourable living conditions do not have the access to accommodation even after they have exhausted all of the current housing policy tools.
- d) In September 2011, the Government Decree No. 284/2011 Coll., on the Use of Funds from the State Housing Development Fund in the form of credits to support the construction of flats to lease on the territory of the Czech Republic. The aim is to initiate the construction of flats to lease in order to extend the offer of tenement in the current housing market. This means constructing tenement for the target group (seniors and persons with disabilities, for persons with limited income) and promoting labour mobility. Credits will be provided by the State Housing Development Fund. If the flats will be used by persons from the target group, the most convenient interest rate possible can be applied.
- e) Amendment to the Civil Code on Flat Lease. This amendment, adopted in 2011, liberalizes contractual relationships concerning flat lease and strengthens the lessor's right of disposal significantly. In respect of flat lease, the amendment defines special purpose flats. Special purpose flats are excluded from provisions regulating the two-year limitation of lease term after the transfer of flat lease. If the spouse and other persons determined by the law remain in the special purpose flat after the death of the lessee with disability, they are entitled to an adequate substitute flat. This entitlement expires after two years. The termination reason may not be applied to lease of special purpose flats if the lessee is a person with disabilities.

Regarding the housing support, the Czech Republic in the framework of drawing from resources of structural funds for the programme term 2007 – 2013 implements the housing support related to renovation of residential buildings and support of social housing from the Integrated Operational Programme (IOP).

Area of Intervention 5.2, Activity b: Renovation of residential buildings and social housing - intervention is carried out by direct subsidies up to 40 % of the eligible costs for the renovation of residential buildings. Subsidies can be acquired only to renew the common areas of a residential building. Supported activities are: thermal insulation of houses, repair of enclosed balconies, exchange of windows, renewal of lifts, repair of roofs etc. Subsidy beneficiaries may include any owner of a residential building (municipalities, housing cooperatives, communities of housing unit owners, private persons) whose residential building is located in the zone of Integrated Urban Development Plan. In the Czech Republic, IOP is implemented in 41 cities. The total allocated amount for Area 5.2 for the years 2007 to 2013 is EUR 192 million.

In the field of social housing, subsidies may reach up to 40 % of the eligible costs; however, maximum is CZK 15,000 per 1 m² for the provision of a social flat in case of the renovation of residential buildings owned by municipalities or non-profit organizations. Only municipalities and non-profit organizations can become beneficiaries of such subsidies.

In housing support, the managing authority of IOP will implement a pilot financial tool "Jessica" which will allow the continued funding of Area of Intervention 5.2 IOP, Activity Renovation of Residential Buildings, including social housing support, in form of premium credits. The estimated allocated amount for the Jessica financial tool is approximately EUR 24 million.

Article 29 – Participation in Political and Public Life

Active and passive suffrage for all persons, including persons with disabilities, is guaranteed in the Constitution of the Czech Republic and in the Charter of Fundamental Rights and Freedoms¹⁴⁴.

Paragraph 3 of Article 21 of the Charter of Fundamental Rights expressly states that *“The right to vote is universal and equal, and shall be exercised by secret ballot. The conditions for exercising the right to vote shall be provided for by law.”* Consistent with this provision, the Act on Elections to the Parliament of the Czech Republic¹⁴⁵ was adopted in 1995 which provides in Article 2 b) that deprivation of legal capacity presents an impediment to the exercise of right to vote. There are similar provisions in other election laws as well.

On account of the fact that the new Civil Code will not enable deprivation of legal capacity, this provision will become invalid.

The draft of the new Civil Code determines in its interim provisions that the person who was according to the existing legal regulations deprived of legal capacity, shall be, from the date of entry into force of this Act, considered a person with restricted legal capacity under this Act. The person with restricted legal capacity under the existing legislation, shall be, from the date of entry into force of this Act, considered a person with restricted legal capacity under this Act and is henceforth capable of carrying out legal acts to the extent specified by existing legal provisions, unless the court decides under this Act otherwise. Persons who have been deprived of legal capacity before the Act became effective or whose legal capacity was restricted before the effective date of this Act, will acquire legal capacity after the three years period from the date of entry into force of this Act, at the latest, unless the court decides otherwise. In connection with the above mentioned transitional provisions of the draft of the Civil Code, the Ministry of the Interior has prepared a draft of amendments of all the electoral laws that assumes that after the entry into force of the new Civil Code, the

¹⁴⁴ Resolution No. 2/1993 Coll., the Presidium of the Czech National Council on the Declaration of the Charter of Fundamental Rights and Freedoms as an Integral Part of the Constitutional Order of the Czech Republic.

¹⁴⁵ Act No. 247/1995 Coll., on Elections to the Parliament of the Czech Republic and on Amendment and Supplement to Some Other Acts, as amended.

courts will, when deciding whether to restrict legal capacity, specially consider the issue of capability of exercising the right to vote.

In this context, it is necessary to mention the important findings of the Constitutional Court of 12 July 2010¹⁴⁶ which reveal that persons without legal capacity may not be sweepingly deprived of suffrage: “*III. While decision making on the deprivation or limitation of an individual's legal capacity, the general courts are obliged to assess, in addition, whether the particular person is able to comprehend the meaning, purpose and consequences of elections; afterwards, they have to justify their decision in this matter properly. Failure to respect this duty, arising not only from provisions of paragraph 1 and 3 of Article 21 of the Charter of Fundamental Rights and Freedoms and Article 3 of the Additional Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, but also from paragraph 2 of Article 89 of the Constitution, would necessarily result in the conclusion that such decision is unconstitutional.*” Thus, the Czech Constitutional Court summarises that the provision on the impediment to the exercise of right to vote itself is not unconstitutional, because the courts while deciding on deprivation of legal capacity can (and have to) act in conformity with the Constitution and separately examine and justify all consequences and individual fundamental rights implications of their decisions.

Further, the conditions of suffrage for particular types of elections are regulated by other relevant acts on elections which define that the elector may, for serious, especially health reasons, ask the municipal authority, and on the election days also the district election commission, to be allowed to vote outside the polling station, in the local district of the electoral district for which the district election commission has been established. In such case, the district election commission shall send two members with a portable ballot box, official envelope and ballots to the elector. In voting, members of the district election commission proceed so as to maintain the secrecy of the vote.

If the elector votes directly in the polling station, legal provisions allow that electors who cannot modify the ballot on the grounds of their physical disability, or who cannot read or write, can be accompanied by another elector in the area designated for the ballot preparation, however, not by a member of the district election commission, in order to prepare and insert the ballot in the official envelope. Another elector can insert the official envelope in the ballot box on behalf of the elector who is unable to do so, however, not the member of the district election commission.

Municipal authorities are in charge of providing such polling stations that are accessible for electors, including the equipment under the election laws. Municipal authorities also deal with complaints of electors about the organisational and technical provision of the elections at the district level; complaints at the municipality level are dealt with by the regional authority.

For the sake of completeness, can be concluded that the current legal provisions were incorporated in the draft of the new Elections Act as well, which is expected to come into force on 1 October 2012.

Consistent with paragraph 1 of Article 20 of the Charter of Fundamental Rights and Freedoms, everyone is guaranteed the right of association with others in clubs, societies and other associations. Paragraph 2 of Article 20 of the Charter, in context with paragraph 1 of Article 42, guarantees all citizens of the Czech Republic the right to establish political parties and political movements and to associate in them. Legal provisions on the right of association are contained in the Act on Conditions for Activities of Organizations with International Element in the Czechoslovak Socialist Republic¹⁴⁷, Act on Association of Citizens¹⁴⁸ and Act on Association in Political Parties and Political Movements¹⁴⁹.

In connection with Article 29 b) of the Convention, it is possible to state that it may only lie in the legal regulation of the right of association. Its present legal provisions provide a sufficient basis even for the association of persons with disabilities.

¹⁴⁶ Case No. IV. US 3102/08.

¹⁴⁷ Act No. 116/1985 Coll., on Conditions for Activities of Organizations with International Element in the Czechoslovak Socialist Republic, as amended.

¹⁴⁸ Act No. 83/1990 Coll., on Association of Citizens, as amended.

¹⁴⁹ Act No. 424/1991 Coll., on Association in Political Parties and Political Movements, as amended.

By 21 June 2011, about 2,400 civic associations were registered in the Czech Republic established by persons with disabilities or dealing with the issues related to such persons.

In promoting activities of organizations of persons with disabilities, the grant programme Support of Public Useful Activities of Civic Associations of People with Disabilities is funded, according to the resolution of the Government of the Czech Republic¹⁵⁰ of 2008 from the state budget section of the Office of the Government of the Czech Republic.

Annually, the Office of the Government of the Czech Republic, in cooperation with the Government Board for People with Disabilities announces invitations to submit applications for funding from the referred grant programme. The programme supports four areas of activities:

A) International Cooperation in Equalization of Opportunities for Persons with Disabilities

This area provides subsidies for costs incurred by the beneficiary on account of their membership in international organizations supporting persons with disabilities and for costs of travelling abroad if they are related to the primary focus of the beneficiary's activity or to their membership in international organizations. In 2010, the grant programme supported 29 projects amounting to CZK 2,142,643 in total.

B) Participation in Development, Implementation and Monitoring of Comprehensive Plans of Equalization of Opportunities for Persons with Disabilities

The support focuses on the creation of equal conditions for persons with disabilities through participation in the development and implementation of comprehensive plans for the equalization of opportunities for persons with disabilities at the national, regional and district level. The projects may concern the participation in the development and progress of community plans, plans of social services, undertaking research and representative surveys, legislation monitoring regarding persons with disabilities, defending their rights and interests, monitoring instances of discrimination, etc. In 2010, the grant programme supported 6 projects amounting to CZK 4,285,000 in total.

C) Provision of Education and Information on Equalization of Opportunities for Persons with Disabilities

The subsidies can promote education focused on the enhancement of professional and social skills within a community of persons with disabilities, organising awareness rising campaigns for the public, participation in exhibitions and public presentations, including accompanying programmes, organising expert conferences and seminars, operation of informative web portals, issuing informative material, leaflets, printed matter and publications. In 2010, the grant programme supported 39 projects amounting to CZK 7,219,100 in total.

D) Organisational and Administrative Service in Self-Help Activities of Civic Associations of Persons with Disabilities

The goal is to contribute to the coverage of essential costs related to the activities of the organization, mainly costs for lease, power and services. In 2010, the grant programme supported 23 projects amounting to CZK 9,153,257 in total.

Altogether, 97 projects of 45 civic associations of persons with disabilities were supported in the total amount of CZK 22,800,000 in 2010.

Article 30 – Participation in Cultural Life, Recreation, Leisure and Sport

Progressively, museums and art galleries as well as other organizations under the governance of the Ministry of Culture make all expositions and exhibitions accessible (as part of general reconstructions of their premises or partial repairs) to persons with disabilities. The Ministry of Culture supports such activities through investment resources in the budget of each contributory institution.

¹⁵⁰ Resolution of the Government of the Czech Republic of 19 September. 2007 No. 1062.

In the monitored period, the National Heritage Institute held about 40 initiatives targeted at persons with disabilities. The most relevant initiatives include:

- a) The third updated and extended issue of the book "Jak dobýt hrad, památky takřka bez bariér" (How to Conquer a Castle, Historic Sights Almost Barrier Free) (Nopu, Prague, 2009), the book is available for free download at www.npu.cz.
- b) The project "Naslepo historií" (Blind Roaming Through History) implemented in 2008 - 2009 – special sightseeing tours of the Křivoklát Castle and in Mníšek pod Brdy for the blind, partially-sighted and deaf-blind persons in cooperation with the organization Czech Blind United.
- c) Annual "Dny s handicapem" (Days with Disability) in the Český Krumlov Castle – special sightseeing tours for visitors with any type of disability – information for the public is available on the city website.
- d) Annually organised sightseeing tours for disabled persons in barrier-free sights of Buchlovice, Kozel, Kynžvart, Rájec n/S.

The grant policy of the Ministry of Culture creates space where persons with disabilities can satisfy their cultural needs and visit events funded through the grant programme announced by the Ministry.

The Programme for the Support of Cultural Activities of Citizens with Disabilities and Seniors supports projects focused on exploiting the therapeutic function of culture in order to compensate for disadvantages on account of health, art-therapy programmes for persons with disabilities, seniors and for population groups at risk, creative activities of disabled professional artists (e.g. in theatre companies), activities of citizens with disabilities and seniors in amateur ensembles and workshops with the participation of professional artists and teachers and presentation of their works to the public, artistic production of professional and non-professional artists for persons with disabilities and long-term diseases in hospitals and social care facilities, interest and educational activities for disabled citizens and seniors in cultural subjects in their leisure time, cultural activities of disabled children and youth, publishing and documentary activities of non-periodic character, facilitating mutual communication among persons with disabilities and between citizens with and without disabilities (audio books and magazines, theatre performance interpreting, subtitled films, etc.), elimination of architectural barriers in cultural facilities by non-investment means. In 2009, the referred programme funded 130 projects in the total amount of CZK 5,863,000, while in 2010 the programme provided state subsidies amounting to CZK 5,948,000 in total to support the implementation of 117 projects, whereas 96 projects worth CZK 5,507,000 were granted support in 2011.

For several years already, the Ministry of Culture has funded projects which should bring the life and works of persons with disabilities closer to general public. In addition, funding goes to projects that contribute significantly to the integration of such persons in society (e.g. the National Festival of Pantomime and Motion Theatre OTEVŘENO (OPEN) in Kolín, the Mezi ploty Theatre Festival (Between Fences), Spolu nejen na jevišti Festival (Together Not Only On Stage) in Jablonec nad Nisou, and many others where artists with and without disabilities perform next to each other). The programme to support cultural activities of citizens with disabilities and seniors which funds the above activities is announced by the Department of Regional and National Culture.

The Programme for the Support of Non-Professional Artistic Initiatives covers projects focused on events and actions supporting aesthetical activities of children and young persons, artistic activities of students and young persons with emphasis on initiatives promoting their creativity, on Czech musicality, on literary subjects, theatrical creativity including inspirational workshops and seminars, creating non-professional works of visual arts, photography, audio and video, on all types of dancing from folklore up to stage and modern dance, and initiatives preparing and educating leaders of children's and youth collectives. All initiatives are open to anyone without distinction of any kind and, by implication, to persons with disabilities. For example, it has been a common practice that event organisers try to provide barrier-free access to events for persons with limited mobility and orientation.

By gradual adjustments, the National Institute of Folk Culture in Strážnice, an organization under the governance of the Ministry of Culture, has achieved barrier-free access to the whole premises of the conservation area of the castle park and the South Moravian Village Museum, except for the castle building. Cultural Initiatives (such as the International

Folklore Festival, Children's Strážnice, cultural and educational programmes Abeceda řemesel (The Alphabet of Crafts), Podzim na dědině (Autumn in the Village), the pre-Christmas programme Radujme se, veselme se... (Merry Christmas) held in the premises of the National Institute can be visited by persons with disabilities as well. The castle park is open to the general public all year round as a recreational park for citizens and visitors of the Strážnice city as well as the surroundings.

Contributory institutions managed by the Department for the Protection of Movable Cultural Heritage, Museums and Art Galleries organise both expositions and, occasionally as part of their lecturing initiatives, programmes for citizens with disabilities enabling them to satisfy their cultural needs and to create works of their own, such as:

- a) Doteky baroka (A Touch of Baroque) - a tactile exposition in the Schwarzenberg Palace in Prague.
- b) Technical Museum in Brno - Department of the Documentation of Typhlopedic Information - carries on with the Blind Museum work and tradition and develops collections, presentations and other activities (they digitalise publications and archive materials, invitations and other works and subsequently transfer them into Braille, and cooperate in various projects). The department offers specific services relating to making the funds of the Technical Museum and other museums accessible to blind and partially-sighted persons. The exposition contains an audio library, archive and library of publications printed in several types of embossed roman script system and Braille which are available for study on request.
- c) Regular programmes for visually disabled visitors, especially children and the youth are also prepared by the Museum of Puppet Culture in Chrudim which enables visitors to get to know puppet theatres by touch.

Every year, similar initiatives are prepared by several other museums and art galleries in the Czech Republic.

In respect of supporting cultural activities and management of contributory institutions, the Department for the Protection of Movable Cultural Heritage, Museums and Art Galleries, for example, provides annual funding of the development of the Centre of Museum Pedagogy by the Moravian Museum not only from the regular budget but also by a special-purpose contribution to cover the activities of methodical centres. Particularly, the activity of the Methodical Centre of Museum Pedagogy by the Moravian Museum in 2010 was subsidised by CZK 635,000.

The Department of Art of the Ministry of Culture promotes initiatives which are assessed by their artistic level and professionalism in the grant selection procedures. Persons with disabilities are not treated with advantages or disadvantages. Unless expressly the name of the project reveals that it deals with persons with disabilities (such as the activities of Divadlo Neslyším (I Don't Hear Theatre)), the state of health of the subsidy beneficiary is unknown.

The National Information and Consulting Centre for Culture, a contributory institution of the Ministry of Culture, organises the annual National Festival of Pantomime and Motion Theatre Otevřeno (Open) in Kolín in cooperation with the European Pantomime Centre of the Deaf based in Brno. In addition, two preliminary selection rounds took place in Hradec Králové and in Plzeň in 2011. It is an important integrated theatre show concerning non-professional artistic activities in the Czech Republic. Persons with hearing disability constitute more than half of its participants.

The Ministry of Culture supervises the provision of equal access of citizens to cultural services in contributory institutions funded from its resources. All institutions offer considerable discounts to citizens with disabilities (holders of TP, ZTP, ZTP/P certificates). Moreover, holders of ZTP and ZTP/P certificates can receive a discount of a half of the admission fee to theatre and film performances, concerts and other cultural and sporting events. When providing discounts to ZTP/P certificate holders, their accompaniment gets a 50 % discount as well. Information on entrance fee discounts to cultural events and to cultural premises is published on the website of the Ministry and it is updated twice a year.

The Ministry of Regional Development, while implementing the Convention, participates in fulfilling the obligations contained in this Article by organising initiatives in the National Tourism Support Programme (2010 – 2013).

In 2010, the sub-programme "Tourism for All" was announced which promoted initiatives focused on specific target groups. Persons with disabilities (including children) are one of such groups, namely persons with limited mobility,

with lost or limited vision and hearing, with mental disability, with allergies, diabetes, respiratory problems etc. The creation of new products for this target group was conditioned by providing conditions to give effect to domestic tourism in relation to social tourism (e.g. barrier-free access, provision of technical aids and devices for persons with disabilities, extending the boarding in tourist facilities with a gluten-free diet, etc.).

In 2011, the new sub-programme "Travel Accessible to All" was announced which also targets at the group of persons with disabilities.

The referred sub-programme supports such initiatives as:

- creating economic conditions to extend the offer of tourism accompanying infrastructure, to build or rebuild rest areas and sanitary facilities for pedestrians, cyclists and tourist with disabilities along walkways, educational paths and cycle routes;
- making tourist attractions accessible consistent with environmentally friendly forms of tourism for all;
- making tourist attractions accessible to all (building access ramps, platform stair lifts, lifts etc.);
- adapting/equipping environmentally friendly means of transport with features enabling safe and easy entry and exit to persons with disabilities and travellers with prams (hoists, platforms, access ramps etc.);
- introducing/improving/creating navigation and information systems to enhance orientation and awareness concerning attractions for tourists with visual disability (audio and tactile expositions, notices and descriptions in Braille, etc.);
- introducing/improving/creating navigation and information systems to enhance orientation and awareness concerning attractions for tourist with hearing disability;
- creating a system to facilitate movement of persons with hearing disability along tourist attractions and to enhance the quality of their experience from visiting such attractions (graphical descriptions of exhibitions, etc.);
- creating a system to facilitate movement of persons with limited mobility along tourist attractions and to enhance the quality of their experience from visiting such attractions.

Children, pupils and students with disabilities are included in all cultural and sporting activities organised as part of education initiatives. In this regard, even the services of a pedagogical assistant have been extended who helps in the movement and self-service of children, pupils and students with disabilities in need of other persons' assistance in this respect.

Moreover, the Ministry of Education provides subsidies to civic associations working with the youth for the participation of children, pupils and students with disabilities in holiday and other sporting initiatives.

Experts for the development of adapted sports for persons with disabilities are prepared in tertiary education. A number of athletes with disabilities come from and represent the Czech Republic in international competitions.

II. Situation of Boys, Girls and Women with Disabilities

Article 6 – Women with Disabilities

In conformity with international documents and the European and global gender policy, the task for the near future is to map the situation of women with disabilities in the Czech Republic and to find out whether there are differences in their position compared to non-disabled women and compared to disabled men, including their position in the labour market and work remuneration. This will be the aim of the specific analytical survey which will be completed by 31 December 2011. Based on the results and conclusions of the survey, specific measures will be proposed where applicable aimed at the elimination of existing inequality.

The National Plan for the Creation of Equal Opportunities for Persons with Disabilities 2010–2014¹⁵¹ obliges all departments to safeguard equal conditions of women with disabilities by adopting organisational, legislative and effective measures concerning the life of persons with disabilities.

The departments fulfil this measure in various different ways. The Human Resources Department of the Ministry of Culture, for example, has allocated an employee to the position of the gender focal point whose scope of work covers the application of principles of equal opportunities for women and men. Both the drafts of internal norms of the Ministry of Culture and the drafts from interdepartmental consultations are assessed from this viewpoint.

Article 7 – Children with Disabilities

Children with disabilities are guaranteed the same rights as the other children living in the territory of Czech Republic without discrimination of any kind with respect to their state of health. This fact is grounded in particular in the Convention on the Rights of the Child¹⁵² which binds the Czech Republic and takes precedence over the law on account of Article 10 of the Constitution.

Article 2 of the Convention obliges the State Parties to ensure the rights set forth by this Convention to every child under their jurisdiction without discrimination of any kind, including discrimination on the basis on disability. The equal status of all children without distinction of any kind in enjoying the fundamental human rights and freedoms is further guaranteed by the Charter of Fundamental Rights¹⁵³ in paragraph 1 of Article 3 and in paragraph 1 of Article 32.

The right of all children to express their own opinion is guaranteed primarily in Article 12 of the Convention on the Rights of the Child which safeguards to all children able to formulate their own views the right to express such views freely in all matters concerning them, whereas due consideration must be given to the child's views consistent with its age and level of cognitive development. For this purpose, the opportunity of hearing is offered, especially to children, in every judicial or administrative proceeding concerning them, either directly, or through the child's representative. In addition, the child's right to express its views is generally stipulated in paragraph 1 of Article 32 of the Act on Family¹⁵⁴ which states that a child who is able to form its own views, with respect to the level of its development, and to assess the consequences of measures concerning it has the right to receive necessary information and to comment on all decisions made by its parents concerning matters important for the child, and to be heard in every proceedings where such matters are decided. The right of the child to express its views and to be heard in the proceedings is specified in Article 47 of the Act on Family in relation to the decision making on educational measures, in particular with decisions regarding the placement of the child in the substitute family care or substitute institutional care. If the child, with respect to its age and level of cognitive development, is able to express its views and experience freely, its views and experience must be taken into consideration in educational measures. The court inquires about the views and experience of the child through its statement, and it prefers to interrogate the child during the proceedings with respect to its age and level of cognitive development. Moreover, the child's view is taken into special consideration in the Act on Family in the provisions for child adoption. Pursuant to Article 67 of the Act on Family, adoption requires the consent of the child on the understanding that the child is able to assess the consequences of adoption.

¹⁵¹ Approved by Resolution of the Government of the Czech Republic of 29 March 2010 No. 253.

¹⁵² Communication No. 104/1991 Coll.

¹⁵³ Resolution No. 2/1993 Coll., the Presidium of the Czech National Council on the Declaration of the Charter of Fundamental Rights and Freedoms as an Integral Part of the Constitutional Order of the Czech Republic.

¹⁵⁴ Act No. 94/1963, as amended.

The procedure of courts in inquiring the child's views is regulated in detail in paragraph 4 of Article 100 of the Rules of Civil Procedure¹⁵⁵. The court is always obliged to inquire about the view of a minor child who is able to formulate its views, namely in every judicial proceedings concerning the child. The court will ascertain the view of the minor child by interrogating the child. Exceptionally, the child's view may be found out through its representative, an expert's opinion or the competent authority of the social and legal protection of children. The court may interrogate the child even without the presence of other persons if it is assumed that their presence might influence the child so that it would not express its real views. The court shall take the child's view into consideration with respect to its age and level of cognitive development. The right to information and to expressing views in the proceedings in family matters is guaranteed to the child also under Article 3 of the European Convention on the Exercise of Children's Rights¹⁵⁶ of 1996 which binds the Czech Republic. According to the referred Article, the child which is sufficiently able, according to national regulations, to comprehend the situation, is guaranteed the right to obtain relevant information in the judicial proceedings concerning it, to be consulted and to be able to express its views and to be informed on the potential consequences of meeting their requirements and the potential consequences of any decision.

In conformity with Article 5 of the European Convention on the Exercise of Children's Rights, the child may also be guaranteed the right to require assistance of a suitable person who will help it express the views, which may relate to children with disabilities as well. In detail, the child's right to information, consultation and expression of its own view with the aim to regulating the child's contact with its parents or other authorised persons is specified in the Council of Europe Convention on Contact Concerning Children¹⁵⁷ of 2003 which binds the Czech Republic. Pursuant to Article 6 of the Convention on Contact Concerning Children, the child who is sufficiently able to comprehend, according to national legal regulations, unless this clearly contradicts its best interest, has the right to receive all relevant information, to be consulted and to express its own views. The views and ascertained wishes and feelings of the child must be given due weight.

Expressing of opinion with a view to exercising the social and legal protection of children is specified in the Act on Social and Legal Protection of Children¹⁵⁸. Under Article 8 of that Act, the child who is able to formulate its own view, is entitled, for the purpose of the social and legal protection, to express such views freely in discussions related to any matters which concern the child, even in the absence of its parents or other persons responsible for the child's upbringing. Statements of the child in discussions over any matters concerning it are given due consideration with respect to its age and level of cognitive development. Besides the child's view, the authorities of social and legal protection of children are obliged to consider in their activities even the wishes and feelings of the child with respect to its age and development so as not to endanger or disturb its emotional and psychical development. The duty to allow for not only views but also the wishes and feelings of the child is important in particular by younger children who are not yet able to formulate their independent views to a certain matter.

The authorities of social and legal protection of children are, besides ascertaining and considering the child's views, obliged to impart the necessary information to the child which it may need in order to form a view on a certain matter. A child who is able, with respect to its age and level of cognitive development, to assess the consequences and importance of a decision arising from the judicial or administrative proceedings in which it is a party, or if it is another decision pertaining to it, such child is entitled to be informed by the authority of social and legal protection about any relevant matters concerning it.

"Enhancing the care for children with disabilities" was one of the priorities announced in the grant programme of the Ministry of Health "Child and Youth Care" and "Crime Prevention" for 2011. This grant

¹⁵⁵ Act No. 99/1963 Coll., Rules of Civil Procedure, as amended.

¹⁵⁶ Communication No. 54/2001 Collection of International Treaties

¹⁵⁷ Communication No. 91/2005 Collection of International Treaties

¹⁵⁸ Act No. 359/1999 Coll., on Social and Legal Protection of Children, as amended.

programme supported, for example, the project of the University of South Bohemia "Health Care Accessibility for Children with Physical, Sensory and Mental Disabilities".

Annually, the Ministry of Culture in the grant selection process in the Programme to Promote Cultural Activities of Persons with Disabilities and Seniors also funds projects focused directly on the group of children and youth with disabilities.

III. Specific Duties

Article 31 – Statistics and Data Collection

The Resolution of the Government of the Czech Republic imposed in 2005¹⁵⁹ on the Czech Statistical Office to design gradually a consistent system of statistical information on persons with disabilities in cooperation with the Ministry of Health, Ministry of Education and Ministry of Labour and Social Affairs.

An important requirement for the methodology of the survey was the consistency of the data system based on several principles:

- the survey referred to as VŠPO 07 (Sample Survey of Persons with Disabilities 2007) was based on the methodical manual issued by the United Nations Organization,
- it consisted of an accidental selection of respondents (physicians) and persons with disabilities (their patients) from the basic group covering all persons with disabilities (including persons living in institutional facilities),
- the collected data from the sample group were calculated by appropriate statistical methods for the whole population so that the results were representative of the whole Czech Republic,
- the survey should be repeated on a regular basis each time with a different selection group.

The necessary information collected in this national survey covered the overview of the total number of persons with disabilities classified according to gender, age, education and the individual types of disability (physical, visual, hearing, mental, intellectual, internal), reasons of the disability origin, data on the degree of self-sufficiency, economic activity as well as whether such persons live in a family setting or in institutional care facilities.

The conducted survey revealed, besides other things, the following findings¹⁶⁰:

¹⁵⁹ Resolution of the Government of the Czech Republic of 7 December 2005 No. 1575.

¹⁶⁰ The selected statistical data in form of tables are enclosed in the supplement.

1. The Czech Statistical Office estimates that there are 1,015,548 persons with disabilities in the Czech Republic today, who account for 9.87 % of the whole population.
2. The age structure features high proportion of women over the age of 75 years, which is logical due to the shorter life expectancy of men. From the perspective of family status, widowed women constitute up to three fourths of this group.
3. The education level of persons with disabilities is lower compared to the total population of the Czech Republic. In the group of persons with disabilities over the age of 15, the majority is constituted by persons with primary education.
4. The most frequent types of disability account for diseases of internal organs, followed by diseases of the musculoskeletal system. Both types occur in the absolute majority of persons with disabilities.
5. Congenital disorders as the cause of disability occur in one third of cases of mental disability. Two thirds of musculoskeletal system disability resulted from injuries. Diseases are the most frequent cause of the impairment of internal organs (57 %). Old age results in illnesses of internal organs to a greater extent, especially of the cardiovascular system (42 %).
6. The higher average degree of disability was recorded by persons with mental disability - 2.37.
7. Assistive aids and devices are needed in particular by persons with visual, hearing and physical disability.
8. The number of persons with disabilities without any care provided rises progressively up to the age of 59 when it reaches almost one fifth. In line with the growing age, the number of persons with disabilities raises for whom the assistance of others is a necessity. The survey reaffirmed that family represents the most natural form of assistance in all age groups. Persons with disabilities over the age of 75 frequently use more forms of assistance, which corresponds to the general needs of seniors in the whole population.
9. The level of self-sufficiency of persons with disabilities decreases relatively quickly from the middle age on. While in the age of 45 - 59, 62 % of disabled persons were completely self-sufficient, it was 48 % in the age group of 60 - 74 years and only 18 % by persons older than 75. The need of assistance soars in line with the severity of the disability - while the degree of disability severity grows the self-sufficiency of persons with disabilities declines.
10. 87 % of all persons with disabilities live in a standard flat or house. Up to one fifth of persons with mental disability live in social care facilities.

11. Over one half (57 %) of all persons with disabilities living in social care institutes stay in facilities established by the regional authority. More than half of that live in facilities with a capacity of 101 - 200 beds.
12. The most economically active group of persons with disabilities represents persons aged 45 – 59 years. Growing age is reflected in the decrease in economic activity by persons with disabilities and in the increase in the group of not working pensioners. In the group of economically active persons with disabilities, four fifths are employed and one fifth self-employed.
13. Full disability pension is received by 30 % and partial disability pension by 11 % of persons with disabilities. Old age, widow's/widower's or orphan's pension is paid to the half of persons with disabilities. Their quantity grows after the age of 60.

VŠPO results were presented at the press conference of 30 May 2008 and, at the same time they were placed on the website of the Office¹⁶¹. Then, the outcome of the VŠPO 07 survey was presented at the seminar of the Society for Social Medicine and Health Care Management and during the visit of Ephata, the civic association for children and youth with hearing disability.

Another survey concerning persons with disabilities planned for 2011 is also imposed by the Resolution of the Government of the Czech Republic¹⁶², nevertheless, it was decided to postpone it due to the current financial situation.

2002 was the last time when a set of questions inquiring about work activity conditions of persons with disabilities was added to the Labour Force Sample Survey (VŠPS) as an extra module. Subsequently, an analysis titled Long-Term Health Problems and Their Impact on Work Activity was published (ad hoc module results 2002).

In 2010, a new set of questions was prepared for the VŠPS ad hoc module within the grant funded by the European Union with questions defined by the Commission regulation¹⁶³. The field survey (in households) is conducted during the whole year 2011. The survey will provide internationally comparable results about the employment of persons with disabilities with a view to monitoring advances in accomplishing the goals of the European Employment Strategy and Article 27 of the Convention. Results of this survey will be available at the national level in the spring of 2012 and at the European level at the beginning of 2013. Comparisons with 2002 in the Czech Republic will be limited to a certain extent by considerable changes in methodology.

¹⁶¹ <http://www.czso.cz/csu/2008edicniplan.nsf/p/3309-08>

¹⁶² Resolution of the Government of the Czech Republic of 29 March 2010 No. 253.

¹⁶³ Commission Regulation (EU) No 317/2010 of 16 April 2010 adopting the specifications of the 2011 ad hoc module on employment of disabled people for the labour force sample survey provided for by Council Regulation (EC) No 577/98.

Recently, internationally comparable data on persons with disabilities, their state of health, degree of disability and social integration were still collected only from surveys that were not directly focused on persons with disabilities (such as European health interview survey - EHIS). In order to get the complex picture of the situation of persons with disabilities, EUROSTAT prepared a selection module, in form of a grant, named EDSIM, and the Czech Statistical Office participated in it in 2009.

The survey in the EU grant project was conducted in two phases from January to September 2009 in cooperation with the Institute of Health Information and Statistics. After evaluating the comments of questioners and respondents, the content of the questionnaire draft was modified for pilot testing. The EDSIM cognitive as well as pilot testing brought a number of inspiring suggestions concerning the knowledge of the life of persons with disabilities in the Czech Republic. The information may be used effectively by representatives of the EUROSTAT agency as well as other international organizations in drafting the final EDSIM module.

Using the experience from the results of the referred pilot survey, EUROSTAT prepares a sample survey with a slightly modified name - EHSIS (European Health and Social Integration Survey). It is assumed that up to 30 countries (EU member states, Norway, Island) could participate in it in form of a grant project and the survey would be conducted in the autumn of 2012 on the sample of about 8 thousand persons in each of those countries. Besides the basic social and personal characteristics, it would cover sets of questions concerning long-term health problems and limitations, mobility and transport options of persons with disabilities, accessibility of buildings, education, employment, use of the Internet, social contacts, economic conditions of life and leisure. The EU should cover the costs of the survey.

In 2004, the Czech Statistical Office had put together an interdepartmental working party composed of representatives of all interested Ministries and their statistical and research sections (Institute of Health Information and Statistics, Institute for Information on Education, Research Institute for Labour and Social Affairs), representatives of the Office for Personal Data Protection, Institutions dealing with the issues of citizens with disabilities (Government Board for People with Disabilities, Association of Employers of Disabled People in Czech Republic and Research Centre for Integration of People with Disabilities) and umbrella organizations of persons with disabilities (Czech National Disability Council).

This group discussed and approved the fundamental materials of the prepared VŠPO 07 survey (definitions of various degrees and types of disability, questionnaire, methods, survey procedure etc.). The intensive cooperation of experts, representatives of persons with disabilities and statisticians associated in the interdepartmental working group will also be used in the preparation of the EHSIS international survey for Czech conditions, or in case of other national surveys concerning disability issues.

As far as protection of individual data or other authorised safeguards to respondents are concerned, the survey will be conducted in full compliance with the Act on State Statistical Service¹⁶⁴ like any other statistical survey.

The data collected in the survey on persons with disabilities (VŠPO, LFS AHM disability) are usually published as an analytical text and respective numerical tables and graphs in line with the publishing plan of the Czech Statistical Office.

Most outputs are available to users for free download on the website of the Czech Statistical Office; in addition, there are electronic publications (also free on the website) as well as printed publications (available against a fee).

At the users' request, the respective division of the Office makes special data selections from the survey. Very often, such data are used by organizations associating persons with various types of disability as well as students for their theses.

The Ministry of Labour and Social Affairs has statistical data available related to the provision of social benefits to persons with disabilities. As for pension insurance, the Czech Social Security Administration provides monthly pension statistics containing information on disability pensions. A part of such information appears in the publications of the Czech Social Security Administration (especially the Annual Abstract of Statistics placed on the website of this institution) and the Ministry of Labour and Social Affairs (also publications for free distribution: The Annual Abstract of Statistics of Labour and Social Affairs, Key Indicators of Labour and Social Security in Flow Charts and Graphs or Actuarial Report on Social Insurance). Pension statistics are structured, for example, according to the pension beneficiary's age, gender, benefit amount, geographical segmentation, year of granting, and personal assessment basis. In addition, statistics on the length of the proceedings to grant (disability) pension or the statistics of the number of expired (disability) pensions are available.

The Czech Social Security Administration has statistics regarding sickness insurance as well. This system secures persons in case of temporary incapacity for work and quarantine.

In terms of non-insurance benefit systems, the Ministry of Labour and Social Affairs also uses its own department information systems. In relation to persons with disabilities, these include especially the care allowance payments (which belongs to persons who need assistance by other people in their everyday lives on the grounds of their long-term unfavourable state of health) – centralized data on such beneficiaries are available (age, gender, level of dependency, geographical segmentation etc.). The statistics of social care benefits paid to citizens with severe disabilities is collected by the departmental monthly statistical survey pursuant to the Act on State Statistical Service. Another statistical survey of the department traces the numbers of extra benefit certificates granted on account of the disability degree. A part of the collected data for such systems is published in some of the above mentioned publications of the Ministry of Labour and Social Affairs.

In terms of obligations to the EU, it is also possible to mention the collection of statistical data on the number of disability pension beneficiaries and expenses in the whole social protection system in the "disability" function defined by the unified ESSPROS methodology (European System of Integrated Social Protection Statistics). The data collected in this system are published on the website of the EU Statistical Office – Eurostat.

¹⁶⁴ Act No. 89/1995 Coll., on State Statistical Service, as amended.

The National Information and Consulting Centre for Culture, a contributory institution of the Ministry of Culture, collects, in aggregate for the whole Culture Department, the number of actual cultural and educational events for persons with disabilities and barrier-free access from the records of museums and art galleries within its collection of statistical data concerning culture which it conducts pursuant to the assignment contract with the Ministry of Culture. The same is collected from the records of theatres and art festivals. The data are available on the website of the institution. The Ministry of Culture pays consistent attention to the observance of statutory procedures in the field of personal data protection; statistical surveys are processed in conformity with applicable legislation.

Even data on children, pupils, and students with disabilities are available which are monitored in accordance with the relevant methodology by the Institute of Information on Education. Remote access to such data is possible.

Article 32 – International Cooperation

The sphere of social development, and thus the support of rights of persons with disabilities, belongs to the departmental priorities of the Czech Foreign Development Co-operation, whose Concept for 2010 - 2017 was approved by the Government of the Czech Republic in May 2010.

The Czech Republic implements specific projects in several partner countries focused on the support of persons with various types of disability, their inclusion in society and on the labour market. In addition, attention is paid to children and youth with disabilities.

From 2009 to 2011, the following bilateral projects to support persons with disabilities have been implemented:

Ethiopia	Support of Community Rehabilitation of Youth with Disabilities (CZK 3.4 million; 2009-2010);
Cambodia	Enhancing Community Support for Children with Disabilities (CZK 3 million; 2010-2012);
Kosovo	Support of Social Inclusion of Visually Disabled Persons (CZK 1.3 million; 2010) and Support of Social Inclusion of Persons with Hearing Disability (CZK 1.4 million; 2010-2011);

Persons with disabilities are also supported by small local projects (i.e. projects implemented by representative authorities of the Czech Republic) in the maximum amount of CZK 500,000.

Such projects comprise:

Bosnia and Herzegovina	Support of Educational Centre for Children with Special Needs (2010);
Ethiopia	Support of Workshop for Prosthetic Device Production and Rehabilitation Centre (2010, 2011);
Georgia	Shoe Production Workshop Run by Persons with Disabilities, Employment Support of Persons with Disabilities (2010, 2011);
Yemen	Equipment for the Club of Athletes with Disabilities (2010, 2011);
Kosovo	Employment Support of Hearing and Visually Disabled Persons (2009);

Moldova	Purchase of Wheelchairs for Persons with Disabilities (2011);
Namibia	Extension of Activities of the Sheltered Workshop for HIV/AIDS-Affected Women (2011);
Serbia	Development of Activities of the Association of Persons with Mental Disability (2011);
Vietnam	Social Integration of Disabled and Dioxin-Affected Persons (2011);
Zimbabwe	Employment Support of HIV/AIDS-Affected Women (2011).

At the same time, the Czech Republic contributes to the involvement of Czech non-governmental organizations in trilateral projects focused on the support of persons with disabilities, such as in Ethiopia (education of blind children and children with hearing disability in 2010).

Apart from projects targeted particularly at the support of persons with disabilities, the Czech Republic also strives to contribute to the positive development in partner countries in cross-section. The cross-sectional principles of the Czech Foreign Development Cooperation include, besides *good governance* and friendliness to the environment and climate, the observance of fundamental human, economic, social and labour rights of the beneficiaries of the development projects. This applies to rights of persons with disabilities as well.

Also in the humanitarian aid, projects are implemented that focus on persons with disabilities (with physical, sensory or mental disability, HIV/AIDS, etc.) and projects dealing with, for example, persons at risk or suffering from malnutrition.

Recently, there have been the following projects:

Burma/Myanmar	Mobile Clinic for Burmese Refugees in Malaysia (2007 – 2009); Assistance to the Qing Region Suffering from Famine (2010 - 2011);
Haiti Congo (Kinshasa)	Assistance to Victims of Cholera Epidemic (2010 – 2011); Basic and Specialised Health Care Assistance in Eastern Provinces, Assistance to Victims of Sexual Assaults (2008 – 2011);
Kenya	Construction of Clinic for Providing Basic Health Care to Orphans (2009);
Somalia/Kenya	Basic and Specialised Health Care Assistance to Somali Refugees (2009 – 2010);
Zimbabwe	Basic and Specialised Health Care Assistance to Malnourished Children, HIV/AIDS-Infected People and Cholera Victims.

As far as individual departments are concerned, the Ministry of Industry and Trade is directly engaged in the international cooperation and organization of various national and foreign fairs of health care technology and promotes the development and production of assistive and rehabilitation aids and devices for persons with disabilities. Projects dealing with research and development focus especially on aids and devices for persons with disabilities, application of digital technologies in design, manufacturing and evaluation of custom-made orthoptic and prosthetic aids and devices, etc.

In 2010, the Ministry of Labour and Social Affairs initiated a project dealing with the employment of persons with disabilities in Mongolia named Earning Support of Persons with Disabilities: enhancing skills for employability and policy application. The project funded by the Czech Republic (CZK 4 million) is implemented by the International Labour Organisation (ILO) consistent with the Partnership Agreement on Development Cooperation between the Government of the Czech Republic and the International Labour Organization.

The aim of the project is to boost employment of disadvantaged persons through improving their skills and strengthening the new legal framework¹⁶⁵ promoting the employment of persons with disabilities. When selecting the topical and territorial focus of the project, the Ministry of Labour and Social Affairs considered the territorial and departmental priorities of the Czech Foreign Development Cooperation and requirements of the Mongolian Government. The topic targeted at better employability of persons with disabilities comes especially from the long-term orientation of the Ministry of Labour and Social Affairs on the efficiency improvement of job placement methods, retraining courses and educational courses for disadvantaged persons.

Major project outputs:

1. establishment of 2 – 4 sample models of employing persons with disabilities in cooperation with the Ministry of Labour and Social Affairs of Mongolia and other parties from the state administration, companies and non-profit organizations;
2. strengthening the influence of social partners and non-profit organizations in organising retraining and educational courses and job placement for persons with disabilities through better knowledge of legislation concerning the opportunities of employing disadvantaged persons.

As for the support of international cooperation with the target group of persons with disabilities, altogether 8 projects were supported in 2008 – 2010 and the subsidy reached CZK 44,130,481 in total. The supported projects related to, for example, instruments for employing persons with disabilities in the transformation period, applying foreign experience in social services, labour market barriers for persons with disabilities, transmission of best practice and experience in social inclusion of persons after brain injury, social skills and mutual support for persons with mental disabilities in the open labour market and in the society etc.

Moreover, the Czech Republic is a member state of the European Agency for Development in Special Needs Education. This organization associates states of the European Union and its aim is to develop international cooperation in the education of children, pupils and students with disabilities and their full participation in education.

Article 33 – National Implementation and Monitoring

¹⁶⁵ In January 2008, the Mongolian Labour Code and Act on Employment Support were amended. In December 2008, Mongolia ratified the United Nations Convention on the Rights of Persons with Disabilities including the Optional Protocol.

In the Czech Republic, the Ministry of Labour and Social Affairs is the focal point as it is responsible for its implementation pursuant to legal regulations. Based on the current practice and experience of other State Parties to the Convention, the establishment of another focal point is not considered at present.

The process of creating monitoring mechanisms to implement the Convention was initiated in 2010. In the Czech Republic, no institution has been established yet that would systematically deal with the issues of human rights (national institution to protect and promote human rights consistent with Paris Principles), although the Ombudsman conducts an informal review of state administration, however, not of all public power, and the Ombudsman's principal task is to observe the performance of state administration in pursuance of good governance principles.

On account of this situation, it was not possible to use existing institutions to monitor the Convention as has been the case in several countries, and other options had to be found to comply with the provisions of the Convention. A suitable solution may be one of the alternatives, the Monitoring Committee. This alternative is accepted even by organizations of persons with disabilities. Nevertheless, consensus regarding the composition of such Committee, the number of its members and its legal form has not been reached yet. However, the negotiations and consultations conducted to date have brought numerous ideas and suggestions which will be processed and used in the preparation of the statute and rules of procedure of the referred Monitoring Committee.

A comprehensive draft on measures taken to give effect to the Convention and its monitoring at the national level according to Article 33 will be prepared in cooperation with the organizations of persons with disabilities and social partners. The Government of the Czech Republic should approve it no later than in the 1st half of 2012.

Annex

Sample Survey of Persons with Disabilities (VŠPO 07)**Table No. 1: Basic Identification of Persons with Disabilities**

	Czech Population (by 31 December 2006)	Citizens with Disabilities in the Czech Republic
Number of Czech Citizens	10,287,189¹	1,015,548²
Gender		
Men	5,026,184	490,427
Women	5,261,005	525,121
Age Composition of Population		
0 - 14 years	1,479,514	46,208
15 - 29 years	2,175,672	60,621
30 – 44 years	2,312,929	101,331
45 – 59 years	2,195,646	245,743
60 – 74 years	1,462,586	283,274
75 years and more	660,842	276,744

1 Demographic Yearbook of Czech Statistical Office 2006.

2 The total of 1,015,548 also comprises 1,627 persons without age indication.

Table No. 2: Age Structure of Persons with Disabilities by Gender

Age Group	Estimated Number of Disabled Persons in Population	Number of Citizens by 31 December 2006	Share of Disabled Persons in Population
Men			
0-14	27,941	760,065	3.68 %
15-29	34,271	1,114,557	3.07 %
30-44	52,984	1,182,000	4.48 %
45-59	129,465	1,085,745	11.92 %
60-74	152,443	658,010	23.17 %
75+	92,624	225,807	40.02 %
Total	490,452	5,026,184	9.76 %
Women			
0-14	18,267	719,449	2.54 %
15-29	26,350	1,061,115	2.48 %
30-44	48,347	1,130,929	4.27 %
45-59	116,278	1,109,901	10.48 %
60-74	130,831	804,576	16.26 %
75+	184,120	435,035	42.32 %
Total	525,096	5,261,005	9.98 %
Total			
0-14	46,208	1,479,514	3.12 %
15-29	60,621	2,175,672	2.79 %
30-44	101,331	2,312,929	4.38 %
45-59	245,743	2,195,646	11.19 %
60-74	283,274	1,462,586	19.37 %
75+	276,744	660,842	41.88 %
Total	1,015,548*	10,287,189	9.87 %

*The total of 1,015,548 also comprises 1,627 persons without age indication.

Table No. 3: Education of Persons with Disabilities by Age and Gender
(only persons with disabilities aged 15 or more)

Age Group	Highest Achieved Education							Total
	No Education	Primary	Secondary		Higher Vocational	Tertiary School	Unknown	
			Without Graduation Exam	With Graduation Exam				
Men								
15-29	10,538	14,670	4,359	3,791	610	250	53	34,271
30-44	7,574	12,714	16,411	10,586	867	3,821	1,011	52,984
45-59	8,818	40,458	46,617	19,968	2,473	8,197	2,934	129,465
60-74	3,996	46,684	50,138	28,335	2,347	15,241	5,702	152,443
75+	1,664	32,179	22,046	19,478	1,110	9,795	6,352	92,624
Total	32,590	146,705	139,571	82,158	7,407	37,304	16,052	461,787
Women								
15-29	5,945	11,228	3,729	3,779	511	813	345	26,350
30-44	7,102	13,220	11,734	12,537	580	2,875	299	48,347
45-59	5,219	41,599	25,958	32,100	1,706	7,759	1,937	116,278
60-74	3,722	51,866	25,552	33,517	1,572	9,220	5,382	130,831
75+	7,368	107,541	24,987	26,058	1,313	5,389	11,464	184,120
Total	29,356	225,454	91,960	107,991	5,682	26,056	19,427	505,926
Total								
15-29	16,483	25,898	8,088	7,570	1,121	1,063	398	60,621
30-44	14,676	25,934	28,145	23,123	1,447	6,696	1,310	101,331
45-59	14,037	82,057	72,575	52,068	4,179	15,956	4,871	245,743
60-74	7,718	98,550	75,690	61,852	3,919	24,461	11,084	283,274
75+	9,032	139,720	47,033	45,536	2,423	15,184	17,816	276,744
Total	61,946	372,159	231,531	190,149	13,089	63,360	35,479	967,713

Table No. 4: Disability Type by Gender and Age

Age Group	Disability							Total Persons	Disability Frequency per 1 Person
	Physical	Visual	Hearing	Mental	Mental disease	Internal	Total		
Men									
0-14	9,703	4,393	1,154	7,549	3,285	13,552	39,636	27,941	1.419
15-29	14,246	3,243	2,365	14,210	6,012	10,754	50,830	34,271	1.483
30-44	22,855	4,451	1,981	9,742	10,806	18,333	68,168	52,984	1.287
45-59	63,616	6,997	6,166	12,570	17,957	65,586	172,892	129,465	1.335
60-74	73,687	10,785	9,361	8,682	11,411	102,745	216,671	152,443	1.421
75+	54,267	8,844	14,875	5,830	9,354	66,603	159,773	92,624	1.725
Total	238,428	38,713	35,902	58,675	58,986	277,954	708,658	490,452	1.445
Women									
0-14	6,984	3,571	1,748	4,055	1,561	8,791	26,710	18,267	1.462
15-29	11,464	3,075	1,470	8,754	3,140	10,177	38,080	26,350	1.445
30-44	20,252	3,146	2,752	9,564	11,470	16,657	63,841	48,347	1.320
45-59	64,343	5,781	5,060	7,732	16,705	52,961	152,582	116,278	1.312
60-74	79,173	7,857	5,844	4,645	12,251	83,623	193,393	130,831	1.478
75+	129,337	25,296	21,809	13,182	23,776	121,069	334,469	184,120	1.817
Total	311,979	48,726	38,798	48,024	69,079	293,780	810,386	525,096	1.543
Total									
0-14	16,687	7,964	2,902	11,604	4,846	22,343	66,346	46,208	1.436
15-29	25,710	6,318	3,835	22,964	9,152	20,931	88,910	60,621	1.467
30-44	43,107	7,597	4,733	19,306	22,276	34,990	132,009	101,331	1.303
45-59	127,959	12,778	11,226	20,302	34,662	118,547	325,474	245,743	1.324
60-74	152,860	18,642	15,205	13,327	23,662	186,368	410,064	283,274	1.448
75+	183,604	34,140	36,684	19,012	33,130	187,672	494,242	276,744	1.786
Total	550,407	87,439	74,700	106,699	128,065	571,734	1,519,044**	1,015,548*	1.496

*The total of 1,015,548 also comprises 1,627 persons without age indication.

** Since multiple answers were possible, 1,015,548 persons indicated, after recalculation, 1,519,044 various types of disabilities altogether. The respective total contains only one impairment of internal organs.

Table No. 5: Economic (In)Activity of Persons with Disabilities by Age (only persons aged 15 or more)

Age Group	Economic Activity								
	Child, Studying	Employed, Self-employed	Unemployed	Not Working Pensioner	Working Pensioner	In Households	Others	Unknown	Total
Men									
15-29	11,847	5,577	3,510	9,241	452	200	2,973	471	34,271
30-44	96	20,784	5,413	18,357	3,605	745	2,067	1,917	52,984
45-59	-	37,537	10,699	62,381	8,020	569	6,549	3,710	129,465
60-74	-	9,629	2,677	125,946	8,681	211	2,569	2,730	152,443
75+	-	513	131	87,355	1,544	613	288	2,180	92,624
Total	11,943	74,040	22,430	303,280	22,302	2,338	14,446	11,008	461,787
Women									
15-29	9,735	4,286	2,064	6,929	681	895	1,539	221	26,350
30-44	63	14,983	5,600	18,668	2,569	2,179	2,773	1,512	48,347
45-59	-	29,429	11,351	59,456	5,684	1,869	4,892	3,597	116,278
60-74	-	1,696	1,310	121,599	2,594	477	641	2,514	130,831
75+	-	105	-	179,099	690	657	250	3,319	184,120
Total	9,798	50,499	20,325	385,751	12,218	6,077	10,095	11,163	505,926
Total									
15-29	21,582	9,863	5,574	16,170	1,133	1,095	4,512	692	60,621
30-44	159	35,767	11,013	37,025	6,174	2,924	4,840	3,429	101,331
45-59	-	66,966	22,050	121,837	13,704	2,438	11,441	7,307	245,743
60-74	-	11,325	3,987	247,545	11,275	688	3,210	5,244	283,274
75+	-	618	131	266,454	2,234	1,270	538	5,499	276,744
Total	21,741	124,539	42,755	689,031	34,520	8,415	24,541	22,171	967,713