

Report for the First Quarter of 2007

Information on the work of the Public Defender of Rights in accordance with section 24 (1) (a) of the Public Defender of Rights Act No. 349/1999 Coll., as amended

for the period from January 1 to March 31, 2007.

In this Report the Defender presents legislators with information on activities in the period under scrutiny as well as a more general update on the actual state of public administration as a reflection of experience gathered by him in dealing with complaints. Vis-à-vis its contents, it follows on from the information for the fourth quarter of 2006, submitted to the Chamber of Deputies on January 15, 2007, and discussed in the Committee on Petitions of the Chamber of Deputies on February 20, 2007, in the presence of the Public Defender of Rights.

A. General Information on the Work of the Public Defender of Rights

The ***person of the deputy of the Public Defender of Rights changed*** in January 2007. While JUDr. Otakar Motejl took the pledge and started his second term on December 19, 2006, Mgr. Anna Šabatová ended her role as the deputy of the Defender on January 31, 2007. On February 7, 2007, the Chamber of Deputies elected RNDr. Jitka Seitlová as the new deputy and she accepted her new role by taking a pledge before the speaker of the Chamber of Deputies on February 14, 2007. The Public Defender of Rights was present in the Chamber of Deputies when his new closest colleague took the pledge.

Consequently, the ***Annual Report on Activities in 2006***, compiled in the first months of the year as usual, became a general balancing of the last year of the six years of the first Defender and his first deputy together. Pursuant to duties imposed by the provisions of Section 23 of Public Defender of Rights Act, the Defender presented his Annual Report to the Chamber of Deputies and sent it to the Senate, President, government, ministries and other national administrative authorities, before March 31. The Defender also met his legal duty to publish the Report in a suitable manner within the deadline. To do so, the Defender made use of the first regular press conference and the website where the Report is posted at.

In the Annual Report on the Activities of the Defender in 2006 the Defender kept to the proven approach from previous reports from the first term in the office where a substantial part of the Report consists of specific cases the Defender dealt with, including generalisation of findings with a wider impact. Therefore, the first part briefly describes general information on the activities of the Defender and the Office of the Public Defender of Rights within the period under scrutiny, while the second, and most voluminous part of the Report presents statistical summaries of the number, structure and development of complaints received and dealt with, and other activities in the exercise of his mandate as well as findings from the Defender's activities, along with commentaries and examples of factually important or in any other way interesting complaints he dealt with. For the first time, the Defender incorporated information on the results of systematic visits to detention facilities. It generalises findings from the new competence entrusted to the Defender on January 1, 2006, by the amendment to the Public Defender of Rights Act No. 381/2005 Coll. The Defender deems the last, fourth part of the Annual Report an important tool in meeting his initiating role towards the legislature, because it contains generalisation of the

most pressing issues ensuing from analysis of complaints dealt with in the period under scrutiny and in previous years.

On January 30, 2007, the president of the Senate and the Public Defender of Rights held **a working conference themed *Position of Municipalities and Regions in the Mixed Public Administration Model*** in the Senate Meeting Hall. The contents of the conference were inspired by complaints addressed to the Defender by individuals, and experience of the Defender in their handling. Their aim was to describe problems ensuing from the exercise of independent and delegated competence by municipalities and regions that may often be an unwanted by-product of the mixed model of public administration and to seek and find solutions through discussion and confrontation of participants' opinions. The papers and principal discussion statements presented at the conference are being compiled at present in proceedings that will be sent to all participants and posted on the websites of both organisers for the public.

B. Number of Complaints Received and Handled

In the first quarter of 2007, the Defender **received 1,749 complaints**, of which **981 (56%)** were within the Defender's mandate and **768 (44%)** outside his mandate. In the same period of 2006 the Defender received 1,954 complaints, of which 1,014 (52%) were within his mandate.

The structure of complaints received by legal area has not changed significantly over time. Complaints in the area of social security are the most numerous (240) in the long run, primarily concerning pensions and social welfare benefits. The second most numerous group were complaints from public court administration (113), relating particularly to undue delays in court proceedings, and their number exceeded the long-term numerous group of complaints related to construction and regional development (89) of which the majority pertain to zoning proceedings, planning permission and approval proceedings. The high number of complaints pertaining to healthcare (72) and the police and the prison system (64) addressed to the Defender persists.

In the first quarter of 2007 the Defender **handled 1,728 complaints**, i.e. 246 complaints less than in the same period of 2006, when he completed 1,974 complaints. An analysis of the structure of complaints closed clearly suggests that the Defender and his deputy preferentially closed time-consuming and long-term inquiries because of the end of the Defender's and his deputy's first term in office. As of the date of this Report, **1,514 files** from the common agenda and **30 files** from the detention agenda are in various stages of progress.

C. The Defender's Activities in the Area of Detention

In March 2007, the Defender published his conclusions from **visits to facilities for the exercise of institutional and protective education** carried out in the fourth quarter of 2006. The unabridged version of the extensive reports from such facilities is displayed on the Defender's website in the Protection of persons restricted in their freedom section.

Visits were held in four facilities: in Chrastava Reformatory and Orphanage with School, Primary and Secondary School with School Dinning Hall, the detached workplace of the Ostrava-Hrabůvka Reformatory and School Dinning Hall in Polanka nad Odrou, Pšov Reformatory with School Dinning Hall and Department for Children with Extreme Behavioural Disorders with the Orphanage with School as part of the Boletice nad Labem-

Děčín Reformatory, Orphanage with School, Centre of Educational Care, Primary School, Secondary School and School Dinning Hall.

Among other matters, the Defender focused on the request for more consistent separation of children with ordered institutional education from children with imposed protective education, on the legality of audio-visual systems and special technical and structural aids (bars) placement, the regime in different facilities and fulfilment of children's rights in the sense of international conventions and Act No. 109/2002 Coll., on the Execution of Institutional and Protective Education in school establishments and on preventive educational care in school establishments (hereunder only the AEIPE). On a general level, the Defender concerned himself with conceptual care for the family and child, respectively foster care, having used his findings from the complaints agenda. He asserted that the overall concept of foster care for a child or youth, respectively care for family and children – currently disjointed and often uncoordinated between the Ministry of Education, Youth and Sports, the Ministry of Health and the Ministry of Labour and Social Affairs, should be unified under the authority of one central state body to prevent any further rebukes from the Committee on the Rights of the Child – the supervisory body for implementation of the Convention on the Rights of the Child, i.e. the international agreement by which the Czech Republic is bound and that has priority over the law. Given the extension of the social work context often to the entire family, this body should be the Ministry of Labour and Social Affairs.

The Defender also came to the conclusion that work with the family must be intensified – current state policy and practice does not pay much respect to this aspect, respectively little attention is actually given to preventive aspects and continuous work with the family. The remaining alternative to inadequate terrain work with the family is a placement in an institution. This is due to the insufficiently developed system of social services on the preventive and advisory level as well as inadequate number of staff in the bodies of social and legal protection of children. While 10-12 cases fall under one worker in other countries, this number is higher by 100 and more in the Czech Republic. Therefore, it is understandably impossible to work intensively with a child let alone the family under such conditions (sometimes also the great distance between the institute and the child's home plays a role – see below).

With respect to the actual regime of the exercise of institutional and protective education, the Defender concluded that the legal requirement for more marked separation between children with ordered institutional education and imposed protective education tends to be ignored. Children with protective education are mostly incorporated in institutions in a different educational group, which should be an exception in keeping with the law. The requirement for separation of children with ordered institutional education from children with imposed protective education that the law presumes, ensued from legislative changes (AEIPE amendment executed by Act No. 383/2005 Coll.) aimed at harshening conditions in the protective education regime, particularly the option to use special technical and structural aids and audio-visual systems. The purpose of the separation of both regimes is to protect children with ordered institutional education, i.e. a guarantee that the stricter regime would not impact on them as well.

Given that protective education has been imposed on 102 children at present (whilst 98 cases are a deviation from the criminal measure pursuant to Section 12 (b)) in association with Section 22 of the Act No. 218/2003 Coll., on the liability of juveniles for illegal acts and on juvenile courts (hereunder the ALJ), their placement in the few facilities would impact on their opportunity to preserve bonds with family and relatives in connection with the distance of the facility from their homes. This only corroborates the fact that the

concept of institutional education should be aimed towards setting up the small family-type facilities so common in neighbouring countries. A similar problem (large distance from family) occurs in the case of facilities that should focus on children with special needs (like the Polanka facility).

The Defender also concentrated on installation of special structural and technical aids and audio-visual systems pursuant to the provisions of Section 15 of the AEIPE containing legal sanction to install camera systems and monitor the building surroundings and site of the facility, premises where children have no access, and the facility's corridors. The Defender found the existence of cameras in Chrastava reformatory and at the EBD dep. in Boletice. The cameras in Chrastava reformatory have been fitted in the building for children with imposed protective education, yet the Defender discovered their installation in a section exclusively housing children with ordered institutional education, which contravenes Section 15 (1) of the AEIPE. Cameras have also been installed at the EBD dep. in Boletice too: in corridors, common areas and rooms for the teaching of children.

On his visits the Defender perceived differences in the material equipment of facilities, the number and qualifications of personnel, the presence of psychologists as well as in the very regime (for instance the setting of points systems, steps in education that have no hold in the law – like removal of their own clothing) and similar. Such a state could threaten the principle of equality in the rights of children. Other findings pertained for instance to differently set so-called points systems, the possibility of children's stays at home with their parents, outings, the possibility of telephone contact with family, etc.

The Public Defender of Rights recommended particularly:

- to start taking immediate conceptual steps to unify care for children under the authority of a single body,
- to focus on altering the whole concept of foster care and care for family and children as follows:
 - augmenting the social services system in the field of prevention and counselling,
 - heightening preventive influence on threatened children and their families,
 - continuous intensive work with threatened children and their families including compilation of aid plans in the presence of all concerned,
 - stress on the fact that removing a child is an extreme option and parent's housing and property relations should not be such a reason,
- establishing "small" family-type facilities; particularly with respect to facilities for groups of children who need heightened or specific care (like drug-addicted children),
- immediately take out cameras from those places where they are not legally sanctioned and interpret provisions of the law in order for the option to fit in audio-visual systems not to affect children with ordered institutional education and to protect the rights of children with imposed protective education,
- formulate standards for care provided to children in school facilities.

Systematic **visits to social services facilities**, specifically the newly renamed retirement homes, or homes with special regime, have been under way since January 1. Homes were selected for the Defender's visits in order to represent facilities of all regions, with different founders and of different sizes. Given the number of homes the Defender is going to visit, the visits will carry on in the second quarter of 2007.

D. General Observations, Special Powers

The Defender informs legislators in this section of the quarterly Report of his observations with general impact.

1. At the end of 2006, the Defender received a number of complaints containing individuals' **disagreement with the issue and contents of Ministry of Culture decree No. 488/2006 Coll.** that stipulates types of machines for making duplicates, types of blank record carriers and the amount of fixed remuneration. The Defender found no reason for repealing the decree because it is explicitly authorised in the Copyright Act (provisions of Section 25 (7)) and the Ministry did not exceed this legal sanction. Given that the capacity of memory media in the area of technology is rapidly increasing, it is the duty of the Ministry of Culture to react to such developments and annually adjust the charge on the capacity of such media to the current average capacity in the market. Therefore, the Defender will monitor the Ministry's meeting such an obligation and whether the manner of charging, primarily with respect to so-called 'flash disks' and portable hard disks, does not contravene the principle of proportionality. Due to great public interest, the Defender displayed the [unabridged](#) text of his statement on decree No. 488/2006 Coll., at his website.

2. The Defender again received complaints from those opposing **curtailing the parental allowance by exercise of a claim payment order**. Though the method should have been unified following the Defender's complicated negotiations with the Ministry of Labour and Social Affairs (MLSA), the Labour Office in Karviná curtailed not only the parental allowance but other monetary support to Mrs. K. through a claim payment order, albeit the distraint order ordering this manner of distraint came to power after the amending of the Civil Procedure Code (after March 31, 2006). Given the defective specification of claims, the Labour Office should not have curtailed the benefits at all.

The inquiry showed that the Labour Office had curtailed parental allowances by exercise of other claim payment orders in another 92 cases. As the Labour Office failed to deal with the Defender's arguments, and given the seriousness of the findings and the office's approach to the matter, the Defender's report on the inquiry contains a proposed procedure, including masters covering procedure for suspension of executions ordered illegally after amendment.

Another case of such wrongful procedure is that of the Labour Office in Frýdek-Místek, deciding on the proposed partial suspension of distraint by the courts, whilst both the first degree and the appeal courts did not attempt to act on the Defender's arguments. Given the exceptional nature of the matter and the Defender's interest in a general solution through judicature among other things, the Defender cooperated with a lawyer in planning an extraordinary appeal.

3. In concurrence with repeated complaints of businessmen objecting to the **obligation to use VAT number in business communications, and thus commonly disclose their personal number**, the Defender used his authority and asked the Ministry of Finance for a statement on the possibility of amending the act on administration of taxes and fees in order for the tax identification number of individuals not to contain the personal number. Amending the legislation could be considered so that another non-interchangeable identifier is used for the tax identification number of individuals.

4. Since 2001, the Public Defender of Rights has pointed out the need to finally settle the issue of the Czechoslovak Federation split in the field of pensions, also the so-called "**Slovak pensions**", in his annual reports. The Defender had publicised some specific

cases handled in the area in previous quarterly reports (most recently in section E. 5 of the Report for the Fourth Quarter of 2006). Most of the cases pertained to non-granting of a Czech pension when the complainants – Czech citizens – have a Slovak pension granted pursuant to the Agreement on Social Security between the Czech and Slovak republics (hereunder only the Agreement), that is far lower than the Czech pension and is being paid out by Slovak bodies. The Agreement pertains particularly to those citizens whose claim for a pension arose after January 1, 1993, and whose employer was, as on that date, in Slovakia, or who were earning an income in Slovakia. The decisive factors in this Agreement are the day of the Czechoslovak Federal Republic's dissolution, i.e. January 1, 1993, and the residence of the person's employer as of this day. If such employer had a residence in the Slovak Republic, then the person is entitled to pension from the Slovak side for all periods of social security contributions prior to this date pursuant to the Agreement. Nevertheless, many people worked for a Slovak employer for only a short period prior to January 1, 1993, and worked for a Czech employer most of the time. In spite of this, they now collect only Slovak pensions. The Constitutional Court took the side of such people in its decision No. PL US 4/06, which the Public Defender of Rights fully agrees with.

The Defender therefore recommends to the aggrieved citizens to address the Czech Social Security Administration, i.e. the Czech insurer, with their request for granting a pension by a Czech insurer, if the pension was not granted at all; or with a request for a change of decision pursuant to Section 56 of Act No. 155/1995 Coll., as later amended to those whose pension was granted by this insurer only partially proportionate to the period of insurance acquired in the Czech Republic after January 1, 1993. The Czech insurer must ensure payment of a pension of such value as corresponds to the higher Czech standards. In other words – the lower Slovak pension collected by Czech citizens shall be levelled up to the amount they would be due under Czech legislation. Duplicate collection of two pensions of the same kind from the Czech and Slovak sides is inadmissible. The Defender presumes the fumbling of administrative and judicial bodies in similar cases of "Slovak pensions" will come to an end as a consequence of this breakthrough decision.

E. Other Selected Cases from the Defender's Work in the Period under Scrutiny

In this Report, the Defender regularly quotes abridged information on several other interesting or otherwise important complaints that facilitate better documenting of the frequency of legal areas and the variety of cases the Defender handled in the period under scrutiny:

1. As part of inquiries into a complaint ***pertaining to a public authority's charging the exercise of ownership right in association with assessing a local fee for using a concourse***, the Defender came to the conclusion that the Municipal Authority of the Brno centre Municipal Area and the Brno Municipal Office did not proceed in accordance with the principles of good administration, when they failed to opt for an interpretation conforming with the constitution when interpreting Section 34 of the Act on Municipalities and the provisions of Section 4 of the Act on Local Fees. The pertinent authorities refuse to relinquish the practice of charging a local fee against owners of land who use their own land. Except for cases of misuse of ownership of the land, the local fee should not be charged pursuant to Constitutional Court award PI US 21/02 (published under No. 211/2005 Coll.). The Defender believes this legal opinion may be also applied to tenant

on the land whose rights are derived from the owners. In association with handling this complaint, the Defender asked the Minister of Finance to inform him whether and in what way is the Ministry going to take into account the legal conclusions ensuing from the quoted Constitutional Court judgement when interpreting and exercising the Act on local fees, in future liaison with regional authorities pertaining the methods of managing municipalities in terms of local fees.

2. The Defender dealt with application obscurities in **adjustment to widow's pensions reduced due to concurrence**. Act No. 267/2006 Coll. enabling adjustment to widow's pension to those women widowed prior to January 1, 1996, and whose widow's pension was reduced or completely unpaid due to a parallel pension (usually old-age), came into effect on July 1, 2006. As there are no limits for payment of pension or their concurrence, a certain inequality arose between women widowed before and after January 1, 1996, since Act No. 155/1995 Coll. on pension insurance came into effect. Act No. 267/2006 Coll. corrected this disproportion. The complainant's request for adjustment to her pension was rejected because the Czech Social Security Administration (hereunder the CSSA) believes Act No. 267/2006 Coll. did not apply to her because at the time of granting the widow's pension the amount of its concurrence was not limited yet. This happened later as a result of indexation. The Defender believes it is insignificant whether the widow's pension was reduced with respect to the total amount of the widow's and old-age pensions on granting the widow's pension, i.e. on the day of concurrence of both benefits, or later with respect to gradual indexation of pension benefits collected, for assessing the claim to adjust the amount of widow's pension pursuant to Section 82 (a) of the Act on pension insurance. Following the Defenders intervention, the CSSA adjusted the widow's pension of the complainant.
3. Complaints pertaining to the CSSA's duty to ascertain **participation of self-employed persons on pension insurance when deciding on widow's and orphan's pension**, were also directed against the CSSA. The CSSA refuses to carry out inquiries into the time of pension insurance of deceased persons who were self-employed for part of their life and failed to notify CSSA of the start of the actual performance of such activity. Obligatory participation of such persons in pension insurance could have arisen directly from legislation, and if so, applicants for a derived benefit could file an income and costs statement from this activity, on behalf of the deceased, pay the insurance premiums due and thus gain the period of insurance necessary for the arising of a claim.
4. The Defender also dealt with protracted settlement of removing the obtrusive **flashing neon sign attached to Nusle Bridge**. A decision from December 12, 2006, ordered CITY CHANNEL Czech Republic, s.r.o. to take out the advertising appliance placed on the street façade of a house at Božena Němcová street in Prague 2, Nové Město. An appeal was lodged against the decision. In January 2007, the Defender asked the Prague 2 Planning Authority to inform him of further steps taken by the planning authority, and simultaneously asked how the planning authority ensures compliance with Section 88 (3) of the Building Act. The provision stipulates that if a builder appeals against a decision to remove an appliance issued pursuant to Section 88 (1) (b), the appliance in question may not be used and any adverts will be removed or fully covered to render these invisible. If the appliance's owner fails to comply with this duty, the planning authority shall do so at the owner's expense. In February 2007, the Defender sent a letter to the planning authority urging them to take the flashing sign out of service, to be told the authority may not act in the matter as the builder had appealed and the proceedings were not with the appliance owner but its leasing tenant. The matter is therefore under appeal and the Defender is monitoring it.

5. A complainant asked the Defender to review the South Moravian Regional Public Health Authority's (hereunder the RPHA) conduct in the matter of ***disturbance from noise and vibrations from railway track No. 250 in Kuřim*** (Brno - Žďár nad Sázavou – Prague track). He did not agree with the fact he had not been invited to the noise measurement, he could not be present at talks with Czech Railways representatives and was not acquainted with concrete results of the measuring carried out because the RPHA refused to provide him with the noise measurement report. The RPHA did not agree with the Defender's results in the report of the inquiry and therefore the Defender suggested in his final statement issuing a copy of the noise measurement report to the complainant and calling a meeting to settle the issue in question where the complainant and Czech Railways would be present.
6. The Defender stated that there had been ***unacceptable length and delays in a proceeding on ascertaining alimonies for an adult child*** (3 years) primarily in association with the nature of the proceedings that involves the interest of such a child, and referred to a decision by the European Court of Human Rights in Strasbourg and a report by the government commissioner on the state of handling complaints filed against the Czech Republic. The presiding judge of the District Court in Děčín discussed the Defender's report at the court management meeting and reminded the deputy presiding judge that a complainant must be notified forthwith that a complaint cannot be settled within one month of the day of delivery to bodies of public court administration, and given justifications - for instance the file is not there and documents for settling the complaints cannot be identified. The presiding judge of the District Court in Ústí nad Labem said the delay arising with this court was caused by the objective situation of this court. The Defender commented however, that she had neglected performing regular inspections of the file or any other steps towards ascertaining and removing potential subjective delays. The matter is still being monitored by the Defender.
7. ***Inactivity of the Ministry of the Interior, Department of Administrative Activities in deciding on appeals.*** Having carried out an inquiry, the Defender ascertained shortcomings of the Ministry of Interior, Department of Administrative Activities that failed to decide on complainants' appeals within the deadlines stipulated by the Code of Administrative Procedure. The Ministry reacted by an assertion it had taken measures to shorten the period for settling administrative proceedings; other employees were allocated to this section. The Defender was also assured the issue of deadlines in administrative proceedings shall be paid more attention and thus concluded the inquiry without requesting any further remedial measures in this specific case.
8. ***The Defender handled a loss of action at the City Court in Brno*** that had been, according to the complainant, filed in 1997. The complainant presented a copy of the action bearing a stamp of the court registry, though the stamp did not specify if the document had come by mail or was delivered in person and how many attachments it had. A clerk of the Office brought three copies of the call with which the Defender commenced an inquiry to the court in person to check on the current practice and consistency of the registry. On the Defender's initiative, the court carried out a thorough inspection of all files filed in 1997 to make sure the document was not attached to any other file. The document was not found however, the case was therefore concluded as lost in the registry of the City Court in Brno and the court proceeded to reconstruct the file. Nowadays the court has an electronic system of registering received mail that immediately records any file. As a result, the Defender did not request any remedial measures.

9. The Defender handled a complaint by a mother and daughter who were subject to the penalty of **exclusion from the jobseekers register due to obstructing liaison with the labour office** when they failed to notify a change in permanent address within eight days, by the Labour Office in Kroměříž. Given this change did not establish competence of another labour office and the contact address both jobseekers gave in the application for intermediating employment was not affected in any way, the Defender believed this was not a change of facts decisive for keeping the jobseekers in the register. The Defender therefore stated a shortcoming of the Labour Office in Kroměříž as well as the Ministry of Labour and Social Affairs that had endorsed the challenged decision. The Ministry recognised its shortcoming, considered a review of the proceedings but decided, with respect to time consumption and the date of the meeting of the appeals committee, to recommend the complainant to file a motion to abandon the decision by means of the labour office. The complainant did so and according to the Ministry's statement both decisions have been abandoned.
10. The Defender also dealt with the sensitive **case of a Chinese citizen who received an order to leave the Czech Republic** that did not allow her to legalise her stay in any way without leaving the Czech Republic. She has lived in the Czech Republic since 1994, illegally since 2003, has a husband and two children in the Czech Republic, one of these children is seriously ill, and all have permanent residence. She was issued an exit order to leave the Czech Republic that did not allow her to legalise her stay without leaving the Czech Republic. The Defender successfully negotiated a one-year visa to allow exceptional leave to remain for the complainant in the course of the inquiry. Based on this visa, she can legalise her further stay on Czech territory (long-term permit and subsequent permanent stay) and does not have to leave her family and travel out of the country. Her health care is covered too.

F. The Defenders Presentation in the Media and Communication with the Public

The Public Defender of Rights informed the public of his work by means of press conferences, press reports, other appearances and interviews given to the media in the first quarter of 2007, but also continues to make personal contact with complainants and uses other well-tried tools of presentation in the media and communication with the public.

- To present his work in the period under scrutiny the Defender mainly used **individual interviews for different media**. An extensive interview with JUDr. Motejl came out in the newspaper Mladá fronta Dnes on January 2, 2007, on the occasion of his re-election for a further term, the Defender appeared on several Czech Television shows, such as the 'Black Sheep' and 'Reporters' programmes, gave his statements also to Czech TV news. He responded to questions of the Czech radio – for the Radiožurnál, Česko, Czech Radio 6 stations and regional studios. The Defender attended a discussion on the Czech radio 'Coffee at Four' programme along with his new deputy, RNDr. Jitka Seitlová, shortly after she took office. He gave several interviews to French public-service television and a TV crew from the United Kingdom who were interested in the conclusion of his extensive inquiry into the sterilisation of mostly Roma women, which had considerable international response. The deputy got fully involved in presentations of the Public Defender of Rights after her accession to office - she was most importantly a guest of the *Martin Veselovský's Twenty Minutes* programme at Radiožurnál on February 12, 2007, and gave an extensive on-line interview to Aktuálně.cz the following

week and attended an event at the Museum of Romani Culture in Brno on March 7, 2007, associated with honouring the memory of Roman holocaust victims.

- On March 7, 2007, the Defender acquainted reporters with his conclusions and recommended measures to remedy shortcomings identified on systematic visits to facilities exercising institutional and protective education, at a **press conference**.
- Besides a voluminous **press report** on the issue that was the prime topic of the above press conference, the Defender also put out a special press release in response to disclosure of misleading information in the mass media. The town of Vsetín deliberately generalised the results of his inquiry into the planning authority's conduct in the matter of assessing the structural and technical condition and the demolition of the house with access through galleries No. 1336 on Smetanova street in Vsetín, and he explained that the fact the planning authority was not guilty of maladministration cannot be applied to another separate inquiry under way in the matter of Vsetín's conduct in ejecting its inhabitants, which will shortly reach completion.
- Intensive preparations for shooting the third series of the successful cycle of "small human stories", **A Case for the Ombudsman**, in cooperation with Czech Television were under way in the first quarter of 2007, and the 16 episodes will be broadcast by Channel 2 of Czech Television from September. To introduce viewers to selected interesting complaints the Defender handled or handles, complainants' consent to the disclosure of their cases, and above all their willingness to present their problems on camera was sought prior to compiling the scripts.
- The Defender, his deputy and authorised lawyers of the Office of the Public Defender of Rights attended in the period under scrutiny to those who addressed the Public Defender of Rights in person. To formulate a complaint in a protocol or obtain information and simple legal advice, **213 complainants** visited the Office in the first quarter of 2007 in person.
- **1,496 people** used the Defender's **telephone hotline**, in particular with requests for simple legal advice or explanation of correct procedure in protection of one's rights, queries regarding the Defender's mandate, augmenting a complaint the Defender has already been dealing with or queries regarding progress in its handling.
- **The Defender's website** www.ochrance.cz provides detailed and up-to-date information on his work to those interested, however it is also a source of information on his mandate for experts and the general public. The website can be used when looking for key statements on a wide range of issues he had handled, the archive of proceedings from conferences and seminars organised by the Defender and as a much frequented advice service with responses to the most frequent queries and for finding lists with important contacts, among others for instance a free-of-charge citizens advice bureau. Last but not least, the website's electronic registry has allowed filing a complaint in electronic form since the last quarter of 2002. The website's gradually increasing visiting rate has continued in the period under scrutiny, when it was viewed by **119,918 people** (against 113,502 in the first quarter of 2006).

G. Domestic and International Relations and Activities of the Defender

- On January 17, 2007, senators from the Committee of Education, Science, Culture, Human Rights and Petitions of the Senate who addressed the Defender on the issue of moving Roma families out of Vsetín, visited the office of the Public Defender of Rights,

- On February 5, 2007, the defender met up with a delegation of National Human Rights Commission of Korea representatives. Their talks focused on information on the work of the Public Defender of Rights, particularly the issue of supervision over detention facilities,
- On February 9, 2007, the Defender met up with the Director General of Customs and discussed complaints pertaining to the mandate of the customs authorities,
- On February 14, 2007, the Public Defender of Rights attended a meeting in the Senate held by senator Gajdůšková on the suggested re-submitting of the Anti-Discrimination Act in the legislation process,
- On February 20, 2007, the Defender presented his regular report on his activities in the fourth quarter of 2006 to the petitions committee of the Chamber of Deputies and replied to deputies' questions,
- On February 21, 2007, the Defender met up with Deputy Minister of the Interior Henych, and discussed with him the issue of the citizens register and right of assembly,
- On February 27, 2007, the Defender attended a meeting of the petitions committee of the Chamber of Deputies, called by its chair, Zuzka Rujbrová, on the Hague Convention on the Civil Aspects of International Child Abduction in the Czech Republic, where the Defender gave information on the results of his extensive inquiry on the application of the Hague Convention in Czech conditions.
- On March 1, 2007, the Defender attended Constitutional Court proceedings as a secondary party in the matter of abolishing part of the decree on executor remuneration,
- Between March 15 and 22, 2007, the Defender attended amendment proceedings at the Ministry of Justice on the draft Anti-Discrimination Act.
- On March 23, 2007, the deputy of the Public Defender of Rights discussed possible co-operation on tackling consumer protection against unfair practises of retailers and service providers with the Environmental Law Service and Consumer Defence Association.
- On March 27, 2007, the Public Defender of Rights spoke with Minister Džamila Stehlíková on the conclusions of his inquiries and general aspects of sterilisation, on the case of the ejection of Vsetín's Roma and informed her of his viewpoint on the Anti-Discrimination Act being drafted,
- On March 28, 2007, he was present at a meeting of the Committee of Education, Science, Culture, Human Rights and Petitions of the Senate, where he acquainted the senators with the course to date of his inquiry into the ejection of Vsetín's Roma.
- On March 30, 2007, the Public Defender of Rights received Jan Lucas van Hoorn, Ambassador of the Kingdom of the Netherlands, to discuss the theme of long-term co-operation between the ombudsman institutions in both countries.

In Brno, on April 15, 2007

JUDr. Otakar M o t e j l
Public Defender of Rights