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Ref. No.: KVOP-30313/2020/S

Report of the Public Defender of Rights on Activities in the 2nd Quarter of 2020

Pursuant to Section 24 (1)(a) of Act No. 349/1999 Coll., on the Public Defender of Rights, as amended, I hereby inform the Chamber of Deputies of the Parliament of the Czech Republic about my activities.



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A. Defender's activities in numbers

We received a total of 2,124 complaints in the 2nd quarter of 2020, which was 5.5% more than in the same quarter of 2019. The share of complaints falling within our mandate (65%) was below the average for 2019 (71%). As in previous years, most of the complaints concerned social security – especially pensions and benefits (104) – and construction projects (79).

In 75 complaints, people objected to unequal treatment, of which 38 cases related to grounds prohibited by the Anti-Discrimination Act.

In 27 cases, we also provided discrimination-related information and analyses to international parties and national bodies.

We visited 12 facilities (including two prisons, two social services facilities, two psychiatric hospitals, two facilities for foreigners and four facilities for institutional and protective education).

We examined 496 administrative decisions on an expulsion. The state of emergency declared due to the COVID-19 pandemic precluded any monitoring of expulsions.

We responded to 15 requests for information.

We participated in 7 legislative commentary procedures.

The following figures illustrate our activities and the numbers of complaints:



COMPLAINTS

2124



complaints delivered
in Q2 2020

5,5%



growth compared
to Q2 2019

65% ✓

of complaints fell within the
Defender's **mandate** and we
could thus deal with
them

pensions | 104



planning and construction
permit proceedings,
use of buildings | 79



residence of foreign
nationals | 85



assistance in material
need | 67



activities of the Prison
Service | 73



ACTIVITIES



we visited facilities

12



we commented on pieces of legislation

7



we responded to requests for information

15



we examined administrative expulsion decisions

496



COVID-19

During the national state of emergency, people most often approached the Defender about:

- the conduct of travel agencies



- secondary school entrance exams



- and entry into Czech territory



B. Public administration

Since 2001, the Defender has been defending individuals against unlawful or otherwise incorrect procedure of administrative authorities as well as against their inactivity. The Defender may inspect court files, request explanations from authorities and carry out local inquiries. If malpractice is found on the part of an authority, the Defender will recommend measures for remedy; the authority's decision, however, cannot be cancelled or replaced by the Defender.

The Defender also examines the practices of governmental authorities, for example by conducting surveys and sending queries. The Defender uses the findings to improve the work of the authorities concerned.

The text below contains an overview of five cases we inquired into in the 2nd quarter of 2020.

B.1 Survey report on reserved parking spaces (File No. 18/2020/DIS)

In response to a number of complaints raised by people with disabilities with respect to the way municipalities create reserved parking spaces, the Defender decided to conduct a systematic survey into the procedure of municipalities in approving and creating such parking spaces. The Defender contacted 474 municipalities, towns and cities (incl. all 26 statutory cities, 362 type-II municipalities and city ward authorities in Brno and Prague).

Creating a reserved parking space is conditional on a permit issued by the roads administration authority, as well as approval by the owner of a local road, i.e. a municipality. While there is no legal entitlement to such a permit/approval, municipalities have to observe the Roads Act and the Road Traffic Act, as well as the Anti-Discrimination Act, which requires that the municipality adopt reasonable accommodations with respect to people with disabilities to mitigate and remove obstacles hindering their daily lives. Indirectly, the municipalities thus have a duty to create reserved parking spaces if this does not constitute a disproportionate burden.

By conducting this survey, the Defender followed on the Public Defender of Right's recommendation regarding the fulfilment of the right to equal treatment in establishing reserved parking spaces on local roads of 2012 (File No. 159/2011/DIS), which he now intends to update. The updated recommendation is set for release in autumn 2020 and will be linked to a roundtable discussion to be held on 21 September 2020.

Survey results overview:

1. General criteria, conditions and rules based on which a road owner grants consent to establish reserved parking spaces for people with disabilities are formalised only in 41% of the surveyed municipalities.
2. Disapproval of the road owner was found to be the most common hindrance preventing the establishment of reserved parking spaces.
3. Merely 9 percent of municipalities considers non-holders of ZTP (*severe health disability*) and ZTP/P (*severe health disability requiring special assistance*) cards to



- be entitled to apply for a reserved parking space. Other municipalities require this card.
4. A total of 64 percent of municipalities require that the applicant permanently reside in the building adjacent to which he or she wants the reserved parking space to be established. A half of the surveyed municipalities will accept other evidence of the applicant's connection to the building.
 5. A total of 28 percent of the surveyed municipalities issue reserved parking permits linked to the expiry date of ZTP and ZTP/P cards.
 6. Over a half of the municipalities require the applicants to pay for the costs of the associated traffic signage (in full or in a proportional amount). A total of 46 percent of municipalities require that the applicants themselves procure and install the associated traffic signs.
 7. Twenty percent of municipalities do not maintain the parking space reserved for a person with disability, nor remove snow from it in winter months.

B.2 Deletion of temporary registrations of rights to real estate from the Land Registry (File No. 1193/2020/VOP)

The Defender was approached by the owner of a residential unit in respect of which a pre-emptive right had been registered in the Land Registry for a period of five years. The legal effects of the registration of the pre-emptive right arose on 14 May 2010, and therefore the pre-emptive right ceased to exist not later than on 14 May 2015. Nevertheless, the pre-emptive right remains registered in the Land Registry since it can only be deleted by the relevant Land Registry branch based on a notice delivered by the real estate's owner within registration permit proceedings. However, the application for registration is only accepted if an administrative fee of CZK 2,000 is paid and the complainant thus argued that he should not have been required to pay the fee as the right had already expired and the registration did not reflect legal reality.

The Defender agrees that the complaint is justified. There is no doubt that the pre-emptive right expired after its term of five years. It can also be surmised that the registration in the Land Registry is not relevant in terms of 'material publicity' (faith in public register entries) either as it was clear from the entry that the pre-emptive right had already expired. However, the Defender is also aware that Section 11 (1) of Act No. 256/2013 Coll., on the Land Registry (Land Registry Act), as amended, requires that the establishment, changes in and expiry of a right (including a pre-emptive right) are entered by means of a registration procedure. Such a registration procedure is initiated (barring listed exceptions) based on an application, which in itself is subject to an administrative fee. The existing legislation thus prevents deletion of an expired pre-emptive right by means other than a registration procedure with the payment of the associated administrative fee.

The Defender believes that an administrative fee of CZK 2,000 can pose a disproportionate burden for many citizens, making them unwilling to initiate deletion of expired rights which generally do not affect or hinder them in their daily lives. As a result, the Land Registry may



become swamped with similar invalid entries. Moreover, the deletion of a fixed-term preemptive right is not, in itself, a difficult task for the Land Registry Office. The Office checks the formal requisites of the application and verifies that the term of the registered right has expired. With a proper legislative authorisation, the Land Registry Office should be able to delete entries on expired rights by itself, with a notification sent to persons concerned. The Defender believes that a solution could also be to set different amounts of the fee based either on the relative difficulty posed by the application for registration or the number of affected pieces of real estate.

The Czech Office for Surveying, Mapping and the Land Registry has already informed the Defender that it has received similar complaints in the past and agrees that a solution should be found in order to protect the legal certainty of registered persons, as well as those who rely on the entries. To this end, it is now considering introducing automated deletion of entries on fixed-term registered rights. The relevant parties would be advised of the deletion and the fact would also be made clear in extracts from the register. Nevertheless, this procedure is predicated on an amendment to the Land Registry Act which should be submitted for legislative approval in 2022. The Defender will continue monitoring the issue and will support the amendment if possible.

B.3 Impact of a suspensory effect of administrative actions (File No. 1477/2018/VOP)



The purpose of a suspensory effect granted to an administrative action is to freeze the state of affairs existing prior to the issuance of the administrative decision challenged by the action. This effect can only be achieved by accepting the fact that the suspensory effect leads to a suspension of all legal effects of the challenged decision. We have concluded that the challenged decision must be deemed not to have entered into legal force as from the date of the resolution to grant a suspensory effect to the relevant administrative action.

A complainant has long been engaged in a legal dispute with the tax administration concerning the legality of a supplementary tax assessment. He complained about the procedure of the tax administrator, who, in his opinion, had ignored the suspensory effect awarded to his administrative action. The complainant saw an error in the tax administrator's procedure in that the administrator had failed to refund the taxes it had managed to enforce prior to the date as of which the administrative action was granted suspensory effect. He further disagreed with the fact that the tax administrator had used a tax overpayment to offset an underpayment of a different tax in respect to which, however, an administrative court had granted a suspensory effect to an administrative action. Finally, the complainant noted the tax administrator's conduct, who had initiated tax enforcement of interest accrued on a deferred debt, where the interest related to a tax (principal amount) in respect of which an administrative court had also granted suspensory effect to an administrative action.



We thus inquired into the impact of suspensory effect of an administrative action on the challenged administrative decision. We comprehensively examined the temporal scope of the suspensory effect, as well as the question of whether granting suspensory effect postponed all conceivable legal effects of the decision, or merely its enforceability. We have concluded that the challenged decision must be deemed not to have entered into legal force as from the date of the resolution to grant a suspensory effect to the relevant administrative action. It must be noted that there is currently a lack of consensus among administrative courts as to the impacts of suspensory effect granted to an administrative action.

The tax administrator accepted the Defender's opinion that it was impermissible to use an overpayment to offset an underpayment which is subject to a suspensory effect granted by a court. Concerning the enforcement of accessions of a tax in respect of which a court has granted suspensory effect, the Defender agrees with the General Directorate of Finance that this fact is a sufficient reason to postpone the enforcement procedure.

The Defender has decided to carry out a survey across the entire public administration to find out the views of various administrative bodies regarding the suspensory effect. The survey's objective will be to call attention to the problematic interpretation of Section 73 of the Code of Administrative Justice.

B.4 Restricted contact between a boy and his parents and separation of siblings (File No. 269/2020/VOP)

The Defender's deputy was approached by an 11-year-old boy living in a children's home. He told her that the home had significantly restricted his parents' visits and had not allowed him to live with his siblings in a single family group.

Our inquiry showed that not only had the children's home restricted visits by the boy's parents, but also that the visiting rules in the home were unfriendly both towards the visitors and the children, and that in many cases they were actually even unlawful. The visiting hours were too restrictive (especially at weekends), first visits regarding newly admitted children were assisted and all visitors generally had to be approved. All visitors also had to announce their intention to visit the home in advance. Subsequently, we also found out that the children's home had completely banned all visits and cancelled all children's leaves during the nationwide state of emergency declared in response to the pandemic. Based on our inquiry, the director of the children's home changed the internal regulations concerning visitors.

As concerns the separation of siblings, we determined that the boy had five siblings. The children's home had already accommodated another similarly-sized group, which made it difficult in terms of organisation to place the siblings together. Additionally, the boy had had a conflict with another child and had to switch groups. Nevertheless, the boy and his siblings all lived in one building, albeit not in the same group. They were in constant contact during the day and only separated for the night. Consequently, this part of the complaint did not identify any errors on the part of the children's home.



B.5 Removal from the register of jobseekers (File No. 3901/2019/VOP)

The complainant asked for our help in the matter of his removal from the register of jobseekers. The Labour Office had removed the complainant because he had failed to notify the office in a timely manner that he had been issued with a certificate of temporary unfitness to work due to a medical check-up. The Ministry of Labour and Social Affairs had rejected the complainant's appeal. The complainant's removal from the register cost him a monthly compensation for the loss of earnings resulting from an accident at work in the amount of approx. CZK 90,000 as the payment of this compensation is conditional either on employment or registration with the Labour Office. The complainant argued that he had been unable to comply with this notification duty pursuant to Section 27 (3) of the Employment Act for serious reasons.

The Labour Office set an appointment date for the complainant for 5 February 2019. However, on the same day, the complainant also had an appointment with his physician, which lasted until after the Labour Office's closing hour. He considered it useless to call the Office by phone then because he believed there would be no one there to answer. The complainant had an email account, but did not know how to use it. He notified the Office of his temporary unfitness to work during a personal visit the next day.

In our inquiry, we concluded that the Labour Office and the Ministry had made an error when they had incorrectly assessed the legal question of whether or not a serious reason justifying the failure to meet the notification duty had existed on the part of the complainant. When interpreting the term "serious reason", both the Labour Office and the Ministry should have taken into account the complainant's inability to use email, the Office's closing hour, the hitherto spotless conduct of the complainant, as well as the fact that the breach of the notification duty had only been marginal as he had complied only a day later. These facts should have been understood by the aforementioned authorities as reasons deserving special attention, excusing the non-compliance with the notification duty on the day when the complainant was issued with a certificate of temporary unfitness to work.

In addition to the complaint filed with the Defender, the complainant also filed an administrative action against the Ministry's decision. The court found that the complainant had had serious reasons preventing him from complying with the notification duty and cancelled the Ministry's decision to reject his appeal as unlawful; the court returned the matter to the Ministry for further proceedings. The Ministry subsequently cancelled the Labour Office's decision on the complainant's removal from the register of jobseekers and discontinued the proceedings. As a result, the complainant's registration with the Labour Office is deemed never to have been interrupted. He can now ask the insurance company to pay the owed compensation for the period when he had been unlawfully removed from the list of jobseekers.

We have repeatedly dealt with similar cases and, therefore, we call attention to the excessively formalistic approach by the Labour Office and the Ministry to the assessment of serious reasons pursuant to Section 5 (c) of the Employment Act.

We have emphasised the excessive strictness of the notification duty pursuant to Section 27 (3) of the Employment Act in a commentary procedure and proposed new legislative rules



for this duty. Our recommendations have been accepted and incorporated in an amendment that came into effect on 14 April 2020.

B.6 Conferences, roundtables and training

A nation-wide state of emergency due to the COVID-19 pandemic was declared in the Czech Republic in the 2nd quarter of 2020.

Despite the associated restrictions, we organised the following educational events:

- Webinar: The right of people with disabilities to equal treatment in Czech courts' decision-making (2015–2019)
- Expert seminar: Selected questions and answers concerning social and legal protection and substitute family care
- Two webinars for students of the Faculty of Law of Masaryk University on the basics of anti-discrimination law.



C. Supervision over restrictions of personal freedom and expulsion monitoring

Since 2006, the Defender has been the national preventive mechanism pursuant to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Defender systematically visits facilities for persons restricted in their freedom, either *ex officio* or as a result of dependence on the care provided. The Defender generalises his or her findings and recommendations in summary reports on visits and formulates standards of treatment. The findings and recommendations are submitted to the facilities and their founders, and systemic recommendations are presented to central governmental authorities. Since 2011, the Defender has also been monitoring detention of foreign nationals and the performance of administrative expulsion.

C.1 Systematic visits and monitoring of expulsion

We continued in our systematic visits even during the COVID-19 pandemic, focusing especially on the impact of precautionary measures designed to stop the spread of the disease (identification and management of the pathogen, ensuring availability of basic necessities, use of restrictive measures, ensuring contact with the outside world, provision of legal advice, etc.).

We visited 12 facilities in total, including two prisons (Brno Remand Prison and Secure Preventive Detention Institution, Heřmanovice Prison); two social services facilities (Heřmanův Městec Retirement Home, Zvoneček Bylany Disabled People's Home); two psychiatric hospitals (in Bohnice and Jihlava); two facilities for foreigners (Bělá-Jezová Reception Centre, Zastávka u Brna Reception and Residential Centre); four facilities for institutional and protective education (Opava Children's Home, Kroměříž Children's Home, Měcholupy Children's Home with School, Šindlovy Dvory Children's Home with School). An expert (nurse) accompanied us during visits to two of the facilities. The text below contains a basic overview of our findings.

No expulsions were monitored due to transit restrictions precluding expulsions of foreign nationals from the Czech Republic.

We are aware that many extraordinary precautionary measures adopted by the facilities were based on decisions of the Czech Government and the Ministry of Health. Given the potential necessity to re-introduce these measures in future, we will inform the individual responsible ministries of our findings and ask them to adopt appropriate adjustments.

Beyond the scope of the aforementioned activities, the 2nd quarter also saw a regular systematic visit to Hostouň Educational Institution aimed focusing on treatment of children with addictions. This concluded a series of visits where we dealt with this particular issue.

Social services facilities

Our visits identified no ill-treatment in the monitored areas. On the contrary: we praised the staff's attitude towards providing care to clients, especially their effort to make their daily routines as close to ordinary as possible. Certain problems may exist in the area of organising



visits and free movement of clients outside the facility. Long-term suspension of visits (with some limited exceptions) that we learnt about leads to a lack of personal contact and, consequently, a discomfort affecting all the persons involved. Similarly, the almost two-month-long ban on leaving facility buildings, where the clients were unable even to go for a walk in a forest, leads to social isolation with adverse impacts on the clients' mental and physical health. We appreciate and support efforts of the facilities to reconcile sufficient precautionary measures preventing infection by COVID-19 with the need to ensure that the clients do not become socially isolated. We also appreciate that a number of facilities tried to facilitate contact between clients and their loved ones using online communication technologies such as Skype calls via tablets and other means. Unfortunately, for many elderly clients, this form of communication is difficult due to their condition (dementia etc.).

Facilities for children

Contact with close persons has also been the subject of our recommendations concerning facilities for institutional and protective education. Directors of the facilities often tried to minimise the risk of infection of the children and employees by suspending personal contact between the children and their families. While we understand the reasons the directors had to implement such measures, we believe that indiscriminate prohibition of close contact resulted in disproportionate infringement of the rights of the children and their families. A restriction of contact between a child and his/her family may occur in individual cases. However, doing so should be based on a decision or recommendation issued by a public health authority or the attending physician. In the absence of such a decision or recommendation, facility directors should – subject to adherence to safety and hygiene precautions – allow children to meet with their families and loved ones. The visits also found a general lack of proper instruction that could be used by directors of school facilities for institutional and protective education to govern their actions.

Facilities for foreigners

We conducted a systematic visit to a newly established type of facility serving as a quarantine centre for asylum-seekers and detained foreign nationals (Bělá-Jezová Reception Centre).

We identified significant restrictions of rights there. While the purpose of the measures adopted in the facility was to prevent the spread of COVID-19, some were excessively restrictive. The facility created an environment where individuals were perceived as potential sources of infection rather than people. Other facilities accepting new “clients” did not adopt measures as restrictive as were those in Bělá-Jezová. The staff tried to look for alternative ways to make stay in the facility more bearable, but even those attempts were limited by rather strict hygiene precautions.

We found no serious shortcomings during the other visit (Zastávka u Brna Reception and Residential Centre).

We would like to highlight the fact that the Refugee Facilities Administration as the operator of said facilities proved to be very well-prepared for the pandemic and acted promptly and pre-emptively.



Prisons

Our findings and recommendation based on our visits related mostly to the possibilities to meet with people from outside the prison and the supply of disinfectants. Problems were caused especially by the arrangement of visiting spaces where the physical barriers between the visitors and the convicts adversely affected communication (people had difficulties hearing each other).

We also examined the possibilities for visitors with children. Due to the emergency measures introduced by the Ministry of Health, (remand) prisons and secure preventive detention facilities temporarily restricted visits to only one visitor per prisoner at a time; however, this prevented children from visiting since minors can only enter the prison facility if accompanied by an adult visitor. Therefore, we contacted the Minister of Health and asked him to modify his instructions, which he later did.

Psychiatric hospitals

Similarly as in visits to social services facilities, we focused on the ban on visits. Given their better understanding of the situation, we would welcome if individual healthcare services providers were given more leeway in adjusting visiting rules to local conditions. We also noted a rather problematic ban on visits by representatives, fiduciaries and assisting persons of involuntarily committed patients. We also found that for approximately an entire month, the “detention proceedings” with respect to involuntary commitment had not been functioning properly. Consequently, we brought the matter to the attention of the relevant district court.



D. Protection against discrimination

In 2009, the Defender assumed the role of the national *equality body* pursuant to the European Union legislation. The Defender thus contributes to the enforcement of the right to equal treatment of all persons regardless of their race or ethnicity, nationality, gender, sexual orientation, age, disability, religion, belief or worldview. For that purpose, the Defender provides assistance to victims of discrimination, carries out surveys, publishes reports and issues recommendations with respect to matters of discrimination, and ensures exchange of available information with the relevant European bodies.

Since 2018, the Defender has also been helping foreigners – EU citizens who live and work in the Czech Republic. The Defender provides them with information on their rights and helps them in cases of suspected discrimination on grounds of their citizenship. The Defender also co-operates with foreign bodies with similar responsibilities regarding Czech citizens abroad.

D.1 Lack of a printed railway timetable (File No. 1628/2020/VOP)



While the decision of transport companies not to issue printed (hard copy) timetables might be seen as a neutral measure, it can potentially deprive people who do not use the Internet of access to information on transport. This practice by transport operators would generally comply with the requirements of anti-discrimination law if it aimed towards saving money and promoting digitalisation (legitimate objective), contributed towards these objectives (suitable practice), avoided excessive infringement of legitimate interests of disadvantaged persons by making sure transport information is available from other sources (proportionality), and if there were no comparably suitable and less restrictive measures to achieve the stated objectives (necessity).

A complainant saw discrimination (especially of the elderly) in the fact that the railway timetable for 2020 was not (for the first time) issued in print.

Given statistical data on households with access to the Internet, some older people who are accustomed to looking up transport connections in a printed timetable may be inconvenienced by this change. However, the decision to discontinue printed timetables does not constitute discrimination on the grounds of age. Information on transport is still available through means independent of access to the Internet (e.g. information phone line and information booths at railway stations). The lack of a printed timetable does not excessively infringe on legitimate interests of people inconvenienced by this fact. In terms of anti-discrimination law, this transport companies' practice is justified by a legitimate aim, i.e. cost savings and transition towards greater digitalisation.

D.2 Delineation of primary school districts (File No. 1856/2018/VOP)

A complainant objected against the delineation of primary school districts established on the basis of a generally binding municipal ordinance, arguing they promoted segregation in



schools. Children living in poor people's dormitories were to attend a school at the outskirts of the town, which was already mostly attended by Roma children.

The Public Defender of Rights asked the Ministry of the Interior to review the generally binding ordinance. The Ministry found the ordinance to be unlawful. The town subsequently changed it, but did not remedy its segregation-promoting aspects. The Ministry thus again urged the town to remove the illegal elements from the ordinance. In the end, the town managed to modify the generally binding ordinance in that the dormitories situated in the centre of the town were added to nearby school districts. The new ordinance is thus in conformity with the law.

D.3 Remote control door lock as a reasonable accommodation (File No. 3737/2019/VOP)

The complainant in this case was a female holder of a ZTP (*severe health disability*) card with heart problems; she had undergone a heart surgery and used a pacemaker. She lived on the 7th floor and was afraid that she would not be able to walk down the stairs or use the lift to open the building's main entrance door to let in paramedics in case of a health emergency. Since 2015, she had been asking her housing cooperative to install a remote control door lock; the cooperative refused this despite her assurances that she would pay for all the associated costs.

A remote control door lock constitutes a reasonable accommodation for the complainant, enabling her to let paramedics into the building in case of a heart attack. This reasonable accommodation would facilitate an uninterrupted use of her flat without the risk of adverse consequences should the paramedics be unable to reach her in time. The housing cooperative thus indirectly discriminated against the complainant as it prevented her from benefiting from the aforementioned reasonable accommodation.

The Defender recommended that the housing cooperative discuss the complainant's request again at its member's meeting, this time taking into account the medical report issued by the complainant's physician. If the cooperative continues to reject her request, the complainant is prepared to go to court.

D.4 Refusal to sell a washing machine to a visually-impaired complainant on an instalment plan (File No. 4246/2019/VOP)



A dealer commits direct discrimination on grounds of disability by refusing to sell a product on an instalment plan to a person who cannot read written text due to visual impairment. In such a case, the dealer is obliged to inform the person of all necessary information in another suitable manner.

The Defender was approached by a complainant who objected that a dealer refused to sell a washing machine to her because she was blind. The complainant eventually did buy the appliance, but only on her next visit to the shop when she was represented by her husband



based on a power of attorney. The complainant considered the dealer's conduct discriminatory.

The complaint itself was ambiguous as to why exactly the dealer had refused to sell the washing machine, so the Defender asked for clarification. The dealer responded that the complainant had requested to buy the washing machine on an instalment plan (hire purchase) and the employee dealing with the request had not adhered to the company's internal procedures for arranging such purchases (which constitute a form of consumer credit) with persons unable to understand written text. The employee rejected the complainant because he was unable to properly advise her of the requisites of the contract, as required by the Consumer Credit Act. The dealer also noted that since the incident, employees had been trained in dealing with these situations better in order to prevent any such misunderstandings in the future.

The Defender's report found discrimination in the case, but welcomed the fact that the problem had been remedied on the dealer's own initiative.

D.5 Awareness raising

In May, we organised two webinars for students of the Faculty of Law of Masaryk University on the basics of anti-discrimination law.

Our leaflets on discrimination, mediation, education, workplace bullying, helping the victims of workplace bullying and hate speech on the Internet have been updated in terms of contents and graphical appearance.

D.6 Important meetings

In June, we attended the inter-regional meeting of social work methodologists in Jihlava. We also met with representatives of the Ministry of Labour and Social Affairs to discuss aid for Czech citizens returning from the United Kingdom in connection with its departure from the European Union. Based on the meeting's conclusions we prepared an Information guide for people returning from abroad (with emphasis on returns from the United Kingdom).

We participated in meetings as part of the "22% Towards Equality" project concerning equal gender pay.

D.7 International co-operation

In April, we participated in an online meeting of the Equinet working group on gender equality, discussing especially the impact of the COVID-19 pandemic.

In May, we joined an online meeting of the Equinet working group on the political aspects of equality, discussing also the issue of discrimination against the Roma. We moderated online meetings of the Equinet working group on anti-discrimination law. This year's topic is the adoption of reasonable accommodations for people with disabilities.



We added Czech cases to the Equinet database of cases related to the COVID-19 pandemic. We procured a translation of Equinet recommendations on maintaining equality after the pandemic.



E. Monitoring of rights of people with disabilities

In January 2018, the Defender became a monitoring body for the implementation of rights recognised in the Convention on the Rights of Persons with Disabilities

E.1 Advisory body – appointment of new members

Since May, we have been selecting new members of the Defender's advisory body. The main tasks of the advisory body are to co-operate in the monitoring of rights of people with disabilities, to raise awareness among them and to set agenda with respect to topics concerning systemic changes in the area of the rights of people with disabilities.

The 19 members of the new advisory body should first convene in September. Its responsibilities will include preparing the alternative report for the UN Committee on the Rights of Persons with Disabilities (hereinafter the "Committee") in response to the Report of the Czech Republic on performance of the Convention on the Rights of Persons with Disabilities to be filed by the Czech Republic to the Committee this year.

Other working groups will be involved aside from the advisory body, namely the working group on mental health and the working group on children.

E.2 Surveys and recommendations on improving the situation of people with disabilities.

During May and June, we started working on a new concept of recommendations based on our systematic visits to facilities. The first series of recommendations will be based on systematic visits to homes for people with disabilities carried out in 2019. New recommendations will be thematically oriented and will provide room for a detailed analysis of topics, increasing their potential impact on practice. New recommendations will also include practical experience and expert insights. In the upcoming months, we will be collecting examples of good practice and consulting the individual topics with experts. The expected publication date of the complete recommendations is set for December 2020.

E.3 International co-operation

As part of our international activities, we participated in online meetings organised by the European Network of National Human Rights Institutions, of which we are a member. We discussed with our partners the continuing consequences of the COVID-19 pandemic for persons with disabilities; we also shared our experience concerning a visit to a home for people with disabilities under strict hygienic precautionary measures. Our European colleagues and we are now looking for ways to communicate more robustly in future, e.g. by issuing a newsletter with information on the members' activities or organising teleconferences on a regular basis.

E.4 Co-operation with non-profit organisations and people with disabilities

We co-operate with disabled people and their organisations throughout the year. In the previous period, the co-operation consisted especially in providing information of the



impacts of the COVID-19 pandemic on this target group. Based on the findings of non-profit organisations, we approached the Minister of Labour and Social Affairs with a request to promptly restart the provision of certain services whose interruption had had a major impact on people with disabilities and their families. We also repeatedly urged the same Minister to seek a form of support for families whose members were unable to use the services of week-care centres but still had to pay the fee as if they had stayed there.

Similarly, we also contacted the Minister of Health with a request to expand the range of people exempt from the obligation to wear a face mask. The Minister accepted the request. We further asked the Minister of Education, Youth and Sports to re-evaluate his original decision concerning the suspension of teaching at special schools. Eventually, children with disabilities returned to school in June.

E.5 Conferences, roundtables and training

We organised a webinar on rights of people with disabilities to equal treatment in Czech courts' decision-making (2015–2019), which was attended especially by representatives of disabled people's advocacy organisations. The first part of the webinar dealt with the drafting of the Alternative Report for the UN Committee on the Rights of Persons with Disabilities. In the next part, lecturers described 19 cases heard by Czech courts in the period from 2015 to 2019, which involved people (plaintiffs) defending themselves against discrimination on grounds of disability. Most attention was devoted to the successful cases. In the final part, the participants discussed the obstacles people with disabilities faced in accessing courts, including lack of information (inaccessibility and complexity), lack of *pro bono* legal advice, as well as fears of the high cost and the outcome of a lawsuit. The situation could be improved by awareness raising both among people with disabilities and judicial staff as anticipated by Article 13 of the Convention. The entire webinar was interpreted into the Czech Sign Language and transcribed; information presented at the webinar was also shared on the Defender's social media accounts.

Since we are currently finalising a survey on the state of transformation of social services in the individual administrative regions, we have organised an online meeting of Czech and international experts in this area. We have discussed obstacles to transformation in the Czech Republic, possibilities of speeding up the processes and the quality of the social services provided at present. The findings will be used in the survey as well as in our future activities because the topic of social services transformation is of such critical importance that we plan on dealing with it in the long term.

We continued raising awareness about the lives of people with disabilities on social media in connection with several internationally recognised days: World Multiple Sclerosis Day, International Albinism Awareness Day, International Children's Day, International Day of Families, World Computer Literacy Day etc. We procured a translation of a video by ILO Global Business and Disability Network showing the damage caused by prejudice to individuals and society.

We also celebrated the European Independent Living Day on 5 May. We used the opportunity presented by this international day to enable people to watch the film "Defiant



Lives” online over a period of 24 hours. The documentary follows the struggle of people with disabilities for their rights and independence in the USA, UK and Australia, featuring stories of people with disabilities who have spent time in institutions and later chose to live in a normal environment.

The European Independent Living Day symbolises the importance of freedom for all of us and makes us aware that people with disabilities often cannot achieve independent living. By screening the film for a day, we wanted to express our support for people with disabilities during these challenging pandemic times.

Brno, 27 July 2020

JUDr. Stanislav Křeček, signed
Public Defender of Rights
(this report bears an electronic signature)