

The background of the top half of the page is a teal color. Overlaid on this background is a photograph of several hands of different skin tones being clasped together in a supportive grip. The number '2024' is prominently displayed in the center. The digits '20' are rendered as white outlines, while the digits '24' are solid white. The overall composition conveys themes of unity, support, and community.

2024

Annual Report

20
24



ombudsman
Public Defender of Rights

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JUDr. Vít Alexander Schorm
Deputy Public Defender of Rights

JUDr. Stanislav Křeček
Public Defender of Rights

Foreword by the Public Defender of Rights

I am pleased that you are reading this Annual Report, which summarises our activities in the past year. In 2024, my colleagues and I focused on several key areas. We paid particular attention to people living in institutional settings. We have been monitoring the process of deinstitutionalisation and the transformation of care for persons with disabilities and children to ensure that such care is provided in a more natural environment. This also relates to our efforts to increase the care allowance, which we consider a precondition for better integration of people dependent on the care of others into society. A higher allowance will also improve the overall quality of their lives.

We continued our long-standing support for women who had been unlawfully sterilised. For more than 15 years, we have been fighting discrimination and striving to ensure equal rights for all, also by addressing systemic injustice. In doing so, we have promoted equality in society. Furthermore, we examined the functioning of financial assistance provided to victims of crime. This report presents not only all the above, but also other topics that reflect our long-term priorities.

We strive to improve our own work as well. For example, we are placing greater emphasis on the accessibility of our texts and documents to ensure they are easily available and understandable to everyone. Last but not least, we are actively preparing for the establishment of a National Human Rights Institution (NHRI) and a Children's Ombudsman, which will mark another important milestone not only in the history of the Office of the Public Defender of Rights but also in the Czech Republic's legal system.

You may wonder why the Defender's mandate should be extended when the Czech Republic is perceived as a country with a strong commitment to human rights protection. While the independent judiciary provides broad protection of human rights and ensures justice and lega-

lity, it only safeguards the rights of individuals. However, the protection of human rights also entails monitoring the overall state of human rights and addressing their violations. This is where the Czech Republic still has room for improvement. With its new competences, the Defender will become an independent monitoring body engaged in prevention and education, and also in the promotion of human rights. We will share our findings with the Government and other institutions to improve the human rights situation in the Czech Republic. NHRI is key to upholding the standards of a democratic state governed by the rule of law and to the protection of fundamental rights.

A Children's Ombudsman will be established alongside the Public Defender of Rights and will play a crucial role in defending and protecting the rights of children. The Children's Ombudsman will ensure that children's voices are heard in all areas of their lives. His or her mission will be to contribute to a dignified and safe life for children.

We are preparing for these new responsibilities with great anticipation.

Let me conclude with a personal note.

This report is the last one I present, as my term as Public Defender of Rights will end next year. I would like to thank everyone for their long-standing co-operation during my time as Deputy Defender and later as Public Defender of Rights. I wish you all success and everything that goes with it.

Stanislav Křeček, Public Defender of Rights
6 March 2025

Selection of long-term focus areas

This Annual Report is divided into chapters according to the Defender’s mandate and the different areas of law. The problems encountered by our complainants, and recent events in society, do not fit neatly into a single chapter or a specific legal category. The situations we are presented with and that we are asked to address include various political, social, human, and legal aspects. Thorough analysis, an interdisciplinary approach and our commitment are key to finding a suitable solution. This is why we provide information on our work in long-term focus areas, where we bring together key stakeholders – politicians, professionals, civil servants and civil society representatives. We inform the public of the conclusions of our inquiries, share the results of our surveys and disclose our recommendations. We also involve individuals who are directly affected by these issues.

THE CARE ALLOWANCE NEEDS TO BE INCREASED

In the Czech Republic, people with disabilities often lack sufficient financial means to provide for their basic needs (hygiene, clothing, food, etc.). Many of them have to look for sponsors or rely on the help of other people.

Trends in the amount of care allowance for adults

	From 1 January 2007	From 1 January 2022	From 1 July 2024
in degree I	CZK 2,000	only CZK 880	only CZK 880
in degree II	CZK 4,000	CZK 4,400	CZK 4,900
in degree III	CZK 8,000	CZK 12,800	CZK 14,800
in degree IV	CZK 11,000	CZK 19,200	CZK 23,000 (residential service) CZK 27,000 (in home care)

We believe this adversely affects their dignity as human beings. People with disabilities have the right to independent living guaranteed by Article 19 of the Convention on the Rights of Persons with Disabilities.

The State should ensure that all people with disabilities are entitled to a care allowance corresponding to the actual costs of social services. This, however, is not happening. Moreover, due to high inflation in 2022 and 2023, the real amount of the allowance fell by tens of percent.

We therefore have long been striving to remedy this situation. In 2024, we commented on an amendment to the Social Services Act. We appreciated the fact that the Ministry of Labour and Social Affairs proposed an increase in the allowance for all disability degrees, together with its automatic indexation at the rate of inflation.

However, the Chamber of Deputies approved only part of the proposed measures. In the end, the allowance increased significantly only in degrees 3 and 4 and favoured people with disabilities who live at home (outside social services facilities). For disability degree 1, the allowance did not increase at all and remains at CZK 880.

There was no increase in the allowance for disability degree 1. For degree 2, the allowance for adults increased by CZK 500 (to CZK 4,900) and for children by CZK 800 (to CZK 7,400). We welcome the increase for degrees 3 and 4. On the other hand, the amount of the allowance for degrees 1 and 2 remains completely inadequate.

Hence, the Social Services Act has to be amended to appropriately increase the allowance for care in degrees 1 and 2 so that people with disabilities can secure the care and support they need. We also consider it important that the State introduce an indexation of the care allowance based on inflation (similar to pensions).

In the longer term, a debate has to be held on the design of a system of support for people with disabilities that could better reflect their individual circumstances.

These objectives also follow from the resolution of the Defender’s advisory body on people with disabilities ([resolution of 9 October 2024, 16th session](#)) and the needs of specific people with disabilities.

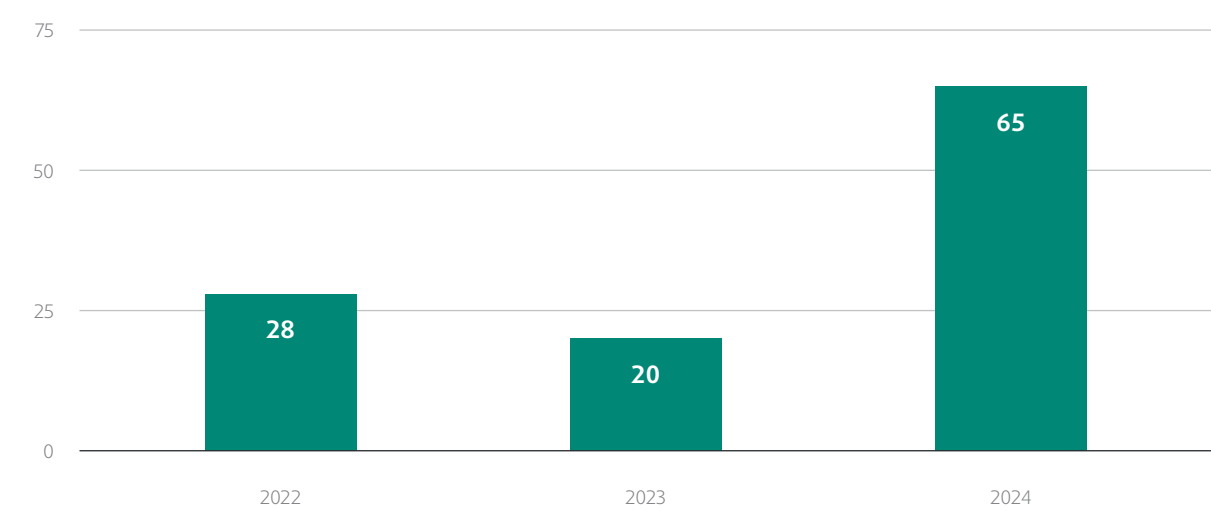
[Press release of 29 May 2024](#)

[We recorded an interview with a complainant about what a care allowance does and does not cover](#)

WE HELP WOMEN SEEKING COMPENSATION FOR UNLAWFUL STERILISATION

Starting in 2022, women subjected to unlawful sterilisation could claim compensation for this illegal procedure. They could apply until the end of 2024. This was reflected in an increased number of complaints, phone calls and personal meetings.

Number of complaints



In our inquiries, we found that:

- ▶ The Ministry of Health was unable to process applications within the statutory deadline. The process or dealing with an application took more than a year in some cases. A number of applicants were thus still waiting for compensation.
- ▶ The Ministry also frequently failed to respect case law of administrative courts. Where applicants rejected by the Ministry turned to the courts, they were successful in 85% of cases. Hence, in many cases, the inadmissible interference with the fundamental rights of the aggrieved women was compounded rather than remedied.

We repeatedly called on the Ministry to ensure that its staff were more forthcoming in dealing with applicants and provided them with clear advice on their rights and options. When the Ministry stopped communicating with us, we turned to the Government. As a result, the Ministry promised to apologise to the applicants as soon as possible for the delay and inform them of the anticipated date of the decision.

In 2025, we will continue to inquire into complaints from women who contact us. We will also follow the progress of two motions for amendment to the Compensation Act (motion for amendment No. 5684 to Chamber of Deputies’ documents [775](#) and [872](#)) which aim to extend the deadline for submitting applications for compensation by two years.

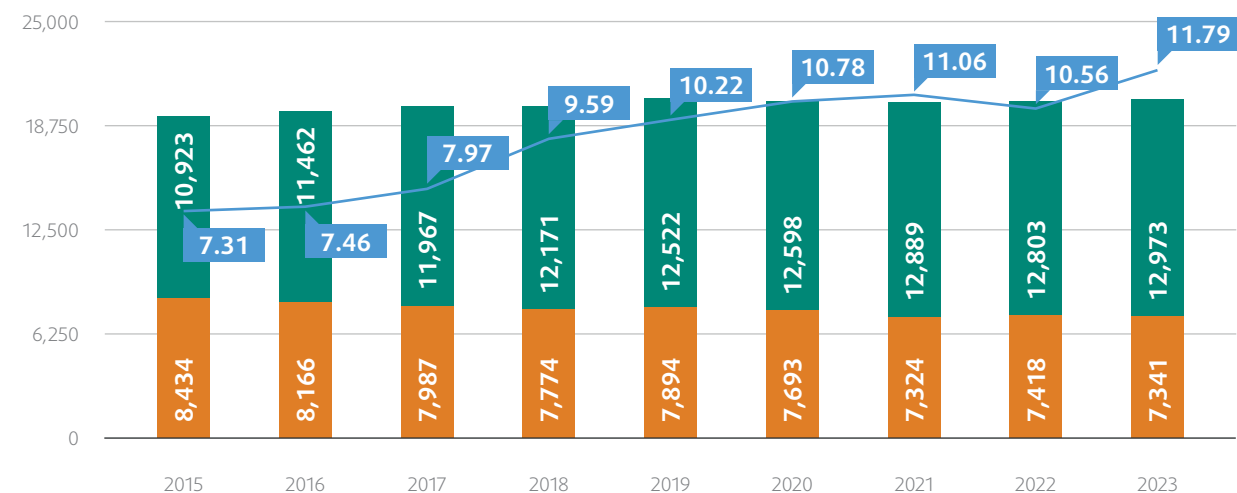
We also dealt with the topic of unauthorised sterilisation in the [105th episode](#) of the podcast “Have a coffee with the Ombudsman”.

[Press release of 2 October 2024](#)

NECESSARY CHANGES IN INSTITUTIONAL AND PROTECTIVE EDUCATION

Every child in a facility should receive care appropriate to their needs.

Number of children in institutional and foster care and related expenses



● Number of children in institutional care ● Number of children in foster care ● Total annual expenditures (CZK billion)

Note: The numbers of children are given for the MoLSA and MoH as of 31 December, and for the MoEYS as of 31 October of the given year. Annual expenditures are the sum of expenditures for foster care, operation of institutional facilities specialising in care for children and youth, and a contribution towards the performance of the relevant tasks in the field of social and legal protection of children.

Source: [Supreme Audit Office](#)

The number of children placed in children's homes and other facilities remains high and has not been decreasing significantly.

These children have all sorts of needs and problems. Unfortunately, in some cases, the State is unable to help them. The State lacks personnel, established methods for dealing with trauma and aggression and other tools; sometimes it even lacks the necessary expertise. The system is also impeded by outdated legislation.

This state of affairs affects most significantly children with special needs (e.g. problems with addiction or aggression). We criticised the fact that healthcare workers were not allowed to work in the facilities. To help children with addiction problems, the facility must secure outside professional assistance. To provide them with the necessary care, they must circumvent the law and employ an addictionologist or use their teaching staff. We also pointed out that the manner of dealing with children's aggression is in no way regulated by law or methodology. The facility's staff are uncertain how to act in situations where children are dangerous to themselves or people in their surroundings. They also lack training in de-escalation techniques, non-violent resolution of crisis situations and rules on the use of force. Consequently, there is a danger of unreasonable interference or, in contrast, underestimation of the existing risk.

Since the current situation requires fundamental changes, we called on the Ministry of Education to map the needs of children. It should set up a system of care that ensures the use of modern methods of work, support for the facility's staff and clear definition of competences. Facilities should be transformed into small-scale or community institutions and should be able to employ the necessary experts. The Ministry has already promised us that in 2025, it would start working on new legislation to replace the outdated Institutional and Protective Education Act. It plans to present the substantive intent in 2026.

📄 [Defender's findings from visits to institutional facilities \(factsheet\)](#)

📄 [Press release of 30 October 2024](#)

FIFTEEN YEARS OF THE ANTI-DISCRIMINATION ACT IN FORCE IN THE CZECH REPUBLIC

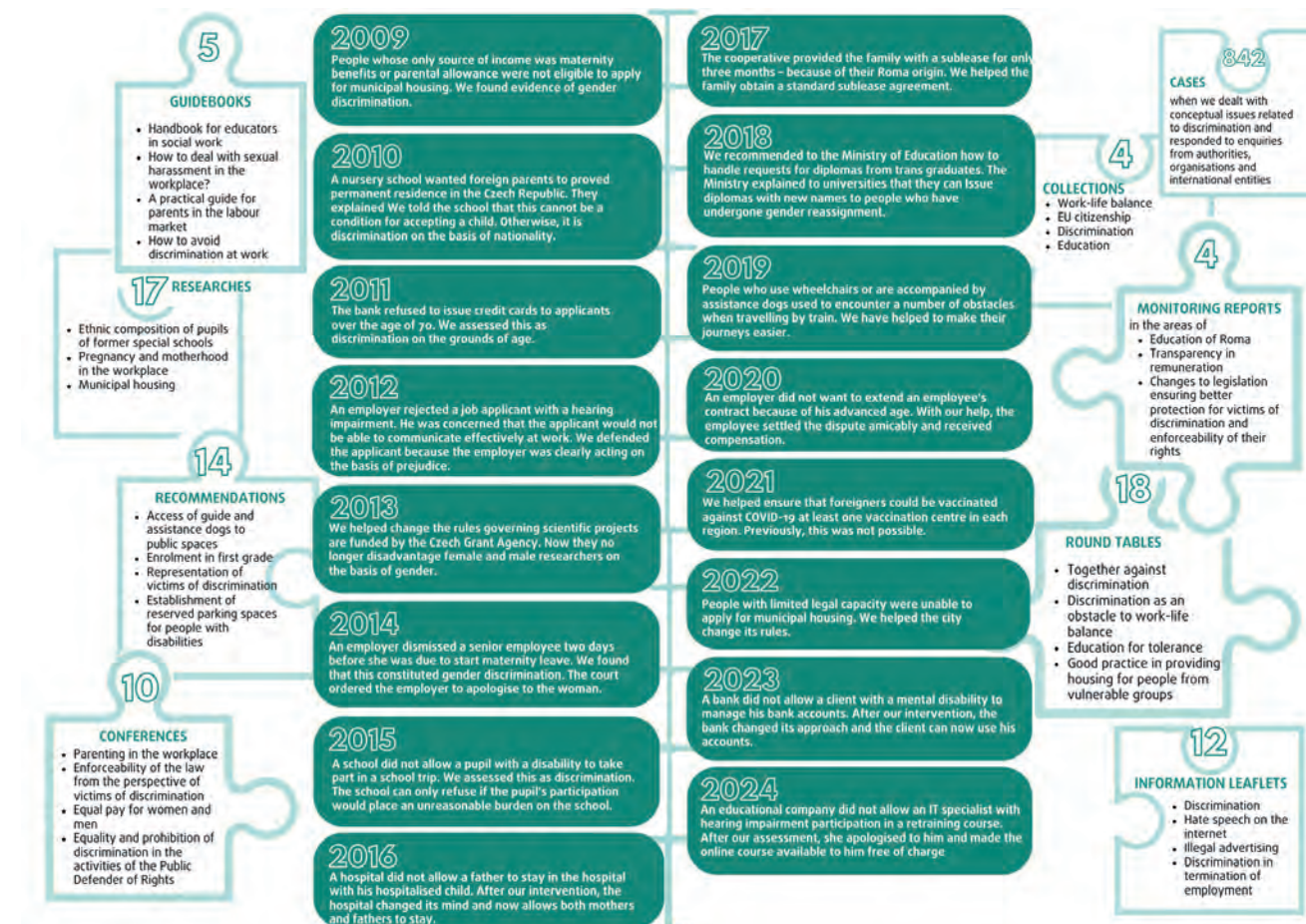
For 15 years already, we have been promoting equal treatment and ensuring protection against discrimination as the Czech equality body. We presented our experience and conclusions at a [conference in the Senate](#) titled "15 Years

of the Anti-Discrimination Act" ([press release of 26 September 2024](#)).

An overview of our activities can be found below in the infographic and also in the leaflet "[15 Years of Fighting Discrimination](#)". For up-to-date statistics on complaints for 2024, see pp. [107-108](#).

This year, the European Union unified the rules for the functioning of equality bodies in all Member States (Directives

[2024/1499/EU](#) and [2024/1500/EU](#)). The aim is to determine the minimum level of assistance that equality bodies should provide to victims of discrimination. The Czech Republic will now have to adapt its legislation to these rules by June 2026 at the latest. Victims of discrimination could then be offered faster and more effective assistance (e.g. also through mediation and defence of their rights in court). The specific form of the assistance will depend on the legislature's decision ([press release of 21 June 2024](#)).



WE ASK FOR MORE MONEY FOR VICTIMS OF CRIME AND ORGANISATIONS HELPING THEM

One of the tasks of the State is to provide assistance, both financial and professional (especially psychological and legal), to victims of crime.

In our inquiry (File No. [4418/2021/VOP](#)), we summarised findings on the provision of financial assistance to victims of crime and proposed [remedial measures](#). In the process, we connected the Ministry of Justice with non-profit organisations, lawyers and other entities that help victims. This co-operation continues. A number of shortcomings revealed in the Ministry's practice have been resolved. A

specialised department is now in charge of financial assistance. Its employees will be trained for specialised work and communication with victims of crime. The Ministry has also established an expert panel on issues relating to victims, in which we participate. Together with experts from the field, we want to introduce further necessary changes within the panel.

We succeeded in our efforts to have higher amounts of financial assistance incorporated into the [draft amendment to the Victims Act](#). These amounts will [newly](#) be based on an increase in the average salary.

Our clearer application forms for financial assistance are already being used by [victims](#) of crime and the [surviving relatives of crime victims](#) in practice.

Assistance provided by non-profit organisations ([Victims'](#)

[Rights in Brief](#)) is absolutely crucial for victims of crime. In large part, it is only thanks to these organisations that the Czech Republic meets its obligations under the [Victims' Rights Directive](#). We therefore want to refocus attention on how the State supports the victims financially and how it manages the substantial revenue from [an alternate resolution in criminal proceedings](#) and [property criminal penalties](#). Indeed, this revenue should also be used to help victims.

We have been dealing with this topic in the long term and regularly inform the public:

- [Press release of 22 February 2024](#)
- [Press release of 20 December 2023](#)
- [Press release of 22 February 2022](#)
- [Summary and recommendations from the inquiry report](#)

BAN ON PLACING YOUNG CHILDREN IN INSTITUTIONS – CHILDREN BELONG IN FAMILIES

The Czech Republic has taken a crucial step in the care for very young children (under 4 years of age) – from 1 January 2025, the law prohibits their placement in institutional facilities. In connection with this change, children's homes for children under 3 years of age ("infant care centres") were closed as of 31 December 2024.

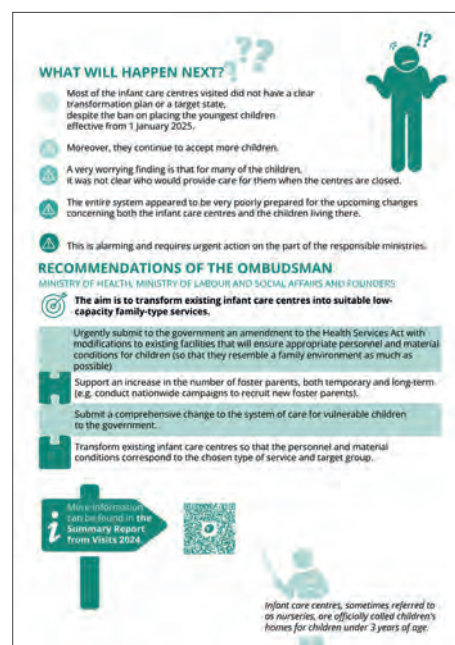
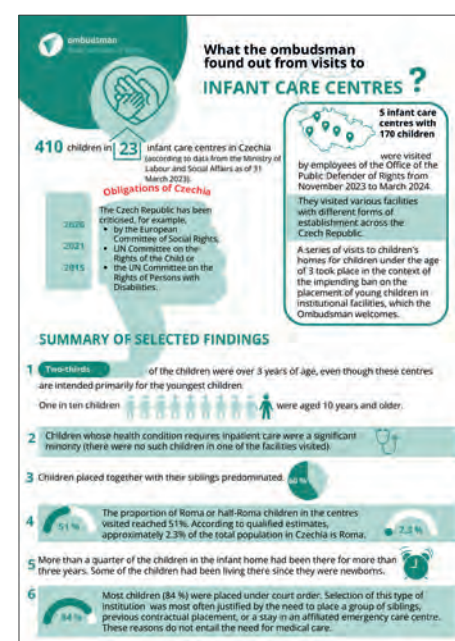
Children, especially young children, should not be growing up in institutional settings. Institutional care can permanently impair children's emotional development and their ability to establish social ties. Hence, it does not meet the best interests of the child. The Czech Republic was repeatedly criticised for its previous practice by international bodies such as the European Committee on Social Rights and the UN Committee on the Rights of Persons with Disabilities.

In 2024, we focused closely on the system's readiness for changes and on the provision of care for young children. In the first phase, we visited five of the total number of 23 infant care centres. Under the law, these facilities were intended to take care of children under the age of three with health problems. However, we found that:

- The majority of children in institutions (two thirds) were over 3 years old. One in ten children was even over 10 years old.
- Many children were there for social reasons, not because of any need for in-patient healthcare.

Moreover, most of the facilities visited did not have any clear plan of what they would do after the nationwide closure of infant care centres. More importantly, however, it was not clear how care for the children placed in these facilities would be ensured.

In the next phase, we therefore requested that the situation of these children be urgently addressed. We recommended that the founders of infant care centres convert them to a different type of facility that would correspond to the needs of the target group and demand in the region. We published further findings and recommendations in the summary report on visits (File No. [36/2024/OZP](#)) and prepared a brief summary of ["What the Defender found in visits to infant care centres"](#). We discussed the readi-



ness of the system with the Office of the Government and representatives of ministries and administrative regions.

Another important milestone in care for young children will be 1 January 2028. From this date, it will be prohibited to place children under 7 years of age in institutional settings. For this reason, too, further steps need to be taken to deinstitutionalise care for young children. We consider it most important that:

The Ministry of Labour and Social Affairs submit a bill introducing a comprehensive reform of care for vulnerable children.

The Ministry of Labour and Social Affairs and regional authorities continue to strive to increase the number of foster parents and provide them with the support they need.

With assistance from the ministries involved, the administrative regions reinforce the network of preventive and support services for families so that all children, including children with disabilities, could stay at home.

We are closely monitoring further developments.

- [Video "Why Should Infant Care Centres be Abolished?"](#)
- [Video "Five Reasons to Abolish Infant Care Centres!"](#)
- [Video: "Why a Ban on Placing Children in Infant Care Centres Is Not Enough"](#)

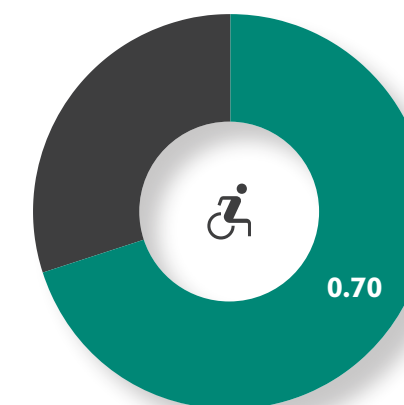
WE ARE WORKING TO MAKE OURSELVES (AND NOT JUST OUR INSTITUTION) MORE ACCESSIBLE

[Accessibility](#) means ease of access for all people who need it. It benefits people with disabilities, prams, a broken leg or even a suitcase. Accessibility is understood not only as barrier-free entrances to a building, but also comprehensible information and the opportunity to make use of the services and goods offered.

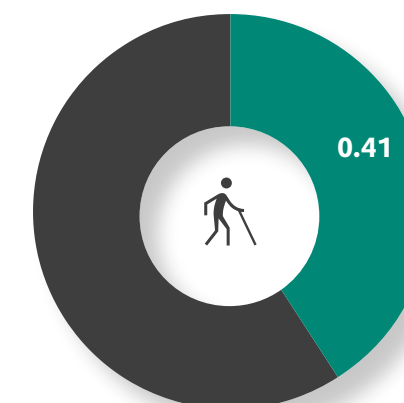
In the spring of 2024, we launched a five-year project aimed at making our Office and other public institutions more accessible and at raising public awareness of this issue as widely as possible.

In our [survey on the accessibility](#) of public buildings, we found that they tend to be inaccessible to people with disabilities (least accessible to persons with hearing impairments, followed by those with visual impairments, and most accessible to those with physical disabilities). That is why we will publish a practical accessibility guide for public institutions designed to help them improve in this regard.

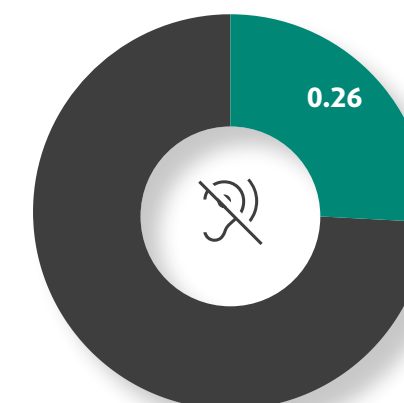
Average accessibility score of all buildings for people with disabilities



Average accessibility score of all buildings for people with visual impairments



Average accessibility score of all buildings for people with hearing impairments



We want to lead by example. We strive to ensure that our building is barrier-free and that events we organise are adapted to people with various needs. We also want to have an accessible website and written outputs. We are committed to also being an accessible employer.

Another major issue is how construction authorities oversee the accessibility of buildings. In our [survey on barrier-free structures](#), we found that while most construction authorities did assess construction projects in terms of accessibility, they satisfied investors' requests in the vast majority of cases and granted them relief from accessibility requirements.

Accessibility of buildings is also addressed in new technical standard CSN 73 4001 Accessibility and barrier-free use. We will monitor its implementation and discuss the shortcomings ascertained with the Ministry of Regional Development, the Czech Chamber of Chartered Engineers and Technicians, and accessibility organisations.

WHAT IS DEINSTITUTIONALISATION AND IS THE CZECH REPUBLIC READY FOR IT? WE HAVE PUBLISHED A SURVEY REPORT ON THE TOPIC

[Deinstitutionalisation](#) – a process in which institutional care for people with disabilities is transformed into community care. The aim is to improve the lives of people with disabilities and enable them to lead a life comparable to that of their peers. Deinstitutionalisation involves controlled closure of institutions and development of community services. The resulting structure and operation of social services will pivot first and foremost around the needs of the clients and their social inclusion, without exposing them to institutionalisation.

Deinstitutionalisation is a way to gradually implement Article 19 of the Convention on the Rights of Persons with Disabilities (the "Convention"). The article enshrines the important right of people with disabilities, including children and the elderly, to live independently and be included in the community. The Czech Republic is required to gradually change the system of providing social, health and other services so that people with disabilities can live where they choose without being forced to stay in a specific environment (institution, facility), and so that they can fully participate in education, gainful activities, and civic, sports or cultural life on an equal basis with others.

Deinstitutionalisation requires primarily the abolition and transformation of institutions, but also the development

of support services in the community and the development and adaptation of common services for the public without distinction. Ensuring accessibility of housing, support in obtaining or maintaining housing and adequate social security for all people with disabilities are also an integral part of the above. This includes individuals leaving institutions.

According to our findings, deinstitutionalisation is not progressing at a sufficient pace and quality in the Czech Republic. That is why we have long urged the State to make greater efforts to implement the right of people with disabilities to live independently and be included in the community.

Our survey indicated that both the State and administrative regions have yet to accept deinstitutionalisation as an urgent task that needs to be carried out. Strategic plans of the State and administrative regions often lack a clear idea of how to gradually close down large institutional facilities. Moreover, the State fails to collect data that would enable systematic monitoring of the progress achieved in this area. Administrative regions take varying approaches to deinstitutionalisation, with considerable differences in both the pace and manner in which they address this issue.

It does not help that the State itself has failed to lead by example. Five social services facilities directly managed by the Ministry have yet to be transformed, although these are large institutional facilities.

In the survey report, we described the main obstacles preventing progress in deinstitutionalisation. These include prejudices and public concerns about people using social services, especially those with mental disability or mental illness. The situation is further complicated by the attitudes of the management and staff of the individual facilities that are to be transformed. Other issues include a lack of affordable housing, suitable buildings and land, as well as a lack of qualified workers. Moreover, obstacles also arise due to the structure and funding of the entire social services system.

Monitoring the progress of deinstitutionalisation, i.e. closure of institutions, development of support services and prevention of institutionalisation of people with disabilities, is our long-term priority and we are therefore planning a number of further activities in this area in 2025.

For the third time, the Defender assumed patronage over the Night of Dignity. This event, which is organised in Prague, Brno and other cities of the Czech Republic, commemorates the death of Dorota Š., who died by suffocation inflicted by a staff member at the institution where she had lived. The Night of Dignity also commemorates the fate of other people who continue to live in institutions so that their lives, rights and needs are not forgotten.

Following our survey, we are preparing a recommendation on deinstitutionalisation planning, which will outline what

plans of deinstitutionalisation should look like at the national and regional levels to meet the requirements of the Convention.

The involvement of people with disabilities and their advocacy organisations in the development of laws, strategies and policies affecting them is an essential part of deinstitutionalisation planning. However, according to our survey, participation of people with disabilities often tends to be formal, random and ineffective. In co-operation with the Faculty of Social Studies at Masaryk University in Brno, we are therefore preparing recommendations for the participation of people with disabilities.

In line with a resolution of the Defender's advisory body for the rights of people with disabilities, we have also been addressing the situation of people with disabilities in the Capital City of Prague, which establishes residential social services facilities outside the city limits.

Our further deinstitutionalisation activities will include strategic planning in 2025. We monitor the implementation of the current Deinstitutionalisation Action Plan and the preparation of the subsequent action plan for the period after 2025. Two other fundamental strategic documents – the National Strategy for the Development of Social Services and the National Plan on Promoting Equal Opportunities for Persons with Disabilities – will also end in the coming year. We will monitor their evaluation and the preparation of new plans. We will take advantage of our membership in the Government Council for Persons with Disabilities and the Platform for Deinstitutionalisation at the Ministry of Labour and Social Affairs.

[Survey report – Deinstitutionalisation and transformation of social services – approach of the administrative regions and the Ministry of Labour and Social Affairs, as reflected in strategy documents](#)

WE SUPPORT THE ESTABLISHMENT OF THE CHILDREN'S OMBUDSMAN AND NATIONAL HUMAN RIGHTS INSTITUTION

The Czech Republic is one of the last European countries without a children's ombudsman or a national human rights institution (NHRI). This will change from 1 July 2025.

In April, the Government submitted a bill to establish both these institutions at our Office (Resolution of 10 April 2024 No. [225/2024](#)). We took an active part in drafting the Government bill. We strongly support the establishment of the two institutions as they will improve the protection of human rights in the Czech Republic.



The Chamber of Deputies paid relatively close attention to the bill. In June 2024, a group of Deputies (both from the governing coalition and the opposition), in co-operation with the [Minister for Legislation](#), organised a roundtable “[Why do we need a children’s ombudsman?](#)” The Chamber of Deputies enacted the bill (9th electoral term, Chamber of Deputies document No. 688) into law in January 2025. In February, the bill was approved by the Senate (15th electoral term, Senate document No. 56). The President of the Republic signed the bill into law in March.

The Czech Republic will thus finally meet its obligation under the Convention on the Rights of the Child and, in addition, it will gain a national human rights institution tasked with safeguarding the rights of all persons. Foreign experience shows that both these institutions can be a very suitable complement to the human rights mechanism.

Unfortunately, the Government failed to resolve an important issue when discussing the bill: staffing and budgetary reinforcement of our Office. We will need these resources to fulfil the newly entrusted tasks.

Preparing the Office for the performance of new and extensive tasks will take time and will not be completely straightforward. We are likely facing the most extensive changes in the 25-year history of our institution. This is why we already started preparatory work in 2024. We are mapping the scope of our new tasks, examining the practices at similar foreign institutions, preparing a proposal for the division of the mandate between the Defender and the Children’s Ombudsman, and looking for the most suitable organisational and technical arrangements for the new tasks. We also prepared the website [Why do children need a children’s ombudsman?](#) and summarised [What is a national human rights institution and why do we need it in the Czech Republic?](#)

With the help of children and young adults, we also identified topics that should be addressed by the Children’s Ombudsman and the NHRI in the future. They considered the state of mental health to be the most pressing issue in our society. They also pointed out problems in the education system, unavailability of housing and problems with

employment. We will pay attention to these topics in the future.

WE WANT THE AUTHORITIES TO WRITE CLEARLY

Official texts that people fail to understand due to their ambiguity or excessive complexity are not fit for purpose. It is therefore important that the authorities clearly articulate what they wish to convey. They must adapt their communications to the needs of specific readers, including complete laypeople. That is what we expect from the authorities and we apply the same standard to our work.

Clear and comprehensible writing is a skill like any other. It requires knowledge and practice. We therefore contribute to the training of future civil servants in Olomouc by teaching the course Writing Official Texts. We work with the authorities to review their documents and assist in making changes. For example, in co-operation with the Prison Service of the Czech Republic, we drew up [advice for accused persons upon their admission to pre-trial detention](#). This has already proved useful in prisons. We therefore modified analogously the advice for convicted persons; the new version will be introduced in 2025. Together with the General Inspectorate of Security Forces, we prepared a comprehensible [version of information for victims of crime and affected close persons](#).

We commented on changes in the service regulation concerning the evaluation of civil servants. Clear and comprehensible official writing is now explicitly one of the indicators [for evaluating officials](#).

Our experience shows that putting comprehensible writing into practice is a long-term process. We are pleased that many authorities provide support to their staff. Officials of the Czech Social Security Administration, the Tax Administration, the Office for International Legal Protection of Children and others are being trained in comprehensible writing.

In the future, we want to acquaint the authorities with our own method of mastering clear and comprehensible writing and the “standard of comprehensibility”. The latter is an aid for evaluating the intelligibility of texts, which we are currently testing in our work. It is based on the principles enshrined in our guide on [How to Write Clear Official Texts](#).

We also pay attention to comprehensibility in dealing with complaints, where we pointed out the importance and benefits of clear and comprehensible writing to the authorities, e.g. in the Defender’s [report File No. 2853/2024/VOP](#), see p. 72 and in case [File No. 6421/2023/VOP](#).

Comprehensibility was also the focus of [podcast No. 120](#).

WE ADDRESS THE CHALLENGES OF THE STAY OF PEOPLE FROM UKRAINE AND THE PATH TOWARDS THEIR EASIER INTEGRATION

Since 2022, the Czech Republic has become home to hundreds of thousands of people fleeing the Russian invasion of Ukraine. People from Ukraine receive [temporary protection](#) in Europe. This provides them with fundamental rights and protection, but also poses a number of challenges, especially in terms of their integration into Czech society. During the year, we focused closely on the needs of these people and defended their rights.

The most pressing problems faced by people from Ukraine are related mainly to uncertainty about temporary residence, housing, benefits, access to healthcare, education of children, and integration into the labour market. That is why we drew attention to the lack of [suitable housing](#), [the exclusion of people from the Czech welfare system](#), labour exploitation and problems with the [enrolment of Ukrainian children in schools](#). We sought changes to laws that would facilitate the integration of temporary protection holders. We joined forces with other organisations to provide the broadest possible assistance. We presented all this at working groups, roundtables, seminars and conferences. We also organised several training courses where we focused closely on the individual topics. Our efforts raised public awareness of these problems.

We wish to commend the schools that proactively accepted Ukrainian children and created a welcoming environment for them, as this significantly contributed to their integration. The number of segregated classes composed exclusively of Ukrainian children has been steadily declining thanks to the intensive and successful work of the mobile desegregation team at the Ministry of Education. At the same time, we want to highlight the efforts of many non-profit organisations. Their commitment is admirable and contributes fundamentally to improving the lives of people from Ukraine.

In 2025, we will continue to monitor the development of the situation, especially in the areas of residence, child education, housing, benefits, mental health and labour exploitation. We also plan to continue discussions with the authorities and support measures that will further facilitate the integration of people from Ukraine.

📄 [Defender’s inquiry report File No. 2375/2024/VOP](#)

📄 [Defender’s inquiry report File No. 892/2024/VOP](#)

PEOPLE SHOULD BE MORE INVOLVED IN DECISION-MAKING ON MATTERS THAT AFFECT THEM

We want policy-makers, authorities and courts to involve people with disabilities, children and others in decision-making, planning and activities that affect them. We also follow this rule (Article 4 of the Convention on the Rights of Persons with Disabilities) ourselves and therefore regularly involve people with personal experience in our work. We co-operate with the [Defender’s advisory body](#) and several groups of self-advocates to monitor the rights of people with disabilities. Together with us, they comment on draft laws, various strategic documents, co-operate in surveys and provide suggestions on systemic shortcomings. We also established our own working group of people with mental illness.

We do not forget children either. We regularly organise excursions for children, but mainly ask them directly what is bothering them and how we can help. We also took children’s suggestions into account when preparing for the establishment of the Children’s Ombudsman.

We are currently preparing a recommendation that will summarise what participation means, why it is important and how to create adequate and dignified conditions for participation of the most vulnerable groups, such as people with disabilities.

We are glad that we are not alone in this. Other institutions are also starting to perceive the topic of participation as increasingly important. For example, the Ministry of Justice has prepared the Czech Republic’s Action Plan [Partnership for Open Government](#) for the 2025–2026. A substantial part of the activities should be aimed at strengthening public participation in public policy-making. We are pleased that we will be able to participate in these activities and contribute our experience.

📄 [Defender’s comments on the draft Action Plan of the Czech Republic Partnership for Open Government for 2025–2026: File No. 42960/2024/S](#)



Workshop on writing clear official texts at the Night of Law



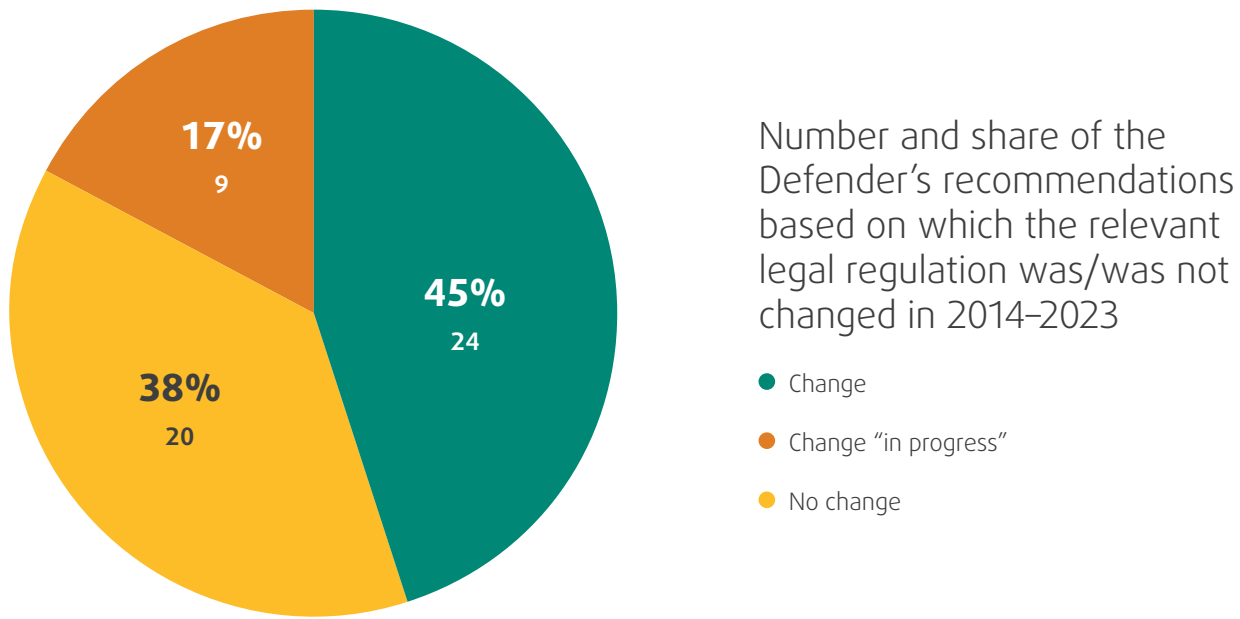
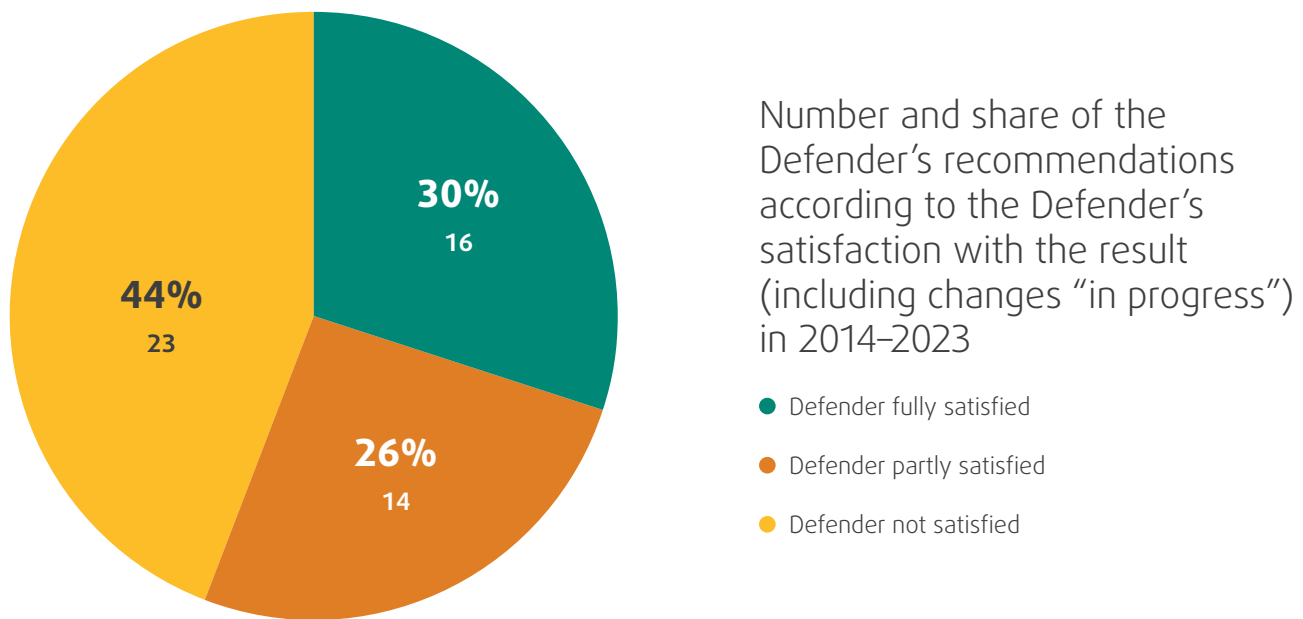
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PARLAMENT
ČESKÉ REPUBLIKY
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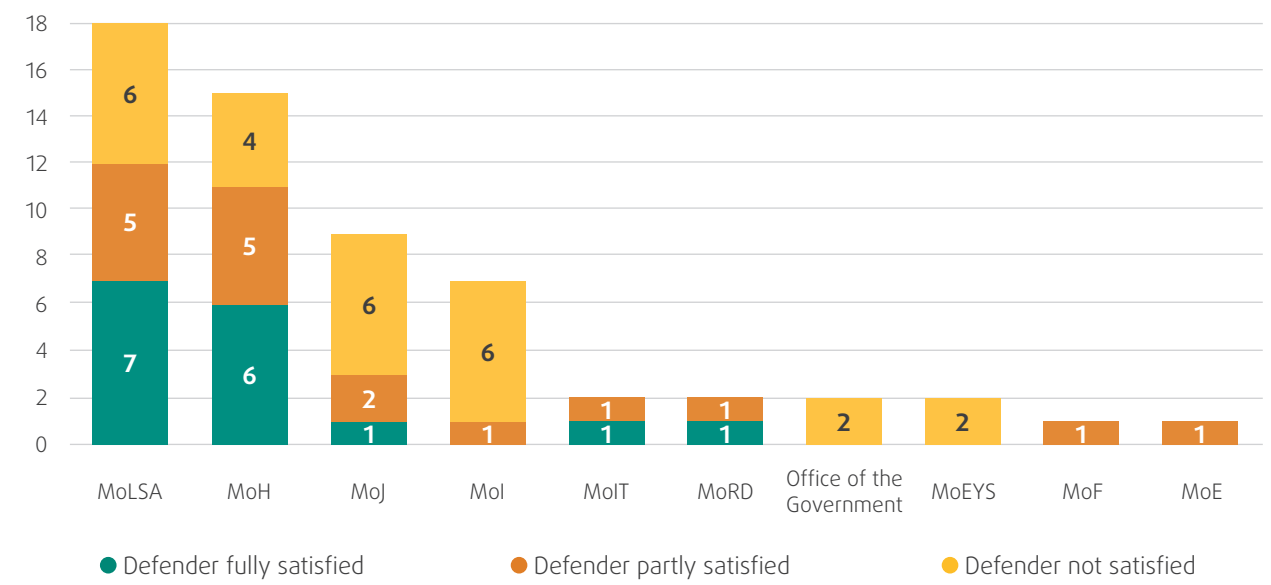
Evaluation of the Defender's legislative recommendations for 2014–2023, relations with constitutional bodies, and activities of the Defender

The Defender makes general conclusions that reflect the problems and findings encountered in his activities and points out the necessary changes to the legislation. He proposes possible solutions to the Chamber of Deputies in the form of legislative recommendations. These are contained in the chapter Selection of long-term topics. We evaluate the statistical success of the legislative recommendations made by the Defender in 2014–2023 on the following pages.

Success rate of the Defender’s legislative recommendations presented in 2014–2023



Number of the Defender’s recommendations by ministry and the Defender’s satisfaction with the result (including changes “in progress”) in 2014–2023



Note: The total number of recommendations is higher than that given in Chart 2, because some recommendations are assigned to several ministries at once.

TABLE 1: LIST OF THE DEFENDER’S RECOMMENDATIONS BASED ON WHICH THE RELEVANT LEGAL REGULATION WAS/WAS NOT CHANGED IN 2014–2023

Changed	Not changed	Incomplete – change “in progress”
Social detention	The Guardianship Act	Recovery of forensic treatment costs from foreigners without health insurance
Public health insurance of individuals undergoing institutional forensic treatment	Incorporation of discrimination by association in the Anti-Discrimination Act	Confidentiality duties of healthcare professionals and ill-treatment
Parental allowance – consent of the second parent and choice of the method of drawing benefits	Adjustment of the procedure in ascertaining the costs of housing usual at the given place for the purposes of providing assistance in material need	Patient’s right to file a complaint about healthcare provided in social services facilities
“Antenna dispute” between the owner and user of a building	The minimum assessment base for public health insurance contributions payable by employees	Ensuring confidentiality in the provision of healthcare services to prisoners and persons deprived of liberty by the police
Representation of children by foster parents in proceedings on benefits for people with disabilities	Reduction in the period of insurance required to be eligible for (regular) retirement pension	Independent complaints mechanism in social services
Allowance v. increasing minimum wage	Obligatory registration in the Special School Registry	Reclassification of interference with personal dignity in the provision of healthcare services as an infraction
Exemption from real estate acquisition tax should also apply to residential units in private houses	Stopping the payment of orphans’ pensions in cases of obvious misuse	Modification of Czech language examinations for children with different first languages
Proceedings on reimbursement of certain healthcare services from public health insurance	Remote inspection of an administrative file	Reclassification of interference with personal dignity in the provision of social services as an infraction
The amount of remuneration for a temporary foster parent caring for a child assessed as falling in dependency degree 2 to 4	Advice on the right to lodge court action against an administrative decision	Supervision by the Public Prosecutor’s Office in other detention facilities
Publishing court decisions in a public database	Change in the provision of reasonable satisfaction in money for intangible damage caused by discrimination	
Fee for lodging a complaint with the Office for the Protection of Competition requesting the Office to initiate ex officio review of contracting authority’s procedure	Transparent pay and salaries as a prerequisite for fair remuneration	
Deinstitutionalisation of care for small children	Reduction in the court fee for appeals in discrimination cases	
Reinforcing consumer protection in relation to utility supplies	Transformation of institutional forensic treatment into secure preventive detention	
Denial or withdrawal of a housing allowance because of a failure to present an annual bill for services	Ensuring access to compensation aids for everyone suffering from a serious mobility impairment	
Enforcement of judicial claims	Rights of persons with disabilities accompanied by specially-trained dogs	
Handling complaints against the procedure of healthcare services providers	Inadequate legal regulation of forensic treatment	

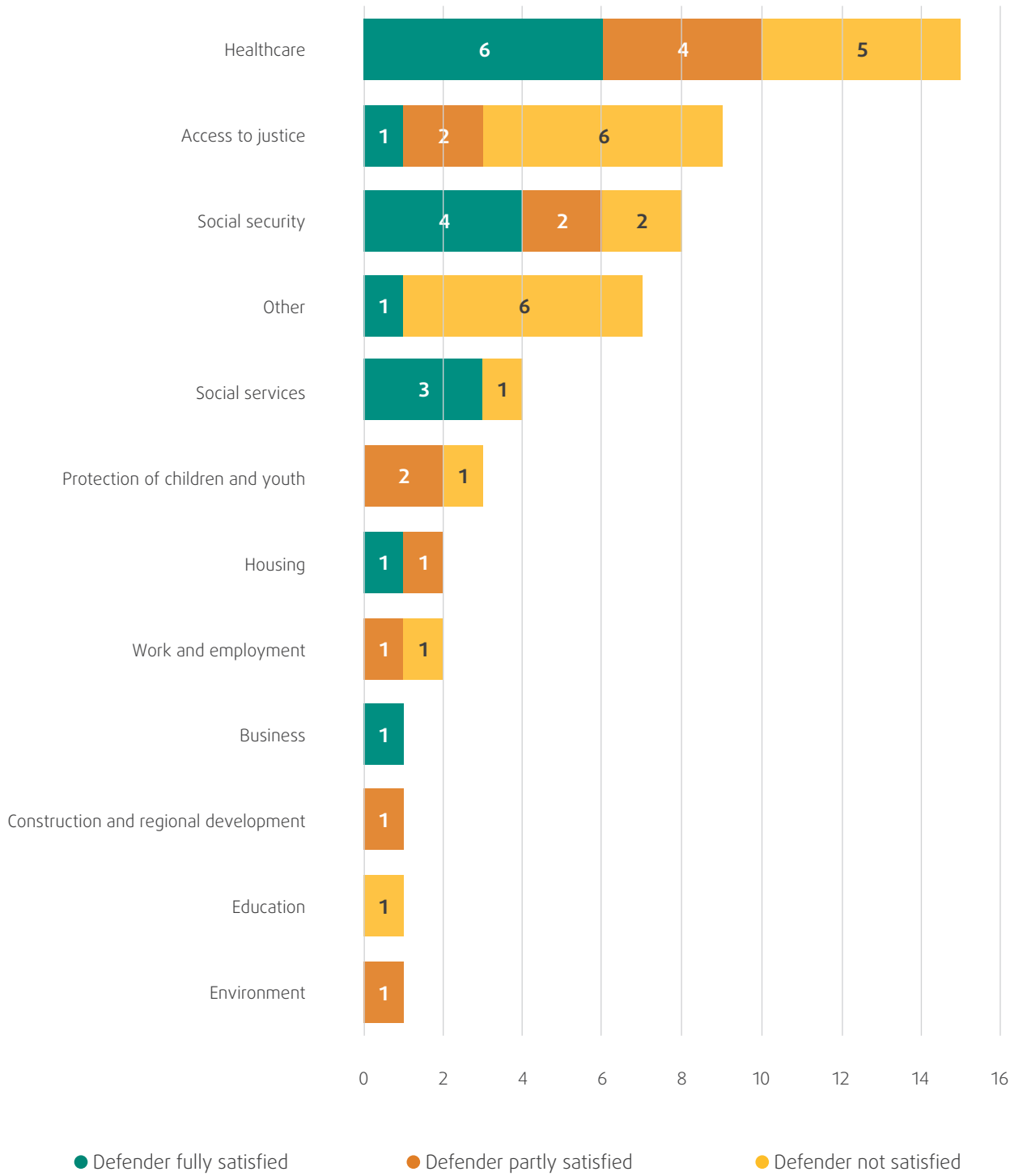
Health insurance for foreign nationals	Cancellation of the subjective period (time limit) for initiating review proceedings (Section 96 (1) of the Code of Administrative Procedure)
Modification of the legal rules governing water pollution incidents	Sterilisation as a precondition for administrative gender reassignment in cases of transgender persons
Increase in the care allowance and its regular indexation	Adoption of the new Abortion Act
Summer debt relief for public health insurance contributions	New legislation on children’s institutional education
	Classification of unauthorised use of means of restraint in healthcare as an infraction
	Standards for staff and material and technical resources for residential social services
	Shift of the burden of proof in discrimination disputes
	The suspensory effect of an administrative action regarding pecuniary performance

TABLE 2: LIST OF THE DEFENDER’S RECOMMENDATIONS ACCORDING TO THE DEFENDER’S SATISFACTION WITH THE RESULT (INCLUDING CHANGES “IN PROGRESS”) IN 2014–2023

Defender fully satisfied	Defender partly satisfied	Defender not satisfied
Social detention	“Antenna dispute” between the owner and user of a building	The Guardianship Act
Adjustment of the procedure in ascertaining the costs of housing usual at the given place for the purposes of providing assistance in material need	Allowance v. increasing minimum wage	Incorporation of discrimination by association in the Anti-Discrimination Act
Public health insurance of individuals undergoing institutional forensic treatment	Exemption from real estate acquisition tax should also apply to residential units in private houses	The minimum assessment base for public health insurance contributions payable by employees
Parental allowance – consent of the second parent and choice of the method of drawing benefits	Proceedings on reimbursement of certain healthcare services from public health insurance	Reduction in the court fee for appeals in discrimination cases
Representation of children by foster parents in proceedings on benefits for people with disabilities	The amount of remuneration for a temporary foster parent caring for a child assessed as falling in dependency degree 2 to 4	Obligatory registration in the Special Registry
Fee for lodging a complaint with the Office for the Protection of Competition requesting the Office to initiate ex officio review of contracting authority’s procedure	Publishing court decisions in a public database	Remote inspection of an administrative file
Reinforcing consumer protection in relation to utility supplies	Deinstitutionalisation of care for small children	Advice on the right to lodge court action against an administrative decision

Denial or withdrawal of a housing allowance because of a failure to present an annual bill for services	Reclassification of interference with personal dignity in the provision of healthcare services as an infraction	Change in the provision of reasonable satisfaction in money for intangible damage caused by discrimination
Enforcement of judicial claims	Modification of the legal rules governing water pollution incidents	Transparent pay and salaries as a prerequisite for fair remuneration
Recovery of forensic treatment costs from foreigners without health insurance	Increase in the care allowance and its regular indexation	Modification of Czech language examinations for children with different first languages
Handling complaints against the procedure of healthcare services providers	Stopping the payment of orphans’ pensions in cases of obvious misuse	Transformation of institutional forensic treatment into secure preventive detention
Confidentiality duties of healthcare professionals and ill-treatment	Summer debt relief for public health insurance contributions	Ensuring access to compensation aids for everyone suffering from a serious mobility impairment
Ensuring confidentiality in the provision of healthcare services to prisoners and persons deprived of liberty by the police	Supervision by the Public Prosecutor’s Office in other detention facilities	Rights of persons with disabilities accompanied by specially-trained dogs
Independent complaints mechanism in social services	Health insurance for foreign nationals	Cancellation of the subjective period (time limit) for initiating review proceedings (Section 96 (1) of the Code of Administrative Procedure)
Patient’s right to file a complaint about healthcare provided in social services facilities		Classification of unauthorised use of means of restraint in healthcare as an infraction
Reclassification of interference with personal dignity in the provision of social services as an infraction		Inadequate legal regulation of forensic treatment
		Reduction in the period of insurance required to be eligible for (regular) retirement pension
		Standards for staff and material and technical resources for residential social services
		Adoption of the new Abortion Act
		Shift of the burden of proof in discrimination disputes
		Sterilisation as a precondition for administrative gender reassignment in cases of transgender persons
		New legislation on children’s institutional education
		Suspensory effect of an administrative action on pecuniary performance

Number of the Defender’s recommendations by sectors in 2014–2023



Note: The total number of recommendations is higher than that given in Chart 2, because two of the recommendations are assigned to two sectors at once.

The Defender and the Parliament

CHAMBER OF DEPUTIES

The Chamber of Deputies has not discussed the Annual Report on the Activities of the Public Defender of Rights for 2023 (Chamber of Deputies document No. 665) during its 9th electoral term (note: as at the editorial closing date of this report).

The Public Defender of Rights used his authority to ask for the floor during the second reading of Chamber of Deputies document No. 688 – amendment to the Public Defender Act. On 13 September 2024, he spoke at the 112th session of the Chamber of Deputies. He pointed out several practical points related to the establishment of the Children’s Ombudsman and extension of the Defender’s competence as a national human rights institution (NHRI).

The Defender also worked closely with the Chamber of Deputies, especially through its Petition Committee and individual Deputies.

PETITION COMMITTEE

The Petition Committee discussed the 2023 Annual Report. The committee took note of the report and, by its [resolution No. 186](#) of 7 May 2024, it recommended that the Chamber of Deputies of Parliament do likewise. At the same time, it drew the Government’s attention to the importance and necessity of addressing the shortcomings identified by the Defender, including consideration of his legislative recommendations.

The Petition Committee also discussed the Defender’s quarterly reports for the 3rd and 4th quarters of 2023 and also for the 1st and 2nd quarters of 2024. The quarterly

reports are also accompanied by reports on matters in which the Defender failed to achieve remedy even after having exhausted the procedures envisaged by the law.

The Defender twice participated in committee meetings when the Petition Committee discussed the Government’s bill amending the Public Defender of Rights Act (establishing the Children’s Ombudsman and extending the Defender’s mandate to include NHRI).

The Petition Committee also discussed the draft State final account of the Office of the Public Defender of Rights for 2023. It also dealt with the draft State budget for the Office of the Public Defender of Rights for 2025.

BUDGET COMMITTEE

The Budget Committee discussed the total revenues and total expenditures of the State budget of the Czech Republic for 2023 in relation to the activities of the Office of the Public Defender of Rights.

In May and June, the Budget Committee discussed the proposed total expenditures of the budget of the Defender’s Office for 2024.

At the request of the Office of the Public Defender of Rights, the Budget Committee authorised on three occasions a budgetary measure involving, for example, the transfer of funds from the State budget of the Ministry of Regional Development to the budget of the Office of the Public Defender of Rights for the purposes of ensuring cybersecurity.



SOCIAL POLICY COMMITTEE

The Defender participated in two meetings as the Social Policy Committee discussed the Government’s bill amending the Public Defender of Rights Act (establishing the Children’s Ombudsman and extending the Defender’s mandate to include NHRI).

SENATE

On 19 June 2024, the Senate discussed and took due note of the Annual Report on Activities of the Public Defender of Rights in 2023 (Senate document No. 246).

The Defender’s work is followed in more detail by the Committee on Legal and Constitutional Affairs and the Committee on Education, Science, Culture, Human Rights and Petitions, which also regularly discuss the Defender’s annual reports.



COMMUNICATION WITH INDIVIDUAL DEPUTIES AND SENATORS

The Defender appreciates that the Deputies and Senators make use of their right to convey to the Defender the complaints they receive from individuals (who address them), and that they are actively interested in the real-world impact of laws on society. The Defender welcomes the opportunity to inform anyone interested about his findings and conclusions from all the areas of competence entrusted to him.

The Defender also participates in professional seminars and meetings held in the Parliament. For example, the Defender spoke at a roundtable organised by Deputies from seven parliamentary parties, which addressed the establishment of the Children’s Ombudsman; see p. [50](#) and p. [13](#) *et seq.*

The Defender and the Government



Meeting with the Minister of Justice at the Office of the Public Defender of Rights

The Public Defender of Rights advises the Government whenever a ministry fails to adopt adequate measures to remedy a certain failure or general maladministration. The Defender may also recommend that the Government propose the adoption, amendment or annulment of a law, or adopt, amend or annul a Government regulation or resolution. The Defender advised the Government of four cases in 2024. Two of these cases concerned unlawful practices of the Ministry of Labour and Social Affairs, one those of the Ministry of Justice and one those of the Ministry of Health. The Defender also facilitated an off-site session of the Government Council for Roma Minority Affairs.

MEETING OF THE GOVERNMENT COUNCIL FOR ROMA MINORITY AFFAIRS

The Government Council for Roma Minority Affairs held an extraordinary meeting at the Defender’s office in Brno. We introduced our work and activities in the area of equal treatment to the members of the Council. We also informed the civic members of the Government Council about the Defender’s mandate and the structure of complaints alleging discrimination on the grounds of ethnicity. However, the main topic was compensation for unlawful sterilisation.

 [Press release of 4 December 2024](#)

THE DEFENDER’S NOTIFICATIONS TO THE GOVERNMENT

INADEQUATE HEALTH ASSESSMENT IN THE REFUSAL TO INCREASE THE CARE ALLOWANCE

The complainant contacted the Defender regarding a failure to increase the care allowance from degree 1 to degree 2. The complainant believes that he is unable to manage more basic life needs on his own than the medical assessors recognised as unmanaged.

Within the inquiry, the Defender dealt with the procedure of the Labour Office of the Czech Republic and the Ministry of Labour and Social Affairs in proceedings on increasing the allowance for care. They based their rejection of the increase in the allowance on the medical assessors’ conclusions.

Based on the inquiry, the Defender concluded that the Labour Office and the Ministry of Labour and Social Affairs had based their decision on a health assessment report that was insufficient in this regard, for the following reasons:

- ▶ The report contained contradictory statements.
- ▶ In the report, the medical assessors failed to address certain important facts (e.g. the complainant’s mental illness, although he had been diagnosed with bipolar affective disorder and severe post-psychotic defect).
- ▶ The medical assessors failed to deal with the information contained in the submitted medical records

of the complainant and in the record of social inquiry conducted in his household. It follows from the information that the complainant requires supervision and oversight by another person for dressing and personal hygiene.

- ▶ Nonetheless, the medical assessors concluded that the complainant was able to handle two basic necessities (dressing and putting on shoes, personal hygiene) without the help of another person. They did not explain their conclusions in any way.

A health assessment report is a key basis for decision-making on such an application. It should therefore be unambiguous, complete and convincing. These requirements were not met in the given case. The Defender therefore asked the Minister to cancel the Ministry’s decision in review proceedings. The Minister, however, refused the request. He considered it sufficient that the complainant’s case had been heard by the Minister’s appeal committee. The latter had not found any error. The Defender disagreed with the Minister’s procedure. He is convinced that the report is vitiated by material defects affecting the lawfulness of the decision. Sufficient remedy could only be ensured by cancellation of the Ministry’s decision.

As the Defender had exhausted all the possibilities given to him by law to make the Ministry remedy the defective state of affairs, he decided to use his power and inform the Government.

On 26 June 2024, the Government took note of the material.

 [Defender’s report serving as a penalty: File No. 4/2024/SZD](#)

SYSTEMIC DEFICIENCIES, UNLAWFUL ADMINISTRATIVE PRACTICE, INACTION AND DISREGARD OF ADMINISTRATIVE COURTS’ CASE LAW IN COMPENSATION FOR UNLAWFUL STERILISATION

Unlawful sterilisations were initially brought to light by the first Public Defender of Rights, JUDr. Otakar Motejl, who dealt with the topic intensively in 2004–2005. On the basis of his findings, he recommended in December 2005 that the Government of the Czech Republic adopt legislation to compensate survivors of unlawful sterilisation. Effective 1 January 2022, the Compensation for Unlawful Sterilisation Survivors Act then, after many years, made it possible for persons who had been unlawfully sterilised in the past to seek compensation. Individuals eligible for compensation could submit applications from 1 January 2022 to 1 January 2025.

The Ministry of Health (the “Ministry”) decides on claims for compensation in administrative proceedings. The Ministry must decide on each application not later than 60 days of the date of submission. This period does not run while the Ministry is waiting for the requested medical documentation, but for no longer than 15 days. An appeal may be lodged against the Ministry’s decision. The Minister of Health (the “Minister”) is required to decide on each appeal without undue delay, but not later than within 30 days of the commencement of the appellate proceedings. In particularly complex cases, the time limit is extended to 60 days.

Claimants who were unsuccessful with their applications for compensation with the Ministry and the Minister have started to ask the Defender to review their cases.



Meeting of the Government Council for Roma Minority Affairs at the Office of the Public Defender of Rights

The Defender initiated an inquiry based on the complaints received.

The inquiry was, however, hindered by limited communication from the Ministry and Minister. Without their collaboration, the Defender was unable to move forward and achieve compliance with the Compensation for Unlawful Sterilisation Survivors Act. All the cases under scrutiny are linked by the fact that the Defender did not receive from the Minister any statement, file documents or information on the remedial measures adopted, as the Defender had requested in his reports.

The Defender found issues on the part of the Minister and the Ministry in the following areas:

- **In the long term, the Ministry and the Minister fail to deal with compensation claims within the time limits pursuant to the Compensation for Unlawful Sterilisation Survivors Act.** In the inquiry reports where the Defender criticised the delays in addressing the claims, he also suggested that the Ministry apologise to each of the complainants as soon as possible for the delay in dealing with their claims for compensation, and inform them of the anticipated date of the decision. The Minister did not respond to these recommendations, nor did he contact the complainants.
- **The Ministry and the Minister make decisions on compensation claims in contravention of the law and administrative courts’ case law.** In his inquiry into the complaints, the Defender found that in some cases, both the Ministry and the Minister had decided on the compensation claim at variance with the law and case law of administrative courts. The rejected applicants then filed an administrative action with the Municipal Court in Prague, which issued a total of 17 judgements (as of 17 September 2024). In at least 15 of them, the court cancelled both the Minister’s decision to reject an appeal and the preceding unlawful decisions whereby the Ministry had

rejected the compensation claims. In several cases, the Ministry challenged the court decision by a cassation complaint with the Supreme Administrative Court. The latter has thus far dismissed two of the complaints. The courts thus clearly ruled in favour of the applicants. Decision-making by administrative courts provides a crucial complement to the legal regulation. Hence, the Ministry and the Minister should respect their decisions in all their activities, not only in the specific case under consideration. According to the Defender’s findings, this has not been the case. For example, they automatically reject claims for compensation in cases where medical records have not been obtained because they have already been shredded or destroyed (e.g. by natural elements). At variance with case law, they consider medical records a crucial piece of evidence to prove the unlawfulness of sterilisation. In contravention of the law, the Ministry also automatically discontinues proceedings on new applications on the ground that they do not contain any new facts, without duly reassessing them, and the Minister routinely upholds such decisions.

Generalisation of the most serious errors:

- The Ministry and the Minister do not respond to the Defender’s requests for collaboration pursuant to Section 15 (2), Section 18 (1) and Section 20 (1) of the Public Defender of Rights Act.
- In the long term, the Ministry and the Minister fail to deal with compensation claims within the time limits pursuant to the Compensation for Unlawful Sterilisation Survivors Act. Pending claims for compensation include those filed in April 2023.
- In some cases, the Ministry and the Minister make decisions on compensation claims in contravention of the Compensation for Unlawful Sterilisation Survivors Act and case law of administrative courts.

The objective and purpose of the Act is not achieved solely by providing the survivors with the possibility of seeking compensation for unlawful sterilisation; it is in fact only fully attained when the Act is applied in the individual cases. It was the State that failed in the past and compensation must be an effective remedy. In compensation proceedings, the Ministry and the Minister must therefore act in such a way that the State’s inadmissible interference with the fundamental human rights is remedied rather than further aggravated.

Since the application of the Compensation for Unlawful Sterilisation Survivors Act, entrusted to the Ministry, is not proceeding as expected, the Defender had to inform the Government of his findings and request that the Minister of Health ensure remedy.

In order to ensure good administrative practice and eliminate inactivity, the Defender proposed that the Government instruct the Minister to:

- Respond to the Defender’s calls for action and thus react to the final opinions issued with a proposal for remedial measures (Section 20 (1) of the Public Defender of Rights Act) not later than by 31 October 2024.
- Respond to the Defender’s calls for action and thus respond to the inquiry reports issued (Section 18 (1) of the Public Defender of Rights Act) by 30 November 2024.
- Respond to the Defender’s calls for action (Section 15 (2) of the Public Defender of Rights Act) not later than by 31 December 2024.
- Ensure that the Ministry decides on compensation claims submitted by the end of 2023 as soon as possible.
- Ensure that the Ministry complies with the statutory time limits for issuing decisions on the applicant’s claims.
- Decide on appeals against decisions issued by the Ministry within the statutory deadlines.
- Ensure that the Ministry makes decisions in accordance with the law and case law of the Municipal Court in Prague and the Supreme Administrative Court.
- Decide on appeals in accordance with the law and case law of the Municipal Court in Prague and the Supreme Administrative Court.
- Ensure sufficient staffing of the Legal Department of the Ministry of Health, which deals with compensations for unlawful sterilisation, so that the situation improves with regard to the delays in decision-making on applications and that the applicants receive a decision within the time limits pursuant to the Compensation Act.

king on applications and that the applicants receive a decision within the time limits pursuant to the Compensation Act.

The Government discussed the material in the Defender’s presence at a meeting held on 6 November 2024 and took note of the report. The Government meeting resulted in an agreement between the Defender and the Minister of Health. They agreed to meet and remedy the problems in dealing with applications lodged by unlawfully sterilised women. The Defender continues to monitor the development and situation.

 [Defender’s report: File No. 9/2024/SZD](#)

LACK OF TRANSPARENCY AND UNREVIEWABILITY OF THE MINISTRY OF JUSTICE’S PROCEDURE IN SUPERVISING COURT EXPERTS

The Defender addressed the procedure followed by the Ministry of Justice in supervising court experts. The inquiry was initiated by a complainant who pointed out errors made by a court expert in the field of healthcare and psychiatry. The Ministry was initially inactive. While it eventually started infraction proceedings against the expert, these were later discontinued.

The Defender inquired into the Ministry’s procedure and **concluded that the Ministry had in no way verified the veracity of the complainant’s or expert’s allegations in the infraction proceedings, had failed to take proper evidence and had failed to establish the facts of the case with certainty.** The Ministry disregarded the complainant’s assertions that:

- The expert reached the extremely serious conclusion that the complainant would pose danger to himself or others if his freedom were not restricted, but failed to substantiate this conclusion in any way.
- The expert gave the complainant a diagnosis different from that given by the attending psychiatrist, who had been taking care of the complainant for several years, without justifying the different diagnosis in any way.
- The expert also failed to deal with the conclusions of the most recent examination by the attending psychiatrist.
- The expert made a number of further unsubstantiated assertions in the expert report (that the complainant posed a danger to himself as a patient, that he refused depot treatment, that he was aggressive, etc.).

In the reasoning of the resolution discontinuing the infraction proceedings, the Ministry merely stated that the expert had failed to proceed transparently because she had not described in her report the line of thought she had followed in reaching her conclusions. According to the Ministry, the expert subsequently clarified these doubts in the statement she had provided in the infraction proceedings. However, the statement contains allegations that are directly at variance with the complainant’s assertions and underlying documents.

The Ministry failed to address these discrepancies in the reasoning of its decision and thus **rendered the decision non-transparent and unreviewable.**

In the reasoning of the resolution to discontinue the infraction proceedings, the Ministry further stated that expert reports provided in the field of psychiatry are usually difficult to review because generally accepted procedures and standards had yet to be adopted in the field. The expert report provided in the case at hand thus did not deviate from current practice. In the circumstances, the expert’s conduct thus could not be considered socially harmful.

Responsibility for the lack of generally binding procedures and standards in the field of psychiatry lies with the Ministry. The Experts, Expert Offices and Expert Institutes Act has envisaged the existence of these procedures and standards since it became effective (1 January 2021). Standards have yet to be drawn up. **However, the Ministry’s inaction cannot be used as an excuse for expert witnesses’ practices that are contrary to the law.** It cannot be ignored that expert reports (especially in the field of psychiatry) can significantly affect the lives of individuals.

The Defender further pointed out that the lack of standards could not have been a decisive criterion for assessing the expert’s activities in the case at hand. The expert was required to submit a full, reviewable and – above all – truthful expert report. Even under the former legislation, experts always had the duty to deal with all the relevant underlying documents and explain why they reached dif-

ferent conclusions than those following from some of the underlying documents collected.

The Defender considered the Ministry’s resolution to discontinue the infraction proceedings unlawful because the Ministry had failed to base its decision on properly ascertained facts of the case and failed to justify its procedure. The Defender therefore asked the Minister to initiate review proceedings and assess whether the decision had been issued lawfully.

The Minister first informed the Defender that he was taking steps to initiate review proceedings. Subsequently, however, he informed the Defender that the subjective two-month time limit for initiating a review had expired due to delays in the transfer of the file from the Forensic Experts and Interpreters Division to the Supervision and Disciplinary Department.

Given that **the Ministry had failed to take remedial measures because of its own delays, the Defender contacted the Government.**

The Government took note of the material on 6 November 2024.

 [Defender’s report: File No. 10/2024/SZD](#)

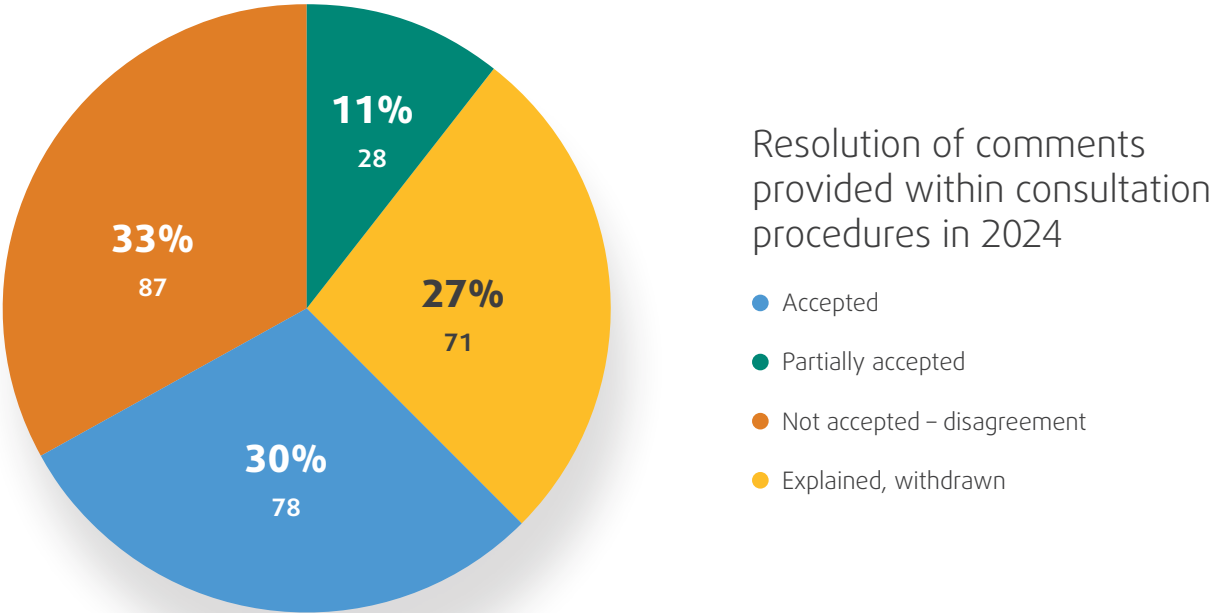
**DEFENDER’S COMMENTS
ADDRESSED TO THE GOVERNMENT**

In 2024, the Defender raised 264 comments on 38 materials (of which 32 were draft pieces of legislation). Little less than one half of the comments addressed was at least partially accepted (41%). The number of comments where disagreements persisted increased significantly to approximately one third of the total number (in the last ten years, the percentage of non-accepted comments was the highest in 2023 – 23%, but never exceeded one fifth in

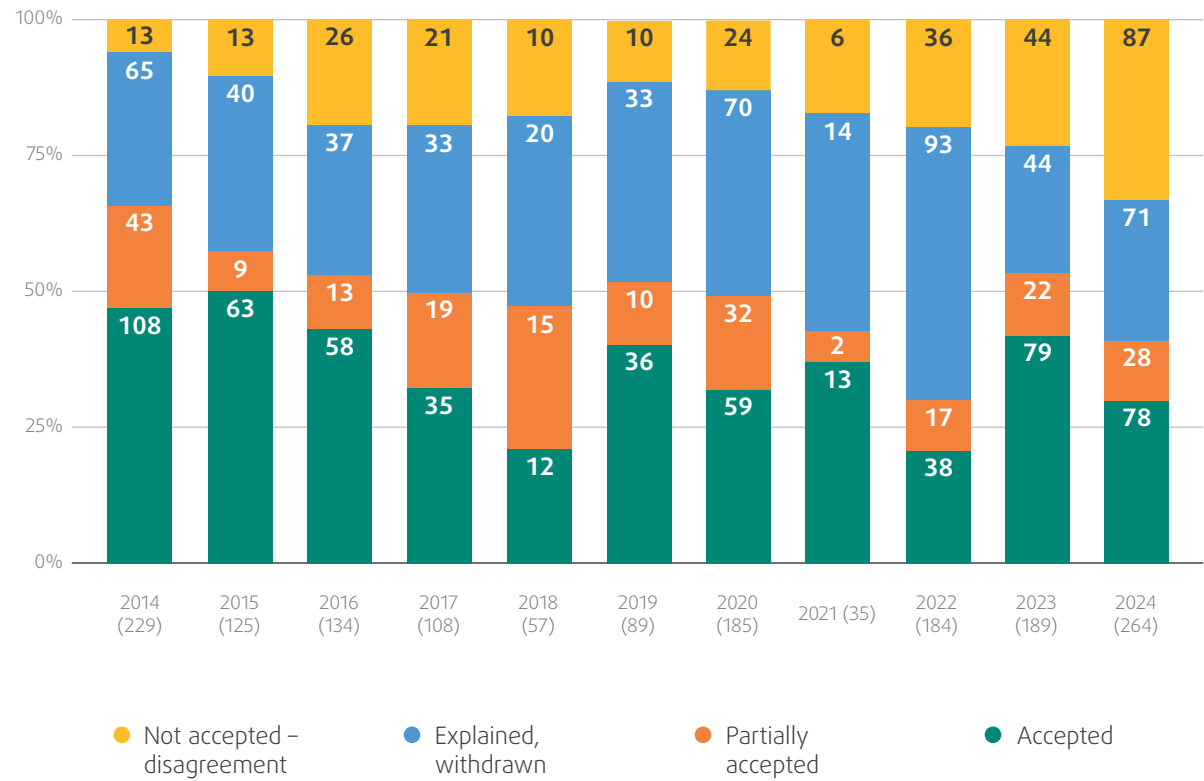


previous years). The number of comments raised increased significantly year-on-year (from 189 to 264, i.e. by almost two fifths). This is also the highest number of comments made in the last ten years (the closest share was recorded in 2014, when the Defender raised 229 comments).

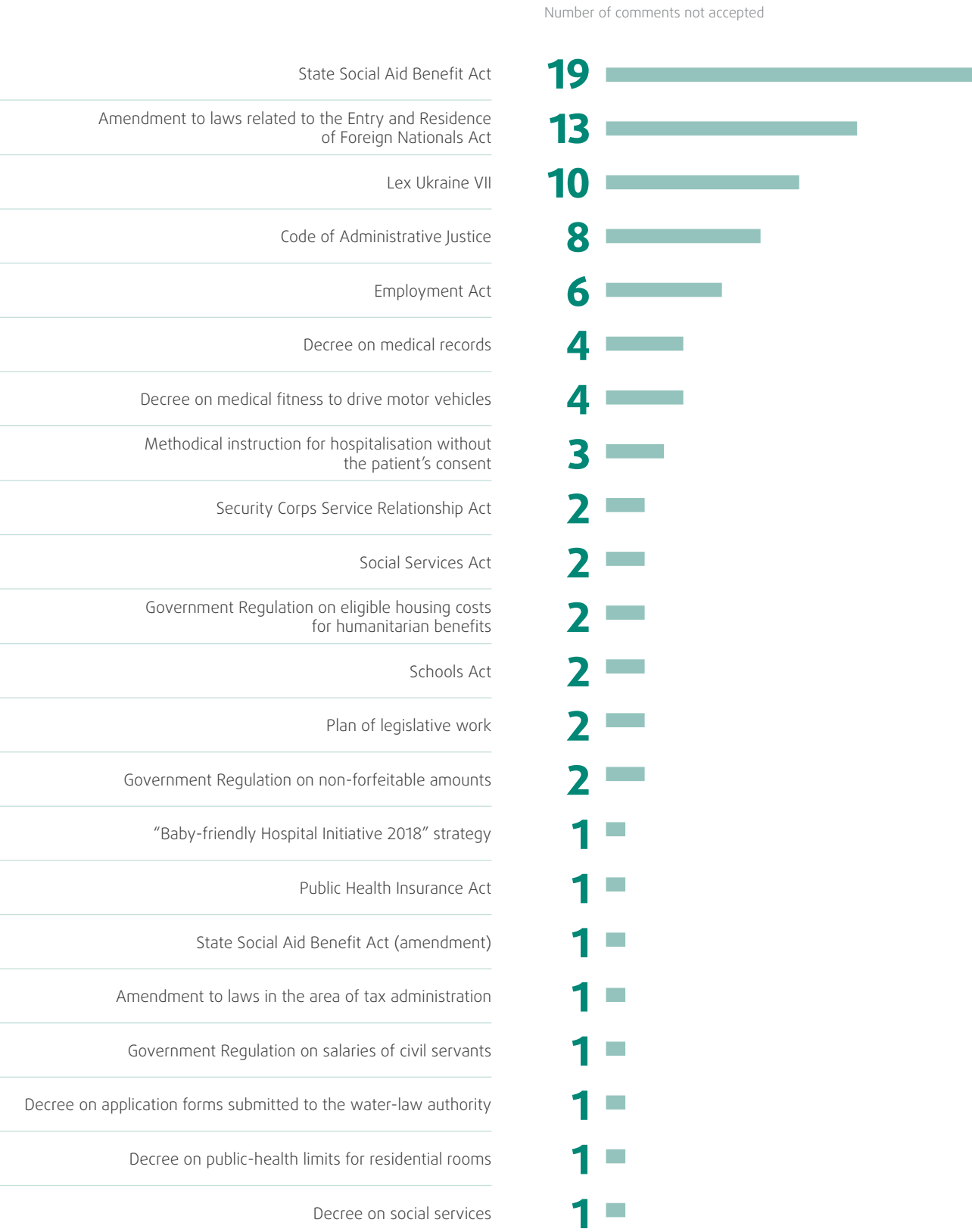
The overview below only includes fundamental comments to which the submitters have already responded. It does not contain several comments still pending with regard to two bills: the draft Public Health Protection Act and the draft Construction Site Safety Regulation (4 comments in total).



Resolution of comments provided within consultation procedures – year-on-year comparison (2014-2024)



List of cases for 2024 in which the Defender’ comments were not accepted



The Defender and the Constitutional Court

PROCEEDINGS ON THE ANNULMENT OF LAWS (STATUTES) AND OTHER REGULATIONS

With effect from 1 January 2013, the Public Defender of Rights may intervene in proceedings on the annulment of laws or their individual provisions. In 2024, the Defender thus **joined two sets of proceedings**, out of twenty-three. The Constitutional Court also ruled on previously filed applications.

FAILURE TO INCLUDE MATERNITY AND PARENTAL LEAVE IN THE DECISIVE PERIOD FOR INCREASING THE JUDGE PAY COEFFICIENT

The Defender has long been engaged in the issue of equal pay. In addition to commenting on the legislation and monitoring work on amendments related to the transposition of the Pay Transparency Directive (Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023) into national law, the Defender joined proceedings before the Constitutional Court concerning equality in the remuneration of judges.

The District Court for Prague 10 proposed that the Constitutional Court annul Section 31 (5) of Act No. 236/1995 Coll., regulating the remuneration of judges. Specifically, it argued that the contested provision constituted discrimination on grounds of age and parenthood and was therefore at variance with the constitutional order.

The Defender intervened in the proceedings. The case was closely related to discriminatory rules in remuneration on grounds of sex and age – issues that the Defender regularly encounters in complaints. Hence, the Defender provided the Constitutional Court with his findings in the area of remuneration.

The contested provision specifically affects group of judges defined simultaneously by age, parenthood (especially maternity) and sex, because only this combination of factors can give rise to a disadvantage compared to other groups of judges. The individual factors, as such, do not lead to a disadvantage in the case at hand (e.g. only age or only parenthood). The provision applies to judges (women and men) if they have a child (parenthood) within a certain age interval (age) and take maternity and parental leave (sex). The term “intersectional discrimination” is established in theory for this phenomenon.

In his brief, the Defender proposed that the Constitutional Court annul the contested provision. The Constitutional Court agreed with the Defender’s arguments. The Court also noted in its judgement that when amending the legislation on the judges’ pay, the legislature should have already reflected on the practical inclusion of maternity also for women. The State will be obliged to pay the relevant amount to the judges (women) retroactively. This will level the playing field for men and women so that they can fulfil their professional roles as judges on a completely equal and equal footing.

Note: As of 1 January 2024, there were 3,055 judges in the Czech Republic, of which 1,812 were women, with maternity leave taken exclusively by women – 94 judges.

- [Brief for the Constitutional Court, File No. 8/2024/SZD](#)
- [Press release of 27 November 2024](#)



- [Constitutional Court press release of 27 November 2024](#)
- [Judgement of the Constitutional Court \(full court\): Pl. US 16/24](#)

THE CONSTITUTIONAL COURT HAS CONFIRMED THE DEFENDER’S OPINION THAT PUBLIC GUARDIANSHIP IS AN EXERCISE OF DELEGATED COMPETENCE

Former Defender, JUDr. Otakar Motejl, began to deal with the issue of guardianship of adults in 2006 as part of his new competence in the area of protecting persons deprived of liberty, as he began to carry out the first systematic visits to the then social care institutions. There, he found serious systemic deficiencies in the exercise of guardianship over vulnerable people. His successors drew similar conclusions during subsequent visits to other facilities. The Defender considers it important to resolve the question of the nature of public guardianship for the further operation of this legal concept. In the past, the Defender opposed a resolution of the Supreme Administrative Court, which concluded in 2021 that municipalities did not have the mandate to exercise public guardianship within delegated competence. The Defender suggested that this decision of the Supreme Administrative Court not be published in the collection of court rulings. He argued that the Supreme Administrative Court had deviated from established case law and public guardianship practice and had de facto denied the Defender’s power to further inquire into complaints against public guardianship. However, the Supreme Administrative Court did publish the decision in the collection of court rulings, despite the Defender’s objections.

The Defender later joined a constitutional complaint filed in this regard with his *amicus curiae* brief and asked the Constitutional Court to annul the decision as unconstitutional. The Ministry of the Interior and the Ministry of Justice also joined his application as they agreed with the Defender’s arguments. The Constitutional Court subsequently granted the complaint. The ruling is important for the protection of the rights of people who have a public guardian (i.e. a municipality). The Court ruled, *inter alia*, that the State was responsible for this form of support and the Defender could control whether public guardians performed their activities in accordance with the law.

- [Defender’s *amicus curiae* brief: File No. 27/2024/OZP](#)
- [Defender’s press release of 27 September 2024](#)
- [Judgement of the Constitutional Court of 19 September 2024: File No. III. US 1951/21](#)

THE CONSTITUTIONAL COURT ALSO RULED ON TWO APPLICATIONS FILED BY THE DEFENDER IN RECENT YEARS

ADMINISTRATIVE INFRACTIONS VS. DEDUCTIONS FROM SOCIAL BENEFITS ON GROUNDS OF UNPAID FINES IN INFRACTION PROCEEDINGS WITH REGARD TO PERSONS SUBJECT TO JOINT ASSESSMENT

A group of Senators challenged at the Constitutional Court an amendment to the Assistance in Material Need Act, which had introduced the option of deducting unpaid fines for selected infractions from benefits of assistance in material need. The Defender intervened in the proceedings and agreed with the abolishment of this option.

He argued that the amendment was unconstitutional because it allowed to deduct fines from subsistence support and housing benefit without any limitation with regard to adults living in a common household. However, the confiscation of benefits intended for maintenance and housing in full would be a complete denial of the right to assistance in material need, which is inadmissible.

The Constitutional Court granted the application. It concluded that a person other than the perpetrator (another member of the household) could not be “punished” for an infraction. Benefits of assistance in material need belong jointly to all members of the household, which is why such punishment was indeed threatening. The Constitutional Court also confirmed that the deduction of fines from benefits without any limitation was not permissible.

- [Brief of the Defender as an intervening party: File No. 29/2021/SZD](#)
- [Judgement of the Constitutional Court of 31 July 2024, File No. Pl. US 39/21](#)

Statistics on complaints in 2024



ENFORCEMENT OF QUIET HOURS

In 2023, the Defender filed an application to annul a generally binding ordinance issued by the municipality of Píšť, which laid down exemptions from quiet hours, especially during the summer months. According to the Defender, the regulation complied with all the formal requirements on the form of a generally binding ordinance and specified individual exemptions from quiet hours for specific events. Nonetheless, it laid down such an exemption for a total of 32 days, which the Defender did not consider an exception to a rule, i.e. an exceptional and unique regulation.

The Plenum of the Constitutional Court did not share this opinion and dismissed the application on 15 May 2024. In its assessment of the exemptions from quiet hours, the Constitutional Court did not find any contravention by the municipality of the law or existing decision-making practice of the Constitutional Court. According to the Constituti-

onal Court, exemptions from quiet hours had to be viewed not only in terms of the total number of events during a year, month or week, but also as regards their distribution during the year or month, which was often determined by the nature of the matter, i.e. by connection to specific holidays or traditions in combination with the conditions or possibilities offered by the summer months or weekends. The concentration of exemptions in the summer period was therefore a natural consequence of the suitable conditions for outdoor events in the summer months. However, the reference framework for assessing whether the condition of exceptionality was met could not only be the summer time or weekends, as the legislator did not provide for any such consideration.

[Defender's application to annul the ordinance: File No. 16/2023 SZD](#)

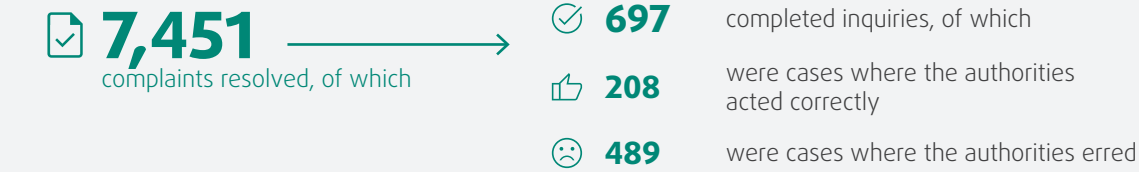
[Judgement of the Constitutional Court of 15 May 2024, File No. Pl. US 44/23](#)

The protection of people against unlawful conduct or inaction by the authorities was at the very birth of the Defender as an ombudsman institution. Naturally, the Defender's help in resolving specific problems faced by complainants has always been linked to his other activities, such as commenting on legislation and discussing its amendment where the Defender has identified systemic causes of problems based on increased numbers of individual complaints in a particular area.

With the gradual expansion of the Defender's mandate to include the area of human rights – the protection of the rights of people deprived of their personal liberty (see page [94 et seq.](#)), the monitoring of the rights of people with disabilities (see page [118 et seq.](#)) and protection against discrimination (see page [106 et seq.](#)) – the overall scope of the Defender's work continues to grow. However, much of the Defender's work, particularly in the area of human rights, is not based on complaints from individuals.

The basic statistics on complaints must therefore be seen in this context: the following data provide a useful insight into the Defender's work in a given year. However, this represents only a fragment of the many other activities described in the remaining chapters of the Annual Report, whose summaries cannot be reduced so easily to tables.

In 97% of cases, the authorities corrected their errors after the Defender's intervention. The authorities only failed to acknowledge the maladministration and the Defender thus had to use his power to inform the superior authorities, the Government, or the public in nine (3%) cases in 2024. The high ratio of successful inquiries proves once again that the authorities respect the Defender's expert opinions, and in the vast majority of cases, rectify their errors in line with his conclusions. There were also nearly six and half thousand cases closed where the Defender did not conduct an inquiry, but explained to the complainants what their options were and advised them on how to proceed.



area	2022	2023	2024
Infractions	183	209	208
Administration of employment and work	158	177	174
Self-government, regional governance, right to information	70	80	80
Miscellaneous fields within the Defender’s mandate	218	178	180
Public Prosecutor’s Office administration	26	8	2
Discrimination – labour and employment	53	83	112
Discrimination – healthcare	10	6	18
Discrimination – goods and services	75	80	91
Discrimination – housing	28	33	48
Discrimination – membership of professional associations and unions	1	1	0
Discrimination – social matters	5	0	1
Discrimination – education	34	24	63
Discrimination – other	20	23	21
Total number of complaints received within the Defender’s mandate	5,323*	5,211	5,553

Breakdown of complaints in terms of the Defender’s mandate in 2020–2024

Year	Complaints within mandate		Complaints outside mandate		Total complaints
	number	fraction	number	fraction	
2020	5,415	68.32%	2,511	31.68%	7,926
2021	5,626	70.43%	2,362	29.57%	7,988
2022*	5,323	70.72%	2,204	29.28%	7,527
2023	5,211	72.73%	1,954	27.27%	7,165
2024	5,553	73.42%	2,010	26.58%	7,563
incl. the Vaccination Decree					
2022	15,738	87.72%	2,204	12.28%	

* For ease of comparison, this number does not include the 10,415 complaints concerning the Vaccination Decree. With complaints concerning the Vaccination Decree counted in, 87.72% of the complaints received in 2022 fell within the Defender’s mandate.



DIVISION OF TASKS BETWEEN THE DEFENDER AND HIS DEPUTY

The Defender, JUDr. Stanislav Křeček, exercised an option given to him by the law and assigned a certain part of his competence to his Deputy, JUDr. Vít Alexander Schorm. This includes the following areas of work:

- › Protection of children, youth and families
- › Bodies for social and legal protection of children, institutional care, foster care allowances
- › Foreign nationals
- › Residence of foreign nationals, asylum procedure and integration of asylum seekers, decisions on administrative expulsion, detention decisions, consular assistance, etc.
- › State administration of courts
- › Delays in court proceedings, inappropriate conduct of judicial persons, Probation and Mediation Service, etc.
- › Public Prosecutor’s Office administration
- › Administration of the Public Prosecutor’s Office, misconduct and breach of ethics
- › Protection of rights of people with disabilities
- › Accessibility, equal recognition before the law,

protection against torture and violence, living independently and being included in the community, etc.

- › Supervision over places where people are restricted in their freedom
- › Prison facilities, police cells, protective or institutional education, detention of foreigners, monitoring of expulsions, asylum facilities, social services facilities, healthcare facilities, social and legal protection of children, etc.
- › Forensic treatment
- › Social services
- › Public guardianship
- › Social work in the municipality
- › Activities of the Prison Service
- › Schools
- › Administration in education, academic self-governance
- › Consular service, superlegalisation and other areas of competence of the MoFA
- › Decision-making of courts in matters concerning foreign nationals

Other tasks are performed by the Defender, JUDr. Stanislav Křeček.



Paving the way for the children’s ombudsman


The Czech Republic will have a children’s ombudsman, see p. 13. The new institution will be established at our Office. The Children’s Ombudsman will improve the protection of children’s rights. His or her activities will be very broad. In addition to dealing with individual complaints, they will be responsible for representation in courts, awareness raising and education, mapping systemic problems and proposing changes. This requires close communication with the children themselves, as it is the Children’s Ombudsman who will represent their voice. Our current knowledge and experience will certainly contribute to the good functioning of the new institution. However, these tasks require the creation of a multidisciplinary team and its corresponding funding and staffing.


WHAT SHOULD BE THE ROLE OF THE CHILDREN’S OMBUDSMAN?


1	They should listen to the young generation and communicate their views to other institutions. To this end, they will have an advisory body composed of children’s representatives.
2	They should monitor the implementation of children’s rights, conduct research and draw the attention of governmental authorities, in particular, to areas where children’s rights are not respected or are being violated.
3	They should advise children quickly, effectively and comprehensibly on how to resolve their problems.
4	They should inquire into complaints from children and their relatives against authorities and other selected institutions if they have interfered with children’s rights or have been inactive in their affairs.
5	They should oversee compliance with the rights of children in facilities (e.g. children’s homes, diagnostic and educational institutions, psychiatric hospitals, etc.).
6	They should protect children from discrimination.
7	They should comment on the legislation and other documents related to children’s rights.
8	They should educate and raise awareness regarding children’s rights.
9	They should file applications to initiate selected court proceedings in cases where the rights of the child are endangered.


AND THERE IS MUCH MORE TO DO...


It is important for our work to know what areas of life society perceives as problematic. This question has been answered by our opinion poll. In relation to children and youth, this includes the following areas:

- 

“Mental health of children and young people” In their answers to open-ended questions, they most often mentioned an increase in psychological problems/depression, unavailability of psychological care, little support in families, addiction to social networks, problems with one’s own identity, suicidal tendencies, stress and a lack of societal interest in the psychological problems of young people.
- 

“Education system” Young people most often consider the education system obsolete. They state that they are forced to learn material that is useless (and thus unnecessary) and outdated. They believe they are often overwhelmed by the curriculum. They would often welcome greater digitalisation of education. A number of young people are also uncomfortable with the teachers’ approach, which they consider rigid and “stuck in the old ways”.
- 

“Housing” As mentioned above, housing is a society-wide problem. Young people are concise and clear in their statements. They mostly claim that housing is expensive, rents are high, flats are scarce and unavailable, and they therefore cannot afford a home.
- 

“Jobs for young people” Job placement is mainly linked to the fear of entering a new stage of life and the high demands of employers on the jobseeker’s experience. Many young people are convinced that employers do not want to employ graduates. This leads to concerns about a lack of jobs. For those who work during their studies, it is often difficult to combine study and work. Young people often face the dilemma of preferring work or study because they struggle to strike a balance between them. Some young people also state their employment is complicated by low salaries.
- 

“The environment of Czech schools” Many young people consider Czech schools outdated (buildings and equipment), outmoded and out of step with the times. This is also connected with their opinion that education is underfunded. A number of young people are also bothered by “obsolete teaching methods” and teachers’ approach, which they already criticised in the section concerning education (see above). Young people also object to the atmosphere at schools. They mention problems in relationships and cases of bullying that poison the atmosphere in schools.



31

excursions for school groups

CHILDREN’S COMPLAINTS IN DETAIL



99

Total number of complaints received by children, which is ...

18

more than in 2023. Of which:

79

fell within the Defender’s mandate

17

in the area of education (both in and out of mandate)

30

in the area of family law (activities of the BSLPC and out of mandate)

15

inquiries initiated

13

complaints concerning the conditions in children’s institutions



We help change the rules

DELAYED ESSAYS FOR SCHOOL-LEAVING EXAMINATION CAN MAKE IT DIFFICULT TO GET INTO UNIVERSITY

The final secondary school examination can be unexpectedly postponed even in case of a short illness. Although students are allowed to sit the examination on an alternative date, this is usually not until the next examination period – typically in the autumn.

If a student falls ill before the examination, they must notify the headteacher as soon as possible (no later than three working days after the scheduled date). This is what 18-year-old Petr did. He made sure with the school that he could write his essay on an alternative date. Unfortunately, no one told him it would be in the autumn. He was thus unable to enter the university of his choice where he had already passed the entrance examination. The university did not accept a later submission of the school-leaving certificate.

Essays (as well as didactic tests) for the school-leaving examination cannot be written on an alternative date during the same examination period. That would be unfair. Essays must have a uniform assignment for all students at a given school and in a given period (didactic tests are the same for all students in the given period). We were therefore unable to help Petr.

However, we asked the Ministry of Education to bring to the universities' attention that students face difficulties if they have been admitted to a university but do not graduate from secondary school until the alternative autumn term. The Ministry did as we had asked. We hope that, thanks to Petr's case, universities will take similar cases into account.

Petr's experience has shown that some universities have no problem with additional enrolment. Petr enrolled at another university in September, shortly after successfully completing the missing essay.

[Defender's report: File No. 3998/2023/VOP](#)

ABOLITION OF INFANT CARE CENTRES – WHAT NEXT?

In 2024, we focused closely on the system's readiness for changes in alternative care for young children. In the first phase, we visited five of the total number of 23 infant care centres. Under the law, these facilities were intended to take care of children under the age of three with health problems. For example, we found that two thirds of the children in the facilities were over the age of 3, and that one in ten were as old as 10 or more. Most of the facilities visited did not have any clear plan of what they would do after the nationwide closure of infant care centres. On this topic, see p. [10](#).

PROTECTIVE EDUCATION AND THE EXERCISE OF INSTITUTIONAL AND PROTECTIVE EDUCATION FOR CHILDREN WITH ADDICTIONS

In 2024, we prepared a summary report on eight visits to school facilities for protective education. The aim of the visits was to gain practical knowledge on the implementation of protective education and to identify differences in comparison with institutional education. We also wanted to find out how practice has shifted since the last simi-

lar series of visits in 2010–2011. Our findings confirmed that there has long been no comprehensive concept for the system of institutional and protective education. The problem lies in the Institutional and Protective Education Act. The latter was supposed to be only transitory regulation, soon replaced by a new law that would also include legislation on the alternative care system. However, more than twenty years have passed and we are still waiting for the new law. The Institutional and Protective Education Act has so far undergone only partial changes. A fundamental conceptual revision has yet to be enacted, even though much has changed in society, educational trends, pedagogy and other areas related to care for children in facilities. All attempts to substantially amend the Act have failed so far. This can create the impression that children are marginalised by society, the responsible ministries and legislators. We seek to highlight practical problems and gaps in legislation, while also proposing solutions that address the needs of children in these institutions.

[Defender's report on visits to facilities 2024 – School facilities for the implementation of protective education.](#)

Our next summary report is based on visits to four school facilities for institutional and protective education specialising in children with addiction problems. It shows how the problems of the system of institutional and protective education are reflected in the practice of institutions that specialise in children with these problems. The concept of care for children with addiction is up to the institutions themselves, not the Ministry of Labour and Social Affairs, and is based on regional or national demand for specialised residential services. The facilities lack methodological support on issues of addiction treatment. There are no staffing or material standards specifying what criteria a facility has to meet. In addition, facilities cannot employ professional medical personnel, including addictionologists. The need for specific care for children with addiction problems is also often in conflict with other guaranteed rights. In some situations, they are paradoxically incompatible with the needs of children with addictions as they do not protect them from the negative influences of their original environment or from uncontrolled access to addictive substances.

[Defender's report on visits to facilities 2024 – School facilities for the implementation of institutional and protective education for children with addictions](#)

RULES FOR THE PROVISION OF HEALTHCARE SERVICES IN SCHOOLS

Schools have different approaches to providing healthcare services to pupils who need supervision or support in relation to their health. This was shown by our research and experience of parents and patient associations. The reason

is unclear regulations. In some places, teachers monitor pupils for sickness, make sure they take their medicine or oversee dietary precautions. Elsewhere, on the other hand, they reject such responsibility for fear of possible sanctions. The current lack of legal clarity mostly affects the children themselves. It affects their stay at school, but also their extra-curricular activities, including trips, outdoor schools and cultural and sporting events. The participation of pupils with chronic illnesses such as epilepsy, diabetes or even food allergies in various school events is not commonplace. We want to change that.

Schools should create conditions for the safe participation of children with disabilities in compulsory education, but also, for example, in clubs. If the school fails to take reasonable steps towards a child with a medical condition or disability, this constitutes discrimination under the Anti-Discrimination Act. The right of these children to equal access to education is being violated.

We welcome the forthcoming joint document of the Ministries of Education and Health, which will – among other things – help to distinguish what medical assistance can be provided by an informed layman, i.e. not only a parent, but also a teacher.

DEFENDER'S ADVISORY BODY FOR PEOPLE WITH DISABILITIES CRITICISES THE ABOLITION OF SELECTED SUPPORT MEASURES AND THE FAILURE TO EXPAND THE CATALOGUE OF SOCIAL EDUCATORS

Hundreds of children with special educational needs cannot do without a second teacher. However, the future of this support measure is uncertain. We are unhappy about the fact that the Ministry of Education, Youth and Sports has proposed the abolishment of the concept of second teacher. We are therefore calling for a discussion on the planned amendment to the Schools Act.

Almost 500 children currently use the help of a second teacher. The right to this support follows from the international commitments of the Czech Republic – the Convention on the Rights of Persons with Disabilities and the International Covenant on Economic, Social and Cultural Rights.

Who needs the support of a second teacher the most? For example:

- Eighth grader Alex with cancer who cannot go to school because of the risk of infection. The teacher works with him two hours a day at home. After Alex returns to school, he will continue helping him there.

- Alex will still need an individualised approach taking into account his medical condition.
- › Fifth grader Eda with Asperger's syndrome. He has previously struggled to engage with lessons and fit in with his classmates. His school performance was significantly influenced by his interest in a specific topic or activity. It was hard to motivate him to do work he did not care about. Now another teacher can immediately adapt the teaching, for example when Eda is tired, shows more emotion than others or is disappointed by a failure. The rest of the class also benefits from the involvement of the second teacher, as their regular teacher has more time for them.
 - › First-grader Ivan, who does not have a school for children with hearing impairments near his home. His parents therefore arranged with the mainstream school for him to attend their speech therapy class. There are nine children in the school and all of them have some special educational needs. A second teacher, who is a specialist in the education of children with hearing impairments, will focus on teaching Czech as a foreign language. He can also modify the lessons according to Ivan's possibilities or use different textbooks. At the same time, he helps another student with severe hearing impairment in the classroom. He complements the regular teacher and co-ordinates with him so that pupils are separated from their peers as little as possible.

What children most often use the support of a second teacher?

- › Children with autism spectrum disorders who have difficulty functioning in the classroom;
- › Children with speech impediments and language disorders for whom a special school is not available;

- › Children after an injury or illness who have to be educated at home;
- › Children with severe combined disabilities in special schools.

- 📄 [Press release of 3 September 2024](#)
- 📄 [Defender's news on the children's website of 6 September 2024](#)
- 📄 [Press release of 10 October 2024](#)

RULES HAVE BEEN CREATED FOR THE PROVISION OF CHILDCARE SERVICES IN A CHILDREN'S GROUP

We successfully closed the topic of children's groups, based on our research and roundtable. The Ministry of Regional Development (MoRD) issued a methodology for the procedure of construction authorities in assessing children's groups that are formed in new buildings or based on a change in the approved manner of use of existing buildings. The methodology is based on the provisions of the new Construction Code.

- 📄 [Defender's survey report – Children's groups from the perspective of public construction law, File No. 4989/2021](#)
- 📄 [Social media post on the roundtable](#)
- 📄 [Methodological recommendation of the MoRD](#)

We are here to help

HE WASN'T AFRAID TO WRITE TO US. NOW OTHER CHILDREN CAN HAVE THEIR MOBILE PHONES WITH THEM

Petr, who lives in a children's home, asked us for help. He wanted us to change a practice where he was not allowed to keep his mobile phone and could only have it as a reward. We visited the children's home and also focused on many other things. We had to agree with Petr. Other children, too, confirmed that they were unhappy about being limited to having their mobile phones for only one hour each day. Therefore, we pointed out to the director of the children's home that children's mobile phones could not be taken away without a serious reason. Children should be able to carry their mobile phones, but they should not use them, for example, when they were doing schoolwork, in group activities or at night.

After some time, the director of the children's home accepted our objections. She also promised that children would be able to carry their mobile phones almost without limitation. We asked Petr to contact us again if that was not the case.

- 📄 [Defender's news on the children's website of 3 October 2024](#)
- 📄 [Report on the visit to the facility: File No. 5/2024/NZ](#)
- 📄 [Defender's report: File No. 1343/2024/VOP](#)

WE HELPED ENSURE THAT THE BSLPC SUPPORTED 14-YEAR-OLD ADAM IN ONGOING COURT PROCEEDINGS

We convinced the body for social and legal protection of children to change its internal rules for the exercise of

guardianship *ad litem*. From now on, it will place more emphasis on the children's wishes in its work. For more details on the case, see p. 57.

- 📄 [Defender's news on the children's website of 30 May 2024](#)

WE PUBLISHED AN INFORMATION LEAFLET FOR CHILDREN-FOREIGNERS IN FIVE LANGUAGE VERSIONS: "ARE YOU A FOREIGNER LOOKING FOR SAFETY IN THE CZECH REPUBLIC OR FOR YOUR FAMILY IN EUROPE?"

In the information leaflet, we answered practical questions for foreign minors who had come to the Czech Republic alone and needed help resolving these issues. We wrote our answers in several languages (Czech, Turkish, Pashto, Arabic and Kurdish). On the topic of unaccompanied children-foreigners, see also p. 92.

- 📄 [Defender's news on the children's website of 12 February 2024](#)

WE CONTRIBUTED TO THE LIFTING OF BLANKET CURFEWS IN A CHILDREN'S HOME

Two children living in a children's home were unhappy that they were not allowed to go out unsupervised in the first few weeks of their stay at the home. Moreover, no child was allowed to go outside the city limits. We criticised the children's home for blanket curfews for newly admitted



children since outings can only be restricted in justified cases. We also asked the children’s home to reconsider the practice of not allowing the children to go outside the town limits for outings. We found this rule especially inappropriate in the case of adolescents. It was also meaningless for children who normally commute to schools outside the city.

The director of the children’s home accepted our assessment of the matter. She abolished the general ban on

unsupervised outings for newly admitted children. She wants the educators to get to know each newly arrived child as well as possible and to assess the possible risks for his or her free outings in the city and beyond.

- Defender’s news on the children’s website of 1 March 2024
- Defender’s report: File No. 1011/2023/VOP

We communicate

EXCURSIONS FOR SCHOOLS

More and more primary and secondary schools want their pupils to know what the Defender does. We bring our work closer to the children and increase their legal literacy. Schools that like our comprehensive teaching programme return regularly. In 2024, we provided guided tours and training for 31 school groups from various parts of the Czech Republic.

- Our offer for school groups

ROUNDTABLE ON EXEMPTING CHILDREN FROM PHYSICAL EDUCATION

We organised a meeting where we discussed with students, teachers, physicians, the Ministry of Education and

Health, the Czech Schools Inspectorate, representatives of the academia and professional organisations why pupils with special educational needs were so frequently exempted from physical education. For more information, see p. 128.

- Defender’s news of 4 October 2024

WE DISCUSSED THE ROLE OF THE CHILDREN’S OMBUDSMAN IN THE CHAMBER OF DEPUTIES

We participated in a roundtable debate on “Why do we need a children’s ombudsman?”, organised by a group of Deputies in co-operation with the Minister for Legislation in June 2024. For more details, see p. 13 Selection of long-term focus areas.

- We made videos with various personages about why we need a children’s ombudsman

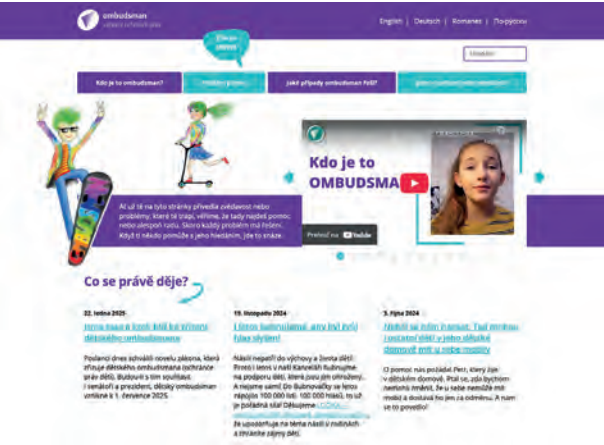
WEBSITE ABOUT THE CHILDREN’S OMBUDSMAN

Not only for children, but also for all those interested in the children’s ombudsman, we created a website explaining the need to establish this institution.

- https://deti.ochrance.cz/kdo/detskyombudsman//

WEBSITE FOR CHILDREN AND ABOUT CHILDREN – DETI.OCHRANCE.CZ

We regularly post on our children’s website. We are also expanding the topics we cover in more detail based on the children’s suggestions. Our aim is to prevent children from getting into trouble and to give them quick answers to their problems.

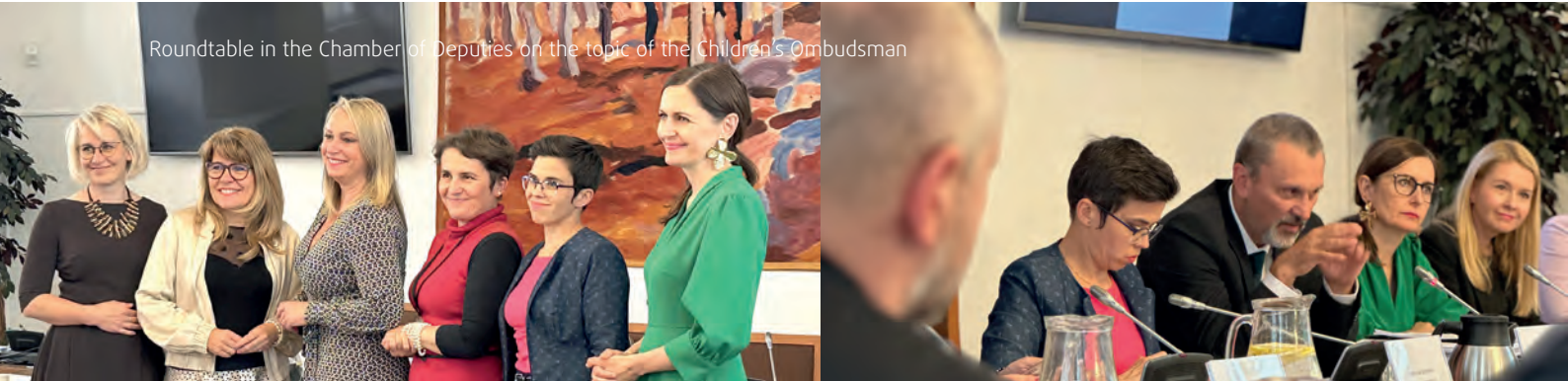


OMBUDSMAN LAW CLINIC

We also actively participate in courses for university students. At various higher-education institutions, we raise a variety of topics related to our activities – e.g. construction proceedings, rights of vulnerable persons and protection against discrimination.



Roundtable in the Chamber of Deputies on the topic of the Children’s Ombudsman



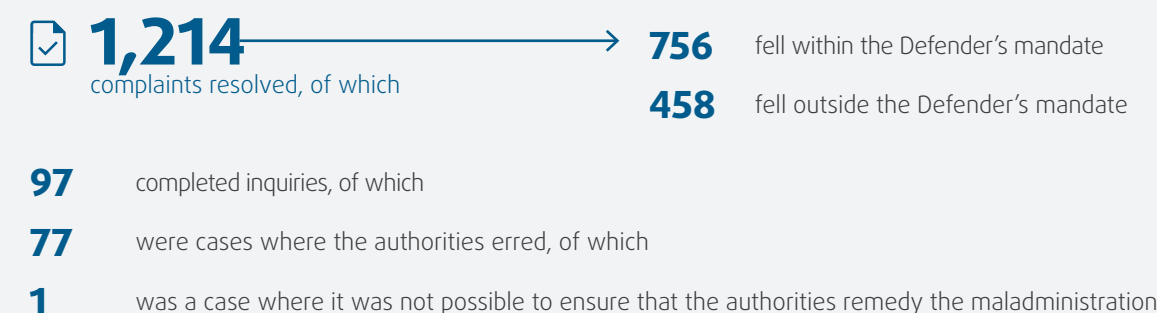
3

Family, healthcare and labour

In 2024, we worked on completing major initiatives relating to children:

- › We participated in the publication of a methodological document regulating the procedures of social workers at bodies for social and legal protection of children (BSLPC) and social workers at the prison service in facilitating children's contact with their imprisoned parents.
- › We visited several infant care centres, i.e. children's homes for children under three years of age, where we monitored the conditions for the lives of children and the quality of care. We also focused on how infant care centres were preparing for the abolition of these facilities and the imminent ban on placing young children in institutions. We found many shortcomings and formulated recommendations for a remedy.

We also continued to help women seeking compensation for unlawful sterilisation, knowing that, for the time being, this year would be the last year when they could exercise their claim and request compensation.



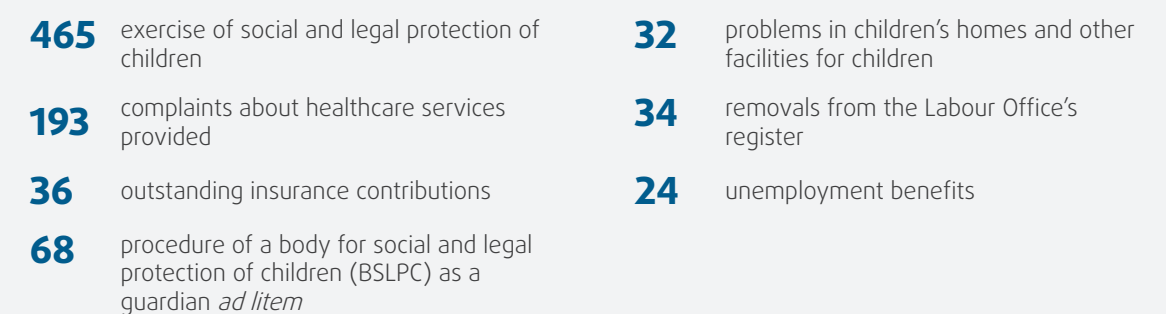
WE HELPED OR ADVISED*

* number of complaints resolved in 2024



PEOPLE MOST OFTEN SOUGHT HELP IN THE FOLLOWING AREAS*

* number of complaints received in 2024



We help change the rules

CHILDREN’S HOMES FOR CHILDREN UNDER 3 YEARS OF AGE (INFANT CARE CENTRES) HAVE BEEN ABOLISHED

We monitored the serious situation of children living in infant care centres throughout 2024. We visited 5 out of a total of 23 facilities. On the day of the visits, 170 children were present in these institutions. We found alarming facts, such as:

- › The majority of children in institutions (two thirds) were over 3 years old. One in ten children was even over 10 years old.
- › Many children were there for social reasons, not because of the need for in-patient healthcare.
- › Half of the children were Roma and many of them were siblings.
- › Most of the children were placed in the facilities on a long-term basis. More than a quarter of the children lived there for more than three years.
- › Most of the children were placed in the facility by a court; only a minority stayed there based on agreement between the facility and their parents.
- › The courts typically did not examine whether the child needed in-patient healthcare.
- › The environment in the facilities often did not resemble a family environment and failed to meet the children’s needs (e.g. we found walk-through rooms with large numbers of beds and overall lack of privacy).
- › Most of the facilities we visited lacked a clear plan of transformation towards care provided in a natural environment and were not prepared for the closure

of infant care centres.

- › The facilities were still accepting new children. It was unclear to many of the children who would take care of them after the facility was closed.

We therefore recommended that

- › the Ministry of Health submit draft legislation on comprehensive care centres that would provide children with suitable conditions and social services they needed, and the Ministry complied;
- › the Ministry of Labour and Social Affairs (MoLSA) present a comprehensive reform of care for vulnerable children, which the Ministry has yet to do;
- › the founders appropriately transform their facilities to offer a type of services needed in the region;
- › the MoLSA and regional authorities, in co-operation with the BSLPC, monitor where the children leaving the facility would go and provide the BSLPC with methodology support;
- › the MoLSA and regional authorities seek to increase the number of foster parents and provide them with support;
- › the State strengthen prevention and support for families, and develop community and outreach services so that all children, including those with disabilities, could stay at home.

We discussed the success achieved in making the necessary changes with the Office of the Government, the Committee on the Rights of the Child at the Government Council for Human Rights, representatives of ministries (Ministry of Labour and Social Affairs, Ministry of Health, Ministry of Justice, Ministry of Education, Youth and Sports) and administrative regions.

In autumn 2024, administrative regions displayed varying degrees of readiness for the prohibition of placing young children in institutions and for the closure of infant care centres. Those which have chosen a comprehensive approach proceed correctly in this regard. They are developing a system of social prevention services to support biological families, while systematically working to expand the capacity of foster care. This approach will continue to be necessary (also in view of the ban on placing children under 7 years of age in institutional settings, which will be effective from 1 January 2028); for more information on this topic, see p. 10.

We have made a series of videos in which we provide information on why young children should not live in institutional facilities (see p. 11).

[Summary report on visits in 2024 and Defender’s recommendations: File No. 36/2024/OZP](#)

WE HELPED FACILITATE THE PROCESS OF ADOPTION AND FOSTER CARE FOR PEOPLE WITH DISABILITIES

A regional authority chose a couple with hearing and speech impairments (who later filed a complaint with our Office) as suitable adoptive parents for a healthy one-year-old child. The BSLPC agreed with this choice. The future parents (the complainants) began to acquaint themselves with the child and filed an application with the court for the child’s adoption. However, the authorities later changed their mind. They claimed that it had turned out during the contacts between the complainants as prospective adoptive parents and the child that the former lacked sufficient parenting skills. The authorities further stated that because of their disability, the complainants would not be able to ensure the child’s safety and sufficient speech development.

We pointed out that the authorities should not blame the complainants for circumstances (the needs of the child and the complainants’ disability) they had already known about and should have taken into account when selecting them as adoptive parents. We recalled that applicants with disabilities have the right to sufficient support and assistance. Such support and assistance could take the form of expert co-operation with the applicants on their parenting (caring) competences so that they could take care of the child, and ensure the child’s safety and the necessary development.

Based on our recommendation, the regional authority modified the standards for adoption and foster care mediation to better reflect the needs of people with disabilities.

[Defender’s report: File No. 4911/2023/VOP](#)

THE BSLPC SHOULD INFORM THE FAMILY IN ADVANCE THAT THEIR CHILD WILL BE REMOVED

A body for social and legal protection of children (BSLPC) had long worked with a certain family because of domestic violence, drug use and financial problems. When the mother gave birth to her second child, the BSLPC told the parents that it would ask the court to remove the newborn from their custody and impose an upbringing measure for the older child. However, the authority then asked the court to remove both children. The parents and extended family were not prepared for the children’s removal and therefore questioned the authorities’ procedure. They refused to release the child, which hurt him even more. The BSLPC claimed that it had notified the mother verbally that the other child might also be removed, but had made no record of this – this did not sound credible.

When the BSLPC files an application for the removal of children from their parents’ custody on the basis of a “fast preliminary injunction”, it need not discuss this step with the parents in advance. Nonetheless, it had still advised the parents that it would propose removal of the newborn. The removal of both children was therefore surprising for the family.

The application for temporary foster care was well-founded with regard to both children. We agreed, however, that the BSLPC should proceed predictably and inform the parents of the planned action provided that this does not endanger the child concerned and the purpose of the child’s removal. It was also mandatory to enter this into a record.

[Defender’s report: File No. 5368/2023/VOP](#)

WE POINTED OUT BAD PRACTICE
IN HANDLING COMPLAINTS
ABOUT DOCTORS’ BEHAVIOUR

A woman complained to the competent regional authority about her physician’s aggressive behaviour and the way he had responded to her objections. However, the regional authority did not deal with her complaint as it believed that the woman had complained merely about the doctor’s unethical behaviour. It therefore concluded that the complaint could be resolved under a different legal regulation and referred it to the Czech Medical Chamber.

Under the Healthcare Services Act, the filing of a complaint in itself does not bar the possibility of lodging a complaint under other legal provisions, and vice versa. By failing to address the complaint and merely referring it to the Czech Medical Chamber, the regional authority deprived the complainant of further independent assessment of her case.

The regional authority acknowledged that it had erred when it failed to address the complaint and remedied the error by notifying the physician in writing of his inappropriate behaviour.

Defender’s report and opinion: [File No. 2726/2024/VOP](#)

A HEALTHCARE SERVICES PROVIDER
SHOULD BE ABLE TO DETERMINE
WHY A HEALTH INSURANCE
COMPANY DENIED HIM A CONTRACT

The complainant, who operates ambulance transport, wanted to conclude a contract with a health insurance company. However, such a contract must be recommended by a committee based on a selection procedure organised by the relevant regional authority. The complainant has already taken part in several such procedures. He never succeeded and the regional authority did not advise him of the reasons for denial of the contract. We considered this problematic.

We explained in detail the rules applicable to the procedures of the selection committee and of the regional authority as the organiser of the selection procedure. We pointed out that if an applicant was unsuccessful, the regional authority had to give them the reasons for the negative decision so that the applicant could prepare better next time or choose not to take part in future selection procedures.

The regional authority promised us that next time, it would at least briefly explain to unsuccessful applicants why the committee had not recommended concluding a contract with these applicants.

Defender’s report: [File No. 15398/2022/VOP](#)

WE GOT THE MINISTRY TO
CHANGE THE WORDING OF
ADVICE FOR JOB SEEKERS

Job seekers were advised by the Labour Office in writing that they had to appear at the Office on the next business day after the end of their temporary unfitness to work. When they failed to comply, the Labour Office removed them from the register of job seekers.

We found that the advice provided by the Labour Office and the subsequent removal of the applicants from the register were at variance with the Employment Act and did not respect the current case law.

We therefore proposed that the Ministry of Labour and Social Affairs change the wording of the advice provided to the job seekers. The Ministry accepted our proposal. Hence, the Labour Office will now remove a job seeker from the register if they fail to appear within 8 days of the end of the temporary unfitness to work during which they were originally supposed to appear. Even in that case, the authority must prove that they tried to arrange a new date for the meeting with the applicant and failed.

Defender’s report: [File No. 4022/2023/VOP](#)

Press release of 6 September 2024

We are here to help

THE BSLPC IMPROVED
SUPERVISION OVER CARE FOR
CHILDREN WITH DISABILITIES
IN A RESIDENTIAL FACILITY

We visited a facility that housed mostly children with moderate to severe mental disabilities. These children are often unable to speak or speak only to a limited extent. We found that the staff at the facility had taken poor care of the children.

We also found that the BSLPC, which handles 11 children in the facility, had failed to perform its duties. All the children were in the care of a single employee who did not have enough time to attend to the children. She in no way addressed the fact that the facility worked poorly with children – for example, when communicating with children who did not speak or when managing their demanding behaviour. She did not know herself how to communicate with the children properly.

The BSLPC acknowledged its mistakes and corrected them. For example:

- It divided the children among several social workers.
- It began to monitor more closely how the facility cared for children.
- It started making unannounced visits to the facility.
- The social workers spend time alone with the children and try to communicate better with them.
- It educates employees in alternative methods of communication with children who do not speak.

Defender’s report: [File No. 17630/2022/VOP](#)

WE HELPED ENSURE THAT THE
BSLPC SUPPORTED A BOY IN
ONGOING COURT PROCEEDINGS

A fourteen-year-old boy refused regular contact with his father without the presence of another person. He blamed his father for abandoning the family and not showing any interest in him or his younger brother for more than two years. He maintained this position for five years. Long-term co-operation with experts and regular contacts in the presence of his grandmother did not change anything about his attitude. Quite the contrary. The boy said that he has “had enough of everything and everyone should leave him alone”. Nevertheless, the court ordered him to meet with his father without the grandmother’s presence and to undergo examination by a court expert.

The BSLPC represented the boy in court as a guardian *ad litem*. Although it believed that the court should no longer force the boy to co-operate with experts or maintain contact with his father, it did not appeal against the court’s decision.

We discussed the case with the BSLPC, which immediately acknowledged its mistake. It therefore followed our recommendation with a view to achieving a remedy. It joined the mother’s appeal and amplified the boy’s voice in the appeal proceedings. At the same time, it tried to restore the boy’s trust in the system and explained that it had stood up for him. The head of the BSLPC also advised other staff members and changed the internal rules for guardianship *ad litem*.

Defender’s report: [File No. 1776/2024/VOP](#)



WE PERSUADED THE BSLPC TO START DEALING WITH A CHILD’S SITUATION ABROAD

A woman agreed that her older son could move in with her acquaintance in Austria. The boy started attending primary school there. Soon after, he and his mother’s acquaintance broke off contact with the mother. She therefore requested that her son return to the Czech Republic. On the application of the acquaintance, the Austrian courts entrusted the boy to his custody. In doing so, they followed from a report drawn up by the BSLPC.

We believe the BSLPC erred in the case. It failed to address proactively that the boy had found himself in custody of a third person without the mother’s consent. It did not provide the mother with adequate assistance and did not attempt to restore the boy’s contact with her or with his brother. Moreover, it approached the family situation in a biased way, siding with the mother’s acquaintance. This was also reflected in the report drawn up for the Austrian court.

The BSLPC accepted our arguments and reconsidered its position. It promised to provide much greater support for the boy’s contact with his mother and brother. It ensured that all further meetings would be attended by two social workers, thus avoiding any doubts as to their contents. It also satisfied our request to modify the report for the Austrian courts. The BSLPC also agreed to consult the Office for International Legal Protection of Children and the superior regional authority on further steps in the court proceedings.

Defender’s report: [File No. 3057/2023/VOP](#)

POORLY HANDLED COMPLAINT BY A CHILD ABOUT THE COURSE OF HIS PSYCHIATRIC HOSPITALISATION

A 16-year-old boy from a children’s home was hospitalised twice because of significant changes in his behaviour. He allegedly threatened to harm himself. During his second hospitalisation, medical staff tied him to the bed for six days because he tried to escape. He complained to the hospital and to the regional authority.

We found several serious errors on the part of the regional authority that had handled the boy’s complaint:

- ▶ An independent expert called to provide an opinion did not confirm to the regional authority that the first hospitalisation had been justified. He merely

- confirmed the rationale behind the second hospitalisation, but failed to state reasons for this conclusion.
- ▶ The regional authority did not address whether the boy had encountered aggressive patients during his hospitalisation.
- ▶ It also failed to sufficiently address the use of restraints (tying the boy to the bed).
- ▶ It did not reproach the hospital for failing to examine whether the boy himself could give consent to hospitalisation, or for accepting consent from an educator employed at the children’s home.
- ▶ It neglected that the hospital had failed to comply with the standards of supervision of a restrained minor patient.

The regional authority accepted our conclusions. It initiated infraction proceedings against the hospital and eventually imposed fines for three administrative infractions. It terminated co-operation with the physician who had prepared the expert opinion. Finally, it persuaded the hospital to modify its internal regulation governing the use of restraints.

Defender’s report: [File No. 5602/2023/VOP](#)

AN ERROR MADE BY AN INSURANCE COMPANY CAUSED A CHILD TO BE LEFT WITHOUT HEALTH INSURANCE

A foreigner’s child had no health insurance since his birth. The newborn’s parents brought him for vaccinations and medical examinations, which they had to pay for. However, the decision on the permanent residence permit stated that the child’s residence was considered permanent from his birth. Children of foreigners who are born in the Czech Republic and have permanent residence in the country are health-insured. Insurance is paid for by the State.

The insurance company responded promptly to our request and provided the child with health insurance coverage from the time of his birth, stating that the contributions were to be paid by the State. It admitted a clerical error. The staff of the insurance company had overlooked that the child had a permanent residence permit. The insurance company refunded the contributions paid by his parents.

Defender’s report: [File No. 5505/2024/VOP](#)

LONG WAIT FOR JUSTICE

The complainant was sterilised in 1999. In April 2023, she applied to the Ministry of Health for compensation. Although her application had all the requisites, including the attached medical records, the Ministry did not communicate with her until February 2024.

We criticised the Ministry for violating the law. For a period of 14 months from the commencement of the administ-

ratione proceedings, it did not decide on the complainant’s application or request professional evaluation of her medical records.

It was only after 16 months that the Ministry finally decided on her application. The Ministry concluded that the sterilisation carried out in 1999 had been unlawful and granted the complainant one-off compensation of CZK 300,000.

Defender’s report: [File No. 699/2024/VOP](#)

We communicate

HELPING WOMEN SEEKING COMPENSATION FOR UNLAWFUL STERILISATION

We provide information on compensation for unlawful sterilisations in our podcast “Have a coffee with the Ombudsman”. We focus on the process of submitting applications and their handling by the authorities, and discuss the pitfalls associated with compensation for unlawful sterilisation.

We also published an article on this topic in the professional journal Social Worker with the aim of providing maximum information to field social workers who meet with applicants and provide them with assistance.

Defender’s sanction: [File No. 9/2024/SZD](#)

Press release of 19 February 2024

Podcast [Have a coffee with the Ombudsman](#)

Podcast [Have a coffee with the Ombudsman – continued](#)

on family relationships and links of a child in foster care. We also prepared a contribution to the conference proceedings.

We published several articles in the professional journal Law and Family. In the articles, we reflected on conflicts between parents of child patients and healthcare professionals, and on how such conflicts should – or should not – be addressed. We focused on informed consent, against-medical-advice (AMA) refusal and physicians’ unethical behaviour. We addressed the rights of children hospitalised in psychiatric facilities and involuntary hospitalisations. We also wrote about why a psychiatric hospital was not a suitable setting for comprehensive child diagnostics.

In a working group on obstetrics, we discussed a draft strategy for the development of care for the mother and child and the Constitutional Court’s judgement on home births. We thus contribute in the long term to improving conditions in Czech maternity hospitals and care for the mother and child before, during and after childbirth.

CURRENT AND FUTURE HEALTHCARE CHALLENGES

As members of a working group on human rights in healthcare, we discussed the need for legislative changes in healthcare with representatives of governmental (and other) institutions (the Ministry of Health, the Government Commissioner for Human Rights, the National Association of Patients’ Organisations, etc.).

RIGHTS OF CHILDREN AND THEIR PARENTS

We spoke at a conference organised by the Triada counselling centre on the “Current issues in the care for children separated from their parents”. We conducted a workshop

We again participated in a meeting of hospital ombudspersons. We presented the current topics addressed by the Defender and discussed possible changes that hospital ombudspersons consider necessary.

We also participated in a panel discussion of the Czech Medical Society of JE Purkyně, where we focused on the issue of making recordings of healthcare professionals in the provision of healthcare together with representatives of the supreme courts. We agreed with the participants on the admissibility of the recordings and the possibility of using them as evidence.

**WE ALSO SHARE OUR
EXPERIENCE WITH STUDENTS**

We lectured students at Masaryk University in Brno and Palacký University Olomouc. At seminars and workshops, we talked to them about children’s rights, social and legal protection of children, unemployment and activities of labour offices and other related topics. We introduced our activities, especially in the area of healthcare, to students of the Faculty of Health Studies of the University of Pardubice.



4

Social security

The Constitutional Court agreed with us that fines for administrative infractions could not be deducted from assistance in material need without any limitation.

In two cases, the Supreme Administrative Court confirmed our opinions regarding the labour offices' procedure.

We thus helped:

- › parents with a child in joint custody to receive a housing allowance, although they were unable to agree which of them would be jointly assessed with the child;
- › obtain a differential supplement for parents who were employed in another EU Member State but resided in the Czech Republic.

We participated in the preparation of legislative changes introducing a new single "super benefit".

✓ **1,250** complaints resolved → all complaints relating to social security fall within the Defender's mandate

✓ **263** completed inquiries, of which

☹ **207** were cases where the authorities erred, of which

🔍 **4** were cases where it was not possible to ensure that the authorities remedy the maladministration

WE HELPED OR ADVISED*

* number of complaints resolved in 2024

278	people with disability pensions	38	people with sickness benefits
91	people with retirement pensions	22	people with subsistence support
108	people with a housing allowance	17	people with deductions from pensions (debt collection procedures)
107	people with a care allowance	6	people receiving orphans' pensions
31	people with a disabled person's card		

PEOPLE MOST OFTEN SOUGHT HELP IN THE FOLLOWING AREAS*

* number of complaints received in 2024

296	disability pensions	42	sickness benefits
108	retirement pensions	25	extraordinary immediate assistance
120	care allowance	26	allowance for an aid
121	housing allowance	24	subsistence support
33	disabled person's card	19	deductions from pensions (debt collection procedures)

We help change the rules

THE CONSTITUTIONAL COURT CONFIRMED THAT FINES COULD NOT BE DEDUCTED FROM BENEFITS WITHOUT LIMITATION

The Defender intervened in the proceedings conducted in the case and argued that the amendment in question was unconstitutional because it allowed to deduct fines from subsistence support and contribution towards housing without any limitation with regard to adults living in a common household. However, the confiscation of benefits intended for maintenance and housing in full would be a complete denial of the right to assistance in material need, which is inadmissible. Further details are available on page [35](#) in the chapter Defender and Constitutional Court.

WE HELPED PARENTS TO OBTAIN A TOP-UP OF PARENTAL ALLOWANCE FROM THE CZECH REPUBLIC

The parents of a child worked for a German employer, but the whole family resided in the Czech Republic. The mother was on maternity leave and received parental allowance from Germany. After the cessation of its payment, she requested a top-up payment from the Czech Republic. This payment is granted if the family is entitled to a benefit in several EU Member States and the benefit is higher in one of the countries involved. The Labour Office did not grant her the top-up. It claimed that this allowance was payable only by the country of employment. The decision had subsequently been also confirmed by the Ministry

of Labour and Social Affairs. We were convinced that the family was entitled to the top-up payment from the Czech Republic. Since the outcome of this case could also affect other families, we arranged for legal representation of the family and helped them argue their case in court.

The Supreme Administrative Court confirmed our opinion, cancelled the authorities’ decisions and ordered them to provide the top-up payment.

As a result, we also helped in other cases. We requested that the Ministry of Labour and Social Affairs issue a methodology setting out the procedure of the Labour Office in similar cases. The Ministry promised that it would do so.

[Judgment of the Supreme Administrative Court, Ref. No. 5 Ads 399/2021 – 27](#)

WE HELPED TO CHANGE INTERPRETATION OF THE LAW WITH REGARD TO DECISION-MAKING ON A HOUSING ALLOWANCE FOR PARENTS WITH A CHILD IN JOINT CUSTODY

Several parents who have joint custody of a child unsuccessfully applied to the Labour Office for a housing allowance. The authority denied the allowance because the parents could not agree which of them would be jointly assessed with the child. We disagreed with this procedure. We objected that the Labour Office itself should have deci-



ded which of the parents would be the one to benefit from the joint assessment. Neither the Labour Office nor the Ministry of Labour and Social Affairs accepted our arguments. We therefore recommended that the parents who had asked us for help in this matter contact an administrative court.

The Supreme Administrative Court eventually confirmed our opinion. The court also provided the Labour Office with guidance on when and under what conditions a child in joint custody of parents (whether with shared or sole residence) should be assessed together with one or the other parent. The Labour Office should preferentially assess

such a child with the parent who claims a tax allowance in relation to the child. If this is not possible, it should base its considerations on the parents’ agreement. If they do not reach agreement, the Labour Office should take into account the scope of custody set out in the court’s decision on joint custody.

On the basis of this judgement, the Ministry changed the methodological instructions for labour offices.

[Judgment of the Supreme Administrative Court File No. 7 Ads 138/2022-26](#)

We are here to help

WE HELPED A MAN WITH A VISUAL IMPAIRMENT TO A HIGHER DISABILITY PENSION

A man with a visual impairment received a very low, third-degree disability pension in the amount of CZK 5,865. According to the doctor, he had been disabled since he went blind due to complications caused by diabetes.

As the complainant had been suffering from serious health problems since childhood, we sent his medical records to the Czech Social Security Administration and asked it to reassess the disability onset date.

Based on our request, the authority ordered an extraordinary medical check-up, based on which the medical assessor set the disability onset date one year earlier. This had a fundamental effect on the amount of the pension. The complainant's pension increased to CZK 16,254 and he received a large balance payment, because he met the conditions for a special pension calculation – the “young disabled persons’ pension”.

[Defender's report: File No. 139/2023/VOP](#)

WE HELPED A FATHER TO OBTAIN CARER'S ALLOWANCE FOR THE TIME HIS PARTNER WAS IN HOSPITAL

The complainant objected that the District Social Security Administration had failed to pay him care allowances for the entire period when he had cared for his young son

because the child's mother was in hospital. He first took care of his son for 6 days. He then worked one whole day and then took care of his son for another 9 days as his partner had to return to the hospital. For each of the two periods, the examining physician issued a separate decision on the need for care. A maximum of 9 days' allowance can be paid in each case.

The District Social Security Administration paid the care allowance to the complainant for the entire 6 days of the first period, for one day of work and then for only 2 days in the second period (9 days in total). The rationale behind this procedure was that it considered the two periods to form a single case.

We explained to the authority that it should have paid the care allowance to the complainant for the entire second period as well. The second instance where the need for care arose did not directly follow the previous one, because the complainant had worked an entire shift between the two periods. The authority had information available in this regard based on the complainant's work record. Following our advice, the superior authority cancelled the District Social Security Administration's decision, which then granted the complainant a care allowance to the required extent.

[Defender's report: File No. 144/2024/VOP](#)

WE POINTED OUT TO THE LABOR OFFICE THAT IT WAS ALSO REQUIRED TO PROVIDE ADVICE IN HUMANITARIAN BENEFIT PROCEEDINGS

A woman from Ukraine did not receive a humanitarian benefit for one of the months. The Labour Office does not issue reasoned decisions in proceedings on a benefit of this kind. Hence, the applicant had to ask the Labour Office explicitly why it had denied her the benefit. The Labour Office explained that she had stated in the application form that she had the basic necessities of life (housing, food and toiletries) secured free of charge. The woman countered that she had misunderstood the instructions in the application and that she, in fact, had to buy the toiletries herself.

We reproached the Labour Office for providing insufficient advice to the woman from Ukraine. It should have informed her that by ticking the “food secured” box on her application, she had declared that she had also been provided with free basic toiletries. Even though the Code of Administrative Procedure does not apply to decision-making on a humanitarian benefit, the basic principles of administrative procedure must be followed in the authority's actions. These include the duty to provide the applicants with proper advice so that they do not suffer harm to their rights.

The Labour Office did not acknowledge the error. We therefore informed the Ministry of Labour and Social Affairs of our conclusions, which the Ministry accepted. The Labour Office subsequently granted the outstanding benefit to the applicant and paid the relevant balance.

[Defender's report and opinion: File No. 16806/2022/VOP](#)

THANKS TO US, A BOY ENTRUSTED TO HIS GRANDMOTHER'S CUSTODY RECEIVED THE CORRECT SUPPLEMENTARY PAYMENT TOWARDS THE CHILD'S NEEDS

A boy received an allowance to cover his needs in an amount corresponding to the difference between the statutory amount of the allowance and the child support paid by his parents based on a court order. The court later retroactively reduced the maintenance and support paid by the boy's father. The Labour Office increased the boy's allowance retroactively, but not from the month from which he was entitled to lower maintenance and support, but only from the legal force of the judgement on this reduction. The boy thus lost the balance of the allowance for the two months between the retroactive reduction in the maintenance and support and the legal force of the judgement.

We were convinced that the boy had already been entitled to the balance payment from the date of the increase in maintenance. We asked the Labour Office why it had not increased the allowance from the mentioned time. Based on our request, the Labour Office acknowledged the error and awarded the boy an increased allowance from the correct month.

[Defender's report: File No. 2673/2024/VOP](#)

A MAN LIVING IN A CABIN RECEIVED A HOUSING ALLOWANCE THANKS TO OUR EFFORTS

The complainant lives in a cabin where, according to the construction authority, the living quarters have a maximum



clear height of 225 cm. As the clearance is less than 250 cm, the complainant did not receive a housing allowance.

He asked the authorities in vain to help him cover his housing costs. He was convinced that the cabin provided full-fledged living space and that the mere fact that the ceiling was lowered by 25 cm because of insulation did not endanger him in any way.

Assessment by the construction authority was crucial for obtaining the housing allowance. The authority evaluated whether the structure reasonably met the housing quality standards. We therefore explained to the construction authority how it should proceed. The word “reasonably” means that it is sufficient if the standards are met with a tolerated deviation and the quality of housing is not compromised. The construction authority did not justify how the 25 cm reduction in clearance compromised the quality of housing. The authority agreed with us and the Labour Office eventually granted the housing allowance to the complainant.

 [Defender’s report: File No. 6308/2023/VOP](#)

**WE HELPED A COMPLAINANT
WORKING FOR A PORTUGUESE
EMPLOYER TO OBTAIN CZECH
PARENTAL ALLOWANCE**

The complainant lived and worked in Portugal. After the birth of her second child, she returned to the Czech Republic. However, she continued to work online for her Portuguese employer. The child’s father stayed in Portugal.

The Labour Office did not grant the complainant Czech parental allowance. It insisted that the allowance should be paid by Portugal because both parents worked for a Portuguese employer.

We, however, managed to convince the Labour Office that if the complainant worked exclusively remotely from home, she was subject to Czech regulations. The Labour Office eventually granted her the parental allowance and paid it out in the total amount of almost CZK 280,000.

 [Defender’s report: File No. 5120/2024/VOP](#)



We communicate

**WE POINTED OUT POSSIBLE
NEGATIVES OF THE NEW
“SUPER BENEFIT”**

We commented on a legislative draft that would merge benefits into a single State social assistance benefit.

We dealt primarily with the impact on vulnerable groups. The new legislation would introduce a category of vulnerable persons whose work activity is not examined and who may be entitled to higher benefits towards housing costs. We achieved that people with second-degree disabilities would also be considered at risk. However, we were unsuccessful with our effort to have non-pensionable seniors over the age of 65 (or past retirement age) included in the group of vulnerable persons. The age limit of 68 years remained in the relevant provision, although it is unreasonably high and does not correspond to the current pension age.

We disagree with the rules governing entitlement to the portion of the benefit intended to cover the needs of dependent children, as this part of the benefit is tied to the work activities of other household members and to compulsory school attendance. A child may thus lose the entire child-related component of the benefit through no fault of their own, for example if the parents are unemployed or commit an administrative infraction by neglecting the child’s compulsory schooling. In our view, this approach can only deepen the social exclusion of some families. After our negotiations with the MoLSA, the draft was at least partially modified as only the parents’ employment would be monitored, not that of other persons in the household.

If the adults fail to work, the family will lose a substantial part of the benefit to cover housing costs. Together with

the Ministry of Labour and Social Affairs, we achieved fairer rules for the reduction.

 [Defender’s comments on the legislative draft: File No. 18698/2024/S](#)

**WE COMMENTED ON CHANGES
IN BENEFITS FOR PEOPLE
WITH DISABILITIES**

A legislative draft amending the [Social Services Act](#) and the Disability Benefits Act (Chamber of Deputies document No. 796) brings several positive changes that we have been seeking:

- ▶ People will be able to apply for benefits at their place of residence;
- ▶ For example, seriously ill Slovak citizens living in the Czech Republic will now be eligible for a care allowance. While Slovakia refuses to pay benefits to these people, they will be able to apply in the Czech Republic to have the hardship removed and receive the allowance;
- ▶ It will be possible to file a single application for a disabled person’s card and for the mobility allowance.

 [Defender’s comments: File No. 25103/2024/S](#)

5



Public policy

We recorded a significant increase in the number of complaints in three areas in 2024:

Parking in cities

With increasing traffic volumes, more and more cities and towns are introducing parking zones. This should help residents in busy city districts to find a parking space near their home. With the new rules, we have been receiving a growing number of complaints about the traffic being displaced beyond the parking zones, the denial of parking cards and the inability to pay parking fees other than via a mobile application. For the time being, we handle the individual cases *ad hoc*. If there is a need for a systemic change, we will contact the Ministry of Transport.

Cameras in the neighbourhood

More often than in previous years, we received complaints about cameras installed on neighbours' houses. Neighbours usually invoke the protection of their property, but disregard the privacy of others. Naturally, the best solution is to reach an agreement with the neighbours. If that is not possible, the neighbours' conduct may constitute an administrative infraction (a wilful act intended to cause harm or nuisance). However, only a court can order the cameras to be removed.

Recovery of outstanding fees by Czech Television

We explain to consumers who are in trouble with Czech Television due to unpaid fees under what conditions they can be exempted in case of financial distress. They must apply for the exemption every six months using the Czech Television's form and prove that they meet the relevant conditions.

📄 **2,047** —————→ **960** fell within the Defender's mandate
complaints resolved, of which
1,087 fell outside the Defender's mandate

✅ **87** completed inquiries, of which
😞 **60** were cases where the authorities erred, of which
🔍 **1** was a case where it was not possible to ensure that the authorities remedy the maladministration

WE HELPED OR ADVISED*

* number of complaints resolved in 2024

101	people with traffic offences	34	people with problems concerning the right to information or personal data protection
95	people with the police		
61	people with problems relating to the Land Registry and land-use authorities	23	people with problems relating to registry offices and population records
60	people with problems concerning the use of roads		

PEOPLE MOST OFTEN SOUGHT HELP IN THE FOLLOWING AREAS*

* number of complaints received in 2024

126	road administration (parking, parking zones, cards and parking fees)	45	vehicle registration, driving licences or demerit points
108	infractions against public policy, civil cohabitation	40	right to information
102	traffic offences	31	consumer protection
99	the police		
67	the Land Registry		

We help change the rules

ADVICE ON APPEAL MUST BE COMPREHENSIBLE

The complainant received the common advice: “An appeal may be lodged against this decision ... with the Transport Department of the Prague City Hall by virtue of a petition lodged with the present administrative body.” However, she then incorrectly sent her appeal to the Prague City Hall.

The advice on appeal must make it clear where the appeal should be sent and who will make the decision. That was not the case here.

The authority promised to modify the advice as we suggested: “The appeal is to be lodged with the Authority of the City Ward of Prague 14, Bratři Vencliků 1 073, 198 21 Prague 9. It will be decided by the Prague City Hall.”

This and other recommendations are also included in the guide on How to Write Clear Official Texts.

[Defender’s report: File No. 2853/2024/VOP](#)

A REFUSAL OF ACCESS TO THE CASE FILE MUST BE DULY REASONED

The complainant reported an administrative infraction allegedly committed by his brother-in-law. When he wanted to inspect the case file, however, the authority refused, arguing that the complainant was merely a witness.

A person directly affected by an administrative infraction has the right to inspect the file. An individual who is close

to the perpetrator is treated as such a person, and the circle of close persons also includes brothers-in-law.

We did not consider the refusal of access to the case file convincing. In its resolution refusing access, the authority did not give reasons why it considered the complainant merely a witness and not a person directly affected by the administrative infraction. The latter would have the right to inspect the file.

We found the refusal of access justified only after the authority subsequently explained its procedure. Indeed, it was clear from discussions with the complainant that he did not consider his brother-in-law to be a close person and would not regard harm suffered by the brother-in-law, if he were punished, as his own harm. The authority also promised to follow our recommendations and provide a convincing statement of reasons for its future decisions.

[Defender’s report: File No. 6649/2023/VOP](#)

RECOMMENDATION TO MODIFY THE RULES OF PROCEDURE OF APPEAL COMMITTEES

We examined how appeal committees operated at individual ministries. These committees are groups of individuals who advise the Minister on how the latter should decide, in particular, on appeals and motions to initiate review proceedings (Section 152 (3) of the Code of Administrative Procedure). The role of the committee members is primarily to independently and impartially verify the procedure of officials at the Ministry; in other words, help

the Minister to make an objective and fair decision. It is therefore vital that the appeal committee be composed of experts and have well-defined rules of procedure.

After evaluating the data we had requested and findings from a roundtable discussion, we determined that some appeal committees:

- › proceed differently than others;
- › do not have important provisions included in their rules of procedure;
- › have provisions in their rules of procedure that we consider problematic or unlawful.

Therefore, we issued a set of thirteen recommendations that should contribute to resolving some practical pro-

blems and approximating the rules for hearing cases by the appeal committees. We also pointed out examples of good practice.

Almost all the ministries considered our recommendations beneficial. They therefore changed the rules of procedure of their respective appeal committees, or at least promised to consider the individual suggestions and subsequently adjust the rules of procedure.

- [Defender’s recommendation: File No. 20/2022/SZD](#)
- [Summary of the Defender’s findings relating to the functioning of appeal committees](#)
- [Overview of the contents of the rules of procedure, including examples of good practice](#)

Summary of findings:

Between 2019 and 2021, the appeal committees discussed varying numbers of appeals. Some institutions handled hundreds or thousands of cases, while others were presented only with several appeals or motions. The proportion of appeals that led to the annulment or reversal of the contested decision also varied widely across the institutions during this period.
In the same period, appeal committees discussed significantly fewer motions to initiate review proceedings than appeals (usually dozens or cases or less). However, the overall proportion of the contested decisions that were annulled was similar.
The appeal committees held an average of 48 meetings between 2019 and 2021. Almost two-thirds of them lasted less than three hours. Only two appeal committees heard cases longer and significantly more frequently.
Approximately one half of the appeal committees occasionally or regularly experience delays in proceedings. Most of the delays exceed one month. Only five appeal committees manage to deal with cases within the statutory deadline.
The individual appeal committees have different rules of procedure. At some institutions, cases are heard by the full committee, while others have general or specialised chambers. Some institutions established specialised appeal committees according to their substantive focus.
At more than three-quarters of the institutions, the rules of procedure of the appeal committees are approved by their designated member. Only at one institution is this done by the committee itself.
The parties may object to the involvement of certain members of the appeal committee on grounds of their bias. However, in three instances, we were unable to determine from the rules of procedure who they should notify and who would then decide on the plea of bias.
Approximately one half of the institutions do not inform the parties of the composition of the appeal committee. For more than half of the institutions, we were easily able to find this information on the website or in the list of advisors and advisory bodies.
Roughly one half of the appeal committees’ rules of procedure include provisions on hearing cases <i>per rollam</i> or by distance communication. Only three appeal committees have neither of these options.
More than half of the committees have specific rules for the procedure in voting. Members usually vote individually, with the chairman voting last. Certain rules of procedure also allow members of the appeal committee to vote simultaneously or in secret.
In about half of the institutions, underlying documents for the appeal committee’s meetings are prepared by the staff of the department or unit that provides an administrative or organisational resources for its activities. The majority of the appeal committees’ members receive a complete file before a meeting. This is usually done at least one week in advance.
In the vast majority of institutions, there was only sporadic turnover of the members of the appeal committee between 2019 and 2021. Only two institutions saw a significant change in the composition of the appeal committee in this period.
Only one official of the given institution deviated from the recommendations of the appeal committee in more than five cases between 2019 and 2021. In about half of the institutions, the officials did not do so even once.

We are here to help

A TOWN CANNOT APPROPRIATE SOMEONE ELSE’S ROAD

We dealt with the case of a woman who discovered, years later, that the town hall had, without her knowledge, classified an unpaved road across her property as a local road. The town later paved the road. The owner asked the town hall to exclude the road from the local roads category because it was not owned by the town. The town hall rejected the application. The complainant was not helped by the regional authority either.

Only roads owned by the given municipality can become local roads. We found that the town was not the owner of the road, so the town hall had to remove it from the local roads category. The Ministry of Transport agreed with us and cancelled all the decisions previously issued in the case. The town hall will now have to deal with the case again.

[Defender’s report and opinion: File No. 2820/2023/VOP](#)

A RESIDENTIAL PARKING CARD CAN ALSO BE USED FOR A BORROWED CAR

A resident of a city district with paid parking applied for a parking permit for a car borrowed from his father. He presented the loan agreement, but the authority denied him the parking permit on the grounds that the owner of the vehicle did not operate a car rental business.

We advised the authority that the applicant for a parking card could also prove their relationship to the relevant vehicle by means of a loan agreement. The courts generally accept such agreements as proof of a relationship to a certain vehicle. Should the authority ascertain that the agreement presented to it is purpose-driven, i.e. concluded with an attempt to circumvent the law, it has the right to reject the application. However, it must properly justify its procedure.

In response to our intervention, the authority reviewed its position on the application and issued the parking permit, as it had found no suspicion of circumvention of the law on the complainant’s part.

[Defender’s report: File No. 472/2024/VOP](#)

WE PERSUADED THE CITY HALL TO ABOLISH AN ILLEGAL ADMINISTRATIVE FEE FOR A PERMIT TO ACCESS A LOCAL ROAD IN THE CITY

A traffic sign installed by the city hall prohibits entry to a street in the city’s housing development. An additional plate allowed entry on the basis of an individual permit. The city charged a fee for issuing the permit, which it described as “administrative”.

The city hall knew full well that the law did not allow it to introduce such a fee. General use of roads is free of charge, and exemptions from this rule are laid down by the law. A fee for issuing an entry permit is not mentioned in any of these exemptions. The city hall referred to the need

to compensate for the administrative burden associated with issuing the permits.

Eventually, it gave in and promised to cancel the fee as soon as possible.

[Defender’s report and opinion: File No. 3106/2023/VOP](#)

AUTHORITIES MUST ALSO ACCEPT A POWER OF ATTORNEY FOR THE TRANSFER OF A CAR SENT VIA DATA BOX

A car dealership sent a power of attorney for the transfer of a car to the authority from its data box. The authority did not recognise the power of attorney and required that the principal’s signature be authenticated. It claimed that a pleading made via a data box was considered hand-signed but not authenticated. The superior regional authority agreed with this line of argument.

In accordance with the law, the authorisation to transfer a vehicle may be demonstrated either by a power of attorney with an officially authenticated signature or by a power of attorney sent by the principal to the authority via a data box or by an email signed with a recognised electronic signature.

The regional authority eventually accepted our arguments, changed its previous approach, instructed the municipal

authority on the correct procedure in this matter and informed the other subordinate municipal authorities.

[Defender’s report: File No. 1148/2024/VOP](#)

WE PERSUADED THE LAND OFFICE TO MARK OUT AN ACCESS ROAD

The complainants own land which, following land consolidation, is accessible by a road crossing municipal land. When they pointed out to the Land Office that the boundaries of municipal land were not marked on the ground and it was therefore unclear exactly where the road led, the Land Office refused to mark out the road. It stated that it could only demarcate the boundaries at the request of the landowner; however, the owner had not made such a request.

The Land Consolidation Act does not contain any such rule. It lays down that the Land Office has to ensure the demarcation of boundaries according to the needs of the landowners. In our opinion, the owner also needs unobstructed and undisturbed access to their own land. If land with an access road is not marked on the ground, it is unclear whether the owner is using the correct plot of land. Such certainty will only be ensured by its demarcation, and the Land Office eventually promised to ensure this.

[Defender’s report and opinion: File No. 996/2024/VOP](#)



We communicate

SERVICE OF OFFICIAL DOCUMENTS ON PEOPLE RESTRICTED IN THEIR FREEDOM

In the 2023 Annual Report, we mentioned a discussion with the Ministries of the Interior, Justice and Finance on the subject of serving official documents on persons restricted in their freedom (see p. 81). Mail is usually delivered to these persons’ permanent home address, where they are naturally not present due to their incarceration. As a result, they are unable to collect mail in time, which often leads to penalties for unpaid fines and bills. In 2024, we were unable to achieve the intended interconnection of the information systems so that when a person enters a prison, detention or pre-trial detention, the respective delivery address is automatically entered in the population register.

Instead, the Ministry of Justice is preparing an update of the advice to the persons concerned to the effect that they should arrange for the change of mailing address themselves. Although this is not an ideal solution, we are happy for it, as it will mitigate the adverse consequences of service to an address other than the one at which they reside.

[Press release of 13 December 2023](#)

WILL THE REGULATION OF QUIET HOURS CHANGE?

In the previous annual report, we also pointed out the need for revising the legislation on quiet hours (p. 81). We did not appreciate the fact that some municipalities allowed dozens of exemptions per year. We no longer considered such a number of exemptions to be an “exception”. We therefore asked the Constitutional Court to annul the

generally binding ordinance issued by the municipality of Píšť, which had provided 32 exemptions from quiet hours, mainly for weekend nights from April to October. The Constitutional Court dismissed the application. Further details can be found on page [36](#), in the chapter Defender and Constitutional Court.

At the same time, we talked to the Ministry of the Interior about the need to change the legislation allowing municipalities to provide for exemptions from quiet hours. The Ministry prepared an amendment to the Administrative Infractions Act that would change the rules on quiet hours. The draft would allow municipalities to postpone the start of quiet hours by up to two hours on Friday and Saturday nights and on nights immediately preceding a public holiday during the period from June to September. The end of quiet hours would then be postponed accordingly. The quiet hours would thus not be from 10 p.m. to 6 a.m., but e.g. from midnight to 8 a.m. At the same time, municipalities would remain free to provide for exemptions for specific important cultural or social events.

We will follow the progress of the amendment.

HOW TO PREVENT NOISE FROM A NEIGHBOURING VILLAGE

We also discussed with the Ministry of the Interior how to deal with a situation where a noisy event held in the territory of one municipality disturbed the quiet hours in a neighbouring village. We did not persuade the Ministry that shortening the quiet hours in the organising municipality must not adversely affect the quiet hours in another municipality and that the organiser of the event causing the nuisance was therefore committing an administrative infraction of disturbing the quiet hours in another municipality.

Municipalities can prevent the related problems by informing each other about noisy events organised in their

territory and passing on information to citizens. Some events may even be co-ordinated so that they take place on the same night.

[Defender’s report and opinion: File No. 7081/2023/VOP](#)

WE ARE INTERESTED IN THE PRACTICE OF AUTHORITIES IN ACCEPTING FOREIGN-LANGUAGE SUBMISSIONS

We investigate how the authorities treat documents written in languages other than Czech or Slovak. We are interested in how they handle these documents, whether and how they respond to them, e.g. whether they require translation or answer in a foreign language.

Based on our experience to date, it appears that the practice varies and differs even within one and the same authority.

In addition to describing current practices, we would like our future recommendations to help ensure a consistent and predictable approach by the authorities.

WE WILL FOCUS ON THE PERFORMANCE OF STATE ADMINISTRATION IN SMALL MUNICIPALITIES

We are preparing a survey to determine the attitude of smaller municipalities towards the exercise of delegated powers. We assume that the performance of State administration can be demanding and burdensome for small municipalities. We noted that, in practice, problems arise especially in the following areas: registration of residents, provision of information, public guardianship, and road administration. The survey should either confirm or disprove this assumption.

We will present the outcomes at a conference on the mixed model of public administration organised in 2025. We would like to create space for discussion on the current set-up of the exercise of State administration and the need for its revision.



Negotiations with the Office for Personal Data Protection



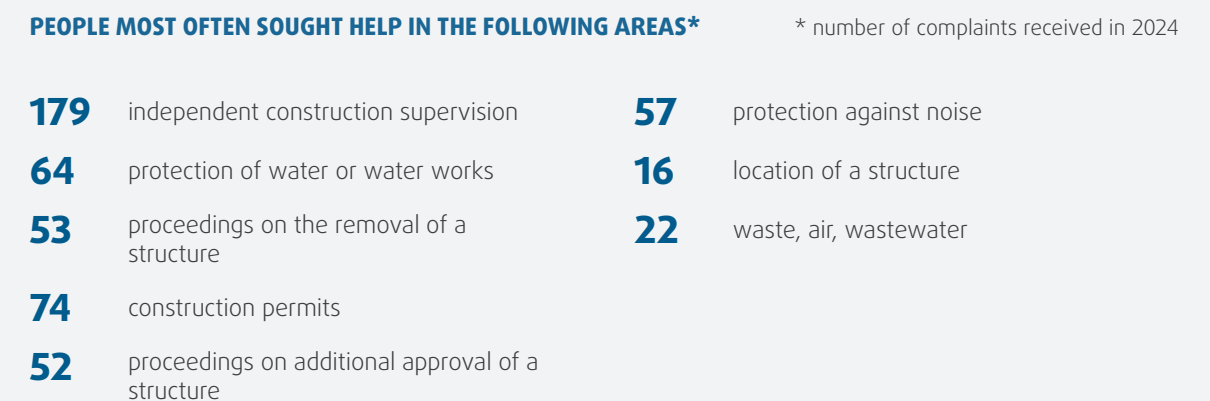
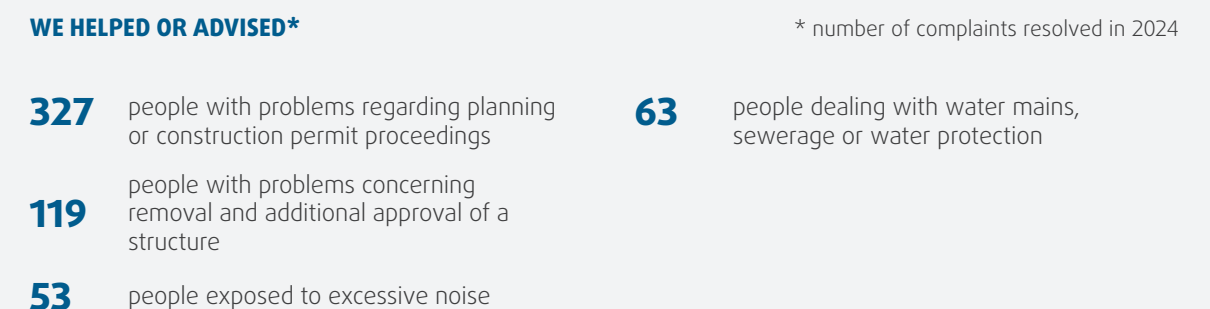
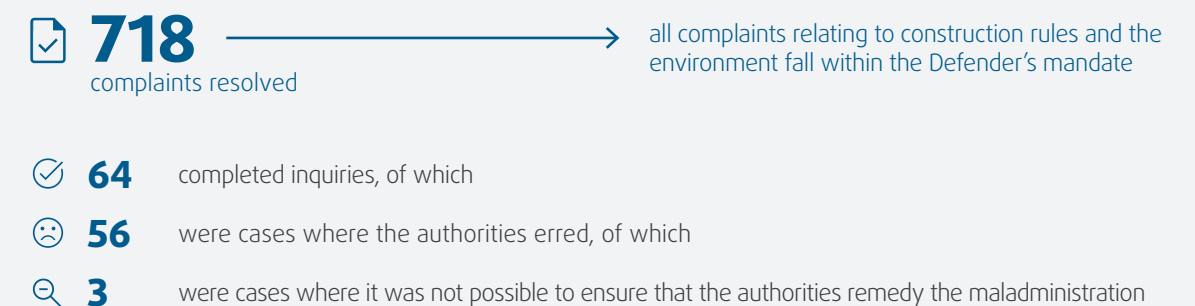
Construction rules and the environment

The main topic for us was the new [Construction Code](#), effective for all types of structures from mid-2024. We therefore updated our information leaflets that help people deal with various situations in this area of law, in particular the leaflets “[Unauthorised construction](#)” and “[Construction activity](#)”. We also responded to the problems experienced by the construction authorities due to the non-functional information systems for the digitalisation of construction proceedings. We asked the Minister of Regional Development to find a quick solution and [informed the public](#) in a press release.

We successfully closed the topic of children’s groups, based on our [research](#) and [roundtable](#). The Ministry of Regional Development issued a [methodology for the procedure of construction authorities in assessing children’s groups](#) that are formed in new structures or based on a change in the approved manner of use of existing buildings. The methodology is based on the provisions of the new Construction Code.

We drafted ten principles on the dignified treatment of the deceased persons’ bodies. The Ministry of Health included our “Ten Principles” in a [methodological recommendation](#) to improve the treatment of the deceased.

We are pleased with our long-term co-operation with students of the Faculty of Law of Palacký University in Olomouc in the framework of our [Ombudsman Clinic – Construction and its Context](#).



We help change the rules

THE WATER ACT DOES NOT PROVIDE CLEAR RULES FOR CLEAN-UP WORK AFTER AN ACCIDENT

We inquired into the authorities’ procedures in dealing with the [accident on the Bečva river](#) in 2020 and the [accident on the Trkmanka stream](#) in 2023. We found that the legislation on accidents was insufficient (accident reporting is ambiguous; it is not always clear which water-law authority is in charge of the accident clean-up work and what its competences are). We therefore wanted the Ministry of the Environment to propose an amendment to the Water Act.

The “accident clean-up amendment” to the Water Act, valid from August 2024, remedied certain shortcomings of the legislation. It newly set rules for reporting accidents and specified which water-law authority should manage work in the clean-up work involving several administrative regions. On the other hand, it did not clarify what the authority that manages the clean-up work should, in fact, do (clarify its tasks). In addition, it complicated the situation by entrusting the management of some of the work to the fire brigade. Due to ambiguous terminology, it is unclear who is to manage which work.

These shortcomings could be remedied by an amendment to the implementing decree and especially by a methodology. [We called on the Ministry](#) to prepare an amendment to the Decree not later than by the beginning of 2025. We also asked the Ministry to issue a methodology specifying what the individual entities should do in terms of clean-up work. The Ministry promised that it would do so.

- Defender’s report: File No. 4318/2023/VOP
- Letter from the Defender to the Minister of the Environment: File No. 34/2021/SZD

WE HELP BETTER PROTECT BUILDINGS THAT ARE TO BECOME AN OBJECT OF HERITAGE PROTECTION

We dealt with the hasty demolition of a historic villa in Brno. This occurred after the villa had long been falling into disrepair under the passive watch of both its owner and the authorities. At the time when the Ministry of Culture discussed its possible declaration as an object of cultural heritage, the owner removed the stucco decoration, the roof and the historical porch. The building then rapidly deteriorated.

We reproached the construction authorities for neglecting the dilapidated villa for many months and not checking sufficiently what was happening on the construction site. We also criticised them for not co-operating with the heritage care authorities to protect and save the building. The authorities are required to ensure that the structural and technical condition of a structure does not endanger monument conservation interests..

The authorities promised to change their approach in the future and to inspect valuable buildings awaiting declaration as an object of cultural heritage. Irreversible deterioration of a building can occur during the process of declaring it an object of cultural heritage. To this end, the Ministry of Regional Development and the Ministry of Culture agreed on individual methodological assistance to the construction authorities.

- Defender’s report and opinion: File No. 13007/2022/VOP
- Press release of 5 February 2024

THE MINISTRY OF REGIONAL DEVELOPMENT WILL SIMPLIFY SUBSIDY CONDITIONS, DRAFT THEM IN CLEARER LANGUAGE AND IMPROVE THE ALLOCATION OF TASKS

We persuaded the Ministry of Regional Development to start writing simpler subsidy conditions that are easier to understand. Moreover, if it entrusts certain acts within control of the use of a subsidy to another entity, it should clearly divide the roles and determine the rules of such control. It remains responsible for the outcome. The Ministry should also inform the beneficiaries of the division of roles so that they know whom to contact. Complex subsidy conditions or unclear allocation of roles cause serious problems for the beneficiaries. Sometimes they even have to return the subsidy. The Defender believes that is not right.

- Defender’s report: File No. 4457/2023/VOP

FIRE IN AN ALZHEIMER’S CENTRE EXPOSED THE UNCLEAR COMPETENCES OF CONSTRUCTION AUTHORITIES AND THE FIRE BRIGADE. A METHODOLOGY IS BEING PREPARED

Because of a construction authority’s incorrect procedure, a former hotel was turned into a home for people with Alzheimer’s disease without the necessary permits. As a result, the fire brigade was unable to assess the document describing the building’s fire safety. Neither the construction authority nor the fire brigade subsequently used their powers to force the owner of the structure to remedy the situation. After several years, the building burned down.

The Ministry of Regional Development and the General Directorate of the Fire Rescue Service confirmed to us that it was crucial to clarify the procedures of construction authorities and the fire brigade in similar cases in the future. They are currently preparing a new methodology. We welcome this as the methodology will ensure better protection of people’s lives and health. The methodology should answer the question of when a change in the use of a building requires a new occupancy permit and how to deal with missing fire safety documentation.

- Defender’s report: File No. 6355/2023/VOP



We are here to help



DISFIGURED FAÇADE OF A HISTORIC BUILDING

We dealt with the case of a disfigured façade of a historic building. The owner of the building notified the construction authority that he would perform usual maintenance of the structure. In fact, however, he removed all the decorative elements from the building and thus destroyed its valuable façade.

We called on the construction authority to initiate proceedings on the removal of the structure and administrative infraction proceedings against the owner because he had carried out construction work without the authority’s consent or permission. At the same time, we advised the construction authority that it could require the owner of the building to restore it to its previous condition.

The construction authority disagreed at first. After further discussions with us, however, it reconsidered its position and initiated proceedings against the building owner, as we had requested. The structure has since become an object of cultural heritage and the construction authority must now proceed in accordance with the requirements of conservationists.

[Defender’s report and opinion: File No. 4910/2023/VOP](#)
[Defender’s bulletin for March and April 2024](#)

WE STRIVE TO ACHIEVE ACCESSIBILITY FOR ALL

One of our key topics is Accessibility and Barrier-free Use of Buildings. Within the Advisory Council of the Minister of Regional Development, we contributed to the [publication of new technical standard](#) CSN 73 4001 Accessibility and Barrier-free Use, which is available on the website of the

Czech Standardisation Agency using sponsored access. The scope of the standard is very broad as it sets out accessibility requirements for residential buildings, amenities, roads and public spaces to public transport, including rail, air and boat transport.

As this is a new technical regulation, we will monitor its application in practice. If we find any shortcomings, we are prepared to discuss them with the Ministry of Regional Development, the Czech Chamber of Chartered Engineers and Technicians, and accessibility organisations.

NECESSARY SECURITY WORK AT A CONSTRUCTION SITE OWNED BY A FOREIGNER

We dealt with the procedure of a construction authority which gave no reasons for ordering the necessary safety work on an industrial building to be carried out directly by a construction contractor, without first attempting to engage with the owner. The building was owned by a foreigner.

We criticised the authority for not discussing the construction work with the owner. We pointed out that if the owner was a person of unknown residence or someone who demonstrably could not be served with official documents, the construction authority should have appointed a guardian. We stressed that, although it was possible to require the necessary security works to be performed by a construction contractor if there was a risk of delay, the construction authority had to negotiate with the owner and allow the latter to remedy the situation themselves (e.g. through a hired contractor). These facts had to be clear from the reasoning in the decision.

[Defender’s report: File No. 4967/2023/VOP](#)

AUTHORITIES FAIL TO DEAL WITH UNAUTHORISED STRUCTURES AT THE NOVÉ MLÝNY RESERVOIR

Over the past twenty years, hundreds of unauthorised structures have been built in a village near the Nové Mlýny reservoir, endangering the local environment. The construction authority is unable to make timely decisions on their removal and the environment department has not carried out any on-site inspections for several years.

We found that the construction authority was trying to resolve the situation despite the insufficient staff. It is logical that one small construction authority cannot handle this situation on its own. The superior authorities must help and we persuaded them to do so. The regional authority promised to transfer part of the tasks from the construction authority concerned to other construction authorities in the vicinity. The Ministry of Regional Development is preparing a programme where the lawyers involved will provide legal advice to the construction authority.

However, we were unable to persuade the environment department to take action in the case. The department did not perform any inspections during our inquiry. That is why we published the case in the media.

[Defender’s report and opinion: File No. 2536/2021/VOP](#)
[Defender’s report, opinion and sanction: File No. 269/2023/VOP](#)
[Press release of 17 July 2024](#)

ACCESS TO THE NEIGHBOURING PROPERTY DURING THE REPAIR OF A HOUSE WITH AN ASBESTOS FAÇADE

We completed an inquiry concerning the landowner’s obligation to allow a neighbour to enter their property in order to insulate a house clad with asbestos. We concluded that the construction authority first had to issue a permit for the removal of the asbestos cladding before new insulation could be installed. Only then could it order the neighbour to allow workers to enter their property and carry out work from there. The regional court shared our opinion and [cancelled](#) the unlawful decision of the regional authority. The authorities must thus newly address the issue of permitting the removal of asbestos.

[Defender’s report and opinion: File No. 3324/2023/VOP](#)

PEOPLE CAN RELAX. AUTHORITIES HAVE CONFISCATED WOLVES FROM THEIR NEIGHBOURS

We dealt with a case of illegal breeding of wolves in a small yard of a family home. Neighbours complained about the smell and poor breeding conditions. They were also afraid that the beasts would escape.

We criticised the authorities for tolerating the illegal breeding of wolves. We concluded that the lack of space available to house the impounded animals did not relieve the authorities of their duty to take steps against illegal breeding. The authorities then began to co-operate with each other and eventually removed the wolves from the breeder. The State became the owner of the animals and moved them to a newly established rescue centre.

[Defender’s report: File No. 4101/2023/VOP](#)
[Press release of 18 December 2024](#)

We communicate

CONSTRUCTION AUTHORITIES ALSO DEAL WITH CHILDREN’S GROUPS

We addressed cases where a children’s group was being operated in a single-family home. In order to have a children’s group in such a house, the owners need to obtain a new occupancy permit with a different scope. Hence, we wanted the Ministry of Regional Development to issue a [methodology for the procedure of construction authorities in assessing children’s groups](#) that are formed in new buildings or based on a change in the approved manner of use of existing buildings. This will prevent cases where a children’s group is operated in buildings with a different approved purpose of use. We also published a survey on the topic of children’s groups and organised a [roundtable](#).

[Defender’s survey report: File No. 4989/2021/VOP](#)

DIGNIFIED TREATMENT OF THE BODIES OF THE DECEASED

The Ministry of Regional Development informed us of cases where the bodies of deceased persons were handled improperly in healthcare and social services facilities. We therefore contacted the Ministry of Health and asked it to draw up clear rules for healthcare and social services providers in co-operation with the Ministry of Regional Development and the Ministry of Labour and Social Affairs. Our mutual collaboration gave rise to a [methodical recommendation](#) that also includes our “Ten Principles” on dignified treatment of the bodies of the deceased.

WE DO NOT UNDERESTIMATE THE DANGERS OF ASBESTOS. WE WANT THE STATE TO CHANGE ITS APPROACH AND ACT

The rules for the handling of asbestos are fragmented and scattered across many legal regulations. Several authorities – the construction authority, the regional public health station and the environmental department – regularly comment on the removal of asbestos, which is a dangerous carcinogen. We shared our experience and practice at a [roundtable](#). We then summarised our findings from the roundtable in the professional journal Construction Law – Bulletin (No. 2/2024).

Asbestos removal is often done carelessly and without proper expertise. As a result, the substance enters the air and can be inhaled by people. Employers must report work with asbestos to the public health station and consult it on risk minimisation measures. We are seeking a change in the legislation with the Ministry of Health. We want all work with asbestos to be reported to the competent public health station. We want the Ministry of Regional Development to clarify whether the wording of the new Construction Code requires a permit from the construction authority also for reconstructions involving the removal of asbestos.

INTERNATIONAL CONFERENCE ON THE PROTECTION OF HUMAN RIGHTS AND THE ENVIRONMENT – “LET’S BUILD A SUSTAINABLE FUTURE”

The rights of future generations and climate change are addressed by many European ombudsman institutions. These institutions met in Budapest at an international conference “Let’s Build a Sustainable Future: Protecting Human Rights and the Environment”, which we also attended. Preserving a healthy environment for future generations is increasingly mentioned in the context of human rights. The aim of the meeting was to promote the exchange of national experience and improve knowledge sharing among ombudsman institutions with regard to the environment and the climate crisis. The conference provided a forum for discussions on best practices, experience sharing and problem solving to protect the interests of future generations. The conference therefore resulted in the adoption of the Declaration on the Role of Ombuds Institutions in Protecting the Needs of Future Generations.

[Press release of 19 December 2024](#)

WILL THE NEW ODOUR PROTECTION RULES BE SUFFICIENT?

In 2023, we informed the Ministry of the Environment of the conclusions of our research on the regulation of odour substances in the air. We agreed that the legislation should be amended to provide more effective protection against odour.

The Ministry prepared an amendment to the Air Protection Act, which introduced a new concept of “minimum distances” between industrial and agricultural operations and dwellings. This concept should ensure that spatial plans do not allow for new residential development near an existing source of odour and, conversely, that new sources of odour are not located near dwellings. We agree with the Ministry that odour nuisance must be taken into consideration at the spatial planning stage.

The operators of air pollution sources opposed the draft amendment, which led to a number of concessions. Now we are not sure whether the new concept of minimum distance will have the desired effect. Only practice will tell. If we ascertain in the future that the new legislation does not sufficiently regulate odour substances, we will deal with this problem again.

[Defender’s survey report: File No. 19/2021/DIS](#)

[Letter from the Defender to the Minister of the Environment: File No. 3/2023/SZD](#)



Roundtable on the Removal of asbestos roofing from single-family homes

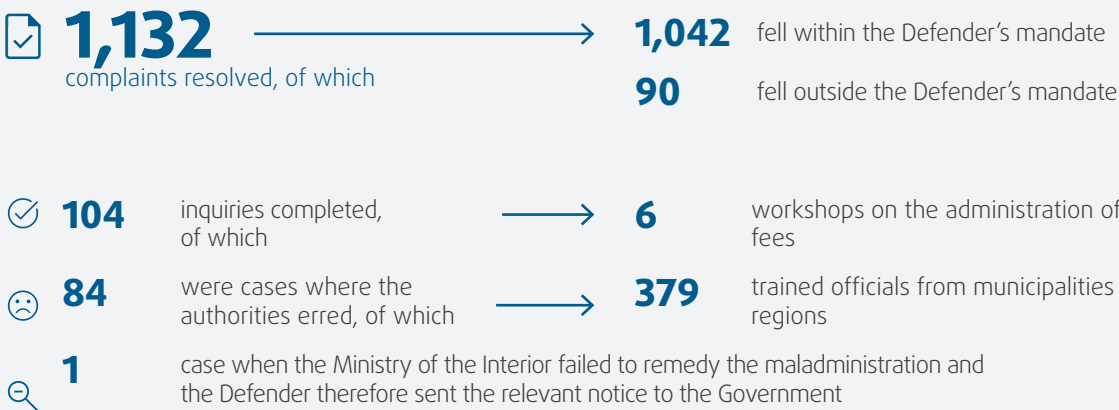


Judiciary, migration, finance

The main achievements in this area include the increased financial assistance for victims of crime and the right of EU citizens residing in the Czech Republic to become members of a political party or movement. We also succeeded in getting the tax administration to change the practice of recovering fines imposed by the authorities on testators – it will no longer demand them from heirs.

We completed a survey on the availability of free [legal aid](#) for applicants for international protection and foreigners in detention.

We welcome the interest shown by students in the [legal clinic on refugee law](#) at the Faculty of Law of Masaryk University in Brno and the interest of municipal officials in regular training sessions on local tax administration, tax debt collection and, more recently, also insolvency, which we also organise online.

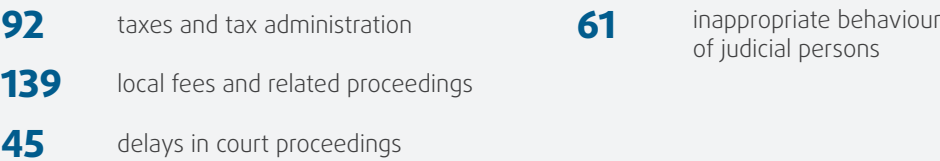


WE HELPED OR ADVISED*



* number of complaints received in 2024

PEOPLE MOST OFTEN SOUGHT HELP IN THE FOLLOWING AREAS*



* number of complaints received in 2024

We consider the main achievements to be:

IN JUSTICE

...that victims of crime will finally receive greater financial assistance from the State.

IN MIGRATION

...that EU citizens residing in the Czech Republic will gain the right to become members of political parties and movements.

IN FINANCE

...that the tax administration has changed the practice of enforcing fines imposed by the authorities on the deceased. It will no longer recover these fines from the heirs.

We help change the rules



VICTIMS OF CRIME COULD RECEIVE HIGHER FINANCIAL ASSISTANCE FROM THE STATE

Together with non-profit organisations, we repeatedly pointed out the insufficient amount of financial assistance provided by the State to victims of crime. Its amount had not changed since 2013. We highlighted the need to increase it in our systemic report, where we analysed the functioning of financial assistance and its basic shortcomings.

The Government heeded our call for the valorisation of the financial assistance and we managed to have an increase included in an amendment to the law ([Chamber of Deputies document No. 747](#)). These amounts will newly be based on an increase in the average salary. The bill also envisages more money for those who help the victims (non-profit organisations and the Probation and Mediation Service).

- Defender’s report: [File No. 4418/2021/VOP](#)
- [Press release of 24 August 2024](#)
- [Press release of 16 November 2023](#)

EU CITIZENS RESIDING IN THE CZECH REPUBLIC HAVE THE RIGHT TO BECOME MEMBERS OF POLITICAL PARTIES AND MOVEMENTS

Since 2014, we have been striving to ensure that citizens of other EU countries residing in the Czech Republic have the right to join political parties. This will enable them to stand for election to municipal councils and the European Parliament on an equal footing with Czech citizens. Previously, they could only run as independent candidates.

In November, the Court of Justice of the European Union agreed with our opinion. It stated that the Czech Republic denied the right to become a member of a political party or movement to non-citizens of the Czech Republic residing in the country.

The Czech Republic thus failed to fulfil its obligations under Article 22 of the Treaty on the Functioning of the European Union. The Ministry of the Interior must now respond to the judgement and provide for modification of electoral laws.

- [Recommendation on amendment to the regulations: File No. 20/2014/SZD](#)
- [Press release of 22 November 2024](#)

APPLICANTS FOR TEMPORARY PROTECTION WILL ALWAYS BE INFORMED IN WRITING OF THE REASON FOR THE INADMISSIBILITY OF THEIR APPLICATION

We found that the Regional Assistance Centre for Assistance to Ukraine (KACPU) failed to use a uniform approach to applicants for temporary protection in cases where their application was inadmissible under Lex Ukraine. In Brno, officials refused to accept such applications. They merely explained orally to the applicants that the application was inadmissible. In Prague, Ostrava and Jihlava, on the other hand, officials marked the reason for inadmissibility on the application form, which they returned to the applicant.

We pointed out to the Ministry of the Interior that an applicant for temporary protection always had to be given a written notice of the reason for the inadmissibility of their application. An unsuccessful applicant who leaves KACPU without a written official notice lacks legal certainty and cannot effectively defend themselves against the actions of the authority.

The Ministry agreed with us and provided for a remedy. KACPU in Brno stopped refusing applications for temporary

protection orally and always marks the reason for inadmissibility on the application.

Defender’s report: [File No. 4879/2024/VOP](#)

HEIRS NO LONGER HAVE TO PAY FINES IMPOSED BY THE TAX AUTHORITY ON THE DECEASED

If the tax authority imposed a fine on the deceased during their lifetime (for example, for late filing of a tax return or for violation of obligations related to the control report), it was subsequently recovered from the heirs. We convinced the tax administration that fines were purely personal in nature, i.e. non-transferable and non-assignable. They therefore lapse upon the testator’s death. They cannot be registered in probate proceedings or subsequently enforced against heirs.

Based on our inquiry, the tax administration changed the methodology. Moreover, the Ministry of Finance reflected this in the draft amendment to the Tax Rules.

Defender’s report: [File No. 3169/2023/VOP](#)

We are here to help

THE STATE INTENDED TO PAY NOTHING TO A VICTIM OF CRIME; THANKS TO US, HE EVENTUALLY RECEIVED CZK 50,000

The complainant suffered an injury as a result of a violent crime. He needed transport to a hospital and immediate surgery. As a victim of crime, he applied to the Ministry of Justice for financial assistance, but the Ministry rejected the application.

We reproached the Ministry for its incorrect assessment of the period during which the complainant's way of life had been impaired because of the criminal offence. We recommended that the Ministry reassess the application and render a new decision. After medical reports were submitted, the Ministry granted the complainant financial assistance in the amount of CZK 50,000.

[Defender's report: File No. 4171/2023/VOP](#)

AN EXPERT MAY NOT MISQUOTE UNDERLYING DOCUMENTS AND INSIST ON HER INCORRECT APPROACH

Following an accident at work, the complainant was unable to reach an agreement with her employer on fair compensation. The case was therefore brought before the court. The court appointed an expert to describe how the accident had affected the complainant. In doing so, the expert cited two medical reports, among other things. In her opinion, both these reports indicated that the complainant was medically fit to perform her original profession. Although the two reports reached completely opposite

conclusions, the expert insisted on her interpretation of the facts even when asked about this at the trial.

The complainant filed a complaint against the expert with the Ministry of Justice. There was no reaction. After we initiated an inquiry, the Ministry dismissed the complaint, stating that the expert report was correct. However, once we pointed out the specific irregularities, the Ministry re-examined the expert and eventually fined her for her erroneous procedure.

[Defender's report: File No. 2699/2023/VOP](#)

TAX CREDIT FOR A SPOUSE CAN BE CLAIMED REGARDLESS OF A REFUND OF TAX OVERPAYMENTS FROM THE PREVIOUS YEAR

The tax authority required the complainant to repay tax credit he had claimed in respect of his spouse. The authority considered the complainant's claim unfounded because his wife's income had exceeded the decisive amount of CZK 68,000 per calendar year. The threshold was exceeded because of a refund of overpaid income tax from the previous year.

We convinced the tax authority that a refunded tax overpayment from the previous year could not be counted towards the wife's revenue as it did not constitute her new income. Since the complainant's wife had no other income exceeding the decisive amount, the tax authority accepted that the complainant's claim had indeed been justified.

[Defender's report: File No. 2755/2024/VOP](#)

A FOREIGNER DID NOT HAVE TO LEAVE THE CZECH REPUBLIC AND STARTED A NEW JOB

A foreigner submitted a notice of change of his employer in a wrong form (by email without a guaranteed electronic signature). He therefore did not meet the conditions for a change of employer. Due to the termination of his previous employment, his residence permit expired and he was required to return to Belarus. He was deeply concerned about this.

We found that the Ministry of the Interior had overlooked the fact that the foreigner had submitted another notice of change of employer – this time, correctly – within the statutory deadline. Pursuant to the Residence of Foreigners Act, the Ministry must take into account the last of the submitted notices. We pointed this out to the Ministry. On the same day, the Ministry confirmed that, on the basis of the last notice, the foreigner had indeed fulfilled the conditions for a change of employer.

Not only did the foreigner's residence permit not expire, but he was able to start a new job the very next day.

[Defender's report: File No. 6483/2024/VOP](#)

HEIRS ARE LIABLE FOR THE DEBTS OF THE DECEASED TO THE TAX AUTHORITY IN THE SAME WAY AS TO OTHER CREDITORS

The complainant's husband passed away. In the probate proceedings, it turned out that he had nine creditors and that the estate was over-indebted. The complainant therefore invoked the *beneficium inventarii* (reservation of inventory). As a result, she is liable for her late husband's debts only up to the value of the inherited estate, and she has to satisfy the creditors' claims proportionally.

Nevertheless, the tax authority demanded that she pay the entire debt. We persuaded the authority that such a

demand was contrary both to the law and to the principles of tax proceedings. If the complainant paid the full amount to the tax authority, she would run the risk of having to satisfy the remaining creditors proportionally over and above the value of the inherited estate.

The tax authority subsequently recalculated the debt, which resulted in the complainant paying roughly CZK 50,000 less.

[Defender's report: File No. 3169/2023/VOP](#)

ONE FAILURE TO REPORT INFORMATION THAT HAS TO BE REPORTED OVER AND OVER AGAIN NEED NOT RESULT IN A LOSS OF FEE EXEMPTION

Each year, the complainant filled in the municipal online form to pay the waste-collection fee. He always claimed an exemption from the fee in respect of his third minor child. In 2023, however, he did not submit the form due to a technical error, and thus did not report the exemption. He did, nevertheless, pay the fee for all members of the household except the third child.

The city hall concluded that the complainant had lost his entitlement to the exemption because he had failed to report it in due time. We pointed out to the city hall that it already had all the necessary information to grant the exemption based on the information submitted by the complainant in previous years. In our view, authorities should not require citizens to keep reporting the same data over and over again, but should instead strive to minimise redundant administrative formalities.

We did not reach agreement with the city hall on whether the same data had to be reported each year. The case nevertheless ended well for the complainant – the city hall waived the fee.

[Defender's report: File No. 4735/2023/VOP](#)



We communicate

WE ARE HELPING PEOPLE FROM UKRAINE MORE EFFICIENTLY TOGETHER

In co-operation with the Office of the UN High Commissioner for Refugees, we organise regular training sessions for staff assisting people from Ukraine. These serve as a forum for sharing experience, acquiring new knowledge, and ensuring a consistent approach to the provision of assistance. Participants most often ask about what will happen once temporary protection comes to an end, about benefits, and how to combat discrimination in housing and employment. For us, the training provides valuable insight into what is happening in practice and allows us to better target our support. Training takes place in various regions across the country.

UNACCOMPANIED FOREIGN CHILDREN: HOW TO ENSURE APPROPRIATE CARE AND HOW TO WORK WITH THEM

In early November, we organised a meeting of representatives of several ministries, NGOs, bodies for social and

legal protection of children, judges and other experts to discuss the care for unaccompanied children travelling to the Czech Republic. In practice, situations arise where such children cannot be placed in facilities for children of foreign nationals requiring immediate assistance or in specialised facilities for foreign children. Social residential services have increasingly been used in such cases with the arrival of Ukrainian children. Following our initiative, the Ministry of Labour and Social Affairs subsequently addressed this option in its guidelines.

Representatives of facilities for children of foreign nationals, People in Need and the Organisation for Aid to Refugees presented the services they provide to these children in greater detail at a roundtable. We also discussed how to determine whether a child is in the country unaccompanied, and in which situations it is in the best interests of the child to be accommodated in a specialised facility for children of foreign nationals, or rather to be given the opportunity to gradually become independent with the support of social services. The Ministry of Education, Youth and Sports and the Ministry of Labour and Social Affairs plan to update their respective methodologies on the care for unaccompanied children, incorporating the conclusions of the roundtable. One such conclusion was the possibility of establishing a specialised facility for children requiring immediate assistance and improving the basis for identifying unaccompanied children. At the roundtable, the Ministry of the Interior also pointed out further obligations arising from the EU Migration Pact, which, for example, requires that a child's guardian not be changed too often

and that each guardian be responsible for only a limited number of children. The Pact also clarifies the determination of the best interests of unaccompanied children, stressing especially their protection against trafficking.

In December, we informed judges of the European Judicial Network in Civil and Commercial Matters of the outcomes of the roundtable. Some of them decide whether unaccompanied children can stay in a facility for children of foreign nationals.

CURRENT ISSUES OF REFUGEE AND FOREIGNER LAW

The two-day academic seminar Current Issues in Refugee and Foreigner Law, which we organise every year, has seen a continual rise in interest. In 2024, we welcomed more than 170 participants representing authorities, courts, non-governmental organisations, academia and the legal profession. Contributions were also presented by guests from Slovakia, Romania, Brazil, and, online, from the Court of Justice of the European Union. The seminar featured a very diverse mix of contributions. Among other things, we discussed the topic of temporary protection, the new Pact on Migration and Asylum, case law in various areas of asylum and foreigner law, the employment of foreigners, and domestic violence with a migration aspect.

The contributions from the last seminar are included in the [2023 Yearbook of the Laws on Asylum and Foreigners](#).



WE HELPED CLARIFY SOME AMBIGUITIES IN THE APPLICATION OF NEW RULES ON THE ASSESSMENT OF LOCAL FEES

Together with representatives of regional authorities and the Ministry of Finance, we organised an online meeting on local fees. The main topic was the new legislation on the assessment of local fees, effective as of 1 January 2024. The new rules simplify administration for municipal authorities, which will no longer be required to issue a decision for every fee paid after the due date. At the same time, they also provide greater protection for those liable to the fee and payers of the fee by allowing them to easily request a decision in cases where they disagree with the payment of the fee. At the meeting, we discussed how municipal authorities should apply the new rules in practice, how to assess fees by recording them in the register, and how to proceed in the case of individuals liable to the fee who are subject to insolvency proceedings.



Roundtable on Unaccompanied minor foreigners



Supervision over restrictions of personal freedom

CHILDREN'S FACILITIES

We focused our attention on children's facilities. This resulted in two reports summarising findings on children placed in protective care and on children with addiction problems. Care for both these groups of children is very demanding. Our findings show that the State is unable to set up care for such children in a way that meets their needs. A change is therefore necessary.

WE ALSO PAID PARTICULAR ATTENTION TO THE REALITY OF THE PHASING-OUT INFANT CARE CENTRES

As of January 2025, a ban came into effect in the Czech Republic on placing children under the age of three in any institutional facility. Infant care centres are supposed to only serve very young children who cannot do without intensive medical care. However, our visits to five homes for very young children showed that they frequently care for children who could not be placed suitably elsewhere. These are frequently larger groups of siblings. On top of that, older children predominate. The reality of Czech infant care centres is described in our latest report.

 **28**
facilities visited

 **8**
staff members of the national ill-treatment prevention mechanism (NPM)

 **6**
monitored expulsions

 **15**
independent experts involved in facility visits

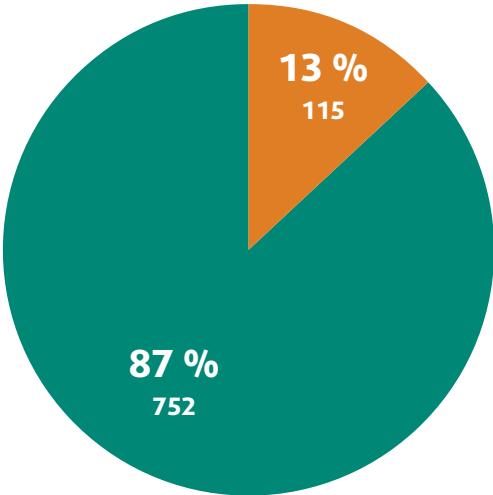
 **457**
complaints received from clients in detention

 **1,220**
persons whose conditions we checked in the facilities

RESEARCH MAPPING VULNERABLE GROUPS OF PERSONS IN FORENSIC TREATMENT

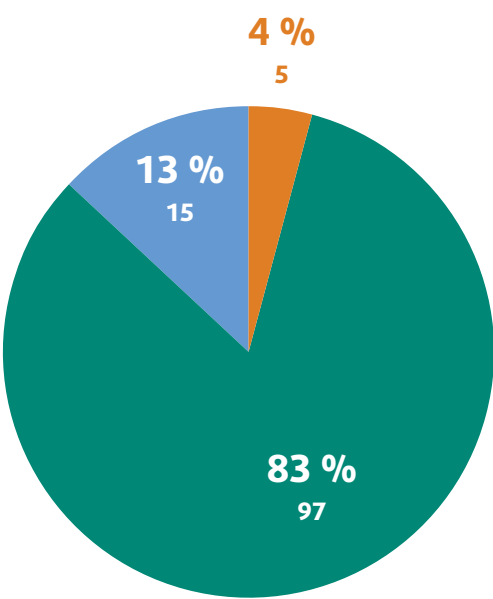
In our research, we described the fact that not every patient in forensic treatment is an adult, Czech-speaking man, and what consequences this has. The research represents the first comprehensive analysis of data focused on vulnerable patients in forensic treatment. The report contains a number of critical findings, which will be reflected in our recommendations for the emerging National Strategy of Forensic Treatment.

Press release of 15 November 2024



Comparison of the number of especially vulnerable persons with the number of other patients

- Especially vulnerable persons (women, minors, foreigners)
- Other



Composition of vulnerable patients

- Minors
- Women
- Foreign nationals



Press conference on the findings from visits to institutional facilities for children

We help change the rules

WE ADVOCATE FOR A COMPLAINTS MECHANISM FOR CLIENTS OF SOCIAL SERVICES AND FOR THE ESTABLISHMENT OF AN ADMINISTRATIVE INFRACTION OF ILL-TREATMENT IN SOCIAL SERVICES

We welcome the fact that our legislative recommendations have been included in the draft amendment to the **Social Services Act** (namely, the missing administrative infraction of interference with personal dignity in social services, and the absence of a complaints mechanism in social

services). Many, even very serious, interferences with personal dignity do not amount to a criminal offence. The possibility of a proper legal punishment of such conduct must therefore be enshrined in the law. For several years we have been advocating for an amendment to the Social Services Act introducing a new administrative infraction covering interference with the dignity, privacy and integrity of clients, including a penalty of prohibition to operate as a social services provider. Likewise, we have long been pointing out the absence of an effective complaints mechanism. A situation in which no remedy can be lodged with an independent body with regard to the way a provider has handled a complaint is unsatisfactory from the perspective of protecting clients’ rights.

INSTITUTIONAL AND PROTECTIVE EDUCATION NEEDS SYSTEMIC CHANGES

We have long and repeatedly pointed out the critical state of institutional care for children. We already called for the necessary changes in our [2022 Annual Report](#).

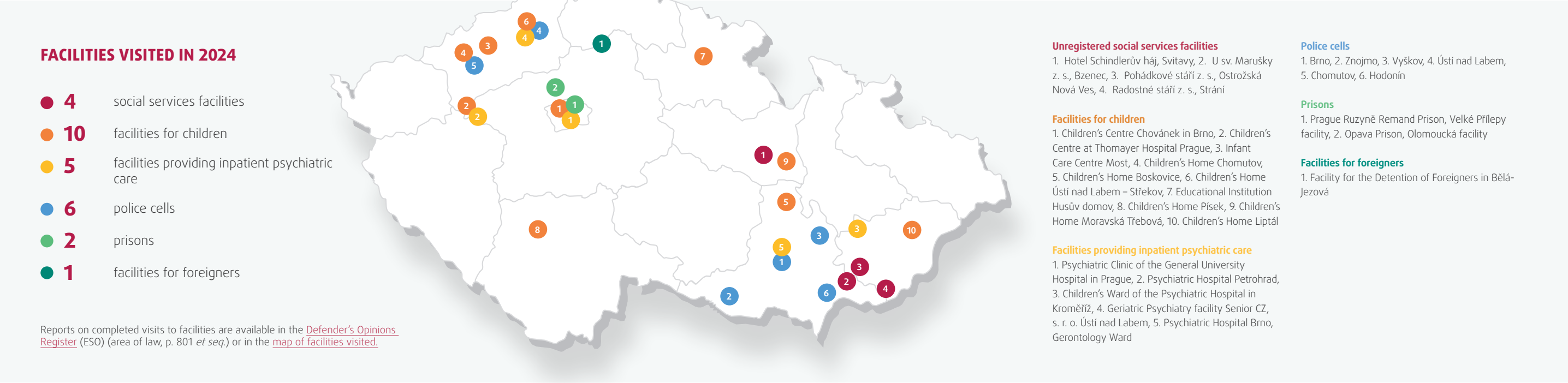
We highlighted the issue by publishing two summary reports from visits to **facilities providing institutional and protective education**, which serve children under protective education orders, as well as those with severe behavioural disorders and addiction problems. The visits confirmed that the current system was unable to respond to the needs of children placed by the courts in the State’s care. This group of children is very diverse: institutional facilities house and raise children with a wide variety of needs. These wide-ranging and diverse needs cannot be addressed in a uniform way, as the current legislation attempts to do. We therefore asked the Ministry of Education to analyse these needs without delay and to set up the care system accordingly.

Our findings on the system of institutional and protective education, based mainly on systematic visits to facilities and on inquiries into complaints lodged by children placed there, suggest that unless much needed action is taken, this segment of care for children at risk may become overwhelmed.

In our comments on the Government’s **2025 Legislative Work Plan**, we therefore proposed that the Government commit itself to drawing up a substantive intent of new legislation to replace the outdated Act on the provision of institutional education or protective education at school facilities and on preventative educational care at school facilities, which no longer meets current needs. The new legislation should clearly define the target groups of children requiring substitute or specialised residential care, the types of facilities, their material, technical and staffing standards, and the services they may provide. It should also enable facilities to employ healthcare professionals, while at the same time firmly setting a trend towards small-capacity or community-based facilities.

The Ministry of Education did not include the substantive intent of the Educational Care at School Facilities Act in the Government’s Legislative Work Plan. However, we obtained an assurance that analytical and preparatory work would be carried out in the course of 2025, with a specific outcome in the form of a substantive intent planned for 2026.

- [Summary of visits to institutional facilities for children – factsheet](#)
- [Press release of 30 October 2024](#)



LACK OF METHODOLOGY FOR EDUCATIONAL AND THERAPEUTIC CARE FOR SPECIFIC CHILDREN

We took part in a meeting of a newly established working group led by the Ministry of Education, Youth and Sports. The group’s aim is to improve the legislative and methodological framework for the provision of educational and therapeutic care in facilities for institutional and protective education. This involves primarily defining in greater detail the target groups of children who need such care, and setting the material, technical and staffing standards for facilities that undertake to provide it.

WE HELP PATIENTS IN FORENSIC TREATMENT

The Ministry of Health accepted our comment and committed to introduce the public prosecutor’s authority to exercise supervision in locations where forensic treatment takes place. We met with the Supreme Public Prosecutor and a deputy Minister of Justice. The supervision by the Public Prosecution Office over forensic treatment has been envisaged by the Public Prosecutor’s Office Act for more than 20 years. This deficiency has now been remedied and the Public Prosecutor’s Office should start exercising this new competence from 1 July 2025.



We are here to help

WE ADVOCATE FOR BETTER MATERIAL CONDITIONS FOR PSYCHIATRIC PATIENTS


In 2024, we visited five **psychiatric facilities**. Three of these visits were part of a series focusing on the conditions of patients in geriatric psychiatry wards. One visit concerned a child psychiatry ward. Another was a follow-up visit, focusing on the implementation of measures recommended during a previous visit.

In some cases, we found a high risk of ill-treatment of patients as a result of inadequate material conditions. We discussed the need for improving material conditions in psychiatric facilities with the management and founders of the facility. The Ministry of Health provided us with a scheduled plan of changes for two of its facilities where the conditions were most serious (the Children’s Psychiatric Hospital in Louny and the Psychiatric Ward of the General University Hospital in Prague). We continue to monitor the progress of this work.

PSYCHIATRIC CARE FOR ELDERLY PEOPLE HAS ITS DISTINCTIVE ASPECTS

A frequent problem in geriatric psychiatry is the lack of follow-up social services. Yet hospitals should not be substituting for social services. Unlike the care and support provided by social services, the main purpose of hospital care is not to promote patients’ independence or to strengthen their social inclusion. We therefore recommended that hospitals analyse which patients can be discharged and require suitable follow-up care, and address their situa-

tion together with the family (or guardian), the municipality or the administrative region. The latter is responsible for ensuring the availability of appropriate social services within its territory. Following the conclusion of the series of visits focused on geriatric psychiatry, the Defender will publish a summary report with findings and recommendations for remedial action.

 [Report on a visit to the Petrohrad Psychiatric Hospital: File No. 39/2023/NZ](#)

WE RECEIVED 72 COMPLAINTS ABOUT CONDITIONS IN PSYCHIATRIC HOSPITALS

In their complaints, patients most often drew our attention to the conditions of stay and treatment in hospitals. By law, we can only deal with those that concern the performance of institutional forensic treatment.

SOCIAL SERVICES FACILITIES PROVIDING CARE ILLEGALLY

With visits to the first four homes, we launched a series of visits to residential facilities providing care without authorisation (**unregistered social services facilities**). They usually offer care to elderly people and create the impression that they are a registered social service of “retirement home” or “special regime home for people with dementia”. However, they are not authorised to do so. Providing care in such facilities entails great risk, especially because care – including specialised medical procedures – is often provided by laypersons without any qualifications. This can have a serious impact on the health and even lives of

the accommodated clients. We also encountered interferences with clients’ personal freedom and privacy. Unlike registered facilities, these homes lack financial safeguards such as the statutory ceiling on monthly client payments for accommodation. Because these facilities are outside the system, the competence of the Social Services Inspectorate of the Ministry of Labour and Social Affairs does not extend to them either. There is thus no body authorised to inspect the quality of care provided in these facilities. We will continue visiting unregistered facilities in 2025.

WE RECEIVED 74 COMPLAINTS IN THE AREA OF SOCIAL SERVICES

Clients and their relatives most often contacted us with complaints about the quality of care provided or because they could not find a suitable social service. In such cases, we only have limited options to help. We can only address complaints directed against authorities that supervise social services facilities, including especially the social services inspectors of the Ministry of Labour and Social Affairs and regional authorities.

WE HELPED A COMPLAINANT WITH THE RECOGNITION OF PROFESSIONAL QUALIFICATION AS A SOCIAL SERVICES WORKER

The complainant was in danger of losing her job when the regional authority refused to recognise her professional qualification. She had submitted documents on her education to obtain recognition as a social services worker. However, the authority considered these documents insufficient and incorrectly advised her that she had to either complete further education or provide a certificate from the Ministry of Health confirming fulfilment of the qualification requirements for the profession of caregiver. However, the Ministry does not normally issue such certificates.

We intervened to ensure that the authority acted in accordance with the law. In the process of recognising the professional qualification of a social services worker, completed education may be proven by any document clearly showing that the applicant has completed the period of study required by the law – including, for example, an extract from the school register or a confirmation of study issued by the school. A regional authority may not extend the statutory requirements or impose additional obligations for proving professional qualification.

Following our inquiry, the regional authority acknowledged that it had incorrectly assessed the complainant’s professi-

onal qualification. She can therefore continue to practise her profession.

 [Defender’s report: File No. 234/2024/VOP](#)

CONDITIONS FOR FOREIGNERS (WITH CHILDREN) RESTRICTED IN THEIR FREEDOM HAVE IMPROVED, BUT THERE IS STILL WORK TO BE DONE

As part of our monitoring of immigration detention, we visited a **facility for the detention of foreigners** in Bělá-Jezová. The main objective of our inspection was to assess the extent to which the facility was adapted for families with children and for unaccompanied minors. We found that the conditions at the facility had significantly improved in recent years, and that it was now adapted for both families with children and unaccompanied minors. Within the inspection we also clarified the methods used to determine the age of persons whose age was in doubt, and harmonised procedures in this area.

Nevertheless, some issues remain, including especially the methods of escorting families with children and the conduct of personal searches of children.

The issue of **detaining foreign families with children** is a key concern for us. We are a member of an expert group focusing on the development and implementation of alternatives to detention that are sensitive to the needs of families with children. In co-operation with representatives of the Ministry of the Interior, the police, the non-profit sector and academia, we are creating a pilot project to promote broader use of these alternatives. Our ambition is to contribute to finding solutions that minimise the impact of detention on children while simultaneously ensuring effective management of migration processes.

 [Report on the visit to the facility: File No. 2/2024/NZ](#)

WE MONITOR THE EXPULSION OF FOREIGN NATIONALS

Within our **expulsion monitoring**, we focused on how foreign nationals were prepared for expulsion and whether they had access to sufficient information. We examined whether they were informed in advance of the date and

time of departure or arrival, how many personal belongings they were allowed to take with them, and whether they were given the opportunity to contact their family or close persons before departure. We also carefully assessed the exit procedures associated with leaving the facility, the conduct of personal searches, and the way in which police officers treated the persons being expelled during escort.

We observed both positive and negative examples in this area. In one case, we commended the professional conduct of police officers who managed sensitively a situation involving a foreign national who refused to leave, would not accept expulsion, and was verbally aggressive at times. Conversely, in another case, we criticised the disproportionate handcuffing of an elderly woman for 12 hours, despite her being a calm person. She slept during the escort and had no history of aggression or other risk behaviour that could have justified such a measure. These cases highlight the need for a consistent and individual approach in planning and carrying out expulsions.

FOREIGN NATIONALS ARE PROVIDED WITH SUITABLE LUGGAGE BEFORE EXPULSION IF THEY DO NOT HAVE ANY

If a foreign national facing expulsion from the Czech Republic has nothing to pack their belongings in, the Refugee Facilities Administration will provide them with luggage. The luggage must be practical and appropriate – a plastic garbage bag is not sufficient.

In one case, the Refugee Facilities Administration informed a foreign national of the date of his expulsion. The person stated that he did not want to leave and refused the luggage offered (he had none of his own). An hour before the expulsion he was then given only a plastic garbage bag. He packed his belongings into it himself, and the escort leader at least taped it up with carpet tape so that the items would not fall out during airline check-in.

The Director of the Refugee Facilities Administration acknowledged the error and, following our recommendation, ordered all facilities for the detention of foreigners to ensure that individuals being expelled are provided with suitable luggage.

WE MONITOR THE EXPULSION OF FOREIGNERS

We also monitored two expulsions from Germany, specifically to Pakistan and Iraq. These were flights on which several dozen persons were being expelled, with the entire process co-ordinated by the Frontex agency. Our participation in these missions was an expression of solidarity with other European Union Member States facing significant challenges in migration policy. The co-operation also gave us valuable experience.

 [Report on expulsion monitoring File No. 3/2024/NZ](#)

CORPORAL PUNISHMENT OF CHILDREN PLACED IN CHILDREN’S HOMES

During a visit to a children’s home we encountered ill-treatment in the form of corporal punishment of children. The underlying cause was the high number of children with challenging behaviour placed in the home, coupled with insufficient staffing levels. The Deputy Defender discussed the situation with the President of the Regional Council and representatives of the regional authority, since the criticised practice concerned a children’s home established by the administrative region. The outcome of these discussions was a commitment to increase the number of staff on day shifts.

 [Report on the visit to the facility: File No. 9/2024/NZ](#)



OVERCROWDED PRISONS AND POORLY ACCESSIBLE HEALTHCARE ARE LONG-STANDING PROBLEMS OF THE CZECH PRISON SYSTEM

We took part in the roundtable “The Future of the Prison System” at Prague Castle. During the debate, we mentioned, for example, overcrowding as one of the problems of Czech prisons. This poses the greatest risk of degrading or even inhuman conditions. At the same time, the large number of prisoners makes it impossible to address other ills of the Czech prison system, such as the mass accommodation of prisoners. The situation in which ten or more prisoners are squeezed into one cell greatly reduces the prospects for their rehabilitation. For a long time, Czech prisons have also faced a shortage of doctors and nurses. This can have fatal consequences for the health of prisoners. In order for the Czech Republic to meet the standards of prevention of ill-treatment, prison healthcare should be developed. Systemic measures need to be planned to reduce the prison population and to intensify the use of existing measures. The staffing situation must be stabilised, with the involvement of professional organisations of healthcare workers.

WE RECEIVED 311 COMPLAINTS IN THE AREA OF PRISONS

We learnt about problems in the provision of healthcare from individual complaints filed by prisoners and their relatives and also during our visits to prisons.

WE HELPED IMPROVE ACCESS TO HEALTHCARE IN A WOMEN’S PRISON

There was no healthcare staff working at a prison facility. Convicted women sometimes received medication for

acute illness only on the twelfth day after the symptoms first appeared. For every medical appointment, the prison had to escort the women from the Velké Přílepy facility to the Prague Ruzyně Remand Prison, under conditions that exacerbated the suffering of the sick.

The prison director remedied the situation. For the time being, a nurse would be present at the prison facility once a week. As of April 2025, the Healthcare Facilities of the Ministry of Justice will become the new provider of healthcare services in Czech prisons. The prison director expects that this should bring in more doctors. A physician could then be present in Velké Přílepy at least once a week.

Report from the visit to the Velké Přílepy Prison: File No. 18/2024/NZ

TOILETS IN PRISON CELLS MUST BE SEPARATED BY A SUFFICIENT PARTITION

During our inquiry into the conditions of remand detention at the Ostrava Remand Prison, we found that in a cell for two prisoners, the toilet was separated from the rest of the cell only by a partition about one metre high. The cell contained a bunk bed from which there was a direct view of the person using the toilet.

Such conditions are deemed undignified under the European Prison Rules as well as in case law of the European Court of Human Rights. The prison promised that, within its financial means, it would adjust the partitions of sanitary facilities in the cells. In the meantime, only one person would be placed in the problematic cells.

Defender’s report: File No. 3138/2024/VOP

We communicate

NOT EVERY PATIENT IN FORENSIC TREATMENT IS AN ADULT CZECH-SPEAKING MAN – AND THIS HAS CONSEQUENCES

Nearly one thousand people are placed in forensic treatment across psychiatric hospitals in the Czech Republic. Our latest survey report, entitled “Vulnerable Groups of People in Forensic Treatment”, focused on the most vulnerable among them – minors, women and foreigners. These groups face a number of problems (a sixteen-year-old boy placed on a ward among adult men; a woman undergoing forensic treatment in an admissions ward because there was no suitable long-term facility for women; a foreigner unable to participate in group psychotherapy due to language barriers). We asked the Ministry of Justice to ensure that the Defender’s findings were reflected in the emerging National Strategy of Forensic Treatment. A timetable has already been set with the aim of submitting the strategy to the Government for approval at the beginning of 2025.

Press release of 15 November 2024

TOGETHER WITH PRACTITIONERS, WE ARE IMPROVING CARE FOR CLIENTS WITH DEMENTIA

We presented our findings and recommendations from a series of visits to social services facilities for people with dementia to participants from nine administrative regions. Each training session comprised two thematic blocks. The first focused mainly on caregiving issues (e.g. spatial orientation, privacy, prevention of malnutrition and incontinence, preparation and administration of medication, and activation exercises). The second block dealt with matters relating to clients’ personal freedom and safety (in particular, freedom of movement and safety, access to the outdoors, measures restricting movement, fall-prevention tools, and signalling systems). There was also room for discussion and sharing of difficult situations encountered by staff, and how some facilities managed to resolve them. The most common topics of discussion concerned supporting clients’ spatial orientation and ways of ensuring both free

movement and safety for disoriented clients. Participants agreed that a key prerequisite for providing care in line with current standards was, above all, adequate staffing and an individual approach to clients.

RESEARCH CONFIRMED THE NEED FOR LEGISLATIVE CHANGES IN INSTITUTIONAL CARE, WHICH THE DEFENDER HAS BEEN ADVOCATING FOR THE SECOND YEAR

In March, a roundtable was held in the Chamber of Deputies to present the conclusions of research conducted by the Sirius Foundation and SocioFactor on children in institutional care. We also participated in this research, which focused on “problems and obstacles of institutional care from the perspective of its staff”. The research results correspond to our long-term findings: systemic change in institutional care is indispensable and this requires a new law. We issued our legislative recommendation in this regard two years ago.

Research entitled Problems, obstacles and barriers to institutional care in the perspective of its staff

WE ENCOURAGED CONTACTS BETWEEN CHILDREN AND THEIR PARENTS IN PRISON

We held discussions with the Director General of the Prison Service on ways to facilitate contact between children and their parents in prison. Among other things, this resulted in agreement on amending the rules for the use of Skype calls so that all imprisoned parents with children under the age of 18 could use them. We also prepared an information leaflet for parents in prison to help them better navigate the options for staying in contact with their children. In addition, our joint efforts with the Prison Service will continue to make the information provided to prisoners more understandable.

Information leaflet for parents in prison





Equal treatment and discrimination

On 1 September 2024, fifteen years had passed since the Czech Anti-Discrimination Act came into force. At the same time, we mark fifteen years of our work as the equality body, protecting against discrimination and promoting equal treatment. At a conference in the Senate, held under the auspices of its Committee on European Union Affairs, we discussed the limits of the Anti-Discrimination Act and the enforceability of rights from the perspective of victims of discrimination.

An overview of our activities over the past 15 years can be found on p. [114](#).



589

complaints resolved, of which

247

complaints did not relate to any of the statutory protected characteristics, so we could not assess them in terms of discrimination. We explained the situation to the complainants.

342

complaints concerned a statutory protected characteristic, of which

in 251

cases, we advised the complainants on how they could proceed

in 21

cases, we assessed whether discrimination may have occurred, of which

10

were cases where discrimination occurred

5

were cases where discrimination did not occur

6

were cases where discrimination could not be proven

58

responses to queries from international and national organisations or the public on equal treatment and discrimination

It is important to us that people know we provide assistance in matters of discrimination. That is why, in co-operation with the Government Commissioner for Roma Minority Affairs, we published on social media a series entitled “Roma, Stand Up Against Discrimination”. On 8 April 2024, we also issued a press release and an information leaflet with the title “Roma, Stand Up Against Discrimination”.

Since 2018, we have been monitoring compliance with the rights of those who have exercised their right of free movement and residence. We monitor the rights of EU citizens in the Czech Republic and also of Czech citizens who have returned from abroad. As part of this activity,

we published a series entitled [20 Years of Czechia in the EU: The Ombudsman also helps EU citizens](#) on social media in 2024.

 [Press release of 30 April 2024](#)

We prepared an online course on anti-discrimination law, which 225 people attended in 2024. These were staff members of inspection authorities, territorial self-governing bodies and non-profit organisations.

[We informed employers](#) of their obligations in the area of equal treatment.

354 COMPLAINTS RECEIVED IN 2024

AREAS IN WHICH PEOPLE FELT DISCRIMINATED AGAINST

138	work and employment (incl. entrepreneurship)	12	social affairs
128	goods and services	0	membership of chambers and unions
67	education	156	other areas of public administration
65	housing	30	other
25	healthcare		

WHY PEOPLE FELT DISCRIMINATED AGAINST

154	nationality (State citizenship)	54	race, ethnicity
143	disability	17	religion, faith, worldview
64	sex (gender)	3	sexual orientation
54	age	107	other reason
54	nationality (ethnic origin)		

Some people complain about discrimination in several areas or for multiple reasons.

We help change the rules

WHEN MUST AN EMPLOYER ALLOW AN EARLIER RETURN FROM PARENTAL LEAVE THAN INITIALLY PLANNED?

We dealt with a case where a woman had requested parental leave for three years. Later, she asked the employer to allow her to return earlier. For two years, the employer insisted that no suitable position was available, even though eight posts matching her job description had been filled in the meantime. The woman herself applied for two positions: she was told that one had already been filled, and the other was subsequently abolished by the employer.

We concluded that the employer had discriminated against the complainant on grounds of sex (gender) by not allowing her to return from parental leave earlier. We considered the situation in which the employer abolished a position only after she had applied for it as suspicious from the perspective of discrimination.

 [Assessment of alleged discrimination: File No. 816/2023/VOP](#)

AN EMPLOYER IS OBLIGED TO ENSURE THAT A COMPLAINT OF SEXUAL HARASSMENT IS PROPERLY INVESTIGATED

We dealt with the case of a woman who had started a new job where, as the only woman, she was to lead a

work team. Shortly afterwards, she found a pornographic image on the desktop of her work computer. She therefore turned to her supervisor. He refused to deal with the situation, saying she was overly sensitive and lacked a sense of humour. The employer subsequently transferred her to another position where she no longer received extra pay for shift operation. Shortly afterwards, she was informed that her employment contract would not be renewed.

We concluded that the situation in the workplace met the definition of sexual harassment, for which the employer was responsible from the moment the woman first approached her supervisor. The employer should have ensured that her supervisor properly investigated the complaint and prevented the situation from recurring. Discrimination in the form of retaliation could not be proven, as the employer documented objective reasons for not extending her contract.

 [Assessment of alleged discrimination: File No. 1108/2023/VOP](#)

PUNISHING AN EMPLOYEE FOR DEFENDING HERSELF AGAINST DISCRIMINATION MAY CONSTITUTE RETALIATION

A primary school teacher objected to sexual harassment by the school headteacher. The harassment was not proven, but the headteacher subsequently began to disadvantage her – he reduced her bonuses and removed her from the post of deputy headteacher. At the same time, a hostile atmosphere prevailed at the school towards older female employees, which also adversely affected her.

We found that the headteacher had committed discrimination. When the teacher resisted his conduct, he responded with retaliatory measures, thereby committing retaliation on grounds of sex (gender). By creating a hostile work environment, he also committed harassment on grounds of age.

 [Assessment of alleged discrimination: File No. 4842/2023/VOP](#)

ASSIGNING LESS-SKILLED AND LOWER-PAID WORK MAY ALSO BE DISCRIMINATORY

We dealt with the case of a woman returning to work after maternity and parental leave, followed by unpaid leave which she had taken because her child was not admitted to a kindergarten. Her employer intended to place her in a position involving substantially less-skilled work. She therefore feared a reduction in salary. She eventually agreed with the employer to terminate her employment.

The employer’s conduct amounted to discrimination. The woman could seek an apology and financial compensation for discrimination in court.

An employee returning from parental leave or sub-sequent unpaid leave taken because of the need to care for a child must be reinstated by the employer in the same or an equivalent position (in terms of job description) with the same or better working conditions (work schedule, work flexibility, level of salary/pay, benefits). If the employee is placed in a different position or given worse working conditions, this constitutes less favourable treatment – i.e. discrimination on grounds of sex (gender) (which also encompasses parenthood).

 [Assessment of alleged discrimination: File No. 4550/2023/VOP](#)

REQUIREMENTS OF EQUAL PAY ALSO APPLY TO JUDGES

We have long been engaged in the issue of equal pay. In addition to commenting on the legislation and monitoring work on amendments related to the transposition of the Pay Transparency Directive* into national law, we joined proceedings before the Constitutional Court concerning

equality in the remuneration of judges. For more information, see p. 34.

* Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms.

MUNICIPALITIES MUST NOT DISCRIMINATE AGAINST FAMILIES WITH CHILDREN AND SINGLE PARENTS IN RENTING FLATS

We dealt with the case of a woman caring alone for two children who had applied for a municipal flat. The rules of the city ward allow flats to be rented only to people whose income reaches a certain amount depending on the size of the household. However, these rules make no distinction between adults and dependent children. As a result, the woman – as a single mother of two – did not reach the required income threshold and was denied the municipal flat. She is already paying higher rent than she would in municipal housing.

The city ward’s rules for renting flats are indirectly discriminatory against families with children and single parents. At the same time, family income must also include housing benefits that applicants receive or may be entitled to.

 [Assessment of alleged discrimination: File No. 5683/2023/VOP](#)

GYNAECOLOGICAL OUTPATIENT CLINICS MAY NOT PROHIBIT THE ENTRY OF PATIENTS WITH BABY CARRIAGES

A gynaecology outpatient clinic posted a sign on its entrance door prohibiting entry with baby carriages. As a result, the receptionist refused entry to the waiting room (and to the examination) to a pregnant mother because she had her two-year-old child with her in a baby carriage and could not arrange childcare.

The head physician of the clinic explained the ban by saying that the presence of baby carriages and small children disturbed other patients and healthcare staff, disrupted the clinic’s operation, and increased the risk of transmitting infectious diseases.

We accepted that some of the reasons for the ban pursued a legitimate aim. However, we explained why the ban was neither proportionate nor necessary, even for

these reasons. We then recommended less restrictive measures, such as asking patients to attend examinations alone where possible. The head physician accepted our arguments.

 [Assessment of alleged discrimination: File No. 1667/2023/VOP](#)

A SCHOOL DISCRIMINATES AGAINST A STUDENT WITH A DISABILITY IF IT DOES NOT ALLOW HIM TO ENTER THE BUILDING WITH AN ASSISTANCE DOG WITHOUT PROVIDING JUSTIFICATION FOR THE BAN

We were approached by the mother of children attending a primary school. To help them better cope with their disability, they had an assistance dog who accompanied them to and from school each day (as far as the classroom, though not during lessons). When the school headteacher noticed the dog, he expelled the mother and the dog from the building. Even after she presented the school with the assistance dog’s ID card and confirmation of her children’s disability, the headteacher refused to allow the assistance dog to enter the school. The mother eventually transferred her children to another school.

The school indirectly discriminated against the complainant’s children on grounds of disability. We recommended that the school include the possible exception to the ban on assistance dogs in the school rules and that the school be more forthcoming about granting an assistance dog exception in the future.

For people with disabilities, an assistance dog is an essential aid enabling independent participation in everyday life. The right of such a person to enter certain premises with an assistance dog may therefore be restricted only in justified cases. An unjustified blanket ban on dogs indirectly discriminates against persons with disabilities.

 [Assessment of alleged discrimination File: No. 1411/2023/VOP](#)

NOTARIES MUST TAKE INTO ACCOUNT THE NEEDS OF PARTIES WITH DISABILITIES IN PROBATE PROCEEDINGS

A woman using a wheelchair wished to attend a hearing concerning the estate of her late mother. The hearing was scheduled to take place in the notary’s office on the first floor of a building without a lift. She therefore suggested that the notary move the hearing to accessible (barrierfree) premises. She claims that the notary refused to do so. The notary later stated that she had arranged for a meeting room on the ground floor of the building. In the end, the woman in the wheelchair did not attend the hearing for health reasons and was represented by a lawyer.

In this case, it could not be proven that the notary had actually refused the request to change the venue. However, if the notary had the possibility to accommodate the complainant and failed to do so, she could have discriminated against her on grounds of disability (by denying reasonable accommodation). We told the notary that she should have been more accommodating towards the complainant and informed her without delay that she had secured an accessible room for the meeting.

 [Assessment of alleged discrimination: File No. 4241/2023/VOP](#)

AN IN-HOUSE LAWYER POSITION CANNOT REQUIRE A DEGREE EXCLUSIVELY FROM A CZECH UNIVERSITY

We were approached by a woman who had studied law in Slovakia. She stated that Czech employers advertising for in-house lawyers often required applicants to hold a law degree from a Czech university. She herself had worked for several years in the Czech Republic as a company lawyer. Nevertheless, employers now rejected her solely because of her Slovak diploma.

A requirement that a lawyer must have studied in the Czech Republic may be discriminatory, though not always. It depends on the specific needs and requirements of the employer and whether the lawyer meets these requirements. What matters is not necessarily the country in which the lawyer studied law, but their specific knowledge, skills and experience. A lawyer with a foreign diploma and many years of successful practice in the Czech Republic may meet an employer’s requirements far better than another lawyer with a Czech diploma. If an employer rejects an applicant solely because of a foreign diploma, this is most likely discriminatory.

It would constitute indirect discrimination on grounds of nationality, because the neutral condition of having studied in the Czech Republic disproportionately affects foreigners. Whether or not the applicant is a foreigner is irrelevant – even a Czech national with a foreign diploma would face discrimination in this case.

 [Assessment of alleged discrimination: File No. 5574/2023/VOP](#)

VERIFYING THE IDENTITY OF A FOREIGN CLIENT MAY BE MORE DEMANDING FOR A BANK

A bank did not allow a woman of Polish nationality to set up certain financial products online, requiring her to come to a branch for identity verification. She perceived this as discriminatory, since Czech citizens could obtain the same products online.



Banks are under a legal obligation to verify their clients' identity. For Czech citizens this verification is carried out automatically in the mobile application, because the banking software compares the scanned Czech identity document with information in the basic registers. For foreign

nationals, however, the bank has no database against which it could verify the document. Such a system may become available in the future. For the time being, however, the bank's procedure must be assessed in the light of what is legally and technically possible at present. The bank's procedure was therefore justified and did not constitute discrimination.

 [Assessment of alleged discrimination: File No. 1052/2023/VOP](#)

PROVISION OF HEALTH SUPPORT IN SCHOOLS

We continued our activities on the topic of provision of health support in schools. We actively participated in updating the methodological material dealing with the rules for health support in schools. The methodology is now more precise and provides clearer guidance for schools, and it newly includes care plans for children with diabetes.





-  [Press release of 13 June 2024](#)
-  [Press release of the Senate of the Parliament of the Czech Republic of 24 September 2024](#)



We are here to help

We help people who have become victims of discrimination. We can advise them how to proceed in their situation and where to ask for further help. We can approach the adversary, find out what has happened and assess the situation in legal terms. Based on the above, we recommend to people who asked for our assistance whether it would be appropriate to deal with their case through mediation, in court or in some other way.

IN 2024, WE HELPED:

- › A foster mother of a Roma boy who was refused admission to his catchment-area school. The school demanded that he be educated individually rather than attending school with his peers. Thanks to our explanation and support, the foster mother persuaded the school to admit the boy to regular education together with other children.
 [Assessment of alleged discrimination: File No. 5791/2023/VOP](#)
- › A Ukrainian boy who had not received education in the Czech Republic for two years due to insufficient capacity in Prague's primary schools. After we launched an inquiry against the Prague City Hall, a place was found for him at a school.
 [Assessment of alleged discrimination: File No. 892/2024/VOP](#)
- › A man with Czech citizenship, originally from Ukraine, who wanted to book a fishing session. After he gave his name, however, the operator replied that he could not make a booking. The operator explained that he had bad experience with some nationals of Ukraine and other post-Soviet republics who had fished at the pond. After our intervention, the operator acknowledged that the refusal had been unjustified and apologised to him.
 [Assessment of alleged discrimination: File No. 4404/2024/VOP](#)
- › A man with a hearing disability who wished to take part in a retraining course in programming. He could have done so if the training company had allowed real-time transcription of lectures – converting spoken word into text so that people who are deaf could follow the content. The training company refused this accommodation and did not allow the man to enrol in the course. After our intervention, it apologised and provided him free access to an online programming course.
- › A man who has long lived in the Czech Republic but is a Croatian national. He was refused by a bank when he tried to open a current account. After our intervention, it was clarified that clients from so-called high-risk countries, which include Croatia, must be subjected to additional checks. The bank subsequently explained its procedure and apologised to the client.
 [Assessment of alleged discrimination: File No. 5293/2023/VOP](#)

We communicate

CONFERENCES

At a conference in the Senate, held under the auspices of its Committee on European Union Affairs on the occasion of the 15th anniversary of the Anti-Discrimination Act, we discussed the limits of the Anti-Discrimination Act and the enforceability of rights from the perspective of victims of discrimination.

An overview of our activities over the past 15 years can be found in the infographic and also in the [leaflet](#). A recording of the conference and all materials are [available in the educational events archive](#).

 [Press release of 26 September 2024](#)

ROUNDTABLES

- › We organised a roundtable for non-governmental organisations that work to promote the right to equal treatment and support victims of discrimination in protecting their rights. We presented participants with the outcomes of our activities and highlighted several key court rulings. We discussed how to ensure effective assistance for victims of discrimination and the available ways of proving discrimination. Participants in the roundtable mainly shared their field experience. In the long term, this helps us better target legal support and deliver it to those who need it most.

 [Press release of 26 April 2024](#)



Roundtable on the Assistance to victims of discrimination

- › At a roundtable with supervisory authorities, we shared experience in combating discrimination and discussed related issues of anti-discrimination law.

- › Under the auspices of the National Pedagogical Institute, we organised a seminar for methodological staff. These are employees who will design, consult and monitor specific desegregation activities in various cities participating in the Institute's desegregation project.

PUBLIC ADMINISTRATION

- › We met **with representatives of the Czech National Bank** at our regular annual meeting. In addition to sharing news from the activities of the two institutions concerning consumer protection, consumer discrimination and access to banking services for people with disabilities, we focused primarily on the banks' approach towards foreigners.
- › In co-operation with the Office of the Government, we shared know-how and examples of good practice in addressing workplace sexual harassment – first with investigators, HR specialists and other relevant staff across public authorities, and later with designated employees at the Ministry of Transport.
- › At the invitation of the Ministry of Industry and Trade, we gave a training session on sexist advertising. The training was intended for staff of regional trade licensing offices who deal with the regulation of illegal advertising. We discussed the practical experience with those directly engaged in this regulation.

- › In co-operation with the State Labour Inspection Office, we organised a seminar for their inspectors with the focus being on investigating discrimination in the workplace.
- › At a meeting with the Chief Schools Inspector, we discussed especially the conduct of inspections in educational institutions, the collection of ethnic data, the education of students with disabilities, school meals, the education of students with a different first language, and the application of the Anti-Discrimination Act in the work of the Czech School Inspectorate.


COMMITTEES, COUNCILS, WORKING GROUPS

- › We discussed discrimination-related issues at meetings of the Committee on the Rights of the Child, the Government Council for Gender Equality, the



Roundtable on the Assistance to victims of discrimination

Committee on the Rights of LGBTI+ Persons, and the Committee on Social Policy, Family and Care.

- › We also addressed discrimination at the Government Council for Roma Minority Affairs, which we welcomed to our Office in December 2024. See page 26 for more details.
 [Press release of 4 December 2024](#)
 - › We took part in activities organised by the Office of the Government Agent of the Czech Republic before the European Court of Human Rights. In particular, we discussed the implementation of a decision of the European Committee of Social Rights.* According to the [decision](#), the Czech Republic should collect data on the ethnicity of children in institutional care. This would make it possible to introduce effective measures against the disproportionate number of Roma children in such facilities.
 - › A roundtable on pre-school education was held under the auspices of the Office of the Government Agent as part of the activities linked to the implementation of the judgment in D.H. and Others v. the Czech Republic. Its aim was to contribute to addressing segregation in education.
 - › We continued our co-operation with the Government Commissioner for Human Rights. We joined the working group on hate crime, and the working group on healthcare services in schools, which followed on from an earlier platform at the Senate Committee on Health, and we also participated in an expert meeting on the position of women in sports.
- * The decision is available at: https://justice.cz/documents/d/msp/erric-proti-cr_preklad-pdf.

STUDENTS

We co-operate with universities and take part in teaching on the topic of equal treatment. Specifically, this includes Masaryk University, Palacký University in Olomouc, Pardubice University and Charles University. In co-operation with the Faculty of Law at Masaryk University, we teach a two-semester course entitled Anti-Discrimination Law Clinic.

INTERNATIONAL CO-OPERATION IN THE AREA OF EQUAL TREATMENT

We continued our co-operation with the European Network of Equality Bodies (Equinet), which brings together national equality bodies in Europe, including us. As European Union directives on standards for equality bodies were adopted in May 2024, many discussions and seminars focused precisely on these directives and their transposition into national law.

 [Press release of 21 June 2024](#)

- › [The Equinet calendar](#) for 2025 includes one of our cases where we managed to reach an amicable solution.
- › We took part in the regular joint seminar of Equinet and the European Commission against Racism and Intolerance (ECRI), which celebrated its 30th anniversary this year. On that occasion, we also met with the Council of Europe Commissioner for Human Rights to discuss how we could co-operate in the field of equal treatment.



- › At a webinar of the European Network of Ombudsmen (ENO) we presented our experience in the area of free movement of EU citizens.
- › We were also in contact with the European Labour Authority (ELA), which co-ordinates training and other development for “bodies for the free movement of workers”, as we also act as one of these bodies.
- › We attended the European Accessibility Summit organised by the European Disability Forum, whose main topics were accessibility, including that of elections, and the impact of artificial intelligence on accessibility. We also presented our experience at one of the webinars.
- › We met with the Advisory Committee on the Framework Convention for the Protection of National Minorities, where we presented our activities relating to the protection of national minorities and the

issue of discrimination on grounds of ethnicity and nationality.

- › We had a regular meeting with the staff of the U.S. Embassy in the Czech Republic. As every year, we discussed developments relevant to the implementation of the right to equal treatment and the assessment of discrimination in society over the past year for the purposes of the United States Department of State’s Country Report on Human Rights Practices: Czech Republic 2024, which it submits annually to the U.S. Congress together with other country reports.
- › At the end of the year, we visited the Norwegian Equality and Anti-discrimination Ombud, who, like the Czech Defender, is a national equality body. We

shared experience of working in the field of equal treatment. A particular topic was the use of powers such as bringing legal actions or appearing in court in support of victims of discrimination – powers available to the Norwegian Equality Ombud but not yet to us. However, the new EU directives on standards for equality bodies require that these bodies be able to appear before courts. See p. 136.



Roundtable on the Assistance to victims of discrimination



10


Monitoring of rights of people with disabilities


Since 2018, we have been monitoring how Czechia fulfils its obligations under the UN Convention on the Rights of Persons with Disabilities. We strive to ensure that people with disabilities can live independent lives according to their own wishes and preferences and with appropriate support.


Therefore, we have long been monitoring the process of deinstitutionalisation and transformation of institutional social services in the Czech Republic and whether the State supports the development of adequate services in the community as a basic prerequisite for independent living.


We want the State to systematically address the situation of people with behavioural problems and their families who do not receive the necessary multidisciplinary support. We have therefore been involved in the drafting of a government strategy as a basis for addressing this problem in a systemic way.

In 2024, we very intensively dealt with the planned closure of infant care centres. We visited these children's facilities several times and were also involved in discussions and negotiations regarding follow-up services. We want to create conditions (professional, personnel, financial and material) that will ensure children's healthy development.

 **5**
meetings of the advisory body for monitoring the rights of people with disabilities

 **10**
meetings with mentally disadvantaged self-advocates

 **37**
complaints received and resolved in the field of public guardianship and support measures

 **10**
comments on draft legislation, strategies and government documents related to the rights of people with disabilities

We help change the rules

MOST EMPLOYEES WILL NO LONGER HAVE TO DISCLOSE RECEIVING A DISABILITY PENSION TO THEIR EMPLOYERS

Under the Sickness Insurance Act, employees were obliged to inform their employer that they were receiving a disability pension. This was an unpleasant invasion of their privacy, especially when the disability was not immediately apparent. If they failed to comply, they could be fined up to CZK 20,000. Employers then submitted this information to the Czech Social Security Administration, which already had this information as it is responsible for awarding disability pensions. We therefore turned to the Ministry of Labour and Social Affairs, which acknowledged that this transfer of data was unnecessary and proposed a legislative change. Consequently, the Parliament abolished the obligation. Employees receiving a 3rd degree disability pension (approx. 10 thousand people) remain an exception. The State provides them with sickness benefits for a shorter period of time. We did not consider this reason sufficient and, therefore, we are still pursuing a change.

Defender's opinion: [File No. 9/2024/OZP](#)

PEOPLE ON THE AUTISM SPECTRUM WILL BE ABLE TO OBTAIN A DRIVING LICENSE

People on the autism spectrum have not yet had the option to obtain a driving licence. The Ministry of Health proposed

that people with Asperger's syndrome be allowed to drive after an individual assessment of their medical fitness. However, this proposal did not include people with atypical autism, despite the fact that many of them do not have an intellect disorder and can drive without limitation in other countries. We convinced the Ministry to allow all people on the autism spectrum without an intellect disorder to apply for a driving licence.

As for professional drivers, the Ministry excluded people with severe hearing impairment. This also applies to those who have been driving a car for a long time without any issues. The Ministry failed to justify why it restricted the rights of people with hearing impairments so strictly. It has not provided any data or studies to show that these restrictions are necessary. Moreover, it failed to address in any way how this measure affects the rights of these people to personal mobility and equal treatment.

Defender's comments on the Decree on medical fitness to drive motor vehicles: [File No. 42999/2024/S](#)

WE ADVOCATE FOR THE RETENTION OF A SECOND TEACHER IN THE CLASSROOM FOR CHILDREN WITH HIGHER SUPPORT NEEDS

The Government has proposed to abolish the option of having a second teacher helping children in the classroom who need a higher level of support. We disagreed with this proposal to amend the Schools Act because the presence of a second teacher significantly helps hundreds

of children with disabilities to keep up with their school responsibilities. Professionals were not consulted on the proposal and the Government did not sufficiently explain why the current level of education support should be reduced. Non-profit organisations and the Defender's advisory body for the rights of people with disabilities opposed the change. No amendment to the Schools Act was adopted by the end of 2024.

Defender's press release of 3 September 2024

Defender's press release of 10 October 2024

Press release of the non-governmental organisations' initiative of 19 November 2024

SHELTERED LABOUR MARKET REMAINS OPEN FOR PEOPLE WITH MILD DISABILITIES

People with mild disabilities are referred to in the labour market as persons with health disadvantages. The Ministry of Labour and Social Affairs (MoLSA) planned to abolish the financial support that helps employ them on the shel-

tered labour market. We pointed out that the abolition of support must be accompanied by measures that motivate employers in the regular labour market to employ people with health disadvantages. For example, it is possible to increase discounts on social insurance, introduce contributions for adjusting the working environment or allow them to be included in the mandatory 4% quota for the employment of people with disabilities. Even though the MoLSA did not accept our proposals, the Government ultimately decided not to abolish the support for the employment of people with health disadvantages.

The Defender's comments on the amendment to the Employment Act

General Comment No. 8 on the right of persons with disabilities to work and employment

PUBLIC GUARDIANSHIP IS AN EXERCISE OF DELEGATED COMPETENCE

The Constitutional Court agreed with our opinion that the exercise of public guardianship falls within delegated competence of the State. In the proceedings before the Constitutional Court, we supported the complainant's arguments



as *amicus curiae*. The ruling is important for the protection of the rights of people who have a public guardian (i.e. a municipality). The Court ruled, *inter alia*, that the State was responsible for this form of support and the Defender could control whether public guardians performed their activities in accordance with the law. See also page [35](#).

THE MINISTRY PROMISED
TO TRANSFORM ITS SOCIAL
SERVICES FACILITIES

We visited a home for people with disabilities – the Zbůch Residential and Field Social Services Centre, a State contributory organisation established by the Ministry of Labour and Social Affairs. In our report on the visit, we described the shortcomings of this service and discussed with the Ministry how to eliminate its institutional character. The Minister of Labour and Social Affairs promised to draw up a strategy for the development of the facility with emphasis on its deinstitutionalisation and transformation. The same principles and objectives will apply in other MoLSA facilities. See pages [12-13](#) for more information on this topic.

Defender’s report on the visit to the facility:
[File No. 49/2019/OZP](#).

WE INFLUENCED LEGISLATION
TO BENEFIT STUDENTS
WITH DISABILITIES

We ensured that students with hearing impairments would be able to use the support of both a Czech Sign Language interpreter and a speech transcriber. These support measures are not interchangeable. These measures differ

in their nature (interpreting versus language visualisation) and, depending on the measure selected, a school counselling centre is recommended to students according to their language competence. The Ministry of Education has therefore prepared a corresponding draft amendment to the Schools Act.

We commented on a draft amendment to the Act on Recognition of Results of Further Education, which required applicants to take examinations independently without the presence of an interpreter, transcriber or other support persons and thus led to discrimination against people with disabilities. The Ministry acknowledged our reservation.

Defender’s comment on the Schools Act:
[File No. 35030/2024/S](#)

Defender’s comment on the Act on Recognition of
Results of Further Education: [File No. 27135/2024/S](#)

EDUCATION FOR CHILDREN WITH
SEVERE MENTAL DISABILITIES
WILL FOLLOW CLEARER RULES

We participated in the creation of a methodology of the Ministry of Education, Youth and Sports that will unify the practice of educating children with severe mental disabilities. These children are not students of any school and their education is provided by school counselling centres. We were concerned about the lack of uniform practice in this form of education. We are therefore pleased that the methodology will establish a common standard. We also asked the Czech Schools Inspectorate to oversee this form of education.

We are here to help

WE STRENGTHEN ACCESSIBILITY
OF DRIVING SCHOOLS AND
DRIVING LICENSE TESTS

As early as 2022, we pointed out that driving lessons and driving licence tests for motorcycles were not sufficiently accessible for people with hearing impairments. Only in 2024 did we manage to convince the Ministry of Transport to start addressing our recommendations. These recommendations were also supported by the Government Committee for Persons with Disabilities. In co-operation with the Association of Driving Schools and the Association of the Deaf and Hard of Hearing, the Ministry is currently preparing a manual for driving schools to help them better communicate with people with hearing impairments. At the same time, the Ministry will modify the training materials for examiners who conduct examinations at municipal authorities and town halls.

Defender’s opinion: [File No. 60/2020/OZP](#)

[Press release of 20 June 2024](#)

WE RECOMMEND THAT
ADMINISTRATIVE AUTHORITIES
ADD SUBTITLES TO THEIR VIDEOS

The Czech Schools Inspectorate (CSI) published a video presentation titled “Quality of Education in the Czech Republic in the school year 2022/2023” on YouTube, which contained useful information. However, the video had no subtitles and was therefore not accessible to people who do not understand spoken Czech. This applies especially to people with hearing impairments (deaf and hard of hearing), but also to people for whom Czech is not their first language. We asked the CSI to add subtitles

to the video. Our request is in line with the public debate on increasing accessibility of online content produced by public institutions both to people with visual impairments and people with hearing impairments. We believe that public institutions should always add subtitles to important videos to make them accessible to all. The CSI accepted our recommendation and added subtitles.

Video presentation [Quality of Education in the Czech Republic in the 2022/2023 school year](#)

WE HELP PEOPLE WITH
DISABILITIES EXERCISE
THEIR RIGHT TO VOTE

Following our previous recommendations, we issued the Ten Principles of Support for Residential Social Services Clients Exercising their Right to Vote. We designed a questionnaire for municipalities that allows to describe in detail the accessibility of each polling station. In the summer, the Ministry of the Interior included it in the instructions for regional authorities on the organisation of the autumn elections to the Senate and regional assemblies. Municipalities and social service providers were also able to use our materials to ensure accessibility of elections for people with disabilities during natural disasters, such as the mid-September floods. Accessibility of elections has become an issue not only for people with disabilities, but also for other vulnerable groups of people and those affected by floods.





TEN RECOMMENDATIONS FOR SUPPORTING CLIENTS OF RESIDENTIAL SOCIAL SERVICES IN EXERCISING THEIR VOTING RIGHTS

2024

- Senate elections
- European Parliament elections
- Regional Council Elections

2025

- Elections to the Chamber of Deputies

2026

- Senate elections
- Municipal council elections

Ongoing support for the exercise of voting rights

1

Do you keep a regularly updated list of all clients with limited legal capacity, including restrictions on their right to vote?

2

Do your clients have an identity card?

(If not, help them apply for one if they do not have a guardian for this area.)

3

Do your clients know what the purpose of elections is and

- what kind of elections they can expect?
- when and where will they take place?
- who is running and what is their programme?
- how to navigate the ballot paper and the list of candidates?
- how to vote in practice and what happens afterwards?

4

Have you included preparation for the elections in your plan of activities to engage clients?

Support for clients just before the elections

5

Do you help clients verify the accuracy of their entry in the (special) voter register, and if the information in the register is incorrect or out of date, do you help them correct the discrepancies?

6

Do you report the list of clients for the so-called special voter register in a timely manner?

7

Is the polling station accessible to your clients?

(If not, help them obtain a voter ID card in time and choose a suitable polling station).

Ongoing support for exercising voting rights

8

Do you help clients get to the polling station and prove their identity?

9

Do they have the right to vote according to their wishes and needs?

(If not, help them apply for one if they do not have a guardian for this area.)

10

If the client votes using a portable ballot box, do they have dignified conditions for doing so?

**WE PUBLISHED A SURVEY REPORT
ON DEINSTITUTIONALISATION**

Our survey indicated that both the State and administrative regions have yet to accept deinstitutionalisation as an urgent task that needs to be carried out. Strategic plans of the State and administrative regions often lack a clear idea of how to gradually close down large institutional facilities. Moreover, the State fails to collect data that would enable systematic monitoring of the progress achieved in this area. Administrative regions take varying approaches to deinstitutionalisation, with considerable differences in both the pace and manner in which they address this issue.

It does not help that the State itself has failed to lead by example. Five social services facilities directly managed by the Ministry of Labour and Social Affairs have yet to be transformed, although these are large institutional facilities.

In the survey report, we described the main obstacles preventing progress in deinstitutionalisation. These include prejudices and public concerns about people using social services, especially those with mental disability or mental illness. The situation is further complicated by the attitudes of the management and staff of the individual facilities that are to be transformed. Other issues include a lack of affordable housing, suitable buildings and land, as well as a lack of qualified workers. Moreover, obstacles also arise due to the structure and funding of the entire social services system. See pages 12-13 for more on this topic.

- Defender's survey report – Deinstitutionalisation and transformation of social services – approach of the administrative regions and the Ministry of Labour and Social Affairs, as reflected in strategy documents

**WE RECOMMENDED THAT THE
MINISTRY OF HEALTH IMPROVE
THE SITUATION OF PEOPLE WITH
CHRONIC FATIGUE SYNDROME**

Chronic fatigue syndrome (ME/CFS) is a serious chronic condition that prevents a person from performing their usual activities and significantly reduces their quality of life. In the Czech Republic, it affects an estimated 76,000 people across all age groups. The majority of patients are women. The problem is that there is low awareness of this condition, even among healthcare professionals, and the procedure for its diagnosis is complicated. This leads to most patients receiving a delayed or even incorrect diagnosis.

We called on the Ministry of Health to systematically deal with the situation of people with chronic fatigue syndrome. We recommended raising awareness among physicians, ensuring access to verified information for patients and their close ones, creating standardised diagnostic and treatment procedures and establishing specialised workplaces for diagnosis and treatment of this condition.

The Ministry of Health promised to follow our recommendations. Our discussions on specific measures continue.

 Press release of 11 September 2024

We communicate

WE SUPPORT THE EMPLOYMENT OF PEOPLE WITH DISABILITIES IN THE OPEN LABOUR MARKET

We attended a meeting of the Commission for Social Affairs, Healthcare and Housing of the Union of Towns and Municipalities of the Czech Republic. We presented our research and recommendations on employment of people with disabilities in the public sector. We emphasised that supported employment can bring significant benefits to municipalities and cities as employers. This support measure was then presented in detail by representatives of the Rytmus and Fokus organisations. The self-advocate also shared their positive experience with supported employment. At a roundtable held at the Chamber of Deputies, we pointed out that the number of employees in the sheltered labour market is constantly increasing and that

public employers do not know how to accommodate workers with disabilities. A number of prejudices on the part of employers still prevent people with disabilities from participating in the labour market. We will monitor whether the amendment to the Employment Act and the brand new Social Enterprise Act will improve the situation. We also gave lectures on discrimination against people with disabilities in employment at seminars abroad organised by the Academy of European Law. We focused on cases of people with disabilities dealt with in the past by the Court of Justice of the European Union and the UN Committee on the Rights of Persons with Disabilities.

- 📄 [The Defender’s research on employment of people with disabilities in the public sector](#)
- 📄 [Report from the Quiet News \(Tiché zprávy\) of 14 November 2024](#)
- 📄 [Discrimination against people with disabilities under EU law \(presentation\)](#)



Roundtable in the Chamber of Deputies on the topic of employing people with disabilities



Night of Dignity

WE ARE INTERESTED IN THE FUTURE OF TEACHING ASSISTANTS IN CZECH SCHOOLS

We addressed the roundtable with “The Future of Teaching Assistants in Czech Schools” in the Chamber of Deputies. We pointed out that children with diabetes and psychiatric disorders are still not provided with the necessary health support in schools. In the case of special schools, there is a problem with the increase in the number of children being educated at home.

- 📄 [Press release of the organisation Spoluškola of 24 March 2024](#)

WE TRAIN KEY EDUCATION AUTHORITIES IN HUMAN RIGHTS

We led a seminar for the employees of Ministry of Education, Youth and Sports, the Czech Schools Inspectorate and the National Pedagogical Institute organised by the Government Commissioner for Human Rights. It focused, among

other things, on topics such as the effectiveness of support measures, necessary health support while at school and protection against prejudiced violence on grounds of disability.

WE HONORED THE MEMORY OF DOROTA Š. IN THE SECOND ANNUAL NIGHT OF DIGNITY EVENT

We again took part in the commemoration of Dorota Š., who died in an institution at the hands of a staff member. Before the event, we held a discussion on “Life in dignity for all” at the Office of the Public Defender of Rights in Brno. We talked about the closure of institutions and the need for accessible services for people with challenging behaviour and the risk of excessive medication. At the Night of Dignity event in Prague, we emphasised that parents caring for their children with disabilities deserve recognition and support.

- 📄 [Press release of 5 January 2024](#)
- 📄 [Press release of 9 January 2024](#)

WE ADDRESS RELATIONSHIP AND SEXUALITY SUPPORT FOR PEOPLE WITH MENTAL DISABILITIES

At the conference of Nebud' na nule, z.s., we presented our recommendations for the support of relationships and sexuality for people with mental disabilities. Support is crucial for maintaining the dignity of people living in social services facilities. It improves their quality of life and helps prevent social exclusion. A valuable part of the conference were the stories and experiences shared by people with disabilities and their caregivers.

We appreciate that the Ministry of Labour and Social Affairs is to issue recommendations on how to deal with this sensitive topic.

PROTECTION FOR PEOPLE WITH PSYCHOSOCIAL DISABILITIES

We organised two meetings with NGOs, providers of social and healthcare services, methodologists, representatives of the Ministry of Health, people with experience with psychosocial disabilities and caregivers. We discussed issues concerning protection of the rights of people with psychosomatic disabilities, e.g. hospitalisation in psychiatric hospitals without the patient's consent. We talked about the findings from our visits to these facilities, the new methodology of the Ministry of Health and the important role of the hospital ombudsman who helps patients protect their rights in the hospital.

Methodical Instruction of the Ministry of Health on the Proper Procedure of Healthcare Service Providers in Involuntary Hospitalisation of Patients



Meeting on the rights of people with psychosocial disabilities



Roundtable on the Inclusion and exemption of students from physical education

LET’S BE MORE INCLUSIVE AND STOP EXEMPTING STUDENTS FROM PHYSICAL EDUCATION

We organised a roundtable meeting where we discussed with students, teachers, physicians, the Ministry of Education and the Ministry of Health, the Czech Schools Inspectorate, representatives of the academia and professional organisations why students with special educational needs are so frequently exempted from physical education. Support measures are not used as much as they could

be. We presented the preliminary results of our research. It confirmed that full exemption for students is still far more common than partial exemption, and that medical assessments lack uniform methodology and are of poor quality. At the meeting, the Ministry of Education therefore announced the creation of a new methodology. All the participants also agreed that raising awareness about this topic in schools, among doctors, parents and also the students themselves is important and necessary. This is the only way to create adequate conditions for participation in physical education for all students.

Press release of 4 October 2024

RIGHTS OF PEOPLE WITH DISABILITIES FACEBOOK GROUP

Our Facebook group “Rights of people with disabilities” is still active. Since last year, its membership has increased by almost 500 members (it now has 1,800 members) and tens of thousands of people have visited it. If you want to follow us, join here: <https://www.facebook.com/groups/319938625441179>.

DEFENDER’S ADVISORY BODY FOCUSED ON VARIOUS ASPECTS OF INDEPENDENT LIVING OF PEOPLE WITH DISABILITIES

The advisory body met four times in 2024 and addressed a variety of topics that are essential for people with disabilities to lead independent and fulfilling lives. It adopted five principal resolutions.

Resolutions of the advisory body

The advisory body addressed the issue of digital accessibility, highlighting the need for people with sensory disabilities to access the information they need (Article 9 of the Convention). It also addressed financial security (Article 28 of the Convention). We also invited two groups of self-advocates to the meeting of the advisory body to discuss the care allowance assessment system. Obtaining an allowance can be a problem especially for people with a mental illness or intellectual disability. Furthermore, we are dissatisfied with the failure to increase the allowance for lower disability degrees and its lack of indexation. See pages 6-7 for more details.



First conference of self-advocates in Hradec Králové



Meeting of the Defender's Advisory Body for the rights of people with disabilities

The advisory body also discussed principal issues of the transformation of social services and pointed out that the State must continue to support and develop community-based services (Article 19 of the Convention on the Rights of Persons with Disabilities). The advisory body also opposed the Government's approach and pointed out that the discussed amendment to the Schools Act would negatively affect children with disabilities and their families (Article 24 of the Convention).

[Press release of 22 March 2024](#)

[Press release of 20 June 2024](#)

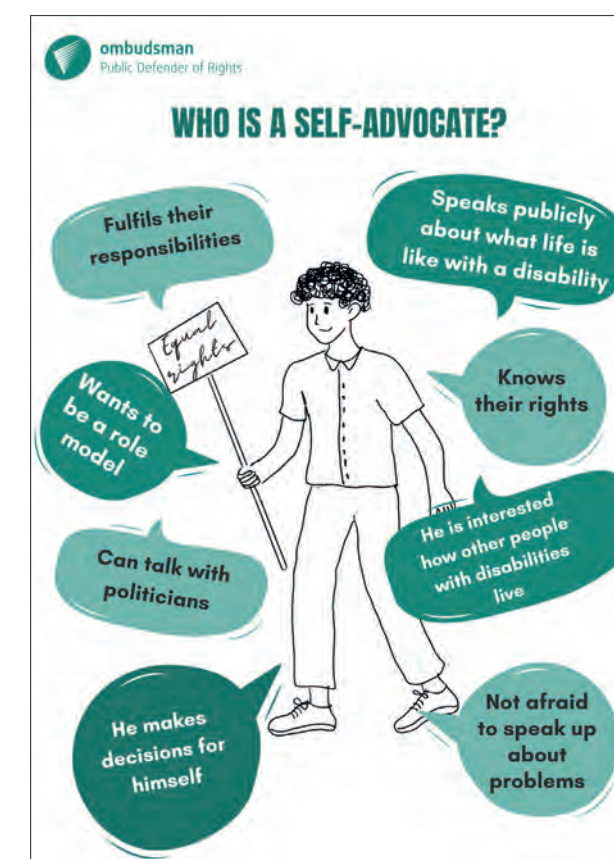
[Press release of 10 October 2024](#)

CO-OPERATION WITH SELF-ADVOCATES

We continued our co-operation with self-advocates across the Czech Republic. Our common interests include especially the transformation and deinstitutionalisation of institutional services, but also the quality of services in the community. The self-advocates therefore began participating in the preparation of a series of systematic visits to sheltered housing, and are involved in drafting the recommendations for deinstitutionalisation.

We also took part in the inaugural conference for self-advocates in Hradec Králové, which we sponsored. We also educate self-advocates in their areas of interest and prepare information materials in an easy-to-read format. We strive for better conditions of participation for people with intellectual disabilities, not only in monitoring the rights of people with disabilities, but also in our other activities.

[CT \(Czech Television\) Report of 15 October 2024](#)



WHO ARE SELF-ADVOCATES? Self-advocates are people with disabilities who publicly speak up for themselves or other people with similar problems. They share their experiences and work to improve their position in society, actively promoting the rights of people with disabilities.



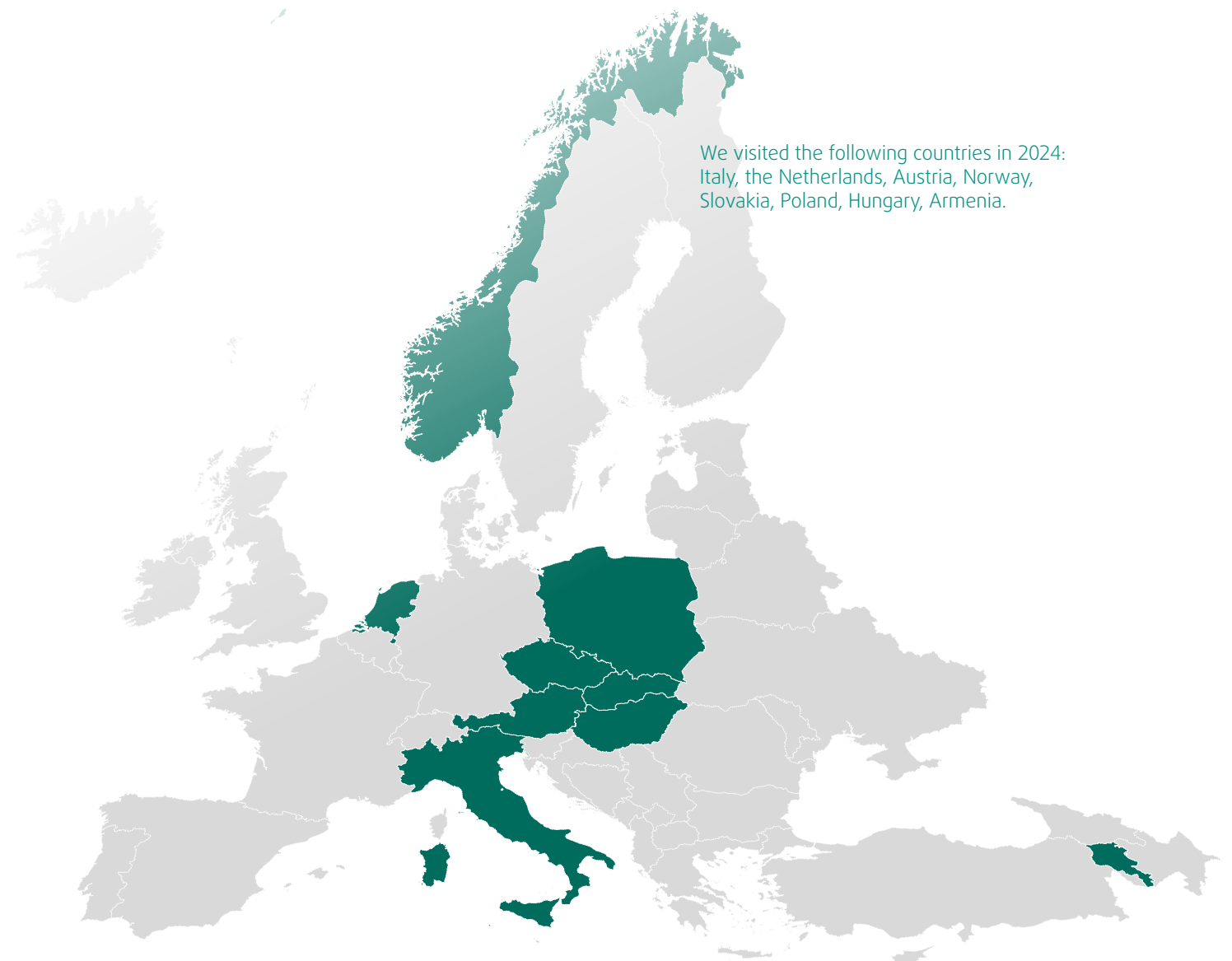
International relations

CO-OPERATION WITH INTERNATIONAL ORGANISATIONS AND ASSOCIATIONS OF OMBUDSMAN AND HUMAN RIGHTS INSTITUTIONS

At the beginning of 2024, we presented the findings from our activities for the purposes of preparing the annual [report of the European Network of National Human Rights Institutions \(ENNHRI\) on the state of the rule of law](#) in EU Member States, as well as for a similar [report by the European Commission](#). We reported especially on the progress of the draft amendment to the Public Defender of Rights Act, which is intended to confer on the Defender the mandate of an NHRI and to establish the Children's Ombudsman as a separate institution (see pp. [13-14](#)).

The Defender and his Deputy also met with the Head of the Czech [Office of the United Nations High Commissioner for Refugees](#) (UNHCR). They agreed to continue co-operating on shared priorities, in particular training for the staff of both governmental and non-governmental organisations working with refugees (see p. [92](#)).

We visited the following countries in 2024:
Italy, the Netherlands, Austria, Norway,
Slovakia, Poland, Hungary, Armenia.



The Deputy Defender [attended the World Conference of the International Ombudsman Institute \(IOI\)](#) in The Hague, the Netherlands. At the conference, he delivered a presentation introducing the co-operation between the Czech Defender of Rights and ombudsman institutions of other countries in social security cases involving a cross-border element. Together with other participants, he also explored the possibilities of cross-border co-operation among ombudsman institutions in other areas, especially in the field of environmental protection.

CO-OPERATION WITH FOREIGN OMBUDSPERSONS

We [welcomed colleagues from the Office of the Ukrainian Ombudsman](#) on a study visit. They work to protect persons restricted in their freedom. The discussions focused on prison systems, conditions in psychiatry facilities, and how to conduct effective ombudsman monitoring in such institutions.

The Defender and his Deputy [received the Ombudsman of the Lazio Region](#), who also serves as Chair of the National Association of Italian Regional Ombudsmen. They exchanged experience on the functioning of their offices, discussed the possible establishment of a national ombudsman in Italy, and agreed on further co-operation. At the invitation of the Lazio region Ombudsman, the Deputy Defender subsequently attended an international ombudsman conference in Cassino, Italy. The conference addressed the challenges ombudsman institutions face in their work: the protection of human rights in times of global crises,



Celebration of the centenary of children's rights at Bratislava Castle

as well as social, economic and environmental issues and the challenges posed by digitalisation. In his presentation, the Deputy Defender introduced the ongoing process of deinstitutionalisation of social services for persons with disabilities in the Czech Republic – the obstacles faced and the efforts made to overcome them.

[The Slovak Commissioner for Children \(children's ombudsman\) visited the Czech Defender.](#) At an expert meeting, they exchanged knowledge on addictions among children and adolescents, and also discussed preparations for the establishment of the Children's Ombudsman in the Czech Republic.



Visit of colleagues from the Office of the Ombudsman of Ukraine

The Defender took part in the celebration of the 100th anniversary of children's rights at Bratislava Castle, organised by the Slovak Office of the Commissioner for Children. The event commemorated that on 20 November 1959, the UN General Assembly adopted the Declaration of the Rights of the Child, and on the same day in 1989, the Convention on the Rights of the Child.

In September, we [travelled to Vienna for a meeting with our Austrian colleagues](#) from the National Preventive Mechanism against ill-treatment, which – as in the Czech Republic – is part of the ombudsman institution. At the joint meeting, we exchanged experience and shared good practice in carrying out visits to facilities where persons are restricted in their freedom.

In December, a [meeting of ombudsman institutions](#) from the Czech Republic, Hungary, Poland, Slovakia and Serbia was held in Budapest, focusing on environmental protection and the interests of future generations. The discussi-

ons involved an intensive exchange of national experience and debate on the challenges and opportunities that ombudsman institutions encounter in their day-to-day work related to environmental protection. The ombudspersons expressed their responsibility to engage in a dialogue on the relationship among human rights, environmental protection and the sustainable development of the planet. In a joint declaration, they agreed on the need to strengthen their role in protecting the interests of future generations in the areas of environmental protection and climate change.

In October, we took part in the regular [summit of the V4 ombudspersons](#). At the 20th annual meeting, held in Smolenice, Slovakia, we discussed with our colleagues from Hungary, Poland and Slovakia the human rights aspects of the pandemic, how to address the “legacy” of collectivisation of private land, the right to housing, and the current challenges and experience in protecting the rights of persons restricted in their freedom.



Marino Fardelli, Ombudsman of the Lazio Region in Italy, visits the Office of the Public Defender of Rights



International meeting Let's Build a Sustainable Future: Protecting Human Rights and the Environment in Budapest

VISIT TO NORWAY

As part of the project [Protect Human Rights Better and More Effectively](#) (transferring examples of good practice from Norway to the Czech Republic), in December, we visited a number of institutions and organisations in Norway with whom we have established partnerships in this project. The project focused on equal treatment, the rights of people with disabilities, the rights of people restricted in their freedom, and the rights of the child. These meetings served not only to share experience on the current tasks of the ombudsman institution, but also to provide inspiration and prepare for the future mandate of the Children’s Ombudsman.

[We met with the Norwegian Equality and Anti-Discrimination Ombud](#), who acts as the national equality body and also monitors how Norway implements the rights of persons with disabilities under the Convention on the Rights of Persons with Disabilities (CRPD). The discussions covered not only the experience of national equality bodies (see pp. 115–116), but also research and good practice in monitoring the rights of persons with disabilities. We focused, in particular, on the right to live independently and be

included in the community, methods of monitoring disability rights, and equal treatment of persons with disabilities.

We also met with **representatives of the umbrella organisation for people with disabilities (FFO)**. Together, we discussed ways to involve persons with disabilities in monitoring compliance with the CRPD and in shaping State policies affecting them. We also visited ULOBA, an organisation dedicated to independent living for persons with disabilities, and discussed the deinstitutionalisation of care for people with disabilities (already completed in Norway) and the system of personal assistance.

We visited the **Norwegian Directorate for Children, Youth and Family Affairs (Bufdir)**, which co-ordinates the system of care for children at risk. Furthermore, we visited the **Office of the Norwegian Ombudsperson for Children** to learn how it discharges its mandate. Issues concerning children at risk and their involvement in finding solutions were discussed with representatives of the LFB non-profit organisation, which brings together current and former child clients of the child protection system. With the European Wergeland Centre non-profit organisation, we discussed awareness raising concerning children’s rights,

as well as education in human rights and democracy. We also visited the DIPA Research Centre at the University of Bergen, which focuses on international comparisons of child protection systems and on compliance with children’s participatory and other rights.

Thanks to our partnership with Bufdir, we were able to visit four facilities providing institutional care for children with behavioural disorders and addictions. The international experience confirmed our conclusions that the system of institutional care for children in the Czech Republic had to be reformed (see p. 8). Together with **Norwegian colleagues from the National Preventive Mechanism against ill-treatment**, we also discussed approaches to the monitoring of children’s facilities. In Norway, as in the Czech Republic, this mandate is carried out by the ombudsperson, and the two models of facility inspections are very similar.



Alan Gibbons, Ambassador of Ireland, visits the Office of the Public Defender of Rights

MEETINGS WITH AMBASSADORS

The Defender informed the [Ambassador of Canada](#) and the [Ambassador of Ireland](#) about the Office’s activities, as well as about possible future tasks and challenges following the establishment of an NHRI and the Children’s Ombudsman.

Note: information on the above meetings and events can be found on our Facebook page and in the press releases on our website in the “News” section.

12



Media and communication

Throughout the year, we addressed the public not only through our own channels but also via the media. The issue of unlawful sterilisations, to which the media repeatedly returned, strongly resonated in our communication. We addressed this topic, for example, in our [podcast Have a coffee with the Ombudsman](#). Another closely followed topic was the abolition of infant care centres, with our findings from visits summarised, among other formats, [in a short Instagram video](#). Public attention was also drawn to our efforts to secure an increase in care allowance for all degrees of disability. On Facebook, we shared a [video interview](#) with one of the complainants. Media interest was also sparked by a [case](#) described in our press release, where we helped a deaf IT specialist obtain an apology from a training company, together with a free IT course, on the grounds of discrimination.

SOCIAL MEDIA

f	9,034	people follow @verejny.ochrance.prav	→ + 7%*
@	1,747	people follow @verejny.ochrance.prav	→ + 16%
in	1,428	people follow @Veřejný ochránce práv – ombudsman	→ + 177% almost 3 times more
X	3,314	people follow @ochranceprav	→ + 4%
▶	500	subscribers of @ombudsman_cz	→ + 31%

*compared to 2023

ON SOCIAL MEDIA, IN ADDITION TO POSTS ABOUT CURRENT CASES AND EVENTS, WE ALSO PUBLISHED SEVERAL SERIES.

- › Roma, Learn to Stand Up Against Discrimination! – in co-operation with Government Commissioner Lucie Fuková
- › Avoiding discrimination in the workplace and in recruitment
- › The Defender also helps EU citizens – marking the 20th anniversary of the Czech Republic's accession to the EU
- › Stories of our complainants from the Gallery Tram

For children, we regularly published news relevant to them on our children’s website [deti.ochrance.cz](#). For example, one well-received [report](#) described how we helped ensure that the body for social and legal protection of children (BSLPC) stood up for a 14-year-old boy in court proceedings. Persons with disabilities were regularly informed about the work of the Defender’s advisory body on disability rights. Our Facebook [video](#) from a visit to Skok do života (“Jump into Life”) – showing the benefits of community living and the rationale behind deinstitutionalisation – also attracted attention.

Social media users were drawn to a [series of YouTube videos](#) in which we asked public figures about their expectations of the Children’s Ombudsman. Our social media audience was also interested in a [podcast](#) with temporary foster parents and [a summary of our survey on the accessibility of public buildings](#). Our [short video](#) presenting the year 2023 was well received especially at professional events.

PODCASTS “HAVE A COFFEE WITH THE OMBUDSMAN”



In 2024, we recorded 16 episodes of the podcast [Have a coffee with the Ombudsman](#). We published the 117th episode in December. Listeners were most interested in the podcasts [Restriction of Personal Freedom in Connection with Mental Illness](#), [What Exactly is Temporary Foster Care?](#) and [Compensation for Unlawful Sterilisation](#). Episodes such as [Public Guardianship from the Ombudsman’s Perspective](#) and [Inappropriate Conduct of Judicial Persons](#) also attracted considerable attention.

OMBUDSMAN’S BULLETIN

The bi-monthly [Ombudsman’s Bulletin](#) offers its readers a selection of interesting cases with which we have recently dealt. We aim to make the Bulletin reflect the diversity of our work, explaining how we help people dealing with problems with the authorities. We present research and recommendations as well as our findings from visits to facilities where people may be restricted in their freedom.

GALLERY TRAM

In 2024, we once again joined the non-commercial project of the Brno Public Transit Company. The [Gallery Tram](#) offers advertising space inside the tram for organisations to present their activities to passengers. In the “Ombudsman Tram”, passengers could read the stories of people who had turned to us for help.



NIGHT OF LAW

Together with the three supreme courts, the Faculty of Law of Masaryk University and other institutions, we once again welcomed visitors in the evening and night hours. Participants came to attend the [Night of Law](#) from as far as Havířov. For our visitors, we prepared the playful workshop Plain and Simple!, where they learned the principles of writing clear and comprehensible official texts. On the occasion of the milestone anniversary of the Anti-Discrimination Act, participants also played the game 15 Years of Fighting Discrimination. The greatest interest, however, was drawn by tours of our building, where visitors could see how complaints make their way through our Office and discover the special features of our green façade.



JOBSPIN FAIR

We took part in Jobspin, the job and services fair for foreigners in the Czech Republic. We explained to around one hundred visitors what the Defender does and when they can ask him for help. Many others at least received an information leaflet or our contact details. At the accompanying lecture, we focused on the employment of temporary protection holders, with particular emphasis on preventing labour exploitation, protecting employees’ rights and the obligations of employers.

WE’RE INVOLVED

We once again participated in the [Yellow Ribbon Run](#). Reflecting on its subtitle “Run Away from Prejudice”, this sports event visions a society that gives ex-offenders and their families a second chance for a decent life. The ninth edition highlighted the importance of reintegrating people into society after serving their sentence.

We also participated in [Bubnovačka](#) (“Drumming”) – an event organised by the Locika Centre. By drumming, we made sure that children’s voices could be heard. This is a symbolic way of drawing attention to domestic violence.

At our Office, we again contributed to the traditional [Three Kings Collection](#) and the [Cake for Hospice](#) charity.

Nor did we miss the [Bike to Work](#) challenge in 2024, when we sought to commute in an environmentally friendly way – by bike or on foot.



Office of the Public Defender of Rights

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Budget and its utilisation in 2024

APPROVED BUDGET

CZK 153,401 THOUSAND

In 2024, we also claimed non-utilised funds from the previous years in the amount of CZK 9,333 thousand. Of this amount:

- › CZK 1,766 thousand was used for the project “Reinforcement of activities of the Public Defender of Rights in human rights protection”, co-financed from the 2014–2021 Norway grants;
- › CZK 7,567 thousand was used for expenses not provided for in the relevant chapter (incl. CZK 2,609 thousand for salaries and other payments for work, incl. accessions; plus CZK 4,958 thousand for operational costs);

The State budget funds were used to ensure the standard activities of the Office in dealing with complaints and in performing other tasks that the Defender is required by law to perform, in particular for:

- › systematic monitoring of establishments where persons are or may be restricted in their freedom;
- › help to victims of discrimination and EU citizens and their family members living in the Czech Republic;
- › monitoring the rights of people with disabilities;
- › monitoring of expulsions.

We also used these funds to co-finance projects from the EU financial mechanisms budget.

UTILISED BUDGET

CZK 158,206 THOUSAND

amounting to 103.13% of the approved budget. Of which:

- › CZK 1,183 thousand was used to finance the project “Reinforcement of activities of the Public Defender of Rights in human rights protection”.
- › CZK 933 thousand was used to finance the project “Protect Human Rights Better and More Effectively (transferring examples of good practice from Norway to the Czech Republic)”.

The budget overrun was covered by using claims from unspent expenditure. Claims from unused expenditure were used for:

- › financing of a project co-financed from the 2014–2021 Norway Grants;
- › ICT services;
- › ensuring cyber security;
- › purchase of IT equipment;
- › employee salaries;
- › repairs and other services.

Staff in 2024

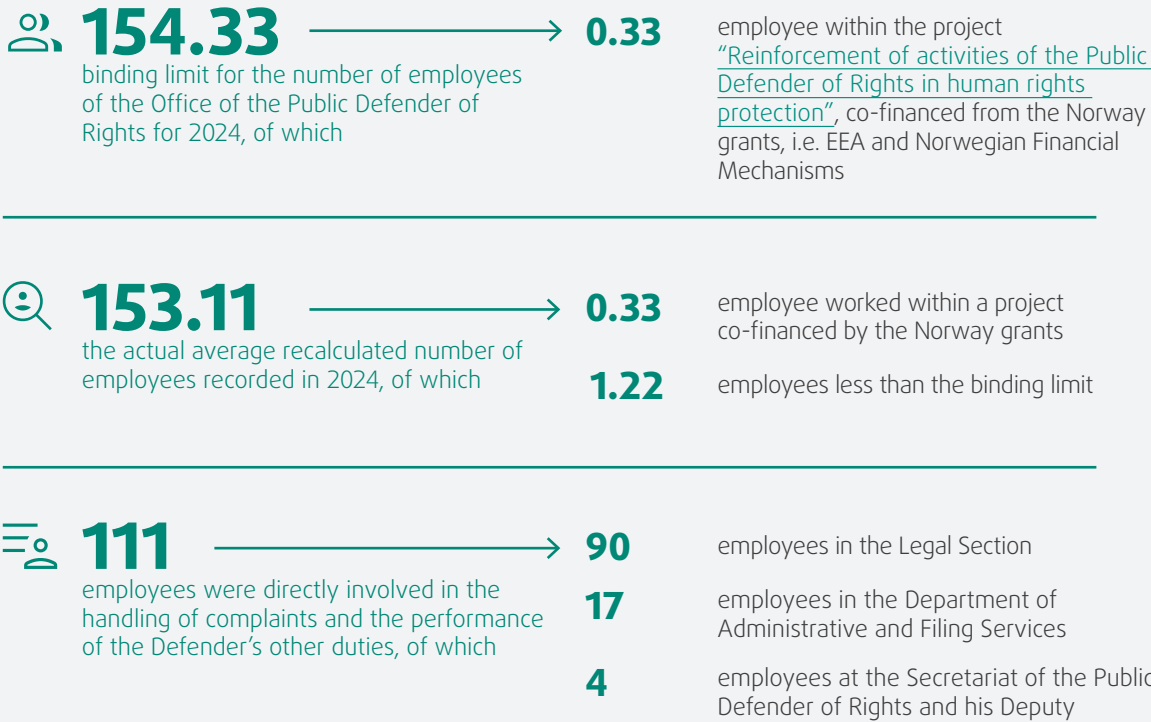
At the end of 2024, the Office of the Public Defender of Rights had a total of 168 employees, 26% of whom worked part-time. Another 17 people were on maternity or parental leave.

We also continued co-operating with experts who are not our regular employees, but can nevertheless provide valuable contributions to a comprehensive assessment of certain cases. We relied on their knowledge especially during systematic visits in places of detention and in monitoring of the rights of people with disabilities. Specifically, we co-operated with psychologists, child psychiatrists, nurses, social work and service experts, and social workers experienced in inclusive education and in work with difficult clients. Our activities also involved people with relevant personal experience – self-advocates, clients and patients of various institutions, as well as persons with disabilities.

The binding limit for the number of employees of the Office of the Public Defender of Rights for 2024 was 154.33, of which 0.33 was an employee within the project “Reinforcement of activities of the Public Defender of Rights in human rights protection”, co-financed from the Norway grants, i.e. EEA and Norwegian Financial Mechanisms.

The actual average recalculated number of employees for 2024 was 153.11 (of which 0.33 employee worked on the implementation of a project co-financed from the Norway grants). In 2024, we had 1.22 fewer employees than the binding limit.

A total 111 employees dealt directly with complaints and the exercise of other competences of the Defender: 90 in the Legal Section, 17 in the Department of Administrative and Filing Services and 4 in the Secretariat of the Public Defender of Rights and his Deputy.



Annual report on the provision of information pursuant to the Free Access to Information Act (Act No. 106/1999 Coll.)



 **91** —————→ **30**
number of requests for information received, i.e. more requests received than in 2023

66 cases where the Office provided information

21 decisions rejecting the request or its part

The Defender’s Office is an obliged entity under Act No. 106/1999 Coll., on free access to information, as amended. In 2024, the Office received a total of 91 requests for information under the Act, either in writing, by email or via data box. In 66 cases, the Office provided information, mostly in response to queries concerning the Defender’s generalised findings and opinions in specific areas (the military, police and prisons; construction and regional development; education; traffic offences; assistance to victims of discrimination; social and legal protection of children and the BSLPC; public interest lawsuits; environmental protection; healthcare; protection of persons restricted in their freedom), and requests for copies of the Collected Opinions of the Public Defender of Rights – Prisons. Other requests concerned statistical data on the handling of complaints received by the Defender, questions about the functioning, organisation and budget of the Office, as well as questions relating to the Defender’s mandate and the European Convention on Human Rights.

Applicants did not lodge any complaints pursuant to Section 16a of the Free Access to Information Act. In 21 cases, the Office decided to reject the request for information (or its part). Two appeals were lodged against the decision rejecting the request.

The published requests and answers to them can be found on the Defender’s website in the mandatory information section.

Section 1 (18)(a)	decisions rejecting the request or its part	21
Section 1 (18)(b)	appeals lodged against decisions	2
Section 1 (18)(c)	copy of important parts of each court judgment	0
Section 1 (18)(d)	list of exclusive licences granted	0
Section 1 (18)(e)	complaints filed pursuant to Section 16a of the Act	0
Section 1 (18)(f)	other information concerning the application of law	0
Total number of requests for the provision of information		91

ANNUAL REPORT ON THE ACTIVITIES OF THE PUBLIC DEFENDER OF RIGHTS IN 2024

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