Veřejný ochránce práv
OMBUDSMAN

Information on activities for the 3rd quarter of 2015 pursuant to Section 24 (1)(a) of Act No. 349/1999 Coll., on the Public Defender of Rights, as amended

Contents:

A Number of complaints, inquiries

A total of **1658** complaints were received in the 3rd quarter of 2015, which is **512** less than in the same period last year. I was approached by 1078 persons in matters falling within my competence under the law, which is 184 less than in the 3rd quarter of the last year. **Thus, the proportion of complaints falling within the Defender's mandate increased to 65%** (the figure for the last year was 58%). Most complaints were related to social security (291 complaints); many complaints (94) were concerned with the prison system, police and army, and also with construction proceedings and spatial planning (88)

In **73** of the complaints received, the complainants claimed unequal treatment by public administration and private individuals. The number of complaints directed against discrimination in the sense of the Anti-discrimination Act reached **56** . In **7** cases, we also provided information and analyses related to discrimination to international parties and national bodies.

In the third quarter, we performed **7** systematic visits to facilities where persons restricted in their freedom are or may be present. In the area of monitoring detention of foreign nationals and performance of administrative expulsion, we monitored **3059** decisions.

B Summary of the Defender's main findings

In the past, I visited a total of nine so-called "**unregistered facilities**", which provide social services and serve as illegal alternatives for retirement homes. As these facilities operate outside the legal framework, they are not subject to any inspection and supervision of the quality of the services they provide.

Unfortunately, I encountered ill-treatment that had to be classified as violation of fundamental rights and freedoms in all the facilities I visited. My findings were so serious that in a number of cases I had to report them to the prosecuting bodies. On the basis of the findings obtained during the visits, I have now made recommendations to the Government to prepare a plan toward ensuring the availability of social care services. The Government has voiced its agreement with my recommendations.

I also released a summary report on 14 systematic visits to **registered facilities** categorised as retirement homes and special regime homes. In this report, I concluded that some facilities were not sufficiently equipped to provide care without risking ill-treatment; in other cases, the facilities were inadequately staffed.

I issued recommendations to the Ministry of Labour and Social Affairs and the Ministry of Health on the basis of these findings and asked them to ensure that the recommendations were implemented in practice. Simultaneously, I recommend that both Ministries draft a solution for funding of the health care provided to clients of residential social care facilities. A significant part of the clients of retirement homes operated by all care providers are in urgent need of nursing and rehabilitation care and the care is indeed

provided in the vast majority of these facilities. Unfortunately, it is not being adequately funded.

Acting on my own initiative, I have dealt with the case of major changes to the façade of the "U Zlaté koule" building in Olomouc. The publicly available information suggested that the Construction Code may have been breached since the construction modifications had altered the appearance of the building without this being permitted by the construction authority. **The construction authority informed me that it would initiate proceedings on removal of non-permitted construction modifications.**

Ever since my predecessor JUDr. Pavel Varvařovský's time in office, we have stressed to the Ministry of Health the need for a statutory duty on the part of providers of health care services to keep records of using restrictive measures and to evaluate these records. **Restrictive measures represent a threat to human dignity if they are used without authorisation or in a humiliating manner. This is the reason why accurate statistics need to be kept and constantly evaluated, which is currently not possible. I have offered a draft text of the relevant law to the Ministry of Health to assist the Ministry in addressing this issue.**

The Ministry of Justice proposes to amend the Victims of Crime Act. It plans to extend the 3-month deadline for resolving the applications for financial assistance filed by victims of crime and the survivors of the victims. However, the purpose of providing financial assistance is to alleviate negative and traumatic consequences of crime for the victims. In order for the assistance to be effective, it must also be timely. This is why I disagree with the planned change that would extend the deadline for the provision of financial assistance to an indefinite period and I stressed this aspect to the submitter within the commentary procedure. The Ministry of Justice did not accept my commentary.

C Activities of the Defender

C.1 Public administration

In relation to public administration, the following recommendations and statements were issued during the third quarter of 2015, in particular:

C.1.1 The duration of home quality standards assessment in proceedings concerning a housing contribution (File No. 4144/2015/VOP/AV)

The complainant lodged an application for a housing contribution at the Brno regional branch of the Labour Office of the Czech Republic, the Brno-City contact office (hereinafter the "Labour Office"). Considering the fact the complainant lives in a house approved for occupancy as a recreational structure, the Labour Office asked the Brno-Královo pole municipal authority (hereinafter the "Construction Authority") to assess the home quality standards. At first, the Construction Authority refused to co-operate, referring to a lack of necessary documentation. After a repeated request from the Labour Office and

several reminders, the Labour Office received the Construction Authority's opinion (after approx. 5 months) and subsequently granted the benefit.

In my inquiry into the case, I concluded that the Construction Authority's procedure was at variance with the State Social Assistance Act in that the Construction Authority had failed to proceed pursuant to the Inspections Act and had not obtained the necessary documents from the archives itself. Furthermore, the Construction Authority could and should have proceeded faster in the home quality standards assessment. Although, in this case, the Construction Authority is subject to no fixed deadlines (the law only stipulates that it must issue an inspection protocol within 30 days of the last inspection task), the basic standards for the activities of administrative authorities need to be applied; these standards include resolving matters without unnecessary delays.

Considering the fact that the Construction Authority had already assessed the home quality standards and the Labour Office had retroactively provided the housing contribution to the complainant, I did not request further measures and I closed the inquiry. I did, however, inform the complainant of the possibility to claim compensation for an excessive length of proceedings.

C.1.2 Carrying out construction modifications on real estate belonging to the neighbouring plot of land without the knowledge of its co-owners (File No. 939/2015/VOP/IK).

My deputy dealt with a case of a complainant who requested inquiry into the procedure of the Hrušovany nad Jevišovkou municipal authority, which had repeatedly set aside a notice of infraction against the suspect Z. H. (the neighbour) consisting in that Z. H. had climbed over the wall separating the neighbouring plots of lands and built a scaffold, which he had used to carry out construction works on the part of his house that immediately bordered on the neighbouring plot. The municipal authority first assessed the conduct in question as an infraction against property through unauthorised use of another person's property under Section 50 (1)(b) of the Infractions Act and set the notice aside on the grounds of expiry of the liability for infraction. After a complaint was lodged, the authority dealt with the notice again and classified it as suspected infraction against civil cohabitation through wilful acts under Section 49 (1)(c) of the Infractions Act. However, it again set the notice aside, this time because it did not provide sufficient grounds for initiation of infraction proceedings.

My deputy's report on the inquiry first addressed the issue of whether or not the case truly involved the aforementioned infraction against property, and concluded that it did not. My deputy also concluded that the case did not involve a wilful act in the traditional sense of the term as the suspect had not used the neighbouring plot without justification; he had used it because carrying out construction works from his own plot was impossible. The suspect's actions could, however, be classified as an infraction against civil cohabitation through another form of gross misconduct, since the use of the neighbouring plot to such an extent without the consent of its owners cannot be considered a mere improper conduct, especially with regard to the ongoing long-standing disputes between the suspects and the owners of the neighbouring building and plot of land. According to my deputy's opinion, the

suspect committed, at the very least, an intentional act (at least in the form of indirect intent) and, therefore, this was not a case of mere advertent negligence.

The mayor of the town accepted my deputy's comments and proposed specific measures to ensure remedy with respect to the administrative authority's future practice.

C.1.3 Inquiry on the Defender's own initiative into the case of modification of the façade of a historical building – "U Zlaté koule" (File No. 2985/2015/VOP/MH)

I became aware of the case of significant modifications of the façade of "U Zlaté koule" building (situated in Olomouc) thanks to a news report published by an on-line daily. The publicly available information suggested that the Construction Code may have been breached since the construction modifications of the street-facing façade had altered the appearance of the building without this being permitted by the competent construction authority. In this case, the authority competent to ensure compliance with the duties under the Construction Code was the Olomouc City Hall (hereinafter the "Construction Authority"). Taking the above facts into consideration, I initiated inquiry into the case on my own initiative.

Over the course of the inquiry, the Construction Authority informed me that in the given case, construction modifications resulting in a change of the building's appearance were carried out. Therefore, one of the conditions pursuant to Section 103 (1)(d) of the Construction Code was not met and the construction modification thus required a construction permit. In assessing the change of appearance of the structure, the Construction Authority based its deliberations on the fact that the original façade had been richly decorated with façade elements and the new façade lacked any differentiation, in other words the change of the façade's appearance was obvious. Given the above-described facts, the Construction Authority advised the Defender that it would initiate proceedings *ex officio* to remove the unauthorised construction modifications**.**

Taking into consideration that the Construction Authority had already carried out remedial measures consisting in the initiation of proceedings aimed at removal of the unauthorised construction modification of the "U Zlaté koule" building in the course of the inquiry, I decided to close the inquiry. Nevertheless, I reserved the right to monitor the Construction Authority's further procedure in this case.

C.1.4 Application of the Code of Administrative Procedure in decision-making on subsidies (File No. 6329/2012/VOP/JHO)

Already in 2012, the Public Defender of Rights was approached by a principal of a music school who complained against the procedure of the City Hall of the Capital City of Prague, which had refused to enter into an agreement with the school on the provision and increase of subsidies for the music school's activities in the following school year pursuant to the Act on Provision of Subsidies to Private Schools, Pre-school and School Facilities. The complainant stated that the City Hall's procedure was dependent on the opinion of the Ministry of Education, Youth and Sports which the City Hall had asked for an advice in the matter. The Ministry upheld the City Hall's procedure. The Ministry stated that the complainant had failed to meet the conditions under the Private Schools Subsidies Act. Both authorities excluded the application of the Code of Administrative Procedure to the City

Hall's procedure in refusal to enter into an agreement on provision of subsidies for the complainant's activities.

My deputy did not find any errors in the authorities' procedure concerning the grounds for refusal to enter into the agreement. However, he found errors in the general practice of decision-making on private schools' applications for subsidies. He concluded that authorities had to deal with such applications for subsidies pursuant to the Code of Administrative Procedure. In lieu of issuing an affirmative decision to grant the application for subsidies, a public-law contract on subsidies can be concluded as envisaged by the Private Schools Subsidies Act. If such a contract has not been concluded, an unfavourable administrative decision has to be issued. The above-mentioned rule follows from the conjunction of the Private Schools Subsidies Act, the Budgetary Rules and the Code of Administrative Procedure.

The Ministry of Education, Youth and Sports accepted my deputy's conclusions after he issued his final statement, and issued comprehensive methodological guidelines on decision-making concerning applications for subsidies in the area of education, which were in accordance with the Deputy Defender's opinion in the given case.

C.1.5 Entitlement to subsistence support on the part of a student over 26 years of age (File No. 3512/2015/VOP/AV)

I was approached by a complainant who disagreed with the decision of the Brno regional branch of the Labour Office of the Czech Republic, the Brno-City contact office (hereinafter the "Labour Office") through which the Labour Office reduced subsistence support from CZK 6,550 to CZK 2,922 effective from February 2015, since the complainant's daughter had reached the age of 26 and, under the law, she could no longer be considered a person in material need (she was neither a dependent child nor registered as a job seeker). The complainant stated that the Labour Office should have continued treating her daughter as a person in material need as she had not been able to finish her studies earlier due to serious illness. The Minister of Labour and Social Affairs dismissed the appeal on the grounds that the file documentation did not include any proof of the claimant's assertion. On the contrary, the submitted certificates of student status issued by seven educational institutions showed that the complainant's daughter had not been prevented from studying by any serious illness.

After inquiring into the case, I came to the conclusion that there had been no error on the part of the administrative authorities, since the daughter was not recorded as a job seeker, was not engaged in gainful activities and could no longer be considered a dependent child; thus, she was not eligible for any of the exceptions under Section 3 (1)(a) of the State Social Assistance Act. The administrative authorities sufficiently justified their decision not to make an exception and to cease treating the complainant's daughter as a person in material need pursuant to Section 3 (3) of the State Social Assistance Act. Administrative authorities cannot be blamed for finding the complainant's claim, i.e. that a serious illness prevented her daughter from completing her studies before she turned 26, insufficient. It was primarily up to the complainant to provide evidence for the claimed facts that were to serve as a basis for the Labour Office's decision to continue treating the daughter as a person in material need.

C.2 Supervision over restrictions of personal freedom and monitoring of expulsions

Within the prevention of ill-treatment and supervision over restrictions of personal freedom, we performed a **total of 7 systematic visits** in the third quarter of 2015. These included one visit to a treatment facility for long-term patients, specifically the one in Městská nemocnice *(Town Hospital)* in Odry. Additionally, the visits included four police cells facilities at four stations of the Police of the Czech Republic in the Vysočina Region, the Facility For Detention of Foreigners in Bělá-Jezová (see par. C.2.1 below), and a follow-up visit in the Pardubice prison.

Concerning the agenda of expulsion monitoring, there were **three instances of monitoring in total**: two instances involving monitoring of transfer of foreign nationals under the Dublin III Regulation and one instance of monitoring of transfer of foreign nationals under a readmission agreement, from the reception centre and the facility for detention of foreigners to a border crossing.

Within the agenda of systematic visits, I am now evaluating the series of visits to prisons, I am concluding a series of visits to treatment facilities for long-term patients, and I have evaluated the current procedure concerning the so-called unregistered residential social services facilities; concerning this matter, I have approached the Government and concluded the evaluation of the series of visits to (the registered) facilities for the elderly by issuing recommendations for systemic remedial measures to be applied by the relevant Ministries. I have issued an open call for future co-operation to interested experts in the fields of psychology, psychotherapy, special education of children with behavioural disorders, and social work.

In summer, the employees of the Department of Surveillance over Restriction of Personal Freedom worked on developing their competences in monitoring of treatment of persons deprived of their liberty. Two employees attended a one-week course at the University of Bristol aimed at the position of women in detention (the application of the "Bangkok Rules"); four employees carried out a one-day visit to a prison in Chemnitz, Germany, focusing primarily on the social work possibilities in the prison and the subsequent resocialisation of the convicts.

The third quarter saw continuation of our training of police officers in the area of preventing ill-treatment of detainees in police cells, which is carried out by employees of the Department of Surveillance over Restriction of Personal Freedom on the basis of an agreement with the Police Presidium. Further, I accepted the invitations to participate in meetings of supervising public prosecutors at the Supreme Public Prosecutor's Office in Brno, who also deal with the issues of protection of the rights of detainees; this was an opportunity for me to keep the dialogue open and share experience.

C.2.1 Systematic visit to the Facility for Detention of Foreigners in Bělá-Jezová

On 31 August 2015, together with the employees of the Office of the Public Defender of Rights and interpreters, I **visited the Facility For Detention of Foreigners in Bělá-Jezová**. After inspecting the premises, interviewing the detained foreign nationals and the staff, I

concluded that the situation amounted to an acute humanitarian problem. The facility's standard capacity of 270 beds was increased to 700 and housed 659 persons, including 147 children. The Facility was not prepared, in terms of its equipment, organisation and personnel, to accommodate and provide services to such a large number of persons.

The detainees lacked even the most elementary information concerning their situation. Close as well as more distant family members were commonly being separated, both within the Facility itself and when some family members were being transferred into a different facility of the same kind. The anxiety of the detainees was intensified by the fact that they were unable to contact their relatives. The detainees felt utterly humiliated by the conditions of detention and the treatment they were subjected to. Parents felt humiliated in front of their children, not least because they were escorted in handcuffs by police officers. I also drew attention to the lack of legal advice provided in the facility and a number of other shortcomings.

At the conclusion of the visit, **I informed the head of the Facility of the most significant of my findings and I requested that remedy be ensured** (providing clothes and shoes, providing the detainees housed in the gym with direct access to the toilet and running water, properly informing and feeding the detainees, enabling the detainees housed in the gym to do shopping, outings, and adopting measures to prevent outbreaks of diarrhoea, etc.).

In the report on visit to the Facility, I described in detail the shortcomings found and I concluded that ill-treatment of detainees, especially children, had occurred. I sent the report on the visit to all entities participating in the operation of the Facility (Refugee Facilities Administration of the Ministry of the Interior, the Healthcare Facility of the Ministry of the Interior, the Police of the Czech Republic – Directorate of the Foreigners Police). I requested that the above-specified entities immediately adopt measures to remedy the shortcomings found and inform me of the measures adopted within 14 days. Pursuant to the Public Defender of Rights Act, I also informed the Minister of the Interior, Minister of Labour and Social Affairs, Minister of Education, Youth and Sports, Minister of Justice and Minister for Human Rights of the results of my visit.

I only received a response from the Healthcare Facility of the Ministry of the Interior within the set deadline. Therefore, I decided to carry out an inspection visit in the Facility a month after the initial visit. At the time of the inspection visit (3 October 2015), the Facility housed 397 persons, including 100 children. Despite certain improvements, I again found continuing ill-treatment of the detainees. This is why I contacted the Minister of the Interior and informed the public pursuant to Section 20 (2)(a) and (b) of the Public Defender of Rights Act. The report on the inspection visit to the Facility, including my recommendations for the Ministry of the Interior and the subsequent communication with the relevant entities is available on the Public Defender of Rights' website.[1]

On 20 October 2015, I personally met with the Minister of the Interior, who informed me that he was adopting measures (increasing the number of social worker, providing for

[1] http://www.ochrance.cz/ochrana-osob-omezenych-na-svobode/zarizeni/zarizeni-pro-cizince.

interpreters, games for children, etc.) ensuring that the conditions in the Facility For Detention of Foreigners in Bělá-Jezová were gradually improving, especially with regard to the children accommodated in the Facility.

C.2.2 Recommendations for the Ministries based on the series of visits to retirement homes and special regime homes

In the previous quarter, I issued a summary report **on systematic visits of 14 (registered) residential social care facilities** categorised as retirement homes and special regime homes. The report is available online[2] and in print. The good reception received so far by the report including findings on the current practices in residential social services for the elderly and on the required standard of care leads me to the idea that I should continue in preventive actions also by means of a measured presentation of the report; taking inspiration from abroad, this could be accomplished especially in co-operation with the experts who participated in the visits.

I made recommendations to the Ministry of Labour and Social Affairs and the Ministry of Health on the basis of the findings from the visits and asked the Ministries to ensure the recommendations were implemented in practice.[3] I also requested co-operation from the General Health Insurance Company *(in Czech: Všeobecná zdravotní pojišťovna)*. The recommendations concern the use of sedatives, the registration conditions for the provision of social services, payment for health care and the Czech Republic's strategy in combating dementia.

Since the visits revealed several common errors in work with sedatives, I recommend that the Ministry of Labour and Social Affairs supplement the existing Recommended Procedure for the Use of Restrictive Measures so that it better addresses the use of medication as a restrictive measure, and also provide guidelines to inspectors in order for them to be able to recognise various regimes of work with sedatives in practice. I also recommend that the Ministry define the personnel and the equipment standards for the provision of residential social services in the form of an implementing regulation to the Social Services Act.

I recommend that the Ministry of Health, acting in accordance to the National Action Plan to Support Positive Aging for 2013–2017, prepare the Alzheimer Plan and submit it to the Government for approval.

I recommend that both Ministries draft a solution for funding the health care provided to clients of residential social care facilities.

[2] The report is available at http://www.ochrance.cz/ochrana-osob-omezenych-na-svobode/z-cinnosti-ombudsmana/zpravy-z-navstev-zarizeni/.

[3] See also Report pursuant to Section 24 (1)(c) of the Public Defender of Rights Act, attached separately.

C.2.3 Restrictive measures in health care

After carrying out systematic visits of children's psychiatric hospitals and sobering-up stations, my predecessor JUDr. Pavel Varvařovský recommended that the Ministry of Health **initiate a change in the legislation by establishing a statutory duty on the part of the health care providers to keep records of using restrictive measures and to evaluate the records**.

The issue was the subject of communication and negotiation with the Ministry of Health and the Ministry of Justice, resulting in its incorporation in the draft amendment to the Health Care Services Act, which is a part of the Government bill on the protection of health against the harmful effects of dependency producing substances currently under consideration by the Chamber of Deputies.

Keeping records of using restrictive measures was recommended to health care services providers by the Ministry of Health's Methodological Guideline of 2009.[4] However, the guideline is not binding and my findings show that it is not being implemented in practice. Even where the available computer technology allows the use of medical records to generate overviews of the use of restrictive measures, the results are not evaluated in any way. This represents a problem because this leads to concealing and tolerance of cases of pre-emptive (and thus illegal) use of restrictive measures, and also prevents adoption of systematic remedial and preventive measures. **Restrictive measures represent a threat to human dignity if they are used without authorisation or in a humiliating manner. This is why I recommend to introduce a duty to keep records and to evaluate them.** I believe that this would allow to cultivate the practice of using restrictive measures in the long term and, more importantly, to open way for progress in reducing the need to use these measures altogether. Last but not least, such a duty would allow effective supervision by the Regional Authorities, which, as I have found in practice, is currently completely non-existent.

Although recordkeeping is mentioned in the draft amendment to the Health Care Services Act, it in fact only provides for the health care services providers' duty to keep a sort of a statistic. The drafting party did not adopt the rule as provided by the methodological guideline, but only formulated (as a new subparagraph in Section 39 (4) of the Health Care Services Act) the duty to "keep central records of use of restrictive measures, containing a summary of the cases of use of restrictive measures per calendar year, for each restrictive measure separately." **I believe that the rule contained in the bill is practically useless; it will only result in unverifiable numbers unsuitable for further evaluation.** Therefore, I believe the proposed solution will not address the main point, i.e. either monitoring and evaluation of the individual cases or their effective verification.

During the process of preparation of the bill, I offered an alternative wording to the Ministry of Health (Section 39 (4) of the Health Care Services Act):

"(4) The provider shall keep and evaluate central records of use of restrictive measures; these records shall not be a part of medical documentation and shall include the following:

[4] Methodological Guideline No. 37800/2009, Art. 2.

a) start/end date and time of application of the restrictive measure;

b) name of the workplace where the restrictive measure was used;

c) type of the restrictive measure;

d) number of checks carried out by the medical staff;

e) name(s) and surname of the person ordering the use of the restrictive measure;

f) a list of injuries, if any, suffered by the patient or members of the medical staff.

The use of a restrictive measure shall be recorded within 30 days of the date thereof. The provider is obliged to evaluate the records once annually."

The above-mentioned legal regulation is now tied to adoption/rejection of bill No. 508, i.e. the Government's bill on the protection of health against the harmful effects of dependency producing substances. I believe it should be modified so that it provides for the much needed duty to keep records, not for a mere burden of keeping a statistic.

C.3 Protection against discrimination

C.3.1 Non-admission of a child into a kindergarten (File No. 67/2013/VOP/VP)

In 2013, my predecessor was approached by a complainant whose daughter had not been admitted into a kindergarten. The reason for her non-admission lay, *inter alia*, in the fact that the mother of the child was on parental leave to care for her second child. The kindergarten's principal also cited the child's vision impairment as the reason for non-admission. She subsequently recommended that the parents enrol the child in a special kindergarten for children with vision impairment. The parents refused to consider this on account of the fact their daughter's visual impairment was relatively mild. The examining physician's opinion recommended increased supervision over the child during group activities.

Taking parental leave is directly associated with childbirth and the subsequent care for the child, therefore citing it as a reason for different treatment represents a case of discrimination on the grounds of maternity – a prohibited ground under the Anti-Discrimination Act. In this case, however, the discrimination was not based on maternity directly, but rather on the maternity of the mother of the discriminated child. In other words, the complainants' daughter faced discrimination because the prohibited ground of discrimination applied to her mother. I consider such distinction impermissible in consideration of the purpose and effectiveness of enforcement of the right to equal treatment.

I have found the fact that the child's vision impairment was cited to the complainant as a reason for non-admission equally impermissible. A complete exclusion of the child is not proportional to the severity of her vision impairment and the expert opinion of the physician. I found this reason for non-admission discriminatory as well.

The complainant contested the principal's conduct through administrative justice, where he was successful and the court repealed all the previous decisions. However,

considering the duration of the proceedings, the child was not admitted into the kindergarten for the second time as she had already reached the age of compulsory school attendance.

Nevertheless, the case proved significant in terms of future practice, since as my inquiry showed, the principal actually proceeded in accordance with the Anti-Discrimination Act and the Code of Administrative Procedure in the following years.

D Legislative recommendations and special powers of the Defender

D.1 Notice concerning the matter of residential facilities providing social care services without authorisation

In the past quarter, I exercised my power under the Public Defender of Rights Act and approached the Government with the findings I obtained in systematic visits of nine facilities providing their clients, aside from accommodation and meals, with services identical in terms of content to social care services, without having obtained the necessary authorisation under Section 78 *et seq.* of Act No. 108/2006 Coll., on social services, as amended. I found ill-treatment and violations of fundamental rights and freedoms, respectively, of the accommodated persons in all the visited unregistered residential social services facilities. Some of the findings were so alarming that I reported them to the prosecuting bodies.

This is a systemic problem which may only be addressed by the Ministry of Labour and Social Affairs in close co-operation with other Ministries as well as the regional and municipal authorities. In my opinion, the solution must not consist solely in repression against the unregistered residential social services facilities. Systemic steps need to be taken to ensure sufficient supply on the part of the registered social care services, increasing their availability.

In the document, I suggested that the Government task the Minister of Labour and Social Affairs with preparing a plan of measures to deal with the availability of social care services (for which the unregistered facilities substitute) and, further, to co-operate with regional and municipal authorities to prepare a plan of measures to actively search for and help persons who receive services from unregistered facilities, or who may receive them in the future. The Minister of Labour and Social Affairs is to incorporate both documents into the planned National Strategy for Development of Social Services in 2016–2020, which is to be submitted for the Government's approval by 31 December 2015.

The submitted document was discussed by the Government on 5 October 2015; the Government accepted my recommendations.

D.2 Comments on the bill amending Act No. 45/2013 Coll., on victims of crime and on amendment to certain laws (the Victims of Crime Act), as amended by Act No. 77/2015 Coll., and other related laws.

The Ministry of Justice proposes to amend the Victims of Crime Act. The Ministry wants to extend the 3-month deadline for resolving the applications for financial assistance filed by victims of crime and the survivors of the victims. However, the purpose of providing financial assistance is to alleviate the negative and traumatic consequences of crime on the victims. In order for the assistance to be effective, it must also be timely. This is why I disagree with the planned change that would extend the deadline for the provision of financial assistance to an indefinite period and I stressed this aspect to the submitter within the commentary procedure.

The Ministry wants to extend the 3-month deadline for resolving applications by a period necessary for "obtaining underlying documents for the decision from the criminal file." However, I consider the 3-month period sufficient. Even if the Ministry faces problems with timely obtaining of all the necessary documents, it cannot pass its difficulties onto the victims of crime. On the contrary, it should help these victims to alleviate their difficult situation. I must consider unacceptable a state where the problems and difficulties faced by the victims of crime or their survivors were aggravated by postponing the time when they would receive financial compensation.

The Ministry of Justice did not accept my comments in the course of the commentary procedure.

E Other activities

E.1 Together towards Good Governance Project CZ.1.04/5.1.00/81.00007

Since 1 January 2014, the Office of the Public Defender of Rights has been implementing the Together for Good Governance project (reg. No. CZ.1.04/5.1.00/81.00007). The project is financed from the European Social Fund through operational programme Human Resources and Employment and the State budget of the Czech Republic.

The main objective of the project is to identify opportunities for increasing effectiveness of the work of the Office of the Public Defender of Rights (hereinafter "the Office") with the use of international co-operation.

The key activities of the project focus on exchange and comparison of experience and good practice examples with international partners, education of professional staff of the Office, organisation of training seminars, round tables and conferences for target groups, stays and internships for students and activities to raise public awareness about the competence of the Public Defender of Rights.

The following are the target groups of the project:

- local governments and regional authorities, their administrative bodies, organisations established or founded by them and their employees

- governmental authorities and organisations established by them
- employers
- NGOs
- students

The Office of the Public Defender of Rights (Slovakia) and Alapvető Jogok Biztosának Hivatala – The Office of the Commissioner for Fundamental Rights (Hungary) are the project partners.

In particular **the following activities took place** during the third quarter of 2015 within the above project:

1) One individual international visit with a co-operating organisation

- One 1-day visit to Slovakia (Office of the Public Defender of Rights)

Topic of the individual visit – exchange of experience and sharing good practice in the following areas:

- public awareness of the institution of the Public Defender of Rights, selection of a representative sample, methods of questioning, carrying out surveys, recommendations concerning the presentation and publication of the obtained data
- professional training of the employees – setting the contents and form of employee training in communication with specific target groups (persons with disabilities, psychiatric minimum)
- comparing working methods and competences in the area of children's rights (communication strategy and instruments, examples of good and bad practice, inspiration for methodological guidelines)

2) Seven seminars for public administration and NGOs in České Budějovice, Prague, Hradec Králové, Ústí nad Labem, Plzeň and Brno

Topics: monument care; rights of detainees in police cells, use of force and ill-treatment; right to information, personal data protection and the exercise of public guardianship.
Total number of participants: 272.

3) One round table with public administration in Prague

Topic: Public Defender of Rights' findings in the area of assistance in material need.
Total number of participants: 35.

4) One-day conference – Discrimination in the Czech Republic: Victims of Discrimination and Obstacles Hindering their Access to Justice

Total number of participants: 57.

5) One seminar for students of a secondary vocational school in Prague

Topic: the Public Defender of Rights and her activities.
Total number of students: 24.

6) **Six informative and awareness-raising meetings "We take interest in you" in the social services facilities in Brno – retirement homes DS Vychodilova, DS Okružní, DS Podpěrova, DS Koniklecová, DS Mikuláškovo náměstí, DS Nopova**

Topic: unfair commercial practices
Total number of participants: 170.

7) **Two informative and awareness-raising meetings in schools in Janské Lázně and Brno**

Topic: diversity in schools.
Total number of participants: 85.

8) **Two informative/enlightenment meetings in socially excluded areas in Kladno and in Karlovy Vary**

Topic: Discrimination in the area of schooling, housing, employment and access to services.
Total number of participants: 30.

The project outputs and indicators are carried out according to the set timetable.

In Brno, on 26 October 2015

Mgr. Anna Šabatová, Ph.D.
Public Defender of Rights