Veřejný ochránce práv
OMBUDSMAN

Information on activities for the 4th quarter of 2016

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

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A. Number of complaints, inquiries

A total of **2050** complaints were received in the fourth quarter of 2016, which is **398** more than in the same period last year. I was approached by 1354 persons in matters falling within my competence under the law, which is 303 more than in the 4th quarter of the last year. **Thus, the proportion of complaints falling within the Defender's mandate increased to 66%** (the figure for 2015 was 64%). Most complaints were related to social security (375 complaints); many complaints (137) concerned the area of construction proceedings and spatial planning and also the prison system, police and the army (134).

In **92** of the complaints received, the complainants claimed unequal treatment by public administration and private individuals. The number of complaints against discrimination within the meaning of the Anti-Discrimination Act reached **58**. In **21** cases, we also provided information and analyses related to discrimination to international parties and national bodies.

In the fourth quarter, we performed **5** 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 the performance of administrative expulsion, we monitored **1,472** decisions.

B. Summary of main findings from the Defender's activities

In the past quarter, I persuaded the Council for Radio and Television Broadcasting to turn its attention, in the future, to so-called **prank videos** (in this particular context, videos showing teachers in embarrassing situations staged by students). The Council originally refused to deal with this matter, claiming that it lacked authorisation to monitor the contents of the YouTube website where the videos were posted. I agreed with the Council in this respect; nevertheless, in this case the videos were "advertised" by a private radio station, i.e. an entity the Council can and in fact should monitor. We agreed that the Council would do so when handling such cases in the future.

A municipal court satisfied a man's application **for a change of his surname to the surname of his deceased fiancée**. The court, and also the competent Regional Authority, accepted the man's petition that he wished to change his surname out of respect for his fiancée. Unfortunately, the Regional Authority failed to take into account the fact which was brought to my attention by the woman's family – that the same man had in fact killed his fiancée. I emphasised in my inquiry report that the applicant had concealed, in the application for a change of surname, that he was himself responsible for the woman's death. The Regional Authority subsequently initiated review proceedings in which it revoked the decision granting the application for a change of surname.

I inquired into a case where the body of social and legal protection of children (BSLPC) sought **a court order imposing institutional education on a child for a trial period** despite being aware that the mother properly cared for the child. The BSLPC claimed to be doing so for reasons of "prevention". The BSLPC proposed that the court institutionalise the child despite the lack of any serious reasons for this measure and disregarding the fact that the

child's mother would in fact care for the child outside a children's home. I believe such approach is completely unacceptable. The BSLPC subsequently agreed with my inquiry report and acquainted its social workers with the report's conclusions.

I was approached by the father of a person with disability who claimed that his daughter suffered **discrimination in access to the services of the Czech Post**. The counters of the post office in question are located on the first floor of the building and people with mobility impairment can only access them using a lifting platform with a signalling device. The complainant's experience at the time was that the post office's employees responded to a call from the platform's signalling device very late or did not respond at all. As a result, his daughter had to wait for an inordinately long time before she could access the counters. The post office subsequently ensured the platform was adequately attended and persons with disabilities had a prompt and dignified access to postal services.

I inquired into a case where a municipal ward authority refused to **grant a woman a reserved parking place near the woman's home**. The complainant is disabled after surgeries of both her knee joints and hip, holds the ZTP (*severe health disability*) card and can walk only with great difficulty using crutches and only for short distances. The municipal ward authority declined the woman's application for a reserved parking place. The authority explained that the complainant was not a vehicle keeper/driver or a wheel-chair bound person. In its decision-making, the municipal ward authority disregarded the fact that the vehicle keeper was the complainant's husband, also a person with limited mobility. I recommended that the municipal ward authority resolve the complainant's new application properly and take her individual circumstances into account in accordance with the requirements of the Anti-Discrimination Act.

C. Defender's activities

C.1 Public administration

C.1.1 "Pranks" on teachers (File No. 2492/2016/VOP)

After being alerted of this phenomenon several times, I started an inquiry on my own initiative into the procedure of the Council for Radio and Television Broadcasting (hereinafter the "Council") in the case of a competition announcement by a radio station, which invited listeners to make videos of "pranks" – meaning, in this particular context, videos showing teachers in unexpected and embarrassing situations staged by students.

The Council originally maintained that the matter was beyond its mandate as it was not competent to supervise YouTube, i.e. the website where the students posted their videos. The Council changed its position following my notice, accepting that while it could not monitor video content published on YouTube, it was competent to assess whether the radio station's competition announcement was appropriate.

It is worth noting that the school ombudsman condemned the challenge; the ombudsman considers such pranks cruel and socially problematic. In the ombudsman's opinion, the pranks, if also incentivised with reward and publicity, seriously compromise family and

school education and are remarkably prone to escalate into cyberbullying. Equally alarmed by the matter was Mgr. Kamil Kopecký, Ph.D., editor-in-chief of the E-bezpečí (or *E-safety*) project, www.e-bezpeci.cz. In his editorial published on 28 February 2016, Mr Kopecký mentions (quote) that he is "certain that without the campaign broadcast by a commercial radio station, students would not come up with creating videos that humiliate and insult teachers on such a massive scale."I am convinced that the views of the school ombudsman and the expert on cyberbullying deserve attention.

Following my request, the Council evaluated the facts of the competition announcement and informed me that it found violation of the law as the challenge targeted children and juveniles without being moderated by explaining that the goal of the "prank" should not be to place teachers in humiliating situations and videoing them under such conditions. The Council concluded that the broadcast challenge was capable of affecting mental and moral development of children and juveniles, because in pursuit of high viewing numbers and hence a chance for winning the competition, students could bring teachers into situations that are undesirable on school grounds and with respect to the teacher-student relationship and were capable of causing psychological harm to teachers. The Council requested that the operator of the radio station ensure remedy; this, however, was impossible because the competition had already ended. However, the Council promised to monitor similar broadcasts more carefully in the future, following which I closed the inquiry.

C.1.2 Repeated delays in proceedings and refusal to allow copying of a file (File No. 3670/2015/VOP)

My Deputy dealt with the complaint of Mr and Mrs H. concerning the procedures of the Hostivice Municipal Authority (construction authority) and the Regional Authority of the Central Bohemian Region in connection with unauthorised construction work in the vicinity of the married couple's home. The inquiry confirmed errors especially in the procedure of the Hostivice construction authority in all the procedural aspects pointed out by the complainants (unwillingness, inactivity, chaotic keeping of files, refusal to allow making copies of a file). My Deputy ascertained that especially the manner in which files were kept at the Hostivice construction authority was completely inadequate – files were not kept in accordance with the Code of Administrative Procedure and did not contain a proper list of the file's contents with a record of appointment of authorised officials. Not all documents and case-related materials were chronologically recorded, proofs of delivery (date of inserting a document in the file) were absent. Consequently, file summaries did not provide adequate information on the actual progress of the proceedings, or could have been additionally modified, which seems to confirm the complainant's objection that some documents were prepared by the construction authority *ex post* and inserted in the file afterwards. The Hostivice construction authority also did not comply with administrative deadlines and generally failed to process cases within reasonable periods of time.

My Deputy also criticised its refusal to allow parties to proceedings to make copies of documents from a file. The Defender's Deputy emphasised the unacceptability of a state of affairs where issuing a copy of construction documents was "automatically" conditional

on the consent of the owner of the relevant structure or the documents' author. If a construction authority refuses to grant access to a file by making a copy, it must always do so through a resolution so as to allow complainants to mount a defence against such procedure. My Deputy noted in this respect that the competent administrative authority should allow to make copies of a file e.g. by making photocopies of the documents because this is a technologically up-to-date equivalent to obtaining extracts from the file reflecting the social (legal) progress of society.

The Hostivice Municipal Authority acknowledged its errors after the inquiry report was issued; the ascertained shortcomings were discussed with the head of the construction authority with a reprimand. My Deputy closed his inquiry, in particular because the ascertained inactivity was mainly related to the construction authority's procedures in the past and no additional remedial measures were required.

C.1.3 Permitting a change of surname and the applicant's good faith (File No. 5512/2015/VOP)

The complainants in the case opposed a decision of the Smiřice Municipal Authority which granted an application for a change of surname to the surname of their sister/daughter (the applicant had caused the death of the complainants' sister/daughter and had been sentenced to 16 years custodial sentence for that act) and disagreed with a communication of the Regional Authority of the Hradec Králové Region which had not found any reasons for initiating review proceedings in this matter.

In the substantiation of his application, the applicant alleged that he had lost his fiancée to death and since they wanted to marry, he would like to use her surname as an act of respect and love. The applicant did not submit any evidence in support of his allegation and the administrative authority based its considerations solely on what the applicant wrote in the application.

Following the complainants' submission, the Regional Authority obtained copies of the judgments in the man's criminal case, which showed the circumstances under which the complainants' sister/daughter had died. Nevertheless, the Regional Authority concluded that it was impossible to unequivocally infer a lack of good faith on the applicant's part because the court decisions suggested his close emotional and personal bond to the deceased woman.

Under Section 82 (2) of the Civil Code, after the death of an individual, the protection of his personality rights may be claimed by any of his close persons. Granting the application for a change of surname to the surname of a deceased person can be seen as specific infringement of the deceased person's personality rights that the parents and sister of the deceased person may seek to protect. After the change of surname was granted, the applicant had the same surname as the complainants, who can perceive this as infringement of the deceased individual's personality rights as well as the personality rights of their own. Therefore, I opened an inquiry on the basis of the complaint.

Under the Code of Administrative Procedure, review proceedings are not permissible where a decision has been made on personal status and the applicant has acquired rights

in good faith. The aspect of the applicant's good faith was crucial for assessing whether the Regional Authority should have opened review proceedings. I emphasised in my inquiry report that the applicant had concealed, in the application for a change of surname, that he was himself responsible for the woman's death. Had the applicant indicated this fact, the administrative authority could have assessed his application differently instead of assuming that the applicant had not caused the death of his partner whose surname he wished to use. Also, if it were shown that the applicant did not tell the truth in his application as regards the planned marriage, he could not have acted in good faith.

After receiving my inquiry report, the Regional Authority opened review proceedings before the expiry of the one-year period of the legal force of the municipal authority's decision. It proved in the review proceedings that the applicant had not acquired the right to use his deceased partner's surname in good faith and revoked the decision granting the change of surname. I subsequently closed the case.

C.1.4 Conditions for issuing a certificate instead of determination (File No. 2679/2016/VOP)

My Deputy dealt with a complaint concerning the procedure of a road administration authority. On the complainant's application for determination of the character of a disputed road on the complainant's land by means of a certificate, the administrative authority confirmed the existence of a publicly accessible special-purpose road despite being aware that the applicant did not accept that his land should serve as a public road. The authority insisted that the conditions for issuing a certificate had been met because (quote) "a situation where one of the parties to the proceedings, in this particular case the owner of the plot of land on which a publicly accessible special-purpose road is located, refuses to accept a legal state of affairs and demands that an administrative authority initiate proceedings and issue a decision without the prerequisites for this having been met, is not a ground for initiating contentious proceedings."

After an inquiry report was issued, in which the Deputy explained to the road administration authority that the attitude of the persons concerned (in this case, the owner of the plot of land or users based on an essential access need) takes precedence over the authority's belief in being correct, in determination of whether the conditions for issuing a certificate have been met; the authority admitted its error. The authority is currently conducting proceedings on removal of a fixed obstacle from a road, during which the character of the road will also be clarified.

C.1.5 Institutional arrangements for a child "for a trial period of 6 months" (File No. 3517/2014/VOP)

I was approached by a mother who had given birth as a minor while she lived in a children's home. She lived with the child in the children's home until attaining majority. She and the child then moved in with her partner and father of the child. The child was institutionalised soon after the mother attained legal age but the mother cared for the child on the basis of long-term "leaves" from the children's home.

The complainant requested an inquiry into the procedure of the Plzeň 3 Municipal Ward Authority (acting as the body for social and legal protection of children, hereinafter the BSLPC) in the performance of curatorship *ad litem* with respect to the child. The complainant criticised the BSLPC *inter alia* for proposing that the court ordered institutionalisation of her daughter for a trial period of 6 months despite being aware that she duly cared for the child and had appropriate conditions for such care at her partner's place.

I found errors in the procedure of the BSLPC that proposed ordering institutionalisation simply on the grounds of doubts regarding the mother's ability to manage her role after leaving the children's home. This, in my opinion, is completely unacceptable. The BSLPC proposed that the court should institutionalise the child despite there being no serious and legitimate reasons for this measure and disregarding the fact that the child's mother would in fact care for the child outside a children's home. Institutionalisation is by no means a measure that should be used as a "trial period" for proving a person's capability to duly exercise parental rights and duties.

After the inquiry report, the authority identified with my legal view that filing the application for institutionalisation would be disproportionate. It acquainted social workers with the conclusions made in the inquiry report and "discussed the report in detail with a clear conclusion to comply with the views of the Public Defender of Rights".

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

Within the scope of prevention of ill-treatment and supervision over restrictions of personal freedom, authorised employees of the Office of the Public Defender of Rights performed a total of **5** systematic visits to facilities and **5** expulsion monitoring trips during the fourth quarter of 2016.

I completed a series of visits to **facilities for children requiring immediate assistance** by performing systematic visits to such facilities in Olomouc, Znojmo and Most. In 2017, I will issue a summary report on my findings and recommendations intended both for providers of care for vulnerable children and the responsible public authorities. Employees of the Office of the Public Defender of Rights also performed a systematic visit to the **Opava Prison and Security Detention Institution**, concentrating on the conditions of imprisonment of persons on whom protective treatment has been imposed. Through the subsequent **visit to the ADP Sanco, s.r.o. treatment facility for long-term patients in Prostějov**, they also verified the progress of implementation of my recommendations from the previous visit.

On 17 October, I held a **round table** meeting for employees of social and healthcare departments of Regional Authorities on **administrative punishment of entities providing social services without authorisation.**

Employees of the monitoring department also held the following events during the fourth quarter:

- **seminar for public curators** from the Vysočina Region in Jihlava, who were introduced to good practice in the performance of curatorship;

- **seminars in Pardubice and České Budějovice** for employees in social services who care for clients of retirement homes and special regime homes;

- seminar for **80 inspectors from the Czech Schools Inspectorate**, acquainting them with the Office's methods of work concerning systematic visits and its findings from systematic visits to facilities for institutional and protective education;

- seminar for **police officers responsible for guarding cells from the z Regional Police Directorates of the Central Bohemian and Ústí nad Labem Regions**, acquainting them with the basic rights of detained persons in the light of the case law of the European Court of Human Rights.

On the other hand, some employees of the monitoring department gained a better insight into the practical aspects of protection of particularly vulnerable persons during three-day **stays in a psychiatric hospital and in special regime homes.**

I also hosted the Albanian ombudsman's deputies who came to the Czech Republic to learn about typical ombudsman activities as well as the methods of work and cases of the Czech national preventive mechanism.

Since November 2016, the monitoring department has been implementing a three-year project **"Support for the Effective Monitoring of Forced Returns"** financed from the EU Asylum, Migration and Integration Fund. The project envisages monitoring of at least 40 administrative and criminal cases of expulsions of nationals of non-EU countries.

C.3 Protection against discrimination

C.3.1 Discrimination of persons with disabilities in access to postal services (File No. 5281/2015/VOP)

I was approached by a complainant about discrimination of his daughter, who is a person with disability, in access to the services of a post office. The complainant stated that the counters of the post office in question were located on the first floor of the building and people with mobility impairment could only access them using a lifting platform with a signalling device. The complainant's experience at the time was that the employees of the post office responded to a call from the platform's signalling device very late or did not respond at all and his daughter had to wait for an inordinately long time before she could access the counters.

In his complaint, the complainant described an incident from May 2015 where he and his daughter attempted to call the platform attendant several times using the signalling device. The complainant had to leave his wheel chaired daughter on the ground floor after a lengthy waiting at the platform and walk the stairs to the counters on a higher floor in order to find the employee in charge of the platform. Then he had to wait again until an employee at the counters was available to hand over the consignment to the

complainant's daughter on the ground floor. In the end, the platform was not used at all and the complainant's daughter waited more than 45 minutes before she was served.

The above information gave rise to the suspicion that the post office was guilty of indirect discrimination by failing to adopt proportionate measures to ensure persons with disabilities were able to use publicly available services. The situation was remedied during my examination of the case. The post office ensured satisfactory attendance for the platform and a problem-free, prompt and dignified access for persons with disabilities to services. The May 2015 incident described by the complainant could not be proven; nevertheless, the post office apologised to the complainant and his daughter for the inconvenience.

C.3.2 Age limit for in-vitro fertilisation (File No. 5143/2014/VOP)

I was approached by a complainant pointing out that health insurance companies covered healthcare related to in-vitro fertilisation only for women under the age of 39 years; on the other hand, the law does not impose any age limitations on men in this respect. In her complaint, the complainant wondered why the limitation was given by age and not medical condition and stated she considered the age limit discriminatory. I had been approached by several other women with the same question, i.e. whether the rule limiting coverage of in-vitro fertilisation could constitute unlawful discrimination. Since the complaint was not an isolated one, I (repeatedly) contacted the Ministry of Health and requested its opinion in this matter. The Act on Specific Healthcare Services sets the age limit of 49 years for provision of this particular kind of treatment. This ceiling is, in my opinion, completely legitimate and appropriate because a woman around this age (45 – 49 years) is already entering a stage of life accompanied by a decline and gradual extinction of her fertility (climacteric or menopause). Nevertheless, I asked the Minister of Health about the reasons for the 10-year difference in women's age that the applicable legal regulations put between the possible provision of this specific treatment (made available to women in general by the Act on Specific Healthcare Services) and its coverage from the public health insurance (stipulated by the Act on Public Health Insurance).

After inquiring into this matter, I concluded that discrimination within the meaning of the Anti-Discrimination Act did not exist. Potential inequality in the rights of an individual on grounds of age should be assessed only from the viewpoint of constitutional law; thus, a law would introduce inequality only if it were at variance with e.g. Art. 3 (1) of the Charter of Fundamental Rights and Freedoms. Not even Article 31 of the Charter stipulates an unlimited right to free healthcare. The reason for stipulating certain healthcare coverage limits consists in the fact that the financial resources of a health insurance scheme based on the principle of solidarity are not unlimited. The limit for the coverage of in-vitro fertilisation from public health insurance sets the age limit of 39 years because, in the opinion of the Ministry, healthcare related to in-vitro fertilisation is less successful and hence less cost-effective when provided beyond this age. I accepted the Minister's explanation.

On the other hand, the Ministry of Health admitted that setting a fixed statutory limit without any room for exemptions is an overly restrictive measure with a very harsh impact

on many women. However, the Ministry considers that finding an objective criterion other than age would be difficult. In view of the above, I closed the case and explained the matter to the complainant.

C.3.3 Refusal to grant consent to the establishment of a parking place for a person with a disability (File No. 3609/2015/VOP)

I received a complaint from a person with a disability – holder of the ZTP (*severe health disability*) card who had undergone surgeries of both knee joints and hip, could walk only with difficulty using crutches and only for short distances. The complainant pointed out discrimination by the municipal ward authority which had refused to permit the establishment of a reserved parking place in front of the complainant's home as she did not meet the local criteria because she was not a vehicle keeper/driver or a wheelchair-bound individual. The vehicle is kept and driven by her husband who is also a person with mobility impairment who needs a cane for walking.

There is a critical lack of parking places in the area where the complainant lives and her husband must often look for a place to park for a very long time and sometimes very far from their home. Shared parking places for people with disabilities in general are located about 150 metres from the complainant's home; however, they are often hopelessly occupied.

I concluded that the municipal ward authority had indirectly discriminated against the complainant by failing to adopt a proportionate measure under Section 3 (2) of the Anti-Discrimination Act. The municipal ward authority had declined the complainant's application by applying formal criteria without having duly assessed her specific situation on an individual basis. In particular, the municipal ward authority had failed to consider the degree of benefit the complainant would derive from the establishment of a reserved parking place, the matter of availability of other substitute measures and the capacity of such measures to satisfy the complainant's need. I recommended that the municipal ward authority assess the complainant's new application properly and on an individual basis in accordance with the requirements of the Anti-Discrimination Act.

D. Legislative recommendations and special powers of the Defender

D.1.1 Performance of curatorship *ad litem* before the Constitutional Court in a case of joint custody (File No. II ÚS 169/16)

Based on a judgement of the Constitutional Court (and a following court decision), a minor was subject to joint custody in 14-day cycles and alternated between two kindergartens. However, based on an additional motion, a District Court concluded that since the minor had begun to attend two different elementary schools 300 km apart, the circumstances had changed to an extent justifying a new custody arrangement. In contrast, a Regional Court ruled that elementary school attendance in two schools could not be seen as a substantial change of circumstances.

Considering that my Deputy had represented the minor's interests in the previous proceedings before the Constitutional Court as the curator *ad litem,* the Constitutional Court requested that he consider assuming this role again. My Deputy agreed.

In his statement in the proceedings before the Constitutional Court, my Deputy summarised that he was fully aware of the need to strike a balance between the various interests in the case: on the one hand, the minor's interest in custody being entrusted to both parents together with each parent's interest in custody, and on the other hand, the minor's interest in sound mental development. The interest in the child's sound mental development should prevail over the parents' interest in a fully equal share in custody and the minor's interest in being placed under custody equal for both parents. The importance of continuity and completing activities, as well as relationships in a collective of peers, increases with age. The increasing volume of schoolwork and demands placed on the child are also a factor to be considered. Unlike the Regional Court, the Constitutional Court found a fundamental change in circumstances in that the minor began to attend elementary school in two different schools; this was accompanied by an excessive pressure, which a specialist found harmful to the child's development.

The Constitutional Court granted the complaint. The substantiation of its judgment is in accordance with the fundamental arguments presented also by my Deputy as curator *ad litem*, cited: "The court (of first instance) expressly stressed that the minor's sound mental development stands higher than the parents' interest in equally sharing custody of their daughter and higher than the minor's interest in being placed under both parents' custody. The Constitutional Court believes that this conclusion respects the child's best interest as the Constitutional Court defined it in its case law, and is hence conforming to the Constitution.Finding that the minor has coped with joint custody and managed attendance of two different elementary schools does not suffice. It is necessary to examine the effects of this arrangement on her life, i.e. whether the minor will have a happy, fulfilling childhood and whether she can spend time and become integrated with her peers. In this respect, a mere managing with the school curriculum is not an adequate justification, especially in a situation where the expert report concluded that the minor was managing attendance of two schools at the detriment of her emotional well-being. In other words, not under all circumstances does starting school attendance in two different schools represent a change in circumstances in the sense of Section 909 of Act No. 89/2012 Coll., the Civil Code."

D.1.2 Comments on the draft Act on Social Housing and Housing Allowances

I generally welcome the preparation of the articled wording of the Act on Social Housing because this is one of the legislative recommendations which the Public Defender of Rights repeatedly proposed in the past and pointed out the absence of legislation in this area in the annual reports on the Defender's activities.

I agree that the State could combat the "business with poverty" (where people in a dire financial situation are forced to dwell in inappropriate, run-down premises for unreasonable prices) and the formation of segregated neighbourhoods by offering accessible and adequate housing. However, apart from dealing with social housing, the proposed legal regulation withdraws benefits for attaining and maintaining housing from

lower middle class people, without any compensation, as a result of which they may end up requiring assistance in material need.

It is for the above reason that I disagree with the submitted draft under which only people who have no assets at all, or who sell all their assets in order to increase their income, qualify for social housing or housing allowance (for example, they sell an old car or spend a financial cushion saved for their funeral, etc.). In addition, they will have to wait six months after selling their things before they become entitled to social housing because the adverse property situation is required to persist for at least six months. In my opinion, if determination of social and property situation is indeed necessary, it should be less strict than the determination of material need. I emphatically stressed this fact to the persons submitting the draft legislation.

In total, I sent over 70 comments to the Ministry of Labour and Social Affairs on the draft law and the related amending law.

D.1.3 Comments on the draft law amending the Social Services Act

In the past quarter, I also provided my comments on the draft Act on Social Services. Once again, I presented the persons submitting the draft law with several fundamental comments. Of key importance among them, in my opinion, is the fragmentation of the system of child care in the Czech Republic. Although I support the idea of unifying this area under a single department, I do not believe that this can be done by legislative classification of institutional (residential) facilities as a “social service”, thus creating an additional duplicate network of facilities for performance of institutional education (under the responsibility of the Ministry of Labour and Social Affairs).

I have repeatedly pointed out that the amendment to the law does not deal with the current poor complaint mechanism. Social services clients are a vulnerable group of people and this fact should be reflected in all aspects of provision of a given service. Every client should have the right to efficient defence if the service is provided at variance with the law or fundamental values. The existing process of handling complaints in the area of social services fails to adequately reflect the need for creating a mechanism that would unequivocally serve for protection of social services users through an efficient individual investigation of every complaint concerning the quality of a service and the conditions of its provision. Insufficient quality of the provided care can have serious consequences for the recipients and can often gain the form of ill-treatment.

I also advised the sponsor of the draft of their failure to reflect the Defender’s repeated legislative recommendations. Thus, following up on a personal promise of the Minister of Labour and Social Affairs, I pointed out, in addition to the proposed changes, the still pending matter of keeping basic documents for files by the bodies for social and legal protection of children and the right of a child’s curator *ad litem* to peruse the child’s file kept by the body for social and legal protection of children if the court appoints an attorney-at-law or some other third party as curator.

In Brno, on 23 January 2017

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