



Annual Report

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Public Defender of Rights

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JUDr. Stanislav Křeček
the Public Defender of Rights



JUDr. Vít Alexander Schorm
the Deputy Public Defender of Rights

Foreword by the Public Defender of Rights

Dear readers, on the following pages you will find learn about the cases of people who reached out to our office in 2023 and how we helped them with their problems involving the authorities, and you will find information about our surveys, recommendations and meetings with experts on a variety of topics. Given the scope of our work, it might seem that there is no need to change anything about our Ombudsman institution.

However, this Annual Report goes to press at a time when the Government is beginning to discuss a draft amendment to the Public Defender of Rights Act, a law that defines our legislative mandate in three dozen paragraphs. This mandate is set to be significantly expanded, as the amendment provides for the transformation of the Ombudsman into a National Human Rights Institution (NHRI), which will oversee the monitoring and promotion of human rights in all areas of life and in their full scope. The amendment also paves the way for the establishment of a children's ombudsman.

We have seen similar expansions of our mandate in the past: when we started monitoring the rights of people with disabilities and the treatment of people deprived of their liberty, investigating cases of possible discrimination and promoting equal treatment. This experience gives us a fairly clear idea that our transformation into an NHRI and the establishment of a children's ombudsman will also bring new challenges. We have been preparing for this eventuality for the past four years, and thanks to a project funded by Norway Grants, we have been systematically learning how to approach human rights issues in different areas.

The now completed four-year project had a total budget of CZK 38.25 million and enabled us to create eleven new jobs and work with many freelance professionals. With the conclusion of the project, this funding and these jobs are no longer available, which has made dealing with issues in the area of human rights more difficult for us.

I hope that the legislators will demonstrate their commitment to the protection of human rights by voting in favour of the amendment to the Public Defender of Rights Act. I also hope that both institutions – the NHRI and the children's ombudsman – will be given sufficient human and financial resources to carry out their respective tasks. Above all, I hope that the expanded mandate will enable us to use the law to help people in need and to create better conditions for all.

In this document, you can read about what we have achieved so far. The next two pages provide a selection of our long-term focus areas, which will also give you an idea of our priorities for the coming years. Whether it is the situation of vulnerable people, including children and people living in institutions, the accessibility of buildings and services, or authorities communicating in plain language, our work in these areas is far from over.

Stanislav Křeček, Public Defender of Rights

4 March 2024

A selection of long-term focus areas

This Annual Report is divided into chapters according to the Ombudsman's mandate and the different areas of law. However, neither the difficulties faced by people who seek our help, nor social developments can be neatly compartmentalised and labelled to fit into separate, clear-cut categories. This is also reflected in our work in our core focus areas, where we bring together key stakeholders – politicians, professionals, civil servants and representatives of civil society – to whom we **comprehensibly** (page [140](#)) communicate the findings from our inquiries, the results of our surveys and our recommendations. We also involve individuals who are directly affected by these issues.

WE ARE INTERESTED IN ACCESSIBILITY OF BUILDINGS AND SERVICES

We examined the accessibility of public spaces and services in terms of compliance with construction law (page [84](#)), also with the help of people with disabilities (page [128](#)). In our first survey, we focused on the decision-making of construction authorities, while our second involved various testers with different types of disabilities attempting to find their way to specific offices and institutions across regional capitals.

DEINSTITUTIONALISATION IS STILL FAR FROM COMPLETE

On several occasions, people with disabilities have shared with us (page [138](#)) their experiences of living in and out of institutions (page [133](#)). When analysing the strategic documents prepared by the administrative regions and the Ministry of Labour and Social Affairs, we found that only a small part of the medium-term regional plans for

the development of social services aimed at eliminating institutions and preventing institutional elements, such as a fixed daily schedule and mass catering, from creeping back into the transformed services.

- › We have worked to ensure that EU funds are not used to develop institutional services, but rather for community services.
- › We have concluded a memorandum of co-operation with the Ministry of Labour and Social Affairs and the Union for Deinstitutionalisation on the right to independent living and the promotion of deinstitutionalisation.

STANDING UP FOR THE VULNERABLE

- › We advocate a better status for victims of crime and more accessible financial support for them (page [96](#)). We have also looked at the causes of delays in court proceedings and their possible solutions (page [101](#)).
- › We managed to draw the attention of the Ministry of Health to the issue of material conditions in psychiatric hospitals. We have discussed plans to renovate several facilities (page [113](#))
- › We continue to help people fleeing the war in Ukraine (page [30](#)). As they integrate into the host country's society, they face problems related to accommodation, employment and education of their children.
- › We have drawn the attention of MPs, ministers and the Czech President to the problems associated with the payment of social benefits by the Labour Office (page [64](#)), the insufficient amount of the care allowance (page [13](#)) and the hasty changes to the rules for early retirement (page [72](#))

- › We conducted a survey to find examples of good practice in providing housing to different target groups across the regions (page [123](#)).

CHILDREN NEED THEIR OWN OMBUDSMAN

The Czech Republic still lacks an ombudsman institution dedicated specifically to children (page [44](#)). While we respond to complaints in areas that affect children, we also address complaints submitted by children, and we monitor conditions in children's homes and other facilities, and actively involve children in what is happening around them through various challenges and competitions, only a dedicated children's ombudsman will be able to protect and promote children's rights in their entirety and in all areas of life. We commented on the proposed amendment to the Public Defender of Rights Act. The draft envisages the establishment of a separate and independent children's ombudsman attached to the Office of the Public Defender of Rights, which will allow the children's ombudsman to build on our work to date (page [42](#)).

In 2023, for example, we looked at the issue of visits of children to their parents who are in prison and we studied the practice of the bodies for social and legal protection of children and the conduct of the prison service in this context (page [56](#)).

- › We have submitted our comments to the European Court of Human Rights regarding the case of the education of a pupil with autism spectrum disorder (page [46](#)).
- › At an expert roundtable, we shared the findings of our visits to protective education facilities. We pointed out that the current legislation on institutional and protective education does not take into account the specificities and needs of children placed in such facilities (page [111](#)).
- › We also looked at how schools treat children with special health needs (pages [48](#) and [122](#)).

WE WORK TO STRENGTHEN THE PROTECTION OF HUMAN RIGHTS

The Czech Republic is one of the last countries in the European Union not to have established either a children's ombudsman institution or a National Human Rights Institution (NHRI). The forthcoming amendment to the Public Defender of Rights Act could change that. We discussed the role of NRIs and practical issues of their functioning at a roundtable to which we invited Czech and international experts (page [144](#)).

By issuing our final monitoring report, we completed our three-year systematic monitoring of the implementation of the right to equal treatment and compliance with the prohibition of discrimination in the Czech Republic in three areas: Roma education; equal pay; and changes in legislation to improve the protection of victims of discrimination and the enforceability of their rights. In the monitoring report, we formulate a number of recommendations for individual ministries and municipalities, the implementation of which could lead to better application of the right to equal treatment in the Czech Republic (page [123](#)).

We have made available to the public our six-part [online course on anti-discrimination law](#), in which anyone can learn how to identify and tackle discrimination. By the end of the year, more than 500 users had signed up for the course.

We shared our 17 years of experience in monitoring the rights of people deprived of their personal freedom with our Slovak colleagues, who in 2023 began to carry out their role as the national preventive mechanism (NPM) against ill-treatment under the Optional Protocol to the Convention against Torture (page [116](#)).

Joining forces with the Ukrainian Ombudsman, we organised an online conference of representatives of ombudsman and national human rights institutions from more than 60 countries around the world to discuss current issues and human rights violations in occupied Crimea (page [146](#)).

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PARLAMENT
ČESKÉ REPUBLIKY
POSLANECKÁ
SNĚMOVNA

Legislative recommendations, relations with constitutional bodies and Defender's activities

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 and also responds to the way his previous recommendations were followed.

Legislative recommendations

1. RECOVERY OF FORENSIC TREATMENT COSTS FROM FOREIGNERS WITHOUT HEALTH INSURANCE

The courts impose forensic treatment on offenders who are insane or have committed crimes in a state of diminished sanity. The costs of the treatment are covered by public health insurance. If the convicted offender is not insured, the costs of the treatment are paid for by the State.

The State, acting through the Ministry of Health, is then entitled to recover these costs or their part from the offender (Section 89(3) of the [Specific Healthcare Services Act](#)). However, the law does not take into account the fact that patients are deprived of their personal liberty during forensic treatment, that they undergo it involuntarily and that its duration depends solely on a court decision.

During an inquiry into a complaint by a foreigner in a psychiatric hospital, the Defender found that the Ministry had charged him for all the costs billed by the hospital without taking into account how much care he actually needed (Defender's final opinion, File No. [7546/2021/VOP](#)). This foreign national was supposed to pay approximately CZK 2,800 per day, although he was not prescribed any medication, was not subject to increased supervision and did not participate in any therapeutic programmes due to the language barrier.

Successful debt recovery is proving unrealistic in similar cases. Therefore, the law should not require forensic patients without public health insurance to pay the costs. At the very least, the State should avoid adding to the overall cost of forensic treatment through futile debt collection, and patients should have a chance to live their lives after their discharge without the additional burden of debts amounting to hundreds of thousands of Czech crowns.

THE PUBLIC DEFENDER OF RIGHTS RECOMMENDS

That the Chamber of Deputies call on the Government to submit a proposal for amendment to Act No. 373/2011 Coll., on specific healthcare services, deleting Section 89(3) without replacement.

2. THE SUSPENSORY EFFECT OF AN ADMINISTRATIVE ACTION REGARDING PECUNIARY PERFORMANCE

The suspensory effect of an administrative action should result in the postponement of all legal consequences of the contested decision. Thus, if a pecuniary obligation is imposed, the relevant authority should not enforce payment of the principal, should exercise restraint in recovering the interest, should not offset other payments against the pecuniary obligation, etc. The contested decision is to be regarded as not final as from the date of enforceability of the order granting suspensory effect.

The Defender's survey, however, has shown that administrative authorities significantly differ in their interpretation of the suspensory effect and its consequences (Survey report No. [6308/2020/VOP](#)). We found, for example, that the administrative authorities were often uncertain about how to deal with situations where an administrative court grants suspensory effect only after the contested decision has already been enforced. Other consequences of the suspensory effect granted with respect to an administrative action are not clear either.

Moreover, the discussion of experts at the Defender's roundtable in May 2023 showed that administrative practice is so fragmented that disputed issues cannot be solved by interpretation. The Defender therefore believes



Committee on Constitutional and Legal Affairs of the Chamber of Deputies at a session at the Office of the Public Defender of Rights

that the most appropriate solution is to amend the relevant legislation.

At the end of 2023, the Ministry of Justice submitted a draft amendment to the Code of Administrative Justice (No. [101/2020-LO-SP](#)) which rules out the possibility of granting suspensory effect in cases relating to taxes and a number of other non-penalty pecuniary performances. The plaintiff will be able to move for a preliminary injunction. When submitting the motion, the plaintiff will have to specify exactly what they seek to achieve through the injunction.

The Defender supports this draft legislation as it will help eliminate interpretation problems.

THE PUBLIC DEFENDER OF RIGHTS RECOMMENDS

That the Chamber of Deputies adopt an amendment to Act No. 150/2002 Coll., the Code of Administrative Justice, clarifying whether the suspensory effect of an administrative action affects the legal force, enforceability or all conceivable effects of the contested administrative decision and also specify when the suspensory effect starts to apply.

3. MONEY SHOULD BE THE MAIN COMPENSATION FOR THE HARM SUFFERED BY VICTIMS OF DISCRIMINATION

Courts compensate victims of discrimination for non-pecuniary damage only if other means of remedy (e.g. refraining from further discrimination, curing its consequences or an apology) prove insufficient.

However, this is contrary to EU law (Article 15 of Directive [2000/43/EC](#), Article 17 of Directive [2000/78/EC](#), Article 14 of Directive [2004/113/EC](#)) and the judgments of the Court of Justice of the European Union (e.g. judgment of the Court of Justice of 10 April 1984, Von Colson and Kamann, [C-14/83](#)). According to the judgements, victims of discrimination should, in principle, always be compensated in money, where the amount received should be adequate, proportionate and have a deterrent effect.

The Defender addressed the practice of the courts relating to compensation for intangible damage in discrimination disputes in his survey titled Decision-making of Czech courts in discrimination disputes 2015–2019, File No. [61/2019/DIS](#). It showed that even though the majority of plaintiffs claim compensation in money, the courts award it in only a limited amount or not at all, referring in their decisions to Section 10 (2) of the [Anti-Discrimination Act](#). As a result, the satisfaction granted does not have the desired effect.

The area of protection against discrimination is closely associated with the protection of personality, where compensation for intangible damage does not have a subsidiary nature. According to the Defender, this difference is not justified and he recommends (also in the light of EU law) that they be put on the same footing. The Defender is also proposing this change in the framework of the consultation procedure for the law transposing Directive (EU) [2022/2381](#) on improving the gender balance among directors of listed companies.

THE PUBLIC DEFENDER OF RIGHTS RECOMMENDS

That the Chamber of Deputies adopt a Deputies' motion to amend Section 10 of Act No. 198/2009 Coll., the Anti-Discrimination Act, to replace existing paragraphs 2 and 3 by new paragraph 2 in the following wording, including footnote: "The manner and amount of reasonable satisfaction is governed by provisions of civil law⁴".

4 Sections 2956 and 2957 of Act No. 89/2012 Coll., the Civil Code, as amended.



Evaluation of recommendations for 2021 and 2022

Recommendations for 2022

1. INCREASE IN THE CARE ALLOWANCE AND ITS REGULAR INDEXATION

We have long been calling attention to the inadequacy of the care allowance, which does not take account of inflation or the rising cost of social services. Thus, people with disabilities often lack sufficient financial means to provide for their basic needs (hygiene, clothing, food, etc.). Many of them are forced to turn to charities or rely on the help of others.

The Ministry of Labour and Social Affairs has proposed two amendments to increase the care allowance. The Defender made several important comments on these amendments (File Nos. [7206/2023/S](#), [595/2024/S](#)). The Ministry did not respond to them and did not submit either of the proposed amendments to the Government.

In February 2024, the Minister of Labour and Social Affairs introduced a member's bill amending the Chamber of Deputies document No. 605, which should substantially increase care allowance for disability degrees III and IV. The Defender considers such a solution to be insufficient (page [72](#)).

THE PUBLIC DEFENDER OF RIGHTS RECOMMENDS

That the Chamber of Deputies adopt a draft amendment to Act No. 108/2006 Coll., on Social Services, which will:

- › increase the care allowance to at least CZK 4,100 under Section 11 (1)(a), CZK 8,100 under subparagraph (b) and CZK 16,700 under subparagraph (c), and to at least CZK 2,000 under Section 11 (2)(a), at least to CZK 5,500 under subparagraph (b), and at least CZK 15,400 under subparagraph (c).
- › introduce mandatory indexation of the care allowance.

2. NEW LEGISLATION ON CHILDREN'S INSTITUTIONAL EDUCATION

In the Czech Republic, about 6,400 children live in institutions. These include both young and older children, orphans, children abandoned by their families because they lacked the necessary skills or means to care for the children, as well as children with serious behaviour issues. The Defender has long been striving to ensure that children do not have to grow up in institutions. In addition, the Defender draws attention to the need for changes in those institutions that are still caring for children (Defender's Report on visits to school facilities for the performance of institutional education of 2022, File No. [33/2021/NZ](#); Defender's Report on visits to school facilities for the performance of institutional education and protective education of 2011, File No. [53/2010/NZ](#)).

Institutional education falls short of the children's needs because it is still governed by outdated [Act No. 109/2002](#)

Coll., which was originally supposed to serve merely as a temporary solution. For example, it does not allow for the employment of healthcare professionals, i.e. nurses and addictologists in particular, which leads to neglecting the needs of children with mental and behavioural disorders and addictions (Defender's comment on draft legislation, File No. [46139/2023/S](#), paragraph 5). Moreover, specialist care for certain children can interfere with their fundamental rights, so the law must clearly define such care and establish control mechanisms. Some institutions are too large and use inappropriate buildings (Defender's Report on visits to facilities, File No. [33/2022/NZ](#)). The children's lives are then often defined by the operational needs of the institution with their own needs being sidelined.

In 2023, the Ministry of Education, Youth and Sports established an inter-ministerial working group to draft a substantive intent for a new law. However, it has not yet to produce any results. The same applies to the discussions between the Ministry of Education and the Ministry of Labour and Social Affairs on the inclusion of the regulation of residential institutions in the more general law on family support.

THE PUBLIC DEFENDER OF RIGHTS RECOMMENDS

That the Chamber of Deputies call on the Government to submit a new draft legislative act on children's institutional education.

3. STOPPING THE PAYMENT OF ORPHANS' PENSIONS IN CASES OF OBVIOUS MISUSE

The orphan's pension is deducted from the foster parent's allowance – which is intended to cover the child's needs – regardless of whether the recipient (usually the child's biological parent) transfers the pension on the foster parent who actually cares for the child. As a result, foster parents often do not have enough money to cover the child's needs.

In an amendment to the Social and Legal Protection of Children Act (Chamber of Deputies, 9th electoral term, [Chamber of Deputies document No. 573](#)), the Ministry of Labour and Social Affairs proposed that foster parents who are not recipients of the pension belonging to the child entrusted to their care should receive their allowance in full amount for a period of three months to be able to cover the child's needs. The Defender appreciates the Ministry's efforts. However, he points out that the proposed legislation does not give the Czech Social Security Administration the option to immediately stop paying the pension to someone who does not use it for the benefit of the child.

THE PUBLIC DEFENDER OF RIGHTS RECOMMENDS

That the Chamber of Deputies call on the Government to submit a draft amendment to Act No. 582/1991 Coll., on the organisation and implementation of social security, which would enable the Czech Social Security Administration to stop paying out a pension without delay in cases where there is a justified concern that the pension's recipient is abusing it.

4. REDUCTION OF THE COURT FEE FOR APPEALS IN DISCRIMINATION CASES

For a long time, the Defender has been trying to correct the disparity that exists in court fees in anti-discrimination cases. While victims of discrimination pay CZK 1,000 to bring a lawsuit, they often have to pay several times more to lodge an appeal against a decision on the lawsuit (CZK 2,000 plus 1% of the requested compensation for intangible damage exceeding CZK 200,000). If they disagree with the court's decision, victims of discrimination often have to pay a fee several times higher than the cost of bringing the case in the first place.

This makes it significantly more difficult for them to access justice, despite the requirement that effective protection against discrimination must be available to all.

The Defender also recommended that the Ministry of Justice adopt an amendment to the Court Fees Act in his 2023 monitoring report (Implementation of the Right to Equal Treatment and Protection against Discrimination, File No. [55/2023/DIS](#)). He also suggested adding the amendment to the [Government's plan of legislative work for 2024](#). As the Government has not included this legislative task in the plan, the Defender hereby repeats his recommendation.

THE PUBLIC DEFENDER OF RIGHTS RECOMMENDS

That the Chamber of Deputies modify the tariff of fees, i.e. the Annex to Act No. 549/1991 Coll., on court fees, by inserting a new paragraph 13 following paragraph 12 in item 22, reading as follows: "The fee for an appeal against a decision in matters of protection against discrimination shall be collected under item 40." Paragraphs 13 and 14 shall be renumbered.

5. SUMMER DEBT RELIEF FOR PUBLIC HEALTH INSURANCE CONTRIBUTIONS

The summer debt relief campaigns known as Gracious Summer I, II and III have already made it possible for most people who owed money to the State or a municipality to obtain relief from debt accessions – interest, penalties, most of the enforcement costs – if they paid the original debt.

However, this option has not been given to people with arrears on public health insurance contributions unless the debt was already being collected, possibly by the insurance company itself through a tax enforcement procedure. Gracious Summer I and II also did not cover penalty interest on the insurance contributions that the enforcement officers were not collecting because the insurance company only assessed the interest after the Gracious Summer campaign.

The Defender therefore supports the member's bill on the extraordinary remission of penalties on public health insurance contributions (Chamber of Deputies, 9th electoral term, [Chamber of Deputies document No. 604](#)). So far, however, the proposal does not cover all situations and, unless this changes, insurance debtors will still be in a worse position compared to tax and social security debtors who were covered by Gracious Summer III.

THE PUBLIC DEFENDER OF RIGHTS RECOMMENDS

That the Chamber of Deputies put forward a member's bill to amend the draft law on the extraordinary remission of penalties on public health insurance contributions so that

- › it also applies to penalties on outstanding insurance contributions that are yet to be collected; and
- › it allows for the remission of penalties on contributions paid by the debtor during Gracious Summer I or II;
- › or at least that
- › it extends the deadline for submitting a request for removing harshness with respect to Section 53a(4) of Act No. 48/1997 Coll., on public health insurance.

6. ENFORCEMENT OF JUDICIAL CLAIMS BY CUSTOMS OFFICERS

The courts were not able to recover judicial claims (e.g. unpaid fines imposed as criminal sentences, procedural fines, court fees and costs of criminal proceedings) on their own. The Defender proposed a solution whereby these claims would be enforced by the customs administration by issuing a notice (most recently in [Annual Report 2022](#), page 13). This was made possible by amendments to the Code of Criminal Procedure, the Code of Civil Procedure and other laws. The Defender appreciates that the Government and the legislators have listened to his recommendations.



Recommendations for 2021

1. MODIFICATION OF THE LEGAL RULES GOVERNING WATER POLLUTION INCIDENTS

The Bečva River incident in 2020 demonstrated gaps in the legal framework for dealing with watercourse pollution incidents. In particular, it is not clear what exactly the authorities are supposed to do when dealing with an incident, how they are supposed to cooperate with each other and how they are supposed to share information.

The Defender therefore repeatedly engaged in discussions with the Ministry of the Environment and asked it to adopt an amendment to the Water Act to deal with incidents. The Ministry prepared a draft amendment, but unfortunately it did not take into account some of the Defender's principal comments (File No. [6217/2023/S](#)). The proposal is now awaiting consideration by the Chamber of Deputies (Chamber of Deputies, 9th electoral term, [Chamber of Deputies document No. 569](#)).

The Defender is currently [dealing with](#) the situation on the Trkmanka river. This is another reason why he is calling for an amendment to the Water Act to deal with incidents, which would actually address the shortcomings of the current legislation.

THE PUBLIC DEFENDER OF RIGHTS RECOMMENDS

That the Chamber of Deputies adopt a draft amendment to Act No. 254/2001 Coll., on waters and on amendment to certain laws (the Water Act), as amended, to

- › **provide a clear and transparent system of reporting water pollution incidents;**
- › **specify explicitly which regional authority is to**

manage the clean-up work in the event that an incident extends beyond the administrative district of one administrative region;

- › **and specify the content of management of clean-up work and the powers of the individual entities concerned in the resolution of an incident.**
-

2. COMPREHENSIVE REGULATION OF GUARDIANSHIP AND SUPPORTING MEASURES FOR ADULTS

There are more than 50 thousand adults living in the Czech Republic who have difficulty performing legal acts on their own and hence benefit from supporting measures (assistance with decision-making, representation by a household member and limitation of legal capacity and appointment of a guardian). The [Civil code](#) only provides basic rules for such supporting measures. It does not detail the rights and obligations of the guardians and their wards, nor does it provide for effective supervision of the guardians and persons providing support. The Defender often encounters the resulting practical problems in the course of his monitoring of the implementation of the Convention on the Rights of Persons with Disabilities and handling of complaints against public guardians. Courts still too often opt for the last resort measure – restricting the person's legal capacity – instead of choosing less severe options. In up to 40% of the cases, they apply a "summary restriction", which means that the person concerned cannot make any legal acts whatsoever, except for ordinary matters of everyday life. The courts also often interfere with fundamental rights of the people who are being restricted, such as the right to vote, the right to marry and the right to work (Defender's survey report "On the Crossroads of Autonomy", File No. [61/2018/OZP](#)).

The fact that there is no single government ministry responsible for the area of guardianship and supporting measures also poses a problem. Although this is not formally specified, the individual elements fall under the Ministry of the Interior (the contribution towards the exercise of guardianship), the Ministry of Justice (reporting and statistics; education of guardians), the Ministry of Labour and Social Affairs (education connected to the deinstitutionalisation of social services), and administrative regions (methodological support and control). This causes the authorities to act at their own discretion.

The Defender is therefore calling for the adoption of a law on guardianship, which has been foreseen in the Civil Code for ten years.

THE PUBLIC DEFENDER OF RIGHTS RECOMMENDS

That the Chamber of Deputies call on the Government to present a bill to regulate comprehensively the matter of guardianship and supporting measures and to appoint a central responsible body.

3. NEW LAW ON ABORTION

For a long time, the Defender has been encountering issues caused by the outdated and inadequate legislation on the artificial interruption of pregnancy (Act No. [66/1986 Coll.](#)). The Ministry of Health is of the same opinion and plans to introduce a new abortion regulation in the Specific Healthcare Services Act. While the Ministry claims that it is actively working on the issue and discussing it with experts, the [Government's plan of legislative work for 2024](#) does not include this Act. The Defender therefore repeats his recommendation.

THE PUBLIC DEFENDER OF RIGHTS RECOMMENDS

That the Chamber of Deputies call on the Government to submit a new legal regulation on abortions that would fit into the valid legal system and correspond to the current social reality and state-of-the-art in medicine.

The Defender and the Parliament Chamber of Deputies

In the 9th electoral term, the Chamber of Deputies discussed the annual reports on the activities of the Public Defender of Rights for 2021 and 2022. The annual reports also include legislative recommendations. When the Chamber of Deputies discusses an annual report, it usually adopts a resolution inviting the Government to consider the legislative recommendations and then make a statement on whether it will accept them.

Concerning the Annual Report for 2021, the Chamber of Deputies adopted [Resolution No. 609](#), which asked the Government to address three of the Defender's legislative recommendations and then submit a report to the Chamber of Deputies on the status of these recommendations. However, the Government has not yet submitted the report to the Chamber of Deputies.

Regarding the Annual Report for 2022, the Chamber of Deputies adopted [Resolution No. 683](#) to draw the Government's attention to the importance of the shortcomings identified by the Defender and the need to address them.

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 Defender's Annual Report for 2022. Furthermore, it discussed the Defender's quarterly reports for the 3rd and 4th quarters of 2022, and 1st and 2nd quarters of 2023, which are accompanied by reports on matters where the Defender did not achieve a remedy even after exhausting the statutory options.

In May, the Petition Committee discussed the draft State final account of the Office of the Public Defender of Rights for 2022. Subsequently, in October, it discussed the draft budget for 2024.

BUDGET COMMITTEE

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

COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

In March, the Committee on Legal and Constitutional Affairs visited the Defender's Office as part of its session held outside the parliamentary premises. Together with other staff members, the Defender briefed the Committee on the Defender's mandate. They also discussed some [current topics](#), especially the issue of establishing the institute of children's ombudsman in the Czech Republic, as well as the pending law on a single environmental opinion, which limits the involvement of associations in building permit procedures.

SOCIAL POLICY COMMITTEE

In February, the Social Policy Committee discussed the current situation at the branches of the Labour Office. The Defender [warned](#) the Committee members that due



1. Legislative recommendations, relations with constitutional bodies and Defender's activities

to staff shortages, there has been an extreme increase in complaints concerning delays of six to seven months in the payment of benefits by the Labour Office.

In June, the Defender informed the members of the Committee of his reservations regarding the pending amendment to the Pension Insurance Act (Chamber of Deputies document No. 458). In particular, he pointed out the immediate effect of the amendment, which will have major implications for the life plans of people who have decided to take early retirement for understandable reasons, such as poor health, caring for parents or helping with grandchildren.

SENATE

On 1 June 2023, the Senate discussed and took due note of the Annual Report on Activities of the Public Defender of Rights in 2022 (Senate document No. 70).

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 and the Government

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.

In 2023, the Defender informed the Government three times about the unlawful practices of the Ministry of the Interior. The Defender considers his participation in consultation procedures to be a simplified form of legislative recommendations to the Government.

THE DEFENDER'S NOTIFICATIONS TO THE GOVERNMENT

PROBLEMS WITH PROCEDURES CONCERNING STATELESS PERSON STATUS

The Defender has repeatedly dealt with cases of people who have applied for the status of stateless persons at the Department of Asylum and Migration Policy of the Ministry of the Interior. These people have not received any identification document to prove their status.

The Defender first pointed out that due to the amendment to the Residence of Foreign Nationals Act (introduced through Act No. 274/2021 Coll.), applicants for the stateless person status had lost most of the rights they had previously been entitled to, and which had been confirmed by the decisions of administrative courts. These include, for example, the right to remain in the Czech Republic for the duration of the procedure, the right to obtain an applicant's ID, the right to accommodation in an accommodation centre operated by the Refugee Facilities Administration of the Ministry of the Interior, the right to public health insu-

rance coverage, and the possibility to be employed after six months from the date of the application. Many of these guarantees are reflected in the individual rights recognised in the International Covenant on Economic, Social and Cultural Rights. **By adopting the current legislation, the Czech Republic therefore breached its obligations under international law**, as it took away previously recognised rights (violating the prohibition of retrogression).

Given the fact that the current legislation does not address the issue of the legal status of applicants during the stateless person status procedure, the Defender considers it necessary to bridge this legislative gap by applying the closest legislation in terms of content and purpose, which is the regulation of the status of applicants for international protection under the Asylum Act. The analogous application of the Asylum Act to the stateless person status procedure has also been confirmed by case law, precisely due to the absence of explicit legal regulation. However, the Ministry of the Interior disagrees with this course of action.

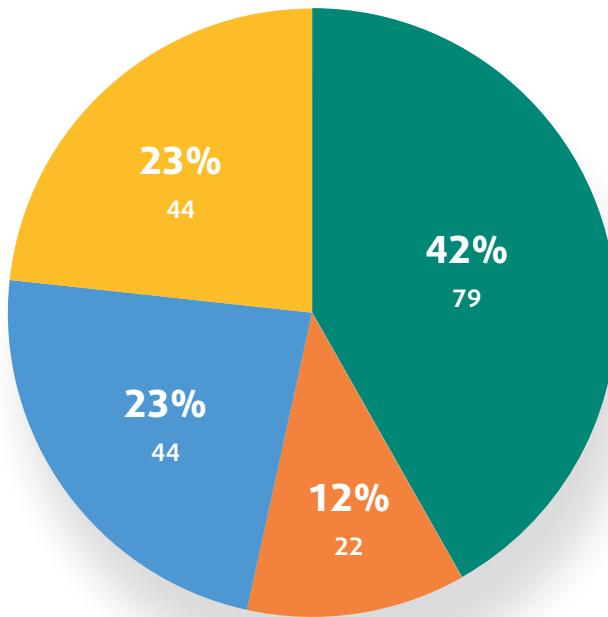
As the Defender had exhausted all the possibilities given to him by law to make the Ministry remedy the defective state of affairs, he decided to use his power and inform the Government.

On 1 March 2023, the Government **took note of the material**, without specifying any further action.

 [Defender's sanction: File No. 2/2023/SZD](#)

UNLAWFUL EXTENSION OF DEADLINES BY THE MINISTRY OF THE INTERIOR

The Defender has long been dealing with delays in the procedures for granting international protection in the Czech Republic to a large group of Chinese Christians.



Resolution of comments provided within consultation procedures

- Accepted
- Partially accepted
- Not accepted – disagreement
- Explained, withdrawn

The Defender found unlawful the procedure of the Asylum and Migration Policy Department of the Ministry of the Interior **whereby it assessed, without any lawful reason, the cases of all complainants as substantively and legally complex and extended the deadline for issuing a decision beyond the set standard time limit.** However, the standard time limit may only be extended up to the maximum time limit if the statutory conditions are met. In accordance with the established case law of the Supreme Administrative Court, such extensions should only occur in exceptional and justified cases. **However, none of the reasons given by the Asylum Department in the extension notices can be considered a lawful reason for extending the standard deadline in the given case.**

The Asylum Department informed seven complainants inadequately and four complainants late about the extension of the deadline for a decision on the merits. In three sets of proceedings, it extended the deadline for issuing a decision on the merits beyond the maximum statutory time limit and in twelve sets of proceedings it did not issue a decision on the merits even within the maximum statutory time limit.

The Asylum Department also caused delays and inaction in all of the complainants' cases. The complainants' administrative files did not contain any evidence indicating that the Asylum Department was dealing with the cases in a way that would lead to a decision on the merits.

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 5 March 2023, the Government **took note of the material**, without specifying any further action.

Defender's sanction: File No. 6/2023/SZD

(NON)RECOGNITION OF POWERS OF ATTORNEY BY THE MINISTRY OF THE INTERIOR

The Defender inquired into a case in which the Department of Asylum and Migration Policy of the Ministry of the Interior repeatedly refused to recognise powers of attorney (PoA) for representation in proceedings on international protection granted to the non-governmental Organisation for Aid to Refugees (the complainant) by its clients. The reason given for the refusal was that the acceptance clause on the PoAs was not signed by the complainant's governing body, but by an employee of the NGO.

In accordance with the conclusions of legal theory and established case law, a power of attorney is a unilateral legal act by which the principal declares in respect to third parties that he has authorised another person (the attorney) to represent him within the scope of matters specified in the power of attorney. Therefore, it does not have to contain an acceptance clause, i.e. a section of the PoA whereby the attorney accepts the authorisation. Even should it contain such a clause, the attorney's signature, its form or its absence bears no relevance to the validity of the PoA. **It is the name of the person authorised as attorney in the PoA that is relevant, not the name of the person who signed or did not sign the acceptance clause.** However, the Ministry of the Interior does not agree with this legal interpretation.

The Department of Asylum and Migration Policy of the Ministry of the Interior also made an error when it assessed as invalid a PoA brought by the complainant's client (as the principal; with acceptance clause signed by one of the complainant's employees) **directly to the Asylum Department.**

The **Asylum Department further erred** in refusing to accept the PoA, which it considered invalid, from the complainant's client. An administrative authority must accept and give due consideration to any requests, suggestions or other submissions. The Code of Administrative Procedure does not allow an authority to simply "refuse to accept" a submission. Therefore, even if an administrative authority considers a submission to be invalid, it is still obliged to accept it and subsequently assist the submitter in correcting any errors or request the submitter to correct the errors within a reasonable period of time.

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 5 March 2023, the Government **took note of the material**, without specifying any further action.

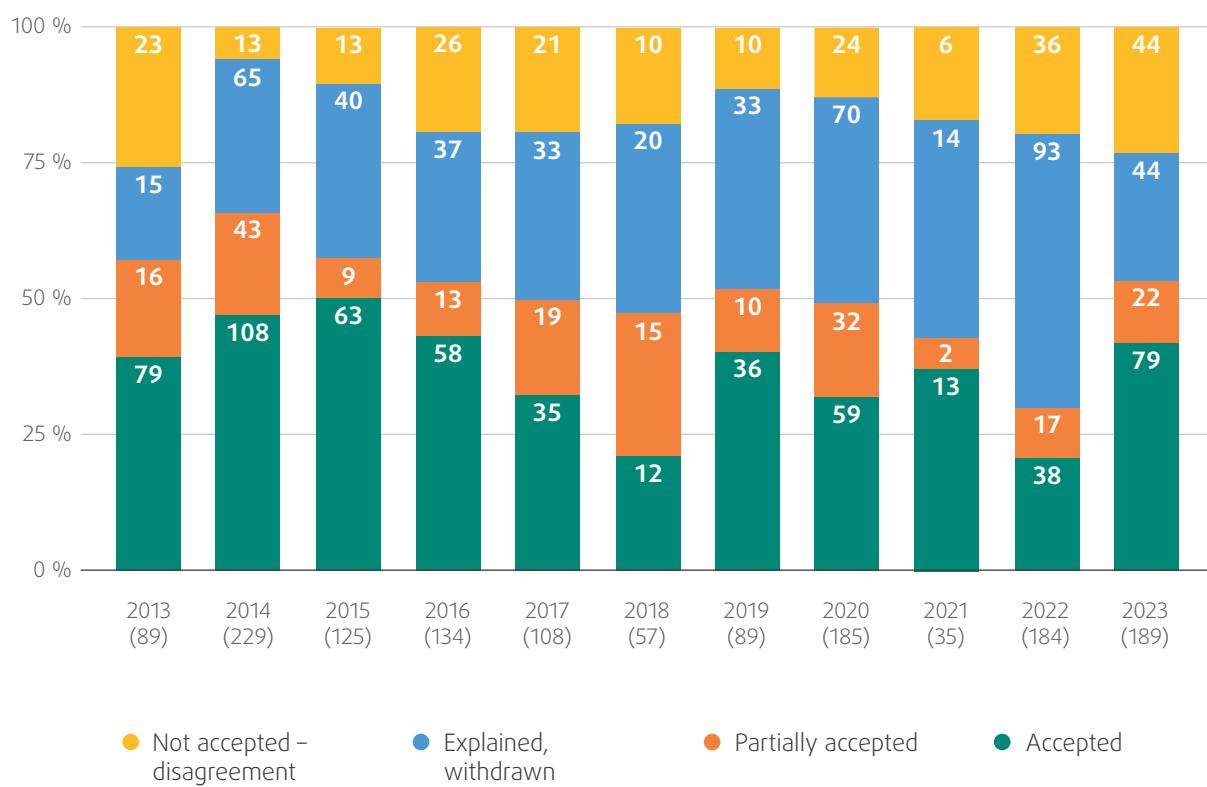
 [Defender's sanction: File No. 7/2023/SZD](#)

DEFENDER'S COMMENTS ADDRESSED TO THE GOVERNMENT

In 2023, the Defender raised 189 comments on 36 ministerial materials, of which 31 were draft pieces of legislation. More than half of the comments addressed was at least partially accepted (54%); disagreements persisted in a further 23%. The number of comments increased negligibly compared to the previous year (from 184 to 189), but the success rate grew significantly (only 30% of the comments were at least partially accepted in 2022).

The overview below only includes fundamental comments to which the submitters have already responded. It does not include the pending comments made on the following proposals: the Act on the entry and residence of foreign nationals (Foreigners Act), the Civil Code, the Decree on education of students with special educational needs and talented students, the Labour Code, Government decree on determining the maximum number of hours of instruction financed

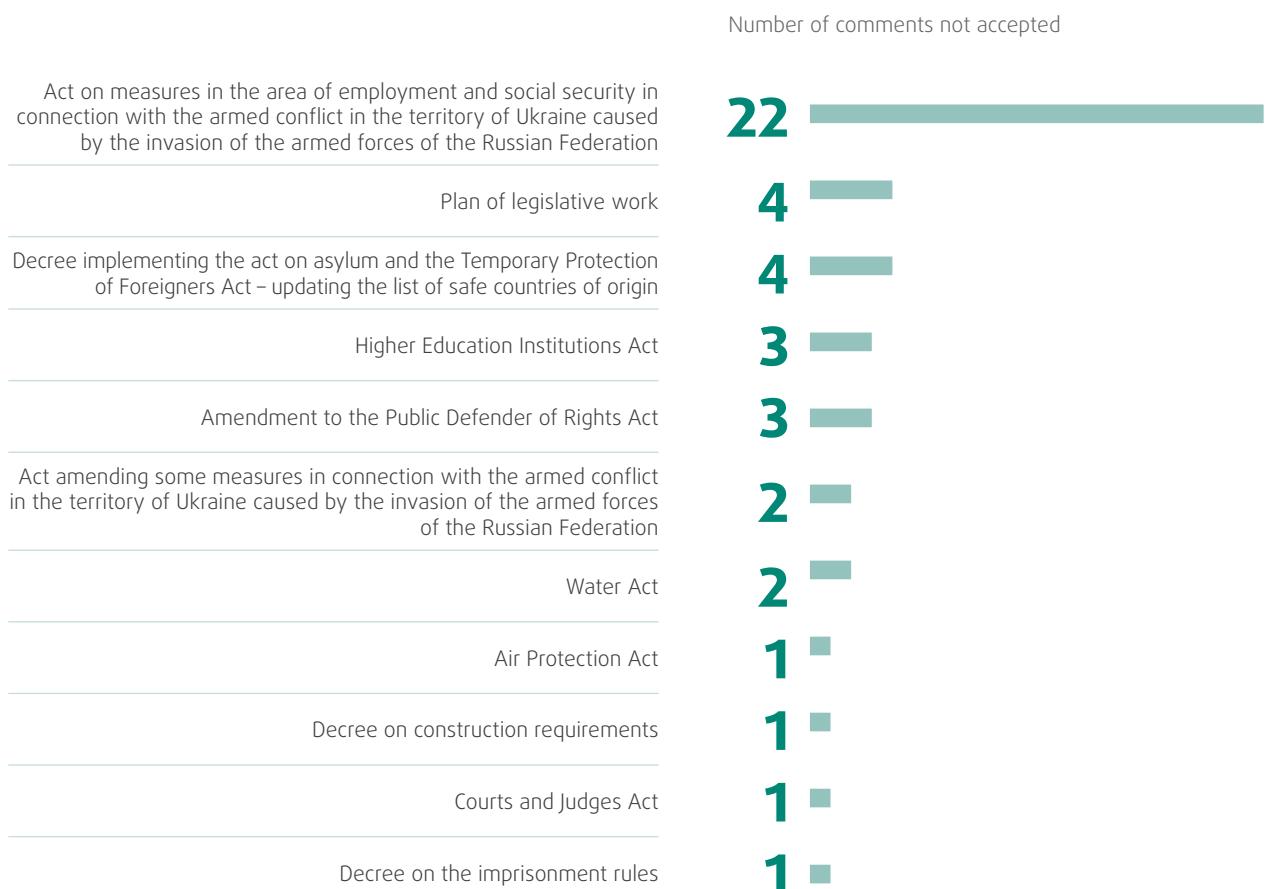
Resolution of comments provided within consultation procedures – year-on-year comparison (2013 to 2023)



from the state budget for primary schools, secondary schools and conservatories established by administrative regions, municipalities or associations of municipalities, the Gamekeeping Act, the 2024+ Strategy for Coordinating the Adaptation and Integration of Temporary Protection Holders, the Act amending certain laws in relation to public guardianship, the Healthcare Services Act, the Pension Insurance Act, and the Act on experts, expert offices and expert institutes (207 comments in total). The Defender also raised fifteen comments in respect of the Social Services Act, but the legislative process was completed without these comments being addressed.

The largest number of comments, 56 in total, concerned the Act on measures in the area of employment and social security in connection with the armed conflict in Ukraine caused by the invasion of the Russian forces. The largest number of non-accepted comments (22) were also raised in respect to this legislative draft.

List of cases for 2023 in which the Defender' comments were not accepted



The Defender and the Constitutional Court

PROCEEDINGS ON 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 2023, the **Defender thus joined two sets of proceedings**, out of twenty-three.

In **one case, the Defender filed an application** to annul a part of the legal regulation with the Constitutional Court **himself as the applicant**.

In **one** case, he acted on his own initiative and provided the court with an interpretation of the term "torture and other inhuman and cruel treatment" (Article 149 of the Criminal Code). The Defender considers it essential to clarify the interpretation of this provision in line with the Constitution, especially when dealing with complaints relating to the prison system, police detention and detention of foreign nationals, and with regard to systematic visits to places where persons deprived of their liberty are or may be present.

ENFORCEMENT OF QUIET HOURS

A municipality may only grant an exemption from the night-time quiet hours in exceptional cases. According to the Constitutional Court, if "a shorter or no quiet hours regime were to apply for most of the year, thus effectively replacing the statutory regulation", it could no longer be considered an exemption from the rule. The Constitutional Court has come to this conclusion in cases where municipalities have included blanket, longer exemptions in their ordinances.

However, the case of the municipality of Píšť is highly specific. The municipality has met all the formal requirements for a general binding municipal ordinance. Indivi-

dual exemptions have been established for specific events or occasions and the ordinance thus appears to be in accordance with the law on a cursory reading.

The Defender, however, has doubts regarding the number of exemptions and the fulfilment of the condition of exceptionality and rarity established by statute and the case law of the Constitutional Court. In total, there are 32 exemptions per year, with 27 of them concentrated in the period from May to September.

Simply put, there are so many exemptions from the quiet hours over such a relatively short period of time that it is no longer possible to see them as rare or exceptional.

The Defender exercised his power and proposed that the Constitutional Court annul generally binding ordinance of the municipality of Píšť No. 1/2022, on quiet hours.

As of the editorial deadline of this report, the Constitutional Court had not ruled on the case.

✉ [Defender's application: File No. 16/2023/SZD](#)

CHARGES FOR THE COLLECTION OF BULKY AND HAZARDOUS WASTE

In this case, the Constitutional Court dealt with the question of whether municipalities are entitled to charge more than the municipal waste fee for the collection of bulky and hazardous waste from natural persons who are not operating a business. In a broader context, this question can also be understood as whether municipalities are entitled to charge more than the municipal waste fee for the collection of any municipal waste from natural persons who are not operating a business.

The Defender encounters similar attempts by municipalities, especially in cases where the amount of municipal



waste produced by such non-entrepreneurial individuals exceeds the amount that the municipality considers normal given the local conditions, which led him to enter the proceedings as an enjoined party. The Defender supported the application of the Ministry of the Interior to repeal part of the generally binding ordinance and provided information about his findings.

The Constitutional Court subsequently repealed part of the waste ordinance and found that the municipality of Stachy exceeded its authority by demanding other (albeit private) payments for the disposal of waste in addition to the local waste collection fee.

- [✉ Defender's statement: File No. 19/2023/SZD](#)
- [✉ Decision of the Constitutional Court: File No. Pl. ÚS 39/23](#)

COMPENSATION FOR NON-PECUNIARY DAMAGE TO HEALTH

In the past, the Defender conducted an extensive inquiry into the involvement of the Ministry of Justice and some Supreme Court judges in the preparation of a document entitled Methodology for the Compensation of Non-Pecuniary Damage to Health under Section 2958 of the Civil Code (the Methodology) and its enforcement in practice.

The Defender dealt in particular with how and why the Ministry, on the basis of the Methodology, created a completely new expert branch devoted to the "determination of non-pecuniary damage to health", without the medical

community having the necessary expertise for such expert activity and without it being clear what standards experts should follow when performing the activity. He also asked whether the Ministry had exceeded the limits of its authority in creating and enforcing the Methodology, and whether the involvement of the Supreme Court judges might have undermined confidence in the Court's impartial and independent decision-making.

The application to annul part of Section 2958 of the Civil Code, which was submitted to the Constitutional Court by the District Court in Vyškov, is based on many of the Defender's conclusions regarding the Methodology and his [published report on the inquiry](#).

The Defender therefore joined the proceedings and submitted to the Constitutional Court a detailed opinion summarising his arguments for the repeal of the aforementioned part of the Civil Code, on the grounds that the contested legislation violates the principle of legal certainty and predictability of the law and, as such, is contrary to the constitutional order. According to the Defender, the unconstitutionality of this legislation is all the more serious because it affects the lives and health of individuals and has a negative impact on the victims it is intended to protect.

As of the editorial deadline of this report, the Constitutional Court had not ruled on the case.

- [✉ Defender's statement: File No. 17/2023/SZD](#)
- [✉ Press release of 29 September 2023](#)

Statistics on complaints in 2023

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 [106](#)), the monitoring of the rights of people with disabilities (see page [128](#)) and protection against discrimination (see page [118](#)) – 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 understood in this context. While the following data provide a useful insight into the work of the Defender in a given year, they represent only a frac-

tion of his overall work, which is described in other chapters of the Annual Report and cannot be summarised as easily in tabular form.

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 or the public in nine (3%) cases in 2023. 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.

Complaints resolved

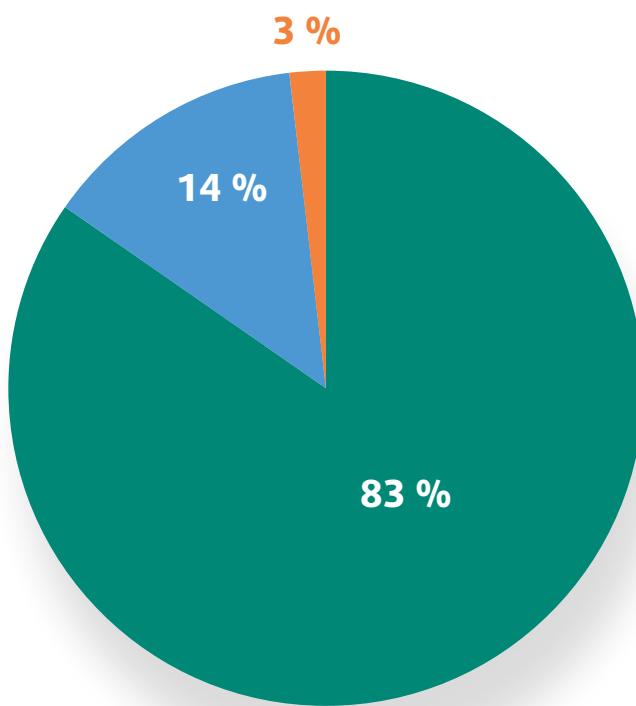
 **7 001** →
complaints resolved, of which

 **711**
 **210**
 **501**

inquiries completed of which
were cases where the authorities acted
correctly
were cases where the authorities erred



A total of **501** cases where the authorities erred



- **418** were cases where the authority itself remedied the maladministration following the issue of the inquiry report
- **68** were cases where the authority ultimately adopted remedial measures proposed in the final statement
- **15** were cases where the authority failed to remedy the maladministration even after a final statement was released. The Ombudsman informed the superior authority or the public.

In 97% of cases, the authorities rectified their errors after the Ombudsman's intervention

Complaints received

 **7 165**
complaints received

 **738** inquiries initiated, of which
 **44** of the Ombudsman's own initiative

 **5 579** people have used our helpline to check whether their problem fell within the Ombudsman's remit, to find out how to resolve their problems, or to find out the details of their complaint.

 **495** people in total came to the Office of the Public Defender of Rights in person to seek advice and ask for information.

Complaints received outside mandate – by area

In 2023, as in the previous three years, the proportion of complaints falling within the Ombudsman's remit increased. We were able to look into almost 73% of the complaints we received. Of the complaints falling outside the scope of the Ombudsman's mandate, most concerned civil law.

Area	2021	2022	2023
Miscellaneous	306	293	291
Criminal law	236	233	209
Independent competence of local and regional governments	147	134	131
Bankruptcy and insolvency	45	39	24
Decision-making of courts in matters concerning foreign nationals	6	5	4
Civil law	1 622	1 500	1 295
Total number of complaints received outside the Ombudsman's mandate	2 362	2 204	1 954

Complaints received within mandate – by area

Area	2021	2022	2023
Healthcare administration – the Vaccination Decree	-	10 415	-
Social security	1 412	1 449	1 489
Construction and regional development	577	503	462
Rights of children, youth and families	401	444	403
The army, police and prisons	420	521	389
Foreign nationals	278	294	291
Healthcare administration – excluding the Vaccination Decree	523	279	274
Discrimination	184	226	250
State administration of courts	242	240	236
Taxes, charges and customs duties	238	201	226
Infractions	209	183	209
Transport and communication	210	169	185
Environmental protection	166	164	184
Miscellaneous	303	218	178
Administration of employment and work	170	158	177
Internal administration	76	65	86
Property law and restitutions	124	113	84
Self-government, regional governance, right to information	76	70	80
Public Prosecutor's Office administration	17	26	8
Total number of complaints received within the Ombudsman's mandate	5 626	5 323*	5 211

Breakdown of complaints in terms of the Ombudsman's mandate in 2020 – 2023

year	complaints within mandate		complaints outside mandate		total complaints
	number	share in %	number	share in %	
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

* 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 Ombudsman's mandate.



Helping people from Ukraine

In the first year after Russia invaded Ukraine, we faced unexpected challenges related to the arrival of people affected by the war. We responded to their urgent needs. The ongoing conflict and the resulting plight of Ukraine means that circumstances will force many of the new arrivals to stay for much longer than a few weeks or months.

In 2023, we therefore sought to create favourable conditions for the long-term residence of newcomers and for their integration into the host country. To do this, new residents, like everyone else, need suitable housing and the opportunity to earn an income. Schools and activities for children and language courses for children and adults are equally important for successful integration.

We regularly commented on the legislation known as Lex Ukraine. We pointed out that people who cannot work because they care for children or disabled persons close to them deserve to be supported in a fair way. We supported systemic solutions, such as allowing those enjoying temporary protection to access the Czech social system.

Another fundamental and still unresolved problem is that temporary protection cannot be granted to people who have already obtained it in another country.



90
complaints received

4
comments on regulations concerning
newcomers from Ukraine

18
hours of training for those working
with people from Ukraine

6
lecturers

5
articles in specialised journals

Integration of newcomers from Ukraine

We have been monitoring the impact of the proposed changes to the accommodation rules on the beneficiaries of temporary protection. Decent and stable housing is a basic condition for all people to integrate successfully into society and this also applies to foreigners seeking refuge from war. PAQ Research surveys of newcomers from Ukraine confirm that those living in regular housing are more likely to work, have their children go to school and speak better Czech.

[We warned about the impact of the changes to the rules for temporary protection holders](#) in June. We drew attention to the fact that the financial support provided will not be enough to ensure that people, even if employed, are able to secure decent housing. Later, we also contacted [the Minister of Labour and the Minister of the Interior](#) and warned them that the new rules could cause the Czech Republic to fall short of its obligation under the Temporary Protection Directive to provide housing for temporary protection holders.

FREE ACCOMMODATION FOR PEOPLE WITH TEMPORARY PROTECTION

Since the beginning of the war, people have been able to stay in humanitarian accommodation paid by the State. Typically, humanitarian accommodation includes various hostels, guesthouses and dormitories. From 1 July 2023, anyone arriving in the Czech Republic because of the war in Ukraine is entitled to free emergency accommodation for the first 150 days after being granted temporary protection. Vulnerable people who meet the conditions for granting humanitarian benefits are subject to an exemption and can stay for free even beyond this period.

Until the end of September 2023, a favourable interpretation of the law applied according to which all vulnerable newcomers could benefit from free accommodation, regardless of whether they were entitled to humanitarian benefits or not.

From October 2023, the new interpretation means only people who meet both legal conditions, i.e. who are vulnerable and eligible for humanitarian benefits, are entitled to State-funded accommodation. This has again significantly narrowed the range of people who can benefit from free emergency accommodation.

Under the EU Temporary Protection Directive, the State must provide accommodation for people fleeing the Russian invasion for the entire period of protection, not just 150 days. We believe that the accommodation system as set up may not be in accordance with the Directive. Some people do not have sufficient earnings to pay for their accommodation even when employed.

Our fears proved to be justified. The increase in the number of Ukrainian households at extreme risk of poverty has been confirmed, for example, by a survey conducted by [PAQ Research](#). The negative effects of the changes became fully apparent in October, when only vulnerable newcomers who were entitled to humanitarian benefits could stay accommodated at the State's expense. Other newcomers, even vulnerable ones, had to pay for the costs of accommodation from their own income, which, however, was often insufficient.

This impacted, for example, the family of a woman who, as of August 2023, had to pay a hostel room not only for herself, but newly also for her two minor children. Instead of CZK 8,000 she had paid before, her costs increased to CZK 24,000 – nearly her whole income. In other words, everything she earned went to pay for the accommodation.

Such problems could have been avoided by letting temporary protection holders access the Czech social benefits system in a timely manner, similar to other foreigners who reside in the Czech Republic based on other permits. However, this solution was not adopted due to concerns regarding the State budget and the administrative capacity of the Labour Office.

[Comments on Lex Ukraine V](#)

As of 1 July 2023, Lex Ukraine V tightened the conditions for free accommodation and humanitarian benefits. In our comments, we highlighted several key issues:

- › We criticised the failure to include temporary protection holders in the national benefit system.
- › We were concerned that the proposal did not address the situation of people caring for close persons with disabilities. We pointed out that by providing care instead of the State, these caregivers save the State considerable financial resources, yet the State has not provided them with any form of assistance.
- › We have sought to expand the range of vulnerable persons, i.e. people who are afforded greater protection by the State. We have asked that this include people who are temporarily unable to work, pregnant or caring for disabled close persons.
- › We have warned that some people may have difficulties with applying for humanitarian benefits online.
- › We have asked that the statutory subsistence support not be reduced for employed people or those actively seeking employment. The amount of subsistence support is compared to a person's income when calculating the humanitarian benefit. With the change we are proposing, they could earn more money without losing their entitlement to humanitarian benefits, which would increase their motivation to get a job.
- › In the area of emergency accommodation, we have proposed that temporary protection holders should not lose their entitlement if they refuse the accommodation or leave it for serious reasons.

The Ministry of Labour and Social Affairs subsequently completely revised the submitted proposal. The new draft reflects some of our comments:

- › the Ministry classified people caring for someone with a disability and pregnant women as vulnerable persons;
- › the Ministry allowed for the reasons for refusal or abandonment of emergency accommodation to be taken into account;

- › the Ministry extended the period of stay in emergency accommodation.

 [Defender's comments on Lex Ukraine V: File No. 55974/2022/S](#)

LABOUR OFFICE WORKER PROVIDED WRONG ADVICE TO A RECIPIENT OF THE SOLIDARITY HOUSEHOLD ALLOWANCE ON HOW TO DRAW THE BENEFIT RETROSPECTIVELY

In March, a complainant wanted to claim the solidarity household allowance for January. However, the online benefit application did not allow her to do so. The Labour Office told her that she could only claim the benefit one month in arrears. However, we found out from the Ministry of Labour and Social Affairs that no such time restriction existed; in such cases, the applicants are only required to apply for the benefit in person at the Labour Office.

We advised the Ministry that the procedure as described to us was not publicly known and noted that the advice on the correct procedure should be included, as a minimum, in the online benefit application and in the official methodology on the provision of the benefit. However, as the solidarity household allowance has been discontinued since July, we have not requested a remedy.

 [Defender's report: File No. 1535/2023/VOP](#)

A JOURNEY THROUGH WAR, LOSS OF A SON AND STRUGGLE TO FIND ACCOMMODATION

A woman from Ukraine has asked for help with finding accommodation. When the war began, she fled to the Czech Republic with her minor son, daughter-in-law and her baby. They were living in emergency accommodation. In May 2022, they returned to Ukraine for some time when the complainant's other son was shot at the front and was waiting for surgery in a hospital in Zaporizhzhia. Her son passed away in early June 2022 and the family stayed in Ukraine to bury him. Because of this, they stayed in Ukraine longer than the Czech rules for emergency accommodation allow.

After their return, they lived in a hostel for a while. They could only stay there until mid-December 2023 and were

2. Helping people from Ukraine

in danger of ending up homeless, so they turned to us. We advocated on behalf of the complainant and her family and suggested to the social department to recommend that the family be placed in emergency accommodation

because of their specific situation. This was successful and the family received new humanitarian accommodation.



The situation of newcomers who care for a close person with a disability

ople with temporary protection receive a humanitarian benefit which should help them pay for their basic needs and housing. However, as we have repeatedly pointed out, those who work often find themselves in financial distress.

The situation is even more difficult for newcomers who are unable to work because they are caring for relatives or other close persons with disabilities. If the only able-bodied adult is caring for a seriously ill family member, the family can easily find itself destitute. Carers are then faced with the dilemma of whether to work a job at the cost of moving their loved ones into a residential social service facility.

On top of the already tight household budget, carers also have to pay compulsory health insurance contributions. All adult arrivals must start paying for health insurance after 150 days in the Czech Republic. Only certain groups of people whose contributions are covered by the State are exempt from this requirement. However, newly arriving caregivers are not automatically insured by the Czech State. According to the Ministry of Health and the Ministry of Labour and Social Affairs, in order for the State to pay for their insurance, they have only one option: they must register with the Labour Office as job seekers.

The purpose of registering people as jobseekers is to help those who want to work find suitable employment. This is why jobseekers must regularly attend appointments at the Labour Office, actively seek employment themselves and meet other requirements. A newcomer who is caring for a close person for a significant part of the day can hardly meet these conditions. As a result, registering as a jobseeker is a purely formalistic requirement, which also leads to problems and misunderstandings, as in the following case.

LACK OF DOCUMENTS AND LANGUAGE BARRIER MADE IT DIFFICULT FOR A WOMAN TO DEAL WITH THE LABOUR OFFICE

We helped a woman who was worried about being removed from the Labour Office's register of jobseekers and the consequences that would have for her. Her son requires all-day care. A Ukrainian court has ruled that he lacks legal capacity and his mother acts as his guardian. The Czech State paid for her health insurance because she was registered with the Labour Office. Without being registered as a jobseeker, she would have had to pay the insurance contribution of CZK 2,187 per month herself, which was beyond her means.

Due to her imperfect Czech, the woman was unable to reach an agreement with the Labour Office on whether she could remain on the register. We found that the Labour Office did not have documents in its administrative file indicating that the woman's son had diminished legal capacity due to his disability. After supplementing these documents, the Labour Office confirmed that the complainant would remain on the register of jobseekers and that, since she was caring for her disabled son, the State would continue to pay her health insurance contributions.

We defend the right to temporary protection for people displaced from Ukraine

In most cases, people fleeing war seek safety and protection first in neighbouring countries from where they can more easily return home. If the situation in their country does not improve, they need a stable environment, where they can be in contact with their family or loved ones and have suitable housing, employment and schooling for their children. They may find more suitable conditions in another country and decide to move there, which is understandable. These movements also help overcrowded frontline countries.

However, the Czech authorities, citing Lex Ukraine, are often unwilling to grant temporary protection to newcomers from Ukraine who have already obtained it or applied for it in another EU Member State. They do not consider whether applicants for temporary protection have a serious reason for moving to the Czech Republic. This practice is, in our view, contrary to the EU Temporary Protection Directive.

TEMPORARY PROTECTION IN COURTS

We first summarised our arguments in the case of a woman who had been granted temporary protection in Poland but needed to move to the Czech Republic to work.

 [Defender's report: File No. 14372/2022/VOP](#)

The regional courts, which deal with disputes over the denial of temporary protection, assess the situation in the same way as we do. The database of the Supreme Administrative Court already contains a number of judgments that refer to our above-mentioned report:

JUDGMENTS OF THE REGIONAL COURT IN BRNO

- › of 31 August 2023, Ref. No. 41 Az 28/2023-42, paragraph 33
- › of 21 December 2023, Ref. No. 30 A 70/2023-40, paragraphs 23 and 24

JUDGMENTS OF THE REGIONAL COURT IN PILSEN

- › of 12 June 2023, Ref. No. 55 A 12/2023-95, paragraph 87
- › of 27 June, Ref. No. 57 A 20/2023-66, paragraph 42
- › of 14 July 2023, Ref. No. 55 A 43/2023-91, paragraph 75
- › of 13 November 2023, Ref. No. 55 A 43/2023-91, paragraph 75

JUDGMENTS OF THE MUNICIPAL COURT IN PRAGUE

- › of 31 August 2023, Ref. No. 6 A 82/2023-4, paragraph 14
- › of 31 August 2023, Ref. No. 6 A 77/2022-52, paragraph 14
- › of 4 October 2023, Ref. No. 6 A 104/2023-41, paragraph 15
- › of 14 October 2023, Ref. No. 6 A 104/2023-41, paragraph 15.

The reluctance to grant temporary protection is a major problem, which is why in 2023, the Supreme Administrative Court asked the Court of Justice of the EU to interpret the Temporary Protection Directive.

In addition to not allowing people from Ukraine to change their country of temporary protection from the outset, Lex Ukraine also excludes judicial review in these cases, in violation of the Charter of Fundamental Rights of the European Union. This is despite the rule that everyone who has been denied temporary protection by the State should have the right to contest the decision in court.

COMMENTS ON LEX UKRAINE VI

We regularly draw the attention of the Ministry of the Interior to problems in the rules for granting temporary protection. In respect of the latest amendment to the Lex Ukraine, we proposed that the Ministry of Interior:

- abolish the inadmissibility of an application for temporary protection in cases where a person has applied for or previously obtained temporary protection in another EU Member State;
- remedy the absence of judicial review.

The Ministry did not accept our objections.

Throughout the year, we helped people who had difficulties with obtaining temporary protection. Denial of the temporary protection status or other residence permits has serious consequences for people fleeing the war in Ukraine. Without temporary protection, they cannot receive humanitarian benefits and free emergency accommodation and cannot seek employment. If these people do not receive another type of a residence permit, they run the risk of staying in the Czech Republic illegally. They can then easily become victims of exploitation or trafficking. Illegal stay is also disadvantageous for the State, as these people do not pay taxes and compulsory health and social contributions.

WITHOUT ASYLUM IN THE CZECH REPUBLIC, AN UNDERAGE UKRAINIAN GIRL WOULD BE LEFT ALL ALONE

We stood up for a Ukrainian girl with a troubled fate. In Ukraine, she lived with her grandmother because her parents had abandoned her. After the outbreak of the war, she crossed the border on foot to Poland, from where a family friend took her to Germany, where the girl received temporary protection. In January 2023, however, the family friend died. The only close relative able and willing to take care of the girl lived in the Czech Republic and had



even started to arrange the necessary formalities at the school which the girl could attend. However, the Ukrainian girl was not granted temporary protection in the Czech Republic because she had already received it in Germany. In the end, we managed to negotiate with the Department for Asylum and Migration Policy of the Ministry of the Interior to secure a sufferance visa for her. This enables her to legally stay in the Czech Republic and receive State-funded health insurance.

TWO WOMEN WERE DENIED TEMPORARY PROTECTION IN THE CZECH REPUBLIC AFTER RECEIVING IT IN POLAND

A mother and daughter who came to the Czech Republic via Poland also encountered problems. The Ministry of the Interior revoked their temporary protection status when it found out they had received temporary protection in Poland and did not mention the fact when they applied in the Czech Republic. According to the Ministry, they provided inaccurate information.

We explained in our inquiry report that as refugees from Ukraine, the women were entitled to temporary protection. Withdrawing temporary protection for providing inaccurate information is only possible in narrowly defined cases where a person is not under temporary protection but falsely claims to be. That was not the case with the complainants.

 [Defender's report: File No. 804/2023/VOP](#)

MOTHER AND DAUGHTERS GIVEN FINE INSTEAD OF TEMPORARY PROTECTION IN THE CZECH REPUBLIC AFTER FLEEING WAR-TORN UKRAINE

A woman with Russian citizenship who had lived with her family in Ukraine for 20 years left with her daughters for the Czech Republic after the outbreak of the war. They wanted to apply for temporary protection, but the police instead fined them for illegal stay because, as Russian citizens, they should have obtained visas to enter the Czech Republic. In our view, fining people fleeing from Ukraine for illegal entry and stay is unacceptable.

The complainant rejected the notion that she and her family could have returned to Russia on a permanent and safe basis. At this point, officials should have accepted her application and considered her request for temporary protection. We asked the Minister of the Interior to ensure that police officers inform new arrivals of non-Ukrainian citizenship of the rules in force and give them sufficient opportunity to obtain visas or return to their country of origin. The Minister agreed that every newcomer from Ukraine should be given protection and allowed to stay in the Czech Republic until their application is processed. However, he insisted on sanctions for those who fail to comply.

The family was eventually granted temporary protection by the Supreme Administrative Court.

 [Defender's report: File No. 13335/2022/VOP](#)



2023 in brief

Throughout the year, we regularly participated in expert groups such as the Ministry of Labour and Social Affairs' commission on integration and adaptation, the South Moravian Region's platform for the integration of refugees from Ukraine, and the Office of the Government's working group on housing. The Defender's Office has set up an interdisciplinary group that meets regularly to monitor legislative developments and the current practical problems faced by people fleeing the war in Ukraine.

COMMENTS ON THE GOVERNMENT'S 2024+ STRATEGY FOR THE COORDINATION, ADAPTATION AND INTEGRATION OF TEMPORARY PROTECTION HOLDERS

The Strategy was presented by the Government's Human Rights Commissioner with the aim of supporting the process of adaptation and integration of temporary protection holders, based on the principles of social cohesion and respect for fundamental human rights. We raised several comments where we suggested:

- › to prepare concrete steps to achieve the set objectives;
- › to ensure that governmental authorities involve us in working groups dealing with the current problems faced by people from Ukraine.

JANUARY

With the International Organisation for Migration (IOM), we organised an online training on temporary protection. We looked at the changes regarding the application of temporary protection and its extension. In February, we followed up with a training course focusing on the chan-

ges brought about by another amendment to Lex Ukraine V in the area of social security and housing.

At an international seminar held at Radboud University in Nijmegen (Netherlands), we focused on the legal aspects of temporary protection, assessing the approach of the EU Member States to its implementation and comparing the situation of Ukrainian temporary protection holders in different areas: education, accommodation and employment.

FEBRUARY

We looked back on helping Ukrainians throughout the past year. At a discussion held in the Jiří Mahen Library in Brno, the Defender, his deputy and the representatives of support organisations and the Police talked about the aid provided during the hectic first months of the war. We touched upon the public's attitude towards newcomers from Ukraine changing over the past year, the problems the newcomers most often encountered and the most pressing issues they were currently dealing with in Czechia. We also looked at the challenges ahead. A lady who has been living in the Czech Republic for a longer period of time and who helped her mother with her arrival in the country also shared her experience.

 [Press release of 24 February 2023](#)

At the Winter School of Migration organised by Charles University in cooperation with the IOM, we dealt with the integration of foreigners into Czech communities. Joining the debate on the key issues such as the legal, security and social aspects of integration and temporary protection, we contributed with our experience with temporary protection, the reception of Ukrainian newcomers and the provision of humanitarian benefits. We also looked at hateful comments in the public discourse on migration.

MARCH

In the [March issue of Sociální služba \(Social Service\) journal](#), we critically assessed the situation of Ukrainian immigrants with disabilities and their relatives who care



Downtown Kyiv, December 2023

for them. We focused on health insurance issues and the financial situation of families in which a member needs help with self-care.

MAY

The Centre for Migration Law at Radboud University (Netherlands) published a [book on temporary protection](#) based on the January seminar. Our paper analyses the application of the Temporary Protection Directive in the Czech Republic. It focuses on the problematic issues of temporary protection with practical relevance and the question of whether and how people from Ukraine make use of the rights guaranteed by the Directive .

JUNE

In the summer issue of the *Sociální pracovník* (Social Worker) journal, we wrote about the changes brought about by Lex Ukraine V in the area of housing for newcomers from Ukraine.

JULY

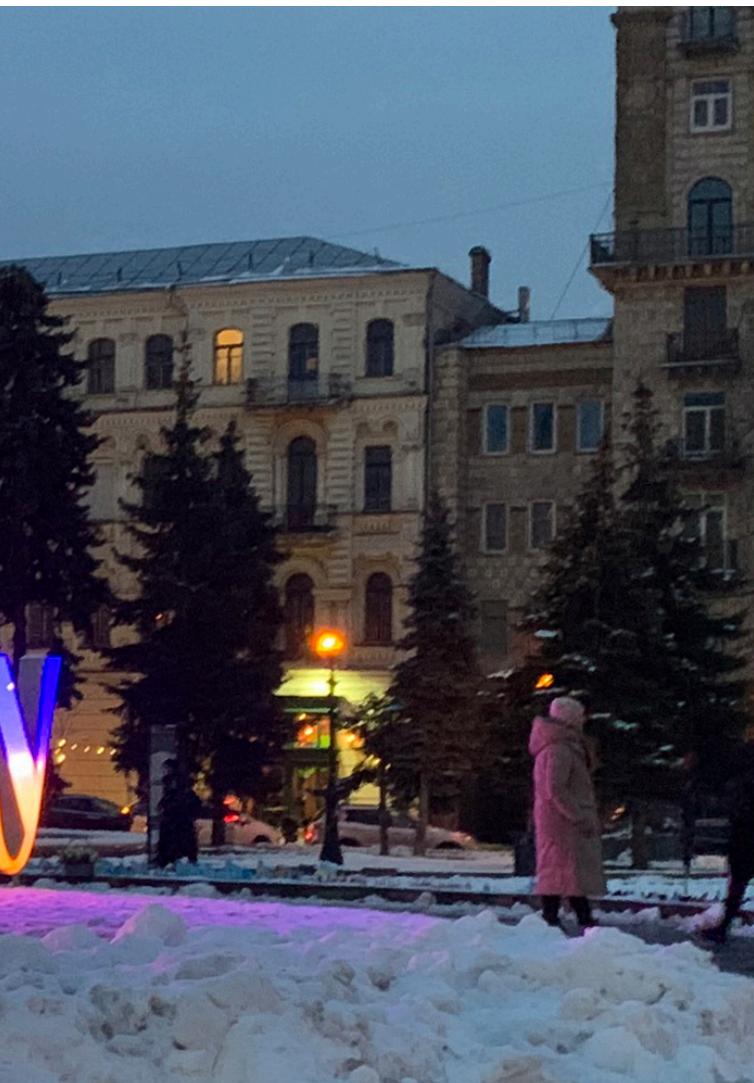
[We warned](#) the Ministers of Labour and the Interior that the new accommodation rules will worsen the economic situation of temporary protection holders.

OCTOBER

[In a new information leaflet](#), we called on Ukrainian refugees not to hesitate to come to us with their problems. The leaflet contains examples explaining the areas in which the Defender helps people.

[Interview for the ČT24 news channel about the aid provided to Ukrainians](#) (starts at 02:12:24)

Joining forces with the Ukrainian Ombudsman, we organised an online conference of representatives of ombudsman and national human rights institutions from more than 60 countries around the world. At an event called [Battle for Crimea: The battle for human rights](#), we discussed current problems and human rights violations in occupied Crimea.



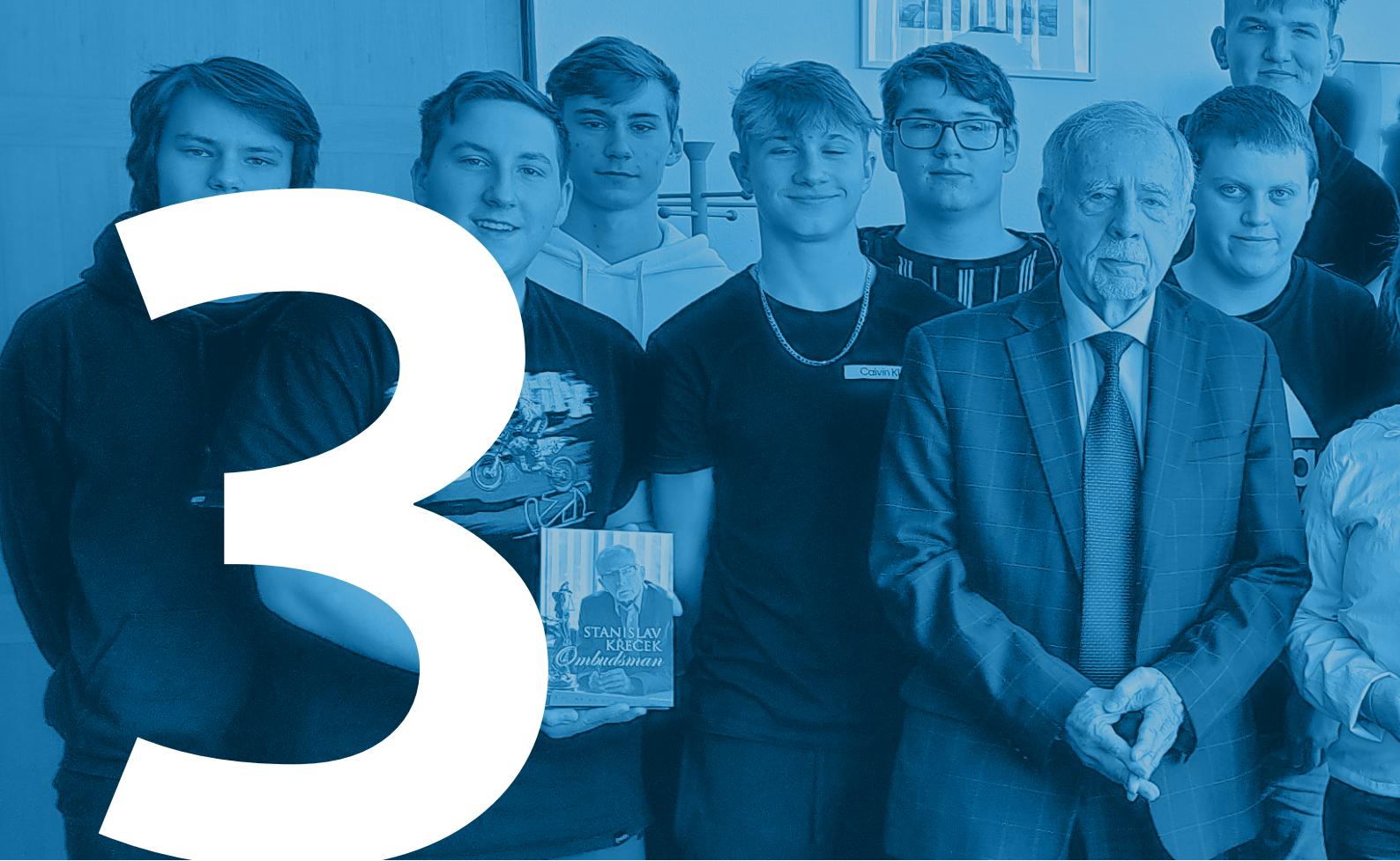
NOVEMBER

Together with the UNHCR Office in the Czech Republic, we prepared a series of training sessions in Karlovy Vary and Pilsen for social workers and other professionals on temporary protection, humanitarian benefits, housing, education, employment and discrimination. We also invited experts from practice to the training sessions.

DECEMBER

The Ukrainian Ombudsman invited us to the Freedom or Fear international conference in Kyiv marking the 75th anniversary of Human Rights Day and we gladly obliged. We also took up the opportunity to visit the towns of Bucha and Irpin, which have become a tragic symbol of Russian aggression in Ukraine because of the massacres of civilians that took place there.

3



Ombudsman and protection of children's rights

The Czech Republic is one of the last remaining European countries where a children's ombudsman institution has yet to be established. The Czech Republic has long been criticised by the UN, the Council of Europe and the European Union institutions for failing to fully provide for children's rights under the Convention on the Rights of the Child.

We are already addressing complaints from both child and adult complainants within our mandate and are also dealing with some systemic issues relating to children (see page [46](#)). We contribute to the protection of children's rights through our work, but we cannot replace the work of a dedicated children's ombudsman, as we do not have the mandate to monitor children's rights in their entirety. That is why we support the current Government's intention to establish a children's ombudsman.

We have joined the Childhood Without Violence initiative, which seeks to amend the Civil Code to make corporal punishment unacceptable in the Czech Republic. We have also continued to involve children in our challenges and competitions (see page [51](#)). The projects and other activities of the participants show that schoolchildren want to become active members of society, they can formulate and defend their opinions and aspirations and change things around them.

**23**

excursions for school groups

**3**

meetings of the children's participation group

**22**

high school teams participating in our "Elevator: It All Starts with an Idea" competition

CHILDREN'S COMPLAINTS IN DETAIL

**81**

A total of 81 complaints received from children

32 %

more than last year. Of which:

63 were within the Ombudsman's mandate**19** inquiries initiated**30** complaints concerning the activities of the bodies for social and legal protection of children or family relations**19** complaints concerning the conditions in children's institutions**10** complaints concerning schools

Most of our activities for children were made possible thanks to the support and funds received within the project "Reinforcing the activities of the Public Defender of Rights in the protection of human rights (with the aim of establishing a National Human Rights Institution in the Czech Republic)", No. LP-PDP3-001. This project is financed from the EEA and Norway Grants 2014-2021 and the State budget of the Czech Republic. In the following text, activities under this project are marked with an asterisk (*).

Paving the way for the children's ombudsman

In 2023, we were actively involved in the legislative work on an amendment to the Public Defender of Rights Act through consultations and preparation of expert documents. In a working group set up by the Minister for Legislation, we were able to reach consensus on the basic parameters of the new institution with the other members selected from among the expert representatives of ministries and members of the Chamber of Deputies and the Senate with different party affiliations.

The legislative proposal seeks to establish a separate and independent children's ombudsman who would share professional staff and institutional resources with the Office of the Public Defender of Rights. This would entail a major transformation of our institution. However, experience from abroad shows that thanks to such synergies, the Children's Ombudsman could successfully build on our existing work in the protection of children's rights and use the experience and connections we have accumulated.

This is undoubtedly a much more cost-effective option than setting up a completely separate institution from scratch. In the comments to the draft amendment, however, we drew attention to the scope and complexity of the new tasks. In order to fulfil these tasks properly, the current office will therefore need to be adequately reinforced in terms of financial resources and staff.

The relevant organisations and institutions, including government ministries, have already commented on the draft amendment. The Government should approve the proposal in spring 2024 and then submit it to the Chamber of Deputies for consideration.

- [!\[\]\(926d8cbff3d7d711f1f89b400bdabf2d_img.jpg\) Defender's comments on the draft amendment to the Public Defender of Rights Act](#)
- [!\[\]\(ef79423a72b6de36dd5245a4e01f6c35_img.jpg\) Defender's opinion on the parliamentary proposal for the Defender of Children's Rights Act](#)
- [!\[\]\(d7d780b3ca9379a1a31b140b19681574_img.jpg\) Press release of 16 March 2023](#)
- [!\[\]\(696121d99f0820934b791da7af537220_img.jpg\) Press release of 18 July 2023](#)
- [!\[\]\(52e8eded78ea2b63bcc98dbae5ab95dd_img.jpg\) Press release of 23 October 2023](#)

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

Children should find an advocate in the children's ombudsman. The children's ombudsman's help should be easily accessible to the children, communicating in a comprehensible and friendly way. If the children's ombudsman cannot inquire into the problem, they should advise the child.

The children's ombudsman should also be able to listen to children and convey their views to public authorities by way of recommendations. They should also promote children's rights comprehensively in the development of various policy and action plans and in the legislative process.



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We stand up for children's rights

As part of the Defender's mandate, we already deal with a number of complaints from adults in cases that directly affect children, in addition to complaints from children themselves. We also expose systemic weaknesses in various areas of life.

DEALING WITH COURT DELAYS IN CUSTODY DISPUTES

We want courts to take swifter action to ensure that their decisions are respected, e.g. if one of the parents prevents the other from seeing the children, because lengthy proceedings take their toll on children and their families. The courts' administrators must be able to effectively supervise the handling of motions that do not result in the creation of a new file and therefore do not need to be recorded separately in the information system. In matters of minors, it is typically motions to enforce custody orders that are at issue. We even encountered cases where the court would not decide on filed motions for enforcement as and when necessary, but decided e.g. on ten at once, even though more than a year had passed since the first motion was filed.

We also investigated the case of a father who was allowed to be with his children every other weekend. Because their mother was preventing this, the father filed thirteen motions for enforcement of the judgment with the court over a period of two years. The judge did not rule on any of them, which is why the father complained of delays in the proceedings. The vice-president of the court accepted the complaint as partially justified, but it was not clear which parts he accepted and which he did not.

In our view, the court administration erred in failing to properly review the judge's actions, as the review was based only on the information contained in the court's information system. However, the court had not registered

the motions for enforcement of child custody decisions separately, as no new file was created for them. During a follow-up review, the president found that the judge needed help with work organisation and administration. An assistant was assigned to her, and another senior judicial officer was assigned to the relevant court department. The judge's actions are now reviewed every two weeks by the court's president.

Defender's report: File No. 15148/2022/VOP

Press release of 13 October 2023

WE SHARED OUR FINDINGS ON THE SITUATION IN CZECH EDUCATION SYSTEM WITH THE EUROPEAN COURT OF HUMAN RIGHTS

We submitted a third-party comment to the European Court of Human Rights (ECtHR) in the case of S. v. Czech Republic concerning the education of pupils with autism spectrum disorder. We had previously inquired into this case ourselves. We informed the court of our findings concerning the situation in the Czech education system before 2016, i.e. the time when the case took place.

In our comment, we presented not only the legislation in force at the time and the relevant decisions of the Czech courts, but also the relevant cases that we had dealt with in this area. We pointed out that the system of support for pupils with disabilities showed systemic deficiencies, for example in the problematic funding for teaching assistants. The situation at the time was challenging not only for schools, but especially for pupils with disabilities and their parents. Improvements were brought about by the [amendment](#) to the Schools Act of 2016, which introduced state-funded entitlement support measures for pupils with special educational needs.



Defender's comment to the ECtHR: File No. 10/2023/SZD

Defender's Report: File No. 49/2013/DIS

THE CONSTITUTIONAL COURT UPHELD A COMPLAINT BY A FAMILY WHOSE PRIMARY SCHOOL ASKED THEM TO CONTRIBUTE TOWARDS THE COST OF A TEACHING ASSISTANT FOR THEIR SON

The issue of funding for teaching assistants was also addressed by the Constitutional Court in autumn 2023 when it rendered a judgment in a case we covered in 2015. In its award, the Constitutional Court cited our [report](#) and the [collection](#) of the Defender's opinion. According to the Constitutional Court's judgment, the district court will now have to reconsider the school's practice of requiring the family to contribute towards the teaching assis-

tant's salary. Today, however, similar situations should no longer occur in mainstream primary schools thanks to the aforementioned amendment to the Schools Act.

The Constitutional Court emphasised that the case must be assessed in light of the Anti-Discrimination Act and schools have a duty to actively pursue measures to ensure reasonable accommodation in relation to pupils with disabilities. A school may only be relieved of this obligation if the accommodation requested would place a disproportionate burden on the school. According to the Constitutional Court, the general courts did not sufficiently examine in the case under review whether the school had complied with its obligations. The Constitutional Court also criticised the courts for not allowing the pupil to express his opinion on the matter.

Press release of the Constitutional Court on judgment File No. III. US 1068/22

Defender's assessment: File No. 7075/2015/VOP

WE JOINED THE CHILDHOOD WITHOUT VIOLENCE INITIATIVE

We publicly supported the [Childhood Without Violence](#) initiative, which aims to legislate the unacceptability of corporal punishment of children in the Czech Republic.

Of the dozens of children who contact us each year, approximately half are facing a difficult situation in their family. Some of them directly experience violence from their parents or relatives. The Czech Republic has an obligation to protect children from violence under [the Convention on the Rights of the Child](#), to which it acceded in 1991. The Convention requires the State to protect children from all forms of physical or mental violence, insult or abuse.

Corporal punishment is already prohibited in schools and other institutions, and it is our hope that our society will become similarly sensitive to any acts of violence that children experience at home.

- › We shared our own parenting experience in dealing with challenging situations in a [series on social media](#).
- › In the autumn we joined the [Bubnovačka](#) event to make the children's voices heard.

[Press release of 1 June 2023](#)

[Post on the children's website of 20 November](#)

MONITORING THE NUMBER OF ROMA CHILDREN CLASSIFIED AS PUPILS WITH MILD MENTAL DISABILITIES*

Our findings show that the Czech Republic is not succeeding in improving the situation in the education of Roma children. They are about 10 times more likely to leave psychological counselling centres with a diagnosis of mild mental disability compared to their non-Roma peers. This has a major impact on their educational trajectory, as they learn according to curricula with lower demands. More modern diagnostic tools should help to distinguish between mild mental disability and social disadvantage in children.

The low number of Roma children in pre-school education is also a problem. It is in kindergartens that children from

socially disadvantaged backgrounds can learn early the skills needed to enter primary school (see page [123](#)).

[Press release of 6 November 2023](#)

WE LOOKED AT HOW SCHOOLS TREAT CHILDREN WITH SPECIAL HEALTH NEEDS

In recent years, we have received many questions from schools and parents about the responsibilities of teachers and other school staff in caring for children with chronic illnesses or disabilities. The problem is that the law does not directly define the term "health services". There is no hard limit to determine which tasks can be carried out by a trained non-specialist, i.e. not only by a parent but also, for example, by a teacher, and which tasks necessarily require a medical background.

In our survey, we therefore looked at how selected schools across all administrative regions deal with pupils who need health support while at school. We have found that school administrators consider the current legal provisions inadequate, and they often do not know how to proceed in this area. Parents who responded to the survey also reported that different schools take different views on the issue, and that the level of support often depends mainly on the good will of the teachers and the approach of the particular school.

We have made a number of recommendations that could make life easier for school children with special health needs and for their families and teachers. In particular, it would be helpful to draw a clear line between professional medical tasks and support provided by non-specialists. A clear division of responsibilities between the main "stakeholders", i.e. the parents, the school and also the paediatrician or other physicians, would also help (see page [122](#)).

[Defender's survey report: File No. 63/2022/DIS](#)

Helping children

Increasingly, children and young adults themselves are also turning to us. Their complaints are handled in a special way – informally and with priority. If we cannot help, we always try to advise the children on how and with whom they can discuss their problems. We also visit facilities for children and promote the rights of children with disabilities.

A GIRL'S DEPARTURE FROM AN EDUCATIONAL INSTITUTION WAS MADE DIFFICULT BY CIRCUMSTANCES

We were contacted by a girl who had ran away from an educational institution just before her 18th birthday, fearing for her safety due to rampant bullying among the children. We were aware of the conditions inside the facility from a recent systematic visit and discussed the problem with the institution's management. Consequently, we made sure that the girl contacted social workers at the relevant authority (the body for social and legal protection of children and the associated curatorship for adults) and that the authorities dealt with the girl's situation immediately.

The girl understood her options, returned to the facility for some time, passed her school-leaving examination and then moved to a recommended halfway house when she reached the age of majority.

VISITS TO CHILDREN'S FACILITIES IN 2023

In our visits to children's homes, we focused on the atmosphere in the facilities, the attitude of the staff towards the children and the trust between the children and the staff. We looked into the way facilities supported contact between children and their families and close persons. In facilities

for children placed in protective care and facilities for children struggling with substance abuse, we observed how staff treated and worked with these children (see page [111](#)). We organised an expert roundtable to discuss care of children with extreme behavioural disorders or placed in protective care. Facilities for these children very often struggle with staff shortages (see page [115](#)).

Following a visit to an educational institution focused on treating boys who are using or experimenting dangerously with addictive substances, we compiled a set of guidelines for body searches of these children (see page [111](#)).

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

Two children complained that they were not allowed to go out unsupervised in the first few weeks of their stay in a children's home. Moreover, none of the children in the facility were allowed to go outside the town limits.

We criticised the children's home for blanket curfews for newly admitted children since outings can only be restricted in justified cases. We asked the children's home to reconsider the practice of not allowing the children to go outside the town limits for outings. We felt that this rule was particularly unjustified for teenagers and made little sense for children who regularly travelled to school outside the town.

The director of the children's home accepted our assessment of the matter. She lifted the blanket ban on unsupervised outings for newly admitted children and reminded teachers of their obligation to get to know newly admitted children as well as possible and assess possible risks associated with outings. In the future, teachers will

follow a similar procedure when deciding whether children can go outside the town limits.

❑ [Defender's report: File No. 1011/2023/VOP](#)

OTHER THINGS WE DID FOR CHILDREN

We advised a teenager from North Macedonia that he can apply for a visa at any Czech embassy in the EU (see page [99](#)).

We helped an underage mother who wanted to take care of her children. The institutions dealing with her situation initially wanted to place the child in foster care. Nevertheless, we managed to convince the body for social and legal protection of children (BSLPC) to support the mother. This led first to ensuring extensive mother-child contact and shortly thereafter, the girl gained custody of both her children (see page [59](#)).

We counselled a secondary school student who found out after the start of the school year that his chosen vocation was not the right one for him. We explained to him the details of how and to whom he could make a request for a transfer. Children [can also find these rules](#) on our children's website.

BSLPC TOOK INTO ACCOUNT THE WISHES OF A 14-YEAR-OLD GIRL WHO DID NOT WANT TO BE IN CONTACT WITH HER MOTHER

We were contacted by a 14-year-old girl who was afraid that the court or the body for social and legal protection of children would force her to be in personal contact with her mother. She grew up with her younger sister in the midst of a heated custody battle between their parents that lasted several years. Both girls were in their father's care and refused to see their mother. The court initially ordered them to have supervised visits with their mother. As this was unsuccessful, the court respected the girls' wishes and changed the form of contact with their mother to video calls. However, the appellate court concluded that the girls were being manipulated by their father and ruled that they should see their mother in person and much more often. However, the court did not hear the girls and did not explain its decision to them. The older girl ran away from her mother on the second visit and refused to abide by the court's decision.

We found out that the body for social and legal protection of children worked very closely with the family. It represented the girls as their guardian ad litem during the court

proceedings and explained to them what the court's decision meant for them after the proceedings were over. The BSLPC officers tried to motivate them to abide by the court's decision. When they discovered that the older girl had run away from her mother, they offered assistance and suggested that the family try to agree on mutually acceptable terms for visitation.

However, the girl refused all options and said she would run away from her mother again. The BSLPC urged the parents not to force her to visit her mother and recommended professional counselling to the parents. It addressed their behaviour towards each other and helped them to agree on more detailed rules for the younger daughter's contact with her mother. Both girls were assessed by the BSLPC as being at risk and prepared individual protection plans for the girls setting out goals to help improve the family relationships.

We appreciated that the BSLPC took the initiative and tried to motivate the older daughter to improve her relationship with her mother without forcing her to visit her. In its work with the family, the BSLPC appropriately took into account the attitudes, opinions and wishes of both girls.

❑ [Defender's report: File No. 14554/2022/VOP](#)



We talk to children

More and more schools want their pupils to know what the Ombudsman does. During the year, we organised 23 visits for school groups. The children also met and talked to the Ombudsman and his deputy. We also gave them a tour of our building. We are delighted with the positive feedback from the pupils and teachers about [our comprehensive educational programme](#).

Building on the success of the [Children's Conference](#), we tried to involve children in the world around them also in 2023. We prepared three challenges on different topics, then talked with the children live and online on several occasions and helped them prepare their projects.



CHILDREN TAKING PART IN THE COMPETITION CHANGED LIFE IN THEIR SCHOOLS FOR THE BETTER*

We have seen more than once that our competitions make sense, that they encourage children's participation, involvement and commitment to changing things around them. One such example is the participants in [our challenge](#) – ninth graders who wanted to be able to buy snacks at school. At first glance, a trivial problem. But it united the children so much that they managed to summon the courage to talk to both the headteacher and the municipal representatives. Their initiative resulted in a snacks van making regular stops at their school.

[Post on the children's website from 5 May 2023](#)

ELEVATOR: IT ALL STARTS WITH AN IDEA*

In cooperation with the [Lipka Industrious Action Centre](#), we announced a competition for secondary school students entitled [Elevator: It All Starts with an Idea](#). We wanted young people to take an active interest in their surroundings, to work together and to explore the opportunities on offer. The aim was also to learn how to articulate their ideas clearly and propose meaningful and feasible solutions.

We supported twenty-two motivated student teams in the preparation of their projects through expert webinars and individual mentoring. We selected the seven most impressive projects and invited their authors to visit our office. The students had the opportunity to present their projects to an audience and improve them with the insights gained from workshops and individual consultations.

Thanks to our competition, secondary school students are now initiating the revitalisation of a city park, an ambitious project to build a new bicycle lane, an information cam-



paign on the harmfulness of e-cigarettes and the creation of a charity shop, among other projects.

- [Post on the children's website from 19 May 2023](#)
- [Feedback from one of the selected teams](#)

CAN THE RIGHT TO PRIVACY CONFLICT WITH THE RIGHT TO SHARE INFORMATION?*

What can we share about ourselves and our loved ones? Where do we come up against the right to privacy? Can parents make decisions for their teenage children? Can we tell a secret to help a friend in need? And can the infor-

mation we share about ourselves on social media have a negative impact on our future lives? These are some of the questions we discussed in two sessions with secondary school students as part of the third children's participation group. Thanks to a newly created tutorial, we were able to guide the participants through the topic and observe which areas were of most interest and concern to them. During the sessions, the students were led to present and defend their opinions in a simulated court case. They were taught to formulate their own arguments and to refute the claims of the opposing party.

- [Post on the children's website from 13 November 2023](#)
- [Post on the children's website from 12 December 2023](#)



WE ARE ACTIVE ONLINE

We regularly post on our children's website at deti.ochrance.cz. 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.

In the podcast Have a coffee with the Ombudsman, we summarised the approaches we encounter when visiting children living in institutional settings ([episode 98](#)) and children hospitalised in psychiatric hospitals ([episode 99](#)).

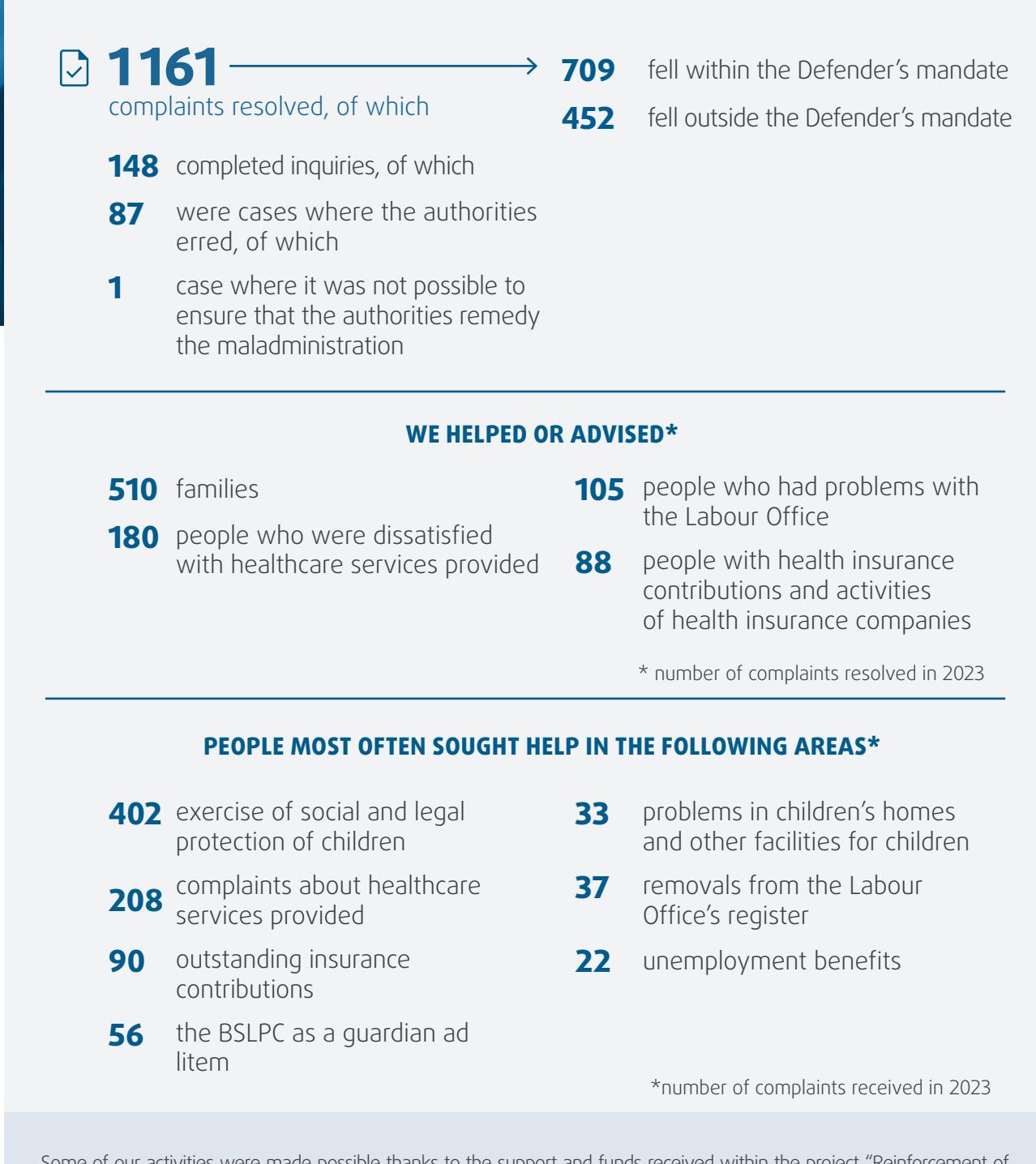


Family, healthcare and labour

In 2023, we partnered with other stakeholders to create the [Childhood Without Violence initiative](#) striving to change the lives of children at risk of violence in Czech families. The prohibition of physical punishment of children under Article 19 of the [Convention on the Rights of the Child](#) still needs to be implemented in our country.

We help applicants for compensation for unlawful sterilisation who are not satisfied with the manner in which the Ministry of Health is handling their applications. Besides examining the individual complaints, we also investigated on our own initiative possible systemic problems accompanying the processing of the applications. We have identified many errors and are working to achieve their rectification (see page [57](#)).

We aim to change the situation of paediatric patients who cannot be accompanied in the hospital by their parents and those who often have to witness tense situations and conflicts between their parents and health care professionals. We have therefore requested the Ministry of Health to issue a [methodological guideline](#) harmonising the procedure of health service providers in situations where minor patients exercise their right to be accompanied by their legal representatives and close persons as they receive health services. We have been actively involved in the preparation of the guideline and are sincerely pleased with its publication.



Some of our activities were made possible thanks to the support and funds received within the project "Reinforcement of activities of the Public Defender of Rights in human rights protection (with the aim of establishing a National Human Rights Institution in the Czech Republic)", No. LPPDP3-001. This project is financed from the EEA and Norway Grants 2014-2021 and the State budget of the Czech Republic. In the following text, activities under this project are marked with an asterisk (*).

We help change the rules

CHILDREN AND THEIR PARENTS IN PRISON HAVE THE RIGHT TO BE IN CONTACT

The State has a duty to assist imprisoned parents and their children to remain in contact and to provide the best possible conditions to this end. We inquired into how bodies for social and legal protection of children (BSLPC) supported children's contacts with their imprisoned parents. We also focused on the procedure of the Prison Service of the Czech Republic ("the Prison Service") in arranging for the contacts. We organised a roundtable attended by representatives of all important stakeholders (the Ministry of Labour and Social Affairs, the General Directorate of the Prison Service, the Committee on the Rights of the Child, the Supreme Public Prosecutor's Office, regional authorities, BSLPCs, NGOs), and we proposed several changes based on our two inquiries and the conclusions reached at the roundtable.

We recommended that:

- The Prison Service should take account of the child's interest and adapt the conditions for visits in the prison to the child's needs, e.g. allow more people to visit at the same time, divide the permitted three hours of visits per month into several shorter sessions or allow visits without visual and auditory supervision.
- The Prison Service should also take account of the child's interest in providing video calls with parents and in granting rewards in the form of permits to leave the prison and interrupt the service of imprisonment.
- The Prison Service continued adapting their visiting premises for child visitors and expanded social work to improve the imprisoned parents' parenting competences.
- The entities involved have created a system that will give the children the fullest information on the possibilities of contacting their imprisoned parents and a contact person who will help them set up the contact.
- The Prison Service and the BSLPC worked together closely in planning the contacts.
- The Ministry of Labour and Social Affairs and the Prison Service have created a methodological guideline stipula-

ting the rules for the contact of children and their parents in prison and the principles of co-operation among all important stakeholders, such as the prison social worker, social worker of the BSLPC, the parent's social curator, and potentially a non-profit organisation's social worker.

We pointed out to the BSLPC the great potential for assistance from NGOs focusing on contacts between children and imprisoned parents and recommended that they use it more.

☒ [Defender's report: File No. 4353/2022/VOP](#)

☒ [Defender's report: File No. 988/2023/VOP](#)

BEFORE THE BSLPC APPLIES WITH THE COURT TO REMOVE A NEWBORN FROM THEIR PARENTS' CARE, IT MUST DISCUSS THIS WITH THEM AND CONSIDER OTHER SOLUTIONS

We inquired into a case that involved a complainant whose two children had been removed from her care by a court. The court based its decision on the fact that the children had injuries of unclear origin (scalding and fractured skull) and the complainant had an intellectual disability. According to an expert opinion, her disability makes it impossible for her to care for the children on her own. The complainant had another child in 2022. The BSLPC found out that the father could not take care of the baby on his own either and therefore asked the court to remove the newborn from the care of his parents.

We reproached the BSLPC for not discussing the matter with the parents before filing the application and failing to consider whether the newborn could be taken care of in any other way, e.g. by staying in a children's centre with the mother. The BSLPC promised to avoid errors of this kind in the future.

☒ [Defender's report: File No. 14 108/2022/VOP](#)

Complaints about the handling of application for unlawful sterilisation compensation

28

18
10

2022

20

6
14

2023

- Investigations initiated
- Premature complaints
- Total number of complaints received

THE BSLPC MUST SUPERVISE THE CARE OF CHILDREN IN FACILITIES FOR PEOPLE WITH DISABILITIES

Our systematic visit to a home for people with disabilities ("facility") revealed inappropriate treatment of the children and poor care. This led us to inquire into how the BSLPCs supervise the observance of the children's rights. We found that the BSLPCs were failing to perform some of their duties.

In particular, they did not sufficiently seek the opinions and wishes of some of the children. They did not have a clear communication framework set up with children who mainly express themselves non-verbally. The BSLPCs did not spend any time alone with them so that they could observe their behaviour without the presence of the facility's staff, establish a more trusting relationship with them and obtain information on any inappropriate treatment or ill-treatment. They never visited the facilities unannounced to have the opportunity to see what conditions normally prevail there. They failed to ensure that the facility comprehensively and systematically addressed manifestations of the children's challenging behaviour.

The BSLPCs acknowledged their mistakes and promised to apply our recommendations in practice. Among other things, they will include training on alternative methods of communicating with children in their training plan. They will seek to find out how the children are actually faring in the facilities. A BSLPC secretary created an internal manual with the requirements that the BSLPC should meet in monitoring the exercise of the children's rights in the facilities.

- ☒ Defender's report: File No. 17629/2022/VOP
- ☒ Defender's report: File No. 17631/2022/VOP

COMPENSATION FOR UNLAWFUL STERILISATIONS IS VITIATED BY DELAYS AND ERRORS ON THE PART OF THE MINISTRY

In 2023, we continued to investigate cases of women seeking compensation for unlawful sterilisation and found that the Ministry of Health made many errors in handling their claims. For example, it failed to carefully consider whether the medical records included a request for sterilisation and the patient's informed consent to sterilisation and whether the sterilisation committee authorising the sterilisation was composed as required. The Ministry also did not manage to deal with the compensation claims within the statutory deadline of 60 days. In some cases, the deadline was exceeded by more than twice the original amount of time. The complainants are not receiving replies to their emails and letters and are unable to contact the Ministry.

For unlawful sterilisation survivors, the compensation represents the State's acknowledgement that it allowed a violation of the law in the past, the consequences of which they had to bear for the rest of their lives. Many of the applicants are elderly and it is crucial for them that their claims be processed promptly. Indeed, some of the women did not live to see their applications processed.

The Ministry has already responded to our recommendations and modified and clarified the advice provided to the applicants about their rights. In particular, it added the information that they could use evidence other than just medical records to prove their claims, e.g. testimonies of family and friends or diary records. In the area of unlawful sterilisation, we also dealt with the case of a woman whose medical records had been prematurely shredded by the hospital, see page [61](#).



COURT CASES ON COMPENSATION FOR UNLAWFUL STERILISATION

We are monitoring the decisions of the Municipal Court in Prague, which has already ruled on several lawsuits filed by sterilisation survivors against the Ministry's rejecting decisions. The court upheld some of the claims and overturned the decisions:

- › File No. 6 Ad 14/2022
- › File No. 10 Ad 20/2022
- › File No. 14 As 9/2022
- › File No. 15 Ad 2/2023
- › File No. 15 Ad 4/2022
- › File No. 17 Ad 10/2022
- › File No. 17 Ad 8/2022

The Municipal Court, too, criticised the Ministry for similar errors as we did, such as its overly formalistic procedure sidelining the purpose of the Act on compensation for unlawful sterilisation. These conclusions were confirmed by the Supreme Administrative Court in its judgment of 14 November 2023, No. 4 As 290/2022-42.

- ❑ [Defender's report: File No. 15642/2022/VOP](#)
- ❑ [Defender's report: File No. 16418/2022/VOP](#)
- ❑ [Defender's report: File No. 15744/2022/VOP](#)
- ❑ [Press release of 20 October 2023](#)

UNEMPLOYMENT BENEFIT NOTICES WILL NOW ALSO INCLUDE A REASONING

A complainant applied for unemployment benefits. She received a notice from the Labour Office that she was granted the benefit, but she had concerns about the amount. Indeed, the notice did not say why the benefit was so low.

We found that the Labour Office erred in failing completely to justify the amount of benefit awarded. We wanted the Office to provide supplement the notices with a reasoning in the future, as this was the only way to be sure what facts were used as a basis to determine the amount. The Office objected that it was following the methodology of the Ministry of Labour and Social Affairs. We therefore approached the Ministry to ensure that the notice of the benefit amount include the relevant reasoning as well. The Minister complied and informed us that the text of the notice has been changed and all Labour Office branches will be obliged to use it.

- ❑ [Defender's report and opinion: File No. 8824/2022/VOP](#)
- ❑ [Defender's report: File No. 1031/2023/VOP](#)

We are here to help

SHE IS STILL THE MOTHER EVEN IF SHE IS NOT TAKING CARE OF THE BABY

The court removed a complainant's son after he was born and placed him in foster care. The mother was in regular contact with him. But she refused to co-operate and deal with her psychiatric illness. Therefore, the BSLPC filed an application to relieve her of her parental responsibility.

We found no maladministration with regard to the removal of the child, but we disagreed with the application to relieve the complainant of her parental responsibility. The BSLPC did not lodge it to protect the child's interests, but rather to make the co-operation with the mother easier for itself and the temporary foster parent. The co-operation was difficult precisely because of the complainant's untreated psychiatric illness. The BSLPC did not use the less strict means of remedy available, even though the mother was interested in her son and never caused him any harm. After the inquiry, the BSLPC decided to withdraw its application for relieving the mother of her parental responsibility. The mother started to co-operate and is still in contact with her son.

 [Defender's report and opinion: File No. 15776/2022/VOP](#)

EVEN IF SHE'S IN PRISON, SHE CAN STILL BE IN TOUCH WITH THE CHILDREN

The complainant had two children in foster care. Before she went to prison, she regularly met with them, but the contacts with the children ceased once she was there. The mother asked us for support.

We inquired into the case and helped the BSLPC, the father and foster parents with to arrange a video call among the

children and the mother. This was followed by more video calls and also visits of the children in the prison, where the father took them during his contact times.

The BSLPCs accepted the use of video calls as good practice. Thanks to our efforts, from now on, the BSLPCs will always guide parents and foster parents to reach an agreement on the manner of the parent's contacts with the children.

 [Defender's report: File No. 15831/2022/VOP](#)

WE HELPED A MINOR MOTHER GET HER TWO CHILDREN BACK

A girl approached us when, based on an agreement with the BSLPC, she joined a children's diagnostic facility for minor mothers and their children in order to get her two children back into her care. Most of the institutions involved in the case doubted whether it would be advisable to entrust the children to their minor mother and favoured foster care.

We were interested in whether and how the BSLPC supported the minor mother in caring for her children. It should pay maximum attention to her situation and help as much as possible.

We recommended that the BSLPC continue supporting the minor mother in her intention to take care of the children and to send its affirmative opinion to the courts deciding on the case. The BSLPC then ensured that the children's centre which had the children in care allow for the widest possible contact between the mother and the children.

Shortly afterwards, the girl got both her children into her care.

 [Defender's report: File No. 5312/2023/VOP](#)

WE HELPED A FATHER WITH A DISABILITY TO ACHIEVE CONTACTS WITH HIS CHILDREN

We dealt with a case where the parents had separated and the mother changed the children's permanent residence and their school without the father's consent. This made it significantly more difficult for the father to see his children. This was because the father was being treated in the long term for serious illnesses that, among other things, limited his mobility.

We found that the BSLPC had failed to provide the father with the necessary support in view of his health limitations. It did not attempt to guide the parents to reach an agreement to regarding the handovers of the children. In its role of guardian ad litem, the BSLPC failed to appreciate that the mother's conduct was unlawful.

After the inquiry, the BSLPC promised to provide special assistance and support to parents with disabilities, as required under the Convention on the Rights of Persons with Disabilities.

[!\[\]\(46dd3376293f002fcc8b2c6ded6fdcee_img.jpg\) Defender's report and opinion: File No. 12184/2022/VOP](#)

AN INSURANCE COMPANY CHANGED ITS DEBT COLLECTION RULES FOR PUBLIC HEALTH INSURANCE

The complainant contested the amount of his unpaid public health insurance contributions and penalties for the period from 2011 to 2014.

The health insurance company erred by checking the contributions payments only in 2022. It was therefore inactive for many years. It also failed to inform the complainant immediately that the outstanding amount also included penalties (and specify their amount) and that he could apply for waiver of the penalties. Had the complainant been contacted earlier, the penalty payment could have been much lower.

The insurance company did not proceed correctly even in setting up a repayment schedule and scheduling the individual instalments. The repayment schedule was granted by a simple letter, although a formal decision should have been issued. Moreover, it did not justify why it had set much higher instalments than proposed by the complainant.

We achieved that the insurance company modified its internal procedures. It promised to check contributions

payments more often and inform debtors in the statement of arrears about the amount of the penalty and the possibility of waiving it. The insurance company also issued a new payment schedule, where it reduced the instalments for the complainant, allowing him more time to pay the debt. The schedule also had the form of a decision, as we requested.

[!\[\]\(edd6a0397317fe520f097f6fe8bfc3da_img.jpg\) Defender's report and opinion: File No. 12708/2022/VOP](#)

AN INSURANCE COMPANY REIMBURSED A TRIP TO THE HOSPITAL TO A CHILD WITH A SERIOUS DISABILITY

A mother of a child with a severe disability asked her health insurance company to cover the travel costs for a trip to the hospital, where she and her child travelled by car. The insurance company did not comply, even though



the trip in a private vehicle was approved by the attending physician.

Our inquiry revealed errors on the part of the health insurance company, which had failed to sufficiently justify its negative opinion. We proposed to reconsider the complainant's application. The insurance company complied and eventually approved the complainant's application.

 [Defender's report and opinion: File No. 863/2023/VOP](#)

A HOSPITAL APOLOGISED TO A WOMAN FOR SHREDDING HER MEDICAL RECORDS

A regional authority dealt with a complaint against a hospital that had prematurely shredded the complainant's medical records. The complainant needed the records to support her claim for compensation for unlawful sterilisation (for

more information on the compensation cases, see page [57](#)). The woman demanded an apology and wanted the hospital to be fined or otherwise sanctioned for the offence.

The regional authority confirmed that the hospital had made an error when it had shredded the medical records early. However, it could not initiate infraction proceedings against the hospital because the infraction had already been time-barred. We reproached the regional authority for failing to at least impose on the hospital the duty to apologise to the complainant. Indeed, the incident had a fundamental impact on her situation – her chance of receiving compensation decreased significantly without the medical records. An apology was the only satisfaction the complainant could have received from the hospital.

In response to our criticism, the regional authority changed its opinion and requested the hospital to apologise to the complainant.

 [Defender's report and opinion: File No. 2538/2023/VOP](#)



THE LABOUR OFFICE MUST RE-EXAMINE THE REASONS WHY A SINGLE MOTHER QUIT HER JOB

The complainant applied with the Labour Office to be included in the register of jobseekers and be granted an unemployment benefit. She had had to quit her job when her daughter started first grade because she couldn't pick her up from her after-school group on time. She stated that, as a single mother, she could not reduce her working hours because she would not be able to support herself and her daughter and meet her financial obligations on the reduced salary. The Labour Office considered that the claimant had quit her job without good cause and awarded her reduced unemployment benefits. The Ministry of Labour and Social Affairs upheld the decision on appeal.

In our view, however, the complainant did quit for good cause and the Labour Office and the Ministry misjudged her situation. We therefore proposed that the Minister of Labour and Social Affairs cancel both decisions in review proceedings. He accepted our proposal. The Labour Office had to re-examine the reasons for the complainant's termination of employment and decide on the amount of the benefits. It eventually granted her the full amount.

 [Defender's report: File No. 9104/2022/VOP](#)

FRUSTRATING CO-OPERATION, OR JUST BEING HONEST?

The complainant had a job interview with an employer mediated by the Labour Office, where he stated that he had already been promised that another employer would take him on. The Labour Office considered this conduct frustrating co-operation and removed the complainant from the register of jobseekers. On appeal, the Ministry of Labour and Social Affairs upheld the office's decision.

In our opinion, both the Labour Office and the Ministry assessed the complainant's conduct incorrectly. If a job-seeker truthfully (not wilfully) informs an employer of any other current job offer in a selection procedure, this does not constitute frustration of co-operation and cannot result in his/her removal from the register.

We proposed that both authorities examine the facts of the case more thoroughly in the future. The Labour Office accepted our recommendations, but the Ministry did not. However, with our support, the complainant succeeded before the administrative court, which assessed the case in the same way as we did.

 [Defender's report and opinion: File No. 10945/2022/VOP](#)

 [Judgement of the Regional Court in Ústí nad Labem of 4 October 2023, Ref. No. 75 Ad 8/2022-73.](#)



We communicate

- › We organised seminars for BSLPC officers on the BSLPCs' role in dealing with parental conflicts in the context of care for children and unaccompanied minors.
- › We continued to train social service workers and non-profit organisations on the conditions for employment of people coming from Ukraine and addressing problems in their registration with the Labour Office.
- › We focused intensively on the topic of contacts between children and parents serving imprisonment:
 - We discussed the conclusions of our two surveys with representatives of the Ministry of Labour and Social Affairs, the General Directorate of the Prison Service, the Committee on the Rights of the Child, the Supreme Public Prosecutor's Office, regional authorities, the BSLPCs and non-governmental non-profit organisations.
 - We also summarised our survey and recommendations in *Sociální práce*, a specialised journal devoted to social work.
 - We participated in a conference organised by Triáda, an NGO, and titled "Current Issues of Social and Legal Protection of Children", where we conducted workshops for BSLPC officers and support organisations.
- › We actively participated in a meeting of experts in Ostrava focused on the current problems of foster care in the Moravian-Silesian Region. We pointed to the inflexibility of the system of transferring children between school facilities for institutional and protective education. It causes overloading of diagnostic institutions and prevents prompt relocation of the children to facilities that would better serve their needs.
- › We attended a roundtable on the child abuse and neglect (CAN) syndrome.
- › We lectured students at Masaryk University in Brno and Palacký University Olomouc. We talked to them about children's rights, social and legal protection of children, unemployment and everything related.
- › In articles published in *Sociální práce*, a specialised journal for social workers, we addressed the issue of employment of people with disabilities from the employer's point of view and revisited the topic of removal of a jobseeker from the Labour Office's register, this time in a case where a jobseeker failed to check in with the labour office when he recovered from his temporary unfitness to work.
- › We also addressed health-related topics, focusing on complaints in healthcare, especially on the functionality and effectiveness of the process of addressing them. We organised a roundtable attended by representatives of the regional authorities, the Ministry of Defence, the Ministry of Justice and the Ministry of Health.
- › We again participated in a meeting of hospital ombudsmen. We presented the results of a survey in the area of handling complaints in healthcare. And we also shared our findings in the field of psychiatric care.
- › We made new episodes of the podcast "Have a coffee with the Ombudsman":
 - we discussed the topic of temporary foster care with the foster parents and the head of a support organisation;
 - we also talked about how to defend oneself if the employer does not pay the salary;
 - in an episode on unlawful sterilisations, we tried to explain to the audience the rules applied by the Ministry of Health when dealing with compensation claims, and explain our role and ways we can help in this area.



Social security

In the past year, we have received 165 complaints relating to retirement pensions, an increase of 85% as compared to the 89 submissions in 2022. There were several reasons why people turned to us more often. The State began to pay out child-raising pensions and there have also been fundamental changes to the system of early pensions. The Czech Social Security Administration was thus flooded with applications for early retirement pensions.

We also commented on the changes to the [early pensions](#) and the pension reform. Publishing a collection of opinions titled "[Pensions III](#)", we summarised our findings from hundreds of inquiries and thousands of complaints we completed and addressed in the seven years since the issue of the previous collection. In a separate publication, we dealt with [Pensions with a foreign element](#) as a special category of cases where the complainants had worked abroad.

We consider it a great success that long-term foster and adoptive parents can draw the full amount of the parental allowance from the moment the child is placed in their care (see page [66](#)).

We presented our work in podcasts dedicated to [compensation for delays in proceedings](#), [parental allowance](#) and [maternity benefits](#).



✓ **1 439** → all complaints relating to social security fall within the Ombudsman's mandate
complaints resolved

- ✓ **217** completed inquiries, of which
- ⌚ **153** were cases where the authorities erred, of which
- 🔍 **3** were cases where it was not possible to ensure that the authorities remedy the maladministration

WE HELPED OR ADVISED*

- | | |
|--|---|
| 361 people with disability pensions | 95 people with care allowances |
| 144 people with retirement pensions | 41 people with sickness benefits |
| 98 people with housing allowances | 31 people with subsistence support |

* number of complaints resolved in 2023

PEOPLE MOST OFTEN SOUGHT HELP IN THE FOLLOWING AREAS*

- | | |
|--------------------------------|----------------------------------|
| 341 disability pensions | 93 housing allowance |
| 165 retirement pensions | 47 disabled person's card |
| 114 care allowance | 38 subsistence support |

*number of complaints received in 2023

We help change the rules

THANKS TO THE DEFENDER, LONG-TERM FOSTER AND ADOPTIVE PARENTS CAN DRAW THE FULL AMOUNT OF THE PARENTAL ALLOWANCE FROM THE MOMENT THE CHILD IS PLACED IN THEIR CARE

If a child is entrusted to the care of a long-term foster parent or adopted, the substitute parents are entitled to the entire parental allowance, regardless of how much of it has already been drawn by the biological parent. This follows from the judgment of the Supreme Administrative Court.

According to previous practice of the Labour Office, after assuming the care of a child, substitute parents could only receive the part of the allowance that had not been drawn by the biological parent. They could apply for the rest only after the unused part has been exhausted and they had to claim it by means of an appeal. Substitute parents taking care of older children were thus unable to draw the remaining part of the allowance because the child had reached the limit of four years of age.

A long-term foster mother wanted to increase the monthly payment of the parental allowance so that she could use the total amount of the allowance (CZK 300,000) before the child reached the age of four. The Labour Office advised her that she first had to draw the part of the allowance that had not been utilised by the child's biological mother. Only then could she claim the remaining part of the allowance by lodging an appeal with the Ministry of Labour and Social Affairs. The complainant followed the advice provided by the Labour Office. However, because the child turned four shortly after the unused portion of the allowance was utilised, the complainant received only less than one monthly payment of the remaining portion of the allowance.

The labour office did not err in providing the advice to the complainant because it proceeded in accordance with the binding opinion of the Ministry of Labour and Social Affairs.

However, we were able to achieve a change in this opinion, after which the Ministry ordered the Labour Office to pay the remaining outstanding part of the allowance to the complainant on a one-off basis.

✉ [Defender's report, opinion and sanction: File No. 10410/2022/VOP](#)

WE HELPED TO OBTAIN FULL CHILD-RAISING PENSION TO SOME RECIPIENTS OF PRORATED PENSIONS

The introduction of the child-raising pension, which is paid in addition to the old-age pension, has triggered complaints from seniors who had worked part of their lives abroad (besides working in the Czech Republic at some other stage) and received prorated pensions. They were dissatisfied with not receiving the child-raising pension in the full amount. We agreed with the Ministry of Labour and Social Affairs that it would assess these cases in a benevolent manner.

The amount of the child-raising pension depends on the number of children raised (CZK 500 for each child raised). People who have worked in more than one EU country are either paid a pension based only on their years of work in the Czech Republic (full pension), or they receive a prorated pension. This is calculated on the basis of both the time worked in another EU country and the time worked in Czechia. The amount corresponds to the ratio of the time worked in Czechia to the whole time worked both domestically and abroad. When deciding on a pension, the Czech Social Security Administration assesses which of the options is more advantageous for the pensioner – and automatically grants it.

People who receive a Czech prorated pension are entitled to only a proportionate part of the child-raising pension, corresponding to the time worked in the Czech Republic. If the pensioner receives full pension, they are also granted a full child-raising pension, so it may be preferable for some pensioners to opt for the full pension instead of the prorated pension.



The Czech Social Security Administration did not automatically carry out a comparative calculation for people who were already receiving prorated pensions, i.e. they did not compare what amount they would receive should they be granted a full pension with a full child-raising pension, and the amount of their prorated child-raising pension and prorated pension.

We agreed with the Ministry of Labour and Social Affairs that people in such a situation could ask the Czech Social Security Administration for reconsideration. If they meet all the conditions, the authority will recalculate and compare their prorated and full pensions, including the child-raising pension. The pensioners will then receive the pension that is more advantageous for them.

[Press release of 3 April 2023](#)

find and maintain housing. We pointed out the possible risks associated with the fact that the proposed housing support system was based on voluntary involvement of municipalities and other flat owners.

We also tried to clarify the law, specify certain conditions for the provision of the support, extend the scope of the Act to the widest possible circle of people, prevent social exclusion, define the group of people who require a higher level of support, and clarify the financing.

The sponsor accepted most of our fundamental comments.

[**Comments of the Public Defender of Rights on the Housing Support Act**](#)

WE POINTED OUT SHORTCOMINGS IN THE HOUSING SUPPORT ACT

We participated in the commentary procedure on the new Housing Support Act, which should help people in need



PRÁVNICKÁ FAKULTA



We are here to help

THE COMPENSATION BONUS COMPLICATED THE GRANTING OF THE HOUSING ALLOWANCE

Entrepreneurs whose sales decreased due to the Covid-19 pandemic were entitled to partial compensation of their income by the State – a compensation bonus.

The complainant suspended her business licence and registered herself as an unemployed jobseeker. In the following quarter, she thus no longer operated a business, but still received a compensation bonus. The Labour Office then withdrew her housing allowance due to her “high income” in the previous quarter since it included both the compensation bonus and business earnings in her overall income.

We criticised the Labour Office for incorrectly including the compensation bonus when calculating the housing allowance. The bonus should have been considered in the same way as business income. The Labour Office only includes these amounts in the calculation if the applicant for a benefit or the recipient of a benefit operated a business in the previous calendar quarter.

After our notice, the Labour Office acknowledged its error, reassessed the complainant’s entitlement to the housing allowance and then retroactively granted and paid it to the complainant.

 [Defender's report: File No. 1446/2023/VOP](#)

PENSIONERS CAN RECEIVE UNPAID PENSIONS FOR MORE THAN THE LAST FIVE YEARS IF AN AUTHORITY OVERLOOKS DOCUMENTS

The complainant was receiving an invalidity pension. She reached retirement age in 2022 and applied for an old-age pen-

sion. It was only when assessing her entitlement that the Czech Social Security Administration discovered that it had overlooked the periods in which complainant was insured through her two former employers. It took the periods into account and paid her a disability pension balance payment for the previous five years. However, the complainant had submitted the documents supporting her claim for the balance payment two years earlier. The balance payment is payable for up to five years retrospectively from the date of submitting the facts giving rise to an increase in the pension. However, if the authority makes an error and overlooks the documents it has available, it must pay the balance even for periods exceeding this limit.

We criticised the Czech Social Security Administration for awarding the complainant a balance payment for only five years from the date of her application for old-age pension. The latter acknowledged its errors and granted the complainant a disability pension balance payment from 2015.

 [Defender's report: File No. 17563/2022/VOP](#)

THANKS TO THE INCLUSION OF THE PERIOD OF STUDY, WE HELPED A WOMAN ACHIEVE A HIGHER DISABILITY PENSION

A claimant sought a review of the amount of her disability pension. We found that the Czech Social Security Administration had erred in determining this amount. This was because the woman fulfilled the conditions for the special method of calculating the pension on the basis of the average wage: she had become disabled before the age of 28, she fulfilled the conditions for a disability pension and she had no interruptions in her insurance period lasting more than one year between the age of 18 and the time she became entitled to the disability pension because she was a student. She proved her studies through a school-leaving certificate and a certificate of studies at a higher education institution. However, the Czech Social Security Administration failed to take the studies into account when deciding on her entitlement to disability pension.

We alerted the Social Security Administration to the mistake. The latter then took the complainant's study into account and she thus fulfilled the conditions for an extraordinary disability pension at a special rate. In addition to a significant increase in her pension, the complainant received a balance payment of over CZK 800,000.

 [Defender's report: File No. 415/2023/VOP](#)

WHEN DECIDING ON ISSUANCE OF A PROFOUND DISABILITY CARD (ZTP), MEDICAL ASSESSORS MUST CONSIDER THE APPLICANT'S WALKING PROBLEMS AND HOW FAR CAN THEY WALK

We repeatedly encounter cases where the assessment bodies ignore the records of the examining physicians on the applicant's walking range in proceedings on issuing disability cards. We have brought several of these to the attention of the Ministry of Labour and Social Affairs, unfortunately with no success.

In the case of one complainant, two doctors described his significant problems walking. According to their conclusions, he could walk no more than 40 metres and only with the support of two crutches. He was prescribed a wheelchair. However, the bodies responsible for the assessment did not take this important information into consideration and only granted the complainant a severe disability card. A person with such a limited walking ability and using a wheelchair should however be eligible for a profound disability card. Ignoring such fundamental information, the assessment is incomplete, unconvincing and does not constitute a proper basis for making a decision in the case. However, the Minister did not grant our request for cancellation of the decision in review proceedings. We had no other options to bring about change. We had to close the inquiry.

A profound disability card may be obtained by a person who is only able to walk independently with considerable difficulties and can only cover short distances. Severe disability card holders are able to walk outdoors with a reduced range and have difficulties around obstacles.

 [Defender's report and opinion: Ref. No. 16464/2022/VOP](#)



WE HAVE REMINDED AN AUTHORITY OF THE CONDITIONS UNDER WHICH IT CAN DISCONTINUE PENSION PAYMENTS

The complainant receives an old-age pension from the Czech Republic, where he lives permanently, and from Slovakia. In cases like his, the manner of payment of the pension depends on whether the pensioner stays abroad for at least 270 days a year. As the Czech Social Security Administration was not sure of the complainant's main residence, it asked him to document his address. When the complainant failed to respond, the authority stopped paying his pension.

A recipient of a disability pension must provide the Social Security Administration with all information relevant to the payment of the pension on request. If they fail to do so, the Social Security Administration may suspend the pension. However, in this case, the authority suspended the pension unlawfully, because the request:

- › was not delivered into the complainant's own hands (the Czech Social Security Administration sent it as an ordinary consignment); and



- › did not include a warning of suspension if the complainant did not comply.

Our inquiry contributed to a remedy. After the complainant documented the information on his residence, the authority retroactively paid the pension to him and resumed the regular payments.

[Defender's report: File No. 3649/2023/VOP](#)

THE DISTRICT SOCIAL SECURITY ADMINISTRATION MUST DELIVER DOCUMENTS TO A DATA BOX IF THE INSURED PERSON HAS ONE

We inquired into a case of a man who had crashed a tractor in a village contest. He suffered a serious injury that made him temporarily unable to work. The District Social Security Administration granted him sickness benefits in the amount of 50%, because he tested positive for alcohol. The complainant argued that he could not properly defend himself against the reduction in the sickness benefits.

The District Social Security Administration delivered information on the amount of his sickness benefits to his address, although he had a data box. When the consignment was delivered, he was at a rehabilitation facility and could not collect the consignment at the post office. According to the concept of legal fiction, the authority considered the notification to have been delivered at the end of the ten-day period after it had been deposited at the post office.

After learning the amount of his sickness benefit, the complainant requested the initiation of administrative proceedings to prove that he was entitled to a higher amount. However, the District Social Security Administration and the Czech Social Security Administration considered his request belated and did not initiate the proceedings.

We inquired into the matter and reproached the authority for the incorrect manner of delivery. The District Social Security Administration had the obligation to deliver the documents to the data box. The fiction of delivery and its legal effects did not occur in this case.

The Czech Social Security Administration accepted our reservations. The complainant will thus be able to present his arguments in administrative proceedings.

[Defender's report: File No. 2958/2023/VOP](#)

We communicate

WE EXPRESSED OUR RESERVATIONS ABOUT WITH THE HASTY CHANGES TO THE EARLY RETIREMENT PENSIONS

The Government decided to tighten the conditions for early retirement pensions so that fewer people could apply for them. It shortened the period by which it is possible to retire earlier – from five to three years. It also changed the rules for indexation of these pensions in that, until the pensioner becomes eligible for proper retirement pension, the percentage-based part of the pension (contributory portion) will not be indexed, but rather only the basic part (the part that is the same for everyone). The Government sent out a draft of these changes for comment in April – they intended to be effective from September 2023.

In our comments, we called on the Government to spread such major changes in the pensions over longer periods of time. This would at least mitigate the interference with the life plans of people who decided to go into early retirement in the near future. Many people of pre-retirement age were already counting on retiring early under the original conditions. They often had objective reasons to do so. They could not manage hard work for health reasons, cared for dependent parents or helped with their grandchildren. These plans and expectations fundamentally changed with the hastily adopted changes.

The Government did not listen to us. The situation was the same with the Committee on Social Policy of the Chamber of Deputies, which in fact adopted an amendment that made the rules even more strict.

We therefore turned to the President of the Czech Republic and asked him to consider using his right to veto the law and send it back to the Chamber of Deputies. The President eventually signed the law, but in the reasoning of his approval, he sided with our argument about the haste with which the changes were adopted. He stated that the changes came into effect very sud-

denly and could cause lead to significant inequalities in access to early retirement pensions for part of the population.

- [Comments on the draft amendment to the Pension Insurance Act](#)
- [Defender's opinion for the Social Policy Committee](#)
- [Letter to the President of the Republic dated 24 August 2023](#)

THE CARE ALLOWANCE NEEDS TO BE INCREASED

In 2023, we recommended to the Chamber of Deputies to request that the Government increase the care allowance for all disability degrees. The allowance for disability degrees I and II was last increased in 2016, but inflation and the price of social services have increased by tens of percent since then.

In 2023, the Ministry of Labour and Social Affairs submitted two amendments to the Social Services Act that included increases in the care allowance. The first draft aimed to increase the care allowance only for disability degree I, while the second envisaged increases of the allowance for all disability degrees by means of a government regulation. We had fundamental reservations about both drafts. With respect to the first one, we requested that the allowance also increase for other disability degrees. In the second case, our objections concerned the increase in the allowance by means of a government regulation and the conditions of its indexation. The Ministry did not address the comments in respect of either of the drafts and did not submit them to the Government in the end.

In February 2024, the Minister of Labour and Social Affairs then presented a Deputies' draft to substantially increase the allowance for disability degrees III and IV. The allowance for disability degree I should remain at the current amount of CZK 880. This is not enough for six hours of personal assistance at the current prices. For degree II, the

allowance should only be increased by CZK 500 for adults and CZK 800 for children. This increase does not reflect the high rate of inflation and the growth in the prices of social services since the last increase.

It should be borne in mind that children dependent on care of another person usually fall within grade I or II (approximately 66% of cases). The social situation of these children's families has already been complicated by the consolidation package, which abolished the tax relief of CZK 2070 per month for parents without income that care for disabled children, effective from January 2024. Thus, in the absence of a substantial increase in the allowance for grades I and II, the State will save even more on the most vulnerable people.

We therefore consider the proposed amounts of the allowance for degrees I and II insufficient. We believe that the amounts need to be increased by at least 25%.

Representatives of people with disabilities in the [Defender's advisory body](#) and the [Government Committee on the Rights of Persons with Disabilities](#) also call for an increase in the allowance for care.

- [Comments on the draft amendment to the Social Services Act of 22 February 2023](#)
- [Press release of 2 May 2023](#)
- [Comments on the draft amendment to the Social Services Act of 5 January 2024](#)

WE ACQUAINT ADMINISTRATIVE JUDGES WITH OUR FINDINGS

In June, we gave a lecture at the Judicial Academy for administrative judges and their assistants. At a seminar focusing on allowances conditional on poor medical condition, we acquainted the participants with our opinions on the allowance for care and disability pensions.

We emphasised the importance of correct reasoning in assessments on the degree of dependency and disability, which must meet the requirements of completeness and persuasiveness. We acquainted the participants with specific cases where we criticised the assessment bodies' incorrect procedure.





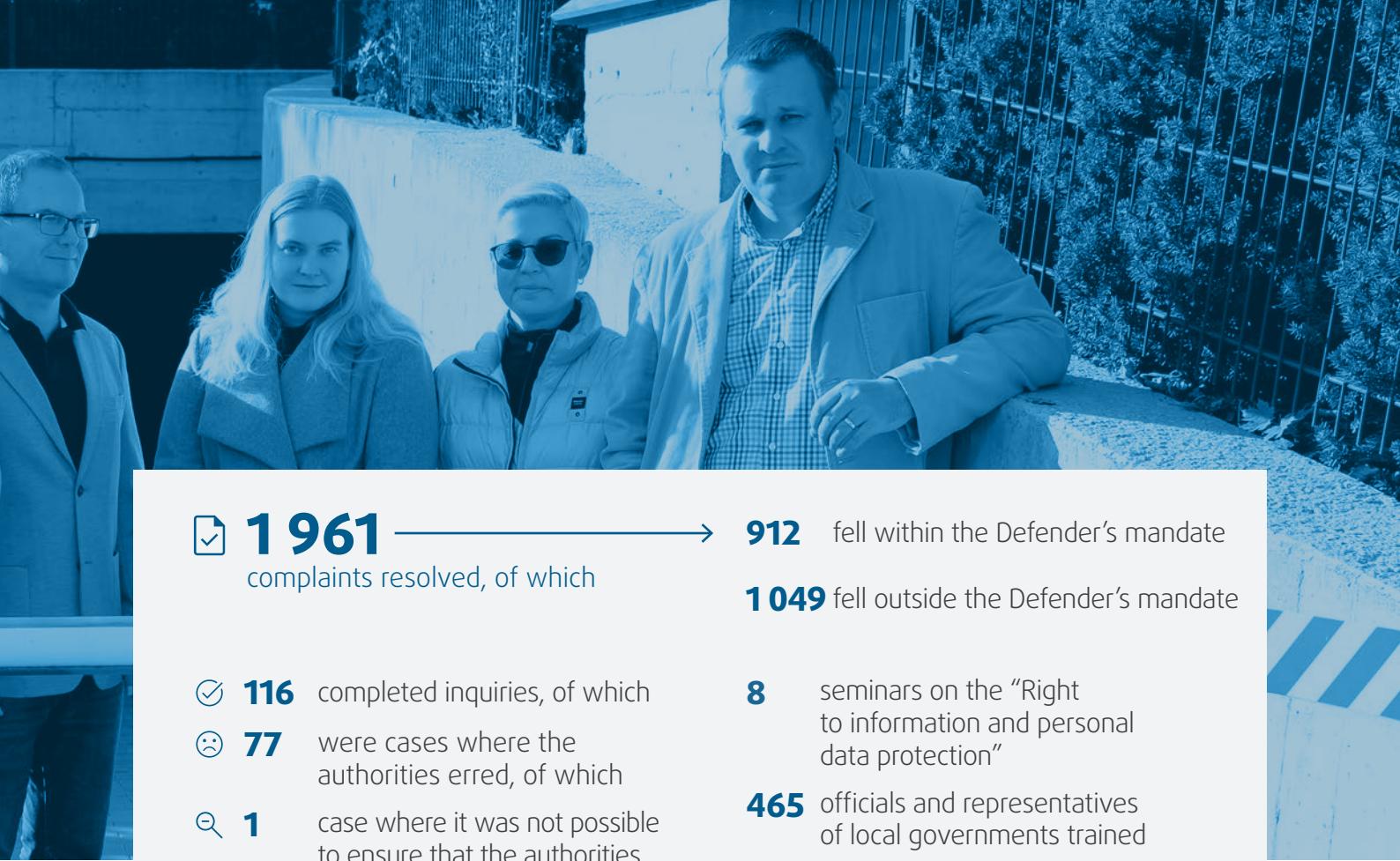
Public policy

Our leitmotif in 2023 was dealing with issues relating to data boxes. Their compulsory establishment was not welcomed by all, and many people feared complications. Older people argued that at their age, they no longer wanted to learn their way around new technology.

We consider the digitalisation of public administration to be a commendable trend. We therefore tried to explain why the State had decided to introduce the data boxes, what the advantages of using them were, and that they were no more complicated than email. We also discussed the concerns about data boxes in the podcast [What is a data box?](#).

We continued to help consumers, especially in resolving their [problems with energy suppliers](#). Most often, they disagreed with the billing, which reflected the price increases, or sought the return of overpayments. We explained how to address the problem with the supplier and the options available to the Energy Regulatory Office (see the infographic on page [78](#)).

In the summer, we advised those who got into disputes with travel agencies over the fires on the island of Rhodes. Travel agencies would not acknowledge withdrawals from travel contracts even in cases where the destination was directly affected by the fires. Therefore, we created recommendations for consumers on how to proceed (see the infographic on page [82](#)).



<input checked="" type="checkbox"/> 1 961	complaints resolved, of which	912 fell within the Defender's mandate
<input type="checkbox"/> 116	completed inquiries, of which	1 049 fell outside the Defender's mandate
<input type="checkbox"/> 77	were cases where the authorities erred, of which	8 seminars on the "Right to information and personal data protection"
<input type="checkbox"/> 1	case where it was not possible to ensure that the authorities remedy the maladministration	465 officials and representatives of local governments trained

WE HELPED OR ADVISED*

103 people with problems concerning the use of roads	64 people with the police
83 people with traffic infractions	63 people with problems concerning the right to information or personal data protection
75 people with problems relating to the Land Registry and land-use authorities	13 people with problems relating to registry offices and population records

* number of complaints resolved in 2023

PEOPLE MOST OFTEN SOUGHT HELP IN THE FOLLOWING AREAS*

110 infractions against public policy, civil cohabitation	64 the Land Registry
105 the road administration	46 consumer protection
105 traffic infractions	45 vehicle registration, driving licences or demerit points
68 the police	43 the right to information

*number of submissions received in 2023

We help change the rules

A POLICE OFFICER MUST EXPLAIN WHY HE WANTS TO SEE ONE'S ID

At a 2022 rally organised by Andrej Babiš (member of parliament and leader of the opposition) in Borovany, Southern Bohemia, a juvenile picked up a speaker to carry it away. He returned the device only after the organiser asked him to do so. Plainclothes police officers present at the event began to investigate the situation as a suspected infraction.

The video footage available shows that three plainclothes police officers asked the boy to identify himself, but failed to comply with their legal obligation to inform him of the reason, i.e. the offence of which he was suspected. They also violated the **rules of courtesy, respectability and dignity of persons, regardless of whether or not they behave in a polite manner towards the police. They treated the boy** arrogantly and on a first-name basis. As he did not respond to their requests, they used coercive means, handcuffed him on the ground and all three officers kneeled on him.

In response to our criticism, the Regional Police Director provided for training of all police officers in formulating requests, using coercive means, proving membership of the Police and behaving towards people they interact with. In the context of handcuffing on the ground, the officers were also repeatedly instructed about the risks of positional asphyxia, i.e. suffocation when the body is placed under pressure.

 [Defender's report: File No. 15934/2022/VOP](#)

THE CZECH AGRICULTURE AND FOOD INSPECTION AUTHORITY NOW DEALS WITH COMPLAINTS IN A PREDICTABLE MANNER, AND COMPREHENSIBLY

INFORMS COMPLAINANTS OF ITS PROCEDURES

We found that the Czech Agriculture and Food Inspection Authority would not inform the complainants how it had treated their complaints unless they so requested. However, people usually do not know that they have to ask for an answer, and so they are waiting for one in vain.

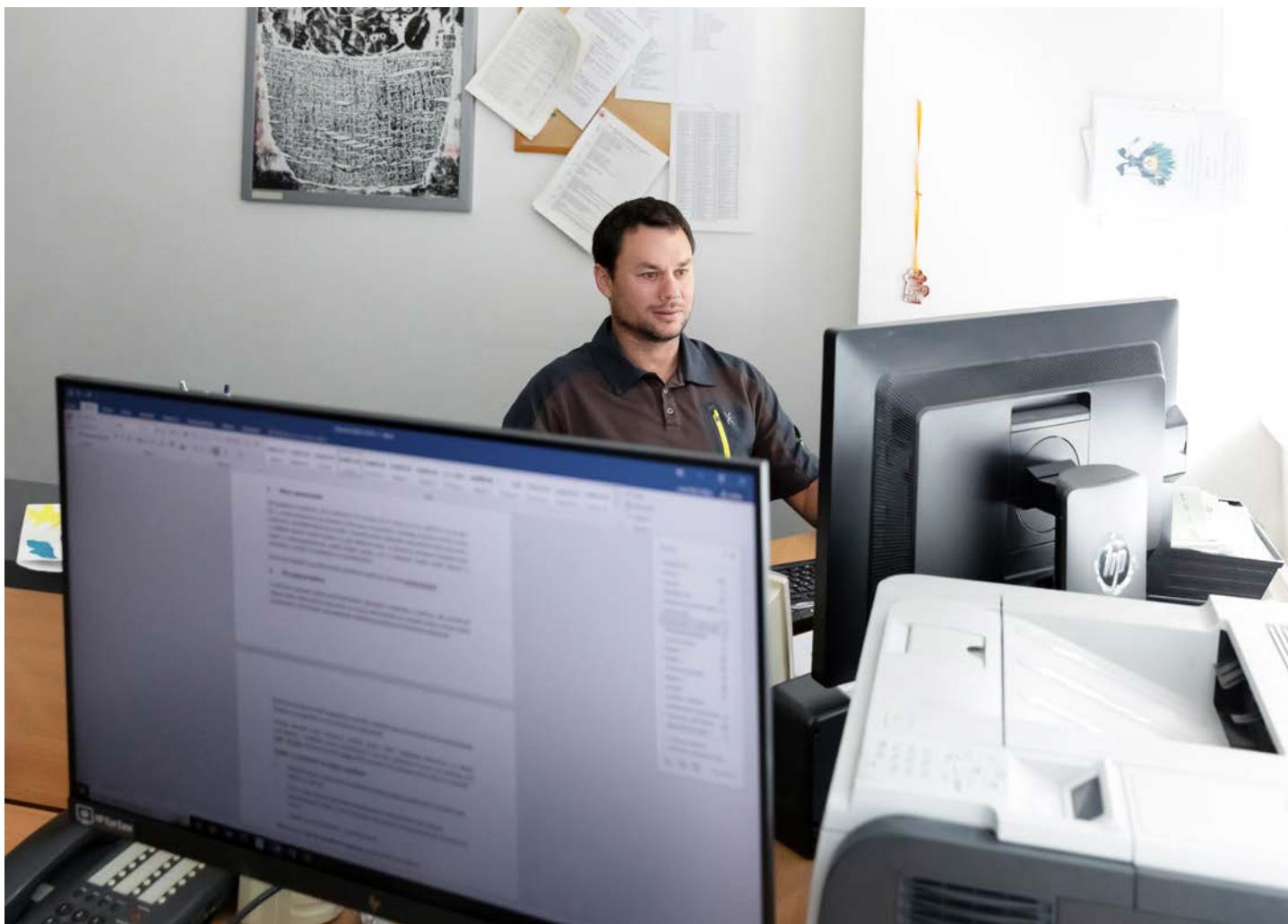
For capacity reasons, the Inspectorate cannot respond to every complaint. However, we were concerned about the complainants' complete lack of information on how their complaint is being addressed. The Inspectorate acknowledged the shortcomings pointed out and modified its complaints directive as of September 2023. The electronic form for submitting complaints now includes the advice that the complainant must request an answer. The Inspectorate also provides clearer information on how it dealt with the complaint.

EVEN THE MINISTRY CAN MAKE MISTAKES WHEN MAKING DEDUCTIONS

A former soldier was receiving a pension while also being employed. His salary and pension were affected by a debt collection procedure. Since a military pension is considered an income replacing the obliged party's remuneration for work, the Ministry as the payer of the remuneration must proceed in the same way as in making deductions from salary. It may not make excessive deductions from the salary (pension) and it must comply with the rule of order and priority, i.e. take into account the time when it received the debt enforcement order. Since the Ministry failed to comply with the order rule, the complainant's pension was subject to a larger deduction than permitted by law.

Following our notice, the Ministry remedied its procedure, not only in this specific case, but also in all similar cases it was aware of.

 [Notice to the Ministry: File No. 1461/2023/VOP](#)



MEDICAL CONVALESCENCE OF A PRISON SERVICE MEMBER CAN ONLY BE INTERRUPTED BASED ON FUNDAMENTAL INTERESTS OF THE SERVICE

The complainant, a member of the Prison Service had been in service for a period of time that entitled him to a statutory convalescent stay lasting 14 consecutive days. However, the Director General of the Prison Service called the complainant during his convalescent stay and asked him to attend a meeting the following day. The sole purpose of the meeting was to provide the complainant with a notice specifying the time when he would be taking his annual leave and his service evaluation.

A convalescent stay ordered for reasons on the part of a law enforcement corps can only be interrupted for very serious reasons on the part of the service. These would include, for example, an emergency or extraordinary events that cannot be managed by the forces available.

Handover of service evaluation and notice of the time of taking annual leave is not a serious reason on the part of the service for which the Director General could interrupt the convalescent stay.

The Director General of the Prison Service acknowledged the error and also reminded the prison directors of their obligation not to interrupt convalescence, except for fundamental interests of the service.

 [Defender's report and opinion: File No. 6520/2020/VOP](#)

THE PROCEDURE FOR RENEWING A PARKING PERMIT MUST BE CLEAR AND ACCESSIBLE

The complainant received an automatically generated email notifying him that his parking permit was expiring. As he was not instructed to renew it, he repeated the previous year's payment with the same amount and variable symbol. Since the municipality did not refund the amount

he had paid, he assumed that his parking permit was renewed. Then, he received 3 parking tickets.

Our inquiry showed that it was necessary to first renew the parking licence in an online application (called user's personal site). Only then would the payment instructions with a new variable symbol be provided. The information on the procedure for renewing the permit is available on the website parkovanivbrne.cz. But for many, especially older citizens, the information is difficult or even impossible to find.

The City Hall promised to supplement the email notifications with information on how to properly renew the parking permit to prevent similar situations in the future.

COMPLAINANTS DESERVE TO KNOW WHY THE INFRACTION WAS SET ASIDE

We have long advocated that the authorities' notices of setting aside reported infractions should contain justifications that do not raise concerns that the authorities acted arbitrarily. We helped the Prague 15 City Ward change its practice after we discovered that it only cited in its notices the legal provision under which it set the reported infraction aside.

We achieved that the authority sent to the complainant the individual resolutions on setting the infraction aside, including sufficient substantiation. The City Hall, as the superior authority, acquainted all the city wards of Prague with our recommendation. In the future, people affected by a suspected infraction should learn about the specific reasons should the authority set their complaint aside.

 [Defender's report: File No. 16404/2022/VOP](#)



Nesouhlasíte s vyúčtováním za elektřinu nebo vám dodavatel nevrátil přeplatek?



Reklamujte neshody u dodavatele

- dodavatel má podle vyhlášky na vyřízení reklamace 15 dní
- pokud je reklamace oprávněná, musí dodavatel do 30 dnů vypořádat rozdíl v platbách

Jaké máte možnosti, když dodavatel reklamací v zákonné lhůtě nevyřídí?

Můžete požádat o pomoc Energetický regulační úřad (ERÚ)

- oddělení ochrany spotřebitele vám situaci vysvětlí a neformálně pomůže při jednání s dodavatelem, nemůže ale dodavateli nic nařídit

Pokud toto neformální řešení nezafunguje, můžete kvůli vrácení přeplatku podat ERÚ návrh na zahájení správního řízení

- podrobné náležitosti takového návrhu i vzory ke stažení najdete na webu ERÚ (bit.ly/eru_spor)

- zjistíte tam také, jaké typy sporů mezi zákazníkem a dodavatelem může Energetický regulační úřad řešit

Můžete také ERÚ podat podnět a upozornit ho, že dodavatel porušuje vyhlášku

- ERÚ může u dodavatele provést kontrolu a uložit mu pokutu za porušování povinností

- kontrolní oddělení ERÚ ale nemůže dodavateli nařídit, jak má spor s vámi vyřešit, to je možné jen ve správném řízení nebo u soudu

We are here to help

WE STOOD UP FOR A DRIVER WHO DID NOT CAUSE A TRAFFIC ACCIDENT

The complainant had been found guilty of a hit-and-run infraction and fined. Her car had allegedly scratched another car parked in an underground parking. Despite the driver's objections, the regional authority, as the superior authority, refused to initiate a review procedure and cancel the fine.

We requested the file, which included photographic documentation of the damage to both vehicles. The photographs showed that the damaged vehicle was scratched at a different height than the complainant's car. Moreover, the complainant stated and documented that the damage on her car was older.

We criticised the authorities for deciding on the complainant's guilt on the basis of insufficiently established facts of the case. The authorities acknowledged our objections and the regional authority cancelled the fine in review proceedings.

 [Defender's report: File No. 2183/2023/VOP](#)

A CHILD'S HEALTH WILL NO LONGER BE JEOPARDISED BY A BUS STOP

The complainant, mother of a boy with autism, had been striving for several years to achieve that a temporary bus stop located directly under the windows of her family home be moved by 50 metres. Her son was so stressed by the roar of the bus engines that he began to harm himself.

The bus stop was placed in front of the complainant's house by the municipal authority at the end of 2019, stating that this was a temporary measure "until a new permanent bus stop is built". When we criticised this solution, the authority

responded that the temporary stop would only be used until 31 December 2022.

Since the authority failed to remove the stop after the deadline, we contacted the traffic inspectorate of the Police of the Czech Republic to check where the stop could be moved. In June, the authority moved the bus stop further away from the complainant's house. This immediately helped improve her son's condition.

 [Defender's report: File No. 5689/2020/VOP](#)

WE SECURED A SAFER EXIT ROAD FROM A PLOT OF LAND

The complainant did not have sufficient visibility when leaving her property due to vehicles parked on the grassy stretch along the road. The road was straight, but the cars still blocked the view. They parked diagonally, reaching to the white line defining the shoulder. The road administration authority placed traffic signs on the road prohibiting overpassing and emphasising the obligation to drive at a maximum speed of 50 km/h so that the problem would not be amplified by driving fast and poor visibility. It also placed bollards by the parking area to prevent parking right next to the exit. But the complainant did not consider these measures sufficient.

At our instigation, the traffic inspectorate of the Police of the Czech Republic confirmed the lack of visibility and helped resolve the case. We then got the road authority to place a traffic mirror opposite the complainant's exit.

 [Defender's report: File No. 15049/2022/VOP](#)

THE MEANING OF A ROAD SIGN MUST BE UNAMBIGUOUS

The complainant was fined for ignoring a ban on entry when she was driving her children to school. Below the no entry sign was a supplementary sign that read "except for service traffic and visitors to the school and church". The complainant considered herself a visitor to the school and thought the ban did not apply to her. The mayor argued that only someone who is on their way to visit someone on the school staff is a visitor to the school. The school repeatedly informed pupils' parents of this fact at class meetings.

We pointed out that the wording of the supplementary sign was ambiguous and may cause confusion in road users. Traffic signs must be comprehensible to all road users without the need for further "explanation" of their meaning. Thus, if the town wanted to prevent parents from driving up to the school, it should have worded the sign differently.

The mayor acknowledged our reservations and promised to modify the wording of the supplementary sign to fit the desired purpose.

 [Defender's report and opinion: File No. 990/2023/VOP](#)

IT IS PRIMARILY THE RESPONSIBILITY OF THE CZECH TRADE INSPECTION AUTHORITY TO ASSESS PRODUCT SAFETY

The complainant had alerted the Czech Trade Inspection Authority to a dangerous product (chimney cowl). Although the Inspectorate checks natural and legal persons who offer, sell, supply or market products, it did not investigate the complainant's complaint even after the latter submitted a further notice, and referred her to other authorities. After our notice of incorrect procedure, the Inspectorate checked the product in terms of its safety and promised to proceed more with more care in the future.

 [Defender's report: File No. 691/2023/VOP](#)



We communicate

THE LEGAL REGULATION OF THE QUIET HOURS NEEDS REVISION

In mid-June, we met with representatives of the Ministry of the Interior regarding the legislation to protect the quiet hours. The quiet hours are stipulated by law, subject to municipal exemptions. These are usually granted for cultural or social events that interfere with the quiet hours. However, the quiet hours are not reduced for specific events only, but rather for the entire territory of the municipality. This can thus also negatively affect citizens who did not expect any disturbance.

We focused on the frequency of exemptions that municipalities could grant. The law says that exemptions should be granted by the municipalities in exceptional cases. However, some municipalities allow dozens of exemptions per year, which means they are no longer exceptional. We therefore proposed that the Constitutional Court annul Decree 1/2022 of the municipality of Píšť on quiet hours, which set more than 30 exemptions from the quiet hours between the end of April and the end of October (see p.).

We agreed with the representatives of the Ministry that, in the future, it would be appropriate to tie the exemptions from the quiet hours to specific events and determine the maximum number of exemptions that each municipality may grant in a calendar year. We will continue to focus on this topic also in the future.

PRISONERS SHOULD HAVE THEIR MAILING ADDRESS MOVED TO THE RELEVANT PRISON

In April, we met with representatives of the Ministries of the Interior, Finance, and Justice, and the Digital and Information Agency. We discussed how to improve the service of official documents to people restricted in their freedom, especially those who are in prison, remand in custody or

secure preventive detention. Mail is usually delivered to their permanent home address, where they are 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.

We will strive to change the regulations so that when a person enters a prison, detention or pre-trial detention, the respective delivery address is automatically entered in the population register.

WE DISCUSSED WINTER PAVEMENT MAINTENANCE WITH THE MINISTRY OF TRANSPORT

Neither the Roads Act nor its implementing decree provide for the details of winter maintenance of pavements. Municipalities define these by themselves in their maintenance ordinances, where they can also exclude some pavements from winter maintenance. The law lays down that only pavements with little transport significance can be excluded, but fails to define the meaning of this expression.

Municipal ordinances are legal regulations issued within delegated competence. Their compliance with the law is supervised by the regional authorities. However, as we have already verified earlier, regional authorities do not assess at all whether a pavement is or is not significant in terms of transport. Therefore, we discussed with the Ministry that either regional authorities should be more thorough in their supervision, or that the law should be amended to stipulate that it is up to the municipalities to determine the details of cleaning their pavements and the exemptions from maintenance within their self-government.

WE CONTINUE OUR CO-OPERATION WITH THE CZECH NATIONAL BANK

In 2023, we met again with representatives of the Czech National Bank to discuss current issues related mainly to the establishment of accounts for persons under guardianship and the cancellation of accounts held by foreigners.

WE DO NOT FORGET ABOUT THE CURRENT PROBLEMS OF PEOPLE AT RISK OF POVERTY AND SOCIAL EXCLUSION

As part of our membership of the Government Committee on the Rights of Persons at Risk of Poverty and Social Exclusion, we continued to meet with other representatives of governmental and non-governmental organisations to seek solutions to current problems. We supported an amendment to the Insolvency Act enabling the reduction of the debt relief period to three years for everyone. The

Chamber of Deputies is discussing the amendment as its [document No. 491](#). We agreed that the current system of deductions from salary had to be revisited and we will therefore continue to deal with it in the future.

STATE SUPERVISION IN THE AREA OF DRIVING SCHOOLS HAS ITS SHORTCOMINGS

The Association of Driving School Examiners and Other Driver Registration Officers disagrees with the requirement that examiners must be tested before a committee every five years. The Association also criticises the Ministry of Transportation of failing to fulfil its statutory obligation to conduct State oversight of each examiner. This oversight should be at least four hours over a period of five years and should include at least two tests of applicants for driving licences.

The regular tests of examiners are based on the State's obligation to ensure a consistently high standard of expertise and skills (under Directive [2006/126/EC](#) of the

Jaké nároky máte v případě zájezdů na Rhodos?

SITUACE 1: Byli jste na Rhodosu, začalo tam hořet a museli vás evakuovat

- Jde o událost, kterou cestovní kancelář **nemohla předpovídат**.
- Od cestovní kanceláře máte nárok na tzv. **pomoc v nesnázích**.
- Vady zájezdu neprodleně **reklamujte**. Pokud to nebylo možné na místě, udělejte to hned po příletu u cestovní kanceláře.
- Máte právo požadovat po cestovní kanceláři **slevu z ceny zájezdu** za to, že vám nebyly poskytnuty služby v odpovídajícím rozsahu (pro inspiraci výše slevy ve frankfurtské tabulce: [frankfurtskatabulka.cz](#)).
- Nemáte nárok na **náhradu škody či psychické újmy**, protože jde o záležitost, kterou nebylo možné předvídat či odvrátit. Cestovní kancelář se zprostí povinnosti těchto úhrad.

SITUACE 2: Nyní odcestujete na Rhodos (cestovní kancelář nechtěla změnit termín/destinaci), a v průběhu dovolené se budete muset evakuovat

- Jde již o událost, kterou mohla cestovní kancelář **předvídat** s ohledem na situaci na ostrově. Vady zájezdu neprodleně **reklamujte**. Pokud vadu vytknete přímo na místě, cestovní kancelář má povinnost ji bez odkladu řešit a pomoci zákazníkům v nesnázích, není-li to možné, udělejte tak bezodkladně po příletu.
- Máte právo požadovat nejen **slevu z ceny zájezdu** (viz frankfurtská tabulka), ale také o **náhradu výdajů spojených s evakuací či náhradu újmy z narušení dovolené**. V těchto případech se již cestovní kancelář nemůže zprostit odpovědnosti za škodu ani psychickou újmu klientů.



European Parliament and of the Council of 20 December 2006 on driving licences). In addition to the tests, the examiners also attend training events each year as a prerequisite for continuing their work.

We found that the evaluation criteria for the tests were not disproportionately strict, because an overwhelming majority of the examiners successfully pass the tests. However, we confirmed that the Ministry was unable to carry out the supervision due to capacity reasons. There are currently 471 examiners employed by municipal authorities with extended competence and 20 by the Army of the Czech Republic. The Ministry carried out only 65 inspections over the past three years and its pace is thus insufficient.

The legal requirement for testing the examiners cannot be met unless the numbers of the relevant staff are increased. However, increasing the number of civil servants is not politically viable. The solution could be to change the law, which however requires a change to the Directive. The Minister of Transport promised to start the relevant processes.

 [Defender's report and opinion: File No. 13433/2022/VOP](#)

REIMBURSEMENT OF THE COSTS OF MAINTENANCE AND SUPPORT OF THE SURVIVORS OF FALLEN SOLDIERS

In March, we met with representatives of the Ministry of Defence to discuss the issue of reimbursement of the costs of maintenance and support of the survivors of professional soldiers.

We welcomed the fact that the Ministry was prepared to grant and pay this reimbursement also to common law partners of soldiers who died in service. Registered partners of soldiers should also be treated as their spouses for the purposes of these claims.





Construction rules and the environment

In 2023, we paid significant attention to accessibility and barrier-free use of buildings. We commented on the new Decree on requirements for development (see page [93](#)) and prepared a survey focused on how construction authorities assessed the issue of accessibility in construction permits (see page [91](#)). We presented the conclusions at an autumn conference we organised together with our colleagues from the Department for Monitoring the Rights of Persons with Disabilities.

We issued a compendium entitled [Animal Protection](#) summarising the basic rules associated with the breeding of pets and livestock and dealing extensively with the issue of animal protection against cruelty. We also took part in a conference on the topic to find out from officials, veterinarians, police officers and academics what problems they most often encounter in practice when protecting animals (see page [93](#)).

The 2023 edition of our traditional roundtable on construction law focused on issues related to officials entering land and buildings, as well as the topic of spacing (see page [91](#)). We also attended expert meetings to address the regulation of odorous substances in the air and water protection, among other topics.



- 672** → all complaints relating to construction rules and the environment fall within the Ombudsman's mandate
- complaints resolved
- 77** completed inquiries, of which
- 67** 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*

- 275** people with problems regarding planning or construction permit proceedings or using a structure
- 105** people with problems concerning removal or additional approval of a structure
- 43** people exposed to excessive noise
- 39** people dealing with water mains, sewerage or water protection

* number of complaints resolved in 2023

PEOPLE MOST OFTEN SOUGHT HELP IN THE FOLLOWING AREAS*

- 73** independent construction supervision
- 67** protection of water and water works
- 52** proceedings on removal of a structure
- 46** construction permits
- 44** proceedings on additional approval of a structure
- 38** protection against noise
- 28** placement of a structure
- 16** waste, air, wastewater

*number of complaints received in 2023

We help change the rules

WE EXPLAINED THE RULES FOR STRUCTURES CONTAINING DANGEROUS ASBESTOS

The complainant's neighbour replaced an old asbestos roof without permission from the construction authority because the authority had wrongly considered that it did not need to issue an opinion on the roof replacement. The work was carried out in an unprofessional manner ignoring the appropriate technological procedures. Dust containing asbestos, which is carcinogenic when inhaled, was spreading around.

The construction authority accepted our opinion that it was only possible to replace the roof with the contents of asbestos after the construction authority's permit and it promised to change its approach in the future. We also informed the superior regional authority about the case, and the authority then instructed other construction authorities within its jurisdiction on how to proceed when dealing with buildings containing dangerous asbestos.

 [Defender's report: File No. 12247/2022/VOP](#)

WILL THE ENVIRONMENT IN KARVINÁ BENEFIT FROM ANOTHER WASTE BOILER?

An association from Karviná feared further deterioration of the environment in the area if the local heating plant built a new K7 boiler for biomass and municipal waste. It argued that the boiler would also be used for waste from abroad.

We agreed that the authorities had not addressed all of the association's concerns. We described the evaluation criteria under the EIA process. When authorities deal with the impact of a new boiler on the environment, they must also assess:

- › the "redundancy" of the project, i.e. to compare it with other options for municipal waste disposal in the region;
- › the long-term sustainability of the project according to the order of waste management priorities in the region (an incineration plant may hinder the desirable transition to circular management, in which the primary objective is to prevent waste or reuse it as much as possible);
- › the defensibility of releasing additional pollutants into the air in an already polluted area.

The binding EIA issued by the Ministry of the Environment will serve as the basis for the decision on amending the integrated permit. If the association has any reservations, it can appeal and turn to the court at a later stage.

 [Defender's letter to the complainant:
File No. 16099/2022/VOP](#)



MINERAL WEALTH PROTECTION HAS TO FOLLOW CERTAIN RULES

The complainant was displeased that the authorities had declared a resource area on his land. Resource areas serve to protect mineral wealth and significantly limit other activities in the relevant area. The decision thus made it difficult for the complainant to realise his plans to expand his farm.

We inquired into the case and found that the decision to declare the protected resource area was unlawful. It was not sufficiently justified. In particular, the decision lacked a detailed reasoning for the selected boundary of the protected area. We also had reservations about the fact that not all of the authorities defending other affected interests could comment on the final version of the boundary. The Ministry of the Environment accepted our objections

and cancelled the decision. It also promised to provide a methodology describing how the authorities should proceed in such cases.

 [Defender's report and opinion: File No. 6818/2021/VOP](#)

PUBLIC ACCESSIBILITY OF GAME ENCLOSURES

Game enclosures must be designed so as to prevent the animals kept there from escaping. They are thus often fenced. Nevertheless, the public should have access to the enclosures. Therefore, we inquired into how people could enter them. There should be a passageway in the fencing or a structure should be placed across it to allow hikers and tourists to climb over the fence. However, this does



not apply if the State hunting administration authority prohibits entry into the enclosure under the Hunting Act or if a prohibition of entry into the enclosure follows from other legal regulations.

[!\[\]\(d8f173299d3bae93619e8b8e9dc0a3ff_img.jpg\) The Defender's legal conclusions on the accessibility of game enclosures: File No. 3770/2020/VOP](#)

[!\[\]\(a55c25fbb580d84cdfb2c2dffea3b535_img.jpg\) Press release of 25 April 2023](#)

WE MADE A CONSTRUCTION AUTHORITY DEAL WITH NOISE FROM AN OUTDOOR SHOOTING RANGE

The complainant had been bothered for years by noise from a municipal outdoor shooting range. As long as only members of the hunting association were shooting in it, no one complained about the noise. However, this changed after a private company started using the shooting range. It opened the shooting range to the public, equipped it with various weapons and also began to hold events and professional courses there.

We asked the construction authority to look into the situation and the latter acknowledged that the way the shooting range operated had indeed changed significantly. It therefore urged the municipality to discontinue the commercial use of the shooting range. It also explained that if the municipality wanted to continue the commercial use, it had to apply for a decision to change the zoning.

[!\[\]\(ce59ccb5fd51f4752e3fafa2a8faae81_img.jpg\) Defender's report and opinion: File No. 5346/2021/VOP](#)



We are here to help

WE WANT GUARANTEED QUALITY OF CHILDREN'S GROUPS

We received complaints from people about the operation of children's groups. They especially disliked the noise and high density of traffic in the relevant areas. We conducted a survey to learn how construction authorities approached children's groups.

We found that construction authorities only assessed a quarter of the registered children's groups. For the remaining ones, it did not check whether they met the requirements of the construction regulations, for example, whether their premises were suitable for children, whether there were safe transport connections and whether they had the prescribed number of parking spaces.

We formulated recommendations for authorities, in particular suggesting that the Ministry for Regional Development

- › define the rules by which construction authorities are to assess children's groups;
- › supplement its methodology on children's groups by making the approval of the construction authority a condition for the establishment of a children's group.

We consider it a priority that the quality of children's groups be guaranteed and we will continue discussing our findings with the Ministry of Labour, the Ministry of Regional Development, the Chief Public Health Officer of the Czech Republic and the Director General of the Fire Rescue Service of the Czech Republic.

 [Survey report: File No. 4989/2021/VOP](#)

WE ADVISED THE CONSTRUCTION AUTHORITY ON HOW TO DEAL WITH NOISE CAUSED BY THE USE OF UNSUITABLE FLOORING MATERIALS

The complainant was bothered by noise from a neighbouring flat. She believed it was related to the fact that the neighbours had replaced their floors without using sufficient sound insulation. She tried to address the matter through the construction authority, but without success. The authority considered it proven that the sound insulation was present in the floors.

We inquired into the matter because inexpert replacement of a floor can indeed cause excessive noise. While we did not question the conclusion of the construction authority regarding the sound insulation, we reproached it for not checking the floor by itself and instead relying solely on the flat owner's testimony, as floor insulation must meet the requirements of Decree No. 268/2009 Coll.

The construction authority acknowledged its error and promised to proceed with more care in the future.

 [Defender's report: File No. 17248/2022/VOP](#)

LACK OF RESPECT FOR THE DEAD

We participated in a meeting of administrative regions, the Ministry for Regional Development and the Ministry of Health, where we discussed the proposed methodology for handling of the bodies of people deceased in healthcare facilities. The material will be useful not only for healthcare facilities, but also for social service providers, which also handle the bodies of the deceased. The Ministry of Labour and Social Affairs will therefore be also involved in the work on the methodology, which is due to be published in 2024.

DEMOLITION OF VALUABLE STRUCTURES

We inquired into the case of demolition of a corner house in the centre of Prague, which was not subject to heritage protection. We found that there were no rules for the protection of valuable structures in heritage protection areas. We discussed the possibilities of improving the situation with the Ministry of Culture and the National Heritage Institute. Following our inquiry, the Monument Inspectorate of the Ministry of Culture issued a methodological material for assessing the cultural and historical value of structures that are not subject to heritage protection.

The methodological material will serve as the basis for conservation and construction authorities in assessing the individual applications for reconstruction and demolition of structures in heritage protection areas. The methodology

will be useful especially for conservation authorities who have to assess the value and architectural significance of buildings.

 [Defender's report: File No. 14051/2022/VOP](#)



We communicate

ACCESSIBILITY IS A MATTER OF PUBLIC INTEREST

We attended a conference on accessibility and presented the results of our surveys to representatives of ministries, construction authorities and professionals, including organisations defending the interests of people with disabilities.

One of surveys presented dealt with the procedure of construction authorities in permitting and checking structures as to whether they comply with the requirements of the accessibility decree. We found that most construction authorities dealt with matters of accessibility in an appropriate manner. However, most construction authorities also granted exemptions from the accessibility requirements, whenever requested. The accessibility (barrier-free nature) of structures is a matter of public interest and we will therefore continue to deal with this issue.

We also actively participated in the drafting of legal regulations implementing the new Construction Code, especially the Decree on the Requirements for Development and the CSN standard on accessibility and barrier-free access.

 [Defender's survey report: Accessibility in Construction Law: File No. 3822/2021/VOP](#)

WE CONVINCED THE MINISTRY TO ISSUE A METHODOLOGY FOR SUSPENDING THE OPERATION OR USE OF A NOISE SOURCE

We had reservations regarding the approach of the public health authorities in dealing with complaints about certain noise sources. We found that the problem was partly caused by insufficient methodological guidance by the Ministry of Health.

We convinced the Ministry to issue a methodology on the possibilities of suspending the operation or use of noise

sources. This last resort tool to deal with excessive noise was practically never used by the public health authorities. Now, they have detailed instructions on how to proceed. The Ministry also promised us that it would train the public health officers so that they would start actively using the remedial measures to protect people from noise.

We also dealt with the fact that the public health authorities refused to deal with noise from sports grounds intended for the public and noise from bells and tower clocks. This is noise that is generally not an immediate health hazard and is more of a nuisance. However, as the law does not contain an exemption for these sources, they fall within the competence of the public health authorities. We convinced the Ministry that the practice of public health authorities was unlawful. The chief public health officer presented us with a proposal that will solve the problem through an amendment to the relevant regulations and review of the methodology.

 [Defender's report: File No. 30/2020/SZD](#)

WE DISCUSSED THE ENTRY OF OFFICIALS TO STRUCTURES AND THE PRACTICAL ISSUES OF SPACING OF STRUCTURES

We organised a roundtable for the Ministry for Regional Development and Regional Authorities. We discussed the entry of officials on land and structures. The opinion prevailed that the procedure where the construction authority informs the owner of the land or structure of the entry informally – by telephone, text message or email – lacks in conclusiveness. A change can be brought about by the new Construction Code. We also discussed cases where the law permits exceptional entry of public officials without the knowledge of the owner of the land or structure. We agreed that there are situations where an official only becomes aware of the existence of circumstances justifying entry (i.e. an imminent threat to the life or health of persons or animals) just before entering.

Another topic covered at the roundtable was also the spacing of structures in situations where one of the structures has setbacks. There are several ways to determine the space in such cases. The prevailing view was that the height of the building, including the set-back storey, was decisive and that the space between the buildings would be measured from the perimeter wall ("base") of the house.

The details and conclusions of the roundtable are described in an article titled "Ombudsman's roundtable on entry to structures and land, and spacing of structures", which was published in the Bulletin of Construction Law, No. 2/2023, Czech Society for Construction Law.

 [Press release of 20 April 2023](#)

WE TALKED ABOUT THE ISSUE OF WELLS AND HYDROGEOLOGICAL BOREHOLES

We repeatedly handle cases related to the permitting of drilled wells and the drilling of exploratory hydrogeological boreholes. There are a number of application problems in this area. We therefore decided to hold a roundtable to discuss them

with hydrogeologists as well as lawyers. Among our guests were the Vice-President of the Senate of the Parliament of the Czech Republic and former Deputy Public Defender of Rights Jitka Seitlová, practising experts and representatives of water-law authorities, the Ministry of Agriculture and the Ministry of the Environment, the Czech Geological Service, the District Mining Authority for the South Moravian and Zlín Regions, the Czech Association of Hydrogeologists, the Faculty of Science and the Faculty of Law of Masaryk University.

We discussed, in particular, whether there was sufficient information on groundwater levels, the possibilities of checking the structure of the boreholes and the quantity of groundwater collected and the responsibility of hydrogeologists. We also presented these topics at a conference titled "Impacts of climate change on water resources and provision of water management services" organised by the Senate of the Parliament of the Czech Republic.

WE REVISITED THE TOPIC OF PROTECTION AGAINST ODOURS, AS CLEAR RULES ARE STILL MISSING

After about ten years, we have re-examined the rules for odour protection. We published a survey and discussed its results at a conference titled Current and future regulation of odorous substances in the air. The conference was



attended by representatives of the Ministry of the Environment, regional authorities and regional offices of the Czech Environmental Inspectorate, and other experts with practical experience.

Our efforts to change the legislation governing the regulation of odorous substances in the air were heard by the Ministry, which prepared an amendment to the Air Protection Act already during that same year. It will address odour problems by introducing the concept of minimum distances between sources of odour and dwellings. The specific distances will be laid down by a decree prepared by an informal working committee of the Ministry. We were actively involved in the working committee.

 [Defender's survey report on odorous substances: File No. 19/2021/SZD](#)

WHO WILL TAKE CARE OF ABUSED ANIMALS AND HOW TO PAY FOR THE CARE

We held a conference to find out how to help abused animals quickly and efficiently. We took the opportunity to present there the results of our survey focused on the mutual co-operation between animal protection authorities to experts from the ranks of officials, veterinarians, police officers and academics. We also presented a new Compendium of the Defender's Opinions entitled [Animal Protection](#)

and asked our guests what issues they most often encountered in animal protection. The authorities and police officers both confirmed that they had difficulties in gaining access to dwellings against the breeders' will. The authorities also found it difficult to find a breeder willing and able to take care of the abused animals. According to some conference participants, the creation of a list of breeders to whom the animals could be entrusted could help. We also discussed the related issue of financing the care and shared our experiences from cases where the authorities managed to ensure care for the abused animals. We intend to use our findings from the conference in our further activities.

 [Press release of 14 April 2023](#)
 [Defender's survey report: File No. 5735/2020/VOP](#)

WE COMMENTED ON A NEW DECREE ON DEVELOPMENT REQUIREMENTS

We submitted a number of important comments on the issue of barrier-free use of buildings. First, we pointed out to the Ministry for Regional Development that under the [UN Con-](#)

[vention on the Rights of Persons with Disabilities](#), people with disabilities have the right to participate in the drafting of new legislation before the consultation procedure is initiated. That is why we urged the Ministry to actively involve people with disabilities in the preparation of a new technical standard (CSN) and regularly update us on the progress. We also had reservations regarding the incomplete list of structures the entrances to which should be equipped with "audio beacons" for better orientation of people with visual impairments. We suggested that the Ministry also include in the list other institutions visited by visually impaired people, such as courts, banks, health insurance companies and schools.

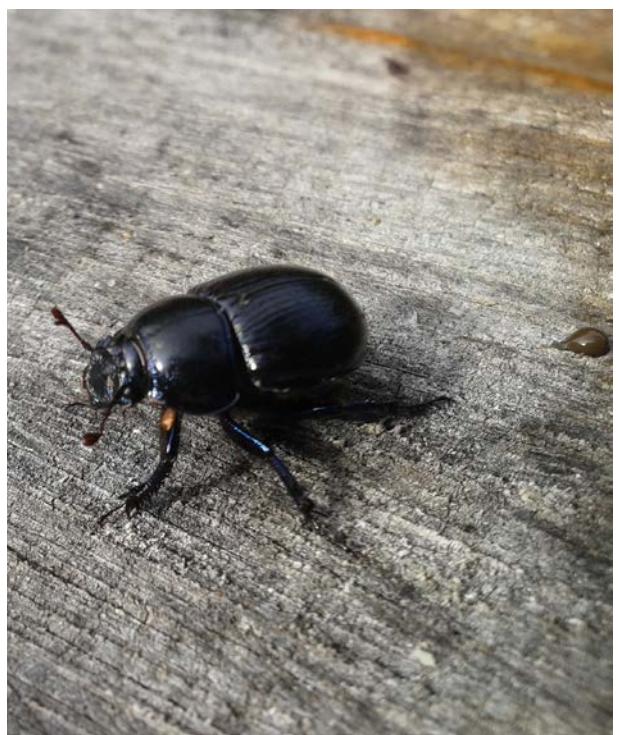
We also commented on other parts of the decree. We did not agree, for example, with the substantial relaxation of the requirements for the daylighting of buildings or the overshadowing of neighbouring buildings. We recommended to introduce the obligation to build lifts in residential buildings with four or more above-ground floors.

 [Defender's comments on draft Decree on Requirements on Development: File No. 201306/2023/S](#)

WE COMMENTED ON THE AMENDMENT TO THE AGRICULTURAL LAND FUND ACT

Agricultural land must be protected against unauthorised closure and pollution. We therefore wanted the sponsor of the amendment to modify the legislation so that the authorities responsible for the protection of the agricultural land fund could effectively intervene and take corrective action in cases where the Act on the Protection of the Agricultural Land Fund is violated.

 [Defender's comments on the amendment to the Agricultural Land Fund Protection Act: File No. 6255/2023/S](#)



8



Judiciary, migration, finance

In 2023, we conducted three judicial surveys involving the administration of all courts as well as members of the academia and lawyers. Our first questionnaire focused on how the courts' administration exercises supervision over motions to enforce orders in the context of judicial care for minors. We strive to expedite the courts' steps aimed at ensuring that their decisions are respected, e.g. in situations where one of the parents prevents the other from seeing the children (see page [46](#)). The other two questionnaires were concerned with making recordings in the hallways of the courts and publication of court decisions.

During the year, we inquired whether free legal aid was available to applicants for international protection and foreigners in detention. We contacted the Department for Asylum and Migration Policy of the Ministry of the Interior, the Immigration Police and the Refugee Facilities Administration and visited the Vyšní Lhoty and Bělá-Jezová Facilities for Detention of Foreigners, where we talked to both the officials and foreigners. We also asked regional courts to co-operate and collected best international practice. We shared some of our partial findings at an immigration conference held in November. A full report will follow in early 2024.

We tried to make the debt relief campaign Gracious Summer III accessible to as many debtors as possible. We organised a roundtable for representatives of municipal and regional authorities where we helped the officials understand the new rules. We also prepared an application form for the debtors. Collaborating with the Tax Administration of the Czech Republic and the Czech Social Security Administration, we prepared an online seminar for debt counselling centres. We repeatedly promoted the Gracious Summer III programme on our social media and website.



<input checked="" type="checkbox"/> 931	complaints resolved, of which	748 fell within the Defender's mandate
<input type="checkbox"/> 100	completed inquiries, of which	183 fell outside the Defender's mandate
<input type="checkbox"/> 89	were cases where the authorities erred, of which	
<input type="checkbox"/> 6	when the Ministry of the Interior failed to remedy the maladministration and the Defender therefore sent the relevant notice to the Government (see page 20).	<input type="checkbox"/> 165 comments on forthcoming legislation
		<input type="checkbox"/> 682 judges, social workers and municipal officials trained

WE HELPED OR ADVISED*

- | | |
|--|--|
| 275 foreigners seeking fair proceedings | 121 people with tax and customs issues |
| 233 people with complaints against courts and the Ministry of Justice | 101 people and municipalities with fees |

* number of complaints resolved in 2023

PEOPLE MOST OFTEN SOUGHT HELP IN THE FOLLOWING AREAS*

- | | |
|---|---|
| 121 taxes and tax administration | 59 delays in court proceedings |
| 107 local fees and related proceedings | 58 inappropriate behaviour of judicial persons |
| 66 international or temporary protection | |

*number of complaints received in 2023

We help change the rules

WE WANT BETTER ACCESS TO FINANCIAL ASSISTANCE FOR CRIME VICTIMS

The Victims of Crime Act stipulates that victims should receive financial assistance to cover their physical and mental treatment and help them overcome the deteriorated social circumstances following the crime. The applications for financial assistance are processed slowly and some victims wait several years before they receive the money. There were also complaints claiming that the Ministry of Justice did not grant financial assistance to the victims at all.

Following an extensive inquiry in which we communicated not only with the Ministry, but also with support organisations, especially the Bílý kruh bezpečí (White Circle of Safety), attorneys-at-law, academics and judges, we found a way to improve the current approach, which we communicated to the Ministry. We also proposed a number of amendments to the law, pointing out, for example, that the amount of financial assistance has remained the same for the past ten years. Inflation has decreased its real value by about 40% over time. That is why we believe that indexation is necessary. According to the Code of Criminal Procedure, the financial assistance for crime victims should be funded directly with the sums obtained as part of alternate resolution in criminal proceedings (e.g. in case of conditional discontinuation of criminal prosecution). At present, however, this money is not reaching the victims and is helping the State budget instead. That should change.

[We prepared simpler versions of the application forms.](#) One is intended for victims of crime, the other for the victims' survivors.

 [Defender's report: File No. 4418/2021/VOP](#)

 [Press release of 16 November 2023](#)

 [Press release of 20 December 2022](#)

WE ACHIEVED A CHANGE IN THE RULES FOR SUPERVISION OVER DELAYS

... IN PROBATE PROCEEDINGS

Delays in probate proceedings are often only subjected to supervision late and to an insufficient degree. We saw this clearly when working with the district court in Břeclav. The president of the court and her predecessors would exercise supervision only randomly, usually only on the basis of complaints. They would only regularly ask notaries for an update on the actions taken and the status of the proceedings when the proceedings lasted over five years.

We reproached the court's administration for this approach and helped them set better rules for supervision. The court's administration will now supervise over delays even if no one files a complaint, even in proceedings lasting less than five years.

The president of the court set shorter deadlines for status checks, introduced regular meetings with the notaries and laid down rules on how the president of the court and the presiding judge are to cooperate in matters of supervision. These are laudable measures. We will now monitor the approach of other courts, as inadequate supervision could be a wider problem.

 [Defender's report: File No. 16568/2022/VOP](#)

... WHEN PUBLISHING DOCUMENTS IN THE INSOLVENCY REGISTER

The Municipal Court in Prague took a month to publish a report of a review hearing held in a set of insolvency proceedings. We consider such a delay disproportionate. Although the law does not set a precise deadline, the



report should have been published as soon as possible. It may have been important for the creditors' further procedural defence. The late publication of this report also delayed other follow-up steps since the insolvency register must publish the documents chronologically.

Based on our inquiry, the court adopted new rules that should provide for earlier publication of documents. If any document still takes time to produce, a temporary document will be published containing the information that an audio recording of the hearing is available, which will also enable publication of follow-up steps.

[✉ Defender's report and closure of the case: File No. 16683/2022/VOP](#)

The template is already being tested by the officials in their work. We also notified the judges of the Supreme Administrative Court about the template.

WE CONTRIBUTED TO STREAMLINING THE RULES FOR LEVYING OF LOCAL FEES

Until 2023, the fee administrators were required by law to issue decisions on levying fees that were paid late. However, they did not do so in practice, as they considered issuing decisions inefficient and ineffective since the fees were already paid. They would not issue a decision even in respect of disputed fees. This has made it very difficult for the payers of the fees to defend themselves. We therefore decided to help change the law so as to simplify the administration and provide the payers with the opportunity to defend themselves.

We informed the Ministry of Finance about the problem and the Ministry subsequently prepared an amendment to the Local Fees Act, which came into force in early 2024. It reduces the administrative burden on fee administrators, who do not have to issue a decision where the fee is uncontested. The payers will also have the statutory possibility to request a decision to be issued on levying the fee, which will allow them to appeal.

- [✉ Comments of the Public Defender of Rights: File No. 33338/2022/S](#)
- [✉ Amendment to the Act, including the explanatory memorandum: Chamber of Deputies document No. 307/0](#)

DECISION-MAKING ON INTERNATIONAL PROTECTION TAKES A NEW SHAPE

We joined forces with the Department of Asylum and Migration Policy of the Ministry of the Interior to prepare a template for decisions rejecting an application for international protection. The template guides officials through every step of the process to make sure that they don't forget anything important. It has explanatory notes so that the officials can follow from recent court rulings besides the text of the law. The resulting decision should be well structured, clear and convincingly reasoned, and it should be easier to understand for the addressees and quicker and easier to write for the officials.

We are here to help

JUDGES MUST SPEAK TO CHILDREN IN AN AGE- APPROPRIATE, RESPECTFUL AND SENSITIVE MANNER

The complainant brought to our attention a situation where a judge visited her son in a children's shelter. She asked him why he had repeatedly run away from home. She also told him that if he did it again and did not respect his parents' joint custody, he might have to go to a children's home or into a foster family. The complainant did not appreciate the way the judge spoke to her son. She therefore filed a complaint against her inappropriate conduct, which vice-president of the relevant court considered unfounded.

We disagreed. In our opinion, the judge had used unfamiliar high-register words when speaking with the child and failed to take account of his vulnerable position. We also did not appreciate the fact that the judge exerted pressure on the child and shifted on him her responsibility for the outcome of his case. The president of the court informed us that he had discussed our conclusions with the judge and that the latter is expected to improve her communication with children in the future.

 [Defender's report: File No. 16869/2022/VOP](#)

WE CRITICISED THE COURT ADMINISTRATION FOR NOT SUFFICIENTLY DEALING WITH THE NOTARY'S PROCEDURE IN PROBATE PROCEEDINGS

The presidents of some courts only supervise over delays in probate proceedings late, when several years have already passed (see page [96](#)). We also came across a case where supervision was performed, but only formally. The

applicant was displeased that his probate proceedings lasted almost 20 years and still were not completed. He therefore lodged a complaint regarding the delays. The vice president of the court replied that the court's procedure was in order.

We found out that the court administration had only asked the notary to submit a summary of the procedural acts performed and planned. However, the administration did not evaluate the information in any way and so it did not learn that the case was dormant for a year and a half when the file was at the Ministry of Justice. It also did not reflect the fact that the notary could and should have proceeded much faster in the realisation of the assets – for example, instead of approaching one bank after another, he should have approached them all at once, etc.



The court administration discussed the inquiry report at its meeting and shall take our conclusions into account when performing supervision.

 [Defender's report: File No. 14165/2022/VOP](#)

AUTHORITIES RECONSIDERED THEIR FINDINGS AND A CZECH WOMAN'S HUSBAND WAS GRANTED A VISA

A Czech citizen married a Tunisian after several years of being in a relationship. The woman was taking advantage of her long holidays as a student and regularly visited her future husband in Tunisia. They knew each other well. Nonetheless, the Embassy and the Ministry of Foreign Affairs assessed the marriage as purpose-driven and dismissed the husband's application for a visa.

In our opinion, the Embassy and the Ministry had no reasons to consider the marriage purpose-driven. The Ministry promised that if the foreigner reapplied for the visa, it would carefully assess his case and take our conclusions into account. Consequently, the husband submitted a new application and the Embassy granted him the visa.

 [Defender's report and opinion: File No. 16083/2022/VOP](#)

THANKS TO US, A YOUNG FOREIGNER CAN CONTINUE HIS STUDIES

A 19-year-old young man forgot to apply for extension of his stay in time. We helped him to get a new visa as quickly as possible so that he would not have leave the country for long. The young man is from Northern Macedonia and studies in the Czech Republic.

His parents live in Czechia as well. Since Northern Macedonians can stay in Schengen countries for short periods without a visa, he could remain in the Czech Republic for three months after the expiry of his residence permit. As a citizen of Northern Macedonia, he was also covered by the visa application exemption. We advised him that he did not have to travel home and could apply for a visa at one of the Czech embassies in the European Union. We helped the young man find a lawyer to make sure all his documents were in order when he applied. We also asked the Ministry of the Interior to decide on the visa as soon as possible. The Ministry was able to accommodate us and managed to grant a new visa to the young man within the time when he was still legitimately staying in the Czech Republic.

 [Post on the children's website of 7 September 2023](#)

WE CHECKED HOW THE POLICE TREATED FOREIGNERS AT THE REGISTRATION CENTRE AT THE SLOVAK BORDER

We inquired into the operation of border registration centres for temporary detention of foreign nationals without an authorisation to stay, and recommended possible improvements. At the end of 2022, a large number of foreign nationals from third countries without a residence permit were travelling across the Slovak borders. The Government temporarily introduced border inspections and the police opened a registration centre near the border to determine the identities of the foreigners. Non-profit organisations approached us with concerns that the police ill-treated the foreigners.

We visited the Břeclav registration centre in late 2022. We did not find any ill-treatment there. On the contrary, we appreciated the police officers' professionalism under such extreme circumstances. In case the registration centres need to be set up again, we recommended that the police better equip the premises for children and focus on identifying unaccompanied children and trafficked persons. The police will also provide the foreigners with our [leaflet on free legal aid](#) available in five languages (English, Turkish, Pashto, Arabic and Kurdish).

 [Report on the visit to the facility: File No. 47/2022/NZ](#)

 [Defender's notice: File No. 16953/2022/VOP](#)



FASTER PROCEDURE: MORE OFFICIALS WILL DECIDE ON CITIZENSHIP

We found that the officials available were unable to deal with the submitted citizenship applications within the statutory time limit of 180 days. Moreover, the numbers of applications are growing significantly every year and unprocessed applications snowballed.

We therefore contacted the Minister of the Interior. We pointed out that the relevant department had taken a number of steps, but these had not led to a remedy. Without more staff, the already undesirable situation would grow even worse. The Minister of the Interior agreed with us. As of 1 January 2024, additional eleven officials were assigned to handle citizenship issues.

 [Defender's report: File No. 6272/2023/VOP](#)

INTEREST IS DUE FOR UNJUSTIFIED TAX ENFORCEMENT

In 2020, we dealt with a case that was also mentioned in the Annual Report. It involved an error where the complainant's accountant used a wrong variable number for tax payments in excess of CZK 500,000. This led the tax office to attribute the payment to another person. The complainant subsequently asked the tax authority to transfer the payments to his tax account. The tax authority refused and initiated an enforcement procedure as if the complainant had failed to pay the tax. The complainant had to pay the tax again. Both the Defender and the administrative court sided with the complainant and the tax office eventually had to return one of the payments to him.

The complainant then also claimed that the tax authority pay interest on the tax administrator's unlawful conduct as a way of compensating the complainant for not having the money available for a long time. However, the tax authority did not grant him the interest because he did not meet the strict statutory conditions. We agreed that he was entitled to the interest. In our opinion, it was sufficient for the award of the interest that the complainant had paid the tax for the second time on the basis of an unjustified enforcement procedure.

The General Finance Directorate also agreed that the complainant was entitled to the interest, albeit in a lower amount than originally claimed. It therefore ordered review of the decision not to grant the interest. Ultimately, the tax authority paid to the complainant interest exceeding CZK 100,000.

 [Defender's report and opinion: File No. 3839/2020/VOP](#)

ALL EU CITIZENS ARE ENTITLED TO THE SAME TAX BENEFITS

We were approached by the father of a child with a serious form of autism. He lives with his family in Slovakia but works in the Czech Republic. He claimed a tax credit for his child in an increased amount, but the tax authority granted him only the basic amount – his son did not have a Czech profound disability card (ZTP/P). He however had a Slovak profound disability card (ŽTP/S), which is issued to people with the most serious health problems in Slovakia. The complainant also turned to a Czech medical assessor and the labour office, which both confirmed that in terms of the severity of the disability, his son would be entitled to the Czech profound disability card if he resided in the Czech Republic.

We advised the tax administration that it could not insist on the presentation of the Czech card, as it could not be obtained by persons residing outside the Czech Republic. For EU citizens, it is sufficient to prove the severity of the disability at the relevant level and demonstrate that they reside in another EU member state. Any denial of benefits may constitute indirect discrimination on the grounds of nationality, which is prohibited for EU nationals. The complainant thus obtained an increased tax benefit based on his son's disability thanks to us.

 [Defender's report: File No. 4240/2021/VOP](#)

THE AUTHORITIES SHOULD WAIVE THE MUNICIPAL WASTE FEES FOR CHILDREN BORN ABROAD

We inquired into the case of a complainant whom the city hall ordered to pay municipal waste fees he allegedly owed, increased by amounts payable for his children born abroad. The complainant had his registered permanent address in Brno. The system automatically registered the permanent residence of his foreign-born children at the same address in 2018, with retroactive effect as of their respective dates of birth (2013 and 2016). The children thus also became obliged to pay the fees retroactively. The complainant informed the city hall of the specific situation of his children and applied for waiver of the fee.

The city hall rejected his application. We reproached the authority for failing to deal with the complainant's application in sufficient detail. The decision did not address his objection to the retroactive registration of the children's permanent residence. Based on the conclusions of our inquiry, the city hall filed an application for review of the decision with the regional authority. The regional authority ultimately agreed with us and recognised the registration of the permanent residence of the children born abroad as a situation in which the law is unduly harsh, which constituted grounds for waiver of the fee.

 [Defender's report: File No. 11814/2022/VOP](#)

We communicate

WE STILL WANT COURT DECISIONS TO BE PUBLISHED IN COMPREHENSIBLE FORM

We have long been advocating for courts to publish their decisions. However, the situation is improving only slowly with only a limited number of decisions being published. In addition, their anonymisation proves to be problematic. We therefore discussed with representatives of supreme courts and the Ministry of Justice how to protect the necessary personal and other data, while maintaining the comprehensibility of the decisions published. The representatives of the courts agreed that it was necessary to harmonise the manner in which they anonymised the documents and promised to modify the relevant rules. However, the Ministry insisted on its method of greater anonymisation due to the fear of possible misuse of information contained in the decisions. We intend to continue our discussions on this topic with the Ministry.

HOW TO AVOID YEARS OF COURT PROCEEDINGS?

We are working with the management of the District Court in Nový Jičín, the Regional Court in Ostrava and the Ministry of Justice to see how the state administration of courts can prevent delays in the processing of particularly difficult cases at district courts. We worked with the example of a railway accident in Studénka. The criminal proceedings in the case lasted twelve years. The victims approached us asking help with the delays in the proceedings. We found that the judge dealing with this complicated case did not have an assistant or other support staff available and that he was still being assigned new cases at the same rate as before.

Supervision over delays in proceedings is focused only on individual errors committed by the judges. That's not enough. The court administration should be able to take measures to ensure that proceedings do not take years

to complete in clearly complex cases, for example those involving a large number of victims. In extremely complex cases, judges could be assigned an assistant or a senior judicial officer to help them, or they could be assigned fewer new cases. However, this is difficult to achieve due to the very inflexible HR policy in the justice sector. Another solution would be to amend the Code of Criminal Procedure to enable delegation of especially complex cases to regional courts. These are better staffed and have a better capacity to deal with such cases.

 [Defender's report: File No. 11149/2022/VOP](#)

 [Press release of 8 August 2023](#)

UNACCOMPANIED CHILDREN

- The Organisation for Aid to Refugees had been organising inter-ministerial meetings regarding the situation of unaccompanied children for many years. This year, we took over. Three meetings were held in 2023, focusing on the pressing issues in the area, as perceived by representatives of the Facility for Children of Foreign Nationals, the Ministry of the Interior, the Ministry of Labour and Social Affairs, the Ministry of Education, Youth and Sports, the Ministry of Justice, educational institutions, non-profit sector, bodies for social and legal protection of children and the International Organisation for Migration, UNICEF and the UN High Commissioner for Refugees.
- The participants also began noticing cases of Ukrainian children that were unaccompanied altogether, or were accompanied by adults that may not have been taking proper care of the children. We also talked about the situation of Syrian children traveling via the Czech Republic in late 2022 and early 2023, determining the age of unaccompanied children, identification of children at risk of trafficking, detention of families with children, psychiatric care for children placed in educational institutions, extension of temporary protection for accompanied children from Ukraine, recognition of education and other topics.
- We have long been attempting to define all steps

that bodies for social and legal protection of children and the police must make to ensure that unaccompanied children receive the necessary care as soon as possible. Most importantly, these children need to be provided with swift assistance and accommodation before the court can decide on their placement in the Facility for Children of Foreign Nationals. Some bodies for social and legal protection of children encounter difficulties finding facilities for children requiring immediate assistance that could take care of older children in the period before the court issues the decision. We have had several rounds of discussions with the authorities, but our efforts to find other temporary accommodation options for these children have so far been unsuccessful.

- › In April, we joined forces with the non-profit orga-

nisation La Strada and a children's psychologist with long-term experience with unaccompanied children to organise two seminars for officers affiliated with bodies for social and legal protection of children in co-operation. We trained 91 of them altogether, focusing on the situation of children coming from distant countries and on the specific situation of children from Ukraine. We also prepared a [leaflet for children](#) available in five languages to inform them about their rights when travelling to visit their families.

- › In November, we lectured guardianship judges about the difficulties encountered by unaccompanied children when they are not placed in the Facility for Children of Foreign Nationals by court order.
- › We also described the situation of children from Ukraine to social workers affiliated with non-profit organisations at training sessions in the Karlovy Vary and Plzeň Regions (see the chapter on Ukraine).



CURRENT ISSUES OF REFUGEE AND FOREIGNER LAW

In November, we held our annual scholarly seminar on Current Issues of Refugee and Foreigner Law, attended primarily by representatives of authorities, NGOs, justice, academics and attorneys-at-law this year. We also welcomed distinguished guests from Poland and Austria presenting their papers on site and speakers from the European Court of Human Rights and the Court of Justice of the European Union, who joined us remotely. The two-day seminar featured presentations on temporary protection, legal aid provided to foreigners in detention, the reintroduction of checks at the internal border between the Czech Republic and Slovakia, judicial review of detained foreigners, case law on the protection of seriously ill or disabled foreigners, employment of foreigners, detention of families with minor children and the specifics of visa proceedings. We also discussed the recent developments in the area of migration and asylum law from the viewpoint of the legislature and courts.

Papers from the previous edition can be found in the [2022 Yearbook](#).

WE DISCUSSED WITH FOREIGN EXPERTS THE SITUATION OF TRAFFICKED PERSONS IN OUR COUNTRY

We discussed with representatives of the Group of Experts on Action against Trafficking in Human Beings (GRETA) some of the cases we encountered in our activities. We pointed out to them the systemic problems we found

as well as shortcomings in the legislation, drawing their attention to the increased risk of human trafficking in connection with the situation of the arrivals from Ukraine.

Defender's reports: File Nos. [6145/2019/VOP](#) and [6101/2019/VOP](#).

WE PRESENTED THE RESULTS OF OUR SURVEY ON THE SUSPENSORY EFFECT OF ADMINISTRATIVE ACTIONS

Administrative actions may have a suspisory effect to protect individuals who challenge an authority's acts

in court. It is granted by the court where enforcement or other legal consequences of the challenged decision would cause material harm to the plaintiff. The degree of protection of the individual then depends on how the authorities implement the suspensive effect. We already informed in our 2020 Annual Report that there was no consensus among the administrative bodies on the practical impact the suspensory effect should have in case of an administrative action against a decision imposing a pecuniary performance. We therefore decided to carry out a survey across the entire public administration to find out the views of various administrative bodies.

The survey showed that the approach is very fragmented. For example, it is unclear whether the authority should refund any money received before the suspensory effect was granted, whether it can transfer overpayments from other accounts, etc. We therefore organised a roundtable

1. In January, we participated in an international seminar hosted by Radboud University in **Nijmegen**, the Netherlands, devoted to current issues relating to the recently activated Temporary Protection Directive and the approach of EU Member States to its implementation.
2. In May, the European Network of National Human Rights Institutions (ENNHRI) invited us to an **Athens** meeting of their working group on migration. The topic was the impact of artificial intelligence on human rights, with a particular focus on migration.
3. In December, we attended an international conference in **Kyiv** entitled Freedom or Fear, hosted by the Ukrainian Defender to mark the 75th anniversary of the Universal Declaration of Human Rights.

with representatives of administrative authorities and other experts, especially from the among of professional associations. The discussions confirmed that the impact of the suspensory effect was not sufficiently clarified. This would best be improved by modifying the provision on suspensive effect in the Code of Administrative Justice (see page 10). We offered to support the Ministry of Justice in drafting the provisions and shared with it the findings we reached in our survey, including the outcomes of the roundtable.

 [Defender's survey report: File No. 6308/2020/VOP](#)

TRAINING OF OFFICIALS IN THE AREA OF LOCAL FEES

We trained local fee administrators – municipal officials. In addition to the Local Fees Act, fee administrators must also be well acquainted with the Tax Code. Our experience shows that this is a problematic area. That is why we organised a training course focused on the Tax Code and tax debt enforcement.

We also held a training session on municipal waste collection fees. This was an important topic as these are the fees levied most often, which moreover have undergone a substantial change since 2021. At the end of the year, we trained officials on the amendment to the Local Fees Act effective from 2024.

GRACIOUS SUMMER FOR TAX DEBTORS

We have long been trying to ensure that all debtors are given the same opportunity to deal with their debts under the benevolent conditions offered within the Gracious Summer campaign. We continued our outreach also in 2023, hosting an online roundtable on Gracious Summer for Tax Debtors and their implications for territorial self-governing units. With our guests from the Ministry of Finance, the Ministry of the Interior, regional authorities and cities, we discussed how the rules of the Gracious Summer for Tax Debtors should work in the context of local fees and levies for breaches of budgetary discipline. We also created a template of an application for waiver of accessions and explained the campaign's basic rules.

Our efforts were further boosted by our co-operation with the Tax Administration of the Czech Republic and the Czech Social Security Administration, which yielded an online seminar on Gracious Summer III for non-profit organisations helping debtors.





9



Supervision over restrictions of personal freedom

For seventeen years, we have been protecting people restricted in their personal freedom against ill-treatment; to this end, we visit places where such people are or may be.

In 2023, we looked at how the Prison Service is meeting our recommendations from the [Summary report on visits to remand prisons](#). For example, we are pleased to see that it has adopted rules on the use of cameras in accommodation facilities in prisons. We prepared new advice for the accused in easy-to-understand language for pilot testing in selected remand prisons.

The challenge for next year is children's facilities. We are preparing summary reports on visits to facilities for children in protective education and facilities for children with addictions. These visits have given us a lot of knowledge about both of these very specific groups of children, which we will try to transform into systemic changes.

During the project period, we visited a total of twenty facilities of various types – from prisons to children's homes. We monitored how individual facilities have progressed in implementing our recommendations. As part of the same project, we have trained more than 320 professional staff working in the facilities we visit.



 **31** →  **7** were follow-up visits
facilities visited, of which

 **2**
monitored expulsions

 **463**
complaints raised by social services
clients, patients and inmates

Some of our activities were made possible thanks to the support and funds received within the project "Reinforcement of activities of the Public Defender of Rights in human rights protection (with the aim of establishing a National Human Rights Institution in the Czech Republic)", No. LP-PDP3-001. This project is financed from the EEA and Norway Grants 2014–2021 and the State budget of the Czech Republic. In the following text, activities under this project are marked with an asterisk (*).

We help change the rules

CHILDREN'S FACILITIES

WE PARTICIPATE IN THE PREPARATION OF NEW LEGISLATION ON RESIDENTIAL SUBSTITUTE CARE FOR CHILDREN

As members of an interdepartmental working group of the Ministry of Education, Youth and Sports, we advocated for the creation of a substantive plan for new legislation on institutional and protective education. We were also included in the [expert team of the Ministry of Labour and Social Affairs](#) preparing the Act on child protection and family support. In the discussions of both working groups

we relied on the insights from our visits to school facilities for institutional and protective education.

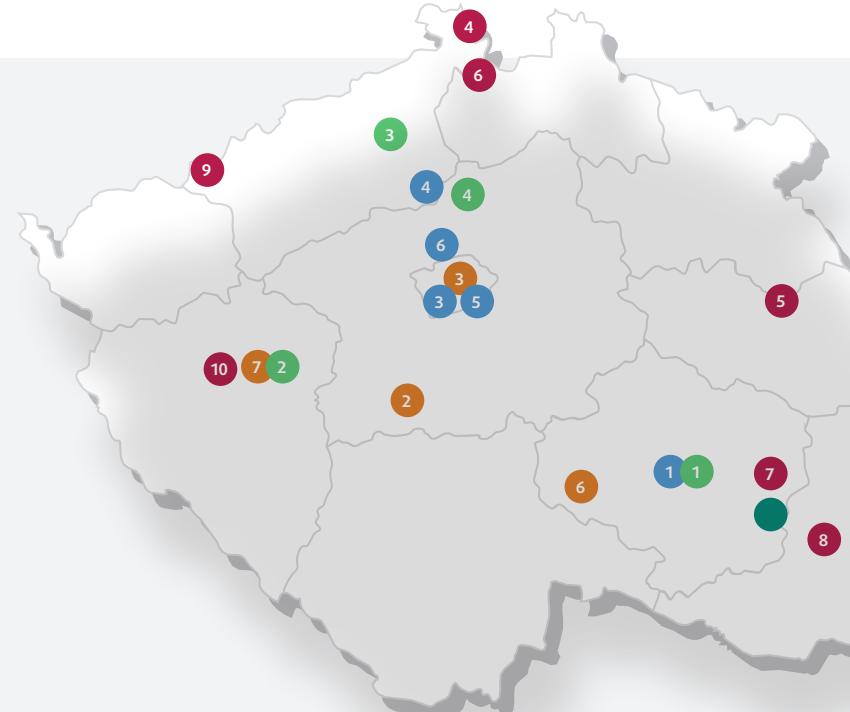
We advocated, for example, for the new legislation to be based primarily on the current needs of children living in residential facilities, that it more carefully distinguish between the different target groups of children (e.g. children struggling with addiction, children with challenging behaviour, minor mothers with children, foreign children), and that it allow for the establishment and operation of specialised residential care facilities and define the specific content of the care they provide.

We also described the conditions of children in institutional and protective education in our podcast. We talked about the specific types of facilities that currently make

FACILITIES VISITED IN 2023

- 10 social services facilities
- 7 facilities for children
- 7 facilities providing inpatient psychiatric care
- 1 prison
- 6 police cells

Reports on completed visits to facilities are available in the Defender's Opinions Register (ESO) (area of law, p. 801 et seq.) or in the [map of facilities visited](#).



up the network of institutional care for children, explaining who are the children who live there and how diverse their needs are. However, the current legal regulation does not make it very easy for the facilities to meet these needs.

Have a coffee with the Ombudsman, episode 98: Children in institutional care

SOCIAL SERVICES

We were actively involved in the discussions on the amendments to the Social Services Act being prepared by the Ministry of Labour and Social Affairs. We have been advocating for our long-standing legislative recommendations – in particular the introduction of mechanisms to increase protection for clients of social services, such as an independent complaints mechanism in social services or definition of ill-treatment as an infraction (see the [Annual Report on the Activities of the Public Defender of Rights in 2020](#), pp. 15-16).

Together with representatives of the Ministry of Labour and Social Affairs we discussed the situation of people who are hospitalised in psychiatric hospitals for extended periods of time due to a lack of appropriate social services. We also addressed the possible use of residential social services for unaccompanied foreign children. Once again, we have drawn attention to the need for greater protection of the rights of social services clients.



Social services facilities

1. Retirement home in Uničov¹
2. Retirement home in Nezdenice
3. Special regime home in Nýdek
4. Special regime home "Srdce v dlaních" in Jiříkov
5. Social care facility in Chocerě
6. Home for people with disabilities Ostara Cvikov²
7. Home for people with disabilities Kamélie Křížanov²
8. Home for people with disabilities Zámeček Střelice²
9. Home for people with disabilities Kovářská²
10. Residential and Field Social Services Centre Zbůch²

Facilities for children

1. Children's home in Hodonín
2. Children's home in Solenice
3. Centre for family and child services and the Charlotte Masaryk children's home in Prague
4. Educational institution in Žulová¹
5. Educational institution in Ostrava-Hrabůvka, branch in Frýdek-Místek
6. Centre for children and family in Kamenice nad Lipou³
7. Children's Centre Plzeň³

Zařízení poskytující lůžkovou psychiatrickou péči

1. Psychiatrist Hospital Jihlava
2. Šternberk Psychiatric Hospital – Department of Child Psychiatry¹
3. Department of Child Psychiatry, Thomayer University Hospital in Prague

PRISONS

The Prison Service has accepted a number of our recommendations from the [Summary report on visits to remand prisons](#). For example, it has newly adopted an internal regulation with rules for the use of cameras in accommodation facilities in prisons. We commented on the changes that were successfully introduced with our participation in the podcast [How it works in remand prison](#).

We have also worked with the Prison Service to produce easy-to-understand advice for people in custody. The pilot project is primarily concerned with advice for the accused after being put on remand. Clear advice at the beginning can be simpler and more effective, helping to prevent misunderstandings and reduce the number of related complaints.

We have also looked at barriers preventing contact between incarcerated parents and children, and we discuss this topic in more detail in the chapter on Family, healthcare and labour (see page [54](#)).

WE HELPED SET RULES FOR REPAYMENT OF CONVICTS' DEBTS

Our long-standing efforts in discussions on convicts' debts have also come to fruition. In December, the Chamber of Deputies approved a draft law addressing the situation of

Department of Forensic Treatment, Horní Beřkovice
Psychiatric Hospital, 5. Gerontopsychiatric
Department, Bohnice Psychiatric Hospital, 6.
National Institute of Mental Health in Klecany, 7.
Ostrava University Hospital, Psychiatric Department
Police cells 1. Jihlava¹, 2. Plzeň¹, 3. Litoměřice¹, 4.
Mělník¹, 5. Havlíčov, 6. Kopřivnice

Police cells

1. Jihlava¹
2. Plzeň¹
3. Litoměřice¹
4. Mělník¹
5. Havlíčov, 6. Kopřivnice

Prisons

Rapotice Prison

¹ follow-up visits

² visits organised by colleagues from the Department for Monitoring the Rights of Persons with Disabilities (see page [128](#))

³ visits to infant care centres. With participation of colleagues from the Department of Family, Healthcare and Labour.

indebted convicts who, for example, are left with nothing from their pensions sent to prison because of deductions. Until now, these convicts were not even entitled to "social pocket money", i.e. money which can be used to buy, for example, letter writing paper and envelopes, toiletries or to make co-payments for reimbursable medicines in the prison commissary. The draft law strikes a reasonable balance between debtors and creditors in that most of such convicts' income goes towards their debt repayment, but they will newly get to keep a certain part of the income. This is similar to the non-deductible part of a salary of ordinary citizens. If the draft law is approved by the Senate and the President of the Republic, it will enter into force in January 2025.

PRISON CELLS TO REMAIN FULLER THAN EUROPEAN STANDARD FOR THREE MORE YEARS

Despite our objections, the Ministry of Justice postponed the increase in the minimum accommodation area for one prisoner (currently four square metres) by another three years. The increase was originally supposed to be implemented as early as the beginning of 2024. In Czech prisons, it is common for seven or more inmates to share one bedroom. In such an environment, the other convicts have a greater influence on the "re-education" of the offenders than professional prison workers. We want the Ministry of Justice to change the penal policy over the next three years so that the number of prisoners sharing a single cell is reduced.

PSYCHIATRY

IMPROVING CONDITIONS FOR PATIENTS HOSPITALISED WITHOUT CONSENT

In the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Government Council for Human Rights, we have been involved in drafting a proposal to improve the situation of patients hospitalised without their consent. For example, the Committee recommends that the Minister of Justice create an expert working group on the subject with the participation of people with relevant experience. The Minister of Health should in turn lay down rules for the review of the health status of patients hospitalised without their consent by an independent physician. The proposal drafted by the Committee has already been approved by the Government Council for Human Rights. Now all that remains is to transform it into a Government resolution.

WE HAVE LAUNCHED RESEARCH ON FOREIGNERS, MINORS AND WOMEN IN FORENSIC TREATMENT

Among the 868 patients in forensic treatment, ten percent are women, two percent are foreigners, and less than half a percent are minors, according to data from psychiatric hospitals. By interviewing patients and health professionals, we aim to find out whether these groups of patients face specific problems in forensic treatment. We will then strive to ensure that the legislation takes these issues into account. We have long been pointing out to the Ministry of Health and the Ministry of Justice that they must change the legislation on forensic treatment.

POLICE CELLS

We visited a total of six police departments where "multi-hour cells" are set up. Four of the departments have been visited before. During these visits, we checked whether police officers were following our recommendations and implementing the measures previously imposed. These mostly concerned the conduct of body searches, ensuring privacy in personal hygiene and the procedure for providing food to persons in police cells. We welcomed the fact that the police departments adopted all our recommendations.

FACILITIES FOR FOREIGNERS

In our comments on the draft of the act on residence of foreign nationals, we tried to ensure that the new legislation take into account international standards for detention of foreigners. We focused, in particular, on the regulation of the conditions for the stay of foreigners in what is referred to as "strict regime" (isolation). We have succeeded in reducing the period of stay of foreigners in the strict regime from the current sixty days to fourteen days (twenty days in exceptional cases if the foreign national had frustrated the process of his/her removal and a new date of removal is known). The functioning of the complaints procedure will also be more efficient. According to our proposal, foreigners would be able to seek remedy while he or she is still in the facility in the Czech Republic. It will also no longer be possible to prohibit foreigners placed in strict regime from going out. The draft is expected to be discussed in the Chamber of Deputies in 2024.

We are here to help

VISITS TO CHILDREN'S FACILITIES

We continued our visits to children's homes. We focused on the atmosphere in the facilities, the attitude of the staff towards the children and the trust between the children and the staff. We looked into the way facilities support contact between children and their families and close persons. We also paid attention to the staffing of childcare and staff expertise. Our focus was also on the forms and intensity of support that facilities provide to their staff. We also visited facilities for children in protective education and for children with addictions. Here we focused on the legality of the methods and tools used by the facilities when working with such specific groups of children. We assessed whether the measures used had a legitimate purpose and were proportionate and child friendly. In 2024, we plan to issue summary reports on a series of visits to both of these types of facilities.

WE HAVE PROPOSED RULES FOR CONDUCTING BODY SEARCHES OF CHILDREN

We visited the Žulová Educational Institution, one of the few facilities for boys who use or dangerously experiment with dependency producing substances. Caring for these children is not easy. Staff have a duty to ensure their welfare, safety and health, and they should thus prevent boys from bringing addictive substances into the facility. For this reason, they must search them after they return from outings or multi-day stays with family or close persons.

Laws and regulations do not explicitly regulate body searches of children. We have therefore compiled a set of principles that should be followed by facility staff when carrying them out:

- › As few staff as possible are present at the body search of a child.
- › A body search is carried out by a person of the same sex.
- › During the search, the child strips down to his/her underwear so that he/she is always half dressed.
- › The search is carried out in such a way as to make

the child feel as little embarrassment as possible.

- › Searches will not be carried out if it is unlikely that the child has been exposed to a dependency producing substance (for example, if the child is returning to the facility after being examined in hospital).

 [Report on the visit to the facility: File No. 13/2023/NZ](#)

WE COLLABORATED ON RESEARCH ON THE CHALLENGES, ASSUMPTIONS AND BARRIERS TO INSTITUTIONAL CARE FOR CHILDREN

The Sirius Foundation and the Sociofaktor organisation consulted us as part of their joint [research](#) on the system of institutional care for children. On the basis of moderated discussions with members of focus groups consisting of representatives of different types of educational residential facilities and professions, the researchers mapped the current state of affairs in this area. In the follow-up analysis, they want to identify and name the problems and barriers in the current system, as well as its strengths, weaknesses, opportunities, and challenges. We contributed by helping in the selection of appropriate research participants, revising the scripts for each focus group meeting, gradually providing additional context to the researchers' partial findings, and providing comments on working versions of the final research report, which should be published in 2024.

SOCIAL SERVICES

WE VISITED MORE RETIREMENT HOMES AND HOMES FOR PEOPLE WITH DEMENTIA

We continued a series of visits to retirement homes and special regime homes providing care to people with dementia. In one of the facilities we visited, we found so many deficiencies that they cumulatively reached the intensity of ill-treatment. This involved interference with the clients' human dignity and personal freedom, as well



as the provision of unprofessional and risky care – even for several years in the case of some clients. The care provided was also influenced by staff shortages, which meant the staff had to care for more clients than they could handle. We continue to look into the situation.

70 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. The protection of the rights of clients of social services would

be significantly strengthened by the introduction of an independent complaints mechanism in social services, which we have long been trying to achieve. There is still no independent authority in the Czech Republic to deal with complaints in this area and to handle them within a certain timeframe.

PRISONS

A PROBLEM-FREE CONVICT WAS NOT ALLOWED TO ATTEND HIS SON'S FUNERAL

In our view, the prison erred in denying the complainant's request for an interruption of the service of custodial sentence, which meant he was unable to say his final goodbye to his late son. The man had been convicted of



make it clear what facts he considered and why he made the decision he did.

[Defender's report and opinion: File No. 4644/2023/VOP](#)

THERE IS A FINE LINE BETWEEN COERCION AND INFORMING ABOUT THE POSSIBILITY OF INVOLUNTARY TREATMENT

A woman in secure preventive detention denied being ill and refused treatment for a long time. After six months without treatment, her condition deteriorated. She was convinced that the staff wanted to poison her and that they were killing other inmates in the facility.

We have [previously](#) criticised the facility for its treatment of the complainant. We objected to the fact that the staff exerted psychological pressure on her during the administration of medication and that her consent to treatment was also given under duress. The complainant now claimed that nothing had changed.

However, we have now found that the staff was no longer putting pressure on the complainant and the facility did not err this time. The facility allowed the complainant to change and even refuse her medication. The professional staff merely warned her that her health could again deteriorate substantially without treatment, giving rise to the fulfilment of the conditions for involuntary treatment. We did not find this to constitute coercion.

The complainant may feel pressured to choose between restrictions on her personal liberty and treatment that she does not want. She then endures the treatment in order to increase her chances of being released from the facility. However, the restriction of the complainant's personal liberty was decided by the court, and such a form of coercion cannot thus be attributed to the facility.

[Defender's report: File No. 17181/2022/VOP](#)

WE SUPPORTED WOMEN IN PRISON WITH A CHARITY RUN

Once again, we actively joined the run to support people with a criminal history, this time as part of the 8th annual Yellow Ribbon Run campaign. This run visions a society that gives ex-offenders and their families a second chance for a decent life. This year, the campaign and the run focused on supporting women in prison and their re-entry into society.

PSYCHIATRY

We visited seven facilities providing psychiatric care, specifically psychiatric hospitals for adults and children as well

as psychiatric wards of regular hospitals. At one of the hospitals where we described the mistreatment of clients in 2022, we found a significant improvement in conditions.

22 COMPLAINTS CONCERNING PSYCHIATRIC HOSPITALS

Patients most often complain about the conditions of the stay and treatment in psychiatric hospitals. However, the law only allows us to deal with complaints from people in institutional forensic treatment.

THE STATE IS POINTLESSLY RECOVERING PAYMENTS FOR FORENSIC TREATMENT OF FOREIGNERS

We studied the case of a man from Lithuania who was ordered to undergo forensic treatment by the court. As he was not covered by public health insurance in Lithuania nor in the Czech Republic, he had to pay for the costs of the forensic treatment himself. The State has been demanding nearly CZK 1.5 million for a year and a half of treatment. We are of the opinion that the Ministry of Health should not be recovering the costs of keeping a person in hospital against their will. As a matter of fact, the Ministry has never recovered any money from people in a similar position as the aforementioned patient. The futile attempts at recovery of the expenses thus represent an unnecessary cost for the State. We have therefore made a legislative recommendation that the State does not make unreasonable attempts to recover the costs.

 [Defender's report and opinion: File No. 7546/2021/VOP](#)

FACILITIES FOR FOREIGNERS

In the past year, we monitored two removals of foreigners from the Czech Republic. We also monitored two other return operations coordinated by the European Border and Coast Guard Agency (Frontex) in the framework of international co-operation.

After visiting the registration centre for foreigners in Břeclav, we gave suggestions to the police for what they could improve in the event the centres are used for other purposes in the future (see page [99](#)). In particular, we recommended that they equip the premises for the needs of arriving children. Police should also pay increased attention to identifying unaccompanied children and identifying potential victims of human trafficking.

 [Report on the visit to the facility: File No. 47/2022/NZ](#)



We communicate

Prevention of ill-treatment also requires proper awareness of the issue. To raise such awareness, we hold lectures on good standards of treatment, our findings, recommendations and results of our work at many various seminars, conferences, expert meetings and teaching activities at law schools.

CHILDREN'S FACILITIES

THE NUMBER OF CHILDREN WITH CHALLENGING BEHAVIOUR IN CHILDREN'S HOMES IS GROWING

We participated in a roundtable discussion in the Chamber of Deputies on the diversity of the forms of children's homes and their role in society. We have talked about our findings that an increasing number of children with more complex difficulties and challenging behaviour are being placed in children's homes. We have also addressed the lack of support for services in special education of children with behavioural disorders, psychological and therapeutic services. We pointed out the insufficient number of facilities that provide adequate care for children with psychiatric issues or addiction and children with extreme behavioural disorders.

THERE IS A LACK OF RULES REGARDING CARE FOR CHILDREN WITH EXTREME BEHAVIOURAL DISORDERS

At the roundtable, participants from the Ministry of Education, Youth and Sports, the Supreme State Prosecutor's Office, the body of social and legal protection of children (BSLPC), academia, the non-profit sector and especially from institutions for children with extreme behavioural disorders or with protective education were informed about our conclusions from a series of systematic visits to these institutions. We pointed out, in particular, the insufficient legal regulation of care for such specific and challenging groups of children. We agreed with the invited

experts that it is first and foremost necessary to increase the number of staff working with children in institutions.

WE PARTICIPATE IN EDUCATING JUDGES AND STAFF OF THE BSLPC AND CHILDREN'S INSTITUTIONS

Thanks to our co-operation with the Judicial Academy in Kroměříž, we were able to present the network of residential care facilities for children to judges dealing with guardianship in detail and to acquaint them with the state of affairs in specialised care – for example, for children with addictions and children with challenging behaviour. The National Pedagogical Institute organised educational events for the staff of the BSLPC and children's institutions, who were introduced to best practices and rights or obligations in the field of institutional and protective education. We also spoke at a meeting of directors of facilities established by the Ministry of Education, Youth and Sports and at a meeting of the Alternative Care Association.

WE CO-OPERATE WITH UNIVERSITIES

We regularly participate in teaching in legal clinics. We provide students with knowledge about the system of school facilities for institutional and protective education and experience from our visits in the courses "Legal Clinic of Vulnerable Groups Rights" taught at the Faculty of Law of Masaryk University and "Legal Clinic of Social Rights" taught at the Faculty of Law of Palacký University.

SOCIAL SERVICES

We presented the Defender's findings from the current series of visits to social service facilities caring for clients with dementia to staff in such clinics with seven online training sessions. We also introduced them to examples of good and bad practices. The training was attended by staff members from six administrative regions. Further training will follow in 2024. We also presented our findings at the Prague Days of

Gerontology and the conference on Elder Abuse, Cruelty and Neglect, organised by the Olomouc Region.

PRISONS

WE DISCUSSED THE PRISON SYSTEM WITH CZECH AND FOREIGN EXPERTS

In January, we discussed our recommendations from visits to remand prisons with representatives of the Prison Service of the Czech Republic. For example, we agreed to work together on a new form of advice for prisoners arriving at prison to make it easier to understand.

In July, at a regular meeting with the supervising public prosecutors who oversee compliance with the law in prisons, we discussed the use of cameras in prisons, the comprehensibility of the advice for prisoners arriving at prison, and other findings from our visits to remand prisons. We have also lectured and discussed about them (as well as health care in prisons from the point of view of preventing ill-treatment) at several professional meetings and [conferences](#).

In Brno we welcomed colleagues from Moldova, Hungary and Slovakia on study visits. Our Slovak colleagues appreciated the opportunity to share the methodology for conducting visits to facilities, all the more so as they began to carry out their role as the national preventive mechanism (NPM) against ill-treatment under the Optional Protocol to the Convention against Torture in 2023.

PSYCHIATRIC HOSPITALS

PEER COLLABORATORS REVIEWED OUR REPORTS ON VISITS TO PSYCHIATRIC HOSPITALS

We asked eight people with experience of staying in a psychiatric hospital to assess whether our reports on visits to psychiatric hospitals focus on topics that are relevant to patients. We were also interested in finding out whether the messages were comprehensible to them. Based on the feedback, we are now placing even more emphasis on patient input when processing reports and plan to include a person with the experience in visits to facilities.

WE DRAW ATTENTION TO POOR MATERIAL CONDITIONS IN PSYCHIATRIC HOSPITALS

At two meetings we discussed our findings from visits to psychiatric hospitals with representatives of the Ministry

of Health. We have drawn the Ministry's attention to the completely inadequate material conditions in some of the facilities established by it. These facilities do not provide dignified conditions for their patients – moreover, they sometimes even threaten their safety and lives. We discussed, among other things, plans for the refurbishment of specific facilities.

 [Press release of 8 December 2023](#)

POLICE CELLS

WE DISCUSSED THE CONDITIONS IN CELLS WITH POLICE OFFICERS

We presented our findings from visits to police cells to police officers from several regional directorates of the Police of the Czech Republic. Together, we discussed the rights of persons held in police cells, the process of body searches and the material equipment of the cells. We also gave lectures for students of the Police Academy of the Czech Republic or the secondary police school.

FACILITIES FOR FOREIGNERS – WE MET WITH KEY STAKEHOLDERS

With the Police President we discussed practical issues relating to our monitoring of forced returns. Together, we clarified the rules for the presence of the staff of the Office of the Public Defender of Rights in police escort vehicles during expulsion monitoring. Everything was done in accordance with the rules and respect for the dignity of foreigners.

We also met with the management of the Healthcare Facility of the Ministry of the Interior which is responsible for providing medical care in facilities for detention of foreigners. We aimed to make the participants knowledgeable about international standards for recording injuries for effective investigation of cases of ill-treatment. We will continue to work in this area in the coming year, as we have not yet reached a consensus. However, we have managed to clarify the course of initial medical examinations of foreigners after their arrival at a detention facility.

With the Director of the Refugee Facilities Administration of the Czech Ministry of the Interior, we discussed central record keeping of emergencies in facilities for detention of foreigners and the provision of psychological care to clients in the facility.



Meeting with the administration of the Prison Service of the Czech Republic.



Equal treatment and discrimination

Since 2009, we have been promoting equal treatment and protecting against discrimination in the Czech Republic. We provide victims of discrimination with methodological assistance, conduct research in the area of discrimination and publish reports and issue recommendations to promote equal treatment.

We have made available to the public our six-part [online course on anti-discrimination law](#), in which anyone can learn how to identify and tackle discrimination. By the end of the year, more than 500 people had signed up for the course.

In our [research*](#) we described the problems women face at work due to pregnancy and motherhood. We have published a [guide](#) and [recommendations*](#) for employers on how to avoid discrimination at work. We have completed [research*](#) mapping good practice in providing housing for people from vulnerable groups. With the publication of the [third](#) and [fourth](#) monitoring reports* we have completed the monitoring of protection against discrimination in the Czech Republic in selected areas. In our last report, we made recommendations on how to reinforce protection against discrimination in our country.



362

complaints resolved, of which

153

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

209 suggestions concerned a statutory protected characteristic, of which

in 150 cases, we advised the complainantson how they could proceed

in 15 cases, we assessed whether discrimination may have occurred, of which

4 were cases where discrimination occurred

5 were cases where discrimination did not occur

6 were cases where discrimination could not be proven

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

In 2023, we completed a number of activities under the four-year Norway Grants project "Reinforcement of activities of the Public Defender of Rights in human rights protection (with the aim of establishing a National Human Rights Institution in the Czech Republic)", No. LP-PDP3-001. This project is financed from the EEA and Norway Grants 2014–2021 and the State budget of the Czech Republic. In the following text, activities under this project are marked with an asterisk (*).

401 COMPLAINTS RECEIVED IN 2023

AREAS IN WHICH PEOPLE FELT DISCRIMINATED AGAINST

- | | | | |
|------------|---|-----------|-----------------------------------|
| 120 | goods and services | 39 | education |
| 106 | work and employment
(incl. entrepreneurship) | 36 | social affairs |
| 53 | other areas of public administration | 8 | healthcare |
| 50 | housing | 1 | membership of chambers and unions |
| | | 33 | other area |

WHY PEOPLE FELT DISCRIMINATED AGAINST

- | | | | |
|-----------|---------------------------------|-----------|----------------------------|
| 98 | disability | 39 | race, ethnicity |
| 59 | age | 7 | religion, faith, worldview |
| 48 | sex (gender) | 5 | sexual orientation |
| 41 | nationality (ethnic origin) | 99 | other reason |
| 40 | nationality (State citizenship) | | |

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

VÝZKUM OMBUDSMANA:
TĚHOTENSTVÍ A MATEŘSTVÍ
NA PRACOVÍŠTI



**1 HLEDÁNÍ PRÁCE A PŘIJÍMÁNÍ
K PRACOVNÍMU POMĚRU**

VĚDĚLI JSTE, ŽE...

...61% žen se při pohovoru
setkalo s otázkami na
jejich rodinný život, i když
by se zaměstnavatelé
neměli na tyto údaje ptát?



We help change the rules

WOMEN FACE OBSTACLES AT WORK DUE TO PREGNANCY AND MOTHERHOOD

We gathered the experiences of more than a thousand women caring for a child under six years old and found, for example, that:

- nearly two-thirds of women have been asked about their family life in a job interview, even though such questions are forbidden in interviews;
- one in six women has experienced a situation where her employer did not renew her fixed-term contract, even though she was interested in that. According to the respondents, their motherhood played a role in this;
- one in seven mothers has experienced pressure from their employer to sign an agreement to terminate her employment;
- one in eight mothers has been fired or pressured by her employer to sign an agreement to terminate her employment.

Following the findings of the research, we also made several recommendations to the Ministry of Education and the Ministry of Labour and Social Affairs to facilitate women's work-life balance and improve their position in the labour market. These include incentivising men to become more involved in childcare, the establishment of new childcare groups, and extending the employers' obligation to hold the original jobs for parents on parental leave until their child is two years old. We presented the research and recommendations at a conference.

- ❑ [Defender's survey report: File No. 30/2023/DIS](#)
- ❑ [Defender's press release of 23 June 2023](#)

ADVISING EMPLOYERS ON HOW TO AVOID DISCRIMINATION*

We are contacted not only by parents, but also by other employees who have experienced discrimination in the workplace. The area of work and employment is regularly one of the most frequent areas where people claim discrimination. That is also why we have decided to issue a guide for employers who want to avoid discriminating against their employees. We draw mainly on cases that we or the Czech courts have dealt with in the past, we address issues ranging from the selection of a new employee to the termination of the employment and we add many illustrative examples for easy understanding. We also specifically focused on the situation of employees with disabilities, and parents.

For example, we advise employers to:

- avoid disadvantaging their employees on the basis of reasons such as race, gender, disability;
- refrain from asking questions about candidates' private lives in job interviews;
- pay employees a salary that corresponds to the complexity of their work, the difficulty of their working conditions, their performance or the results they achieve, and not according to unlawful criteria;
- prevent workplace bullying and train their HR staff in this regard;
- not let unlawful criteria influence their decisions on which employees should be offered contract extensions.

❑ ["Most frequent cases of workplace discrimination and how to avoid them" guide: File No. 68/2021/DIS](#)

In addition to the comprehensive guidebook we also published brief recommendations for employers, which serve primarily as a quick overview and reminder of the most basic rules that employers should follow to avoid discrimination in the workplace.

- ❑ [Defender's recommendation: File No. 72/2023/DIS](#)



PROVIDING HEALTH SUPPORT TO PUPILS IN SCHOOLS IS NOT WITHOUT ITS PROBLEMS

The law ensures that children have access to education regardless of any chronic illness or disability. However, it is not entirely clear who should provide health support to pupils in schools if they need it, and how. For example, parents of children with diabetes, whose condition also requires insulin administration at school, have been contacting us for a long time. We decided to look into the way schools dealt with the need to provide health support to pupils while they were at school. We were interested in the views of school management and parents. For example, we found that:

- the provision of health support to pupils in schools is sometimes covered by a written agreement between the school and the pupil's parents, with various scope and form;
- teachers and school management are concerned about the possible consequences of improperly provided health support;
- some parents of children with diabetes face problems in schools related to the provision of health support for their children;
- the lack of health support provision to children in school has negative consequences, such as their limited school attendance or increased demands on their parents' involvement.

Following the research findings, we recommended the Ministry of Education, Youth and Sports and the Ministry of Health to:

- track the related data – in particular on how many children and with what health needs are present in schools;
- define the health support that teaching staff can provide;
- or consider creating the position of educational and medical assistant.

We also recommended the adoption of some further measures to the respective schools and their management.

We presented the results of our research at a roundtable. We are now discussing our findings and recommendations with other ministries, schools and support associations.

[Defender's survey report: File No. 63/2022/DIS](#)

HIGHLIGHTING GOOD PRACTICE IN THE PROVISION OF HOUSING FOR VULNERABLE PEOPLE*

We regularly receive complaints from people facing obstacles in finding housing. Those who are at risk of housing distress include, in particular, the elderly, Roma, people with disabilities and families with children. Their situation continues to worsen due to rising housing costs. We conducted a survey to find examples of good practice in providing housing to different target groups across the regions. In doing so, we want to contribute to a better understanding of what works and is successful, and also to identify the shortcomings that the State should address in the future. For example, we found that:

- organisations found it useful to approach private owners when searching for flats;
- work with the client should be based on an individual approach, openness and mutual respect – this enables early recognition of problems that may lead to loss of housing;
- obstacles are posed by shortcomings in the operation of labour offices, especially delays in processing benefits, but also the lack of legislation that would bindingly lay down in detail the obligations of the State and municipalities in provision of housing.

The dissemination and promotion of good practices can lead to improving the accessibility of housing for people from vulnerable groups. That is also why we presented the results of our research at a roundtable.

[Defender's survey report: File No. 59/2022/DIS](#)

[Press release of 4 January 2024](#)

in this regard as we did. Its judgment will help to unify the practice of universities and raise the standard of protection of the right to equal treatment for trans people.

[Defender's recommendation: File No. 4/2018/SZD](#)

[Defender's comment: File No. 8895/2023/S](#)

[Judgement of the Regional Court in Ostrava – the branch in Olomouc, Ref. No. 60 A 76/2021-89](#)

[Defender's Bulletin, September/October 2023](#)

WE MONITORED PROTECTION AGAINST DISCRIMINATION IN THE CZECH REPUBLIC IN SELECTED AREAS

In 2021, by issuing our [monitoring report](#), we started a three-year process of systematic monitoring of the implementation of the right to equal treatment and compliance with the prohibition of discrimination in three areas: Roma education; equal pay for women and men; and changes in legislation to improve the protection of victims of discrimination and the enforceability of their rights. Our aim was not only to monitor changes in selected areas, but also to actively participate in the process of change by formulating recommendations.

[Defender's monitoring report: File No. 62/2020/DIS](#)

[Defender's monitoring report: File No. 89/2021/DIS](#)

In spring, we published our third monitoring report on the exercise of the right to equal treatment and protection against discrimination. We track developments in the topics and changes in indicator values over the year 2022. Only partial changes occurred in this period.

[Defender's monitoring report: File No. 16/2023/DIS](#)

At the end of 2023, we also published a fourth report concluding our monitoring activities, where we focus on the developments in 2023 and summarise the conclusions drawn from the whole period. We formulate a number of recommendations for individual ministries and municipalities, the implementation of which could lead to better application of the right to equal treatment. We recommend, for example, to:

- establish a working group tasked with developing methodological materials for diagnosing and overcoming social disadvantages in children and pupils;
- adopt a desegregation plan and set up school districts appropriately;
- submit an amendment to the Labour Code to provide for nullity of juridical acts whereby employees agree to maintain confidentiality of their salary;
- adopt certain procedural amendments to promote access to justice for victims of discrimination.

[Defender's monitoring report: File No. 55/2023/DIS](#)

TRANS PEOPLE WILL RECEIVE A DIPLOMA WITH UP-TO-DATE PERSONAL DETAILS AFTER SEX REASSIGNMENT

We have long been trying to ensure that universities re-issue diplomas with up-to-date names and surnames to graduates who underwent sex reassignment. In our view, not doing so contributes to discrimination and reduces employment opportunities for trans people. Following our recommendation, the Ministry of Education, Youth and Sports informed universities that they should issue new diplomas. However, this has not become the rule – there has been no change in the law obliging schools to do so. However, the Ministry is planning such a change and has accepted our comment and the issuance of a new diploma in the case of sex reassignment (unlike in other situations) will not be subject to a fee. We welcome the fact that, for example, the Regional Court in Ostrava has also come to a similar conclusion

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.

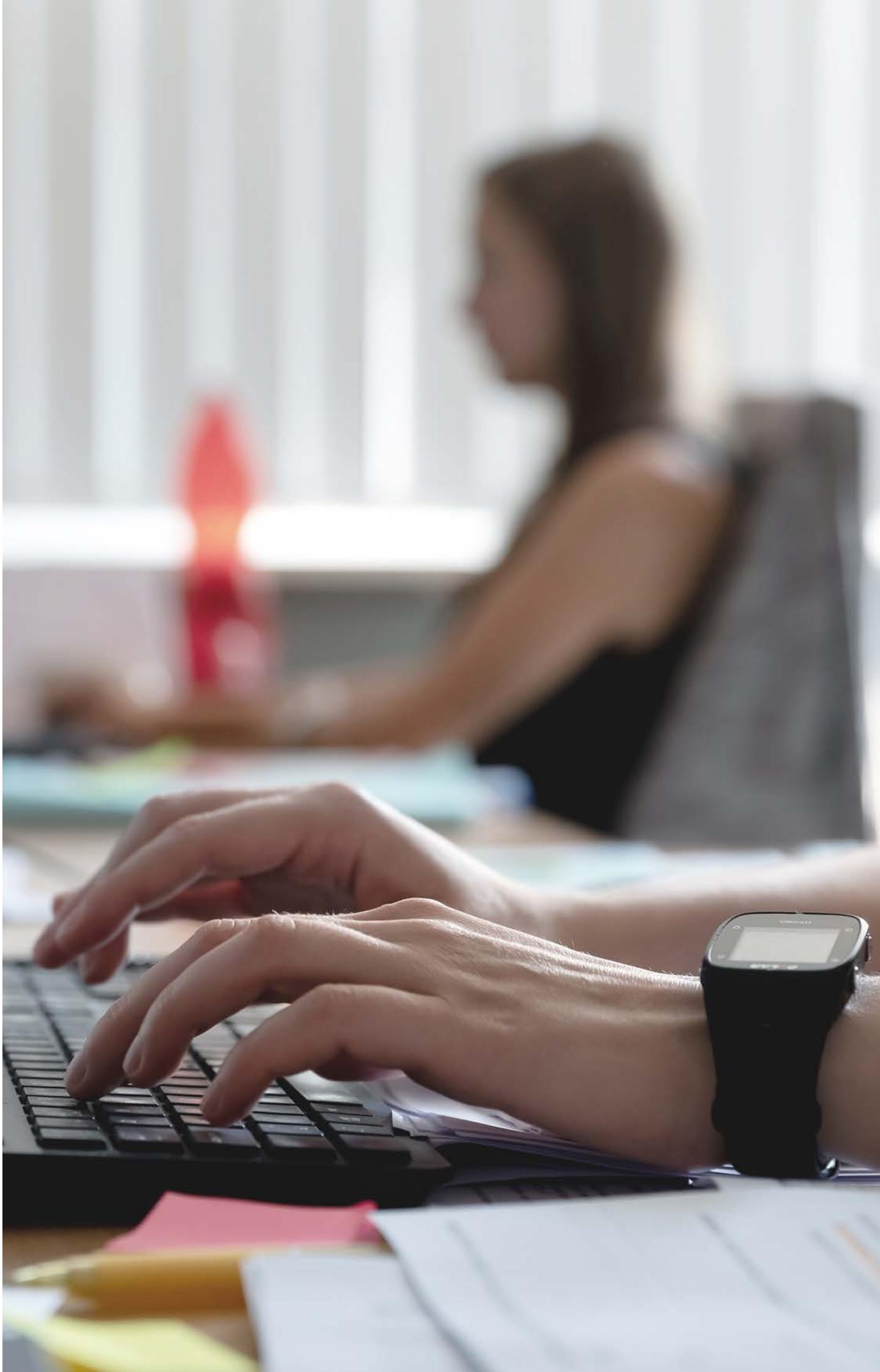
In 2023, we helped:

- › A man with a mild mental disability enjoying full capability to manage his affairs. However, disposing with property worth more than CZK 20,000 was subject to approval by his appointed guardian. His bank did not allow him to cancel his construction savings plan and open a new one because the amount saved up exceeded the limit, meaning his guardian was supposed to perform this act on his behalf. We found that the bank discriminated against the man because of his disability. A person enjoying full legal capacity has the right to dispose of his property without supervision, same as other clients with full legal capacity; when he needs it, he can use the support of his guardian. Based on our findings, the bank subsequently allowed the man to freely dispose of his accounts and savings.
- › A man who requested a reserved parking space in front of his house because of his disability. He had been using the reserved space in the past, and although his health was deteriorating, the city council did not agree to further reservation of the parking space. The council did not change its opinion even after our recommendation. We therefore helped the man find a pro bono attorney who would provide him with legal services free of charge.
- › A woman returning to work after seven years. Throughout her parental leave, she was successively taking care of three children. Upon her return, her employer set her salary at a lower amount than when she first left for maternity leave. She was dismissed for redundancy after she and her employer failed to agree on reducing her hours. As she was considering filing an action for annulment of her termination, we helped her find a pro bono attorney with whom she could also consult other legal issues in her case, including compensation.

[Defender's assessment: File No. 1970/2023/VOP](#)

- › A woman with a disability who requested a reserved parking space. The Roads Administration Authority has repeatedly refused to grant her requests, although the conditions for doing so were met. Our explanation helped her defend herself against the decision.
- › Female civil service employees who objected to being denied participation in a training course. Their supervisor did not want to allow them to attend the training course because they were on maternity and parental leave at the time. We provided them with explanations and support, and they subsequently succeeded in court.

[Judgment of the Supreme Administrative Court File No. 4 As 272/2022](#)



We communicate

At a project conference on the topic of domestic and gender-based violence* we presented cases of sexual harassment we have dealt with and our options for dealing with them.

We held a Parenting in the Workplace conference where we presented research and recommendations. We also talked about specific examples of unequal treatment of men and women by employers. For example, we described a case where ministries were cancelling the civil service posts of employees on maternity and parental leave, and marking the positions as vacant. An employee of the State Labour Inspectorate then shared her experience from inspection activities at the conference.

We participated in an international conference in Bratislava organised by the Slovak National Centre for Human Rights focused on gender equality in Europe. We presented the results of the research of the Public Defender of Rights on the situation of parents in the labour market, as well as the topics of sexual harassment in the workplace and the employment of LGBTQI+ people in the public sector.

PUBLIC ADMINISTRATION

In January we met with a representative of the Czech National Bank. We discussed the CNB's findings from supervisory examinations on the issue of basic payment accounts and maintaining accounts for natural persons with a guardian. We also shared news in the area of complaints handling.

In co-operation with the Office of the Government, we organised a seminar for inspectors of the State Labour Inspectorate and district labour inspectorates on investigating sexual harassment in the workplace. We introduced sexual harassment as a form of discrimination and discussed ways of most effectively performing inspections of alleged sexual harassment at employers.

At the invitation of the Ministry of Industry and Trade, we gave a lecture on the issue of sexist advertising at a training session for employees of regional trade licensing

authorities who deal with the regulation of illegal advertising. In particular, we presented our previous conclusions and the current case law of the administrative courts in this area.

We established co-operation with the Police of the Czech Republic and conducted several seminars for police liaison officers for minorities on the topic of discrimination. At the meetings we also discussed cases of discrimination that we have dealt with as well as model cases.

COMMITTEES, COUNCILS, WORKING GROUPS

We have discussed topics related to discrimination at meetings of the Committee on the Rights of the Child of the Government Council for Human Rights, the Government Committee on Roma Education, the Government Council on Roma Minority Affairs, the Working Group on Security, the Government Council for Gender Equality, and the Committee on Social Policy, Family and Care and the Committee on LGBTI+ Rights.

We participated in the expert forum on enforcement of the European Court of Human Rights judgement in case D. H. and Others v. the Czech Republic. The meeting was organised by the Office of the Government Agent of the Czech Republic before the European Court of Human Rights. The aim of the forum is to contribute to addressing segregation in education.

We are participating in a working group of the Healthcare Committee of the Senate of the Parliament of the Czech Republic on the topic of providing health support in schools.

STUDENTS

- ✓ In co-operation with the Faculty of Law of Masaryk University we continued teaching a course titled "Clinic of Anti-Discrimination Law".

- ✓ At the Gender and Social Rights seminar taught at the Faculty of Law of Charles University, we introduced students to the topic of gender discrimination, especially in the area of work and employment.
 - ✓ In a seminar on Human Rights Protection in Theory and Practice, also taught at the Faculty of Law of Charles University, students used case studies to experience what it is like to represent a plaintiff or defendant in a discrimination dispute.
 - ✓ We welcomed an excursion of cultural anthropology students from the Faculty of Arts of Palacký University in Olomouc. The excursion included a seminar on harassment at work and sexual harassment.
 - ✓ We established co-operation with the American Academy secondary school in Brno and prepared a seminar for its students on discrimination and how to defend against it.
 - ✓ At the "Human Rights - Live" event organised by the Masaryk University Faculty of Law in co-operation with the Pro Bono Alliance, we presented the fundamentals of anti-discrimination law.
 - ✓ We took part in an educational event called the Human Rights School, organised annually by the Pro Bono Alliance for law school students. The workshop focused on the issue of discrimination against pupils and students with disabilities in primary, secondary and higher education.
- in the Czech Republic, which the U.S. Department of State submits annually to the U.S. Congress along with other reports.
- ✓ We continued our co-operation with the European Network of Equality Bodies (Equinet), which brings together national equality bodies in Europe. At the annual meeting, in addition to electing new members to the executive board, we welcomed the [Ukrainian Parliament Commission for Human Rights](#) as members. We have also been involved in several working groups focusing on the possibility of issuing legislative recommendations, current issues in anti-discrimination law and its interpretation, and developments in European legislation on gender equality. We also continued discussions on the draft directives enshrining equal treatment standards [and the legislative process in the Council and the European Parliament](#). One of our cases is published in [Equinet Calendar 2024](#).

INTERNATIONAL CO-OPERATION

- ✓ We prepared a statement for the European Court of Human Rights in the case of S. v. Czech Republic (File No. [10/2023/SZD](#)), which concerns the education of a pupil with autism spectrum disorder. We have already dealt with these complainants' case and similar cases in the past, and we encounter issues related to the education of children with disabilities on a regular basis. In the statement, we provided our observations on the situation of children with disabilities in the Czech education system before 2016, i.e. at the time of the applicants' case. In particular, we pointed out that the system of support for pupils with disabilities showed systemic deficiencies in practice, for example in the problematic funding for teaching assistants.
- ✓ We participated in regular meetings of bodies for free movement of EU workers at the European Commission. The European Commission and the European Labour Authority (ELA) informed the participants about new developments in this area and planned activities for the future.
- ✓ We participated in an international delegation of gender equality experts from Ukraine (with the participation of the OSCE) and presented our activities, especially with regard to gender equality activities.
- ✓ We had a regular meeting with the staff of the U.S. Embassy in the Czech Republic. The information on discrimination-related topics forms the basis for the regular Country Report on Human Rights Practices



Monitoring of rights of people with disabilities

Since 2018, we have been monitoring the protection of rights of people with disabilities under the UN Convention on the Rights of Persons with Disabilities in the Czech Republic (hereinafter the "Convention"). Our main aim is to ensure that people with different disabilities or disadvantages can live as independent a life as possible according to their own wishes and preferences with appropriate support.

In 2023, we therefore focused on mapping the deinstitutionalisation process, i.e. the transformation of large institutions associated with the development of the necessary social services. In our research we investigated how people with disabilities live in institutions. We also commented on the strategic documents that guide the transformation and deinstitutionalisation.

We have repeatedly called for an increase in the allowance for care so that people with disabilities can pay for adequate assistance from field social services.

As people with disabilities still have to overcome many obstacles in terms of building design and access to information, we focused our survey on mapping these barriers. We provided comments on accessibility regulations and gave space for comments not only to experts but also to people with personal experience at a conference on this topic (see page [91](#)).



- 4** meetings of the advisory body for monitoring the rights of people with disabilities
- 10** meetings with self-advocates
- 8** meetings of the working group on accessibility of schools and school facilities
- 5** visits focusing on the conditions of clients in homes for people with disabilities
- 2** international conferences on accessibility and deinstitutionalisation
- 84** complaints resolved with regard to systemic shortcomings relating to the rights of people with disabilities
- 84** complaints resolved in the field of public guardianship and supporting measures

We help change the rules

VISITS TO HOMES FOR PEOPLE WITH DISABILITIES AND CHILDREN'S HOMES FOR CHILDREN UNDER THREE

In the past year we visited five homes for people with disabilities. In particular, we looked at how these services enhance their clients' abilities and skills to live as independently as possible and how they support them in moving towards services with less support.

We have also started a series of visits to children's homes for children up to 3 years of age, also known as infant care centres.

Reports on completed visits to facilities are available in the [Defender's Opinions Register \(ESO\)](#) (area of law, p. 801 et seq.) or in the [map of facilities visited](#). (the map is also available on page [108](#))

WE HAVE MADE THE HEARING TEST FOR PEOPLE WORKING IN RAIL MORE ACCESSIBLE

Based on our comments, the Ministry of Health modernised the conditions for hearing assessments of people working in the rail industry. We have been advocating for change of the decree since 2017 because it did not consider the advances in the development of compensatory aids.

In co-operation with the Czech Society of Otorhinolaryngology and Head and Neck Surgery, the Ministry has fundamentally modified the decree. It also set the hearing impairment limit exactly according to the EU directive. This unified the method of calculating hearing loss and clarified the rights of employees and the obligations of employers and occupational health care providers.

The rules for assessment of hearing in people working in rail not directly involved in driving railway vehicles, such as repairers and maintenance workers, will be more lenient than before. These employees, unlike train drivers, will be allowed to use electroacoustic or other hearing aids during hearing assessments. The new decree is effective from 1 January 2024.

 [The Defender's comments on draft Decree No. 260/2023 Coll.](#)

WE HAVE ADVOCATED FOR KEEPING TEACHING ASSISTANTS FOR CHILDREN WITH HIGHER SUPPORT NEEDS

The Ministry of Education, Youth and Sports has unveiled the biggest change in education for disadvantaged children since 2016. If the proposed law were adopted, teaching assistants would no longer be assigned to regular schools according to the needs of individual children, but according to pre-set criteria. Situations where no money is left for assistants for children with the most severe needs could happen. This would adversely affect the quality of teaching for all children and the teachers' work. We are not opposed to changes, but we demand a guarantee that the situation of disadvantaged children in mainstream education will not worsen. At the same time, we have spoken out against the discriminatory reduction in the pay class of teaching assistants, school psychologists and special educators. None of the proposals put forward had been adopted by the end of the year.

 [Defender's comments on an amendment to the Schools Act](#)

 [Defender's comments on an amendment to Decree No. 27/2016 Coll.](#)

 [Video recording of the roundtable hosted by SKAV and EDUin on the draft amendment to the Schools Act](#)

 [SKAV Press Release on the roundtable of 12 September 2023](#)



THE MINISTRY OF LABOUR AND SOCIAL AFFAIRS WILL CONVERT A FORM INTENDED FOR PEOPLE WITH DISABILITIES INTO AN EASY-TO-READ FORMAT

People with disabilities have told us that the information on the "Basic advice for participants in work rehabilitation" form is not easy for them to understand. Accessibility of all information is one of the requirements of the Convention. This requirement is all the more important in services directly intended for people with disabilities. We therefore recommended that the Ministry of Labour and Social Affairs modify the form into an easy-to-read format. The Ministry accepted the recommendation and undertook to adapt the form into an easy-to-read format and to test its comprehensibility with people with disabilities.

 [Defender's opinion: File No. 64/2022/OZP](#)

EDUCATION FOR CHILDREN WITH PROFOUND MENTAL DISABILITIES WILL HAVE NEW RULES

We have once again notified the Ministry of Education, Youth and Sports of a lack of methodological

guidance for regional authorities in decision-making on the education of children with profound mental disabilities. The same applies to the school counselling centres involved in its implementation. Current legislation allows these children to be educated in their home environment. However, individual regional authorities decide on such cases differently, and the activities of school counselling centres also require co-ordination and support. We have persuaded the Ministry to prepare a methodological guide for regional authorities and school counselling centres. The Czech Schools Inspectorate has promised to include the education of children with profound mental disabilities in its inspection activities.

RIGHTS OF UNIVERSITY STUDENTS WITH SPECIAL NEEDS

In our comments on the amendment to the Higher Education Institutions Act, we welcomed that it obliges all universities, including private ones, to provide adequate supporting measures for students with special needs. However, we had reservations about the misleading wording of this obligation. The wording of the proposed version leads to the false interpretation that it is up to the schools themselves to determine the extent to which they provide support to learners. It is also necessary to take into account the general protection of students with disabilities enshrined in the Anti-Discrimination Act.

We were also displeased that the proposal does not provide for a State contribution to fund supporting measures in private schools. If the State imposes obligations on private schools, its social duty is to provide a financial contribution to ensure that these obligations are met. We also pointed out that there should be a contact point in all universities to address students' specific educational needs.

 [The Defender's comments on the amendment to the Higher Education Institutions Act](#)

WE HAVE TAKEN INTO ACCOUNT THE EXPERIENCE OF PEOPLE WITH DISABILITIES WHEN COMMENTING ON OTHER LAWS AND REGULATIONS

We have used the insights of members of the Ombudsman's advisory body on the rights of people with disabilities and self-advocates; for example, in comments on the amendment to the Social Services Act (see page [72](#)) or the draft act on housing assistance (see page [67](#)). We also commented on the proposal for a directive establishing a European Disability Card and European Parking card for persons with disabilities. Together with self-advocates, we commented on the act on public guardianship.



We are here to help

THE LABOUR OFFICE WILL TAKE UNIVERSAL DESIGN INTO ACCOUNT WHEN REIMBURSING THE COST OF AIDS FOR PEOPLE WITH DISABILITIES

Employers in the sheltered labour market can apply to the Labour Office for reimbursement of the costs of adapting the working environment for employees with disabilities. We encountered a case where an employer of people with visual impairments asked the Labour Office whether it would provide a contribution towards the purchase of ordinary mobile phones. The Labour Office responded that it would not, as the phones were not specifically adapted for people with visual impairments.

We informed the Labour Office that some modern technologies and devices used at work are developed with universal design principles, i.e. in a way that they can be used by everyone as much as possible without requiring specialised adaptations for people with disabilities. We recommended that the Labour Office support technologies and devices that use universal design principles in accordance with Article 2 of the Convention when deciding on granting contributions. The Labour Office accepted our recommendation.

 [Defender's opinion: File No. 9/2021/OZP](#)

TV BROADCASTERS KNOW HOW TO MAKE PLANS TO MAKE THEIR PROGRAMMES MORE ACCESSIBLE

By 30 June 2023, broadcasters and providers of on-demand audiovisual media services had to submit action and implementation plans to the Council for Radio and Television Broadcasting (CRTB) on how they will make their broadcasts and services more accessible through closed

captioning, audio descriptions and sign language interpretation by 2025. As people with hearing and visual impairments were concerned about how broadcasters and providers would approach the new obligation, we discussed the matter with the CRTB.

We recommended that the Council issue guidance on developing action and implementation plans to help meet the legislature's intent to gradually increase the number of programs made accessible to audiences with hearing and visual impairments. The CRTB issued three recommendations, sent them to all broadcasters and providers and published them on its website.

-  [CRTB recommendations for operators of nationwide television broadcasting](#)
-  [CRTB recommendations for operators of other than nationwide television broadcasting](#)
-  [CRTB recommendations for providers of on-demand audiovisual media services](#)

WE HAVE BEEN LOOKING INTO WHAT PREVENTS FASTER AND MORE EFFECTIVE CLOSURE OF INSTITUTIONS AND THE PROMOTION OF LIFE OUTSIDE THEM*

Our research mapped the state of deinstitutionalisation, i.e. the transition from the institutional model of care to services and support enabling independent living in the community. Among other things, we tried to discover the barriers standing in the way of faster and more effective deinstitutionalisation and the development of community social services.

We analysed the strategic documents of the respective administrative regions and the Ministry of Labour and Social Affairs and interviewed their officials. For example, the research has shown that only a small part of the regions' medium-term plans for the development of social services are focused on closing the institutions and pre-

venting the transfer of institutional elements to the transformed services. The involvement of people with disabilities and organisations representing them in planning the development of social services is low at both the regional and national level.

Major obstacles to a more rapid transformation of the institutional model of care include, for example, low public awareness of what living in an institution really means and the associated low and fluctuating political will for change. We will endeavour to change this in the future.

We presented the results at a conference where self-advocates who have experience with life in an institution and living in the community also spoke. The presentation from the conference is available [on our website](#). A research report will also be published there in early 2024.

WE EXAMINED THE ACTIVITIES OF THE PUBLIC GUARDIAN

A woman with restricted legal capacity disagreed with the practices of her public guardian – the municipality. In particular, we examined the guardian's handling of her psychiatric hospitalisation and found out it had erred. The complainant did not consent to hospitalisation; in such a case, any involuntary hospitalisation must be decided on by the court. Since the healthcare facility failed to comply with its obligation to notify the complainant's admission to the facility, the guardian was supposed to initiate proceedings on declaration regarding the admissibility of such a procedure. The guardian is appointed to defend the rights and interests of the person under guardianship. If the initiative for the hospitalisation came from the guardian, it should have been all the more careful to ensure that it was carried out according to the law.

 [Defender's Report File No. 1709/2021/VOP](#)

* The research was carried out as part of the project "Reinforcement of activities of the Public Defender of Rights in human rights protection (with the aim of establishing a National Human Rights Institution in the Czech Republic)", No. LP-PDP3-001. This project is financed from the EEA and Norway Grants 2014–2021 and the State budget of the Czech Republic.



Meeting with the Director of the Madrid Social Services Centre

We communicate

AT THE FIRST NIGHT OF DIGNITY WE REMEMBERED THE MURDERED DOROTA ŠANDROVÁ

Because of her disability, Dorota Šandorová experienced many years of abuse from her caregivers. One of them ultimately killed her in early January 2021. We remembered her and the situation of other people with disabilities at a commemorative event called Night of Dignity. It was preceded by a panel discussion with experts and people who experienced a stay in a psychiatric hospital or a social care facility. We discussed what changes are needed so that every person – regardless of their disability or illness – can live with dignity.

 [Press release of 6 January 2023](#)

THE ADVISORY BODY DEALT WITH ALLOWANCES FOR CARE, CONVERSION OF INSTITUTIONS AND SUPPORTING MEASURES

The advisory body met four times in 2023 and adopted five major resolutions. Among the topics that the advisory body has been addressing on an ongoing and long-term basis are the topic of deinstitutionalisation, i.e. the process of transforming institutional services into community based services, and the topic of the allowance for care (Articles 19 and 28 of the Convention). In this context, members of the advisory body pointed out that the current setup of the allowance for care does not consider the actual needs of people with disabilities and that its current level does not reflect current price increases.

 [Press release of 19 January 2023](#)

 [Press release of 2 May 2023](#)

In addition, the advisory body has identified the areas of supporting measures and restriction of legal capacity as the next priorities in its work (Article 12 of the Convention). For example, we were dealing with the fact that although the legislation also allows for the use of other forms of decision support that are based on respect for the will and preference of the person supported, these are used only to a small extent and are inaccessible to many people with disabilities.

 [Press release of 3 July 2023](#)

The advisory body also addressed the area of accessibility of public buildings and services (Article 9 of the Convention). We discussed the fact that even new buildings for public use often do not meet the legal requirements for barrier-free access and that people with disabilities must also be involved in the development of new construction regulations alongside experts on barrier-free access to buildings.

 [Press release of 13 November 2023](#)

CO-OPERATION WITH FOREIGN COLLEAGUES

In 2023, we also sought inspiration from our foreign colleagues. This time we looked to Spain, where we drew on the experience of various institutions, including the local monitoring body CERMI. We have looked in more detail at the recent reform in the area of the promotion of persons' free will and decision-making (Article 12 of the Convention) and its practical impact. We can draw inspiration from the changes in Spain concerning people with disabilities and support in their decision-making. Of particular note is the functional co-operation between organisations, courts, notaries and attorneys.

The 2021 amendment to the Civil Code abolished guardianship in Spain and people with disabilities can no longer be deprived of or restricted in their legal capacity, as enshrined in Article 12 of the Convention. Adult people may determine supporting measures for themselves, e.g. by means of a notarial deed, or by a court decision. The



importance of non-profit organisations providing professional support in decision-making, most often in the form of assistance, has increased.

The close co-operation between courts, public prosecutors' offices and notaries is equally important. If the court is deciding on supporting measures, a report on the social environment of the person with disabilities must also be drawn up; a medical report alone is no longer sufficient. Spain has also amended its procedural rules, which now enshrine the right to reasonable accommodation during court proceedings. This includes, for example, making documents easy to read or having a facilitator present at oral hearings.

We were also interested in information about the current state of deinstitutionalisation in Spain (in relation to Article 19 of the Convention) and the topic of monitoring mechanisms such as indicators, the Optional Protocol, the involvement of people with disabilities in the monitoring process, and the submission of alternative reports to the UN Committee.

We established further co-operation in the area of monitoring the Convention with three Slovak representatives. At a joint meeting with the Slovak Office of the Commissioner for Persons with Disabilities, Office of the Commissioner for Children and the Public Defender of Rights, we shared experiences from visits to facilities. We also discussed possible ways of harmonising the mandates of preventing ill-treatment of people restricted in their freedom and monitoring the rights of people with disabilities.

ACTIVE PARTICIPATION IN THE ACTIVITIES OF THE GOVERNMENT COMMITTEE AND ITS EXPERT GROUPS

We regularly join the meetings of the Government Committee for Persons with Disabilities (GCPD), but we do not vote on the proposed resolutions due to our independence. Nevertheless, we attended all four meetings of the GCPD, always bringing key topics and sharing practical insights. We have sought to amplify the impact of our recommendations and legislative comments. We agreed with the members of the GCPD in all important cases, such as the increase in the allowance for care, support in legal acts and the amendment of the schools' regulations.

[Minutes of GCPD meetings and resolutions adopted](#)

We have also actively participated in the meetings of two GCPD expert groups, namely on accessibility of public administration and support for persons with limited capacity to make legal acts. We welcomed the members of the second group together with one of the Supreme Court judges at the Office of the Public Defender of Rights.

[Press release of 13 July 2023](#)



TEACHING AT THE LEGAL CLINIC OF VULNERABLE GROUPS RIGHTS

We have launched a new course "Legal Clinic of Vulnerable Groups Rights" at the Faculty of Law of Masaryk University. Within this course, among other things, we lectured about the Convention, especially the right to independent living for people with disabilities in institutions and in the community. Students also learned about the topics of ill-treatment, discrimination and rights of the child.

OUR FACEBOOK GROUP "RIGHTS OF PEOPLE WITH DISABILITIES" KEEPS GROWING

Social networks are important in spreading awareness and participation of people with disabilities and the organisations defending their rights. The Defender's "Rights of people with disabilities" Facebook group continued to grow to 1,400 members in 2023 – in 2019, we started with less than 400 members. We published more than 200 posts, and the group was viewed by almost 33,000 people.

If you want to follow us, join here:

<https://www.facebook.com/groups/319938625441179>

WE FOCUSED ON THE PROVISION OF SUPPORTING MEASURES IN SPECIAL SCHOOLS

We have met twice with representatives of special schools, special education centres and non-profit organisations to present the results of the monitoring we have been conducting since 2020, based on a joint initiative of the organisations [Spoluškola](#) and the [League of Human Rights](#). Our aim was to map how the education of children with disabilities has changed since the 2020 modification of the funding system for certain supporting measures, such as compensatory aids and teaching assistants.

We have found that the conditions of education in special schools vary across administrative regions according to the willingness of their public founders (municipalities and administrative regions). There are also differences between public and private schools. Public schools' ability of to use State funding is very important. Its amount is determined by the [PHAmox](#) value. Our findings also show that more and more children with disabilities are staying in home education. Educators gave recommendations for other children to be placed in special schools, which is costlier than assigning a teaching assistant for the child. We also presented these findings to the professional public at the seminar "Education of children with severe combined disabilities" in the Chamber of Deputies. We will discuss the results of the monitoring with the Ministry of Education, Youth and Sports.

WE GIVE LECTURES ON DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES IN EMPLOYMENT

We gave two lectures on discrimination against people with disabilities in employment at seminars abroad organised by the Academy of European Law (ERA). The seminars were intended for people working in the legal profession, in authorities (labour inspectorates) or in non-profit organisations in all EU Member States. We focused on cases of people with disabilities in the field of work and employment that the Court of Justice of the European Union (CJEU) had dealt with, with an emphasis on taking reasonable measures. We also spoke about the importance of reasonable measures for the inclusion of people with disabilities in the labour market at the Labour Law 2023 conference, organised by the Czech Society for Labour and Social Security Law.

 [Discrimination against people with disabilities in employment under EU law \(presentation\)](#)

WE WANT BARRIER-FREE SCHOOLS

At a conference organised by the Prague Wheelchair Users Organisation, we explained why the State should systematically map the accessibility of schools and school facilities. We have presented real cases from practice that we or the European Court of Human Rights have dealt with. We also informed the participants of one of the possible tools for mapping school accessibility – an interview survey for schools.

 [Schools Without Barriers Conference](#)

WE WORK CLOSELY WITH SELF-ADVOCATES

We deepened our co-operation with self-advocates from different parts of the country. Together with self-advocates from the project of the Society for Support of People with Mental Disabilities in the Czech Republic, we met to discuss the topics of employment of people with disabilities, housing and independent living. The outcomes of the working group form part of our recommendations on the employment of people with disabilities, for example.

We have worked with the topic of self-advocacy and the involvement of people with disabilities in the making of policies, laws and strategies throughout the entire year. In May, in cooperation with the Faculty of Social Studies of Masaryk University, we organised a lecture by Kate Thomas, Australian self-advocacy expert. A recording of her presentation and the subsequent discussion can

be viewed on [YouTube](#). Thanks to the lecture, groups of self-advocates from Uherské Hradiště, Luhačovice and Hradec Králové, with whom we regularly meet, were able to get in touch with each other. We will continue to work intensively with self-advocates in the coming years. We will co-operate with the Faculty of Social Studies of Masaryk University on a project supported by the Technology Agency of the Czech Republic. Apart from the involvement of people with disabilities in monitoring the implementation of the Convention, one of the outputs of the project will be our recommendations on the involvement of people with disabilities.

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

WE MET WITH THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS

We met with the Council of Europe Commissioner for Human Rights and talked in particular about the issue of deinstitutionalisation in the Czech Republic, i.e. the process of transforming institutional care into community based care. We also discussed financial support for people with disabilities and people with challenging behaviour. We informed the Commissioner of the persisting shortcomings and positive partial changes in this area.

CONFERENCE ON PROFESSIONAL SUPPORTED DECISION-MAKING

We spoke at a conference on professional supported decision-making for people with reduced capacity to make legal acts. Support in decision-making (in Czech: podpůrčovství) in legal matters can consist, for example, of clarifying a situation, text or statement, giving advice or accompanying someone to a hearing. Such support is often sufficient and more appropriate for the person supported and the development of their skills than limiting their legal capacity or appointing a guardian. During the conference, we introduced the attendees to the decision-making practice of the district courts in the approval or revocation of contracts for assistance as one of the



alternatives to a decision on restricting a person's legal capacity. We evaluated the current practice from various aspects and presented proposals for improving the current state of affairs.

WE WANT HIGH-QUALITY CZECH SIGN LANGUAGE EXAMS

We have been negotiating with the Ministry of Education, Youth and Sports (MŠMT) and other stakeholders about the creation of a Czech sign language exam. This follows up on our earlier recommendations for guaranteeing high-quality interpretation. Although the Ministry of Education and Science has provided a description of Czech Sign Language levels, it has not introduced a unified test which would verify the level of proficiency as we requested – we wanted language proficiency tests for Czech Sign Language similar to those for foreign spoken languages.

A unified language test will enable its takers to prove their minimum level of language proficiency.

High-quality interpreting and the use of Czech Sign Language in practice is necessary in schools, as well as in social services, in court or with the police. Since 2015, the UN Committee on the Rights of Persons with Disabilities, which oversees the implementation of the obligations under the Convention, has been demanding that the Czech Republic provide sufficient funds for the creation of a unified language test. The ministry has now tasked the National Pedagogical Institute with setting up a working group to draft a professional qualification standard for the test.



Ombudsman and clarity of official texts

We continue to promote the use of plain language by the authorities. People should understand the authorities' communication towards them. We have verified that there are no legislative obstacles to using plain language in official communication. In fact, by communicating clearly, the authorities are complying with the [principles of good governance](#). For this reason, they need to guide their staff to do this and support them.

That is why we published a guide on "[How to write clear official texts](#)". It describes what we consider to be a comprehensible official text and offers a number of examples, making it a practical tool for anyone who writes official communications. We informed all the ministries, as well as the regional and municipal authorities about the guide.

We are pleased that many authorities have welcomed the guide and want their employees to use it – some have included it in their “onboarding package” for new hires. The recommendation to use the manual even appeared in several administrative court decisions (judgments of the Regional Court in Brno, Ref. Nos. [41 Az 23/2022-120](#) and [41 A 28/2022-23](#)).

We understand that the road to clarity does not end with the publication of a guide.



WE ARE ALWAYS TRYING TO SET AN EXAMPLE AND BE AS CLEAR AS POSSIBLE OURSELVES:

- 🔍 › For some of our complainants, we looked at how well they understood the answers, that we sent them.
- 📝 › We continue to transcribe our [leaflets](#) for the general public.
- 📋 › We have renewed the tradition of [the Ombudsman's Bulletin](#), in which we provide easy-to-understand information about the issues we are dealing with.
- 🎓 › We keep on training ourselves in how to write as clearly as possible to the people who contact us.



Lawyers of the Methodology and Analysis Department

WE ASSIST IN THE CREATION OF DOCUMENTS WRITTEN IN PLAIN LANGUAGE

We offer the authorities assistance with their documents. A successful example is the pilot testing of a new template for decisions on applications for international protection, created in our co-operation with the Ministry of the Interior. Together we introduced it to people from the administrative courts and arbitrators who use it. The template will make decisions easier to understand for foreigners who may not understand Czech well, as well as simplify decision-making for arbitrators.

Based on the results of readability testing, we have issued new application [forms](#) for financial assistance for victims of crime or their survivors in co-operation with the White Circle of Safety (Bílý kruh bezpečí). Making the form available to submit online is planned.

We have also discussed the topic of making documents easier to read with the Prison Service and the General Inspectorate of Security Forces.

We have proposed that the Ministry of Finance amend the instruction on the possibility to lodge an action (File No. [6000/221/VOP](#)). We are currently waiting to see which changes will be successfully completed.

PITFALLS IN PROMOTING PLAIN LANGUAGE COMMUNICATION

In some cases, we run up against traditional ideas of what an official text should look like. For example, some authorities insist on using technical terms and quoting legal regulations or court decisions verbatim instead of rephrasing or explaining the matter to the reader in plain language. They are also very reluctant to address people (for example, pension claimants) directly (by using "you") rather than writing about them in the third person ("the party") and believe such practice is only acceptable in informal communication.

WE DISCUSS COMPREHENSIBILITY WITH OFFICIALS AND STUDENTS

In 2023, a working group consisting of dozens of representatives of the authorities and other experts met four times. At the meetings, we covered general comprehensibility, templates and patterns, providing support to office management, the plain writing guide, and training. It turns out that there is a lot of interest in training in plain language in various official bodies.

We also [discussed](#) the issue with the Supreme State Secretary, where we presented the project at a methodological meeting on civil service at his invitation. We also introduced the project to judges at a training in Kroměříž.

We promoted the topic of comprehensibility of public administration in the update of the "Czech Republic 2030" [strategic framework](#) for sustainable development.

We pointed out to the Digital Information Agency that we must not forget comprehensibility in digitalisation of the State, as easy access to information is useless if people cannot understand what the information says.

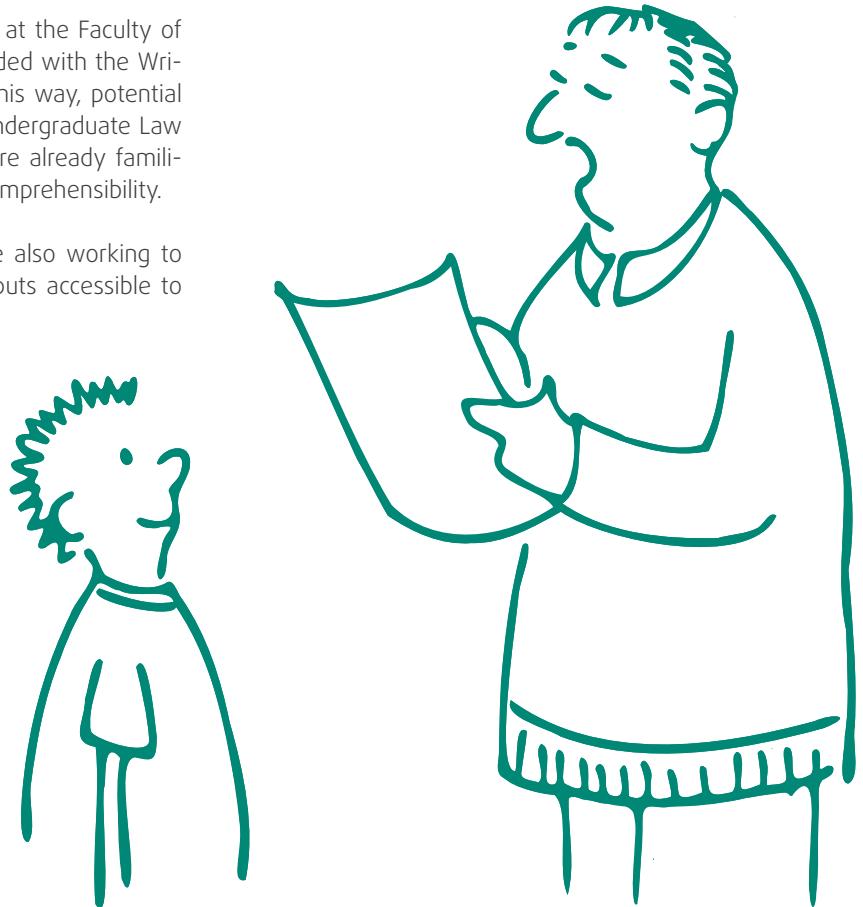
Since Czechia is not the only country where comprehensibility is an issue, we exchanged our experience in this matter with the European Ombudsman's Office and participated in the [Clear writing for Europe 2023](#) conference.

We have also started to draw authorities' attention to the incomprehensibility of their answers during the investi-

gation of individual complaints (File No. [934/2023/VOP](#)). Further co-operation with authorities interested in improving the comprehensibility of their outputs will be a high priority for us in 2024.

We will continue our teaching activities at the Faculty of Law in Olomouc, which we have expanded with the Writing Official Texts 2 follow-up course. This way, potential future civil servants – students of the undergraduate Law in Public Administration programme – are already familiarising themselves with the aspect of comprehensibility.

And we do not just stop there: we are also working to make written public administration outputs accessible to people with disabilities.



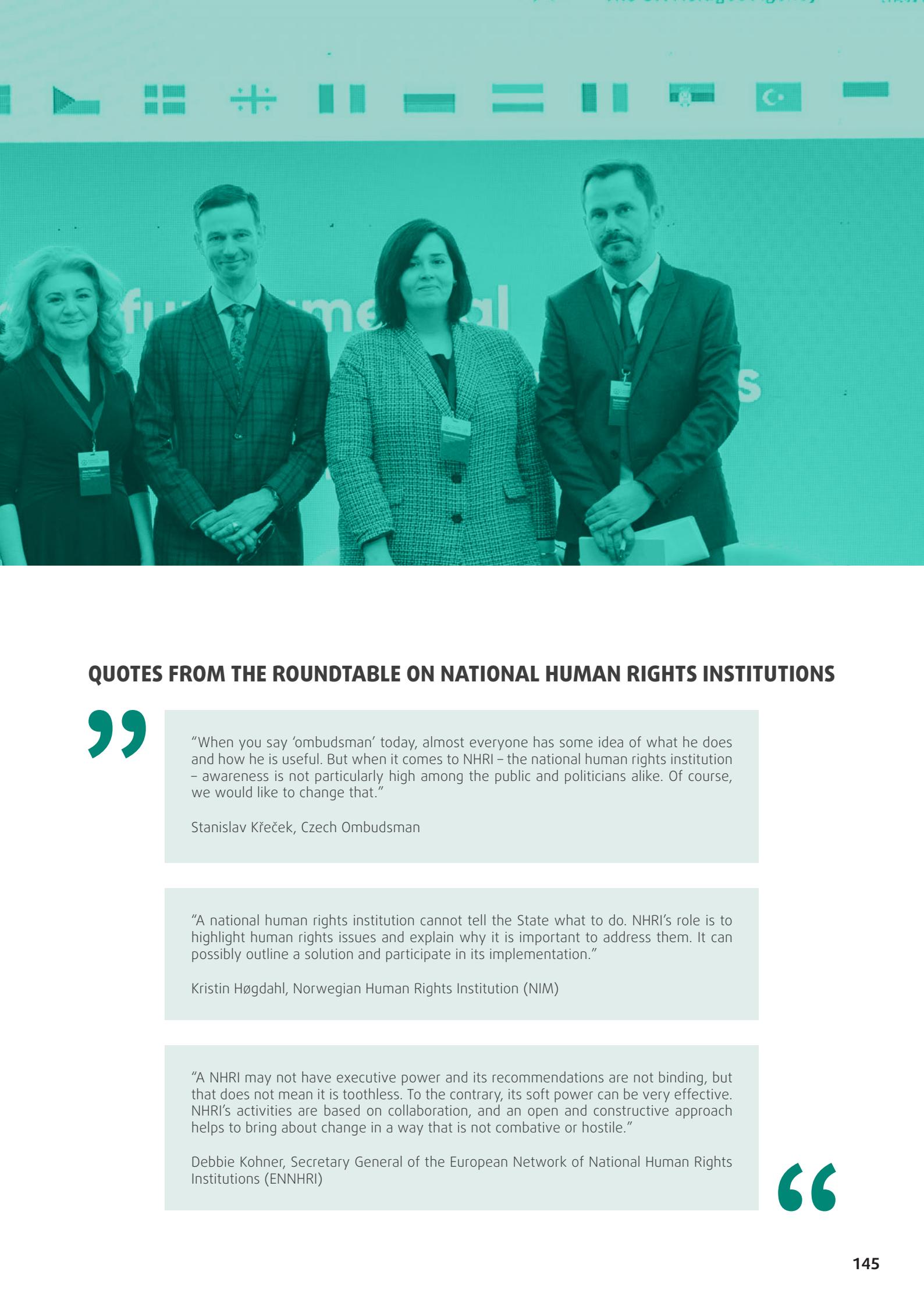


International relations

Our most significant foreign relations event of 2023 was the international roundtable on the establishment of national human rights institutions (NHRI). We invited representatives of national human rights organisations from Norway, Slovakia, Estonia and Slovenia, as well as representatives of international human rights organisations, such as the European Network of National Human Rights Institutions (ENNHR), the European Union Agency for Fundamental Rights (FRA) and the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe.

These human rights experts, together with the Minister for Legislation, academics and representatives of NGOs, discussed the NHRI's mission and operation, and discussed the forthcoming amendment to the Public Defender of Rights Act. It envisages that the mandate of the [National Human Rights Institution](#) (NHRI) would be carried out by the Defender (see page [156](#)) and that the current Office of the Public Defender of Rights would also include a children's ombudsman (see page [42](#)).

The roundtable was organised thanks to the project "Reinforcement of activities of the Public Defender of Rights in human rights protection (with the aim of establishing a National Human Rights Institution in the Czech Republic)", No. LP-PDP3-001, financed from the EEA and Norway Grants 2014–2021 and the State budget of the Czech Republic.



QUOTES FROM THE ROUNDTABLE ON NATIONAL HUMAN RIGHTS INSTITUTIONS

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“When you say ‘ombudsman’ today, almost everyone has some idea of what he does and how he is useful. But when it comes to NHRI – the national human rights institution – awareness is not particularly high among the public and politicians alike. Of course, we would like to change that.”

Stanislav Křeček, Czech Ombudsman

“

“A national human rights institution cannot tell the State what to do. NHRI’s role is to highlight human rights issues and explain why it is important to address them. It can possibly outline a solution and participate in its implementation.”

Kristin Høgdaal, Norwegian Human Rights Institution (NIM)

“A NHRI may not have executive power and its recommendations are not binding, but that does not mean it is toothless. To the contrary, its soft power can be very effective. NHRI’s activities are based on collaboration, and an open and constructive approach helps to bring about change in a way that is not combative or hostile.”

Debbie Kohner, Secretary General of the European Network of National Human Rights Institutions (ENNHR)

THE FOUR ROLES OF NHRI

The participants agreed that the strength of national human rights institutions lies in their credibility and authority. Like the Ombudsman, they can initiate necessary changes without formal powers, based only on their expert recommendations.

They also identified four basic roles of national human rights institutions:

- **Advisor:** NHRI can initiate legislative changes, make recommendations on how to improve human rights in practice.
- **Watchdog:** monitors human rights in all areas and across the board. Draws attention to existing shortcomings in the area of human rights and the rule of law.
- **Bridge-builder:** connects governmental authorities and civil society, creating a platform for their broad interaction, co-operation and involvement in international monitoring mechanisms.
- **Educator:** raises general awareness of human rights and participates in human rights education.



MEETING OF VISEGRAD GROUP OMBUDSPERSONS

The annual meeting of Visegrad Group ombudspersons was hosted by Polish Ombudsman Marcin Wiącek in autumn 2023. During the conference in Wrocław, participants focused mainly on the areas of equal treatment and prevention of torture, as well as on the relationship between ombudsman institutions and the judiciary. For example, Vít Alexander Schorm, the Czech Deputy Public Defender of Rights, described the difficulties caused by the lack of court-appointed experts. According to the Polish Ombudsman, the local judiciary faces similar problems.

In a [joint statement](#) at the end of the meeting, the representatives of the ombudsman institutions of the Visegrad Four countries stressed that any extension of their powers requires adequate funding and staffing. Ombudspersons in all four countries have experience with gradual growth of their mandates. For example, in 2023 the Slovak Ombudsman began to oversee the rights of people restricted in their freedom.

INTERNATIONAL MEETING OF OMBUDSPERSONS AND NATIONAL HUMAN RIGHTS INSTITUTIONS

Ukrainian Ombudsman Dmytro Lubinets asked the Czech Ombudsman to co-organise an online meeting of ombudspersons and national human rights institutions from around the world. At a meeting on the eve of the second parliamentary summit of the Crimea Platform held in October in Prague, participants discussed current problems and human rights violations in Crimea and other territories of Ukraine occupied by the Russian Federation. They also focused on the global impact of the Russian invasion and the assistance they can offer the Ukrainian people.

According to the Ukrainian Ombudsman, Ukrainians are being deported and displaced. At the conference, he therefore appealed to his ombudsperson counterparts from various countries to help Ukraine return home all deported, illegally displaced Ukrainian children, civilian hostages and prisoners of war.

[Press release of 24 October 2023](#)



CO-OPERATION WITH OTHER FOREIGN OMBUDSMAN INSTITUTIONS

During their meetings, the Slovak Ombudsman and the Czech Ombudsman and his Deputy agreed to co-operate in protecting people deprived of their liberty from ill-treatment. The meeting was followed by a working visit by Slovak colleagues who will be conducting preventive visits to facilities, with whom we shared our experiences and challenges.

The same topic was also of interest to the Moldovan Ombudsman and his team. We presented our other activities and accepted the invitation to Moldova.

At the September international conference organised by the Moldovan Ombudsman to mark the 25th anniversary of his office, the Deputy Ombudsman spoke about assistance for people coming from Ukraine.

In June, the Ombudsman met with his Hungarian counterpart and the representatives of both countries' pri-

son services. They discussed how mutual co-operation between ombudsman institutions and the prison service can help improve the protection of rights of people restricted in their freedom.

We also discussed the establishment of closer co-operation and the experience with the functioning of NHRI within the Ombudsman institution with the Austrian Ombudswoman and the Secretary General of the International Ombudsman Institute.

At the beginning of December, we attended the Freedom or Fear conference in Kyiv organised by the Ukrainian Ombudsman on the occasion of the 75th anniversary of Human Rights Day. The main focus was the discussion of human rights violations as a result of Russian aggression.

CO-OPERATION WITH INTERNATIONAL HUMAN RIGHTS ORGANISATIONS

At the end of June, the Deputy Public Defender of Rights attended the meeting of the Steering Committee for Human Rights ([CDDH](#)) of the Council of Europe as a member of the delegation of the European Network of National Human Rights Institutions ([ENNHR](#)). In June, he also attended ENNHR's General Assembly and the 10th Anniversary Conference.

We have provided the European Commission and ENNHR with documents for the annual report on the state of the rule of law in the Czech Republic.

The Ombudsman and his Deputy met with the Commissioner for Human Rights of the Council of Europe during her visit to the Czech Republic. They provided her with information for [the report on the human rights situation](#) in selected areas, which she published following her visit.

For an overview of foreign activities related to the promotion of the right to equal treatment see page [127](#), for monitoring the rights of people with disabilities see page [135](#) and for foreign law issues see page [102](#).



Media and communication

Ombudsman topics continued to appear regularly in the media and on social networks in 2023. Czech Television has covered [issues such as problems with the payment of social benefits](#), researched the [accessibility of buildings and services](#) for people with disabilities, the [situation of children with a parent in prison](#), and the rules for [access to game enclosures](#). TV Nova reported the story of our complainant – a [canoeist](#) who receives a lower pension because he extended his university studies to represent Czechoslovakia in this sport.

In a live broadcast on ČT24, we presented, among other things, our [recommendations](#) for handling applications for financial assistance to victims of crime (starting at 16:30 of the recording), explained the regulations concerning the [disposal of dangerous asbestos](#) and described the problems faced by [people coming from Ukraine](#). We also talked about protection of people in nursing homes [from ill-treatment](#) (4:50), [compensation for illegal sterilisations](#) (7:30), and [noise measurement](#).

We also shared our experience with communication with our foreign colleagues. In May, together with the spokesperson of the Ombudswoman of Croatia, we prepared a [two-day international workshop](#) on media relations for PR staff of the institutions associated with the European Network of Equality Bodies ([EQUINET](#)) in Zagreb.



SOCIAL MEDIA

- f 8 447** people follow [@verejny.ochrance.prav](#) → + 5 %*
- x 3 182** follow [@ochranceprav](#) → + 5 %
- o 1 513** follow [verejny.ochrance.prav](#) → + 21 %
- in 515** followers Public Defender of Rights – Ombudsman → + 124 %
- o 298** subscribers [Ombudsman](#) → + 29 %

*compared to 2022

WHICH TOPICS DID OUR FOLLOWERS FIND MOST INTERESTING?

- › warning that some people with mental disabilities are given high doses of sedatives
- › information about financial aid for people affected by the tragic shooting in Prague
- › Defender's help to a boy with autism whose health was being affected by a bus stop under his window
- › the My Life, My Choice or Self-Determination conference about life in and out of institutions
- › issues in the handling of claims for unlawful sterilisation compensation

BESIDES POSTS ABOUT CURRENT EVENTS, WE ALSO REGULARLY PUBLISHED INFORMATION SERIES ON:

- › institutional and protective education
- › the Ombudsman and social services
- › childhood without violence
- › pregnancy and maternity at the workplace
- › animal protection
- › basics of anti-discrimination law

PRINT AND ONLINE MEDIA

Writers in the press and on online media platforms mentioned the Ombudsman not only in connection with current events, such as [delays in the payment of social benefits](#) or changes to the rules for [early retirement](#), [cuts in education](#), or the [demolition of a historic villa](#) in Brno, but they also addressed broader societal topics. Among them were the impact of [corporal punishment of children](#), [patients' rights](#), [accessibility](#) of buildings and services, [education of Roma schoolchildren](#), [restrictions of legal capacity](#) of people with disabilities, and compensation for [unlawful sterilisations](#).

Among other things, the Advokátní deník journal published articles on the possible [establishment of a children's ombudsman](#) and a national human rights institution, [changes in guardianship](#), problems in [delivering mail to people in prison](#), and our [e-learning on anti-discrimination law](#).

For the magazine Můžeš, published by Konto Bariéry, we prepared articles about the first Night of Dignity and the memory of the murdered Dorota Šandorová ([Můžeš 1/2023](#), p. 59), about how people with disabilities are involved in the creation of regulations that affect them ([Můžeš 2/2023](#), p. 56), about consumer disputes ([Můžeš 3/2023](#), p. 56), and about our research on schools' approach to providing health supports to students with chronic illness or disabilities ([Můžeš 4/2023](#), p. 54).

PODCASTS "HAVE A COFFEE WITH THE OMBUDSMAN"

During the year, we recorded twenty-one podcasts, including our [100th episode](#). Our listeners were most interested in the interview on the protection of the rights of children [growing up in institutional care](#) (episode 98). They were also interested in the podcast giving advice on [what to](#)



Máme nový Zpravodaj ombudsmana!



Markéta Lankášová, Alžbeta Šimková

© 27. února 2023 15:00

I při obyčejné cestě na nákup či na úřad lidé s postižením, ale i s kočárky stále narážejí na nepřijemné bariéry. Někdy je dostávají až do nedůstojných situací. Kancelář ombudsmana nyní testuje, jak jsou veřejné budovy přístupné a kde všude se odklání od silbované bezbariérovosti. Unikátní výzkum přiblížují jeho koordinátorky.

[look out for before buying a plot of land](#) (episode 81) and episodes dedicated to [neighbour relations](#) (episode 85) or [sexual harassment](#) (episode 96).

OMBUDSMAN'S BULLETIN

The [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.

NIGHT OF LAW

After a break caused by the Covid-19 pandemic, we again participated in the Night of Law. Along with the three highest courts and the Faculty of Law of Masaryk University, we opened our premises to visitors until late night at the beginning of March. Tours in both buildings of our headquarters were the most popular. At the end, we prepared a skit for visitors based on conversations during police cell inspections. We also visit the cells as part of prevention of ill-treatment of people restricted in their freedom.

In a game called Construction Marathon, visitors were tasked with successfully completing the paperwork and obtaining a building permit for a small, mysterious dwelling. They learned how the Ombudsman can help them in case of problems with the authorities. We also introduced them to the [Domek polopatě](#) website, where they can learn everything they need before preparing a real-life construction project.

Visitors to the Night of Law were among the first to try our e-learning course on anti-discrimination law. They also learned about the rules of writing official texts in plain language.

GALLERY TRAM

The Gallery Tram is a non-commercial project of the Brno Public Transport Company, where advertising spaces in one tram set can be used by various organisations for presentations and exhibitions related to their activities. In 2023, we introduced passengers to the different areas where the Ombudsman can help them.

WE'RE INVOLVED

We ran the Yellow Ribbon Run for the eighth time. 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. This time we expressed our solidarity with women in prison and those who have served their sentences.

During the year, we contributed to the traditional Three-Kings' Collection and within the Cake for Hospice event.

We created several teams for the "Bike to Work" challenge. Throughout May, their members tried to travel to work in an environmentally friendly way – by bike or on foot, or at least to use public transport instead of cars.



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Office of the Public Defender of Rights

Budget and its utilisation in 2023

APPROVED BUDGET FOR 2023

CZK 162.239 MILLION

The approved budget included expenditures related to funding the project "[Reinforcement of activities of the Public Defender of Rights in human rights protection](#)" co-financed from the Norway Grants (CZK 8.228 million).

In 2023, we also claimed unspent expenditure from the previous years in the amount of CZK 10.034 million. Of this amount:

- › CZK 2.009 million 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 8.025 million was used for expenses not provided for in the relevant chapter (incl. CZK 329 thousand for salaries and other payments for work, incl. accessions; plus CZK 7.695 million 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 and expulsion monitoring.

We also used these funds to co-finance the project "Reinforcement of activities of the Public Defender of Rights in human rights protection".

UTILISED BUDGET FOR 2023

CZK 165.297 MILLION

Amounting to 101.88% of the adjusted budget. Of which:

CZK 9.860 million was used to finance the project "Reinforcement of activities of the Public Defender of Rights in human rights protection".

The budget overrun was covered by using claims from unutilised expenditure. Claims from unused expenditure were used for:

- › financing of a project co-financed from the 2014–2021 Norway Grants
- › information and communication technology services
- › ensuring cyber security
- › modernisation of the technical facilities of conference halls (LED wall)
- › purchase of an eight-seater car
- › purchase of IT equipment
- › employee salaries
- › repairs and other services.



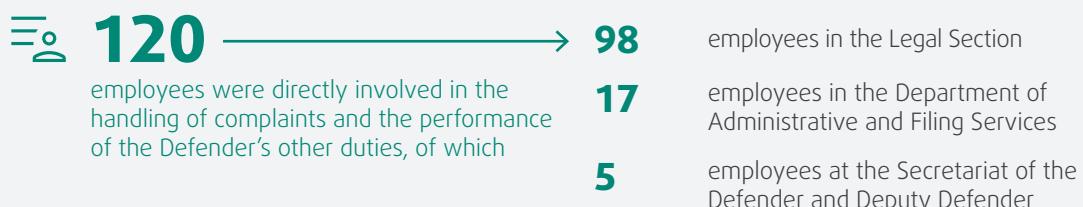
Staff in 2023

At the end of 2023, the Office had a total of 179 employees, 27% of whom worked part-time. Another 15 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 work with difficult clients and inclusive education.

Our activities also involved people with relevant personal experience, i.e. people with disabilities, self-advocates, clients and patients of various institutions, as well as caregivers.





The Ombudsman and Deputy Ombudsman with representatives of the Norwegian National Human Rights Institution.

Reinforcing human rights protection: 2020–2023 Norway Grants project

Over the past four years, we have expanded our work in a number of areas within the Ombudsman's remit to include activities with a focus on human rights. This was made possible thanks to the project "Reinforcing the activities of the Public Defender of Rights in the protection of human rights (with the aim of establishing a National Human Rights Institution in the Czech Republic)", No. LP-PDP3-001, financed from the EEA and Norway Grants 2014–2021 and the State budget of the Czech Republic.

The Czech Republic is one of the last countries in the European Union not to have established a National Human Rights Institution ([NHRI](#)), nor a Children's Ombudsman. For these shortcomings, the Czech State has long faced criticism from the UN, the Council of Europe, and the European Union institutions, and in recent years also increasing reservations from representatives of domestic civil society.

Thanks to the Norway Grants project, we have established a partnership with colleagues from the Norwegian National Human Rights Institution [Norges institusjon for menneskerettigheter](#) (NIM). We were inspired by their methods of work in the protection of human rights and thus prepared for the possibility that our remit could be extended in the future to include the mandate of a national human rights institution or a children's ombudsma. At a time when this is the option envisaged by the currently drafted [amendment to the Public Defender of Rights Act](#), we have dozens of project activities under our belt related to protecting the rights of people restricted in their freedom, monitoring the rights of people with disabilities, promoting the right to equal treatment, and promoting the rights of children. The work done under the project in 2023 is discussed in detail in the individual chapters. In this section, we summarise the key outputs for the whole project period.

BASIC INFORMATION ON THE NF PROJECT

1 December 2019 – 31 December 2023
 11 employees, of which 8 full-time and 3 part-time

WE ISSUED:

- 20** reports on follow-up visits to facilities where people may be restricted in their freedom;
 - 8** recommendations concerning the protection of vulnerable children and their families;
 - 4** monitoring reports on the implementation of the right to equal treatment in the areas of Roma education, equal pay for women and men and some procedural issues;
 - 4** recommendations in the area of the right to equal treatment;
 - › [Easy read version of the UN Convention on the Rights of Persons with Disabilities](#);
 - › [Children's version of the Convention on the Rights of the Child](#);
 - › [A leaflet for children in educational institutions or children's homes](#);
 - › Expert article [Vznik národní lidskoprávní instituce v České republice – v čem se lze inspirovat v Norsku?](#) (Establishment of a national human rights institution in the Czech Republic – Where can we draw inspiration from Norway?)
-

WE HAVE PREPARED:

- 37** professional materials, such as legislative recommendations, comments and statements of the Public Defender of Rights;
 - 7** videos for children called [#AničkaVloguje](#) (Anička's Vlog) on the Defender's mandate;
 - 6** modules of an e-learning course titled [Introduction to Anti-Discrimination Law](#);
 - 5** research projects in the area of the right to equal treatment and follow-up workshops for experts and the public;
 - 4** internal training sessions for our employees concerning human rights and constitutional perspectives in the work of the Office of the Public Defender of Rights;
 - › Round table on Clarity in public administration for civil servants, judges and other experts;
 - › [First Ombudsman conference for children](#);
 - › Meetings of three children's participation groups
-

WE HAVE TRAINED:

- 326** professional employees of facilities where people restricted in their freedom are or may be present;
- 506** social sector workers;

An overview of all project activities with links is available at https://www.ochrance.cz/en/projekty/strengthening_the_public_defender_of_rights_activities_in_human_rights_protection/

Annual report on the provision of information pursuant to the Free Access to Information Act (Act No. 106/1999 Coll.)

The Defender's Office is an obliged entity under Act No. 106/1999 Coll., on free access to information. In 2023, the Office received a total of 61 requests for information under the Act, either in writing, by email or via data box. In 51 cases, the Office provided the information requested.

Applicants did not lodge any complaints pursuant to Section 16a of the Free Access to Information Act. In 20 cases, the Office decided to reject the request or its part. In 12 cases, the Office decided to reject the request for information (or its part). No one appealed against the decisions rejecting the requests.

The questions in the requests concerned primarily the generalised results of the Defender's inquiries and his opinions on individual areas of responsibility. The complainants were also interested in statistical information on the handling of complaints or documents from the complainants' files. People have also submitted requests for delivery of the "Prisons" collection. There were also questions about the functioning, organisation and budget of the Office, questions about the Defender's remit and work programme. In one case, the Office set the request aside.

The requests and our responses are published on the [Defender's website](#).



 **61** → **31**
requests for information received, i.e. fewer applications received than in 2022

51 cases where the Office provided information

12 decisions rejecting the request or its part

<u>Section 1) 18)(a)</u>	vydaná rozhodnutí o odmítnutí žádosti či její části	12
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<u>Section 1) 18)(b)</u>	podaná odvolání proti rozhodnutí	0
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<u>Section 1) 18)(c)</u>	opis podstatných částí každého rozsudku soudu	0
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<u>Section 1) 18)(d)</u>	výčet poskytnutých výhradních licencí	0
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<u>Section 1) 18)(e)</u>	stížnosti podané podle § 16a zákona	0
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<u>Section 1) 18)(f)</u>	další informace vztahující se k uplatňování zákona	0
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total number of requests for the provision of information

61

**ANNUAL REPORT
ON THE ACTIVITIES OF THE PUBLIC DEFENDER OF RIGHTS IN 2023**

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