# Contribution ****to the Questionnaire on the rights of older persons with disabilities describing situation in the Czech Republic.****

# Role of the Public Defender of Rights

The Public Defender of Rights protects persons against the conduct by authorities and other institutions if such conduct is contrary to the law, does not correspond to the principles of democratic rule of law and good governance, or in case the authorities fail to act. In addition, as the National Preventive Mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment, the Defender also performs preventive systematic visits to places where freedom of persons could be restricted and seeks to promote respect for their fundamental rights. The Defender also contributes to the enforcement of the right to equal treatment and protection against discrimination.

As from 1 January 2018, the Defender has competence in the area of monitoring the implementation of the Convention on the Rights of Persons with Disabilities (hereinafter the “Convention”) pursuant to Article 33 (2) of the Convention.

# Responding to asked questions

## 1. Information on the legislative and policy framework concerning rights of older persons with disabilities

There is no legal regulation in the Czech Republic governing the rights of the older persons with disabilities directly. Protecting persons with disabilities, as well as protecting older persons, are regulated across the law. The following is a summary of the main legislation that touches the subject.

Constitutional Law

* [Constitution of the Czech Republic](https://www.constituteproject.org/constitution/Czech_Republic_2013?lang=en)

The constitution enshrines the protection of fundamental rights and freedoms, the functioning of legislative, executive and judicial powers, etc.

* [Act No. 182/1993 Coll., on the Constitutional Court](https://www.usoud.cz/fileadmin/user_upload/ustavni_soud_www/Pravni_uprava/AJ/Constitutional_court_act_182_1993.pdf)

Under this Act, constitutional complaint can be filed.[[1]](#footnote-2) The complainant can argue that a final decision in the proceedings of which he was a party, measure or other intervention of a public authority violated his fundamental human right or freedom guaranteed by the Constitution.

Human Rights

* [Charter on Fundamental Rights and Freedoms](https://www.legislationline.org/countries/country/35/Czech%20Republic/show)

The Charter of Fundamental Rights and Fundamental Freedoms enshrines fundamental human rights such as equality of people, the right to life, dignity, privacy, political rights, and also the right to vote and to stand as a candidate, economic, social and cultural rights, included the right to protection, the right to adequate material rights security in old age, the right to judicial and other legal protection, etc.

Administrative / Public Law

* [Act No. 349/1999 Coll., on Public Defender of Rights](http://www.omineurope.info/uk/gesetz_czech_uk.htm)

This Act enshrines the role of the Defender (see above).

* [Act No. 198/2006 Coll., Social Services Act](https://www.mpsv.cz/files/clanky/4548/Annex_3_social_services_act.pdf)

This Act regulates conditions governing assistance and support to persons in adverse social situations provided through social services and an allowance in respect of care, conditions governing the issue of the authorization for the social services provision, execution of public administration in the field of social services, inspection of the social services provision and prerequisites for performance of social services activities.

* Act No. 372/2011 Coll., Healthcare services Act

The Act regulates the conditions for the provision of health care in the Czech Republic. Among other things, it regulates the rights of patients[[2]](#footnote-3), or even the conditions of involuntary hospitalization[[3]](#footnote-4).

* Act. No. 48/1997 Coll., Public Health Insurance Act

The Act regulates the conditions for participation in health insurance in the Czech Republic. There are cases where the insurance premiums are paid by the state.

* [Act No. 198/2009 Coll., Anti-discrimination Act](https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/pravni_predpisy/Anti-discrimination-Act.pdf)

This law enshrines protection against discrimination in the Czech Republic. It regulates both direct and indirect discrimination. The disability and age are both discriminatory reasons that can be punished.

* [Act No. 500/2004 Coll., Code of Administrative Procedure](http://www.sukl.cz/file/84512_1_1)

This Act is the basic procedural regulation governing proceedings before an administrative authority (administrative proceedings).

* [Act No. 150/2002 Coll., Code of Administrative Justice](http://www.nssoud.cz/docs/caj2002.pdf)

This Act is the basic procedural regulation governing administrative justice.

* [Act No. 106/1999 Coll., on Free Access to Information](http://www.legislationline.org/documents/action/popup/id/7240)

This Act is a legislative regulation that guarantees access to information held by the state to individuals. There is established a process in which requirements for government-held information can be raised.

Criminal Law

* [Act no. 40/2009 Coll., Criminal Code](http://www.ejtn.eu/PageFiles/6533/Criminal%20Code%20of%20the%20Czech%20Republic.pdf)

The Criminal Code lays down the conditions of criminal liability, criminal sanctions as well as specific facts for which a person can be prosecuted. In connection with the protection of the rights of people with disabilities and the older persons, it is worth mentioning Title IV, which sets out crimes against family and children, such as the offense of repression, abandonment of the person entrusted, obstruction of compulsory nutrition, abuse of a trustee, etc.

* [Act No. 45/2013 Coll., Crime Victims Act](https://zakonyprolidi.cz/cs/2013-45)

Pursuant to the Crime Victims Act, persons who are of high age or are affected by physical, mental or mental disability or sensory impairment are referred to as particularly vulnerable victims, resulting in, for example, an increased protection in criminal proceedings.[[4]](#footnote-5)

* [Act No. 141/1961 Coll., Criminal Procedure Code](https://www.legislationline.org/countries/country/35/Czech%20Republic/show)

Criminal Procedure Code modifies a procedure of the competent authorities of the state (so-called law enforcement authorities), the aim of which is to ascertain whether a criminal offense has been committed, to identify its perpetrator, to impose a punishment or a protective measure under the law, and to execute this decision or arrange for its execution. To protect persons with disabilities and older persons, on the base of this Code, these persons can subject to a specific approach.

Civil Law

* [Act No. 189/2012 Coll., Civil Code](http://obcanskyzakonik.justice.cz/images/pdf/Civil-Code.pdf)

The Civil Code regulates the rights of older persons or persons with disabilities particular in Title II, which deals with the legal capacity of persons[[5]](#footnote-6) and supportive measures if people have the ability to act legally. Guardianship is then dealt with in Title III on Representation of Persons[[6]](#footnote-7).

* [Act No. 292/2013 Coll., Special Judicial Procedures Act](https://is.muni.cz/el/1422/jaro2008/SOC026/um/99-1963_EN.pdf)

The Special Judicial Procedures Act follows up with the substantive law institutes of private law protecting older persons and persons with impairments. For example, it modifies the process of limiting legality and determining custody, etc.

Labour Law

* [Act No. 262/2006 Coll., Labour Code](http://www.mpsv.cz/files/clanky/3221/labour_code.pdf)

The Labour Code regulates relationships arising in the performance of dependent work. In the context of people with disabilities, the employer's obligation is to make reasonable adjustments to the workplace for employees with disabilities[[7]](#footnote-8). Employing people with disabilities is established in a separate head of Code[[8]](#footnote-9).

## 2. Information on discrimination against older persons with disabilities

In general, seniors and persons with disabilities are often addressed as groups that require increased protection and care from society. Seniors and persons with disabilities are objects that often face discriminatory behaviour. A person who is both a senior and a person with disability is an object that can face double discrimination. That is why it is important to keep in mind that these are two different possible discriminatory reasons that can be interconnected.

As mentioned above, protection against discrimination in the Czech Republic enshrines Act No. 198/2009 Coll., Anti- discrimination Act. It regulates both direct and indirect discrimination, disability and age are both discriminatory reasons that can be punished. Antidiscrimination Act is the main document dealing with the issue of discrimination and equal treatment. It also prohibits discrimination on basics of age and disability.

Another important document is the [National Plan for Balancing Opportunities for Persons with Disabilities 2015-2020](https://www.vlada.cz/assets/ppov/vvzpo/dokumenty/Narodni-plan-OZP-2015-2020_2.pdf). In this document separate chapter is defined for equal treatment and protection against discrimination.

Further legal protection is enshrined in the Article 21b of Act No. 349/1999 Coll., On Public Defender of Rights. The public defender of rights provides methodological assistance to victims of discrimination - (not only) to persons with disabilities in filing petitions for initiating proceedings on basics of discrimination. The public defender rights´ methodological assistance to victims of discrimination means the fact that, after the complainant turns to the defender, the defender will investigate the complaint in question, make a report as to whether or not there has been discrimination (in the case of complainant) and whether the complainant is a victim of discrimination. The public defender of rights will provide the report to the complainant and the complainant may use it as an arguing tool in, for example, court proceeding of seeking the protection against discrimination. Although the public defender of rights is not entitled to represent victims of discrimination before the courts, he should help victims of discrimination to mediate free legal aid. The Ombudsman has carried out several researches concerning the issue of seniors and persons with disabilities:

* [Discrimination in the Czech Republic: Victim of Discrimination and its Obstacles to Justice](https://www.ochrance.cz/fileadmin/user_upload/ESO/CZ_Diskriminace_v_CR_vyzkum_01.pdf)

One of the most widespread reasons of discrimination is age over 55, the same applies to disability as a discriminatory reason. The research focused on the most common reasons for discrimination, the possibilities to defend themselves and the experience of respondents with discriminatory behaviour.

The most common causes of discrimination faced by respondents were clearly the disadvantages due to age (62 % of those who experienced discrimination). About 12 % of respondents experienced discrimination because of their disability.

The research also has shown that discrimination related to finding or performing work is dominated by less favourable behaviour due to age – older persons are disadvantaged in finding work, in performance and in dismissing employees. In the non-working sphere, there dominants the disadvantage of older persons – they feel discriminated in public transport, in shops or in health care. Some perceive the different shades of media communication or the tone of a social debate about population aging and rising pension expenditure.

* Ombudsman’s research on discrimination in job advertising

Job advertisings contain age discrimination, especially the direct request of candidate’s age, the practice length, benefit of a young team etc. There was not found an advertisement in which there would be a direct exclusion of job seekers with disabilities, but employers very often demand good health. That is a requirement that can logically exclude job seekers with disabilities. It means also the question – what does exactly mean the concept of “good health”?

* Ombudsman´s **research on access of seniors to selected financial services:**

**In year 2012, there was European Year for Active Ageing and Solidarity between Generations, and the public defender of right was working on research focused on the issue of providing financial care to persons, especially the unavailability of some financial service after reaching a certain age. The aim of the research was to find out whether the access of seniors to selected financial services is restricted due to their age. The research has found that the practice of preventing access to financial services only on the basis of age, without examining other circumstances, still occurs, albeit rarely. Moreover, in some cases, higher age is a factor that significantly increases the acquisition of a product.**

It is important to mention non-government organisations that are specialized on helping persons facing discrimination:

* [Human Rights League](http://llp.cz/)
* [Iuridicum Remedium](http://www.iure.org/)
* [Czech Helsinki Committee](Czech%20Helsinki%20Committee)

Age and impairment discrimination in Constitutional case law (whole findings are traceable at <www.nalus.cz>):

* Pl.ÚS 37/04 - Burden of proof in discriminatory disputes - petition to annul Section 133a (2) of the Code of Civil Procedure
* Pl.ÚS 12/94 - The principle of solidarity and equivalence applied in social security systems
* Pl.ÚS 6/96 - Acquisition of an Adult Child in Czech Law from the Perspective of Equality
* Pl.ÚS 46/97 - Motor Vehicle Purchase and Operation Contribution - Decree implementing the Social Security Act
* II. ÚS 635/01
* II.ÚS 1609/08 - Discrimination on grounds of age at termination of employment for reasons of organization
* Pl. ÚS 42/03 of 28 March 2006, Reasons for termination of lease of a cooperative flat.

[An amendment to Act No. 198/2009 Coll](http://public.psp.cz/en/sqw/text/tiskt.sqw?O=8&CT=424&CT1=0)., The Anti-Discrimination Act, is currently being prepared. The amendment is important for several reasons. For example, it regulates the shift of the burden of proof or extends the possibility of enforceability of rights in the sense that it allows non-governmental non-profit organizations to act in anti-discrimination disputes.

## 3. Information and statistical data related to the realization of the rights of older persons with disabilities

## General data

Basic statistic data provides in particular [Czech statistical office](http://www.czso.cz/csu/czso/home) and [Institute of health information and statistic of the Czech Republic](http://www.uzis.cz/en).

## Exercise of legal capacity

The new Civil Code (Act No. 89/2012 Coll., Civil Code) regulates new forms of supported decision making as well as restriction of legal capacity. All of the support measures require that the person suffers from mental disability. The Ministry of Justice has compiled statistical data from the area on judicial decision-making on the legal capacity and support measures, however these data do not include information regarding the age of the person concerned. Information is available here <https://www.justice.cz/web/msp/opatrovnicka-agenda>.[[9]](#footnote-10)

Research in this area is also carried out by the Public Defender of Rights and will be available later this year.[[10]](#footnote-11) The aim of the research is in-depth analysis of 5 last decisions from every district court in the country regarding legal capacity and support measures. One of the categories analysed is also the age of persons concerned.

## Admission procedures to social or healthcare services including involuntary admissions

**Healthcare services**

Admission to healthcare services is governed in particular by laws Act No. 372/2011 Coll., Healthcare services Act and Act No. 48/1997 Coll., Public health insurance Act. Here is regulated the right to choose a health service provider (or health facility) and the related right to transport health services. Health care can only be provided if it is agreed.

According to Act No. 372/2011 Coll., Healthcare services Act, the patient can be treated, even if he has not given his consent (either he or his legal guardian) for treatment, unless it is urgent care and if at least one of the following conditions is met:

* if the state of health does not allow the patient to consent, but this does not affect the previously expressed wish;
* when treating a serious mental disorder, and if it is unlikely that the patient's health will be seriously impaired.

Furthermore, without the consent of the patient, it is possible to provide health services provided by the Public Health Protection Act, for example services aimed at preventing the spread of infectious diseases (e.g. typhoid fever or HIV).

The patient can not only be treated but also hospitalized without giving consent if at least one of the following conditions is met:

* it is a protective treatment imposed by a final court decision;
* it is an isolation, quarantine or treatment ordered under the Public Health Act;
* it is an examination of a regulation based on the Code of Criminal Procedure or the Code of Civil Procedure;
* the patient is threatening himself / herself or his / her surroundings immediately and seriously and showing signs of a mental disorder, demonstrably suffering from this disorder or under the influence of an addictive substance;
* the patient's health requires urgent care and does not allow him to give his consent.[[11]](#footnote-12)

The legality of hospitalization is subject to review by the competent court, which is to give its consent or disagreement within 7 days.

**Social services**

Admission to social services is governed in particular by laws Act No. 108/2006 Coll., Social services Act and Act No. 89/2012 Coll., Civil code. Social services are provided under a private law relationship between the service provider and the recipient of the service, based on a social service contract.

If the social service recipient cannot negotiate the contract himself, the legal representative concludes the contract. Without the consent of the guardianship council or court, the guardian may not decide to place the person in custody in a closed institution or similar facility if the person's health does not require it.

The relevant legislation allows the guardian or the municipal authority to enter into a contract even though the prospective client has not consented to its conclusion. For this type of service, the following conditions must be met at the same time:

* failure to provide immediate assistance due to an adverse health condition caused by a mental disorder has endangered a person's life or is likely to be seriously injured or threatened by the nearby settlements;
* it is not possible to provide the necessary assistance and support to a person through a lighter and less restrictive measure.[[12]](#footnote-13)

## Older persons with disabilities living in institutions

One of the tasks of the Public Defender of Rights is to perform preventive visits in places where persons are or may be restricted in their freedom. This is a part of the ‘national preventive mechanism’ agenda, which aims to increase prevention of ill-treatment in the broadest possible meaning of the word. Social care facilities have been visited by the Public Defender of Rights since 2006 and annual reports including the findings and recommendations are continuously published at [https://www.ochrance.cz/en/protection-of-persons-restricted-in-their-freedom/[[13]](#footnote-14)](https://www.ochrance.cz/en/protection-of-persons-restricted-in-their-freedom/) to make them available to experts as well as the general public.

In 2013, the Public Defender of Rights launched a long-term project of monitoring of the treatment of institutionalised senior citizens. The Defender focused specifically on the conditions of provision of care to people with dementia. You can find the whole report here [https://www.ochrance.cz/fileadmin/user\_upload/ochrana\_osob/ZARIZENI/Socialni\_sluzby/2015\_retirement\_homes.pdf.](https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Socialni_sluzby/2015_retirement_homes.pdf)

## Access to support to live independently in the community

Access to support to live independently in the community is mainly provided by social services system.[[14]](#footnote-15) The social services system supports people in an unaffordable social situation. Such a situation may be, for example, age or disability (or both).

Very important are non-governmental and non-profit organizations. For example [SPMP ČR](http://www.spmpcr.cz/) or [Quip](https://www.kvalitavpraxi.cz/en/).

The Public Defender of Rights also fulfils his role of monitoring CRDP. In 2018 was published research on the availability of social services for people with autism spectrum disorders.[[15]](#footnote-16) There is also a research mapping out the possibilities of independent living of people with disabilities living in institutions. The results of this research will be available at the end of 2019.[[16]](#footnote-17)

## Access to free or affordable health care

There is a public health insurance system in the Czech Republic. It is governed mainly by Act No. 48/1997 Coll., Public health insurance Act. The healthcare delivery system is based on the principle of solidarity. It is compulsory for all citizens to pay for health insurance to the fund of health insurance companies. The state is a payer of insurance premiums for the legally defined groups of citizens (e.g. older persons).

The Act also lays down protective limits for drug payments for people over 65 years of age (limit of CZK 1,000 per year) and over 70 years (limit of CZK 500 per year).

Further data can be found at: [Institute of Health Information and Statistic of the Czech Republic](https://www.uzis.cz/en).

## Access to free or affordable rehabilitation goods and services

Important information about rehabilitation goods are provided by [National Information System](https://www.niszp.cz/en). An overview of medical devices partially covered by health insurance is contained in the Act No. 48/1997 Coll., Public Health Insurance Act. The conditions for obtaining a contribution from social system are set by Act 329/2011 Coll., Act on granting benefits to persons with disabilities.

An overview of all healthcare providers in the Czech Republic provides [National Register health services provider](https://nrpzs.uzis.cz/index.php?pg=home).

The provision of medical devices in the Czech Republic is one of the health services covered by public health insurance under the conditions set out in the Public Health Insurance Act. In some cases, the law requires the provision of a reimbursed medical device in advance by a health insurance company.

In the Czech Republic, the insurance also covers rehabilitation care, including spa treatment. The rules for its provision are regulated by the Public Health Insurance Act. Among other things, this requires the prior approval of the paid care by the health insurance company.

The paid spa care is provided as a complex (the insurance company pays health care, accommodation and meals) or as a contributory one (the insurance company pays only health care). For insured persons from low-income groups who have been granted “only” contributory care, care may be virtually unavailable because their income does not allow them to cover the costs of accommodation and meals at the spa.

Data on the provision of reimbursed health services (health care and medical devices) are contained in the National Register of Paid Health Services, which is not publicly available. In an anonymised form, data can be provided for scientific and statistical purposes.

## Access to social protection schemes

The social protection system in the Czech Republic is based on two principles. Insurance system (pensions) and uninsured system (social benefits).

Firstly, the basic pension insurance, along with the sickness insurance, is a part of the [social security](https://www.mpsv.cz/cs/1349) in the narrow sense of the word. The following pensions are provided from the basic pension insurance:

* old-age (including the so-called early old-age pension)
* disability
* widow and widower
* orphans

Each pension consists of the following components:

* a basic assessment (which is a fixed amount identical for all types of pensions, regardless of the insurance duration and income) and
* a percentage assessment.[[17]](#footnote-18)

Further information can be found at [Ministry of Labour and Social Affairs’ web](https://www.mpsv.cz/en/1606).

Secondly, uninsured system offers financial benefits from the area of:

* state social support (Act No. 117/1995 Coll., State Social Support Act - housing allowance)[[18]](#footnote-19)
* benefits for people with disabilities (Act No. 108/2006 Coll., Social Services Act - care allowance; Act No. 329/2011 Coll., Providing Benefits for People with Disabilities Act - allowance for mobility, grant for special aid and certificate of person with disability)
* system to assist those with insufficient income (Act No. 111/2006 Coll., Assistance in Material Need Act – allowance for living, supplement for housing, extraordinary immediate assistance)[[19]](#footnote-20)

## End of life and palliative care

Euthanasia is currently not enacted in the Czech Republic.

In the case of palliative care, the Czech Republic still lacks a major strategy at government level. In April 2019, the Ministry of Health launched a project to support palliative care in hospitals. The main goal is to support and standardize specialized palliative care in hospitals. Currently, less than 5% of hospitals have their own palliative program in the Czech Republic, so mostly people die in hospitals without access to palliative care.[[20]](#footnote-21)

Section § 44a of Act No. 372/2011 Coll., Health Services Act provides care for incurable patients through the provision of a hospice health service.

Since 2015, the insurance company [General Health Insurance Company](https://www.vzp.cz/) pilot project has been underway to assess the cost of home hospice care and its benefits for both the patient and society. Based on the results, this care will eventually be included in the public health insurance system.

## ****4. Information on the existence of long-term care service****

If there is a situation where an older person is no longer able to take care of himself because of his health or impairment, there are several options to solve this situation in the Czech Republic. If the person's clinical condition is stabilized and home environment allows it, home care health and social services can be provided[[21]](#footnote-22). These services support people's lives in a natural social environment and enable them to participate in the daily life of society. The law also enshrines the right of people to services to be provided in the least restrictive environment. Services where person stays at home can be divided into Terrain and Ambulatory. In the case of Terrain Services, a health or social service worker comes to the client's home; Ambulatory service must be looked for personally.

By Social Services Act, these are the types of services terrain and ambulatory services:

* **Personal Assistance**

Personal assistance is a service provided to persons with reduced self-sufficiency due to their age, chronic ailment or disability, where their situation requires assistance of another physical person. The service is provided without time limitation, in the natural social environment of a person and it covers activities needed by a person.[[22]](#footnote-23)

* **Domiciliary Service**

Domiciliary service is a field or ambulatory service provided to persons with reduced self-sufficiency due to their age, chronic ailment or disability, and to families with children whose situation requires assistance of another physical person. The service provides the below specified acts in persons’ households or in social services facility at the specified time.[[23]](#footnote-24)

**Emergency Assistance**

* Emergency assistance is a field service providing non-stop distant vocal and electronic communication with persons exposed to permanent high risk to health or life in the case of sudden deterioration of their health condition or capacities.[[24]](#footnote-25)
* **Guiding and Reading Service**

Guiding and reading service is a field or ambulatory service provided to persons with reduced capacities due to their age or disability in the area of orientation and communication and it assists them in personal handling of their own matters.[[25]](#footnote-26)

* **Supported Housing**

Supported housing is a field service provided to persons with reduced self-sufficiency due to disability or chronic ailment, including mental disorder, whose situation requires assistance of another physical person.[[26]](#footnote-27)

* **Respite Care**

Respite care is a field, ambulatory or stay-in service provided to persons with reduced self-sufficiency due to their age, chronic ailment or disability, about whom the care is taken in their natural social environment.[[27]](#footnote-28)

* **Day Care Centres**

In day care centres, ambulatory services shall be provided to persons with reduced self-sufficiency due to their age or disability and to persons with chronic mental disorder, whose situation requires regular assistance by another physical person.[[28]](#footnote-29)

The same Act regulates these residential social services:

* **Week Care Centres**

In week care centres, stay-in services shall be provided to persons with reduced self-sufficiency due to their age or disability and to persons with chronic mental disorder, whose situation requires regular assistance of another physical person.[[29]](#footnote-30)

* **Homes for Disabled Persons**

In homes for disabled persons, stay-in services shall be provided to persons with reduced self-sufficiency due to their disability whose situation requires regular assistance of another physical person.[[30]](#footnote-31)

* **Homes for the Elderly**

In homes for the elderly, stay-in services shall be provided to persons with reduced self-sufficiency, in particular, due to their age, whose situation requires regular assistance of another physical person.[[31]](#footnote-32)

* **Special Regime Homes**

In special regime homes, stay-in services are provided to persons with reduced selfsufficiency due to chronic mental disorder or dependence on addictive substances and to persons with old-age/senile dementia, Alzheimer’s disease and other types of dementia, with reduced selfsufficiency due to the above disorders whose situation requires regular assistance of another physical person. When providing services, the regime within these facilities is adjusted to specific needs of these persons.[[32]](#footnote-33)

* **Protected Housing**

Protected housing is ambulatory service provided to persons with reduced self-sufficiency due to their disability or chronic disease, including mental disorders, whose situation requires the assistance of another physical person. Protected housing has a form of group, or possibly individual, housing.[[33]](#footnote-34)

All types of services must comply with the legal obligations (for example they must protect clients' rights, develop their independence, etc.[[34]](#footnote-35), and maintain the standards for social services set out in Decree No. 505/2006 Coll.

The law also ensures the prevention of unfavourable social situations. Persons with impairments and older persons can use, for example, social activation services[[35]](#footnote-36) or for the provision of emergency aid[[36]](#footnote-37).

By Health Services Act, these are the types of terrain, ambulatory or residential services:

* **Ambulant care**

Outpatient care is a health care that does not require hospitalization or admission of a patient to a bed in a health care facility that provides day care, and is provided by primary care physicians or specialist specialists. In the case of illness, the patient usually turns to a primary care physician, i.e. a general practitioner for adults, a general practitioner etc. [[37]](#footnote-38)

* **Bed care**

If the nature of the disease so requires, the primary care physician or outpatient specialist recommends the patient to the treatment facility. Acute standard, acute intensive, follow-up and long-term care is provided in healthcare facilities. [[38]](#footnote-39)

In the scope of older persons and persons with impairments it is necessary to mention institutes for long-term patients are specialized medical centres the care of which is a continuation of the care provided by hospitals. They provide specialized nursing and rehabilitative care for persons suffering from long-term illnesses. Public Defender of Rights has visited these type of health services as national prevention mechanism (see above) in 2017. The visit report can be found [here](https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Zdravotnicka_zarizeni/2017_LDN_EN-web.pdf).

* **Emergency Medical Service and Emergency Service**

In case of sudden severe illnesses or injuries, when the patient cannot transport himself to the doctor and when rapid treatment is necessary on the site of the event and possibly transport of the patient to the health care facility while providing urgent health care in order to prevent further deterioration or threat to life rescue service is used. [[39]](#footnote-40)

Patients' rights are set out in § 28 of Health Services Act.

## ****5. Access to justice, jurisprudence, complaints or investigations in relation to violence, abuse and neglect against older persons with disabilities****

* **Access to justice**

**Access to justice is recognized as a natural right and is also linked to the right of access to court. Access to court is regulated by the Czech legal system, mainly in the regulations of the highest legal force, especially in the Charter of Fundamental Rights and Freedoms and in the Constitution of the Czech Republic.**

**General provision of the right of access to the court can be found in § 36 par. 1 of the Charter of Fundamental Rights and Freedoms, according to which everyone is given the right to claim his/her rights under the prescribed procedure.**

**The second important provision for the right of access to court is the provision of legal aid, which is enshrined in Article 37 Par. 2 of the Charter of Fundamental Rights and Freedoms and which has been in place since the beginning of the legal proceedings.**

**The right of access to the court is also linked to the right of access to information. The Accessibility Decree introduces a form of disclosure of information relating to the performance of public administration through a website.**

**In the case of a difference in treatment due to disability and age, there is the possibility of opposing it through an anti-discrimination action. Another option is certainly turn to the Public Defender of Rights.**

* **Complaints to provided care**

**Healthcare Services**

Client can file a complaint with the health services provider, i.e. hospital director or directly to the doctor (if it is a general practitioner, dentist or another specialist). If he is not satisfied with the handling of the complaint, it should be contacted by the administrative authority which is authorized to provide health services. This is usually the regional authority in whose district it is medical facility located.

**Social Services**

Every provider of social services is obliged by law to draw up internal rules for filing and handling complaints of persons and is also obliged to register complaints. If the client fails to resolve the complaint with the service provider, it is practical to contact the provider of services. Public control of the provision of social services is entrusted to the inspection of the provision of social services. The inspection is carried out by the Ministry of Labour and Social Affairs. However, the law does not stipulate the obligation to inspect each individual initiative. Control authorizations (typically the regional authorities) can also control the service providers. A complaint may reveal that the service provider does not fulfil the conditions for registration.

For a long time, the Ombudsman draws attention to the inadequate complaint mechanism in social services, which does not guarantee the right to complain effectively about the provision of services to state authorities.[[40]](#footnote-41)

* **Older persons and persons with impairments as victims of violence and crimes**

**Since April 2017, seniors have been classified as particularly vulnerable victims of crime. Police officers are obliged to interrogate them once in specially designed premises without the contact with the offender. At the same time, older people have the right for free legal assistance during the investigation and in the court.**[[41]](#footnote-42)

**Statistics of the Police of the Czech Republic show that persons over the age of 65 are the most frequent victims of fraud and theft. In year 2017, more than 140 seniors were targeted by fraud, and more than 150 were victims of theft. However, statistical data are not complete, many of these crimes are often committed parallel with another crime. Other crimes most often encountered by old persons include violations of home freedom, usury, unauthorized action, counterfeiting or alteration of payment instruments and more.**[[42]](#footnote-43)

**In the Czech Republic, there are several options to turn to non-profit organizations. These organizations can provide professional, free and social assistance to potential victims of crimes, which can also be persons with disabilities (some of them are directly specialized to help older persons):**

* [Elpida](http://www.elpida.cz)
* [Bílý kruh bezpečí](http://www.bkb.cz)
* [InIstutitia](http://www.in-ius.cz)
* [Persefona](http://www.persefona.cz)

## ****6. Design, planning, implementation and evaluation of policies related to ageing and disability - Involving**** older persons with disabilities, ****innovative initiatives on the local, regional or national level to promote or ensure the rights of older persons with disabilities****

* [A Government Council for seniors and Population Ageing](https://www.mpsv.cz/cs/2897)

A Government Council for seniors and Population Ageing was set up in 2006. It works under the Ministry of Labour and Social Affairs and aims to **create conditions for healthy, active and dignified aging in the Czech Republic and the active involvement of older people in the economic and social development of society in the context of demographic development.**

## [The National Action Plan for Positive Aging](https://www.mpsv.cz/files/clanky/14540/III_vlada__Akcni_plan_staruti_.pdf)

## The National Action Plan for Positive Aging **for 2013-2017 was a strategic document under the auspices of the Ministry of Labour and Social Affairs, which is responsible for the issue. Based on the National Action Plan, the issue of seniors should be viewed comprehensively – a comprehensive concept should be based on mutual communication between individual departments regarding their priorities and proposals for measures, and subsequently their cooperation.**

## **The National Action Plan remembered that the interconnection of the both sectors in the field of senior issues is required to ensure the functioning of the National Action Plan. It is important for the active inclusion of older persons and their effectiveness to care of their health, to develop their skills and to acquire new knowledge in the process of lifelong learning. The National Action Plan also focused on the health of the seniors.**

* [Government Board for People with Disabilities](https://www.vlada.cz/en/ppov/vvzpo/uvod-vvzpo-en-312/)

The Board was established in 1991 by the resolution of the Czech Government as its coordinating and advisory body for the problems of disability. The main task of the Board is to highlight the respective problems and to suggest their solution. The Board also composed a very important document - the „National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2015–2020“. The plan is the principal document of the Board and is based on the Strategy of the governmental policy towards persons with disabilities.

Implementation of government plans is reflected in regional and municipal policies and initiatives and in the activities of non-profit organizations.

* Examples of municipal policies and attitudes:

[Seniorská politika v Jihomoravském kraji](https://www.seniorskapolitikajmk.cz/48-seniori-v-akci.html)

[Senioři a postižení](https://www.kr-ustecky.cz/seniori.asp)

* Other initiatives:

[Senioři ČR](https://senioricr.cz/)

[Senioři bez hranic](http://senioribezhranic.cz/)

[Senior Akademie](https://www.mpb.cz/senior-akademie/)

## ****7. Other information****

* In 2011, professional conference on services for persons with intellectual disabilities was organized by the Regional Caritas in Brno, together with Rašín University. The conference focused on the suitability of services for seniors with mental disabilities.

<https://brno.charita.cz/clanky/konference-vhodne-sluzby-pro-seniory-s-mentalnim-postizenim/>

* In 2015, there was a research conducted on the needs of seniors and persons with disabilities which was created within the project [„Support of Professional Partnerships in the Provision of Social Services in the Central Bohemian Region“](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=2ahUKEwiT69nk78fhAhUWRBUIHQ3rCj4QFjACegQIBRAB&url=http%3A%2F%2Fcpkp.cz%2Findex.php%2Fcomponent%2Fjoomdoc%2Fdokumenty%2520CpKP%2520ST%25C4%258C%2FPOP%2Fzaverecna_zprava_potreby_seniori_ozp.pdf%2Fstahnout&usg=AOvVaw0v6WUajxoj2ysNudIhzOh_) and which was supported by the state budget of the Czech Republic and the European Social Fund through the Operational Program Human Resources and Employment.
* On September 22, 2017, there was a professional conference focused on Deaf seniors or seniors with different types of hearing impairment. The conference was organized because of the fifth anniversary of the foundation of the [Silent House of the Deaf](https://www.tdnko.cz/). Within the conference, there were contributions to the differences between deaf seniors and seniors with different types of hearing impairment, to the complicated problems of hearing impairment, to the ignorance of staff in health care and social services, to the legacy of deaf clients, etc.

There are several bachelors and masters theses in the Czech Republic dealing with the issue of seniors with disabilities. For example:

* [Senior with visual impairment in the context of life quality](https://is.cuni.cz/webapps/zzp/detail/118671/)
* [The quality of life of seniors with disabilities](https://is.muni.cz/th/qunlv/Diplomova_prace.pdf)
* [Senior with hearing impairment as users of the services in the “Silent House of the Deaf”](https://is.muni.cz/th/u0dww/Diplomova_prace_Chlumsky.pdf)
* [Taking Care of Seniors with Mental Disabilities](https://theses.cz/id/2ugx6w/BP.pdf)
* [Social work with senior suffering from a chronic health disability](http://www.pvsps.cz/data/2017/03/21/09/kutheil_katerina_-_dp.pdf)

In Brno, on 15 April 2019

Mgr. Romana Jakešová

Head of Department Supervision over Rights of Persons with Disabilities

1. Section § 72 et seq. [↑](#footnote-ref-2)
2. Section § 28. [↑](#footnote-ref-3)
3. Section § 38 et seq. [↑](#footnote-ref-4)
4. Section § 2. [↑](#footnote-ref-5)
5. Section §15. [↑](#footnote-ref-6)
6. Section § 436 et seq. [↑](#footnote-ref-7)
7. Section § 103. [↑](#footnote-ref-8)
8. Section § 237 et seq. [↑](#footnote-ref-9)
9. <https://www.justice.cz/documents/12681/724488/Zpr%C3%A1va+ke+sv%C3%A9pr%C3%A1vnostem_final_elektronicky.pdf/e920f3c8-4300-40f9-8571-ef20619029ff> [↑](#footnote-ref-10)
10. Research will be available under this address: <https://www.ochrance.cz/monitorovani-prav-lidi-se-zdravotnim-postizenim/vyzkumy-a-doporuceni/> [↑](#footnote-ref-11)
11. Section § 38 Act No. 372/2011 Coll., Healthcare services Act. [↑](#footnote-ref-12)
12. Section § 91 Act No. 108/2006 Coll., Social services Act. [↑](#footnote-ref-13)
13. <https://www.ochrance.cz/en/protection-of-persons-restricted-in-their-freedom/social-care-institutions/>

    <https://www.ochrance.cz/fileadmin/user_upload/Publikace/Protection-rights-elderly.pdf> [↑](#footnote-ref-14)
14. Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-15)
15. <https://www.ochrance.cz/monitorovani-prav-lidi-se-zdravotnim-postizenim/vyzkumy-a-doporuceni/> [↑](#footnote-ref-16)
16. Research will be available under this address: <https://www.ochrance.cz/monitorovani-prav-lidi-se-zdravotnim-postizenim/vyzkumy-a-doporuceni/>. [↑](#footnote-ref-17)
17. Act No. 155/1995 Coll., Pension Instance Act. [↑](#footnote-ref-18)
18. <https://www.mpsv.cz/en/1603> [↑](#footnote-ref-19)
19. <https://www.mpsv.cz/en/1608> [↑](#footnote-ref-20)
20. <https://www.mzcr.cz/dokumenty/ministerstvo-schvalilo-sedm-dotaci-na-podporu-paliativni-pece-v%C2%A0nemocnicich_17102_1.html> [↑](#footnote-ref-21)
21. Section § 10 et seq., Act No. 372/2011 Coll., Healthcare Services Act, Section § 38 et seq., Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-22)
22. Section § 39, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-23)
23. Section § 40, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-24)
24. Section § 41, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-25)
25. Section § 42, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-26)
26. Section § 43, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-27)
27. Section § 44, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-28)
28. Section § 45, 46, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-29)
29. Section § 47, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-30)
30. Section § 48, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-31)
31. Section § 49, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-32)
32. Section § 50, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-33)
33. Section § 51, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-34)
34. Section § 88, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-35)
35. Section § 66, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-36)
36. Section § 60, Act No. 108/2006 Coll., Social Services Act. [↑](#footnote-ref-37)
37. Section § 7, Act No. 372/2011 Coll., Health Services Act. [↑](#footnote-ref-38)
38. Section § 8, 9, Act No. 372/2011 Coll., Health Services Act. [↑](#footnote-ref-39)
39. Act No. 374/2011 Coll., Emergency Medical Service Act. [↑](#footnote-ref-40)
40. Further information can be found here:

    <https://www.ochrance.cz/fileadmin/user_upload/Zvlastni_opravneni/Pripominky/2016/Novela_zakona_o_socialnich_sluzbach.pdf> [↑](#footnote-ref-41)
41. Act No. 45/2013 Coll., Crime Victims Act. [↑](#footnote-ref-42)
42. <http://socialniprace.cz/zpravy.php?oblast=1&clanek=987> [↑](#footnote-ref-43)