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NEWS REPORT

Country:	Czech Republic
Title:	Concluding observations on the initial report of the Czech Republic
Date:	30 July 2015
Expert:	David Zahumenský
<u>Context</u>	
Issue at stake:	Concluding observations by the CRPD
Ground of discrimination:	Disability
Source:	CRPD – concluding observations
Field:	Employment, social protection, education, housing, other
Applicable law:	Convention on the Rights of Persons with Disabilities

Content

Political development: The Committee on the Rights of Persons with Disabilities considered the initial report of the Czech Republic concerning implementation of the Convention on the Rights of Persons with Disabilities and adopted the concluding observations at its 192nd meeting, held on 10 April 2015.

The Committee especially welcomed:

- The prohibition of direct and indirect discrimination of persons with disabilities in the Anti-Discrimination Law;
- The introduction of the provision in the Building Act that the creation of a barrier-free environment is in the public interest.
- The State party's efforts to implement the provision in the new Civil Code for supported decision-making in some situations;
- The independent mandate given to the Ombudsman to carry out systematic preventive visits to places and facilities where persons with restricted liberty are or may be located;
- The decision of the Supreme Administrative Court in December 2014 recognizing the right of children with disabilities to live in the community;
- The official recognition of Czech sign language.

The Committee expressed their specific concern that

- Mechanical and chemical restraints, which may amount to torture or cruel, inhuman or degrading treatment, are commonly used in psychiatric institutions;
- Under the Civil Code and the Health Care Act, guardians of persons with disabilities are authorized to give consent for the sterilization of the person concerned, thus subjecting that person to forced sterilization without his or her free and informed consent.

In both cases the Committee requested the Czech Republic to submit within 12 month information in writing on the measures adopted in order to meet the recommendation set out to improve the situation (immediately prohibit the use of restraints in psychiatric

institutions and to strengthen the monitoring and inspection of those facilities, to abolish the practice of sterilization of persons with disabilities without their free and informed consent and to amend the Civil Code and the Health Care Act accordingly, and provide remedies to the victims of forced sterilization).

The Committee *inter alia* called upon the Czech Republic

- To amend the definitions of disability and persons with disabilities in its legislation and to make explicit reference to the barriers faced by persons with disabilities in those definitions;
- To amend its legislation and extend the prohibition of denial of reasonable accommodation to other areas besides employment and labour relations;
- To take all measures necessary, including training the judiciary, strengthening independent human rights bodies and building the capacity of persons with disabilities and their organizations, to foster the use of legal remedies available to persons with disabilities who face discrimination and inequality;
- To step up the process of deinstitutionalization and to allocate sufficient resources for the development of support services in local communities that would enable all persons with disabilities, regardless of their impairments, gender or age, to choose freely with whom, where and under which living arrangements they will live;
- To implement the amended School Law, incorporate inclusive education as the guiding principle of the education system and ensure the admission of children with disabilities in mainstream schools, to intensify its efforts and to allocate sufficient financial and human resources for reasonable accommodations that will enable boys and girls with disabilities, including intellectual disabilities and autism, and deaf-blind children, to receive inclusive quality education;
- To amend the relevant laws so that all persons with disabilities can enjoy the right to vote and stand for election, regardless of guardianship or other regimes;
- To provide the Ombudsman with the mandate of the independent national monitoring mechanism required under article 33(2) of the Convention and in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

Key points of analysis: The Czech Republic has already changed definitions of disability in school legislation. Since 1st September 2015 the School Law covers new definition of pupils with special education needs (section 16(1)). A “pupil with special education needs” is a person who needs to be provided with support measures to fulfil their educational opportunities or for the enjoyment or exercise of their rights on an equal basis with others.

The proposal of the Minister of Human Rights to extend the powers of the Czech Ombudsman is being currently discussed by the Chamber of Deputies. It has been suggested that the mandate of the Ombudsman is extended according to article 33(2) of the Convention.

Internet link source:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fCZE%2fCO%2f1&Lang=en (Last accessed on the 28 July 2015)