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NEWS REPORT

Country:	Czech Republic
Title:	The Czech Ombudsman will serve as a national CRPD monitoring mechanism from 1 st January 2018
Date:	13 September 2017
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<u>Context</u>	
Issue at stake:	Rights of persons with disabilities
Ground of discrimination:	Disability
Source:	Legislation
Field:	Employment, social protection, social advantages, access to goods and services, education, housing, other
Applicable law:	Act No. 198/2017 Coll. which amended Act No. 349/1999 Coll. on the Public Defender of Rights

Content

Law development: The Convention on the Rights of Persons with Disabilities was ratified by the Czech Republic on 28 September 2009 and pursuant to Article 45 para 2, the Convention entered into force for the Czech Republic on 28 October 2009. The process to create a monitoring mechanism for the implementation of the Convention was commenced in 2010.

Between 2011 and 2014, a team within the Ministry of Labor and Social Affairs was working on a proposal to create an independent monitoring mechanism for the Convention in the Czech Republic. This team consisted of the representatives of the ministry, Government Committee for Disabled Citizens, National Council for Disabled Persons, the League of Human Rights and persons with the most common types of disability (e.g. parents of children with disabilities, the visually impaired, the physically challenged, the hearing impaired, the mentally challenged and the persons with chronic conditions). A representative of the Public Defender of Rights joined this team in 2014. The team put considerable effort into finding an agreement on the composition, responsibilities and the creation of the monitoring mechanism. The effort resulted in a concise requirement that an independent monitoring mechanism is put into law in accordance with the Paris Principles. The institution which most closely meets the requirements of the Paris Principles in the Czech Republic is the Public Defender of Rights.

An amendment to Act No. 349/1999 Coll. on the Public Defender of Rights was finally passed in 2017 and published in a Collection of Laws on 12 July 2017 as the Act No. 198/2017. The law will enter into force on 1 January 2018 when the Czech Public Defender of Rights will commence serving as a national CRPD monitoring mechanism. This step is in accordance with the Final Recommendations of the UN Committee on the Rights of Persons with Disabilities of 10 April 2015 in which the Committee recommended that the role of an independent monitoring mechanism is adopted by the Public Defender

of Rights in accordance with Article 33 para. 2 of the Convention.¹

From January 2018, the Defender will monitor the implementation of the Convention, particularly the issue of the rights of persons with disabilities and will do the following:

- support the exercise of rights of people with disabilities and propose measures to protect them,
- carry out research and surveys,
- publish reports and issue recommendations related to the implementation of rights of persons with disabilities and
- arrange an exchange of experience and information with similar monitoring institutions abroad.

To carry out these tasks, the Defender will establish a council whose members will represent persons with disabilities and protect their rights and interests. The council is expected to consist of 15 members and meet four times a year. The members of this council will receive no remuneration for their service but may claim any actual travel costs.

According to a state-of-affairs report and the list of activities from above, the Office of the Public Defender will increase the number of employees by 8 immediately and two more employees in the following years, to deal with the new responsibilities of the Defender.

Key points of analysis: As of now there is no governmental institution to protect and support human rights according to the Paris Principles. As there is little or no political will to establish such institution, the transfer of the monitoring rights according to CRPD to the Public Defender of Rights seems to be the best choice. Although the Public Defender enjoys the lowest trust of the general public in history (according to a 2016 CVVM survey it was only 47% of the respondents),² the author of this report believes that the Public Defender is generally held in high esteem by persons with disabilities.

Internet link source: <http://www.psp.cz/sqw/historie.sqw?o=7&t=1015>.

¹ Committee on the Rights of Persons with Disabilities. Concluding observations on the initial report of the Czech Republic (2015) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/098/68/PDF/G1509868.pdf?OpenElement>.

² Press release by the Public Opinion Research Centre (2016) https://cvvm.soc.cas.cz/media/com_form2content/documents/c2/a2075/f9/pi160628.pdf.