



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues prior to the submission of the combined second and third periodic reports of Czechia\*\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide information on measures taken to fully harmonize concepts of disability in national legislative instruments and public policies with the Convention and the Committee's general comment No. 6 (2018) on equality and non-discrimination, particularly by replacing the medical or charity model of disability with the social and human rights model of disability.
2. Please outline measures taken to promote the involvement of persons with disabilities, including persons with intellectual or psychosocial disabilities, and their representative organizations in the formulation, implementation and monitoring of legislation, policies and other measures relevant to the Convention.
3. Please provide information on the progress made to ratify the Optional Protocol, including information on when it will be ratified.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

4. Please provide information on any steps taken to amend the anti-discrimination act (Act No. 198/2009 Coll.) to extend the prohibition of denial of reasonable accommodation to other areas besides employment and labour relations, and to address intersectional and multiple discrimination affecting persons with disabilities.

##### Women with disabilities (art. 6)

5. Please provide information on measures taken to:
  - (a) Ensure that all policies, programmes and measures to protect the rights of women with disabilities are in line with the Convention and the Committee's general comment No. 3 (2016) on women and girls with disabilities;
  - (b) Eliminate multiple and intersectional discrimination of women and girls with disabilities, with details on the data available thereon, in line with targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals.

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\* Reissued for technical reasons on 2 May 2019.

\*\* Adopted by the Committee at its twenty-first session (11 March–5 April 2019).



**Children with disabilities (art. 7)**

6. Please provide information on measures taken to:

(a) Fully implement community-based care for children with disabilities, along with support for their families, and to regularly monitor the situation in that regard;

(b) Ensure the full and effective participation of children with disabilities and their representative organizations across the State party in the planning, implementation and monitoring of legislation that affects them.

**Awareness-raising (art. 8)**

7. Please provide information on:

(a) The entity responsible for promoting and raising public awareness of the rights of persons with disabilities, and on the programmes and activities carried out. Please include information on the target audience, the impact of the activities, how the outcomes of the activities have been monitored and the extent to which persons with disabilities and their representative organizations have been involved;

(b) The steps taken to combat stigmatization, stereotypes, prejudices, harmful practices, deep-rooted cultural beliefs, negative attitudes, bullying, including cyberbullying, hate crimes and discriminatory language against persons with disabilities, including on the basis of age and sex, in both the public and private sectors;

(c) The measures taken to raise awareness in the public sector, including among all public administration employees, and among all children from an early age, in order to promote perceptions of persons with disabilities that are fully respectful of their human rights and dignity, in line with the Convention.

**Accessibility (art. 9)**

8. Please provide information on:

(a) Progress made through implementation of the building act (Act No. 183/2006 Coll.) to enhance the accessibility of the built environment, including all facilities and services open to or provided for the public, for all persons with disabilities, including persons who are deaf or hard of hearing, persons who are blind or visually impaired and persons with intellectual disabilities;

(b) Accessibility standards and training, including the provision of live assistance and intermediaries, guides, readers, qualified sign language interpreters, signage in Braille, augmentative and alternative communication and other accessible means, modes and formats of communication, such as pictograms and captioning;

(c) Bodies mandated to assess, provide training on, and monitor and evaluate compliance with the above-mentioned standards. Please include details of the sanctions for non-compliance, data on complaints received under redress mechanisms and information on consultations held with organizations representing persons with disabilities;

(d) Progress made on the accessibility of transport open or provided to the public for all persons with disabilities, in both urban and rural areas;

(e) The transposition into national legislation and implementation of Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies;

(f) Efforts to strengthen provisions on accessible procurement under the Act on Public Procurement (Act No. 134/2016 Coll.) so as to ensure accessibility for persons with disabilities;

(g) Implementation of Commission Regulation (EU) No. 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility.

**Situations of risk and humanitarian emergencies (art. 11)**

9. Please provide information on measures taken to develop inclusive and accessible disaster risk reduction strategies and emergency response measures in consultation with organizations of persons with disabilities, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030.

**Equal recognition before the law (art. 12)**

10. Please provide information on:

(a) The number and proportion of persons with disabilities who have regained their legal capacity since the previous reporting cycle;

(b) Plans to abolish all legal provisions restricting the legal capacity of persons with disabilities;

(c) Concrete steps to abolish the legal impediments to the right to vote, and on the restriction of the right to marry under article 673 of the Civil Code (Act No. 89/2012 Coll.);

(d) Efforts made to replace substituted decision-making regimes with supported decision-making regimes, including any planned reform of sections 55 to 65 of the Civil Code and sections 28 and 35 of the Health Services Act (Act No. 372/2011 Coll.).

**Access to justice (art. 13)**

11. Please provide information on measures taken to:

(a) Include procedural and age-appropriate accommodations in national legislation regarding access to justice, including the obligation to accommodate persons with intellectual or psychosocial disabilities and persons who are deaf, deafblind or hard of hearing;

(b) Ensure the provision of accessible materials, communication and information in all judicial proceedings;

(c) Empower persons with disabilities to be direct and indirect participants in the justice system, including as judges, lawyers and court officials, and to be employed in the police force and the prison system;

(d) Provide training to judges, legal professionals, court officers and prison officers on the provisions of the Convention.

**Liberty and security of the person (art. 14)**

12. Please provide information on measures taken to:

(a) Amend or repeal those provisions of, in particular, the Social Services Act (Act No. 108/2006 Coll.), the Health Services Act, the Act on Special Court Proceedings (Act No. 292/2013 Coll.), the Criminal Code (Act No. 40/2009 Coll.) and the Code of Civil Procedure (Act No. 99/1963 Coll.) that authorize deprivation of liberty based on actual or perceived impairment;

(b) Revise the procedures used to restrict persons with disabilities in their legal capacity when they are charged with criminal offences and on measures taken to ensure that persons with disabilities enjoy the procedural accommodation, safeguards and guarantees established for all persons accused of a crime in the criminal justice system, inter alia the presumption of innocence and the rights to a defence and to a fair trial;

(c) Ensure that persons with disabilities enjoy the right to liberty and security of the person on an equal basis with others and on measures taken to review and provide data on all cases of deprivation of liberty of persons with disabilities at mental health facilities, including with respect to the possibility of appeal.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

13. Please provide information on measures taken to:

(a) Prohibit the use of mechanical and chemical restraints, net and cage beds, seclusion rooms and any form of forced treatment of persons with disabilities who are deprived of their liberty in psychiatric hospitals and social care institutions;

(b) Ensure that persons deprived of their liberty have access to independent monitoring and complaint mechanisms and that victims of torture and ill-treatment are entitled to and provided with redress and adequate compensation, including rehabilitation;

(c) Put an end to the practice of corporal punishment of children with disabilities, including in homes and in non-institutional alternative-care and day-care settings.

**Freedom from exploitation, violence and abuse (art. 16)**

14. Please provide information on measures taken to:

(a) Mainstream a disability perspective in existing policies for protection from exploitation, violence and abuse;

(b) Make services available for persons with disabilities, particularly those in a vulnerable situation and persons still living in institutions, to protect them from and to prevent exploitation, violence and abuse, and measures taken to ensure that regular mandatory inspections occur and that reporting and complaints mechanisms and remedies are available to persons with disabilities, including children with disabilities still living in institutions;

(c) Collect data on violence against persons with disabilities, disaggregated by disability, age, sex, ethnicity and other socioeconomic status;

(d) Address and effectively put an end to all forms of violence against women and girls with disabilities, including domestic and sexual violence.

**Protecting the integrity of the person (art. 17)**

15. Please provide information on measures taken to abolish the practice of sterilization of persons with disabilities without their free and informed consent, including sterilization of persons deemed to lack legal capacity as authorized by an expert committee or by the parents of those persons. Please also provide information on the development of a redress mechanism to ensure that victims of forced sterilization have a right to an effective remedy, in accordance with recommendations made by the Human Rights Committee (CCPR/C/CZE/CO/3, para. 11) and the Committee on the Elimination of Discrimination against Women (CEDAW/C/CZE/CO/5, para. 35).

**Living independently and being included in the community (art. 19)**

16. Please provide information on:

(a) Steps taken to achieve deinstitutionalization, including details on the time frame within which the full deinstitutionalization of all persons with disabilities (particularly children under 3 years of age, persons with intellectual or psychosocial disabilities and older persons with disabilities) will be achieved;

(b) The use of financial resources, including European Structural and Investment Funds, and on the transition plans to enable persons with disabilities to freely choose their living arrangements in the community. Please provide an update on the completion of actions to support independent living, as set out under objectives 6.1 to 6.15 of the National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2015–2020;

(c) The availability and accessibility of community-based services for persons with disabilities, including housing services, an open labour market, social services and

human rights-based mental health care. Please indicate whether coverage of these services is sufficient and detail measures to ensure their sustainability.

**Personal mobility (art. 20)**

17. Please provide information on measures taken to:

- (a) Ensure that persons with disabilities, including those living in rural areas, are able to access and can afford to buy high-quality assistive technologies and devices;
- (b) Provide repair services for personal assistive and mobility devices;
- (c) Train persons with disabilities, including children with disabilities, and specialist staff, on mobility skills.

**Freedom of expression and opinion, and access to information (art. 21)**

18. Please provide information on:

- (a) Measures taken to ensure that all broadcast content is accessible to persons with disabilities, including through amendments to the Broadcasting Act (Act No. 231/2001 Coll.);
- (b) Steps taken to allocate sufficient financial and human resources for the training and hiring of Czech Sign Language interpreters;
- (c) Steps taken to guarantee the accessibility of information by persons with disabilities, including in Braille, sign language, Easy Read and other augmentative and alternative means and modes of communication;
- (d) Steps taken to guarantee full access to the contents of the World Wide Web, in accordance with the standards of the World Wide Web Consortium's Web Accessibility Initiative.

**Respect for home and the family (art. 23)**

19. Please provide information on steps taken to:

- (a) Repeal sections 673 and 865 (2) of the Civil Code and ensure the rights of persons with disabilities to enter into marriage and their rights with respect to family life and parental responsibilities on an equal basis with others;
- (b) Ensure support for parents with disabilities, including parents with psychosocial or intellectual disabilities, in fulfilling their parental role without having their children removed from their care.

**Education (art. 24)**

20. Please provide updated information on:

- (a) The implementation of the amended School Act (Act No. 561/2004 Coll., amended by Act No. 82/2015 Coll.) to ensure the right to inclusive education;
- (b) The allocation of financial, technical and human resources to ensure the right of all children with disabilities, including Roma children with disabilities, to a high-quality, inclusive education, and to provide teachers with training that fosters inclusive education, in both rural and urban settings, with Braille and sign language interpretation made available;
- (c) Efforts to transform segregated education into an inclusive education environment in both urban and rural areas, particularly for persons with intellectual disabilities or autism and deafblind persons. Please also provide an update on the achievement of objectives 10.1 to 10.32 of the National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2015–2020.

**Health (art. 25)**

21. Please provide information on measures taken to:

(a) Train and raise awareness among health-care professionals on the rights of persons with disabilities;

(b) Ensure that information and communications regarding health-care services are available in accessible formats to all persons with disabilities, including persons with intellectual disabilities and persons who are blind or deaf, in both urban and rural communities;

(c) Provide access to full health-care and rehabilitative services, including sexual and reproductive health services, for persons with disabilities in their communities.

#### **Work and employment (art. 27)**

22. Please provide information on:

(a) Employment rates among persons with disabilities, disaggregated by age, sex and impairment type, in both the open labour market and sheltered employment;

(b) Measures taken to promote the employment of persons with disabilities in the open labour market, particularly through the prohibition of discrimination on multiple or intersectional grounds, in accordance with Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation;

(c) The availability of supported employment programmes and vocational and professional rehabilitation programmes, as outlined as an objective in the National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2015–2020, especially with reference to the availability of work in rural and urban areas;

(d) Whether some persons with disabilities (those considered as having the third degree of disability) can still only register as “interested for work” and not as “job seeking”, and on the reasons for such a distinction.

#### **Adequate standard of living and social protection (art. 28)**

23. Please provide information on measures taken to:

(a) Revise benefit and pension legislation and policy concerning persons with disabilities and their families, in particular to bring the concept of disability and the assessment criteria used to calculate social protection entitlements, such as the disability pension, into line with the Convention;

(b) Reintroduce the additional social allowance to bring the standard of living of families with children with disabilities above subsistence level.

#### **Participation in political and public life (art. 29)**

24. Please provide information on:

(a) Measures taken to amend provisions in the Civil Code and in electoral legislation that deprive persons with disabilities under guardianship of the right to vote and stand for elections;

(b) Measures taken to improve the accessibility of elections, including through the provision of electoral information in alternative formats such as Braille, sign language and Easy Read and through the provision of accessible polling stations.

(c) The percentage of elected representatives with disabilities and on measures taken to support candidates with disabilities, particularly women with disabilities, to stand for elections.

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

25. Please indicate the measures taken to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

## C. Specific obligations (arts. 31–33)

### Statistics and data collection (art. 31)

26. Please provide information on:

(a) Efforts to improve coordination between all the public bodies and State agencies concerned, including the Czech Statistical Office, the Ministry of Labour and Social Affairs and the Department for Human Rights and Minority Protection at the Office of the Government, in collecting disaggregated data relating to the full range of obligations under the Convention, and to increase the systematic collection of and reporting on such data;

(b) Any further data collected since the 2013 national survey on disability regarding the full range of obligations under the Convention;

(c) Whether the Washington Group Short Set of Questions on Disability has been included in national censuses and household surveys or is planned to be included in the 2019 national survey on disability due to be conducted by the Czech Statistical Office.

### International cooperation (art. 32)

27. Please provide information on:

(a) The impact of the Czech Development Cooperation Strategy 2018–2030 on strengthening disability-inclusive development in all aspects of international development programmes and policies, taking into consideration the linkage between effective implementation of the Convention and implementation of the 2030 Agenda for Sustainable Development;

(b) Evaluations made since the previous reporting period of bilateral development programmes in Bosnia and Herzegovina, Cambodia, Ethiopia, Georgia, the Republic of Moldova and Zambia, and their impact on the lives of persons with disabilities.

### National implementation and monitoring (art. 33)

28. Please provide an update on the work carried out by the Office of the Public Defender of Rights (the Ombudsman) to monitor the Convention since the office's mandate was expanded by the 2017 amendment to Act No. 349/1999, which came into force on 1 January 2018, and provide information on the formation and membership of the advisory body (comprised of persons with disabilities) tasked with assisting the Ombudsman in monitoring the Convention.

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