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The Permanent Mission of the Czech Republic to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to its Note (CM/SW/is) has the honor to enclose submission of the Czech Republic on Human Rights of Persons with Disabilities – Human Rights Council resolution 16/15.

The Permanent Mission of the Czech Republic to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration. *H*

Geneva, 11 October 2011

Enclosure



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## **Submission of the Czech Republic on Human Rights of Persons with Disabilities – Human Rights Council resolution 16/15**

### Introduction

In the past two decades, the Czech Republic has earned a place among those countries that are aware of their increased responsibility for removing barriers impeding full participation and integration of persons with disabilities into society. It has methodically attempted to address individual areas that directly affect them with the aim to improve their conditions and quality of life.

### Ad 1)

In the Czech Republic, a fundamental right to vote is constitutionally protected. The Czech Charter of Fundamental Rights and Freedoms provides that: “The right to vote is universal and equal, and shall be exercised by secret ballot. The conditions for exercising the right to vote shall be provided by law.”

The exercise of the right to vote for persons deprived of full legal capacity is restricted by § 2(b) of the Law on Elections to the Parliament of the Czech Republic (Law No. 247/1995 Coll.), which states that deprivation of legal capacity presents an impediment to the exercise of the right to vote.

This means that to ensure the adequate implementation of the article 29 of the UN Convention on the Rights of Persons with Disabilities into the Czech legal system, new issues will have to be legislated relating to the deprivation or restriction of the legal capacity of individuals. In this connection it is necessary to underline that a restriction of legal capacity does not imply deprivation of the right to vote in the Czech legal system.

### Ad 2)

There are special laws in place that ensure access to voting places and systems. Polling officials and workers must understand and meet the needs of persons with disabilities and in case it is needed, extra assistance is provided. In addition, the law allows persons with various disabilities to receive assistance by a person of their choice.

In accordance with the adopted UN Convention, the new proposal of Civil Code of the Czech Republic brings necessary changes in the restrictions of legal capacity and the reform of guardianship system in the country in order to ensure that persons with disabilities are able to exercise their rights to the fullest possible extent. There are also some alternatives to be introduced to the restriction of legal capacity using the principle of subsidiarity and proportionality, e.g. supported decision-making.

As a principle, the restriction of legal capacity should be possible only if it is necessary for the protection of interest of the person concerned; and the extent of the restriction should be always based on individual assessment, be as minimal as possible and only for affairs or in areas where necessary.

Moreover, following the decision of the Constitutional Court of the Czech Republic of 12 July 2010 (ÚS 3102/08), any court deciding on deprivation/restriction of one’s legal capacity must

then examine whether the person understands the meaning, purpose and effects of the elections. If he/she does, he/she may not be deprived of legal capacity; the person's legal capacity in such a case may be at the utmost partially and proportionally restricted. A contrary approach would be inconsistent with the principle that fundamental rights limitations must be individualized.

### Ad 3)

The involvement of the civil society is provided e. g. through the Government Board for Persons with Disabilities and other formal and informal mechanisms of cooperation.

The Government Board for Persons with Disabilities was established by the resolution of the Czech Government (1991) as its advisory body for the issues of disability. The Board cooperates with the public administration authorities as well as with the non - governmental sphere. It consists of Government representatives and ministries, as well as representatives of associations of persons with disabilities and their employers.

Organisations representing persons with disabilities play an important role in the policy planning and decision-making process concerning disability issues. Probably the most important part is played by the Czech National Disability Council, an umbrella organisation which associates about 114 organisations of persons with disabilities in the Czech Republic. The Council has its representatives in Government Board for Persons with Disabilities, and it is a member of the European Disability Forum.

Also other representative organisations are invited to take active part in the policy planning, for example through participation in working groups established to deal with any disability-related issues (preparation of new legislation, proposals for amendments of the existing legislation, creation of disability policy plans and concepts etc.).

At a local level, municipalities are supposed to take into account the views and opinions of persons with disabilities and their representative organisations when developing disability policy measures or in community planning process in the field of social services, accessibility etc. Most municipalities welcome the possibility of discussing the key issues with the organisations and individuals through public hearings, debates, surveys etc.

Organisations of persons with disabilities also participate actively as members in the Government Council for Non-Governmental Non-Profit Organisations, which is a permanent consultative, initiative and coordination body of the Government of the Czech Republic in the area of non-governmental non-profit organisations (NNOs).

The Council collects, discusses and, through its chair, submits to the Government materials relating to NNOs and the creation of a suitable environment for their existence and activities. It initiates and assesses conceptual and implementation materials for Government decisions relating to support for NNOs, legislative and political measures relating to the conditions for their activities etc.

The Social Inclusion Committee was established by the Ministry of Labour and Social Affairs as a permanent advisory, initiative and coordinating body in the field of social policy, focused on combating poverty and social exclusion. The Committee's objective is primarily to ensure the implementation of European Union policies on social inclusion and coordination of work on the development of strategic documents of the Czech Republic. The body has 45 members

to date, consisting of representatives from both governmental and non-governmental entities (including experts from disability organisations).

As far as awareness-raising activities are concerned, several conferences, debates, workshops, seminars etc. are organised in order to mainstream disability issues and to foster active participation of persons with disabilities in public life.

#### Ad 4)

The independent monitoring mechanism has not been established yet as the consultation process is still under way. The details of the subject are currently being discussed with all relevant stakeholders, including organizations of persons with disabilities, both members and non-members the Czech National Disability Council.

#### Ad 5)

The official statistical data in relation to the participation of persons with disabilities in political life are not available. In the context of elections, the Czech Statistical Office collects many data items, but there are no formal figures on the number of election candidates with a disability; those standing for local or national office are not obliged to disclose such information.

Nevertheless, there's been a lot of progress in that regard over the past twenty years, but there still are challenges. Increased participation of persons with disabilities in politics is mainly due to the fact that they have become more integrated into society; in other words, as persons with disabilities became more socially involved, they also became more politically involved at all levels. They are members of the Parliament of the Czech Republic, mayors and council members of municipalities etc.

With the aim to strengthen the capacity of disability movement to contribute to the process of policy and programme developments, mutual partnership between organizations of persons with disabilities, the state and other social partners is promoted. A new National Plan for Persons with Disabilities covering the period from 2010 to 2014 states that it is necessary to improve continuously the mechanisms to encourage greater participation of persons with disabilities in the consultative process, particularly in those areas that directly affect them. To this end, the activities of civic associations of disabled persons, including international cooperation, are supported by means of grant schemes.

#### Ad 6)

In the field of disability, the Czech Republic supports a range of international cooperation programmes to address specific problems that persons with disabilities face, and to improve the quality of their life. At present, the main goal is empowering and enabling persons with disabilities to participate fully in society, which means addressing barriers to opportunities such as education, lifelong learning, training programmes and employment; and securing the provision of quality social services, technical aids, assistive devices etc. The aim of each project funded under the programs is to build the knowledge, skills and capacities in the field. Complying with accessibility guidelines is a main concern in order to enable the participation of all members of the target group.