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The Permanent Mission of the Czech Republic to the United Nations Office and other International Organisations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to the Note IW/SI/AZ/is of 1 September 2009 has the honor to forward Information on the process of ratification and implementation of the Convention on the Rights of Persons with Disabilities in the Czech Republic.

The Permanent Mission of the Czech Republic 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.

Geneva, 24 September 2009

Enclosure

Office of the UN High Commissioner for Human Rights
Geneva

Information on the process of ratification and implementation of the Convention on the Rights of Persons with Disabilities

The Czech Republic has recently finished the ratification of the UN Convention on the Rights of Persons with Disabilities and has not yet considered all of the raised issues.

Ad a) and b)

The Ministry of Labour and Social Affairs has been given an overall responsibility for the ratification and implementation process of Convention on the Rights of Persons with Disabilities in the Czech Republic. The Government Board for People with Disabilities and the Ministry of Foreign Affairs share responsibility in this task.

We are fully aware of the fact that the implementation of the Convention is a complex, interlinked and interdisciplinary process, to which not only central administration authorities, but also regions and organizations of people with disabilities contribute.

Ad c)

Co-ordination mechanism pursuant to Article 33.2 will be settled in due course following ratification of the Convention.

Ad d)

The participation of civil society is realized through the Government Board for People with Disabilities and other formal and informal mechanisms of cooperation, e.g. with the Czech National Disability Council.

Organisations representing people with disabilities play always an important role in the policy planning and decision-making process concerning disability issues. The most important part is played by the Czech National Disability Council, an umbrella organisation which associates and represents majority of organisations of persons with disabilities in the Czech Republic.

Ad e)

New law No. 108 of 2006 (Social Services Act), which came into force 1st of January 2007, introduced provision on inspection of social services.

Inspection of social services shall carry regional authorities and Ministry of Labour and Social Affairs. Inspection shall be always carried out at the place of the provision of social services. In each individual case, inspection shall be carried out by an inspection team comprising at least 3 members. At least 1 member of an inspection team shall be an employee of a region, or an employee of the Ministry. An inspector

must not be engaged in labour law or similar relationship with any social services provider in a region in which he carries out an inspection. In the interest of professional consideration of the issue, specialized professionals may be invited to participate in an inspection. An invited specialist must not be prejudiced in respect to a social services provider subject to an inspection. A social services provider subject to inspection shall enable an invited specialist to participate in the inspection. An inspection report shall be made on the result of the inspection; the provision on a protocol (report) according to the State Control Act shall apply to such report.

When carrying out an inspection, social services quality is checked according to social services quality standards. Social services quality standards are a set of criteria defining the quality level of a social services provision in the field of social services staffing and operational arrangements, and in the field of relations between a provider and persons.

Moreover, the Public Defender of Rights (Ombudsman) in his capacity as a national preventive mechanism established in accordance with the Optional Protocol to the Convention against Torture and other Inhuman or Degrading Treatment or Punishment, visits regularly also facilities providing social services. Law of 8th December 1999 No. 349 of 1999 (on Public Defender of Rights) stipulates in § 1 (3) and (4):

"The Defender systematically visits places where there are or may be located persons whose freedom is restricted by public authority, or as a result of their dependence on care provided, to strengthen protection of such persons against torture, or cruel, inhumane and degrading treatment, or punishment or other mistreatment.

*(4) The scope of activity of the Defender under clause 3 applies to facilities performing custody, imprisonment, protective or institutional care, or protective therapy;
other places where there are or may be located persons whose freedom is restricted by public authority, especially police cells, facilities for holding foreigners and asylum facilities;
places where there are or may be located persons whose freedom is restricted as a result of dependence on the care provided, especially social care institutes and other facilities providing similar care, medical facilities and facilities providing social/legal protection of children (hereinafter referred to as "Facilities")."*
