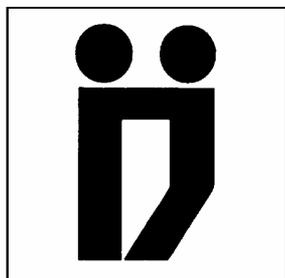


Government Board for People with Disabilities



# **National Plan for the Creation of Equal Opportunities for Persons with Disabilities 2010–2014**

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**National Plan for the Creation of Equal Opportunities for Persons with Disabilities 2010–2014**

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## **INTRODUCTION**

A disability can be characterized as a long-term or permanent adverse health condition that cannot be significantly improved or completely removed with treatment. Unlike the many other factors that may affect individuals, a disability is generally beyond their control.

The emergence and existence of a disability is a situation that fundamentally influences the lives of every person it affects. It has a direct impact not only on disabled persons themselves, but also on their families. More severe forms of disability in particular result in significant changes in the possibilities of full participation and involvement in either private activities or public life.

Nevertheless, the adverse consequences and implications arising from the existence of a disability can be eliminated to some extent by an elaborate system of measures requiring the participation of society as a whole.

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 disabled persons' full participation and integration into society. It has methodically attempted to address, over time, individual areas that directly affect the disabled in a bid to improve their conditions and quality of life.

To this end, four National Plans have been drawn up, approved by the Government and implemented; these National Plans formulated government policy on disabled people and set out specific measures, identified as important priorities, for each ministry in the period in question. The Government reviewed the National Plans annually and, where necessary, made changes or additions.

The first such government document to be adopted was the National Plan to Assist the Disabled, which was approved in 1992 under Government Resolution No 466. Its priority goals included the elimination of the most serious cases of discrimination and the initiation of systemic changes in support for people with disabilities.

This document was directly followed up by the National Plan of Action to Reduce the Negative Consequences of Disability, which was adopted in 1993 under Government Resolution No 493.

The third document was the National Plan for the Equalization of Opportunities for Persons with Disabilities, adopted by the Czech Government in 1998 under Government Resolution No 256. The structure of this plan was based on the international document "Standard Rules on the Equalization of Opportunities for Persons with Disabilities", which was approved by the General Assembly of the United Nations in 1993.

The most recent document to be implemented was the National Plan for the Support and Integration of Persons with Disabilities 2006–2009, which was adopted in 2005 under Government Resolution No 1004.

Another important document worth mentioning in this regard is the Medium-term Concept of Government Policy on Persons with Disabilities, approved in 2004 under Government Resolution No 605.

From an objective point of view, the implementation of the National Plans has discernibly improved the Government's approach to disabled persons, which has been positively reflected in many areas that are important in preserving the quality of life and dignity of this group of people and help them integrate into society.

The fact that the preparation of National Plans has always actively involved the participation of delegations representing the interests of the disabled has also been beneficial, as the final versions of measures are then a compromise between these delegations and the competent central government authority.

The most important positive changes in the last period include:

- The adoption of the Social Services Act, under which the reform of social services was launched. This law fundamentally and unequivocally extended the powers and rights of users of social services; a new social benefit – the care allowance – was established for these users.
- In the education of children and students with disabilities, an increasing emphasis was placed on the non-discrimination and equal access of such persons. The new Schools Act clarified the conditions aimed at facilitating their education in the two basic streams of education – main and special – while respecting the fundamental rights of the legal guardians of the child or person with disabilities.
- The gradual improved accessibility of individual types of public transport, resulting in an increasing number of wheelchair-accessible stations and stops, and wheelchair-accessible vehicles.
- Improvements in access to information systems for people with disabilities were enshrined in an amendment to the Act on Public Administration Information Systems, which required public institutions to ensure that the information they publish can be remotely accessed by these persons.
- In terms of access to cultural heritage, there has been a steady rise in the number of museums and galleries which are accessible to wheelchair users and the severely handicapped. The accessibility of public library and information services for these persons has improved.

Although most of the measures contained in the National Plans implemented to date have been fulfilled, there are still a number of open and outstanding issues that directly affect the lives of disabled groups.

In particular, these issues include:

- The persistent unfavourable situation in the employment of people with disabilities. At the end of 2009, approximately 68,000 candidates with

disabilities were registered at labour offices. In the coming period, it will be necessary to overhaul the system used to support the employment of this group of people, including an evaluation of the impacts of related systems (social, fiscal).

- The systematic continuation of the removal of barriers in public buildings and transport structures that were built before the entry into effect of the Building Act, which requires disabled-access construction.
- The rigorous application of the principle of inclusive education for students with disabilities, and subsequently a systematic solution to the conditions for the tertiary education of students with disabilities.
- The preservation of specific grant programmes for disabled organizations aimed at securing publicly meaningful and mutually beneficial activities for disabled persons.

As the existing National Plan expires on 31 December 2009, the Government, further its review of the 2007–2008 Progress Report on the Medium-term Concept of Government Policy on Persons with Disabilities, adopted Resolution No 273 of 9 March 2009 ordering the Minister for Human Rights and Executive Vice-Chairman of the Government Board for People with Disabilities to draw up and submit to the Government, by 31 March 2010, the draft of a new National Plan for Persons with Disabilities covering the period from 2010 to 2014 and following up on the goals and tasks of the Medium-term Concept.

An important event that influenced the preparation and form of the present National Plan is the fact that, in September 2009, the Czech Republic ratified the Convention on the Rights of Persons with Disabilities (the “Convention”), which had been approved in December 2006 by the General Assembly of the United Nations. The Convention builds on seven existing UN human rights treaties. It does not create any new rights, but instead requires the strict implementation of existing human rights and freedoms with regard to persons with disabilities. It recognizes their dignity and equality, the right to autonomy and independence, and to free determination, and supports the involvement of persons with disabilities in all policies affecting them. For the Convention, it is vital to ensure disabled access to the physical, economic, social and cultural environment, as well as to education, rehabilitation, information and communication. The Convention is founded on the principle of equality, which aims to protect and ensure equal access to rights and freedoms for persons with disabilities and to ensure respect for their dignity.

The basic format of the new National Plan, from the perspectives of content and structure, draws on the general principles on which the Convention is based. In the production of the document, only those articles of the Convention which are most important and most up to date for the next five years in terms of creating an equal and non-discriminatory environment for people with disabilities were selected.

The National Plan is divided into separate chapters corresponding to the various articles of the Convention. Each chapter, in addition to citing the relevant article of the Convention, also contains a brief description of the current status and

goals to be achieved through action, and a set of measures, either with deadlines or ongoing, along with a specification of the ministry responsible for their implementation. Where multiple ministries are involved in the implementation of measures, they are jointly responsible for their implementation.

## **1. EQUAL TREATMENT AND PROTECTION AGAINST DISCRIMINATION**

### **Article 5 of the Convention Equality and non-discrimination**

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

One of the basic and necessary prerequisites when fostering conditions for persons with disabilities to be able to participate in and integrate into society fully and equally is effective legal protection against any discrimination. An important step intended to help guarantee this protection was the adoption of Act No 198/2009 on equal treatment and on legal means of protection against discrimination and amending certain laws (the Antidiscrimination Act), which entered into effect on 1 September 2009. In the period ahead, it will be necessary to evaluate the experience and the benefits of this legislation from the perspective of persons with disabilities and, where necessary, to propose further changes in those laws where manifestations of discrimination on grounds of disability can be detected.

The general public still needs to be methodically educated in the harmfulness of discrimination and the consequences that it has on the lives of persons with disabilities, and a positive attitude to diversity and the individuality of each person needs to be promoted. It is also necessary to constantly raise public awareness of the existing anti-discrimination legislation that has been adopted.

In the context of eliminating discrimination and improving the integration of persons with disabilities in accordance with the Convention, the consistent enforcement of the principle of universal design is also very important.

### **Measures with deadlines:**

1.1. Evaluate experience with and the contribution of Act No 198/2009 on equal treatment and on legal means of protection against discrimination and amending certain laws (the Antidiscrimination Act) from the perspective of persons with disabilities and, where necessary, propose changes in those laws in which manifestations of discrimination on grounds of disability are evident.

*GBPD, CNDC  
by 31 December 2011*

1.2. Prepare and submit for consideration a proposal to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

*MoLSA, GBPD, MoFA  
by 31 December 2012*

### **Ongoing measures:**

1.3. Increase social and legal awareness of discrimination on grounds of disability or adverse health condition, e.g. by printing information materials, raising public awareness through radio and television, etc.

*GBPD, CNDC, all ministries*

1.4. When adopting all organizational, legislative and factual solutions that relate to the lives of citizens, respect the principle of universal design so that the proposed solutions are also suitable for persons with reduced mobility and orientation.

*all ministries*

## **2. WOMEN WITH DISABILITIES**

### **Article 6 of the Convention Women with disabilities**

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

In accordance with international documents and the European and global gender policy, one of the tasks in the upcoming period will be to map the situation faced by women with disabilities in the Czech Republic in a bid to compare their situation with non-disabled women and with men with disabilities. As is clear from the wording of this article, women and girls with disabilities are exposed to multiple forms of discrimination. For this reason, it would be appropriate to conduct a research study and, on the basis of its findings and conclusions, to propose measures aimed at removing existing inequalities.

**Measure with deadline:**

2.1. Conduct a specific analysis focused on women with disabilities in the Czech Republic (whether there are differences in their position compared with men in the Czech Republic and with the situation of women based on the results of existing expert studies in the EU and the world, including their position in the labour market and their wages). Based on the results of the analysis, if necessary set specific measures geared towards conditions in the Czech Republic.

*GBPD, OGCR  
by 31 December 2011*

**Ongoing measure:**

2.2. When taking all organizational, legal and factual measures that relate to the lives of persons with disabilities, ensure equal conditions for women with disabilities.

*all ministries*

**3. PUBLIC EDUCATION AND AWARENESS ACTIONS**

**Article 8 of the Convention  
Awareness-raising**

1. States Parties undertake to adopt immediate, effective and appropriate measures:
  - a) to raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
  - b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
  - c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

a) Initiating and maintaining effective public awareness campaigns designed:

- i) To nurture receptiveness to the rights of persons with disabilities;
- ii) To promote positive perceptions and greater social awareness towards persons with disabilities;
- iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

Position of disabled persons in society is greatly influenced by how the public treats them and how they are accepted by their surroundings. Although positive attitudes towards this group of people are gradually improving among the public, the vigorous pursuit of information, publishing and other awareness-raising activities in the coming period remains necessary. The production of information materials specifically designed for particular groups of people with disabilities and their families needs to be supported further. Educational activities should be encouraged in the context of specific grant programmes.

An important task to be taken from the previous National Plan and to build on is the training of officials in disability issues in accordance with and further to Act No 312/2002 on local and regional government officials and amending certain laws, as amended. This training must be an integral part of initial and continuing training in various specializations and should also be incorporated into the proficiency testing of public officials.

**Ongoing measures:**

3.1. Through grant programmes, promote educational and information activities in the equalization of opportunities for persons with disabilities: public awareness-raising campaigns, participation in exhibitions and public presentations, including support programmes, the organization of conferences and seminars, the operation of information websites, the publication of information materials, leaflets, printed materials and publications on the theme of disability.

*GBPD, MoH, MoC*

3.2. Create conditions for the gradual and ongoing training of staff in the public sector in the issue of persons with disabilities and the principles of communicating with selected groups of persons with disabilities.

*Mol, MoLSA*

3.3. Announce a Government Board for People with Disabilities Prize for journalism focusing on disability issues.

*GBPD*

#### **4. ACCESSIBILITY OF BUILDINGS AND TRANSPORT, ACCESS TO INFORMATION**

##### **Article 9 of the Convention Accessibility**

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

c) Provide training for stakeholders on accessibility issues facing persons with disabilities;

d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

- e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Measures relating to this article are focused on the accessibility of building and transport accessibility and access to information.

Extremely important fundamental human rights, from the point of view of people with disabilities, should also include the right to freedom of movement, because if this right cannot be exercised it is virtually impossible to achieve full integration in modern society.

With the active cooperation of disabled organizations, in the past fifteen years numerous laws have entered into force which have created a solid legislative framework to ensure wheelchair accessibility and use not only for public buildings, but also transport structures and vehicles intended for public transport. Current Czech legislation in the field of the barrier-free use of buildings is entirely comparable with the standards in force in EU countries.

Nevertheless, despite the undeniable positive contribution made by the legislative changes, the observance and correct application of the rules and conditions laid down for the creation of an accessible environment remain a continuing problem.

Another persistent problem is the wheelchair accessibility of public buildings and transport structures constructed before the obligation to provide such accessibility was established by law.

The measures set out in this chapter for the coming period will focus on the strict respect for and proper application of rules and conditions laid down for the creation of an accessible environment and checks by the government authorities. The National Development Programme of Mobility for All, aimed at gradually removing existing barriers in public buildings and transport structures built in the past through wheelchair accessible via routes in towns and villages, needs to be continued.

Ensuring access to information and the opportunity to use modern information technologies is particularly important for people with sensory disabilities. An

important step helping to improve the situation in this area was the approval of an amendment to the Act on Public Administration Information Systems taking into account the needs and requirements of persons with disabilities. This Act was implemented by a decree on the form of disclosure of information related to public administration by means of websites for people with disabilities; this decree defined accessibility rules in detail. The expansion in the number of disabled-access websites should continue to be pursued in the future.

### **Measures with deadlines:**

4.1. Monitor and evaluate the effectiveness of Czech technical standards concerning the barrier-free use of buildings when applied in practice.

*MRD, MoT, MIT*

*by 31 December 2011*

4.2. In accordance with the evaluation of the Czech technical standards under Measure 4.1., propose the elimination of any conflicts with the laws relating to the barrier-free use of buildings.

*MRD, MoT, MIT*

*by 31 December 2012*

4.3. Propose a change to the financing of the National Development Programme of Mobility for All to make it simpler, less burdensome and more transparent for the promoters of wheelchair accessible route plans.

*GBPD, MRD*

*by 30 June 2011*

4.4. Within the scope of their competence, monitor and evaluate the effectiveness of the decree on general technical requirements ensuring the barrier-free use of buildings when applied in practice.

*MRD, MoT*

*by 30 June 2013*

### **Ongoing measures:**

4.5. Be methodical in relation to municipal building authorities with regard to general technical standards needed to ensure barrier-free use of buildings.

*MRD*

4.6. Be methodical in relation to building authorities with regard to general technical standards needed to ensure barrier-free use of buildings within the meaning of technical regulations under the authority of the Ministry of Transport.

*MoT*

4.7. Within the scope of its competence, provide consulting and advisory activities related to the barrier-free use of buildings and vehicles.

*MoT*

4.8. Provide a special-purpose grant for consulting services and for the requirements of building authorities in the assessment of general technical standards securing the barrier-free use of buildings, and systematically promote these activities.

*MRD*

4.9. In the preparation of documentation for international negotiations in which legally binding set of technical requirements are set for the public transport of disabled people, cooperate and consult specific requirements with representatives defending the interests of the disabled.

*MoT*

4.10. Cooperate with the Government Board for People with Disabilities in implementing the National Development Programme of Mobility for All in accordance with Government Resolution No 706 of 14 July 2004, as amended by Government Resolution No 292 of 26 March 2008.

*all ministries*

4.11. Safeguard the activities of the National Development Programme of Mobility for All, especially the submission, selection and evaluation of projects, the setting of rules for the promotion of the programme by various ministries and programme publicity.

*GBPD*

4.12. Promote a significant expansion in the accessibility of public institutions' websites for people with visual, hearing, mental and multiple disabilities (including blind friendly websites).

*MoI*

## **5. EQUALITY BEFORE THE LAW**

### **Article 12 of the Convention Equal recognition before the law**

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that

measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

To ensure the satisfactory implementation of this article of the Convention into the Czech legal system, new issues will have to be legislated relating to the deprivation or restriction of the legal capacity of individuals and, consequently, the rights and obligations of such persons' guardians will have to be defined in more detail.

By signing the Convention, the parties agree to move away from the concept of "substitute decision-making", where an appointed person (guardian) takes decisions on behalf of the person concerned. As a result, the person in question is excluded from the decision-making. This concept is replaced by "support" or "assisted" decision-making, based on the premise that all persons are capable of making their own decisions, but need a greater or lesser degree of support.

The concept of assisted decision-making is already in place in Germany, Sweden, and some Canadian provinces, and preparations are underway in Hungary.

An outline of this concept was incorporated into the draft of the new Civil Code. As the debate on this draft legislation has been suspended for the time being, it would be expedient and useful to transfer these provisions to the existing Civil Code, with minor linguistic modifications, so that the existing arrangements are as consistent as possible.

The need to make changes in procedural law is directly related to changes in substantive law. This need is mainly connected to the change in approach towards persons deprived of legal capacity, which must necessarily also be reflected in proceedings on the legal capacity of natural persons.

Act No 384/2008, implementing an amendment to the Act on Communication Systems for the Deaf and Deafblind, defined a new means of communication – the written record of speech. Its use is highly appropriate for those negotiations where maximum accuracy and clarity of content is essential. To this end, a new service – the simultaneous transcription of speech – has been developed and field-tested. Organizations for the hearing impaired are seeking the earliest possible introduction of this service into practice. It appears to be particularly appropriate for court proceedings where the participants are hearing impaired.

**Measure with deadline:**

5.1. Propose the formulation of legislation protecting the rights of particularly vulnerable groups of persons with disabilities (persons with mental disabilities and persons with mental illness) by strengthening the rights of such persons in those proceedings that concern them (notably the concept of legal capacity) and by adopting more detailed provisions on the rights and duties of these persons' guardians.

*MoJ*  
*by 31 December 2011*

**Ongoing measure:**

5.2. Create conditions for the introduction of the simultaneous transcription of speech in court proceedings for the hearing impaired.

*MoJ*

**6. INDEPENDENT LIVING**

**Article 19 of the Convention**

**Living independently and being included in the community**

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Social services play a vital role in ensuring that persons with disabilities have conditions where they can enjoy independent living and social inclusion. Act No 108/2006 on social services laid down the basic conditions and prerequisites for the reform of the whole social service system. The new legislation in this field has significantly strengthened the powers of social service users, who may, at their discretion, have a much greater say in the extent and form of the assistance and care provided to them. The range of services designed to help people with disabilities remain in their natural home environment and enable them to lead independent lives is being expanded.

The aim of measures for the coming period is to continue the process of social-service reform. Systematic assistance must be channelled into the transformation of residential social service facilities. In the future, ensuring the economic balance and stability of the entire social service system – both legislatively and materially – will be equally important.

### **Measures with deadlines:**

6.1. Prepare and run an appropriate promotional campaign to support the formation and development of social enterprises with expert assistance from the Thematic Network for the Development of a Social Economy.

*MoLSA, UBMPC  
by 31 December 2010*

6.2. Use evaluations of MoLSA global grants aimed at the promotion of social entrepreneurship to draft support and infrastructure for the development of social entrepreneurship as an opportunity and means of providing normal work for people with disabilities.

*MoLSA, MIT, MRD UBMPC  
by 31 December 2011*

6.3. Draw up the optimal form and structure of an advice and support network for the formation and development of social enterprises.

*MoLSA, MIT, MRD UBMPC  
by 31 December 2011*

6.4. Evaluate the results of an individual project focusing on the process of transforming residential social service facilities and use these findings in practice in the provision of social services in the Czech Republic.

*MoLSA*

*by 31 December 2014*

6.5. By reference to the results of a comprehensive analysis of social services, take legislative and other action for the stability and sustainable development of social services.

*MoLSA  
by 31 December 2014*

**Ongoing measure:**

6.6. Under a grant scheme, support social services for persons with disabilities which enable them to remain at home, as a precaution against their placement in residential facilities.

*MoLSA*

**7. PERSONAL MOBILITY**

**Article 20 of the Convention  
Personal mobility**

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
- b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
- c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
- d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

The quality of life and the possibility of integrating disabled people into society can be significantly and positively influenced by the use of different kinds and types of suitable devices which not only help improve self-care, self-sufficiency and orientation, but also help such persons participate in various forms of education or become involved in the work process.

The range of tools available on the Czech market is comparable with other developed European countries. The cost of these tools, known as “medical devices”, is generally fully or partially covered by the public health insurance system. In keeping with Decree of the Ministry of Labour and Social Affairs No 182/1991 implementing the Social Security Act, as amended, the welfare departments of the municipal authorities of municipalities with extended powers contribute to the cost of selected assistive devices and rehabilitation aids for people with severe disabilities as part of their delegated state administration powers.

In the forthcoming period, the affordability of aids for the disabled will have to remain on the same level as it is at present. As far as possible, the development and production of these devices should also be encouraged.

Another task covered by the scope of this chapter is the identification and proposal of substantive state aid for the training of guide and assistance dogs.

Another important area of personal mobility is, of course, the barrier-free accessibility of public transport. As far as its powers allow, the Government must seek a gradual expansion in wheelchair access transport and increase the number of vehicles designed for such transportation.

### **Measure with deadline:**

7.1. In close cooperation with ministries (the Ministry of Health, the Ministry of Agriculture, the Ministry of Industry and Trade), selected representatives of trainers and disabled organizations, propose substantive solutions for state assistance in the training of guide and assistance dogs.

*MoLSA  
by 30 June 2011*

### **Ongoing measures:**

7.2. Supervise, within its competence, the affordability of medical devices for persons with disabilities.

*MoH*

7.3. Under grant schemes, support the development of rental agencies providing medical devices for persons with disabilities to improve their availability.

*MoH*

7.4. Encourage the development and manufacture of assistive devices and rehabilitation aids for persons with disabilities.

*MIT*

7.5. Strive to ensure that a reasonable number of newly acquired passenger rail cars are designed for access and use by persons with limited mobility or orientation.

*MoT*

## **8. FAMILY LIFE**

### **Article 23 of the Convention Respect for home and the family**

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;

b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;

c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

The family is the best and most natural environment in which to raise children. The measures in this chapter are focused on the support of activities designed to increase the numbers applying to take children with disabilities into foster care, including applicants with disabilities. Here, an emphasis is also placed on the need to provide consultancy support for parents caring for children with disabilities, for applicants for the mediation of adoption, and those who have taken a child with disabilities into their care.

Furthermore, the system to help victims of domestic violence will also pay increased attention to people with disabilities. These people are often vulnerable to abuse in the family, community or institutions and need to be taught how to prevent abuse, recognize when abuse has occurred, and report such acts.

**Ongoing measures:**

8.1. In the field of child protection, support activities to increase interest among potential applicants thinking about taking a child with disabilities into foster care, including applicants with disabilities, provide advisory assistance to parents caring for a child with disabilities, to applicants seeking the mediation of adoption and to persons who have taken a child with disabilities into their care, and support the development of follow-up care for those children leaving a residential care facility upon reaching adulthood or on completing vocational training. At the same time, develop specific forms of temporary ancillary foster care to allow parents to take back a child with disabilities into their care.

*MoLSA*

8.2. *In the system to help victims of domestic violence, pay increased attention to people with disabilities.*

*MoLSA, MoH, MoEYS, Mol*

## **9. TRAINING AND EDUCATION**

### **Article 24 of the Convention Education**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal

opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

- a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

- a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- c) Reasonable accommodation of the individual's requirements is provided;
- d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

- a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who

are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

The primary goal in the period covered by the National Plan is to apply the principle of inclusive education. At the primary and secondary levels of education, each child has the right to education in a mainstream school in the place where he or she lives.

Closely connected with this objective is the gradual transformation of the existing system of separate schools established for children, pupils and students with disabilities and the extension of their competence towards that of mainstream schools, to whom they should provide an expert, methodological, didactic and technical background.

As at 30 September 2008, of the total of 1,713,523 children and students enrolled at nursery, primary, secondary and post-secondary vocational schools, 60,832 children and students were disabled (not counting those children and students with learning disabilities).

The following table outlines the number of children and students with disabilities in different types of schools and the organizational forms of education.

*Table: Numbers of children and students with disabilities in different types of schools and forms of special education*

<b>Numbers of children, pupils and students in different types of schools</b>		<b>Total</b>	<b>Nursery schools</b>	<b>Primary schools</b>	<b>Secondary schools**</b>	<b>Post-secondary schools</b>
<b>total</b>		1,713,523	301,620	816,015	567,861	28,027
<b>of which</b>	<b>with a disability*</b>	60,832	8,338	39,159	13,318	17
	<b>individual integration</b>	8,620	1,541	6,290	772	17
	<b>special classes</b>	12,355	3,940	3,010	5,405	0
	<b>special schools</b>	39,857	2,857	29,859	7,141	0
<i>* no specific learning difficulties</i>						
<i>** including conservatories</i>						

In view of the demographic development of the population of children and students with disabilities who were integrated into mainstream primary and secondary schools in the most recent period and who have reached university age, there has naturally been an increase in the number of candidates to study at universities. This rise in the number of applicants and students has necessitated a

targeted and systemic solution for the education of people with disabilities even on a tertiary level. In order to safeguard the right of access to higher education, conditions need to be fostered purposefully and systematically for them to be able to study.

The number of university students with disabilities is unknown at present, and is expected to rise steadily. Receiving a higher education is essential in expanding greater job opportunities for graduates with disabilities just as it is for graduates without disabilities.

For children, pupils and students with disabilities, inclusive education is conditional on the high-quality provision of conditions, support services and legislative, staffing, educational, economic and technical measures. This includes changes to the advisory system, the completion of curriculum reform, the promotion of the further training of teaching staff and informational activities. This stated objective has been broken down into specific actions.

### **Measures with deadlines:**

9.1. Prepare and adopt a concept that includes a list of tasks and measures required to improve the accessibility of mainstream schools at all levels of education for children, pupils and students with disabilities. Documentation will be prepared under the auspices of the Ministry of Education, and the preparation and subsequent evaluation of the measures will take place with the participation of organizations of persons with disabilities and legal guardians of children and students with disabilities.

*MoEYS  
by 31 December 2013*

9.2. In primary and secondary education, establish conditions for the provision of assistance services (teaching assistants) and additional teaching staff in a classroom in which students with disabilities are taught, with an emphasis on the activity of these members of staff in mainstream education. Expand the activities of teaching assistants to include assistance for the self-care and mobility of disabled students.

*MoEYS  
by 31 December 2010*

9.3. Redefine ways to provide special educational support to children, pupils and students with disabilities, depending on the depth and severity of their disability and the corresponding impact on the educational circumstances of the individual.

*MoEYS  
by 31 December 2010*

9.4. Once the different levels of support measures have been set, create a general catalogue of available special educational support resources and determine how they are to be provided.

*MoEYS*

*by 31 December 2010*

9.5. Prepare an information campaign, part of which includes contacting head teachers methodically to emphasize the obligation of primary schools to provide education to all students regardless of their health status and any disability.

*MoEYS  
by 31 December 2010*

9.6. Propose rules for the implementation of another method of education within the meaning of Section 42 of the Schools Act in order to unify the methodological, organizational and staffing resources used in the education of children with profound mental disabilities.

*MoEYS  
by 31 December 2011*

9.7. Move the age limit for the eligibility of severely handicapped children and young people for grants to attend summer camps and take part in leisure activities to 26 years.

*MoEYS  
by 31 December 2012*

9.8. Improve the organizational, process and content framework of special education counselling and diagnostics in order to ensure independent and uniform assessments of the need for support measures for children and students with disabilities throughout the Czech Republic, including safeguarding the rights of children and students with disabilities and their legal guardians. In connection with the catalogue of resources for special education support (types of support measures), address the binding nature of conclusions from special education diagnostics at schools and school facilities.

*MoEYS  
by 31 December 2013*

9.9. Pay particular attention to the education of children and students with mild mental disabilities in order to eliminate the erstwhile almost exclusive education of such pupils in schools set up separately for students with disabilities.

*MoEYS  
by 31 December 2013*

9.10. Promote the optimization of the preparatory stages of special primary schools so that the offer to prepare for the education of children with severe mental disability, multiple handicaps and autism is available in all regions of the Czech Republic. The preparatory stage should be part of any fully organized special primary school.

*MoEYS*

*by 31 December 2014*

9.11. Legislate the possibility of providing special-interest education in extra-curricular and school clubs to children from the preparatory classes of primary schools and the preparatory stage of special primary schools.

*MoEYS*

*by 31 December 2011*

9.12. Draw up MoEYS Methodology to ensure equal access to higher education for people with disabilities – minimum standards for the accessibility of higher education in the context of disability. These guidelines will support the implementation of foundation courses at tertiary education institutions, in particular universities and organizations active in tertiary education decision-making processes. The methodology will clarify conditions applicable to the accessibility of higher education, including procedures for the formation of such education, and degree programme accessibility criteria.

*MoEYS*

*by 31 December 2011*

9.13. Prepare an information campaign by reaching out to the rectors of universities in accordance with Section 21(1)(e) of the Higher Education Act.

*MoEYS*

*by 30 June 2012*

9.14. MoEYS strategic documentation will take into account issues related to the equal access of students with disabilities; the MoEYS will ensure that legislation, or draft legislation, in the field of tertiary education includes provisions on the equal access and non-discrimination of disabled people.

*MoEYS*

*by 31 December 2012*

9.15. Recommend that universities, in the requirements regarding the output competencies of graduates of degree programmes focused on work with children, pupils and students suffering from visual, hearing, physical and mental disabilities, state that such graduates should be trained in the skills necessary for working with this target group.

*MoEYS*

*by 31 December 2014*

### **Ongoing measures:**

9.16. Monitor preschool education programmes and how they relate to the needs of children with disabilities. As a matter of priority, identify and improve the quality of care provided by speech therapists to strengthen the children's communication skills.

*MoEYS*

9.17. Evaluate, via pilot schools, the system for the creation of school education programmes (SEP) in relation to the needs of students with disabilities, in particular the appropriate inclusion of special educational care subjects.

*MoEYS*

9.18. Ensure that the framework education programmes for secondary education respect the specific nature of education for the different groups of students with disabilities, including a specification of the means of special educational support and the method used to deliver them.

*MoEYS*

9.19. In the secondary education of mentally disabled students, issue a Framework Secondary Education Programme - One-year Practical School and Two-year Practical School following up on the already completed FEP/PPE, FEP-PS SMD and FEP/SPS.

*MoEYS*

9.20. Encourage the development of further teacher training concerning the education of children and students with disabilities in mainstream education. In this respect, promote the training of future teaching staff in the faculties of universities.

*MoEYS*

9.21. In the education of children and students with disabilities, continue the inclusive education system. The form of education must be chosen with the best interests of the child or pupil at heart. Promote the education of children and students with disabilities in mainstream education. Gradually expand the activities of schools and educational facilities for children, pupils and students with disabilities to include a range of supportive care and services, including the provision of methodological assistance to teachers from other schools and to legal guardians. Use schools separately intended for these groups of pupils primarily for students with the most severe degree of disability. Use, as much as possible, new technical and assistive devices and continue the training of teaching staff in the use of such devices and communication tools for individual groups of people with disabilities.

*MoEYS*

9.22. Use financial instruments to promote access to higher education for the greatest possible number of people with disabilities.

*MoEYS*

9.23. Specifically monitor the quality of university activities focusing on the education of disabled people, notably through the “Long-term Plan of Educational, Scientific,

Research, Development, Innovation, Artistic and Other Creative Activities for Universities 2011–2015” and the annual reports of higher education institutions.

*MoEYS*

9.24. Promote the lifelong learning of persons with disabilities.

*MoEYS*

## **10. HEALTH AND HEALTH CARE**

### **Article 25 of the Convention Health**

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- c) Provide these health services as close as possible to people’s own communities, including in rural areas;
- d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
- e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Health care provided to patients with disabilities is an integral part of the uniform system of public health insurance.

A challenge for the upcoming period will be to continue the implementation of instruments reducing health care needs or enhancing the efficiency and quality of health care. Such instruments will include not only the development of primary prevention, aftercare, integrated care at health and social facilities, but also the support of the preventive and rehabilitative therapeutic activities of people with disabilities and chronically ill people, as well as further the development of secondary prevention through a grant policy geared towards the education of such persons. This helps to enhance the effectiveness of treatment, limit the secondary effects of a disability, improve the quality of life for people with disabilities, prolong their working and social activities, and thus save expenditure from public sources.

Attention should also be paid to the rigorous respect, implementation and enforcement of patients' rights arising from the Convention on Human Rights and Biomedicine and other normative acts. Safeguards for the exercise of these rights must be reflected in all relevant legislation that is drawn up.

### **Measures with deadlines:**

10.1. Create a system of blanket screening for hearing loss in newborns.

*MoH*  
*by 31 December 2011*

10.2. In the upcoming law on the provision of health care, define the approach to the rights of patients with disabilities in such a manner that these rights are understandable for them with regard to their mode of communication.

*MoH*  
*by 31 December 2012*

### **Ongoing measures:**

10.3. Encourage the formation of volunteer centres and the development of voluntary activities at health facilities; in particular, promote cooperation between disabled organizations and aftercare and long-term care facilities.

*MoH*

10.4. Promote improvements in the conditions under which disabled persons can use health care by respecting the specific needs of persons with sensory or mental disabilities or persons with severely reduced mobility.

*MoH*

10.5. In upcoming legislation, apply methods for the fulfilment of the rights of patients arising from the Convention on Human Rights and Biomedicine and other normative acts.

*MoH*

10.6. Encourage the production of informational materials and educational activities concerning persons with disabilities (in particular on the avenues, methods and forms of communication) and help disseminate this information among healthcare professionals.

*MoH*

10.7. Award an Annual Prize of the Minister for Health for Work on Behalf of Persons with Disabilities and for the Development of Health and Social Care.

*MoH – annually*

10.8. At community level, promote specialized centres and medical facilities for patients with chronic diseases, for persons with disabilities and patients with terminal conditions, and promote the necessary coherence of these facilities with the system of social services.

*MoH, MoLSA*

10.9. Within an inter-ministerial group of the Ministry of Health, devote attention to the emergence of a system of health and social care for the mentally ill, especially at community level. Develop the activities of community nurses as a means of enhancing the quality of life of these patients.

*MoH*

10.10. Support rehabilitation centres, with an emphasis on specializations in different groups of people with disabilities.

*MoH*

10.11. Produce information materials for first-contact doctors about the advisory and information services available for each type of disability.

*MoH*

10.12. Promote the emergence of information and educational materials and activities aimed at the general public on the prevention of disability.

*MoH*

10.13. Promote the emergence of information materials and activities to protect disabled persons from sexual abuse.

*MoH*

10.14. Support the training of medical examiners and their improved expertise in accordance with the needs of various social subsystems in assessing health status and the consequences resulting therefrom.

*MoH, MoLSA*

## **11. REHABILITATION**

### **Article 26 of the Convention Habilitation and rehabilitation**

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;

b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

In this context, rehabilitation is characterized as a coherent, coordinated and directed process primarily aimed at minimizing, as much as possible, the direct and indirect consequences of an individual's permanent or long-term disability. Where a disability has consequences, the aim of rehabilitation is to integrate disabled persons who are victims of accidents, diseases or congenital defects into all usual social activities, with maximum attention to their job prospects, as quickly and broadly as possible.

The fundamental aim of rehabilitation must be to minimize the direct consequences of a permanent or long-term disability. It is essential for the rehabilitation process to be carried out in a coherent manner. The coherence of

rehabilitation primarily entails timely action, the continuity and comprehensiveness of the various components of rehabilitation (health-related, social, educational and vocational). Coherent rehabilitation is very important not only for a disabled person, but is also beneficial to the state and society as a whole. By practising the necessary skills, a disabled individual becomes less dependent on support from his or her surroundings and in most cases is able to become integrated in some way in the employment process, which delivers a greater degree of economic independence while reinforcing the individual's civic sovereignty.

A pressing issue remains the development of different areas of rehabilitation aimed at people with disabilities, and the creation of legislative and material conditions for better cooperation and coordination.

### **Ongoing measures:**

11.1. Develop the health-related rehabilitation of persons with disabilities and create legislative and material conditions for better cooperation and coordination with other areas of comprehensive rehabilitation.

*MoH*

11.2. *Develop the social and vocational rehabilitation of persons with disabilities and create legislative and material conditions for better cooperation and coordination with other areas of comprehensive rehabilitation.*

*MoLSA*

11.3. Develop the education of children and students with disabilities in the context of comprehensive rehabilitation.

*MoEYS*

## **12. EMPLOYMENT**

### **Article 27 of the Convention Work and employment**

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and

employment, continuance of employment, career advancement and safe and healthy working conditions;

b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;

g) Employ persons with disabilities in the public sector;

h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;

j) Promote the acquisition by persons with disabilities of work experience in the open labour market;

k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

The employment of people with disabilities has long been given special attention. Over the last few years, there have been many legislative changes in this field that have affected individual instruments and measures of both a financial and non-financial nature. The current situation in the employment of this target group highlights the need for an overall review of the employment support system, including an evaluation of the impacts of related systems (social, fiscal). The provision of a comprehensive solution to support the employment of people with disabilities is

addressed by the systemic project “System for the support of employment of people with disabilities”, funded under the HREOP. This project includes analytical work, draft methodology, the preparation of systemic changes and educational materials. The various components of the project are interlinked, with the results and proposed measures subsequently pilot-tested in practice. Project outputs are focused on the employment of persons with disabilities in a broad context; they evaluate the existing implementation of employment policy tools and propose effective and efficient practices in order to better focus funding resources and the development and improvement of services provided to this group of people by employment service institutions. The aim is to improve the integration of people with disabilities into the labour market and ensure the highest possible level of effective assistance by individual institutions, in particular labour offices. The project outcomes will be applied during the period covered by this National Plan.

At the same time, it is necessary to address those measures where, based on their ramifications in practice, it can be concluded that in their implementation they have failed to deliver the intended effect. This includes compliance with the mandatory proportion of disabled employees by purchasing products and services from employers of the disabled and, especially, the contribution to support the employment of people with disabilities. These measures will be dealt with flexibly according to the set timetable.

### **Measures with deadlines:**

12.1. Analyse the possibility of streamlining the system of a mandatory proportion of employees with disabilities, propose measures to ensure that compliance with the mandatory proportion through the purchase of products from employers of persons with disabilities takes place solely through those employers who actually produced the goods or actually provided the services.

*MoLSA  
by 31 December 2010*

12.2. Analyse the situation of persons with disabilities who are home workers, focusing on the efficiency of financial resources from the national budget. By reference to the outcomes of the analysis, prepare a draft measure to promote this form of employment of people with disabilities.

*MoLSA  
by 31 December 2010*

12.3. Draw up and present guidelines and recommendations for the use of small-scale public procurement to support social enterprises, employers of persons with disabilities and their sheltered workshops.

*MRD, MoLSA, UBMP  
by 31 December 2011*

12.4. Based on an analysis of the existing arrangements for the provision of contributions to support the employment of people with disabilities, propose measures capable of streamlining this instrument.

*MoLSA  
by 31 December 2011*

12.5. Submit a factual assessment of the outputs of the project “Increasing the effectiveness of the system for the support of the employment of people with disabilities”.

*MoLSA  
twice a year over the duration of the project*

12.6. Submit a draft concept of the system for the support of the employment of people with disabilities on the basis of the results and evaluation of the project “Increasing the effectiveness of the system for the support of the employment of people with disabilities”.

*MoLSA  
after the project has been wound up*

12.7. Ensure the implementation of systemic measures at different management levels, including any legislative amendments.

*MoLSA  
by 31 December 2014*

12.8. Eliminate the unequal status of persons with disabilities in terms of remuneration at the level of the minimum wage.

*MoLSA  
by 31 December 2012*

**Ongoing measures:**

12.9. Once a year, submit the results of inspections by labour offices concerning the employment of people with disabilities, particularly as regards the prohibition of discrimination on grounds of health.

*MoLSA*

12.10. Create conditions for the interlinking of a system of education and employment that increases the chances of young people with disabilities to switch smoothly from school to work.

*MoLSA, MoEYS*

12.11. By reference to an analysis of the use of vocational rehabilitation and in accordance with requirements in practice, draw up legislative and organizational arrangements and economically secure a system of vocational rehabilitation for persons with disabilities who are very hard to place in the labour market with the existing forms of support (especially those with more severe forms of disability, multiple disabilities and mental disabilities).

*MoLSA*

12.12. In cooperation with the Czech Association of Employers of the Disabled, evaluate the entrepreneurial activities of persons with disabilities and annually promulgate and reward excellence.

*MIT, GBPD, CAED*

12.13. Within the scope of their remit, central government authorities, including their organizational units, will strive for the direct employment of persons with disabilities in complying with the statutory proportion of disabled employees.

*all ministries*

12.14. Have the labour offices pay greater attention to job-seekers with disabilities who, as a result of changes in the definition of disability, have seen their degree of disability reduced or their disability pension revoked.

*MoLSA*

12.15. Continue to support and develop projects realized through the cooperation of the Ministry of Agriculture, the Agricultural Chamber of the Czech Republic and the French social insurance company MSA for the vocational rehabilitation of persons with disabilities by employing them in agriculture. Create conditions so that people with mild mental disabilities have the opportunity to apply their skills on farms and in relation to handicrafts associated with life in the countryside.

*MoA*

## **13. SOCIAL SECURITY AND SOCIAL PROTECTION**

### **Article 28 of the Convention Adequate standard of living and social protection**

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

- a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
- b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
- c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
- d) To ensure access by persons with disabilities to public housing programmes;
- e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

With effect from 1 January 2010, legislation entered into force replacing the definition of terms under which an insured person is considered fully or partially disabled with a three-grade classification of disability. At the same time, new legislation on disability assessments entered into force. The guarantor of expertise and the accuracy and objectivity of the criteria is the JE Purkyně Czech Medical Society. The MoLSA will monitor and evaluate the impact of new disability assessment legislation on the development of invalidism, and if the system requires certain modifications they will be proposed.

The World Health Organization has developed a new international classification of disability and recommended that individual states gradually put it into practice. It is advisable to analyse and consider the suitability of this classification for individual benefit systems in the context of social protection.

The granting of allowances and welfare benefits for seriously disabled people MoLSA is regulated by MoLSA Decree No 182/1991 implementing the Social Security Act and the Act on the Competence of Institutions of the Czech Republic in Social Security, as amended. In the future this area will have to be revisited with a special law. Although benefits for the disabled are just one of the segments in which the relations of the state and society towards this group of people are reflected, they should be more clearly focused on the overall activation of these people. The aim of these newly defined benefits should be to offset the individual effects of the disability, especially in terms of housing, limited opportunities for mobility and the need for technical devices. More than now, when demand is derived from diagnosis (regardless of the actual individual consequences), in the future it will be necessary,

when granting benefits, to take much more account of the person's attempts to equalize opportunities and combat social exclusion.

**Measures with deadlines:**

13.1. Evaluate the impacts of the classification of disability as covered by Decree No 359/2009 on disability assessments, and if necessary propose its adaptation.

*MoLSA  
by 31 December 2012*

13.2. Analyse the possibilities of using the ICF classification for social protection benefit systems.

*MoLSA, MoH  
by 30 June 2013*

13.3. Propose substantive solutions to the legal regulation of those areas that are currently addressed by means of welfare benefits under MoLSA Decree No 182/1991 implementing the Social Security Act and the Act on the Competence of Institutions of the Czech Republic in Social Security, as amended. The aim is to propose legislation in the form of an Act and to materially review the range of benefits, their purpose and the range of persons to be assisted by using knowledge from an analysis of the possibilities of using ICF classification.

*MoLSA  
by 31 December 2014*

**14. PARTICIPATION OF PERSONS WITH DISABILITIES AND THEIR ORGANIZATIONS IN GOVERNANCE**

**Article 29 of the Convention  
Participation in political and public life**

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively

hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

To strengthen the capacity of disability movements to contribute to the process of policy and programme developments, in the upcoming period it will be necessary to consistently promote mutual partnership between disabled organizations, the state and other social partners. It is also necessary to perfect mechanisms to encourage the greater participation of persons with disabilities in the consultative process, particularly in those areas that directly affect them. A key proactive role in policy-making in favour of this group of people is played by the Czech National Disability Council, which is the highest advisory body of the Government Board for People with Disabilities (according to the Board's statutes). The National Council currently represents a coalition of more than 100 organizations of people with disabilities and their legal guardians, numbering more than 250,000 individual members. The National Council also initiates and implements numerous specific programmes and projects for the disabled.

### **Ongoing measures:**

14.1. Promote the publicly beneficial activities of civic associations of disabled persons by means of grant schemes.

*GBPD, OGCR*

14.2. Promote the international cooperation of disabled organizations by making contributions (membership of international organizations, expenses of travelling abroad, participation in international conferences, etc.).

*GBPD, OGCR*

14.3. Ensure the participation of disabled organizations in the legislative process.

*GBPD*

## **15. ACCESS TO CULTURAL HERITAGE AND PARTICIPATION IN CULTURAL LIFE**

### **Article 30 of the Convention Participation in cultural life, recreation, leisure and sport**

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

a) Enjoy access to cultural materials in accessible formats;

b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;

d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

For the duration of the National Plan, the main objective in this area is to support the removal of barriers hindering the more intensive access of disadvantaged persons to cultural goods and services while allowing these people dignified self-fulfilment. The starting point is the 2009–2014 National Cultural Policy of the Czech Republic, which reflects the needs of people with disabilities and views the participation of these people in cultural life as an important means of inclusion in the community of healthy citizens and, to some extent, as a way of overcoming their disabilities. Therefore, the involvement of disabled people in culture also plays a therapeutic role associated directly with the creative influence of the arts.

### **Ongoing measures:**

15.1. Promote the access of persons with limited mobility or orientation to exhibitions in museums and galleries in order to ensure that the public services of museums and galleries are standardized for people with disabilities in accordance with Act No 122/2000, as amended by Act No 483/2004, and help make other cultural facilities accessible within the meaning of the National Development Programme of Mobility for All.

*MoC*

15.2. Promote the cultural activities of museums and galleries run by the Ministry of Culture, particularly the permanent Culture of the Blind exhibitions at Brno Technical Museum and the National Gallery in Prague.

*MoC*

15.3. Encourage the development of the Museum Education Centre at the Moravian Museum, which will focus on working with disabled children and young people and on preparing guidelines for other museums and galleries.

*MoC*

15.4. Encourage the digitization of exhibits and the creation of educational programmes and virtual exhibitions based on museum collections, facilitating access to cultural heritage for those with restricted movement without requiring their physical presence in museums and galleries.

*MoC*

15.5. Support the introduction of audio and printed guides in order to facilitate access to the collections of museums, galleries and other monuments for the hearing or visually impaired.

*MoC*

15.6. Encourage publication and making of audio books and printed materials in Braille and enlarged text, especially through the KE Macan Library and Printing House for the Blind.

*MoC*

15.7. Promote the accessibility of public library and information services by providing grants for the supply of audio books and the introduction of technical equipment enabling persons with visual impairments to access library collections and electronic information resources.

*MoC*

15.8. Use a grant policy to help create space for people with disabilities to meet their cultural needs, further their self-development and effectively spend their free time through the support of cultural activities organized by legal entities and individuals, including civic associations and organizations with an international element.

*MoC*

15.9. Motivate organizations partially funded by the Ministry to provide discounts on admission fees for people with disabilities and senior citizens.

*MoC*

15.10. Under a grant scheme, promote subtitling and sign language interpreting for audiovisual works, access to audiovisual works by commentary for the visually impaired, the creation of a network of theatre performances in sign language and the production of audio books.

*MoC*

## **16. STATISTICS**

### **Article 31 of the Convention Statistics and data collection**

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;

b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

If public policy on disabled persons is to be formulated effectively, it is imperative to have the most accurate statistics on the number and structure of this group of people. Under the preceding National Plan, the Czech Statistical Office was required to coordinate the production of statistics on people with disabilities with the aim of progressively establishing a consistent system of statistical information in this area. To this end, in 2007 a sample survey was conducted and the results were published in 2008. It was decided that a sample survey would be carried out periodically at set intervals. Further data collection in this area is planned for 2011.

**Measure with deadline:**

16.1. The Czech Statistical Office, in cooperation with the Institute of Health Information and Statistics, will carry out further sample surveys on the number and structure of persons with disabilities.

CZSO  
*by 31 December 2011*

**17. COORDINATION AND MONITORING OF THE IMPLEMENTATION OF THE NATIONAL PLAN**

The implementation and continuous monitoring of the National Plan is an ambitious, cohesive interdisciplinary process involving most central government authorities and many other institutions and organizations of people with disabilities.

Based on experience of coordinating and monitoring the National Plans implemented to date, it would be expedient and appropriate to keep to the proven model, where all relevant ministries submit an annual Progress Report on the National Plan measures under their control for the previous calendar year. These

reports are then reviewed by the Czech Government, which if necessary, proposes changes or additions to individual measures.

Although measures under the National Plan cannot set tasks for individual regions, it is important and practical to provide the regions with continuous methodological support and to mediate dialogue between them on current problems of regional policies in favour of people with disabilities and the links between these regional policies and national policy in favour of this group of citizens.

### **Ongoing measures:**

17.1. Once a year, all relevant ministries submit a progress report on measures under the National Plan within their competence for the previous calendar year.

*all ministries*

17.2. Once a year, no later than 30 June, the Government Board for People with Disabilities and, subsequently, the Czech Government will assess and, if necessary, update the National Plan.

*MHR, GBPD*

17.3. Methodically support the preparation, implementation and continuous monitoring of regional plans to equalize opportunities for persons with disabilities.

*GBPD, CNDC*

## **18. FINANCIAL IMPLICATIONS OF IMPLEMENTING MEASURES UNDER THE NATIONAL PLAN**

The National Plan covers the period from 2010 to 2014 as a set of basic tasks that need to be performed in relation to people with disabilities. The implementation of the proposed measures will be funded within approved the expenditure limits of the relevant budget headings and medium-term expenditure frameworks established for each heading. All budget headings involved in the implementation of the National Plan's measures will deliver expenditure related to such tasks within the scope of these expenditure limits and frameworks. These funding arrangements apply both to the ramifications of legislative proposals and to the impacts of non-legislative measures.

However, where tasks contained in the National Plan give rise to financial demands, the ministry or budget heading under whose remit the required measure falls must identify a specific source to cover such demands, e.g. by transferring funds within the scope of its budget heading.

## **LIST OF ABBREVIATIONS**

CAED	Czech Association of Employers of the Disabled
CZSO	Czech Statistical Office
CSI	Czech Schools Inspectorate
ICF	International Classification of Functioning, Disability and Health
MoT	Ministry of Transport
MoC	Ministry of Culture
MHR	Minister for Human Rights
MRD	Ministry for Regional Development
MIT	Ministry of Industry and Trade
MoLSA	Ministry of Labour and Social Affairs
MoJ	Ministry of Justice
MoEYS	Ministry of Education, Youth and Sports
Mol	Ministry of the Interior
MoH	Ministry of Health
MoA	Ministry of Agriculture
MoFA	Ministry of Foreign Affairs
National Plan	National Plan for Persons with Disabilities
CNDC	Czech National Disability Council
HREOP	Human Resources and Employment Operational Programme
FEP/PPE	Framework Education Programme for Pre-Primary Education
FEP/SPS	Framework Education Programme for Special Primary Schools
FEP/PS – SMD	Framework Education Programme for Primary Schools – annexes covering the education of pupils with slight mental disabilities
UBMPC	Union of Bohemian and Moravian Production Cooperatives
SEP	School Education Programmes
Convention	Convention on the Rights of Persons with Disabilities
OGCR	Office of the Government of the Czech Republic
RIE	Research Institute of Education, Prague
GBPD	Government Board for People with Disabilities