

CZECH REPUBLIC

Part II: Non-discrimination

1. Sharing Examples of Good Practice on the National Level

In April 2013, Ministry of Labour and Social Affairs started a new feature on its website where examples of good practice concerning different areas of life of elderly persons (non-discrimination, health care, employment, education etc.) will be collected and published.

<http://www.mpsv.cz/cs/15163>

2. Measures for Protection of Rights of Elderly Persons in the Czech Republic National Action Plan Promoting Positive Ageing for 2013-2017

In 2013, the Czech Republic adopted the new national strategic policy document called "National Action Plan promoting positive ageing for 2013-2017", which explicitly underlines „protection of human rights of elderly persons“ inter alia as a key principle of this plan.

Therefore in the part of the Plan "Human Rights of Elderly Persons", various tools are set up to implement two main strategic goals: 1) to ensure that the public is better informed about the needs of the elderly persons and is more responsive to them; 2) to provide the protection of elderly persons against all forms of discrimination, abuse or neglect.

Among the measures to reach the second goal are: to support all forms of help (psychological, legal, social etc.) to elderly persons (as well as victims of discrimination or abuse) and to develop educational materials and trainings for professional staff (also in institutional care) on how to prevent and recognise abuse of elderly persons.

3. Activities of the Government Council for Elderly Persons and Population Ageing

<http://www.mpsv.cz/en/4538>

The Government Council for Elderly Persons and Population Ageing (hereinafter „the Council“) was established on March 22, 2006 by Government resolution No. 1482 on implementation of the National Programme of Preparation for Ageing for the period 2003 - 2007.

The Council is a permanent advisory body to the Government of the Czech Republic on issues related to ageing and elderly persons. The Council's mission is to promote conditions for healthy and active ageing, dignity in old age, and active participation of older persons in economic and social development in the context of demographic ageing. It aims to ensure equal rights for elderly persons in all areas of life, to protect their human rights and support development of intergenerational relationships in family and society.

The Council meets at least three times a year. The Chairperson of the Council is the Minister of Labour and Social Affairs. The secretariat of the Council is a part of the organizational structure of the Ministry of Labour and Social Affairs of the Czech Republic.

4. The Prize of the Government Council for Elderly Persons and Population Ageing

On April 16, 2013 the Government Council for Elderly Persons and Population Ageing decided that from now on, every year an individual or an organization will be honoured by the Minister of Labour and Social Affairs for activities which help to promote active ageing and intergenerational relationships in family and society. The first prize will be awarded during the International Day of Elderly Persons in October 2013.

5. Activities of the Public Defender of Rights - Ombudsman

The Public Defender of Rights has been the Czech national equality body pursuant to the law and applicable directives of the European Union (e.g. 2000/43/EC, 2000/78/EC etc.) since 2009. The

provision of sec. 21b of Act on the Public Defender of Rights stipulates that the Defender shall contribute to promotion of the right to equal treatment of all persons regardless of their race or ethnic origin, nationality, sex, sexual orientation, age, disability, religion, belief or opinions.

To comply with the statutory requirements for the protection of persons against discrimination and promotion of the right to equal treatment, the Department of Equal Treatment was established within the Office of the Public Defender of Rights. The Department has 5 employees and two regular collaborators – undergraduates of the Faculty of Law of Masaryk University.

The activity of the Public Defender of Rights as an equality body rests on 3 pillars: to inform, to educate and to assist.

Within the first pillar, to inform, the Defender makes recommendations and statements and carries out research in the area of equal treatment. Recommendations are intended for the general public; they comment on specific manifestations of discrimination in the society and contain recommendations on how to prevent such acts. Statements serve the same purpose as recommendations but they are intended for the expert public. They contain more complex legal argumentation, references to judicial decisions etc. The principal activity within the pillar to inform is to carry out research concerning questions related to the problem of discrimination. The research in the area of age discrimination was focused e.g. on ageism in job advertisements which revealed quite a common occurrence of age-discriminating advertisements, mainly against the elderly applicants by imposing conditions not really necessary for the exercise of the work, age limits without any justification for the job performance or the condition of a perfect state of health when it was not necessary. All these cases amount to direct discrimination on the basis of age. Indirect discrimination may occur e.g. in cases, where a young working environment or collective are advertised as a benefit or motivation as it may discourage elderly applicants.

Within the second pillar, to educate, the Defender carries out a number of educational activities, including thematic seminars, workshops and trainings intended for NGO's, state administration, employees and providers of services. In collaboration with the Faculty of Law of Masaryk University, the Defender is the head of "the Anti-discrimination Law Clinic" – courses for students enrolled in the Law and Legal Science programme of study.

Regarding activities of the Defender in the area of fighting discrimination, the third pillar – to assist the victims of discrimination – is crucial. Every person has the right to address the Defender with his or her problem related to discrimination free of charge. The Defender addresses the case from the legal point of view, states whether discrimination occurred according to his observations and makes suggestions on a possible further course of action. Hereby the task entrusted to the Defender pursuant to the provision of sec. 21b (a) is fulfilled; The Defender shall provide methodical assistance to victims of discrimination in lodging their proposals for commencement of proceedings concerning discrimination. In providing methodical assistance the Defender collaborates with non-profit organisations Pro bono alliance and The Czech Bar Association which can provide legal assistance for the discrimination victim in further proceedings.

Part III: Autonomy and Participation

1. Legal Capacity

From January 2014, the new Civil Code will not allow full deprivation of legal capacity of any person and persons who are nowadays deprived of legal capacity will be considered as having their legal capacity only limited. If their situation is not reviewed by a court within 3 years, they will regain full legal capacity. A person may also request that a court restore his or her full legal capacity or modify any restrictions thereto at any time.

Any person being limited in his or her legal capacity is also provided with a trustee protecting his or her interest. In other proceedings, persons with limited legal capacity are always provided with counsel, if they are not already represented by their own legal representative or selected counsel. Such persons may also request the court or the Czech Bar Association to appoint an attorney working pro bono or for reduced remuneration due to their social situation. In the future, within the framework of a new system for provision of legal aid, the assistance can be provided by non-governmental, publicly beneficial organizations receiving state support.

2. Supported Decision-making

The New Civil Code, entering into force on 1st January 2014, introduces some new forms of supported decision-making as the assistance to the proponent by a selected person, the representation by a member of the person's household or establishment of a confidant. The law also establishes a council of trustees, as a new body overseeing the guardian's activities. Any such agent is always required to act in the best interest of the person in charge and any fundamental decisions connected with his or her affairs must be approved by a court.

Part IV: Protection From Violence and Abuse

1. Project of Brno Municipal Police Prevention Department "Senior – Academy"

<http://www.mpb.cz/en/seniors/senior-academy/>

The aim of the project is to provide long-term education of elderly persons in the field of crime prevention. Topics are chosen according to analyses and consultations with specialists and are designed to serve as guidelines to safe behaviour in society: violent attacks prevention, domestic violence prevention, property criminality prevention, property security, psychology – victimology, offences, traffic education etc. Specialized lecturers focus on detecting possible dangers and possibilities to eliminate or avoid situations that are dangerous for elderly persons. During the training itself, maximum attention is paid to the behaviour of a potential victim, which should not motivate a potential offender. In reality it means to learn such behaviour that is deterrent from the criminal's point of view.

"Senior Academy" graduates receive a "Certificate of Graduation" and they become informal partners of the Brno Metropolitan Police, Prevention Department (assistants for crime prevention).

Once a year, the graduates meet for a two-hour workshop, where they are informed about new trends in criminality and at the same time they share their experience with the Prevention Department workers.

2. Project of Brno Municipal Police Prevention Department "Senior Help Line - 541 248 844"

<http://www.mpb.cz/en/seniors/senior-help-line/>

The goal of the project is to reinforce safety of elderly citizens. It is a well-known fact that this group of population often falls victim to not only property crimes, but also to violent criminal acts. Statistics show that a part of these criminal acts are committed in the flats of elderly citizens. The criminals enter the flats under various pretexts and in fact abuse the confidence, physical defencelessness and lack of information of the elderly residents. And this is the focus point of the project of Brno Municipal Police.

Activities of the project: If an elderly person has a suspicion that the person who is asking to let him or her enter the flat (e.g. the person claims to provide a service or declares to be a worker of some of the official institutions) cannot be trusted, the elderly person can call at the Senior Line number of the Metropolitan Police, and get advice on what to do and how to recognise the official employees.

The project activities also include general information and guidelines for older persons on what to do in specific situation or how to recognise official employees from dangerous persons. These information and guidelines are available on the website of the Brno Municipal Police:

<http://www.mpb.cz/en/seniors/senior-help-line/>

3. Project of Brno Municipal Police Prevention Department "Chain"

<http://www.mpb.cz/en/seniors/chain/>

The project is focused on elderly people living alone. Safety chains, fixed at the main door free of charge, increase the level of safety when in contact with strangers.

4. Seniors' Telephone – Crisis Helpline

<http://eng.zivot90.cz/4-social-services/14-seniors-telephone>

The Seniors' Telephone is a crisis helpline social service. It was established by the ŽIVOT 90 Civic Association, which is concerned with a comprehensive solution of the problems encountered by elderly people.

The helpline aims to support senior citizens and persons taking care of seniors. It is a toll-free nonstop crisis and consultancy telephone line for seniors. The help in need chiefly deals with providing support to its users and empowering them to solve their problems. The crisis helpline social service is anonymous. Social workers operating the Seniors' Telephone are subjected to the confidentiality rule. The Seniors' Telephone offer different forms of aid to elderly persons: crisis helpline, escorting seniors through long-term crisis situations, support for persons attending to senior citizens, social consultancy, advice in the field of domestic violence, support for users with psychiatric symptoms.

5. Awareness Campaign on Violence Against Elderly People

<http://www.zivot90.cz/146-novinky/533-startuje-kampan-proti-nasili-na-seniorech-jedinecny-projekt-sveho-druhu-v-cesku;>

<http://www.zivot90.cz/110-pro-novinare/193-zivot-90-v-mediich>

Zivot 90, an NGO dedicated to the issue of abuse of elderly persons, with funding from the Ministry of Labour and Social Affairs, implemented a media campaign between June and October 2012 with the objective to increase awareness about the existence of violence on and abuse of elderly persons, to enhance the ability to recognize different forms of abuse among the general public and to make the existing support services more widely known. The campaign included media interviews, press releases and media advertisements. The main part of the campaign was launched on September 30 2012, one day before the International Day of Elderly Persons, at a benefit gala performance at the Prague State Opera. The gala was followed by a month-long intensive distribution of information in magazines, newspapers and the radio with Czech Radio 2 providing 20 minutes of free air time per day. There were 37 billboards and 220 posters in cities around the country which was complemented by information in social media such as Facebook.

6. "Help to Abused Seniors – Examples of Good Practice"

<http://eng.zivot90.cz/4-social-services/73-publications>

On the occasion of the International Day against violence towards seniors on June 15 2012, the NGO Zivot 90 organized the educational seminar "Help to abused Seniors – examples of good practice" with the active participation of representatives from different ministries and organisation helping to protect rights and interests of elderly persons.

7. Activities of the Public Defender of Rights – Ombudsman in Protection of the Rights of Elderly Persons

Since January 1 2006, the Ombudsman has become the national preventive mechanism which the Czech Republic pledged to create by the adoption of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In that respect, it is the task of the Ombudsman to carry out systematic preventive visits to all places and facilities where persons restricted in their personal liberty are or may be placed.

It is important that such premises cover even facilities where there are persons restricted in their personal liberty due to dependency on the care provided to them. In particular, this applies to the following state as well as private facilities: social care facilities, especially facilities providing residential services (homes for persons with disabilities, homes for elderly, special regime homes, asylum centres, sheltered housing, week care centres, halfway houses), health care facilities, i.e. in particular medical institutions (including psychiatric sanatoria and long-stay hospitals). Moreover, there are special children's facilities, i.e. infant homes, children's homes and nurseries taking care of children up to the age of three as well as hospitals (especially departments providing inpatient care, their closed departments) and other health care facilities such as alcohol detoxification centres or hospices.

In compliance with his or her mandate, the Ombudsman inquires by these visits of facilities how the persons with limited legal capacity are treated, how their fundamental human rights are respected and how they are protected from actions disregarding human dignity. Within such systematic and regular visits, the Ombudsman and the staff of his or her office are empowered to visit any facility of their choice, even without prior notification, to speak alone with persons of their choice, to inspect any rooms in the facility, to study files and other documents, to ask questions, to assess and evaluate the situation. After the completion of the visit, the Ombudsman prepares a report with recommendation or suggested remedies and sends it to the facility (or to its establisher or the competent authority) for comments. Through its authority and argumentation, the Ombudsman strives to make the respective entities rectify an undesirable situation. If the facility, establisher or competent authority fails to accept such recommendations, the ombudsman may address an authority at a higher level. Afterwards, comprehensive reports from visits are published on the website of the Office of the Ombudsman.

In March 2013, the Public Defender of Rights – Ombudsman has started systematic visits to homes for elderly people and homes with special regime. Special attention will be paid to treatment of persons suffering from dementia. The ombudsman wants to concentrate on certain features of the facilities, including prevention of unmanaged pain, sufficient privacy and placement in a facility without the consent of the person concerned. Representatives of the Ombudsman's office will pay 12 unannounced visits to facilities for elderly people and homes with special regime by July 2013.

Part V: Social Protection and Employment

1. Project: Age Management Strategy in the Czech Republic

<http://www.aivd.cz/aivd-english;>

http://www.sozialmarie.org/projects/age_management_strategy_in_czech_republic.2736.html?module=3&mywbContentTypeCtrlAction=Item&mywbContentType_id=1

The aim of the project is a transfer of innovation for the target group 50+ at the job market from Finland and application of the age management principles in the Czech Republic. The project activities have brought unique products to the Czech Republic: age management training, work ability concept and a Work Ability Index methodology. Institutions responsible for realization were Association of Adult Education Institutions (AIVD ČR) and the Finnish Institute of Occupational Health.

A very important output of the project was a transfer of methodology in the field of age management and working ability concept. The methodology has been included in two handbooks, which were published within the project and made available to the wide public. “Employee and Age or Age Management at a Workplace” is another handbook, published by the Czech-Moravian Confederation of Trade Unions. Furthermore, other publication activities are going on at the moment, with the aim of popularizing age management principles, especially towards employers, emphasising mainly intergenerational cooperation and fight against age discrimination at a workplace.

The principles of age management were also implemented into priorities and aims in the area of employing elderly people of the National Strategy of Preparing for Positive Ageing 2013-2017 of the Czech Republic.

Part VI: Care

1. Project: Live Longer at Home: Paths to Care and Safety of Elderly Persons <http://www.zivot90.cz/146-novinky/679-15-cerven-je-mezinarodnim-dnem-pripomenuti-nasili-na-seniorech-v-cesku-se-tlak-na-stare-lidi-a-formy-jejich-vydirani-stale-stupnuji>

In October 2013, the NGO Život 90 will start the campaign with motto „Live Longer at Home“. The aim of the campaign is to raise the public awareness about possibilities for family members on how to postpone or even abolish the use of the institutional care for elderly persons and how to make it possible for seniors to live in their families for as long as possible. The campaign will also focus on safety of elderly persons.

2. Publication: “We are not to blame for growing old, it's everybody's lot - Nature and Prevention of Discrimination of Seniors in the Czech Republic”

The authors examined the outcomes of the research project "Nature and Prevention of Discrimination of Seniors", focused on helping to understand the phenomenon of age discrimination in Czech society and to widen the knowledge about the relatively new phenomenon.

3. Capacity-building Training Workshop ”Addressing Current Social and Health Issues in Ageing”

In 2011, the Ministry of Labour and Social Affairs organized the capacity-building training workshop „Addressing Current Social and Health Issues in Ageing” for organizations which provide services to elderly persons.

4. SENIORWEB - information not only for seniors from Prague 4

<http://praha4.cz/SENIORWEB>

The municipal district Prague is running a special web for the elderly with necessary information for their daily life like social or medical assistance, social services in the district for the elderly, cultural events, free-time and leisure activities etc. The district provides also a senior help line and a legal counselling service for the elderly by a professional attorney.