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| ANED Country report on Social Protection and Article 28 |
| **Country name Czech Republic** |  |
| Report prepared by: Dr. Jan Šiška |
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The [Academic Network of European Disability experts](http://disability-europe.net/) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network support the development of the European Disability Strategy 2010-2020 and practical implementation of the United Nations Convention on the Rights of Disabled People in the EU.

This country report has been prepared as input for the synthesis report on Social Protection and Article 28 UNCRPD.

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# PART A: FACTUAL DATA

# Standard of living

ANED report The EU SILC data provides indicators of the key risks for people with disabilities – household risks of low work intensity, risks of low income, and material deprivation. Only one type of household poverty risk “low work intensity” is similar between the Czech Republic and the EU average (table 17). The national averages of the other types of household poverty risk are lower in the Czech Republic than the EU average. Similar conclusions can be drawn with regard to the overall poverty risk factors disaggregated by severity of disability and age. However, a growing trend can be seen in national risk of household poverty or social exclusion for the disability group aged 16-64 (table 20, 2010 – 26%, 2013 – 31.3%).

A key national strategic document relevant to poverty, social inclusion and disability is Social Inclusion Strategy 2014-2020 (here and after also the Strategy).[[1]](#footnote-1) It is a framework document for the social inclusion of people who are socially excluded or at risk of social exclusion. Overall purpose of the Strategy is to contribute to meeting the national objectives of reducing poverty and social exclusion, to which the Czech Republic has committed itself under the relevant EU target in the Europe 2020 strategy.

Measures proposed in the Strategy aim to reduce poverty and social exclusion. Areas of supporting social inclusion consists amongst others employment and social services.[[2]](#footnote-2) The Strategy also addresses necessity of strengthening social work as a fundamental tool of social inclusion as the current number of social workers is considerably below standard in some municipalities.

# Overview of disability protection system

## Services, devices and assistance

### Devices (including assistive technologies)

Grant for special aid[[3]](#footnote-3) is a one-off obligatory benefit for assistive devices not covered by the health insurance system enabling self-reliance, working activities, education, social contacts.

The grant for special aid is intended for people with severe mobility, hearing or visual impairment. Ministerial decree No. 388/2011 Sb. determines a list of aid for purposes of this benefit, for example: vehicle, guide dog, Braille printing machine, signal of doorbell, certain special modification of vehicle or flat. The grants in the case of an aid “vehicle" or “special restraint systems" are made also to persons with severe intellectual disability.

The amount of the grant for special aid is settled under 3 regimes (aids with price under CZK 24 000, over CZK 24 000, and a vehicle). The grant in the case of an aid with price under CZK 24 000 is provided only to people with income of less than8.0 living minimum. Some exceptions are allowed (when the person needs several aids at this price level, has higher income but is not able to buy these aids). The grant in the case of an aid with a price of over CZK 24 000 is not income-tested, client´s contribution is 10 % of the price of an aid, where this is at least CZK 1 000. Some exceptions for people on low income are allowed, but minimum participation is always CZK 1 000. Maximum amount of the grant is CZK 350 000, or CZK 400 000 in the case where the aid is a “staircase lift".

The maximum grant in the case when the aid is a “vehicle" is CZK 200 000, with the amount set individually with respect to the frequency of use, reasons for having the transport, income of the entitled person (and related persons) and social and property circumstances.

*Persons – Czech citizens and foreigners - have a right to the care allowance, grant for special aid and the certificate if they are registered as permanently resident in the Czech Republic and have their residence here. Relevant acts stipulate other eligible persons if they have their residence in the Czech Republic. In the range of persons covered, there are also EU nationals who are subject of directly applicable legislation of the EU (Regulation (EC) No 883/2004 in the case of the care allowance and Regulation (EU) No 492/2011 in the case of benefits and the certificate.[[4]](#footnote-4)*

### Personal assistance

A legally declared aim of social services, including personal assistance, is to respond to the living needs of persons which may not be accommodated without care and assistance of another person. Social services should support the service user to the highest possible extent to enjoy ordinary life in community.

The Act on Social Services No. 108/2006 Coll., as amended, contains the financial instrument **„care allowance”**. The care allowance was designed to pay for the required personal assistance or other kind of social service provided by a family member, other informal carer or by a professional social care service organisation. The amount of care allowance depends on the level of care needed (level of dependence on care provided by another person) by an individual with disability.

There are 4 levels of dependence:[[5]](#footnote-5)

* Grade I (mild dependence);
* Grade II (medium-severe dependence);
* Grade III (severe dependence);
* Grade IV (total dependence).

The dependency on care of persons is assessed by a medical doctor of the Medical Assessment Service. One of the sources for the final assessment is a home visit during which a social worker employed by the Labour Office of the Czech Republic evaluates the dependency on care in the real social environment of the person.

The care allowance[[6]](#footnote-6) provided to persons below 18 years of age in a calendar month is:

* CZK 3 000, in the case of grade I (mild dependence),
* CZK 6 000, in the case of grade II (medium-severe dependence),
* CZK 9 000, in the case of grade III (severe dependence),
* CZK12 000, in the case of grade IV (total dependence).
* Children under one year of age are not entitled to the allowance.

The care allowance provided to persons over 18 years of age in a calendar month is:

* CZK 800, in the case of grade I (mild dependence),
* CZK 4 000, in the case of grade II (medium-severe dependence),
* CZK 8 000, in the case of grade III (severe dependence),
* CZK 12 000, in the case of grade IV (total dependence).

The care allowance is increased by CZK 2,000 for recipients who are dependent children below 18 years of age and parents of dependent children below 18 years of age, if the income of the family is less than twice the living minimum. The allowance is also increased by CZK 2,000 for recipients who are children from 4 to 7 years of age in grade III or IV. The care allowance can be used for professional or informal care. It is up to discretion of the recipient of the benefit.

### Other forms of service/Assistance

There are no other kinds of benefits.

## Income protection

Disability pension[[7]](#footnote-7) is a form of financial support for persons who are unable to fully engage in work activities over the long-term for health reasons. In 2010 there were significant changes in the assessment and the mechanism for setting the level of payment (i.e. three degrees of disability instead of full disability and partial disability).[[8]](#footnote-8)

·         First degree (První stupeň invalidity): From 35% to 49% loss of working capacity.

·         Second degree (Druhý stupeň invalidity): From 50% to 69% loss of working capacity.

·         Third degree (Třetí stupeň invalidity): More than 70% loss of working capacity.

According to the MISSOC tables, the risk of disability is addressed by

·         Act No 155/1995 on Basic Pension Insurance (Zákon o důchodovém pojištění).

·         Act No. 48/1997 on Public Health Insurance (Zákon o veřejném zdravotním pojištění).

·         Act No 435/2004, Employment Act.

The current disability pension is a compulsory social insurance scheme (financed by contributions from employees and self-employed) and from other groups (students studying before 2010, unemployed persons, carers, military service etc.). There is also voluntary participation for unemployed persons, students, persons employed abroad, some foreign workers, etc. Other persons over 18 years can participate in voluntary pension insurance for a maximum of 15 years.

The qualifying period of contributions depends on the age when disability occurs. Persons disabled before the age of 18 years are entitled to the third level pension (Invalidní důchod třetího stupně, 'Persons Disabled from Youth'). Those aged under 20 require less than one year of contributions, increasing by one year of contributions for every two years of age after that (i.e. one year for those aged 20-22, two years for those aged 22-24, etc) up to the age of 28 (five years contributions). If an insured person is aged above 28, the minimum number of insurance years is assessed during a 10-year reference period prior to the onset of disability. If this condition is not met by an insured person aged above 38, then 10 insurance years are needed in a 20-year reference period before onset. When reaching the retirement age, a beneficiary can apply for old-age pension which will be paid if it is higher.

A [health and capacity to work evaluation](http://portal.gov.cz/portal/obcan/situace/191/193/4543.html#obsah) is used to recognise disability and define its severity. Physicians in the Czech Social Security Administration's *(Česká správa sociálního zabezpečení)* [evaluation service](http://www.cssz.cz/cz/lekarska-posudkova-sluzba/) *(posudkové služby)*conduct such evaluations.

## Disability-related expenses

* **Allowance for mobility**[[9]](#footnote-9) is a non-means tested recurrent obligatory allowance which is provided to people older than 1 year who are eligible for certificate of person with disability ZTP or ZTP/P[[10]](#footnote-10) and have their own transport themselves - Mobility allowance is 400 Kč monthly. The aim of mobility allowance is to financially support extra cost related to transportation of disabled person (fuel, public transport cost). For example a person without disability would walk to work whereas a person on wheelchair might need to go by car. Clients of selected institutional services are not eligible, unless the Labour Office recognizes the reasons as worthy of special consideration. Monthly amount of mobility allowance is CZK 400.[[11]](#footnote-11)
* **Certificate of person with disability**[[12]](#footnote-12) is “a card" which brings several benefits in various areas. Eligible person is a person older than 1 year with physical, sensorial or intellectual disability which limits his/her mobility or orientation. There are 3 types of the certificate depending on severity of disability (TP, ZTP, and ZTP/P). A holder of certificate TP is eligible for using reserved seats on public transport or for seating priority when there is a long waiting that involves standing. Certificate ZTP, ZTP/P gives entitlement to free municipal transport, reduced fares on railways or regular coach lines, certain tax reliefs, exemption from certain charges, and other benefits.
* The Act on Administration Fees[[13]](#footnote-13) states that **persons with disabilities are exempt from tax** with respect to the following items:
* registering of vehicles,
* issuing of a driving licence,
* approval of vehicle roadworthiness after conversion
* approval of roadworthiness of an individually produced or imported separate technical unit;
* approval of using a driving school vehicle,
* issuing a certificate of vehicle registration
* issuing an abstract from the vehicle technical certificate
* recording a change in vehicle documentation,
* issuing a permit for the special use of motorways, roads and local communications etc.

## Housing costs

**Housing allowance**[[14]](#footnote-14) **(not disability specific)** Property owners or tenants registered as permanently resident in that property are entitled to a housing allowance if 30% (in Prague 35%) of family income is insufficient to cover housing costs and at the same time this 30% (in Prague 35%) of family income is lower than the relevant prescriptive costs set by law. The prescriptive housing costs are set as average housing costs based on the size of the municipality and the number of members of the household. They include rent and similar costs for residents of cooperative flats and flat owners. They also include the cost of services and energy. Prescriptive housing costs are calculated on the basis of reasonable sizes of flats for the number of persons permanently residing in them. The level of housing allowance is set as the **difference between prescriptive housing costs and the relevant family income** multiplied by a coefficient of 0.30 (in Prague 0.35).

**The System of Assistance in Material Need**[[15]](#footnote-15) (not disability specific) is a system to assist those with insufficient income; the system motivates them to actively strive to secure the resources they need to meet their living requirements. It is one of the means applied by the Czech Republic to combat social exclusion. Municipal authorities (delegated and with extended power) carry out some social work tasks under the system of assistance in material need. **A Person in Material Need** is a person or family that does not have enough income and their overall social and property relations prevent them from enjoying what the society accepts to be basic living requirements. At the same time, these persons are objectively unable to increase their income (through the due application of entitlement and claims or through the sale or other disposal of one’s own assets), thereby improving their situation through their own actions. Benefits of assistance in material need are:

1. Allowance for living
2. Supplement for housing

Extraordinary Immediate Assistance *Regional branches of the Labour Office of the Czech Republic are responsible for granting and disbursing benefits in material need.[[16]](#footnote-16)*

1. **Allowance for living**
* This is the basic benefit covering cases of material need that tackles the insufficient income of a person or family.
* Persons or families are entitled to an allowance for living if the income of these persons or families is less than the amount of living when reasonable housing costs have been deducted.
* The amount of living is established on a case-by-case basis based on an evaluation of the person’s income, efforts and opportunities. The amount of living for families is determined by the sum of the amounts of living of each family member. The amount of living is derived from the existence minimum and the subsistence minimum. **Living minimum** is a socially recognized minimum level of income to ensure sustenance and other basic personal needs. **Subsistence Minimum** is a minimum level of income, which is considered to be necessary to ensure sustenance and other basic personal needs at a level allowing the individual to survive. In addition to Living Minimum, the Institute of Subsistence Minimum is introduced in order to increase motivation of adults in material need. Subsistence Minimum cannot be used for dependent children, the recipients of an old-age pension, for disabled persons at the third level and for persons over the age of 68.[[17]](#footnote-17)
* The amount of living for a person who owes maintenance to a child at the amount exceeding three monthly payments is the amount of the existence minimum, eventually increased due to dietary food.
* The amount of living for a person who is listed in the register of job seekers and whose employment was terminated due to infringement the labour law rules in the last six months prior to submission of an application for a benefit is the amount of the existence minimum, eventually increased due to dietary food.
* The amount of living for a person who is under health care in a health facility for the full calendar month is the amount of the existence minimum, eventually increased due to dietary food.
* The amount of the allowance for living is set as the difference between the amount of living of a person or family and the income of that person or family, less reasonable housing costs. (Reasonable housing costs are the cost of housing to a maximum of 30%, in Prague 35%, of the income of the person or family).
1. **Supplement for housing**
* The second benefit in material need tackles cases where the income of the person or family, including the entitlement to a housing allowance from the system of state social support, is insufficient to cover justified housing costs.
* The benefit is provided to flat owners or tenants who are entitled to an allowance for living and a housing allowance.
* In exceptional cases, a supplement for housing can be provided to a person not eligible for a housing allowance or to a person using a form of housing other than rental.
* The amount of the supplement for housing is determined in such a manner that, on payment of justified housing costs (i.e. rent, services related to housing and energy costs) the person or family is left with the amount of living.
* A period of benefit´s payment is limited to 84 months during the last ten calendar years. An exception applies to households exclusively consisting of people over 70 years and disabled living in flats adjusted for them.
1. **Extraordinary immediate assistance**

This is provided to persons who find themselves in situations that have to be resolved immediately. The Act addresses six situations that justify this benefit:

1. Where persons do not meet the conditions of material need but, due to a lack of funds, suffer from a serious threat to their health. The benefit tops up a person’s income so that it is level with the existence minimum (or the subsistence minimum in cases of dependent children).
2. Where persons are victims of a serious extraordinary event (a natural disaster, storms and gales, ecological disaster, fire, etc.) The maximum amount of the benefit is fifteen times the individual’s subsistence minimum, i.e. up to 51,150 CZK.
3. Where persons do not have enough resources to cover essential one-off expenditure connected, in particular, with the payment of an administrative fee for duplicate copies of personal documents or in cases of monetary loss. The maximum amount of the benefit is the amount of this one-off expenditure.
4. Where persons do not have enough resources to acquire or repair basic furniture or durables. The maximum amount of the benefit is the amount of this expenditure, but the sum of benefits granted must not exceed ten times the individual’s subsistence minimum in one calendar year, i.e. the amount of 34,100 CZK.
5. Where persons do not have enough resources to cover justified costs relating to the education or special interests of dependent children or ensuring necessary activities of social and legal protection of children. The amount of the benefit may be a maximum of the specific expense, but the sum of benefits granted must not exceed ten times the individual’s subsistence minimum in one calendar year, i.e. the amount of 34,100 CZK.
6. Where persons are at risk of social exclusion. This concerns, for example, the situation of persons who have been released from custody or from prison, who have left an orphanage or foster care on reaching adulthood, or who have completed treatment for an addiction. A benefit of up to 1,000 CZK may be granted. The benefit may be awarded repeatedly, but the sum of benefits granted in one calendar year may not exceed four times the individual’s subsistence minimum, i.e. the amount of 13,640 CZK.
* **Support for the construction of flats to lease for persons with disabilities**

Grant programmes for the construction of flats to lease built with the support of state subsidies either contain a condition that a certain percentage of the new flats will be barrier-free, or they aim to motivate the construction of such flats by the provision of higher subsidies.[[18]](#footnote-18)

## Retirement benefits

On a general level the Czech pension system consists of two parts. The first part is the mandatory basic pension insurance, defined by benefits and funded on a running basis (pay-as-you-go system = PAYGO). The system is universal and provides for all economically active individuals; the legal regulation is the same for all insured persons and there are no industry-specific schemes etc. The pension from the basic pension insurance is drawn upon by more than 99% of the population whose age is higher than the retirement age. In addition, there is a voluntary, complementary, additional pension insurance with state contributions, that is defined by contributions (DC) and capital funded. The second pillar, which is usual in EU member states (employer pension schemes), is absent in the Czech pension insurance system. The fundamental substantive law regulation which governs the entitlement to a pension from the basic pension insurance, methods of determination of pension benefits and conditions of payment, is Act No. 155/1995 Coll., on pension insurance, as amended, which came into effect on 1 January 1996.[[19]](#footnote-19)

The following pensions are provided from the basic pension insurance: old-age (including the so-called early old-age pension), disability, widow and widower and orphan. Each pension consists of the following components: a basic, fixed amount identical for all types of pensions, regardless of the insurance duration and income) and a percentage amount, which is assessed. If conditions that entitle a person to several pensions of the same type have been met regarding payment of old-age pension or disability pension, then only one type of the pension will be paid, specifically the higher one.[[20]](#footnote-20)

The decision about the entitlement to a pension, its amount and payment is made by the Czech Social Security Administration (Česká správa sociálního zabezpečení).

## Other social protection measures

Other relevant social protection measures have not been identified.

## Disability discrimination in social protection measures (including, in particular, social protection measures which are not disability specific)

Fundamental rights, including social protection measures, are protected by the Constitutional Law, in particular by the Charter of Fundamental Rights and Freedoms[[21]](#footnote-21) (Listina základních práv a svobod, art. 15).

The Anti-discrimination Law[[22]](#footnote-22) provides definitions of discrimination, including harassment, indirect discrimination and victimisation, on seven grounds: racial/ethnic origin, sex, disability, sexual orientation, age and religion or belief. The Anti-discrimination law has a broad scope, covering work and employment relations, access to employment, self-employment and occupation, health care and education, social security and social protection, social advantages and services including housing for all grounds to the same extent, and therefore goes beyond the requirements of EU directives.

# Case studies

## Case study 1 - childhood

Eva is 10 years old. She lives at home with her parents and younger sister. One of her parents is working full-time on the median wage [[23]](#footnote-23) and the other is not in paid employment. They live in a rented house in the private sector. Eva has intellectual, physical and sensory impairments. She needs support and assistance to eat, dress and walk.

### Services, devices and assistance (including personal assistance and specialist technical devices)

* 1. Devices (including assistive technologies)

Eva will be likely eligible to a grant for special aid such as for a vehicle, guide dog, Braille printing machine, doorbell signal and certain special modifications of a vehicle or flat. This is according to ministerial decree that further determines a list of devices for purposes of this benefit.[[24]](#footnote-24)

* 1. Personal assistance

Access to assistance for children and their families is addressed at the constitutional level. The Charter of Fundamental Rights and Basic Freedoms recognises the right of parents who are raising children to receive assistance from the State.[[25]](#footnote-25)

The Act on Social and Legal Protection of Children specifies that parents or other persons responsible for the child’s upbringing are entitled to apply for the assistance to the authority of social and legal protection for children or other State authorities in charge of the protection of rights and interests of the child.[[26]](#footnote-26) These are authorities focusing on social and legal protection at the municipal or regional level. Due to Eva´s disability, the family will request social services under the Social Services Act.[[27]](#footnote-27) The social services include assistance with personal hygiene or arranging personal hygiene conditions, provision of food or assistance with arranging food, assistance with running a household and mediating contacts with the social environment.

Eva will be likely recognised as being in the fourth category, with monthly care allowance which she will us to cover cost of personal assistance 12,000 CZK (480 EUR).[[28]](#footnote-28)

* 1. Other forms of service/Assistance

Other forms of services/assistance related to social security not available.

### Income protection

Eva might be qualified for a **full disability pension**. Eva will be likely entitled to third level pension. The Act provides for the calculation of such a disability pension.[[29]](#footnote-29)

### Disability-related expenses

Eva will be likely eligible to a certificate ZTP/P and mobility allowance. Certificate ZTP, ZTP/P allows free municipal transport, reduced fares on railways or regular coach lines, exemption from certain charges, and other forms of help.

### Housing

Eva´s family might have a lower income. Eva´s family low income might prevent the family members from enjoying what the society accepts to be basic living requirements. If this is the case, the family might be recognised as persons in material need and so eligible to benefits of assistance in material need: allowance for living, and/or supplement for housing.[[30]](#footnote-30)

**Allowance for living (information relevant to Eva´s family):**[[31]](#footnote-31)

* This is the basic benefit covering cases of material need that tackles insufficient income of a person or family. The sum of the allowance for living for Eva´s family can be calculated only against the exact sum of the family´s income.
* General rules are as follows: Families are entitled to an allowance for living if the income of these persons or families is less than the amount of living when reasonable housing costs have been deducted.
* The amount of living is established on a case-by-case basis based on an evaluation of the person’s income, efforts and opportunities. The amount of living for families is determined by the sum of the amounts of living of each family member. The amount of living is derived from the existence minimum and the subsistence minimum.[[32]](#footnote-32)
* The amount of the allowance for living is set as the difference between the cost of living of a person or family and the income of that person or family, less reasonable housing costs. (Reasonable housing costs are the cost of housing, to a maximum of 30%, in Prague 35%, of the income of the person or family).

### Poverty line

It is unlikely Eva would be above poverty line, particularly if even only one parent is employed. The other parent might provide personal assistance as an informal carrier with income from care allowance likely in degree 4. In addition to disability related benefits Eva´s family might be eligible to child allowance according income of the family. The child allowance is the basic long-term benefit provided to families with children. The child is eligible to the allowance. The entitlement arises if the family income does not exceed 2.4 times that amount. The child allowance is provided at three levels according to the age of the child from 500 up to 700 Kč monthly. For Eva who is 10 years old it will be 610 Kč. It is unlikely Eva would be above poverty line.

### Additional comments about the social protection of disabled children

Eva (same as other disabled children under 18 years of age) must be a review of the court when applying for a contribution towards the purchase of a motor vehicle. This regulation is criticised by disabled people organisations as an expression of mistrust and burden for the families.

## Case study 2 - adulthood (in work)

Sam is 35 years old. He is married and lives with his spouse. They are both working and each of them earns half the median wage. They are buying their own home with a loan from the bank. Sam uses a wheelchair for mobility.

### Services, devices and assistance (including personal assistance and specialist technical devices)

* 1. Devices (including assistive technologies)

Sam is a wheelchair user. The cost of purchasing devises for persons with mobility impairments such as his wheelchair is usually covered by public health insurance on the basis of a medical prescription. Prescriptions for therapeutic or orthopaedic devices such as wheelchairs are prescribed by medical specialists.

Sam will be also likely eligible to a grant for special aid such as a vehicle, special modification of a vehicle or a flat according to a ministerial decree which further determines a list of devices for purposes of this benefit.[[33]](#footnote-33)

* 1. Personal assistance

Sam will likely use social services such as personal assistance which, according the law, shall stimulate him, foster development of his independence, motivate him to such activities that do not result in long-term stagnation or deterioration of his so called unfavourable social situation, and it should enhance his social inclusion It also states that social services shall be provided in Sam’s interest, which is of adequate quality and with such methods that Sam’s human rights and fundamental freedoms are always consistently guaranteed.

As a wheelchair user, Sam would be likely to be recognised as having the fourth degree of dependence and given a monthly care allowance of 12 000 Kč. Care allowance shall be paid directly to his spouse (or to a registered social service provider. It is up to Sam and his spouse to decide who will provide personal assistance to him.

* 1. Other forms of service/Assistance

There is not further information or benefits.

### Income protection

Sam will be entitled to a disability pension. Having employment and a disability pension at the same time is not legally restricted.[[34]](#footnote-34)

### Disability-related expenses

Sam will be likely be eligible to the ZTP/P disability certificate. The ZTP/P certificate entitles Sam to free municipal transport, reduced fares on railways or regular coach lines, certain tax reliefs and exemption from certain charges.[[35]](#footnote-35)

### Housing

If the couple is currently living in a flat on a leased basis, an amendment to the Civil Code on Flat Lease liberalizes contractual relationships concerning flat lease and strengthens the lessor's right of disposal significantly. In respect of flat lease, the amendment defines the so called special purpose flats and provides following benefits. Special purpose flats are excluded from provisions regulating the two-year limitation of lease term after the transfer of flat lease. If the legal spouse remains in the special purpose flat after the death of the lessee with disability, they are entitled to an adequate substitute flat. This entitlement expires after two years. The contract for special purpose flats may not be terminated if the lessee is a person with disabilities.

### Poverty Line

Since the couple has a bank loan to purchase a new flat the couple likely does not fall under poverty line.

### Additional comments (working age adults)

No additional comments.

## Working age adulthood (not in work)

Betti is 45 years old and lives alone. She has severe depression and chronic fatigue syndrome. She left her job three months ago because of the time off she needed because of her health. She does not feel well enough to look for other work.

### Services, devices and assistance (including personal assistance and specialist technical devices)

* 1. Devices (including assistive technologies)

It is assumed that Betti will not need assistive devises including assistive technologies.

* 1. Personal assistance

Betti might be illegible to care allowance in the grade which corresponds with her individual needs related to level of dependence on care provided by other persons. Bettie´s level of dependence on care will be assessed by a social worker and medical doctor. Betti will be likely eligible to Grade I, or Grade II (CZK 800 Grade I (mild dependence) CZK 4 000, Grade II (medium-severe dependence).

The care allowance is adjusted by the Act on Social Services. This allowance is provided to person dependent on the care of others. The care allowance would be used to cover cost of personal assistance provided by registered social service provider or an informal carer most often family member.

* 1. Other forms of service/Assistance

Other forms of services/assistance not applicable in this case.

### Income protection

Betti will be likely granted disability pension in grade 3 (invalidity). The amount of disability pension will depend on the number of years of her social insurance. It can be estimated that the amount disability pension might vary between (5 000 – 6 500 Kč; 200 EUR – 260 EUR, monthly).[[36]](#footnote-36)

### Disability-related expenses

Disability-related expenses likely not applicable unless Betti has severe difficulties in orientation. In case of difficulty in orientation, Betty would be eligible for the disability certificate TP Disability certificate TP provides priority to use seats on public transport reserved for persons with disabilities, and seating arrangements when there is a long waiting (for example longer waiting time in bank, post office, public administration offices etc.) that while communicating personal matters excluding shopping and health treatments.

### Housing

If Betti does not have sufficient income and her overall social and property conditions do not accommodate their basic needs at a level acceptable by the society she can be recognised by as a person in material need. A person recognised as being in material need can be eligible to the following allowances: subsistence allowance supplement for housing, and immediate emergency assistance.[[37]](#footnote-37) See also 3.1.4.

### Poverty line

One of conceptualisation of poverty line for social security purposes applied in the Czech Republic is so called subsistence minimum. Subsistence minimum is a minimum level of income, which is considered to be necessary to ensure sustenance and other basic personal needs at a level allowing the individual to survive. The subsistence minimum for an individual in 2016 is 3410, - CZK. If the disability pension is less than the subsistence minimum, it is possible to apply for payment of the difference between disability pension and subsistence minimum.[[38]](#footnote-38)

### Additional comments (adults not in work for disability-related reasons)

In relation to this case, we find it appropriate to mention disability pension in relation to mental health problems. Persons with mental health problems are in many cases entitled to the disability pension in third degree. The disability pension is supposed to be the person´s main financial income. Since mental health problems often develop at a young age, many persons with mental health problems "do not reach" an adequate level of disability pension due to a short pension insurance period. Such persons with significantly low disability pensions often fall under the poverty line.

## Case study 4 – older age

Jon is 75 years old. He lives alone. He is retired after working his whole career as a teacher. He owns his own apartment. Recently he became totally blind.

### Services, devices and assistance (including personal assistance and specialist technical devices)

1. Devices (including assistive technologies)

As Jon has severe visual impairment he is entitled to the grant for special aid. A Ministerial decree sets out a list of aid devices for the purpose of this benefit, such as guide dog, Braille printing machine, doorbell signal, certain special modification of flat etc.

1. Personal assistance

Jon will be likely be eligible for care allowance” to cover the cost of social services such as personal assistance.[[39]](#footnote-39) The amount of care allowance depends on the level of dependence on care provided by another person. In Jon´s case it is likely to be the fourth grade of dependence with a monthly payment of 12 000 Kč.

1. Other forms of service/Assistance

Information on other forms of service/Assistance not available.

### Income protection

The following pensions are relevant to old age: the old-age pension and the disability pension. The amount of each pension depends on following components: a basic assessment (which is a fixed amount identical for all types of pensions, regardless of the insurance duration and income) and a percentage assessment.

**However, because Jon is over 65 he is entitled to old age pension only.** If conditions have been met which entitle a person to old-age and to widow or widower pension, then the higher one shall be paid in the full amount and one half of the percentage assessment shall be paid from the other pensions, unless the Act on pension insurance establishes otherwise.[[40]](#footnote-40)

### Disability-related expenses

* Jon will be a holder of disability certificate ZTP/P. The certificate ZTP/P entitles him amongst others to reserved seat on public transport; personal preference when discussing their affairs, if required by the conduct longer waiting, in particular standing; free fare in municipal transport (trams, trolleybuses, buses, metro); 75% fare discount in second class passenger trains and express train, and a 75% discount on re public transport; and free transportation of guide dog.
* Jon will be entitled to allowance for mobility[[41]](#footnote-41) since he is eligible for certificate of person with disability ZTP/P. Monthly amount of the allowance is CZK 400.[[42]](#footnote-42)

### Housing

Likely not applicable in Jon´s case.

### Poverty line

It is unlikely that Jon shall fall under poverty line (subsistence minimum) since he served as a teacher for many years.

### Retirement

Jon as an insured person is entitled to the old-age pension.[[43]](#footnote-43) His amount of old-age pension was individually calculated according number of years of Jon´s pension insurance and his income from employment.[[44]](#footnote-44) (See also 3.4.2 Income Protection).

### Additional comments (older people)

No additional comments.

# PART B: CRITIQUE AND EVALUATION

# Critique and evaluation of specific benefits/schemes

## Services, devices and assistance

1. Devices (including assistive technologies)

In the Czech Republic mobility aids and devices for persons with mobility impairment covered by public health insurance system are often not available for all persons with disabilities. In practice it is sometimes difficult to obtain more than one device for simultaneous use despite the recognition of this right under national law. Health insurance companies even often prevent borrowing of certain medical devices arguing that they cannot be used simultaneously or that they provide the same aid (when in fact they don’t). Moreover, reimbursement for some medical/mobility devices covered by medical insurance is often insufficient and does not reflect development in this area.[[45]](#footnote-45)

1. Personal assistance
* For many years, social work offices in most of the regions have been understaffed.[[46]](#footnote-46) Moreover, as cases concerning children with disabilities are usually more time consuming, the authorities do not have enough capacities to adequately deal with cases of vulnerable children and to provide them with the assistance they need.
* Some people, for example, after three months in hospital, return home and need assistance. These people have been waiting more than half a year for care allowance. Because of their reliance on an assessment from another person, which has not been carried out, he or she cannot benefit from social services.[[47]](#footnote-47)
* Monitoring of the capacity and quality of services is not sufficient to ensure adequate provision and quality of social services. Therefore, the state is limited in fully guaranteeing quality standards in social services.[[48]](#footnote-48)
* Insufficient availability of community based services, and often poor quality of social services, leads to a decrease of the quality of life of people with disabilities. It also restricts their freedom when choosing a place to live, as well as in making other decisions.[[49]](#footnote-49)
1. Other forms of service/Assistance

Critique and evaluation of other service/assistance were not identified during this desk study.

## Income protection

* The Czech Republic is a country with traditionally the lowest levels of income poverty among the EU countries. According to Eurostat, the highest at-risk-of-poverty rates were observed in Romania and Spain (25.4 % and 22.2 % respectively), Greece (22.1 %), Bulgaria and Estonia (both 21.8 %) and the lowest in Finland (12.8 %), Slovakia (12.6 %), Denmark (11.9 %), the Netherlands (11.6 %) and the Czech Republic (9.7 %).[[50]](#footnote-50)
* Mental health problems, which is in many cases entitle the recipient to a disability pension of the third degree, is supposed to be the main financial source of income of the person. Because mental health problems often develop at a young age, many persons with mental health problems do not qualify for a disability pension because of a lack of needed insurance periods.

## Disability-related expenses

Amendment to Act no. 329/2011 Coll., On the provision of benefits to persons with disabilities establishes a judicial process for the purchase of motor vehicle allowance for children up to 18 years. This judicial process is regarded by many as unnecessary burden for families.[[51]](#footnote-51)

## Housing costs

The Strategy for Social Exclusion 2015 – 2020[[52]](#footnote-52) reports higher risk of poverty for persons in rented apartments (18.5%) with the highest cost of living, compared to home owners (7.5%).

Absence of system tools to support families who are at risk of losing their housing – although the removal of a child on social and housing grounds is prohibited under the Family Act, (as well as under the New Civil Code there is a lack of efficient use of the existing tools of the active social and housing policy and a lack of legislative regulation of rights and responsibilities of the individual actors of social housing.

## Retirement benefits

Critique and evaluation of housing retirement benefits related to disability were not identified during this desk study.

## Disability discrimination and social protection measures (including, in particular, measures which are not disability specific)

Employment and the labour market represent the areas of life where acts of discrimination occur most frequently in the Czech Republic. Prejudices particularly in regard to disability are often a source of discrimination in the labour market. Discrimination in employment usually takes on a hidden form, which is difficult to detect and prove, and which benefits from the lack of knowledge of rights on the part of employers as well as the victims. Following reasons of discrimination have been reported: complexity of legislation, and the ambiguity of its interpretation, lengthy process of presenting evidence or court proceedings, hidden forms of discrimination are difficult to prove, indifference of the society and people concerned to cases of discrimination, and low self-confidence, lack of information, inexperience, resignation, fear of discrimination victims.[[53]](#footnote-53)

# Critique and evaluation of overall situation and cumulative effect - standard of living

The most vulnerable group of the population of persons is made up of people who are simultaneously at risk of income poverty, material deprivation and at the same time live in households with low work intensity. In this context it is primarily the long-term unemployed and those living in single-parent families.

#

# The poverty rate in the Czech Republic is significantly influenced by social transfers. In 2014, 17.2% of the population was at risk of poverty prior to the provision of social transfers. After the payment of transfers, the poverty rate fell to 9.7% after social transfers). Although in comparison with other EU countries, the Czech Republic's share of expenditure on social protection relative to the GDP is lower, the Czech Republic has the lowest poverty rate of all the EU countries, which indicates a good efficiency of social transfers. PART C

# Key points

## Examples of good practice

* MoLSA introduced in 2014 a “user friendly” handbook for persons with disabilities. The handbook comprises information about means of social support for persons with disability and their families.[[54]](#footnote-54)
* Charity Šance dětem (Chance for Children) provides on-line information for families with disabled children. Information includes a social benefits overview, and information on how to apply.[[55]](#footnote-55)

## Concerns

* Assistance for children with disabilities and their families is addressed in several Acts in a quite detailed manner. The difficulties in this area are insufficient capacity of social workers at the municipal level as well as reductions to financial benefits for parents of children with disabilities.
* The network of social services is not distributed evenly over the territory of the Czech Republic. Services are more available in urban areas. The system of a service network meeting the needs of citizens is based on social service planning in accordance with the evaluation of citizens' needs, providers' capacities and the objectives of public administration. Social service planning is the task of regional governments.[[56]](#footnote-56)
* As far as personal assistance and domiciliary services are concerned, growing demand is expected. The same applies to certain social prevention services such as early intervention, social activation services for seniors and persons with disabilities as well as specialised social counselling services. Currently, the capacity of homes for persons with disabilities is considered sufficient and the demand for such type of service is tending to decline. In contrast, the quantity of sheltered housing tends to grow slowly, mainly with respect to sheltered housing provided by regional organisations and so called “other legal form organisations”.
* Psychiatric care and support in the Czech Republic is predominantly provided in inpatient facilities. There is a shortage of social workers in psychiatric hospitals who provide support to patients in the social aspects of hospitalisation. The Public Defender of Rights, in his 2008 reported on visits to psychiatric hospitals, discusses limitations in supporting the residents in community participation. Only one social worker is usually in charge of two to three departments, and up to 100 patients – the highest number recorded was 153.[[57]](#footnote-57)

## Recommendations

* Unify the care system for vulnerable children and setting up an interdepartmental bodywith competence to handle all issues regarding vulnerable children. Furthermore, they require that governmental policies relating to the care of vulnerable children are translated into legal obligations.
* Deinstitutionalize psychiatric care in accordance with the principles of the approved Psychiatric Care Reform Strategy.[[58]](#footnote-58)
* Coordinate the issue of children with disabilities between departments of social affairs, education, health and justice.
* Amendment of the law on social services, which should enable the initiation of administrative proceedings on granting a care allowance for people who are still in hospital, and where it is clear that the consequences of illness will be long-term.
* Submit legislation regulating social work, including the role of actors, methodologies of activities, definitions of actors, activities, acts according to the needs identified in the various sectors of social protection (including the use of case management.
* Ensure local availability of standard non-segregated housing (in apartments) for people at risk of exclusion from housing or those having lost it (by legislatively defining the roles of the state and municipalities and ensuring the follow-up financing of the acquisition, renovation and operation of social housing).
* Accompany fiscal consolidation policies by appropriate pro-growth measures and by strengthening employment, which will provide appropriate support to persons with disabilities, their participation in the labour market and the creation of available resources sufficient for passive social protection.
1. MoLSA 2014, Social Inclusion Strategy 2014-2020 [http://www.mpsv.cz/files/clanky/19478/Strategie\_EN.pdf](%20http%3A//www.mpsv.cz/files/clanky/19478/Strategie_EN.pdf). [↑](#footnote-ref-1)
2. MoLSA. Social Inclusion Strategy (2014–2020) <http://www.mpsv.cz/files/clanky/19478/Strategie_EN.pdf>. [↑](#footnote-ref-2)
3. Act No. 329/2011 Coll. on Provision of Benefits to Persons with Disabilities, Decree No. 388/2011 Coll. on implementing certain provisions of the Act for the provision of benefits to persons with disabilities, <http://www.mpsv.cz/en/1612#as>. [↑](#footnote-ref-3)
4. MoLSA, Disability, <http://www.mpsv.cz/en/1612#as>. [↑](#footnote-ref-4)
5. ##  Act No 329/2011 Coll. on Providing Benefits for People with Disabilities and Amendments of Related Acts.

 [↑](#footnote-ref-5)
6. MoLSA, Disability, <http://www.mpsv.cz/en/1612#as>. [↑](#footnote-ref-6)
7. Pension Insurance Act No. 155/1995 Coll. [↑](#footnote-ref-7)
8. <http://www.cssz.cz/cz/duchodove-pojisteni/davky/invalidni-duchody.htm>. [↑](#footnote-ref-8)
9. Act No. 329/2011 Coll. on Provision of Benefits for Persons with Disabilities, Decree No. 388/2011 Coll. on implementing certain provisions of the Act for the provision of benefits to persons with disabilities. [↑](#footnote-ref-9)
10. Disability certificates (TP – disabled person -ZTP – person with severe disability, ZTP-P – disabled person who needs assistant – for example blind person in public transporation etc., are sort of disability ID cards issued by social security authorities. [↑](#footnote-ref-10)
11. MoLSA. Příspěvek na mobilitu, <https://portal.mpsv.cz/soc/dzp/mobilita>. [↑](#footnote-ref-11)
12. Act No. 329/2011 Coll. on provision of benefits to persons with disabilities, Decree No. 388/2011 Coll. on implementing certain provisions of the Act for the provision of benefits to persons with disabilities. [↑](#footnote-ref-12)
13. Act No. 634/2004 Coll., on Administration Fees, as amended. [↑](#footnote-ref-13)
14. The state social support is regulated by Act no. 117/1995 Coll., on State Social Support, as amended. [↑](#footnote-ref-14)
15. Regulated by Act no. 111/2006 Coll., on Assistance in Material Need, as amended. [↑](#footnote-ref-15)
16. MoLSA. Assistance on Material Need, <http://www.mpsv.cz/en/1608>. [↑](#footnote-ref-16)
17. Living and Subsistence Minimum is regulated by the Act No. 110/2006 Coll., on Living and Subsistence Minimum. The valid amounts of Living and Subsistence Minimum are set by the Government Decree No. 409/2011 Coll. on indexation of living minimum and subsistence minimum amounts. The main use of Living and Subsistence Minimum is in the Act No. 111/2006 Coll., on Assistance in Material Need. Living Minimum performs a decisive role in assessing of material need and also as a social-protection variable. [↑](#footnote-ref-17)
18. Committee on the Rights of Persons with Disabilities. Implementation of the Convention on the Rights of Persons with Disabilities. Initial reports submitted by States parties under article 35 of the Convention. Czech Republic [1 November 2011]. [↑](#footnote-ref-18)
19. Act No. 155/1995 Coll., on pension insurance, as amended <http://www.mpsv.cz/en/1606>. [↑](#footnote-ref-19)
20. Czech Republic, Ministry of Labour and Social Affairs, Pension Insurance: <http://www.mpsv.cz/en/1606>. [↑](#footnote-ref-20)
21. Listina základních práv a svobod (the Charter of Fundamental Rights and Freedoms) <http://www.psp.cz/docs/laws/listina.html>. [↑](#footnote-ref-21)
22. General Act on Equal Treatment and Protection against Discrimination No. 198/2009 Coll.

<http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/pravni_predpisy/Antidiskriminacni_zakon.pdf>. [↑](#footnote-ref-22)
23. Czech Statistical Office/Median Wage, <https://www.czso.cz/csu/czso/prace_a_mzdy_prace>. [↑](#footnote-ref-23)
24. Act No. 329/2011 Coll. on provision of benefits for persons with disabilities, Decree No 388/2011 Coll. on implementing certain provisions of the Act for provision of benefits for persons with disabilities. [↑](#footnote-ref-24)
25. Art.32(5) of the Charter of Fundamental Rights and Basic Freedoms. [↑](#footnote-ref-25)
26. Art.9 of the Act on Social and Legal Protection of Children. [↑](#footnote-ref-26)
27. Act No. 108/2006 Coll., on Social Services, as amended. [↑](#footnote-ref-27)
28. MoLSA. Care Allowance, <http://www.mpsv.cz/en/1612#sabfpwd>. [↑](#footnote-ref-28)
29. Act no. 155/1995 Coll., on pension insurance. [↑](#footnote-ref-29)
30. Regulated by Act no. 111/2006 Coll., on Assistance in Material Need, as amended. [↑](#footnote-ref-30)
31. MoLSA. Assistance in Material Need, <http://www.mpsv.cz/en/1608>. [↑](#footnote-ref-31)
32. Životní minimum a existenční minimum. Living and Subsistence Minimum is regulated by the Act No. 110/2006 Coll., on Living and Subsistence Minimum. The valid amounts of Living and Subsistence Minimum are set by the Government Decree No. 409/2011 Coll. on indexation of living minimum and subsistence minimum amounts. The main use of Living and Subsistence Minimum is in the Act No. 111/2006 Coll., on Assistance in Material Need, <http://www.mpsv.cz/cs/11852>. [↑](#footnote-ref-32)
33. Act No. 329/2011 Coll. on provision of benefits for persons with disabilities, Decree No 388/2011 Coll. on implementing certain provisions of the Act for provision of benefits for persons with disabilities. [↑](#footnote-ref-33)
34. Pension Insurance Act No. 155/1995 Coll. [↑](#footnote-ref-34)
35. Act No. 329/2011 Coll. on the provision of benefits to persons with disabilities

the Decree No 388/2011 Coll. on implementing certain provisions of the Act for the provision of benefits to persons with disabilities. [↑](#footnote-ref-35)
36. Pension Insurance Act No. 155/1995 Coll. [↑](#footnote-ref-36)
37. Act No.111/2006 Coll., on Assistance in Material Need. [↑](#footnote-ref-37)
38. Act no. 111/2006 Coll., On assistance in material need, as amended, and other laws, especially Act no. 110/2006 Coll., On Subsistence Minimum, as amended, and Decree no. 389 / 2011 Coll., to implement certain provisions of the law on assistance in material need. [↑](#footnote-ref-38)
39. Act on Social Services No. 108/2006 Coll., as amended. [↑](#footnote-ref-39)
40. MoLSA, Pension Insurance. <http://www.mpsv.cz/en/1606>. [↑](#footnote-ref-40)
41. Act No. 329/2011 Coll. on provision of benefits to persons with disabilities, Decree No. 388/2011 Coll. on implementing certain provisions of the Act for the provision of benefits to persons with disabilities. [↑](#footnote-ref-41)
42. MoLSA. Příspěvek na mobilitu <https://portal.mpsv.cz/soc/dzp/mobilita>. [↑](#footnote-ref-42)
43. Act No. 155/1995 Coll., on pension insurance, as amended. [↑](#footnote-ref-43)
44. ##  MoLSA. Old-age Pension, <http://www.mpsv.cz/en/12954>.

 [↑](#footnote-ref-44)
45. NGO information to the United Nations Committee on the Rights of Persons with Disabilities. For consideration when compiling the List of Issues on the first Report of the Czech Republic under the Convention on the Rights of Persons with Disabilities. 2015. [↑](#footnote-ref-45)
46. Czech Republic. Zpráva o stavu lidských práv v České republice v roce 2014 (Report on the Status of Human Rights in the Czech Republic in 2014) (No. 1031/15cc) <http://www.hasim.cz/content/zprava-o-stavu-lidskych-prav-v-cr-v-roce-2014>. [↑](#footnote-ref-46)
47. National Board for Persons with Disability (VRZP). Aktuality 12 - 2016. <http://www.nrzp.cz/aktualne.html?start=13>. [↑](#footnote-ref-47)
48. MoLSA. National Strategy for Development of Social Services 2015 – 2026. (Národní strategie rozvoje sociálních služebna období 2016 – 2026). [↑](#footnote-ref-48)
49. MoLSA. National Strategy for Development of Social Services 2015 – 2026. (Národní strategie rozvoje sociálních služebna období 2016 – 2026). [↑](#footnote-ref-49)
50. #  People at risk of poverty or social exclusion Eurostat 2015. Available at http://ec.europa.eu/eurostat/statistics-explained/index.php/People\_at\_risk\_of\_poverty\_or\_social\_exclusion#Income\_poverty:\_17.2.C2.A0.25\_of\_the\_population\_in\_the\_EU-28\_facing\_risk\_of\_poverty.

 [↑](#footnote-ref-50)
51. National Board of Person with Disabilities. Newsletter, February 2015. [↑](#footnote-ref-51)
52. MoLSA. Strategy for Social Exclusion 2015 – 2020. [↑](#footnote-ref-52)
53. MoLSA. Social Inclusion Strategy (2014–2020). [↑](#footnote-ref-53)
54. MolSA. Handbook for Person with Disability. 2014. <http://www.mpsv.cz/files/clanky/16881/Prirucka_OZP.pdf>. [↑](#footnote-ref-54)
55. Nadace Šance dětem. Děti se zdravotním postižením. <http://www.sancedetem.cz/cs/hledam-pomoc/deti-se-zdravotnim-postizenim/davky-pro-rodiny-deti-se-zdravotnim-postizenim.shtml>. [↑](#footnote-ref-55)
56. Committee on the Rights of Persons with Disabilities. Implementation of the Convention on the Rights of Persons with Disabilities. Initial reports submitted by States parties under article 35 of the Convention. Czech Republic. [1 November 2011]. [↑](#footnote-ref-56)
57. Veřejný ochránce práv, *Zpráva z návštěv psychiatrických léčeben, září 2008*. (The Public Defender of Rights. Report from the Psychiatric Facilities, September 2008) <http://www.ochrance.cz/ochrana-osob-omezenych-na-svobode/zarizeni/psychiatricke-lecebny/>. [↑](#footnote-ref-57)
58. Psychiatric Care Reform Strategy, Ministry of Health, 2013. Available at: <http://www.reformapsychiatrie.cz/wp-content/uploads/2013/10/SRPP_publikace_web_9-10-2013.pdf>. [↑](#footnote-ref-58)