

Czech Republic

Public Defender of Rights

Independence and effectiveness of the Institution

International accreditation status

The Public Defender of Rights of the Czech Republic is a non-accredited associate member of ENNHRI. The Defender can handle complaints, give legal advice, write legislative recommendations and conduct independent inquiries. Moreover, the Defender has received the mandate of Equality Body, National Monitoring Mechanism (NMM) under the UN CRPD, as the National Preventive Mechanism (NPM) under the UN CAT forced returns, and as monitor of forced returns (under the EU Return Directive).

ENNHRI has supported the steps taken by the Public Defender to strengthen its mandate in compliance with the UN Paris Principles and stands ready to assist the institution in applying for international accreditation.

In-focus section on COVID-19 measures

Most significant impacts of measures taken in response to the COVID-19 outbreak on the rule of law in the country

While our mandate does not allow us to perform a full and comprehensive monitoring of the COVID-19 measures and their implications from a rule of law perspective, we have an overview of some examples and aspects of the implications of the COVID-19 measures on the rights of people in the Czech Republic. We collect the information mainly from the complaints we receive regarding various problems the complainants face due to the measures and restrictions taken.

It is also important to notice that the COVID-19 measures are changing relatively quickly as the situation develops. Therefore, it sometimes happens that the measures or other issues resulting from the current situation objected by the complainants are changed or repealed before we manage to process the official action.

There are three main issues we dealt with which are worthy to mention in this regard.

One issue concerns **consumers rights**. It was reported that many travel agencies request their clients to pay the rest of the tours' prices they booked before the state of emergency although the tours cannot take place. Travel agencies offer the clients vouchers of the same amount for the next year as the compensation. For many clients paying the rest of the price is very challenging, even unaffordable under the current circumstances (the incomes of many families decreased due to the COVID-19 measures). Although the issue does not fall within the ombudsman's competence (we cannot inquire into the private agencies), the Public Defender of Rights wrote a letter to the Minister of Regional Development and asked her for information whether the Ministry will take steps to protect not only the interests of the travel agencies (there are several measures intended to help the businesses which face difficulties due to the COVID-19 measures) but also the interests of their clients. In this regard, the Defender proposed that the clients would not be asked to pay the rest of the tours' prices with the departure between May and July/August and would receive the vouchers only for the deposit payments they already made.

Second, we dealt with complaints related to the **right to private and family life** in particular as regards the prohibition of the presence of fathers (or other close relatives) during childbirth. According to the opinion of the government, the ban was justified because it was imposed in order to protect the health of the hospitals' personnel. The complainants however considered the ban disproportionate and claimed that their rights were unlawfully violated. In a letter addressed to the Minister of Health, the Defender asked for more information about the restriction and whether the Ministry plans to change the restriction in the light of the recent developments of the situation. The ban was repealed on 16 April and replaced by the amended one (there is no clear indication that it happened as a consequence of the Defenders action, the ban itself was subject to a very lively public debate and criticism of certain Human Rights Defenders and a part of the public). Still, under the current conditions the presence of a father (or other person living in the same household as the mother) during the childbirth is possible only if the childbirth takes place in a separate room, the third person has a mask and his/her temperatur is not higher than 37°C.

Third, we dealt with complaints on **free movement**, concerning the situation of persons who have to cross the state borders on the everyday basis due to their work, family relations etc. As the state borders were closed due to the COVID-19 restrictions, the cross-boarder workers found themselves in a very difficult situation. The Defender was monitoring the situation and prepared a letter addressed to the government requesting

several measures to be repealed. In the meantime, the measures in question were repealed by the government. Therefore, no further action was needed.

Most important challenges due to COVID-19 for the NHRI's functioning

The most important challenges we face in connection with COVID-19 outbreak (and the restrictive measures taken) are:

- to cope with the extended home office for almost all lawyers in the office and to ensure the safety of those employees who cannot work from their homes because their tasks do not allow the home office (we especially had to adopt very quick IT solutions etc.);
- the National Preventive Mechanism cannot perform monitoring visits in places where people are limited in their freedoms;
- we still handle complaints as usual but currently it is not possible to personally visit the authorities and do the inquiry on the place;
- for some time it was not possible to file a complaint personally in our office (however, there were other available options how to file a complaint); currently the possibility to lodge a complaint personally in our office has been restored.

First of all, we had to introduce the extended home office option for all lawyers. This also requested our IT Department to find suitable IT solutions as soon as possible (which was successful). We also set safety rules for those employees who for any reason had to come to the office personally (mostly the administrative staff and the management). All employees have to cover their mouth and nose by a mask (with exception of those who sit alone in their office). The disinfection of the office increased and the disinfection gels and soaps have been placed around the whole office.

On the daily basis, we frequently work through video conferences and, of course, e-mails.

To enable the complainants to lodge their complaints in person again, we had to install glass partitions in the rooms where our lawyers meet with the complainants. We also increased disinfection of such places and introduced other practical safety measures.

The contact between all colleagues has been decreased to the necessary minimum. Our IT Department also installed devices into several offices in order to make video conferences easier.

References

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