

## Record card

File number	851/2018/VOP
Area of law	Discrimination – goods and services
Subject	Other
Type of finding	Report on inquiry – Section 17
Result of inquiry	No error found Discrimination found
Relevant Czech legislation	108/2006 Coll., Section 38 198/2009 Coll., Section 3 (1), Section 3 (2)
Relevant EU legislation	
Date of issue	7 June 2018
Date of filing	31 January 2018

## Headnote

**I. If a social service provider turns down an applicant seeking a social service and justifies this by stating that the applicant's behaviour may potentially be challenging, or that the provider's premises are not suitable or that it does not have enough staff, the provider may be guilty of indirect discrimination against people with disabilities, as the provider applies seemingly neutral criteria that however have a negative impact on people with certain disabilities. Furthermore, the provider is obliged to adopt appropriate measures in relation to people with disabilities and, therefore, should at least attempt to make the relevant service accessible.**

**II. If an administrative region does not adopt targeted steps to ensure the provision and accessibility of social services in its territory in spite of being aware that the needs of certain groups of people with disabilities are not fulfilled by the social services, the region is guilty of indirect discrimination against people with disabilities.**

**III. If a suitable social service is not accessible and the administrative region does not provide a case-specific solution to meet the needs of a person with a disability, the region fails to meet its duty to take appropriate measures in relation to people with disabilities and it is therefore guilty of indirect discrimination.**

Note: The headnote is not necessarily included in the Defender's opinion.

## Document:

File. No.: 851/2018/VOP/JKV  
Ref. No.: KVOP-25091/2018  
Brno, 7 June 2018

Report on inaccessibility of appropriate social services for people with autism

I received a complaint from the legal representative of Mr A (hereinafter the "complainant") regarding a violation of the principle of equal treatment by the administrative region Z and the town hall Y (hereinafter the "town hall"). The complainant has a disability and was unsuccessful in seeking a social service due to

the nature of his disability. His legal representative requested in her pleading that the Public Defender of Rights declare that the town hall Y and the administrative region Z (hereinafter the “region”) erred in failing to provide an adequate social service to the complainant and that the conduct of the relevant public corporations amounted to direct and indirect discrimination. The complainant filed an administrative action against the unlawful interference and now considers submitting an anti-discrimination action through his representatives.

The Public Defender of Rights Act[1] endows me with a competence in the area of protection of persons against the acts of authorities[2] and also in respect of the right to equal treatment and protection against discrimination,[3] where I provide assistance to discrimination victims.[4] In this case, I therefore addressed the potential discriminatory conduct on the part of social service facilities, the lawfulness of the procedure of the town hall Y, which acts within its “delegated competence”, and the potential discrimination on the part of the region Z.

#### A. Summary of conclusions

The Anti-Discrimination Act[5] prohibits discrimination, *inter alia*, in access to and provision of services where the services are provided to the public.[6] A social service is a service that is not offered to the general public but rather to persons who are dependent on the assistance of other people; however, the right to equal treatment and non-discrimination must be preserved in the provision of such services to the thus-delimited group of people.

The municipal authority (town hall) of a municipality with extended competence is to ensure the provision of a social service or some other form of assistance to a person who does not receive a social service and faces a risk to his or her life or health.[7]

The complainant has a disability and has not been successful in finding a suitable social service for three years.

Social service providers can be guilty of discrimination if they reject applicants unjustifiably on the basis of discriminatory criteria (including indirectly discriminatory criteria) or if they do not attempt to adapt the social service to a particular applicant.

The town hall Y did not err in not providing the complainant with a social service. A municipal authority (town hall) of a municipality with extended competence is not responsible for inaccessibility of a particular social service. In the case at hand, there was no reason to use an emergency solution (such as referral to a healthcare facility) that the town hall would adopt in situations where the applicant’s life or health is at risk and no appropriate social service is accessible.

The region Z discriminated against people with disabilities as it did not ensure the provision and accessibility of social services in its territory. It also failed in its duty to take appropriate measures in relation to a person with a disability by failing to provide a case-specific solution to the complainant, who had been unsuccessfully requesting for almost three years that a social service corresponding to his needs be ensured and provided to him.

## B. Findings of fact

The complainant (born in xxx) has an autism spectrum disorder and was diagnosed with childhood autism and a moderate intellectual disability. He used to live with his mother and grandmother in a blockhouse apartment. His mother herself suffers from a personality disorder and depressive episodes. However, the complainant's disability is accompanied by behavioural disorders and he has attacked his mother and grandmother and destroyed the equipment of their flat several times in the past.

An appropriate social service was only found for the complainant on 1 February 2016, when he joined Home X, ran by the institution W, which had long been working with the family.

### B.1 Procedure of the town hall Y

The statement of the town hall Y [8] shows that the town hall has been aware of the complainant's situation since the end of 2012, after he reached adult age, in view of the application for financial assistance submitted by the institution W. The town hall carried out an inquiry focusing on the complainant's social environment and found that the care for him was difficult, but neither his life nor health were at risk, and no social service was being provided to him as the family was receiving support from the institution W in the form of short-term stays and personal assistance. The town hall could not grant the application for financial assistance as it only exercised delegated competence in the area of provision of social services and could not pay any direct subsidies or allowances. Holiday allowances, which the complainant had used to receive, came from the town. After some negotiations, approximately six social service providers were approached, but none accommodated the complainant's application.

From April 2013 to November 2015, the complainant's grandmother contacted a number of social service facilities, receiving negative responses because of the complainant's challenging behaviour or the lack of caregivers or capacity[9]. During this time, the family was also in contact with the town hall Y, which regularly provided counselling and pre-prepared applications for social service providers, which it handed over to the complainant's grandmother. After consultation with the regional authority of the administrative region Z, the town hall recommended the facility V. According to the town hall, the family preferred a facility operated by the institution W, and the town hall is not aware whether the family also submitted an application to the facility V. The family approached this facility, but the complainant was not admitted to the facility in June 2015 for capacity reasons.[10]

According to the town hall, it was not found that the life and health of either the complainant or someone else would be at risk. Furthermore, no one can order any social service provider to admit an applicant. A municipal authority (town hall) of a municipality with extended competence can only mediate the preparation and submission of an application but cannot ensure that social services will be provided in terms of directly placing a person in a social service facility. If a client faced an immediate risk to his or her health or life and the relevant social service facility was full, the town hall would have to honour its duty by referring the client to a healthcare facility.

In the case at hand, there was no reason to do so. A client can also be housed in a municipal accommodation facility with a care service. In case of emergency, a special flat with a care service can also be used.

The town Y annually opens social and healthcare subsidy proceedings and this option was offered to the family as well. The subsidy could have been claimed by the support organisation (i.e. the institution W) working with the complainant, but it never did so. Social service providers occasionally apply for subsidies in support of the provision of services to specific people, but the town can only satisfy them in part.

## B.2 Procedure of the administrative region Z

The head of the institution W[11] offered a solution in the form of sheltered housing or regular personal assistance.[12] Financing of these services would require assistance from the administrative region which the region refused to provide.[13]

In response to my inquiry, the region stated[14] that it had not had any suitable tools in its subsidy programmes and funds. It mentioned that the family had preferred to co-operate with the institution W; however, funding of its services had been costly for the family. The region claimed that the lacking funds were supplied from the family's other sources, or by the community, the municipality, or various foundations and donations in similar cases. The region did not have any tool enabling it to provide a special subsidy for a service to be provided to the complainant. However, it is currently working on a tool through which it will be able to provide such funding in the future.

The region claims that it closely co-operates with the municipal authority (town hall) of the respective municipality with extended competence if a social service is not accessible and these public authorities then plan and develop the social services in concert. In the event that no informal or formal care is available, the municipal authority (town hall) should report the identified need and inaccessibility of the social service to the regional authority. The region intends to formally embed this approach in a guideline that is currently being drafted. However, the approach was not applied in the case at hand. The town hall Y consulted the situation of the complainant's family with the region by telephone in March 2015, according to its statement. However, it had tackled the problem of inaccessibility of social services with the family already since 2013. The complainant's grandmother, who *de facto* took care of both the complainant and his mother, contacted the region repeatedly.[15] However, the region only informed her in general terms time and again that she should turn directly to social service facilities and co-operate with the town Y.[16]

## B.3 Activity of the administrative region Z in general and plans for the future

The region monitored the situation of people with autism within its territory as part of the annual collection of data from social service providers, which included questions regarding the number of clients with autism. It is unclear whether the region also asked for the numbers of unsatisfied social service seekers.

In the future, the region plans to collect more data from social service providers focusing on challenging behaviour; the region is also preparing a workshop for social service providers focusing on users with autism spectrum disorder, seeking to look for

and adjust financial flows to services caring for people with special needs related to challenging behaviour, and to form a system where finances would be provided for each bed reserved for a person with challenging behaviour.

Furthermore, the region would like to collect data from the territory about children with an autism spectrum disorder more systematically. This is expected to start in the second half of this year.

### C. Legal analysis

Social service providers can be guilty of discrimination if they reject applicants unjustifiably on the basis of discriminatory criteria (including indirectly discriminatory criteria) or if they do not attempt to adapt the social service to a particular applicant.

The town hall Y did not err in not providing the complainant with a social service. A municipal authority (town hall) of a municipality with extended competence is not responsible for inaccessibility of a particular social service. In the case at hand, there was no reason to use an emergency solution (such as referral to a healthcare facility) that the town hall would adopt in situations where the applicant's life or health is at risk and no appropriate social service is accessible.

The region Z discriminated against a group of people with disabilities as it did not ensure the provision and accessibility of social services in its territory. It also failed in its duty to take appropriate measures in relation to a person with a disability by failing to provide a case-specific solution to the complainant, who had been unsuccessfully requesting for almost three years that a social service corresponding to his needs be ensured and provided to him.

#### C.1 Provision of social services

Everybody is entitled to free basic social counselling on the possibilities for dealing with, or avoiding, a difficult social situation.[17] The scope and form of the assistance must respect human dignity, be individualised, act actively towards the clients and promote social inclusion.[18] The Social Services Act also stipulates the entitlement to a care allowance [19]. Social services are provided by territorial self-governing units and legal entities established them, by other legal and natural persons, and by the Ministry of Labour and Social Affairs and organisational units of the State or State contributory organisations established by the Ministry. [20]

A social service provider may refuse to conclude a contract for the provision of social services only in cases specified by law, i.e. if it does not provide the social service requested, if it does not have sufficient capacity to provide the social service requested or if the medical condition of the person requesting the provision residential social services excludes the provision of such social services.[21]

A person who is not provided with a social service and is in a situation where the failure to provide immediate assistance would pose a risk to his or her life or health shall be provided with a social service or another form of assistance to the necessary extent by

the municipal authority (town hall) of the relevant municipality with extended competence.[22]

The needs of persons or groups of persons for social services shall be met in the relevant territory by the municipality[23], which shall further co-operate with other municipalities, regions and social service providers in mediating assistance to individuals. The municipality shall also communicate to the relevant administrative region information on the needs of providing social services to persons or groups of persons in the municipality, on the possibilities of meeting these needs through social services and on the available resources, in order to prepare a medium-term plan for the development of social services in the region.[24] Likewise, the municipality is to communicate to the region information on the capacities of the social services that are needed to meet the needs of the persons in the municipality and to co-create conditions for meeting the needs of these persons; in doing so, the municipality will co-operate with the region in defining the social service network in the region.[25]

The region shall perform similar tasks as the municipality[26] and its main role is to elaborate a medium-term plan for the development of social services in co-operation with municipalities in the region, representatives of social service providers and representatives of persons to whom social services are provided.[27] The region should monitor and evaluate the fulfilment of the plan for the development of social services with the involvement of representatives of municipalities, representatives of social service providers and representatives of persons to whom services are provided.[28] The region shall ensure the accessibility of social services in its territory[29] and define the network of social services in its territory[30] in accordance with the medium-term plan.

The Social Services Act also regulates the mission of social services[31] and stipulates the right to receive social services in the least restrictive environment[32]. However, no entitlement to a social service can be inferred from the above. The Supreme Administrative Court first ruled[33] that the right of persons with disabilities to assistance from public authorities formed a part of the right to assistance in material need within the meaning of Art. 30 (2) of the Charter of Fundamental Rights and Freedoms. However, that conclusion was later disputed in a subsequent judgment[34], or the Court rather concluded that administrative courts were not competent to rule on such matters – nonetheless, this judgment was annulled by the Constitutional Court. The Constitutional Court,[35] which subsequently dealt with the case, concluded that the Supreme Administrative Court had violated the fundamental rights of the complainant in those proceedings, namely the right to health under Article 31 of the Charter of Fundamental Rights and Freedoms, the right to an adequate standard of living under Article 11 of the International Covenant on Economic, Social and Cultural Rights, the right to living independently and being included in the community under Article 19 of the Convention on the Rights of Persons with Disabilities and the right to judicial protection under Article 36 of the Charter of Fundamental Rights and Freedoms.

In this respect, the Constitutional Court found that Section 38 of the Social Services Act[36] confers on the persons concerned the right to have access to social services provided in the least restrictive environment, so as to enable them to live regular lives as far as possible.[37] This right is directed against the public authorities and is

governed by a public-law regulation.[38] In the Czech system of social services, a major role in creating conditions for the provision of social services and ensuring their accessibility is played by higher territorial self-governing units, i.e. administrative regions, financially supported by the State.[39]

## C.2 Equal treatment in the provision of social services

The Anti-Discrimination Act prohibits discrimination, *inter alia*, in access to and provision of services where the services are provided to the public.[40] A social service is a service that is not offered to the general public but rather to persons who are dependent on the assistance of other people; however, the right to equal treatment and non-discrimination must be preserved in the provision of such services to the thus-delimited group of people.

The Anti-Discrimination Act distinguishes between two types of discrimination: direct and indirect.[41] Direct discrimination means an act or omission, where one person is treated less favourably than another in a comparable situation, based on, *inter alia*, the grounds of disability.[42]

Indirect discrimination is defined as an act or omission where a person is disadvantaged on the basis of an apparently neutral provision, criterion or practice. Indirect discrimination does not occur if the relevant provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.[43] Based on a special definition, indirect discrimination on grounds of disability also means refusal or failure to take appropriate measures to enable a person with a disability to use services available to the public, unless such a measure would entail an unreasonable burden.[44] When deciding on whether or not a specific measure entails an unreasonable burden, account must be taken of the following:

- benefit for the person with a disability from the measure;
- affordability of the measure for the natural person or legal entity who is to implement the measure;
- availability of financial or other assistance in implementation of the measure;
- availability of other measures that could satisfy the needs of the person with a disability.[45]

## C.3 Right to living independently and being included in the community

When assessing the complainant's situation, it is necessary to take into account the principles laid down in the Convention on the Rights of Persons with Disabilities.[46] This is above all to living independently and being included in the community.[47] The signatory States should facilitate full enjoyment of this right, *inter alia*, by ensuring access to 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, to persons with disabilities.[48]

The provisions of the Convention, which lay down natural rights of people with disabilities, cannot be enforced without transposition, but it is still necessary to take them into account when assessing possible discrimination on grounds of disability.

#### C.4 Assessment of the complainant's situation

The complainant with an autism spectrum disorder and behavioural disorders was attempting to obtain a social service between April 2013 and November 2015. However, he only received negative responses from social service facilities because of his challenging behaviour, the lack of carers or the capacity of the respective facilities. The complainant was in contact with the town hall Y, which provided him (or rather his family) with counselling and assistance in preparation of applications for admission to social service facilities. From February 2013 to December 2014, the applicant's grandmother submitted several requests for assistance to the regional authority of the administrative region Z, which repeatedly referred her directly to the social service facilities and the town Y.

An appropriate social service was only found by the complainant on 1 February 2016, when he joined Home X, ran by the institution W.

##### C.4.1 Discrimination on the part of social service facilities

Social service providers may refuse to conclude a social service contract for a specific reason laid down by the law; however, even in those cases, they must respect the right to equal treatment and non-discrimination on grounds of disability. A social service facility could be guilty of indirect discrimination on the grounds of disability if it turned down an applicant suffering from autism on the grounds of challenging behaviour. Challenging behaviour can be a neutral criterion that puts people with autism at a disadvantage compared to others. The particular facility would thus have to present the specific legitimate aim of refusing the applicant and justify the adequacy and necessity of turning him or her down in the given situation.

If the rejection were to be based on insufficient or inadequate premises or staff, this could give rise to a suspicion that the facility refused to take appropriate measures to allow a client with autism to use its services. Even if the facility does not directly focus on people with autism, it has to take certain steps to allow a client with autism to use its services. The facility can only be discharged of the duty to take reasonable measures if it proves that such a measure would entail an unreasonable burden. In any case, however, the facility has to make an effort to adapt its service so as to accommodate a client with autism.

The social service providers could thus be reproached for rejecting the applicant on the basis of discriminatory criteria or not attempting to adapt the social service. Assessing whether or not discrimination occurred on the part of social service facilities would depend on specific circumstances in respect of which I do not have sufficient information at the moment. For the purpose of assessing this particular case, I consider it important whether the relevant social service facility could use financial or other assistance of the bodies responsible for the provision of social services, i.e. the municipality and region, to implement appropriate measures. It appears from the statements that I have available that the municipality had funds, which it provided



through subsidies. However, the subsidy would probably cover only part of the cost. The region is currently debating the creation of a tool to provide funds for cases similar to the one of the complainant.

#### C.4.2 Procedure of the town hall Y

The municipal authority (town hall) of a municipality with extended competence is obliged to provide a social service or another form of assistance to the necessary extent to a person who is not provided with a social service and is in a situation where the failure to provide immediate assistance would pose a risk to his or her life or health. The complainant was probably not facing an immediate risk to his life or health, but this was only thanks to his grandmother who cared for him. However, the situation in the family could have changed anytime. I do not believe that it is necessary for a person to face an immediate risk to his or her life or health to be entitled a social service; a potential risk could be sufficient because, given the condition of the complainant, the family and the carers, a situation might arise where it would be too late for any help. I consider that the complainant could be entitled to a social service.

The town hall did not evaluate the complainant's situation as posing a risk to his life or health, or rather did not consider it necessary to implement the emergency solutions it usually applies in such cases if a suitable social service is not accessible. Since the town hall cannot be reproached for the inaccessibility of social services in the given territory and I agree that there was no reason for referring the complainant, for example, to a healthcare facility, I concluded that the town hall did not err in the exercise of delegated powers.

#### C.4.3 Discrimination by the town Y and the region Z

Because neither the town nor the region provides social services, but they must ensure the provision of social services in their territory, it is necessary to look into how they are responsible for the provision of social services and for ensuring that the persons in their territory have access to social services. The Anti-Discrimination Act does not explicitly define who can be guilty of discrimination but stipulates areas in which discrimination is prohibited. These areas also include access to services. That is why discrimination can be committed by any entity that can be considered responsible for providing a particular service, including a social service.

The town Y repeatedly provided funding for certain social services provided to the complainant. Both the complainant and the social service providers could have applied for a subsidy for a specific service. As the town's funds were limited and given the cost of a case-specific social service, a subsidy provided by the town would most probably not cover all the costs. However, neither the complainant nor the social service provider turned to the town Y with an application for a subsidy.

An administrative region identifies the needs of persons or groups of persons in its territory for the provision of social services, ensures the availability of information and prepares a medium-term plan for the development of social services; monitors and evaluates the fulfilment of plans for the development of social services; ensures accessibility of social services in its territory in accordance with the medium-term plan; and defines a network of social services.[49] The competence of an administrative

region also includes decision-making on the amount of financial support for individual social services.[50]

Neither the medium-term plan[51], nor the associated action plan [52], or the document describing the supported types of social services[53] explicitly addresses the needs of people with autism, or rather the needs of people with potentially challenging behaviour as a specific group of recipients of social services. The complainant's situation indicates that if there is no vacancy in any of the three specific facilities within the region, it is difficult for a person with autism to obtain appropriate social services. There is, therefore, a suspicion that the administrative region in question ignores the specific situation of a certain group of people with disabilities in its activities in the field of social services. Within the data collection, it was only interested in the number of people with autism who use social services in the territory, and not of people who do not receive any social services. Collection of such data is planned in the future. It also plans to set up a procedure to receive reports of inaccessibility of a particular social service.

The region did not address the specific needs of people with potentially challenging behaviour in its social service activities, which is a seemingly neutral practice, but leads to a disadvantage for people with autism, whose disability is often associated with potentially aggressive behaviour. The region's omission can therefore be classified as indirect discrimination against people with disabilities in violation of Section 3 (1) of the Anti-Discrimination Act. If the criteria were objectively justified by a legitimate aim and the means of achieving them were proportionate and necessary, the omission would not be discriminatory.[54] In this case, it is hard to imagine what legitimate aim could justify the lack of interest on the part of the region in the specific situation of people with autism with special needs related to their challenging behaviour, given that the region is responsible for fulfilling the needs for social services in its territory. Despite the current shift in the region's position, I have come to the conclusion that the region is guilty of indirect discrimination on grounds of disability.

The region also refused to provide a subsidy for a case-specific social service for the complainant. In a situation where other social services were not accessible, providing a subsidy would constitute an appropriate measure that the region was obliged to adopt in order for a person to be able to use a service intended for the public, including social services. The region might thus also have indirectly discriminated against persons with disabilities in violation of Section 3 (2) of the Anti-Discrimination Act. It would not have been obliged to adopt the measure if this had entailed an unreasonable burden.

Given that it is, in principle, up to the region to decide on the manner of ensuring the provision of social services, elaborating a medium-term development plan and providing for accessibility of social services in accordance with this plan, the region disposes of all the means of preventing inaccessibility of any service in its territory. In the absence of any service, the region is also responsible for case-specific solutions. If the region did not address the complainant's situation on a case-specific basis,[55] it failed to honour its duty to adopt appropriate measures to allow people with disabilities to use the services provided to the public.

#### D. Information on further procedure

I did not find any errors in the procedure of the town hall Y, so I am closing the case in accordance with Section 17 of the Public Defender of Rights Act with respect to the town hall.

The administrative region Z committed discrimination by not ensuring the provision of, or access to, social services to people with autism in its territory. Furthermore, it discriminated against the complainant as it did not attempt to seek a case-specific solution for him.

I will send this report to the town hall Y, the regional authority of the region Z and the complainant. My report was created as part of methodical assistance to discrimination victims, which I provide in connection with Section 21b of the Public Defender of Rights Act. The complainant, or rather his legal representative, may file an anti-discrimination action against the region Z pursuant to Section 10 of the Anti-Discrimination Act. The complainant could demand elimination of the consequences of the discrimination,[56] reasonable satisfaction [57] in the form of a declaration that he was discriminated against or an apology, and material satisfaction, i.e. the compensation of intangible damage in money.

I thus close this case. It is up to the complainant to decide whether or not he will file the anti-discrimination action.

Mgr. Anna Šabatová, Ph.D.  
Public Defender of Rights

- [1] Act No. 349/1999 Coll., on the Public Defender of Rights, as amended.
- [2] Section 1 (1) of the Public Defender of Rights Act.
- [3] Section 1 (5) in conjunction with Section 21b of the Public Defender of Rights Act.
- [4] Section 21b (a) of the Public Defender of Rights Act.
- [5] Act No. 198/2009 Coll., on equal treatment and legal remedies for protection against discrimination and on amendment to certain laws, as amended.
- [6] Section 1 (1)(j) of the Anti-Discrimination Act.
- [7] Section 92 (a) of Act No. 108/2006 Coll., on social services, as amended.
- [8] Letter dated 1 March 2018, Ref. No. aaa.
- [9] xxxxxxxxxxxxxx
- [10] Statement of the director of the facility V of 1 June 2015.
- [11]

[12] According to the preliminary calculations, the family could pay about one-third of the cost of the social service from the care allowance. The rest, i.e. CZK 241,920 per year, would have to be funded through a subsidy.

[13] E.g. in a statement of 21 November 2014.

[14] In a letter dated 16 April 2018, Ref. No. bbb.

[15] In February 2013, through a letter that I do not have at my disposal, and also letters of 29 September 2014 and 8 December 2014.

[16] Through letter Ref. No. ccc, which I do not have at my disposal, and also a letter of 21 November 2014 and a letter of 26 February 2015.

[17] See Section 2 (1) of the Social Services Act.

[18] See Section 2 (2) of the Social Services Act.

[19] Section 4 of the Social Services Act.

[20] Section 6 of the Social Services Act.

[21] Section 91 (3) of the Social Services Act.

[22] Section 92 (a) of the Social Services Act.

[23] Section 94 of the Social Services Act.

[24] Section 94 (e) of the Social Services Act.

[25] Section 94 (f) of the Social Services Act.

[26] Section 95 (a) to (c) of the Social Services Act.

[27] Section 95 (d) of the Social Services Act.

[28] Section 95 (e) of the Social Services Act.

[29] Section 95 (g) of the Social Services Act.

[30] Section 95 (h) of the Social Services Act.

[31] Under Section 38 of the Social Services Act, “Social care services help individuals to attain physical and mental self-reliance with the aim to support their living in their natural social environment and to enable them to engage as much as possible in the regular life of society and, in cases where this is impossible due to their condition, to provide them with a dignified environment and treatment.”

[32] Section 38, second sentence, of the Social Services Act.

[33] In its judgment of 30 October 2014, Ref. No. 4 Ads 134 / 2014-29, page 6.

[34] Dated xxxxxxxxxx.

[35] In its judgement xxxxxxxxxx.

[36] “Social care services help individuals to attain physical and mental self-reliance with the aim to support their living in their natural social environment and to enable them to engage as much as possible in the regular life of society and, in cases where this is impossible due to their condition, to provide them with a dignified environment and treatment.” Everyone has the right to receive social services in the least restrictive environment.”

[37] Judgement of the Constitutional Court xxxxxx

[38] Ibid.

[39] Ibid.

[40] Section 1 (1)(j) of the Anti-Discrimination Act.

[41] Section 2 (2) of the Anti-Discrimination Act.

[42] Section 2 (3) of the Anti-Discrimination Act.

[43] Section 3 (1) of the Anti-Discrimination Act.

[44] Section 3 (2) of the Anti-Discrimination Act.

[45] Section 3 (3) of the Anti-Discrimination Act.

[46] Communication of the Ministry of Foreign Affairs No. 10/2010 Coll. of Int. Tr., Convention on the Rights of Persons with Disabilities.

[47] Article 19 of the Convention.

[48] Art. 19 (b) of the Convention.

[49] Section 95 of the Social Services Act.

[50] Under Section 101a *et seq.* of the Social Services Act.

[51] Medium-term plan for the development of social services in the administrative region Z for 2015 to 2019.

[52] Annex 1 – 2016/2017 Action Plan ; available xxx

[53] Description of subsidised types of social services in the administrative region Z; available xxx

[54] Under Section 3 (1), second sentence, of the Anti-Discrimination Act in the case of indirect discrimination.

[55] Either by providing an individual subsidy or, for example, by a subsidy for the facility that would admit the complainant.

[56] Section 10 (1) of the Anti-Discrimination Act.

[57] Section 10 (1) of the Anti-Discrimination Act.