

Legal status of persons using assistance of dogs with special training

Abstract

The thesis deals with the legal status of persons using assistance of dogs with special training. The Czech legal system still lacks a definition of a dog with special training and its various types. The requirements for training, skills and marking of specially trained dogs are not regulated by Czech law at all. Despite the financial and time demands of special training, currently only an allowance is provided for the purchase of special equipment in the form of a guide dog. The legal regulation of the access rights of persons accompanied by a specially trained dog is fragmented into regulations of different legal force, the regulation of some areas is completely absent. In practice, the means of defense in case of unjustified denial of access to a person accompanied by a dog with special training encounter significant limits.

The aim of the thesis is to give an overview of the current legal regulation of major aspects of the legal status of persons using assistance of dogs with special training. On this basis, the author proposes changes that can contribute to their full integration into society on an equal basis with others.

The work is divided into four parts. In the first part, the author focuses on the concept of a person with disabilities from the perspective of international and EU law, supplemented by the conclusions of the relevant case law of the European Court of Human Rights and the Court of Justice of the European Union, and in the context of the Czech legal system. In the second part, legal definitions of the overarching term dog with special training and its various types, namely assistance dog, guide dog and signal dog, are proposed. The author also examines the issue of authorization for special training of dogs to assist persons with disabilities and possible ways of tightening the conditions for its acquisition. The third part deals with the current funding options for the purchase of a specially trained dog, which the author complements with proposals to promote equal access to persons using the assistance of different types of specially trained dogs. The fourth part provides a comprehensive overview of the fragmented regulation of access rights of persons accompanied by a specially trained dog and the possibility of defending against unjustified denial of access, together with a proposal for the adoption of new comprehensive legislation.

Key words: person with disability, dog with special training, equal treatment