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Meeting: 1563rd meeting (June 2026) (DH)

Item reference: Action Plan (11/03/2026)

Communication from the Czech Republic concerning the case of Krpelik v. the Czech Republic (Application No. 23963/21)

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Réunion : 1563^e réunion (juin 2026) (DH)

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Communication de la République tchèque concernant l'affaire Krpelik c. République tchèque (requête n° 23963/21) (**anglais uniquement**)

**Execution of the judgment of the European Court of Human Rights
in case no. 23963/21 – *Krpelík v. the Czech Republic***

Action Plan submitted by the Czech Government on 11 March 2026

In its judgment of 12 June 2025, which became final in accordance with Article 44 § 2 (b) of the Convention, the Court held that there had been a violation of the applicant's right to legal assistance and right to a fair trial – under Article 6 § 3 (c) in conjunction with Article 6 § 1 of the Convention. According to the Court, due to the applicant's mild intellectual disabilities, the waiver of his rights, including his right to legal assistance at the pre-trial stage, the insufficient scrutiny of that waiver by the courts and the failure to remedy that error by any other procedural safeguards, together with the use by the trial court of the applicant's pre-trial statements to convict him, had rendered the trial as a whole unfair.

The Court found a violation of Article 6 § 3 (c) taken in conjunction with Article 6 § 1 of the Convention for two main reasons. *First*, it observed that authorities should have considered the applicant as a vulnerable person due to his intellectual disabilities. Consequently, his waiver could be valid only if it was stated with complete clarity and made after the authorities had taken every reasonable measure to ensure that he fully understood his rights and could grasp, as far as possible, the implications of his actions, including his incriminating statements. As the authorities took no additional steps at pre-trial stage, the applicant's right to legal assistance was improperly restricted. *Second*, the domestic courts had scrutinized the applicant's ability to participate in criminal proceedings, to understand their purpose and to defend himself effectively, rather than his capacity to sufficiently comprehend the nature of his rights and to make a valid waiver, and by doing so they considered his confession made at the pre-trial stage to be admissible as evidence.

I. INDIVIDUAL MEASURES

Just satisfaction awarded by the Court with regard to non-pecuniary damage and the costs and expenses in the total amount of EUR 3,800 was paid to the applicant on 2 December 2025.¹

Furthermore, the Constitutional Court Act offers a possibility to request reopening of the proceedings before the Constitutional Court following the judgment of the Court; such a request may be submitted within six months after the judgment of the Court becomes final.² The applicant availed himself of this possibility on 13 February 2026, and his request is being processed by the Constitutional Court under File no. [Pl. ÚS 10/26](#).

In view of the aforementioned, the Government are convinced that no other individual measures need to be adopted in this case.

¹ Details could be requested from the Office of the Czech Government Agent.

² Article 119 of the Constitutional Court Act as amended by Act no. 404/2012 provides, *inter alia*, that if the Constitutional Court has previously ruled in a case in which an international court finds a violation of human rights or fundamental freedoms guaranteed by an international treaty, it is possible to file a request for reopening of the proceedings in which the ruling was given. Article 119b provides, *inter alia*, that if Constitutional Court's previous judgment (*nález*) was inconsistent with the decision adopted by the international court, it must set it aside. If the Constitutional Court sets aside its judgment, it deals anew with the original constitutional appeal and the new judgment should be based on the legal opinion of the international court.

II. GENERAL MEASURES

Based on the initial analysis of the judgment, it does not appear necessary to change the existing legislation. However, there is agreement between all relevant authorities that raising awareness of the judgment together with measures intended to help facilitate police officers the identification of vulnerable persons requiring an individualized approach in good time, as well as supplementing the existing templates advising on procedural rights with their easy-to-read versions, should be an integral part of the execution of the judgment.

A. RAISING AWARENESS OF THE JUDGMENT

The Ministry of Justice has published the translation of the judgment in its online [database](#) of the Court's case law in the Czech language³ and its summary in the Government Agent's Newsletter no. [4/2025](#). Besides that, the press release was published on the official websites of the [Ministry of Justice](#) and [the Government Agent](#).

At the same time, both the translation of the judgment and its summary have been sent to the Constitutional Court and other competent authorities including, among others, the Supreme Court, the Prosecutor's General Office and the Police Presidium.

In addition, the President of the Supreme Court's Criminal Division informed all criminal judges of the Supreme Court and other relevant personnel about the judgment and the conclusions formulated therein. Furthermore, the Government Agent's Office presented the conclusions reached by the Court in the editorial of the Supreme Court's Selection of the European Court of Human Rights' judgments for judicial practice no. [4/2025](#).⁴

Summary of the judgment was also published on the Prosecutor General's Office extranet, which is electronically accessible to all prosecutors. The Prosecutor General's Office also published an expert article, drawn up by the members of the Government Agent's Office, summarizing the crux of the Court's judgment and measures needed for its proper execution, in its journal entitled Public Prosecutor's Offices.

The Government Agent's Office also attended annual seminar for criminal judges and prosecutors organised by the Judicial Academy in November 2025. The seminar focused on developments at domestic and European level in criminal law matters including the Court's case-law; members of the Government Agent's Office addressed, among other decisions, key aspects of the judgment and presented the conclusions reached by the Court.

Moreover, history and current status of execution of the judgments and related documents are published on the new Ministry of Justice's website [Mezisoudy.cz](#) in the subsection specifically dedicated to [the execution of the judgments of the Court](#).⁵ The subsection will be gradually updated based on the progress made at national level.

B. ANALYSIS OF THE JUDGMENT

After the delivery of the judgment, the Government Agent's Office, in cooperation with the Prosecutor's General Office, the Police Presidium and the Legislative Department of

³ The database contains translations of all judgments of the Court against the Czech Republic, hundreds of translations of the most important judgments of the Court delivered against other States and circa 2 000 legal summaries compiled in the Czech language of other relevant and significant judgments and decisions of the Court.

⁴ The Supreme Court's Selection serves as an important source of information, particularly for judges and public prosecutors. It is publicly available at the Supreme Court's webpage.

⁵ The interface of the website aims to improve the visibility and transparency of the process of execution of judgments in the Czech Republic.

the Ministry of Justice analysed the content of the judgment. In November 2025, the Government Agent's Office organised their joint meeting at the Ministry of Justice. The meeting was followed by written consultations related to specific general measures which are intended to be adopted to prevent future violation of the Convention in similar cases (see below).

Members of the Government Agent's Office also met representatives of *Společnost pro podporu lidí s mentálním postižením v České republice, z.s.* ("[SPMP](#)"), an NGO promoting and defending the rights and interests of people with intellectual disabilities, to obtain their insights into the difficulties faced by persons with intellectual disabilities against whom criminal proceedings are being conducted and potential remedies. It is foreseen that representatives of the SPMP will assist domestic authorities while implementing measures described below.

The execution of the judgment will be further discussed at the 13th meeting of the Committee of Experts for the Execution of Judgments of the Court and the Implementation of the Convention⁶ scheduled for 29 April 2026.

As to the role of domestic courts while assessing validity of waivers and admitting confessions made by persons with intellectual disabilities at pre-trial stage as evidence, it was concluded that wide dissemination of the Court's judgment and conclusions stated therein among judges should be sufficient to prevent similar cases in future.⁷

Two aspects of preventing conviction of intellectually disabled individuals, based on their pre-trial statements without sufficient scrutiny of waivers of their rights, that require the adoption of general measures to respect the requirements arising from the Court's case-law, including the above judgment, were identified at pre-trial stage: (i) difficulties in recognizing vulnerable individuals with mild intellectual disabilities, and (ii) lack of comprehension of procedural rights.

The adoption of general measures will aim to: (i) facilitate the identification of vulnerable individuals with mild intellectual disabilities, and to (ii) increase comprehension of procedural rights, particularly the right to legal assistance, by persons with intellectual disabilities.

C. FACILITATING IDENTIFICATION OF A PERSON'S VULNERABILITY

In accordance with the Court's case-law, intellectual disability itself is a ground for particular vulnerability of a person.⁸ Indeed, a person involved in criminal proceedings may be particularly vulnerable also by reason of his or her mental capacity; adult suspects or defendants with intellectual disabilities may therefore fall within the category of particularly vulnerable

⁶ Established as a follow-up to the obligation to reinforce the implementation of the Convention at the national level agreed by and between the Contracting Parties to the Convention at the High-level Conference on the "Implementation of the European Convention on Human Rights, our shared responsibility" of 27 March 2015, it is the Government Agent's advisory body which serves as a forum for analysing and formulating recommendations to the authorities in terms of suitable measures to be adopted for the purpose of implementing the Court's judgments. It is composed of representatives of all ministries, both Chambers of Parliament, highest courts, Office of the Supreme Public Prosecutor, Office of the Public Defender of Rights, academic staff and members of various NGOs operating in the field of fundamental human rights.

⁷ Particularly important are judges of the Supreme and Constitutional Court who regularly apply the Court's case-law. That said, the Government note that domestic authorities are in the process of drafting National Plan for the Promotion of Equal Opportunities for Persons with Disabilities for 2026–2030; one of the measures also aims at raising awareness about the Convention on the Rights of Persons with Disabilities among judges, prosecutors, attorneys and other relevant personnel. Based on this measure, the Ministry of Justice together with the Judicial Academy and the Czech Bar Association will organise a seminar at least once per year for legal professionals; its precise content is yet to be determined. However, it should raise awareness of the difficulties, status, and rights of persons with disabilities.

⁸ See *Krpelík v. the Czech Republic*, cited above, § 80.

persons. Moreover, the Court has accepted that a police interview is particularly stressful for a suspect with even a slight intellectual disability.⁹

According to the domestic authorities, in case of suspects or charged persons, identification of individuals who are particularly vulnerable due to their intellectual disabilities is not comprehensively regulated by criminal law.¹⁰ However, existing laws do not prevent the authorities from identifying vulnerable individuals due to their intellectual disabilities at the pre-trial stage. At the moment, early indications related to person's vulnerability due to his or her intellectual disabilities are obtained through general questioning, typically conducted by police officers.¹¹

The responsibility for identifying vulnerable individuals rests primarily with police officers who are in direct contact with the person. In case of the charged person, police officers assess whether the conditions for mandatory legal representation are met.¹² It is therefore necessary for them to know that they must proceed with caution and if there are any doubts they must inform and consult the case with the prosecutor. If the prosecutor shares their doubts, the police officers must submit a request in line with Section 36(2) of the CCP.

In other words, the early recognition of a person's vulnerability depends on the individual police officers, their approach and ability to detect indications of vulnerability by observing the person's behaviour and communication. It therefore seems desirable to create a tool that would facilitate such initial vulnerability screening for police officers. The tool would consist of several specific questions aimed at identifying the presence of reduced cognitive abilities or mental disorders.

Furthermore, the authorities will continue to improve the quality of professional training to ensure that the course of action to be followed at the initial stages of the questioning is widely known and applied by the police officers.

To this end, the following measures will be adopted:

The Police will prepare **a list of suitable questions**. The aim is to use questions by police officers to conduct an initial screening and make it easier for them to identify particularly vulnerable individuals. The questions should focus on person's previous hospitalization and treatment or use of medication due to mental illness or disabilities, use of narcotic or psychotropic substances, and education attained. Police officers will record replies in an official record. As to the form, questions related to person's vulnerability could be integrated into the current questionnaire used by the Police or attached to individual protocols. Both ways should ensure that all law enforcement authorities are aware of a person's potential vulnerability and the need for a specific approach. Consequently, information obtained from the person should

⁹ Ibid.

¹⁰ The particular vulnerability of this category of persons is not in doubt at domestic level. For example, the Constitutional Court in its judgment of 14 May 2025, File no. III. ÚS 3442/24, § 20, underlined that individuals with mental illness or disabilities are a particularly vulnerable group whose rights shall be particularly protected. At the same time, according to Section 2(4)(b) of the Act no. 45/2013, on Victims of Crimes a person with mental disabilities shall be considered as a particularly vulnerable.

¹¹ Pursuant to Section 92(2) of the Code of Criminal Procedure ("CCP") the accused person must be asked about their personal, family, financial and other circumstances, previous convictions and other criminal proceedings against them.

¹² Pursuant to Section 36(2) of the CCP the accused must also have a defence lawyer if this is deemed necessary by the court and, in pre-trial proceedings, by the prosecutor, in particular because, in view of the accused's physical or mental defects, they have doubts as to his or her capacity to defend himself or herself properly. In its judgment of 14 February of 2023, File. no. III. ÚS 2665/22, the Constitutional Court stated the authorities involved in criminal proceedings are obliged to clarify sufficiently the actual mental state of the accused and, on the basis of these findings, to decide on adequate compensatory measures available to them under legislation on criminal procedure.

assist prosecutors as well as judges whether mandatory legal assistance is necessary under the circumstances. In this regard, the Police Presidium will also inform police officers that records of pre-trial questioning cannot paraphrase person's statements but must record his or her own words for evidentiary purposes and judicial scrutiny in the future. At the same time, police officers will be under public prosecutor's supervision at pre-trial stage.¹³

The first draft – in relation to the accused person – should be ready by the end of March 2026. Then, it will be presented to the Government Agent's Office and the Prosecutor General's Office for further comments.

The Court's conclusions in *Krpelík* case will be also included into the **profession training of the Criminal Police and Investigation Service (SKPV)**. This is a specialized two-field educational program that follows general training. Police officers assigned to the SKPV complete a qualification course specializing in crime detection and a qualification course specializing in investigation. These courses are followed by other specialized courses depending on the individual officer's specific work assignment. At the same time, every year, the Police Academy organizes courses for current SKPV police officers, focusing, among other things, on current issues related to pre-trial proceedings (including difficulties during interrogations and their solutions, etc.).

D. INCREASING COMPREHENSION OF PROCEDURAL RIGHTS

According to the Court, the authorities should also actively ensure that individuals with intellectual disabilities understand their rights, for example, by providing an easy-to-read version of the relevant information or by providing an intermediary to facilitate communication and make the information accessible to the person.¹⁴

Based on existing laws, law enforcement authorities are responsible for instructing individuals about their rights.¹⁵ At the same time, a person who is apprehended or arrested must be provided with an advice on his or her rights without undue delay.¹⁶ In most cases, it is the police officers' task to provide the person with the advice. Currently, the advice has a form of standardised pre-printed template. Its content may differ based on the person's status in the course of the proceedings. Usually, the text is detailed, containing verbatim citations of relevant provisions of law.

After analysing the situation, competent authorities agreed that existing laws do not exclude the use of easy-to-read version of the information about person's procedural rights.¹⁷

¹³ Pursuant to Section 174(1) of the CCP the public prosecutor conducts supervision over compliance with the legality in pre-trial stage. Based on Section 174 § 2 of the CCP the public prosecutor is entitled, among other things, to give binding instructions to the police authority, to request files, documents, materials and reports, to participate in the performance of the actions taken by the police authority, to personally make individual actions or even an entire investigation and issue a decision in any matter.

¹⁴ See *Krpelík v. the Czech Republic*, cited above, § 87.

¹⁵ Pursuant to Section 33(5) of the CCP law enforcement authorities are obliged to always instruct the person of his or her rights and provide the person with the possibility to exercise these rights.

¹⁶ Pursuant to Section 33(6) of the CCP the authority the authority involved in the criminal proceedings that has detained or arrested the accused is to advise the accused **in writing of his or her rights** without undue delay; the accused must be given the opportunity to read the advice; the accused has the right to keep this advice on his or her person throughout the time that his or her personal liberty is restricted or removed. At the same time, Section 76(5) stipulates that the provisions of Section 33(6) must be adequately observed also if the detainee is questioned at a time when the criminal prosecution has not yet been commenced.

¹⁷ Pursuant to Section 2(13) of the CCP the person against whom criminal proceedings is conducted must be instructed in every stage of the proceedings **in suitable and comprehensible manner** about his rights enabling

However, there exists no such versions as of today. Therefore, a new simplified template will be created.

To this end, the following measures will be adopted:

The Police will prepare a draft **template** with information about rights of a person against whom criminal proceedings are being conducted **in easy-to-read version**.¹⁸ The template will focus on constitutionally guaranteed rights and rights protected by the Convention, including the right to remain silent and the right to a lawyer. The easy-to-read version should avoid details and citations of legal provisions. The aim is to have an easy-to-read version that will make information about the person's basic rights accessible to them. It will be attached to the current standard advice on the person's rights; the reason for this approach is that the standard form also includes information on other (statutory) rights. The first draft should be ready by the end of March 2026, and it will be presented to the Government Agent's Office and the Prosecutor General's Office for further comments.

Since Article 6 of the Convention does not prevent a person from waiving of his or her own free will the entitlement to the guarantees of a fair trial¹⁹, once the draft is available, the authorities will also discuss whether and how to incorporate into the template such a waiver under the circumstances.

For the sake of completeness, the Government note that competent authorities agreed that participation of another person acting as an "intermediary" to facilitate communication with the person against whom criminal proceedings are being conducted (for example a social worker), has no legal tradition in the Czech Republic. It would require substantial changes in criminal laws and could lead to practical difficulties (for example accessibility, responsibility, educational background). That is why competent authorities preferred an easy-to-read version of the relevant information as a general measure.

III. CONCLUSION

The Government of the Czech Republic will continue their efforts to execute the judgment according to the above stipulated action plan and will provide the Committee of Ministers with an update on further developments by the end of 2026.

him to fully exercise his defense, and about that he may choose a defense attorney; all authorities involved in criminal proceedings are obliged to enable full exercise of his rights.

¹⁸ The Police have psychologists at their disposal who will also participate in the preparation of the draft. At the same time, the Police have previous experience in drafting easy-to-read versions of the relevant information for victims of crime and minors.

¹⁹ See *Krpelík v. the Czech Republic*, cited above, § 76.