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Meeting: 1577th meeting (December 2026) (DH)

Item reference: Action Report (04/09/2026)

Communication from the Czech Republic concerning the case of Jaklova and others v. the Czech Republic
(Application No. 38342/23)

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Réunion : 1577^e réunion (décembre 2026) (DH)

Référence du point : Bilan d'action (04/09/2026)

Communication de la République tchèque concernant l'affaire Jaklova et autres c. République tchèque
(Requête n° 38342/23) **[anglais uniquement]**

**Execution of the judgment of the European Court of Human Rights
in case no. 38342/23 – *Jaklová and Others v. the Czech Republic***

Action Report submitted by the Czech Government on 4 September 2026

In its judgment in case of *Jaklová and Others v. the Czech Republic* of 4 December 2025, which became final in accordance with Article 44 § 2 (b) of the Convention, the European Court of Human Rights (“the Court”) held that there has been a violation of the procedural aspect of Article 2 of the Convention because the domestic courts failed to provide an adequate and timely response to the civil claims in relation to the applicants’ relative’s death, in a manner consistent with the State’s procedural obligations under Article 2.

The present action report is intended to inform the Committee of Ministers of both individual and general measures that have been adopted to properly execute the above judgment.

I. INDIVIDUAL MEASURES

The just satisfaction awarded by the Court in the overall amount of EUR 42 272 was paid to the applicants on 28 May 2026.¹

The Government recall that the Constitutional Court Act offers the possibility to request the reopening of the proceedings before the Constitutional Court following the judgment of the Court.² As of 3 September 2026, the applicants have not availed themselves of this possibility; however, in accordance with domestic law, they could do so within 6 months since the Court’s judgment became final,³ i.e. until 4 September 2026. In case they request the reopening of the proceedings before the Constitutional Court during the last day of this deadline, the Government will inform the Committee of the Ministers accordingly.

In view of the above, the Government believe that no other individual measures need to be adopted in the applicants’ case.

II. GENERAL MEASURES

A. ANALYSIS OF THE JUDGMENT

Written consultations conducted by the Government Agent’s Office with the relevant public authorities (Constitutional Court, Supreme Court, Municipal Court in Prague and District Court for Prague 8) confirmed that in order to duly implement the Court’s judgment in the case at hand, it is not necessary to amend the existing legal framework.

Rather, there was consensus that its execution calls for the strict application of the principles set out in the judgment: that in cases involving alleged medical negligence that resulted in the death of a patient, the courts need to subject the case to a particularly careful review, so

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

² Section 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. Section 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 re-examines the original constitutional appeal and the new judgment should be based on the legal opinion of the international court.

³ *Ibid.*, Section 119(3).

that the relatives receive answers to all their legitimate questions, the courts take into account all relevant evidence, and the proceedings are conducted within a reasonable time.

All the consulted authorities agreed that the best and sufficient measure to achieve this goal is to thoroughly raise awareness of the judgment.

These conclusions were also endorsed by the written procedure at the 13th meeting of the Committee of Experts for the Execution of Judgments of the Court and the Implementation of the Convention⁴ held on 29 April 2026 (background materials are available [here](#)).

B. RAISING AWARENESS OF THE JUDGMENT

The Ministry of Justice has informed the public about the judgment shortly after its delivery in the form of a press release (available [here](#)).

It has further published the Czech translation of the judgment and its summary in its online database of the international human rights case law (mezisoudy.cz)⁵ and the summary also in the Government Agent's Newsletter no. [2/2026](#).

In addition, both the translation of the judgment and its summary have been sent to all the public authorities involved in this case, i.e. to the Constitutional Court, Supreme Court, Municipal Court in Prague, District Court for Prague 8, as well as to the hospital where the incident involving the applicants' relative took place.

At the Supreme Court, the judgment was transmitted to all the judges and assistants of judges belonging to the civil division of this court.

Furthermore, an analysis of the judgment was published in the [editorial](#) of the quarterly magazine *Selection of the judgments of the European Court of Human Rights for judicial practice*, No. 2/2026, issued by the Supreme Court of the Czech Republic in cooperation with the Government Agent's Office. 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.

III. CONCLUSION

On the basis of the above, the Government of the Czech Republic are of the opinion that the individual and general measures taken are sufficient and propose to the Committee of Ministers to close its supervision of the execution of the above judgment.

⁴ 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.

⁵ In June 2024 the Ministry of Justice officially launched a new website (<https://mezisoudy.cz/>) dedicated to international protection of human rights. The website is run by the Government Agent's Office. It includes a database, which provides access to the case-law of the Court. The database contains all the judgments of the Court in the language in which the Court issued them. Above that, 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 more than 1 700 legal summaries compiled in the Czech language of other relevant and significant judgments and decisions of the Court. The database also connects the case-law of the Court with the case-law of the Constitutional Court of the Czech Republic and the jurisprudence of the European Committee on Social Rights and United Nations Treaty Bodies.