

Last update: 06/06/2019

Czech Republic

Membership to the Council of Europe	30 June 1993
Entry into force of the European Convention on Human Rights	1 January 1993
First case under supervision of execution	Špaček, s.r.o. (26449/95) Judgment final on 9 November 1999
Total number of cases transmitted for supervision since the entry into force of the Convention	224
Total number of cases closed by final resolution	219

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Discrimination

Unjustified placement of Roma children in special schools, (designed for children with special needs, including those suffering from a mental or social handicap) on account of their Roma origin.

D.H. and Others (57325/00)
Judgment final on 13/11/2007

Status of execution
Enhanced supervision

* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> Conditions of detention - psychiatric hospitals

The Law on Medical care was amended in 2017 providing that any use of restraint measure must comply with the principle of subsidiarity, be recorded in the patient's medical record together with the specific reasons for its application. The Ministry of Health issued new decrees defining minimum material, technical and human resources standards for sobering-up centres.

Bureš (37679/08)
Judgment final on 18/01/2013

Final Resolution
CM/ResDH(2018)430

> Lawfulness of detention and related issues

Improved safeguards against arbitrary placement of legally incapacitated persons in psychiatric hospitals following the adoption of a new Act on Special Judicial Proceedings in 2014; involuntary placement can only be ordered if individuals show signs of mental disorder and directly and seriously put in danger their surroundings, and less severe measures have been found insufficient. Healthcare institutions admitting patients against their will must inform the competent court about the placement.

Milan Sýkora (23419/07)
Judgment final on 22/02/2013

Final Resolution
CM/ResDH(2015)75

Adoption of legislative and general measures to prevent degrading treatment in police custody:

- establishment of a special authority responsible for investigation of criminal acts committed by police officers;
- more detailed control operated by the Constitutional Court with respect to the requirements of adequate investigation into complaints;
- change of the law-enforcement attitudes through awareness-raising measures.

Kummer (32133/11)
Judgment final on 25/06/2014

Final Resolution
CM/ResDH(2015)227

> Reception / Expulsion

Immediate transfer of asylum seekers from airport transit zone to ordinary asylum centres (which they are free to leave) in cases where a national court quashes the Ministry's decision to refuse the entry of the asylum seeker into the country - new provisions of the Asylum law 2014.

Buishvili (30241/11)
Judgment final on 25/01/2013

Final Resolution
CM/ResDH(2015)98

> Length of judicial proceedings

Introduction of a compensatory remedy for excessive length of proceedings in 2006. Adoption of legislative and organisational measures to simplify the proceedings, alleviate the burden of the courts and expedite courts proceedings.

Bořánková and Hartman group
(41486/98+)
Judgment final on 21/05/2003

Final Resolution
CM/ResDH(2013)89

** This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV "Main achievements". As regards the period 1959-1998, see the overview provided by the European Court in its special publication "Survey : 40 years of activity", section IV "Effects of judgments and decisions" – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> Access to a court

Introduction of the possibility to request the annulment of a decision of an administrative authority, if it's prejudicial or violates the rights of the person concerned, following the amendments to the Code of Civil Procedure in 2001 and 2003.

Kilián (48309/99)
Judgment final on 06/06/2005

Final Resolution
CM/ResDH(2006)70

Better access to the Constitutional Court: repeal of the obligation to lodge an extraordinary appeal before lodging constitutional complaint.

Běleš and Others (47273/99)
Judgment final on 12/02/2003

Final Resolution
CM/ResDH(2007)115

Abolition of the obligation to submit a commercial dispute between private entities to private arbitrators through amendment to the Companies and Cooperatives Transformations Act in 2008.

Suda (1643/06)
Judgment final on 28/01/2011

Final Resolution
CM/ResDH(2012)18

Placement of credit union in receivership is no longer possible, following amendments to the Credit Unions Act 2006. This procedure is still applicable to other actors on the financial market (banks, investment companies, etc.) which were granted the right to lodge an appeal against imposition of receivership and access to the essential documentation during proceedings.

Družstevní Záložna Pria and Others
group (72034/01+)
Judgment final on 26/01/2009

Final Resolution
CM/ResDH(2013)122

Clearer definition of admissibility criteria of appeals on point of law before the Constitutional Court in 2003, 2004 and 2012: the Constitutional Court repealed the vague legal provision according to which an appeal on points of law is deemed admissible if it concerns a question of crucial legal importance.

Adamiček group (35836/05)
Judgment final on 12/01/2011

Final Resolution
CM/ResDH(2013)58

Lošták group (380/11)
Judgment final on 19/12/2013

Final Resolution
CM/ResDH(2015)15

> Fairness of judicial proceedings – Criminal charges

Pre-trial detention: improvement of the right of the accused to be heard through the creation of a “detention hearing” in order to determine the continuation of the detention, with the presence of the accused, following amendments of the Code of Criminal Procedure in 2011.

Husák group (19970/04+)
Judgment final on 04/03/2009

Final Resolution
CM/ResDH(2013)120

> Protection of private and family life

Reform of custody proceedings to ensure speedy decision-making and introduction of the possibility of mediation and peaceful settlement of disputes between parents, with courts' obligation to take into account the children's opinion.

Reslová group (7550/04+)
Judgment final on 18/10/2006

Final Resolution
CM/ResDH(2011)99

New means of fast and extrajudicial resolution of various situations related to protection of children, including parental conflicts, were introduced in 2012. Emphasis on the application of methods of a preventive nature by the child welfare authorities, notably the possibility to impose on the minor or parent a duty to avail themselves of a specialised counselling assistance.

Bergmann group (8857/08+)
Judgment final on 27/01/2012

Final Resolution
CM/ResDH(2013)155

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

Public care of children no longer possible on the sole basis of the inadequate housing conditions or the poor financial situation of the parents; placement in institutional care is recognised as only a subsidiary measure after the exhaustion of other alternatives, the best interest of the child being the primary consideration. Improvement of the right of vulnerable families to subsidised housing.

Wallová and Walla group
(23848/04+)
Judgment final on 26/03/2007

Final Resolution
CM/ResDH(2013)218

Decisions concerning the maintenance of family ties between parents and children placed in care are to be taken by courts, not directors of facilities for children requiring immediate assistance, following an amendment to the Social and Legal Protection of Children Act in 2013.

T. (19315/11)
Judgment final on 17/10/2014

Final Resolution
CM/ResDH(2016)248

Speedier procedure under the Hague Convention on the Civil Aspects of International Child Abduction as such questions have been centralised in one court to ensure better respect of the strict time limits laid down:

- introduction of a preventive remedy against unreasonable length of proceedings in the form of a motion for determination of a time limit for taking a procedural step;
- emphasis put on mediation in parental dispute; the role of informal mediator in the international child abduction disputes is performed by the Office for International Legal Protection of Children.

Macready (4824/06)
Judgment final on 04/10/2010

Final Resolution
CM/ResDH(2012)21

Clear possibility for mother with low-risk pregnancies to leave hospital shortly after the birth (new Guidelines for maternity hospitals on procedure of discharging new-borns and mothers to their private home).

Hanzelkovi (43643/10)
Judgment final on 11/03/2015

Final Resolution
CM/ResDH(2017)258

Introduction of a possibility to challenge the lawfulness of onsite-inspections of companies carried out by administrative bodies, also after the inspections are already terminated, and to obtain redress if inspections found unlawful.

Delta Pekárny AS (97/11)
Judgment final on 02/01/2015

Final Resolution
CM/ResDH(2017)299

> Protection of home and correspondence

Improved safeguards surrounding secret surveillance measures by the police adopted in 2002:

- access to the list of telephone calls can be granted by a judge in the course of criminal investigations; the order must be reasoned and written;
- use of monitoring devices by the police, notably audio and video surveillance of persons and objects, must be authorised by a prosecutor; authorisation by a judge is necessary when home or correspondence is affected. Conversations between an accused and his lawyer cannot be recorded.

Heglas (5935/02)
Judgment final on 09/07/2007

Final Resolution
CM/ResDH(2011)98

> Protection of property rights

A new legislation of 2006 allows landlords to raise controlled rent gradually. Furthermore, an amendment to the Civil Code in 2011 boosted the landlords' position in tenancy relationships.

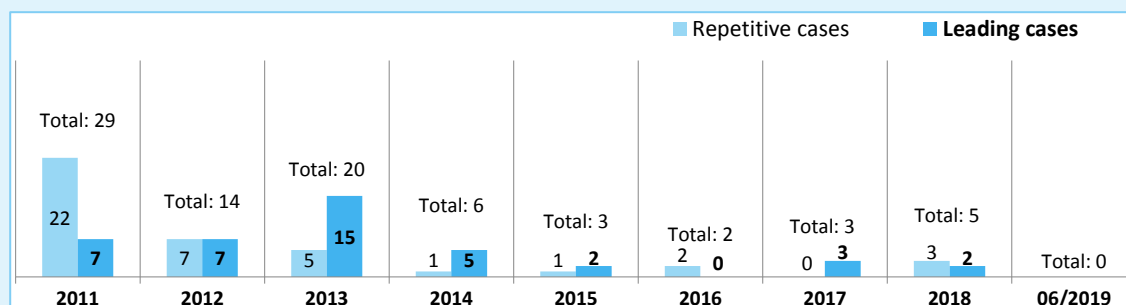
R & L, S.R.O. and Others (37926/05)
Judgment final on 11/06/2015

Final Resolution
CM/ResDH(2018)178

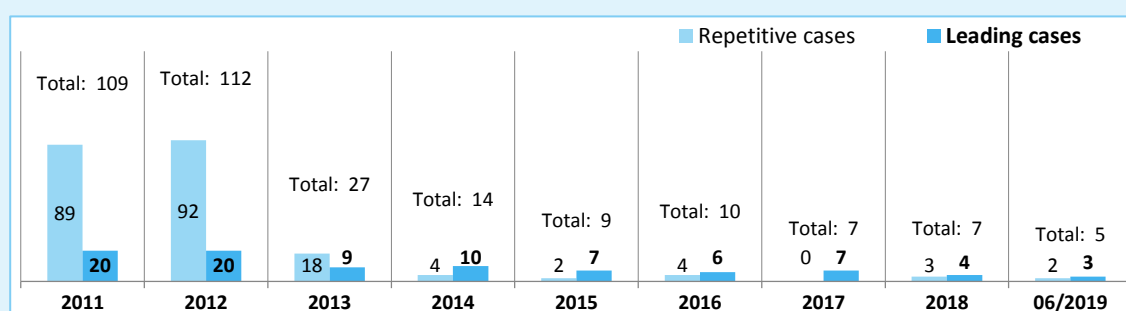
STATISTICS***

New cases

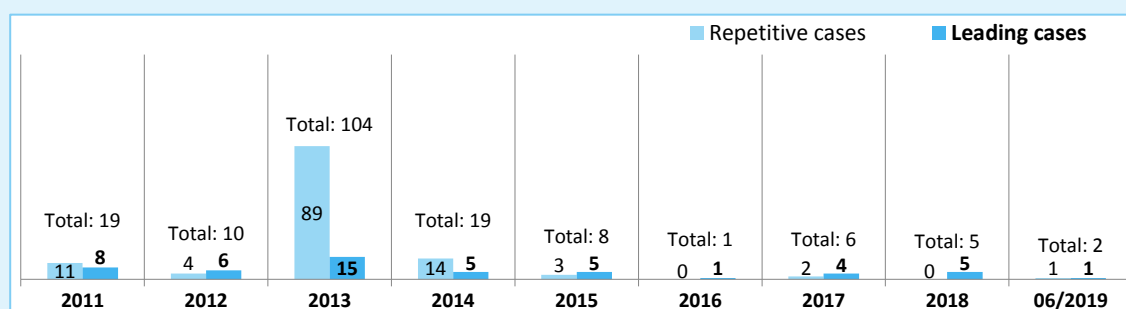
(judgments transmitted for supervision of their execution during the year)



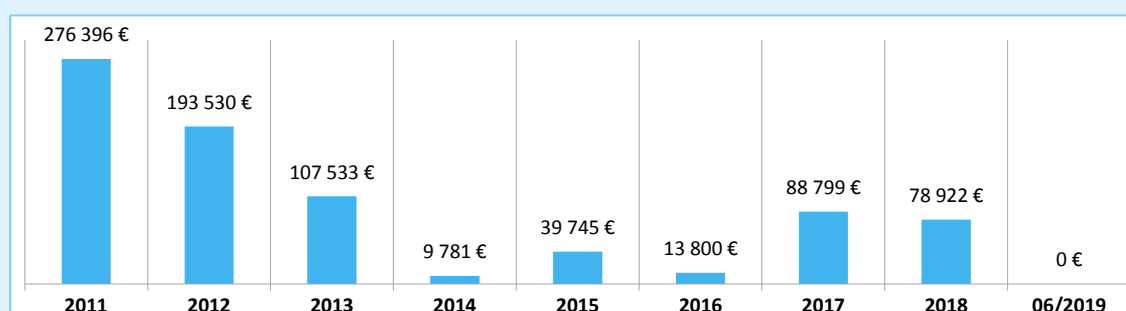
Pending cases



Cases closed by final resolution



Just satisfaction awarded by the European Court

*** Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.