



# Czech Republic

**Ratified the European Convention on Human Rights in 1992**

**National Judge: Aleš Pejchal**

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Karel Jungwiert (1998-2012)

The Court dealt with 346 applications concerning Czech Republic in 2016, of which 339 were declared inadmissible or struck out. It delivered 5 judgments (concerning 7 applications), 2 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2014	2015	2016
Applications allocated to a judicial formation	370	340	338
Communicated to the Government	12	45	10
Applications decided:	748	407	346
- Declared inadmissible or struck out (Single Judge)	728	387	324
- Declared inadmissible or struck out (Committee)	5	12	12
- Declared inadmissible or struck out (Chamber)	2	4	3
- Decided by judgment	13	4	7
Interim measures:	5	8	9
- Granted	0	1	1
- Refused (including out of scope)	5	7	8

For information about the Court's judicial formations and procedure, see [the ECHR internet site](#).

Applications pending before the court on 01/01/2017	
Total pending applications*	205
Applications pending before a judicial formation:	144
Single Judge	37
Committee (3 Judges)	9
Chamber (7 Judges)	97
Grand Chamber (17 Judges)	1

\*including applications for which completed application forms have not yet been received

## Czech Republic and ...

### Its contribution to the Court's budget

For 2017 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2017 contribution of Czech Republic to the Council of Europe's (EUR 328 million) budget is **EUR 3,107,296**.

### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **672** Registry staff members of whom **7** are Czech.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### **Dubská and Krejzová v. the Czech Republic**

15.11.2016

The case concerned a law in the Czech Republic which made it impossible in practice for mothers to be assisted by a midwife during home births.

No violation of Article 8 (right to respect for private and family life)

#### **Rohlena v. Czech Republic**

27.01.2015

The case concerned the applicant's conviction for a continuous criminal offence of abusing a person living under the same roof. The applicant complained in particular that his conviction encompassed his conduct before that offence had been introduced into the law on 1 June 2004.

No violation of Article 7 (no punishment without law)

#### **D.H. and Others v. Czech Republic (no. 57325/00)**

13.11.2007

Placement of Roma children in special schools.

Violation of Article 14 (prohibition of discrimination) together with Article 2 of Protocol No. 1 (right to education)

#### **Malhous v. Czech Republic**

12.07.2001

No public hearing in restitution proceedings to recover farmland.

Violation of Article 6 § 1 (right to a fair trial)

## Noteworthy cases, judgments delivered

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### Chamber

#### **Cases dealing with Article 6**

Right to a fair trial

#### **Suda v. Czech Republic**

28.10.2010

Compulsory arbitration for squeezed-out minority shareholders concerning the compensation for their shares.

Violation of Article 6 § 1

#### **Družstevní záložna Pria and Others v. Czech Republic**

31.07.2008

Compulsory administration imposed on credit union.

Violations of Article 6 § 1

Violation of Article 1 of Protocol No. 1 (protection of property)

#### **Krasniki v. Czech Republic**

28.02.2006

Applicant's conviction based exclusively on anonymous witness testimony.

Violation of Article 6 §§ 1 and 3 d)

#### **Vodárenská akciová společnost v. Czech Republic and Faltejsek v. Czech Republic**

24.02.2004 and 15.02.2008

Excessive formalism of the Constitutional Court.

Violation of Article 6 § 1

#### **Credit and Industrial Bank v. Czech Republic**

21.10.2003

Decision of compulsory administration imposed on the applicant bank.

Violation of Article 6 § 1 - lack of full judicial review in the administrative proceedings

#### **Běleš and Others v. Czech Republic and Zvolský and Zvolská v. Czech Republic**

12.11.2002

Lack of access to the Constitutional Court in proceedings respectively related to a decision by the Medical Society to strike the Homeopathic Association off its list of members and agricultural land ownership issues.

Violations of Article 6 § 1 in both cases, and Violation of Article 1 of Protocol No. 1 (protection of property) in Zvolský and Zvolská

**Krcmár v. Czech Republic and Milatová and Others v. Czech Republic**

03.03.2000 and 21.06.2005

Lack of contradictory procedure before the Constitutional Court.

[Violations of Article 6 § 1](#)

Right to a fair trial within a reasonable time

**Kříž v. Czech Republic and Mezl v. Czech Republic**

09.01.2007

Length of proceedings concerning fathers' right of contact with their children, and Mr Mezl's parental responsibility. Prolonged inability to secure the enforcement of the decisions granting them rights of contact.

[In each case: Violation of Articles 6 and 8 \(right to respect for private and family life\)](#)

**Cases dealing with the right of respect for private and family life (Article 8)**

**Macready v. Czech Republic**

22.04.2010

Authorities failed to ensure father's right of contact with his son during proceedings for the son's return to the United States.

[Violation of Article 8](#)

**Heglas v. Czech Republic**

01.03.2007

Use in criminal proceedings of a listening device hidden under the applicant's girlfriend's clothing, and of the recording of his phone calls, under surveillance.

[Two violations of Article 8](#)

[No violation of Article 6 § 1 \(right to a fair trial\)](#)

**Kříž v. Czech Republic and Mezl v. Czech Republic**

09.01.2007

See case also dealing with Article 6 (Right to a fair trial within a reasonable time)

**Wallová and Walla v. Czech Republic**

26.10.2006

Placement of children in a public institution on the grounds that the family did not have a suitable and stable home.

[Violation of Article 8](#)

**Cases dealing with property issues (Article 1 of Protocol No. 1)**

**Družstevní záložna Pria and Others v. Czech Republic**

31.07.2008

See case also dealing with Article 6 (right to a fair trial)

**Pinc and Pincová v. Czech Republic**

05.11.2002

Deprivation of property in restitution proceedings.

[Violation of Article 1 of Protocol No. 1](#)

**Špacek, s.r.o. v. Czech Republic**

09.11.1999

Penalty imposed on a company on the basis of the national tax law.

[No violation of Article 1 of Protocol No. 1](#)

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**Other noteworthy cases, judgments delivered**

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**Dvořáček v. Czech Republic**

06.11.2014

The case concerned the conditions surrounding the compulsory admission of the applicant, Mr Dvořáček, to a psychiatric hospital to undergo protective sexological treatment.

[No violation of Article 3 \(prohibition of inhuman or degrading treatment\) with regard to the applicant's detention in a psychiatric hospital and the medical treatment administered](#)

[No violation of Article 3 concerning the investigation into the applicant's allegations of ill-treatment](#)

**Eremiášová and Pechová v. the Czech Republic (no. 23944/04)**

16.02.2012

The case concerned the death of the applicants' relative, of Roma origin, following his allegedly jumping head-first through a first-floor window at a police station where he had been taken on suspicion of burglary.

[Two violations of Article 2 \(right to life and investigation\)](#)

**Andrle v. Czech Republic**

17.02.2011

Alleged discrimination in the pension system on account of sex (different retirement age for women who care for children and for men in the same position).

No violation of Article 14 (prohibition of discrimination) in conjunction with Article 1 of Protocol No. 1 (protection of property)

### **Husàk v. Czech Republic**

04.12.2008

Dismissal without hearing of applications for release by the applicant who was in pre-trial detention.

Violation of Article 5 § 4 (right to have lawfulness of detention decided speedily by a court)

## Noteworthy cases, decisions delivered

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### **Žirovnický v. the Czech Republic**

15.12.2016

These applications concern the detention conditions in a number of Czech prisons; the applicant alleged that those conditions constituted inhuman treatment, particularly on account of exposure to passive smoking (no. 60439/12) and prison overcrowding (no. 73999/12).

The Court has for the first time had the opportunity to rule on the remedies existing under Czech law as regards detention conditions.

Applications declared inadmissible.

### **Veselský v. the Czech Republic**

31.03.2015

The applicant complained of a denial of justice by the Constitutional Court on the grounds that it had declared his appeal inadmissible without examining it on the merits.

Application declared inadmissible as manifestly ill-founded.

### **Zelenka v. the Czech Republic**

25.11.2014

The case concerned the dismissal of an appeal of points of law for lack of legal representation.

Application declared inadmissible for non-exhaustion of domestic remedies.

### **Polednová v. the Czech Republic**

06.07.2011

Question of whether the conviction of the last surviving participant in the 1950 trial of Milada Horáková and other opponents of the communist regime was compatible with the Convention.

Application declared inadmissible as manifestly ill-founded.

### **Holub v. the Czech Republic and Bratři Zátkové, a.s. v. the Czech Republic**

14.12.2010 and 08.02.2011

Complaints declared inadmissible for lack of "significant disadvantage" (for the 1st time with regard to the Czech Republic).

Applications declared inadmissible

In its decisions in these cases, the Court **clarifies the application of the new admissibility criterion ("significant disadvantage")** introduced by Protocol No. 14, which entered into force on 1 June 2010. The introduction of this new criterion was considered necessary in view of the Court's constantly increasing workload, and is intended to enable it to focus on cases that justify an examination on the merits. It enables the Court to dismiss cases that are held to be "of minor importance", that is, those which do not require examination on the merits.

### **Vokurka v. Czech Republic**

16.10.2007

New domestic remedy in respect of length-of-proceedings complaints recognised by the Court as "effective".

Application declared inadmissible for non-exhaustion of domestic remedies.

### **Gratzinger and Gratzingerová v. Czech Republic and Poláček and Polácková v. Czech Republic**

29.05.2002

Applicants' inability, as United States nationals, to recover property confiscated by the former Czechoslovak Socialist Republic.

Applications declared inadmissible.

## Noteworthy pending cases

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### Grand Chamber

#### **Regner v. Czech Republic (no. 35289/11)**

The case concerns an administrative decision revoking a deputy to a Vice-Minister of Defence's security clearance, which had been essential for him to be able to carry out his public function.

Relying on Article 6 § 1 (right to a fair trial) of the Convention, Mr Regner complains that the administrative proceedings in his case were unfair in that it was impossible to have access to a decisive piece of evidence classified as confidential which had been made available to the courts by the defendant.

## Press country profile – Czech Republic

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In its Chamber [judgment](#) of 26 November 2015, the European Court of Human Rights held, unanimously, that there had been no violation of Article 6 § 1 of the Convention.

Case [referred](#) to the Grand Chamber on 2 May 2016

Grand Chamber [hearing](#) on 19 October 2016

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