

The ECHR and

Czech Republic

facts & figures



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## Council of Europe

Accession: 30 June 1993

## European Convention on Human Rights

Signed: 21 February 1991

Ratified: 18 March 1992

(Dates of signing and ratification  
by the former Czech and  
Slovak Federative Republic)

## ECHR judges

Kateřina Šimáčková (depuis 2021)

Aleš Pejchal (2012-2021)

Karel Jungwiert (1993-2012)

## ECHR and the Czech Republic at 1 January 2023

1<sup>st</sup> judgment: Špaček, s.r.o. v. the Czech Republic  
(9 November 1999)

Total number of judgments: 246

Judgments finding a violation: 197

Judgments finding no violation: 27

Friendly settlement/strikeout: 13

Other judgments: 9

Applications pending: 142

Applications finished: 14,220

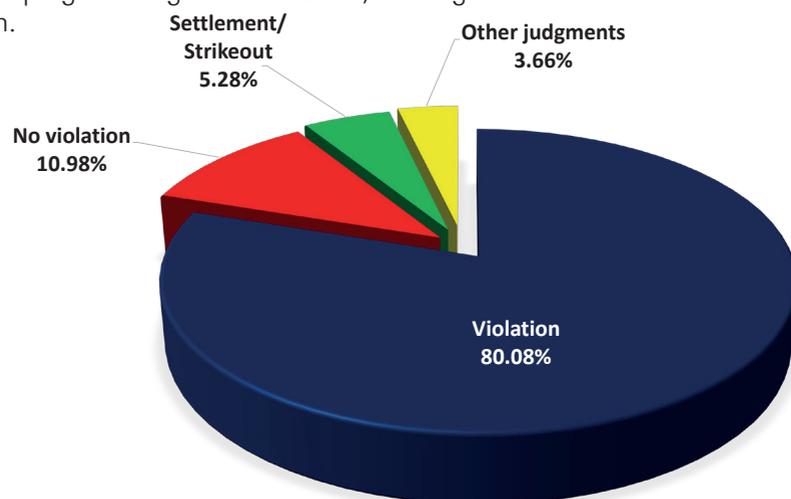
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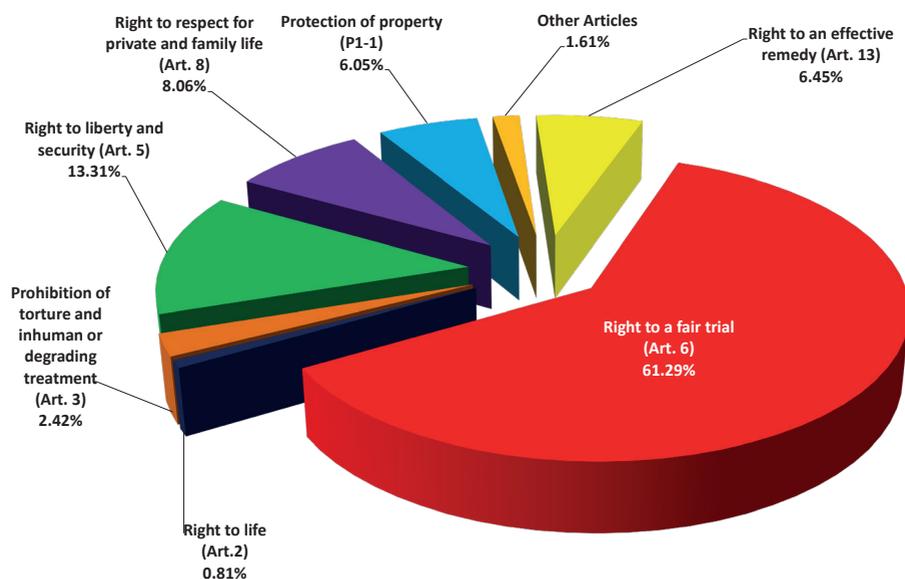
## Types of judgments

In about 81% of the judgments delivered concerning the Czech Republic, the Court gave judgment against the State, finding at least one violation of the Convention.



## Subject-matter of judgments finding a violation

Over 61 % of the findings of a violation concerned Article 6 of the Convention (right to a fair trial). A further 13.22% concerned a violation of Article 5 (right to liberty and security).



## Impact of the Court's judgments

The Committee of Ministers, the Council of Europe's executive body, supervises compliance with the Court's judgments and adoption of the remedial measures required in order to prevent similar violations of the Convention in the future.

The Court's judgments have led to various reforms and improvements in the Czech Republic, relating in particular to:

### Safeguards on deprivations of liberty

The reforms include the possibility for accused persons to be brought before a judge during pre-trial detention proceedings, improved safeguards against arbitrary placement in psychiatric hospitals, and the adoption of measures to prevent degrading treatment in police custody.

### Improving remedies and procedures

The Code of Civil Procedure now provides for judicial review of decisions taken by the administrative authorities; constitutional appeals have been made easier with the abolition of the requirement to exercise a special remedy before applying to the Constitutional Court; individuals have access to a remedy by which to claim compensation in respect of excessively lengthy proceedings.

### Stepping up the protection of private and family life

The procedures concerning custody of children and public assistance have been improved and speeded up. Issues relating to international child abduction are dealt with by a single centralised court in order to speed up proceedings. The safeguards attending covert surveillance by the police have been improved.

## Selected cases

### Case of Malhous (12 July 2001)

Jan Malhous complained that he had not had a public hearing before an independent and impartial tribunal in proceedings concerning the restitution of agricultural land that had belonged to his father and had been expropriated without compensation.

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

### Case of Credit and Industrial Bank (21 October 2003)

The applicant company complained that it had not had any remedy in respect of the decision to place it in compulsory administration and the ensuing administrative and judicial decisions.

*Violation of Article 6 (right to a fair hearing)*

### Case of Wallová and Walla (26 October 2006)

Emílie Wallová and her husband Jaroslav Walla complained of the decision to place their children in institutional care on the grounds that the family did not have stable and suitable accommodation.

*Violation of Article 8 (right to respect for family life)*

### Case of Kříž and Mezl (9 January 2007)

Václav Kříž and Oldřich Mezl both complained of the length of proceedings concerning their contact rights and, in Mr Mezl's case, the issue of parental responsibility. They also complained of their prolonged inability to secure enforcement of the decisions granting them contact rights, thus denying them the opportunity of seeing their children.

*Violation of Article 6 (right to a fair hearing)*

*Violation of Article 8 (right to respect for family life)*

### Case of D.H. and others (13 November 2007)

The case concerned the applicants' placement in special schools on account of their Roma origin.

*Violation of Article 14 (prohibition of discrimination) read in conjunction with Article 2 of Protocol No. 1 (right to education)*

### Case of Macready (22 April 2010)

Thomas Lawrence Macready, a US national, complained of the fact that, following their divorce, his wife had taken their child to the Czech Republic without his consent. The Court found that the Czech authorities had not secured

the applicant's contact rights during the proceedings for his son's return to the United States.

*Violation of Article 8 (right to respect for private and family life)*

### Case of Andrlé (17 February 2011)

Alleged discrimination on grounds of sex in the context of the retirement pension scheme (different pensionable age for women caring for children and for men in the same position).

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

### Case of Eremiášová and Pechová (16 February 2012)

The case concerned the death of the applicants' relative, of Roma origin, who allegedly jumped out of a first-floor window in the police station where he had been taken in connection with a burglary.

*Violations of Article 2 (right to life and to an effective investigation)*

### Case of Dubská and Krejzová (15 November 2016)

The case concerned the impossibility for pregnant women to give birth at home assisted by a midwife. The two applicants complained that women had no option but to give birth in hospital if they wished to be assisted by a health-care professional.

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

### Case of Novotný (7 June 2018)

František Novotný had unsuccessfully attempted to obtain the setting aside on the basis of new DNA evidence of a 1970 court decision establishing his paternity of a child. DNA testing had shown that he was not the father, but the Czech courts had relied on the res judicata rule to dismiss his action for disavowal of paternity.

The Court considered that the applicant had had a legitimate right to at least have the opportunity to deny paternity of a child who, according to scientific evidence, was not his own, and that the child could also have an interest in knowing the identity of her biological father.

*Violation of Article 8 (right to respect for private and family life)*

## Case of Vavříčka and Others (8 April 2021)

The applications concerned the Czech legislation on compulsory childhood vaccination against diseases well known to medical science and its consequences for the applicants who refused to comply.

The Court found that the measures complained of by the applicants, when assessed in the national context, had struck a fair balance with the aims pursued by the Czech State, i.e. protection against diseases representing a serious risk for one's health.

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

## Selected measures to execute judgments

### General measures

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#### Case of Exel (5 July 2005)

Lack of a public hearing before the commercial court and the High Court.

**Change in the case-law of the Supreme Court, defining in what circumstances the courts are required to hold a hearing in the context of a declaration of bankruptcy. Subsequent enactment of a new bankruptcy law.**

#### Case of Singh (25 January 2005)

Detention of the applicants for two and a half years pending their deportation.

**Introduction of a time-limit of five working days for ruling on an application for release.**

#### Case of Heglas (1<sup>er</sup> March 2007)

Recording of a conversation obtained by a body-worn listening device, and use in evidence during trial of a list of the telephone calls made.

**Introduction into the Code of Criminal Procedure of provisions concerning the obtaining of lists of telephone calls in an investigation and the recording of conversations using a listening device worn on a person's body.**

#### Case of Wallová and Walla and Case of Havelka and others

**(26 October 2006 & 21 June 2007)**

Placement of children in institutional care on account of inadequate housing conditions.

**The new Civil Code provides that the placement of children in State care is no longer possible on the sole grounds of inadequate housing conditions or a precarious financial situation.**

# Individual measures

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## Case of Buchen

(26 November 2002)

The applicant, a former military judge, had his retirement allowance reinstated after it had been suspended on a discriminatory basis when he was appointed as a judge of an ordinary court.

## Case of T.

(17 October 2014)

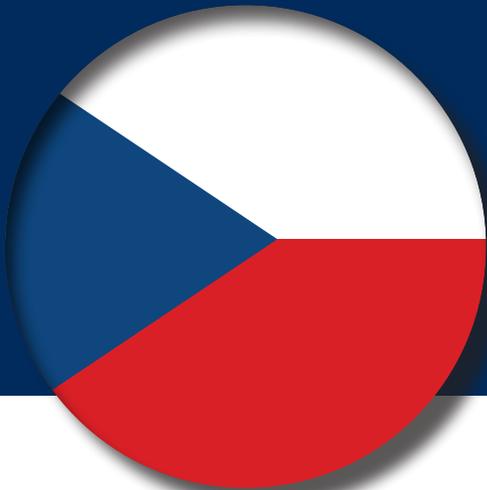
The courts delivered a judgment concerning the applicant's visitation rights and custody with regard to his daughter, who had been placed in State care.

## Case of Novotný

(7 July 2018)

Applicant unable to challenge paternity on the basis of new DNA evidence.

**Czech law now provides for lodging an action to reopen proceedings on the declaration or denial of paternity beyond the statutory time-limit, under certain circumstances.**



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