

## Czech Republic 2025

### Information from: Public Defender of Rights

## Independence, effectiveness and establishment of NHRIs

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### International accreditation status and SCA recommendations

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The Public Defender of Rights is a non-accredited associate member of ENNHRI. As such, under the ENNHRI Statute, it commits to take active steps towards compliance with the UN Paris Principles and A-status accreditation.

The Defender can handle complaints, write legislative recommendations, and conduct independent inquiries. Moreover, the Public Defender of Rights has received the mandate of Equality Body, National Monitoring Mechanism (NMM) under the UN CRPD, the National Preventive Mechanism (NPM) under the UN CAT, monitor of forced returns (under the EU Return Directive), and body promoting equal treatment and supporting workers in the European Union and their family members (under the Directive 2014/54/EU).

ENNHRI has supported the steps taken by the Public Defender of Rights to strengthen its mandate in compliance with the UN Paris Principles and stands ready to assist the institution in applying for international accreditation. In 2022, the Minister for Legislation started preparing a legislative proposal concerning steps for a Czech NHRI in a reasonable future. In 2023, the Public Defender was closely involved in the suggestions for possible legislative amendments to the Act on the Public Defender of Rights, which have the potential to further align the mandate of the institution to that of a fully-fledged NHRI.

There has been significant progress concerning the establishment of an NHRI in the Czech Republic in 2024. The [draft law](#) that envisages entrusting the Public Defender of Rights with the mandate of an NHRI, alongside with establishing a new position of the Children's Ombudsman who would share the Office of the current Defender (for details see the [2024 ENNHRI report chapter on Czechia](#)) was approved by the Government on 10 April 2024. The Chamber of Deputies of the Parliament approved the draft law on 22 January 2025 with minor changes made by the Deputies. The Senate has approved the law on the 26th February 2025. The law should enter into force on 1 July 2025, once it is signed by the President.

The pending amendments could also pave the way for the future accreditation of the Public Defender as an NHRI.

## **Follow-up to international and European actors' recommendations on NHRIs and relevant developments**

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Given the nature of the changes in the work of the Public Defender of Rights and his Office, which will probably be the most extensive in its 25-year history, preparatory works have already started within the institution in 2024. The Defender's Office has been mapping the scope of the new tasks, examining the practice of similar foreign institutions, preparing a proposal for the division of duties between the Defender and the Children's Ombudsman, and looking for the most appropriate organisational and technical support for the new tasks.

## **Regulatory framework**

Regulatory framework

The draft law on the establishment of the NHRI has been adopted by the the Parliament of the Czech Republic only in early 2025, upon signature by the President, the expected changes in the regulatory framework would enter into force on 1 July 2025.

The Public Defender of Rights supports the strengthening of the institution's mandate towards becoming an NHRI and the establishment of Children's Ombudsman Institution. The Defender also stresses that adequate funding increase is necessary for the meaningful exercise of these new competences.

## **NHRI enabling and safe space**

NHRI enabling and safe space

The Public Defender of Rights notes that relevant state authorities have good awareness of its mandate, independence and role. The Defender also notes that he has adequate access to information and to policy makers in all stages of legislation and policy making in matters where he has competence.

However, the Defender also that it does not have adequate resources to carry out the full breath of its mandate. According to the Defender, state authorities generally continue to ensure an enabling environment to the Public Defender of Rights. However, in previous reports (see the ENNHRI [2023](#) and [2024](#) Rule of

Law reports), the Defender has pointed out the ongoing trend of restricting financial resources of his Office. This trend continued in 2024. For the annual budget in 2025 the Defender's Office has received an increase of about 4.6% for salary expenditures. However, given the previous budgetary restrictions and inflation, this will only amount to bringing the salaries back to the levels prior to 2022.

The Defender also points to the fact that the Government has so far not approved a specific amount of funding for the new competences in 2025. This complicates the process of preparation of the institution for its new duties.

As regards the recommendations issued by the Defender, the Defender notes that there have been no changes in legislation, state measures or practices since 2022 to ensure timely and reasoned responses to NHRI recommendations.

As regards the question of immunities and sufficient measures necessary to protect and support the NHRI, the Defender and the Deputy Defender may not be criminally prosecuted without the consent of the Chamber of Deputies, and if the Chamber of Deputies denies consent, criminal prosecution of the Defender shall be impossible during the term of exercise of the Defender's competence.

## **NHRI's recommendations to national authorities**

NHRI's recommendations to national authorities

Given the current state of the draft legislation strengthening his mandate, the Defender reiterates that the Government should ensure that the establishment of the NHRI and the Children's Ombudsman will be accompanied by adequate additional resources that would allow a meaningful exercise of both the existing and new duties.

## **Czech Republic 2025**

### **Information from: Public Defender of Rights**

## **Human rights defenders and civil society space**

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### **Laws and measures negatively impacting civil society and Human Rights Defenders**

Laws and measures negatively impacting civil society and Human Rights

## Defenders

While the Public Defender of Rights does not conduct broad human rights monitoring and reporting, as a National Equality Body, he is, however, aware of some measures negatively impacting civil society and Human Rights Defenders, particularly in the form of limiting access to funding. In this regard, he has noted that the Government Committee for Institutional Assurance of Gender Equality has been critical of the inadequate allocation of resources for the implementation of the Gender Equality Strategy for 2021–2030, especially with regard to the promotion of systemic changes and support of non-state sector (see the [English summary of the Government Strategy](#), p. 54).

## Activities of NHRIs to support civil society space and Human Rights Defenders

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The Defender generally cooperates and consults civil society organizations in all areas of his competence, when relevant.

Civil society organizations are part of the advisory committee in relation to the functioning of the CRPD monitoring mechanism. The Defender also cooperates with an NGO that provides pro bono legal representation to the victims of discrimination.

In other areas, the cooperation with civil society organisations mainly consists of inviting its representatives to [roundtables](#) or [seminars](#), consulting them with regards to specific topics and resolving the complaints they file either on their own behalf or on behalf of individuals they represent.

The Public Defender of Rights has also taken specific initiatives in 2024 to protect civil society space and human rights defenders (HRDs), such as complaints handling, issuing of recommendations & opinions and capacity building. In particular, in 2024 the Defender has organized a roundtable with NGOs that specialise in helping the victims of discrimination to exchange experience, good practice and to adjust the legal assistance provided to the victims of discrimination by the Defender.

## Czech Republic 2025

### Information from: Public Defender of Rights

## Functioning of justice systems

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Based on activities concerning protection against maladministration, the Public Defender of Rights has identified significant challenges affecting access to justice and/or effective judicial protection in the areas of delays in court proceedings and delay in and/or a lack of publication of judgments.

The Defender only has competence with regard to the state administration of courts. In this capacity, he is tasked to inquire about the way the presidents of the courts resolve complaints on the delays in court proceedings. In 2024, the Deputy Defender concluded an inquiry in which he has considered delays in a twelve-year-long criminal court proceedings concerning a rail accident. He has found that the inflexible judicial system had a major impact on the length and continuity of the proceedings. He has especially pointed out that the district courts are not adequately staffed to deal with complex criminal proceedings of this nature and that the state judicial system does not allow the presidents of the court to take adequate personnel management measures to prevent excessive length of such proceedings. The full inquiry report (in Czech) is available in the [Defender's Opinions Register](#).

The Defender has also been pointing out the lack of publication of court decisions to the Ministry of Justice since 2015. Although improvements have gradually been made (a new database has been created, courts are obliged to publish decisions by law), the situation is still not satisfactory. Only certain types of lower court decisions from specified areas are published – judgements concerning some of the civil law litigations (guardianship, child custody and child protection judgements are excluded) and criminal law judgements concerning corruption. In the opinion of the Defender, the courts should publish all their decisions in principle, apart from specified exceptions. The method of pseudonymisation also needs to be addressed as the current practice is too extensive (including any kind of information that can potentially lead to the identification of a specific person), which often leads to incomprehensibility of decisions. The defender also points out the need for a more user-friendly search in the database. In 2024 the Defender has published a research report on this issue, which is available (in Czech) in the [Defender's Opinions Register](#).

### **Ombudsman's actions to support the implementation by state authorities of European Courts' judgments**

The Public Defender of Rights also supports the implementation of the European Courts' judgments, mainly through referring to the judgments of European Courts' in the reports and recommendations to state authorities, as well as through engagement with a national coordinator of the execution of judgments of the European Court of Human Rights.

The Defender is a member of the Committee of experts for the execution of the ECtHR's judgments run by the Government Agent. He can thus influence the course of the execution. ECtHR's judgments are currently referred to also in the

inquiry reports issued by the Defender.

In addition, the Defender has also previously submitted a [Rule 9 submission](#) to the Council of Europe's Committee of Ministers.

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