

National courts

Generally, in discrimination cases, the local court of the defendant (i.e. the person accused of discrimination) is competent at first instance. Once all ordinary appeals have been exhausted, the Constitutional Court may be approached with an individual constitutional complaint (<http://www.usoud.cz/>).

Constitutional Court

Joštova 8, 660 83 Brno 2

Tel. (+420) 542162111

Fax: (+420) 542161309, (+420) 542161169

Email: podani@usoud.cz

The judicial body for the protection of constitutionality is the Constitutional Court, the status and competences of which are enshrined in the Constitution of the Czech Republic. The Constitutional Court stands outside the system of general courts. Its main task is to protect constitutionality and the fundamental rights and freedoms laid down in the Constitution, the Charter of Fundamental Rights and Freedoms and other constitutional laws of the Czech Republic, and to guarantee that State power is exercised in a constitutional manner.

Under Article 87 of the Constitution, the Constitutional Court decides, among other things, on constitutional complaints filed by legal or natural persons against final and enforceable decisions and other interventions made by public bodies affecting their fundamental rights and freedoms guaranteed by the Constitution. The decisions of the Constitutional Court are final and are not subject to appeal.

On its website, the Constitutional Court presents a constitutional complaint procedure guide, which contains basic information concerning the procedure (see <http://www.usoud.cz/pruvodce-rizenim-o-ustavni-stiznosti>).

National institutions for the defence of human rights

The principal national human rights body dealing with violations of fundamental human rights is the Public Defender of Rights (see below).

At Government level, the issue of human rights falls within the competence of the Minister for Human Rights, Equal Opportunities and Legislation; other bodies dealing with the issue include the Government Council for Human Rights, the Government Council for Gender Equality, the Government Council for National Minorities and the Government Board for People with Disabilities as advisory bodies to the Government.

Public Defender of Rights

Public Defender of Rights <http://www.ochrance.cz/>

Údolní 39

Brno, 602 00

Telephone: +420 542 542 111

Fax: +420 542 542 112

Email: podatelna@ochrance.cz

The Public Defender of Rights is an autonomous, independent and impartial State body that stands outside the public administration and is therefore not a public authority. It protects persons against the conduct of public authorities and other institutions performing State administration, where such conduct is:

- unlawful;
- lawful, but otherwise defective or incorrect, and therefore inconsistent with the principles of the democratic rule of law and the principles of good administration;
- where these bodies are inactive.

The Defender is authorised to deal with complaints against the activities of:

- ministries and other administrative authorities with competence for the whole of the Czech Republic, and their subordinate administrative authorities;
- territorial self-governing bodies (i.e. municipalities and regions), but only when performing acts of State administration, and not when they exercise their own powers (self-government);
- the Czech National Bank, where it acts as an administrative authority;
- the Council for Radio and Television Broadcasting;
- the Police of the Czech Republic, except for investigations concerning criminal proceedings;
- the Army of the Czech Republic and the Castle Guard;
- the Prison Service of the Czech Republic;
- facilities in which persons are subjected to custody, imprisonment, protective or institutional education and protective treatment;
- health insurance companies;
- bodies of the court and the public prosecutor's office in the exercise of State administration (especially concerning delays in proceedings, inactivity of the courts and inappropriate conduct of judges), rather than against the actual decision of a court or prosecutor.

Since 2006, the Public Defender of Rights has also supervised the protection of the rights of persons whose freedom has been restricted.

The Public Defender of Rights has no right to intervene in private-law relations or disputes (including disputes between employees and employers, even where the employer is a State authority), the only exception being complaints about discriminatory behaviour – in these cases, the Defender may also intervene in the area of private law.

The Defender may conduct independent investigations, but may not act in the place of State administration authorities and may not annul or change their decisions. However, if it finds any irregularity, it may request that the authorities or institutions provide a remedy.

If a State administration authority or a facility holding persons whose freedom has been restricted fails to fulfil its obligation to cooperate with the Defender or, after an irregularity has been found, fails to take adequate remedial measures, the Defender may inform the public about the matter.

Disclosure is a sanction available to the Defender under law. In such a case, the Defender may also communicate to the public the names and surnames of specific persons acting on behalf of the errant authority.

A complaint to the Public Defender of Rights must be filed by the person seeking the protection of his or her rights, or by his or her legal representative. If the complaint is filed on behalf of another person, this must be demonstrated by a written power of attorney or by another document stating the extent of the authorisation.

A complaint must always contain:

Name, surname, address and telephone number of the complainant; in the case of a legal person, the name, registered office and person authorised to act on its behalf;

description of the relevant circumstances of the issue, including an indication as to whether the matter has also been referred to another body and with what result;

indication of the authority or authorities against which the complaint is directed;

proof that the complainant has unsuccessfully asked the authority to which complaint relates to provide a remedy.

If any decision has been issued in the matter, the complainant must submit a copy thereof,

and copies of documents that relate to the matter and contain important information.

The length of investigations and the resolution of complaints is variable and will always depend on the circumstances and complexity of the case. The law does not establish any deadlines for the Defender; the Defender shall attempt to address all complaints, to the extent possible, within the shortest possible time.

There is no legal remedy (appeal) against the manner in which the Defender has handled a complaint or its result.

A complaint may be filed:

In writing – preferably on a printed [complaint form](#) mailed to: Veřejný ochránce práv, Údolní 39, 602 00 Brno. It is also possible to send a personal letter.

Email (even without electronic signature) sent to podatelna@ochrance.cz with a description of the essence of the issue or, better still, by filling in the [complaint form](#) and sending it by e-mail.

Data box – the ID of the Office of the Public Defender of Rights is jz5adky. The data message may contain a filled-in complaint form or a personal letter containing the important information about the problem.

Using an interactive online form of an electronic filing service guaranteeing that the filing contains all the necessary particulars.

Personal delivery to the filing office of the Office of the Public Defender of Rights (Údolní 39, Brno), every weekday from 8.00am to 4.00pm. This way, it is possible to deliver a complaint with attachments not only in writing (on paper), but also on a data carrier.

Make a personal filing in a report – on weekdays from 8.00am to 4.00pm it is possible to come in person to the Receipt of Complaints in the building of the Office of the Public Defender of Rights, where the complaint will be discussed and written down by a lawyer of the Office

Specialised authorities for the protection of human rights

Public Defender of Rights and complaints filed by children

There is no Children's Ombudsman in the Czech Republic; however, the Public Defender of Rights currently deals with complaints filed by children concerning the protection of their rights and interests.

Public Defender of Rights <http://deti.ochrance.cz/>

Údolní 39

Brno, 602 00

Telephone: +420 542 542 888

Fax: +420 542 542 112

Email: deti@ochrance.cz

Children may approach the Public Defender of Rights in different ways, namely **by ordinary letter** mailed to or delivered in person at Veřejná ochránkyně práv, Údolní 39, 602 00 Brno, or **using the interactive form** filled in according to the instructions, **by email** sent to deti@ochrance.cz, or **in person** at the address of the Public Defender of Rights, where the child can discuss and write down the problem with a lawyer of the Office of the Ombudsman.

The complaint should state clearly in particular:

who or what the child is complaining about (including the name at least of the authority or other institution or person the child dealt with);

name, surname, date of birth and residence of the child;

description of the problem;

contact details, i.e. phone number, email and postal address.

The Defender **may help** the child e.g.:

in the case of malpractice by a social worker;

if court proceedings take a long time;

if a judge behaves inappropriately;

if the child is bullied at school;

if the child was not admitted to a school;

in the case of an unusually strict regime, bullying, etc. in a children's home;

if the child's parents have not received social benefits;

if the pension of the child's grandparents has been calculated incorrectly by the authorities;

if the buildings authority fails to deal with the poor condition (construction and technical) of a building, or a neighbour is building a structure without a permit;

if authorities are failing to deal with a landfill on a prohibited site;

if a complaint about a product that did not work has not been handled.

Conversely, the Public Defender of Rights may not, for example:

change the decision of a court;

interfere with an investigation of the Police of the Czech Republic (the public prosecutor who oversees the activities of the police has certain powers in this regard);

intervene when people have disputes (e.g. disputes between neighbours about land, disputes between parents or other family members, etc.) – these matters must be referred to a court;

Institutions providing assistance to victims of discrimination

Public Defender of Rights

Údolní 39

Brno, 602 00

Telephone: +420 542 542 111

Fax: +420 542 542 112

Email: podatelna@ochrance.cz

Under the Public Defender of Rights Act, the Defender provides victims of discrimination with **methodological assistance**:

the Defender assesses whether the conduct in question may actually constitute discrimination pursuant to the Anti-Discrimination Act;

advise victims of discrimination on how to proceed, who to approach and how to file a petition to initiate discrimination proceedings.

When submitting a request to the Defender to investigate discrimination, the applicant must identify as accurately as possible the alleged discriminatory behaviour and accompany the application with any and all evidence that may prove the discrimination.

Office for Personal Data Protection

Office for Personal Data Protection <https://www.uouu.cz/>

Pplk. Sochora 27

170 00 Prague 7

Telephone: +420 234 665 111

Fax: +420 234 665 444

Email: posta@uouu.cz

The Office for Personal Data Protection (OPPD) is an independent body which:

oversees compliance with statutory obligations in the processing of personal data;

maintains a registry of authorised instances when personal data was processed;

receives citizens' complaints about violations of the law;

provides consultation on the protection of personal data.

The activities of the Office are defined by Act No 101/2000 on the Protection of Personal Data and amending certain acts, as amended.

The purpose of the Personal Data Protection Act is the right of the citizen, as guaranteed by the Charter of Fundamental Rights and Freedoms, to protection against **unauthorised intrusion into their private and personal life** and the **unauthorised collection, publication or other abuse of personal data**.

Anyone who discovers or who has reasonable suspicion that his or her personal data are being processed in violation of the right to the protection of his or her private and personal life and in violation of the Personal Data Protection Act – for example, if the personal data being processed are inaccurate or go beyond the purpose for which they were requested – has the right to make a submission to the Office.

A submission drawing attention to a suspected violation of the Personal Data Protection Act should include:

identification of the person suspected of violating the Personal Data Protection Act;

description of the activity involving the processing of personal data that violated the Personal Data Protection Act;

indication of the personal data (or at least of the categories thereof) processed in violation of the Personal Data Protection Act;

documents or other materials (or copies thereof) that document the relationship between the notifier (the complainant) and the person who has erroneously processed his or her personal data;

documents or other materials (or copies thereof) from which a violation of the Personal Data Protection Act may be established;

provision of any references to available resources that may testify to the facts described;

contact details of the notifier (complainant).

A complaint may also be filed anonymously to the Office or sent by electronic means.

The person filing a complaint is not a party to the proceedings in potential administrative proceedings, but may be heard as a witness.

Other specialised authorities

The primary body to which natural persons may turn in the event of a violation of fundamental human rights is the Public Defender of Rights. Other entities in this area include, for example:

The Refugee Facilities Administration of the Ministry of the Interior

<http://www.suz.cz/>

Lhotecká 7

143 01 Prague 12

Telephone: +420 974 827 118

Fax: +420 974 827 280

Email: podatelna@suz.cz

The Refugee Facility Administration (RFA) is an organisational component of the State, subordinate to the Deputy Minister of the Interior for Public Order and Security; it cooperates with governmental and international institutions, local government bodies and non-governmental organizations. It also administers facilities for the detention of foreign nationals; since 2009 it has been operating a network of centres for supporting the integration of foreign nationals in regional capitals.

The Czech Republic uses the RFA to provide accommodation and other services to asylum seekers, refugees and detained foreigners pursuant to Act No 326/1999 on the stay of foreign nationals in the Czech Republic, and Act No 325/1999 on asylum. The RFA's objective is to offer these persons appropriate and dignified conditions.

National Council of Persons with Disabilities of the Czech Republic.

Partyzánská 7

170 00 Prague 7 – Holešovice

Telephone: 266 753 421

Email: nrzpcr@nrzp.cz

Since 11 December 2014, the National Council of Persons with Disabilities has been a registered national association representing the interests of persons with disabilities when dealing with State and public institutions. The role of the National Council is to contribute to the integration of persons with disabilities into society and to consistently defend the human rights of these people. It is the main advisory body to the Government Board for People with Disabilities. Its priorities also include:

coordinating organisations for persons with disabilities in matters of common interest;

informing the public about the issue of disability;

monitoring of cases of discrimination against persons with disabilities;

implementing projects to improve life with a disability;

planning in relation to the equalisation of opportunities for persons with disabilities at regional level;

operating a national network of professional social counselling centres;
publishing publications, magazines and information materials.

Other

There are a number of non-profit organizations in the Czech Republic that deal with human rights issues and help people when these rights are violated.

Centre for Integration of Foreigners

<http://www.cicpraha.org/>

Pernerova 32/10, 186 00, Praha 8

Email: info@cicpraha.org

The Centre for Integration of Foreigners (CIF) is a civic association established in 2003 to help foreign nationals integrate into Czech society.

It focuses on providing outpatient and outreach social services and educational programmes to foreigners with long-term or permanent residence in the Czech Republic. The CIF has branches in all Czech regions, its focus being on Prague and Central Bohemia. The organisation holds a social services registration under the Social Services Act and accreditation under the Voluntary Service Act.

The main activities of the organisation include:

Providing social counselling to immigrants: permanent and long-term resident foreign nationals and beneficiaries of international/subsidiary protection;
provision of job counselling and development of programmes and activities for immigrants aimed at their entry into the labour market;
organising low-threshold (open) courses in Czech and other specialised courses of Czech for foreigners, including the development of new and progressive teaching methods;

organising other educational activities (education of Czech and foreign language teachers, teaching of foreign languages, further training of pedagogical workers, tutoring, computer courses, etc.);

volunteer programme – mentoring in the form of individual cooperation between the client and the volunteer, as well as the organization of leisure-time and social activities, meetings, discussions, thematic evenings, etc.).

information activities - seminars, information materials

All programmes aim to enable immigrants in the Czech Republic to lead an independent and dignified life in the Czech Republic while ensuring that they respect and are aware of local laws and purely interpersonal standards of conduct and behaviour, and promoting understanding, helpfulness and respect for the individuality of each migrant on the part of the recipient society.

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