

**National Courts**

In discrimination cases, the district court of the defendant (i.e. the person accused of discrimination) generally has jurisdiction at first instance. Once all ordinary appeals have been exhausted, the **Constitutional Court** may be approached with an individual constitutional complaint.

**Constitutional Court (*Ústavní soud*)**

Joštova 8, 660 83 Brno 2

Tel. (+420) 542162111

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

Email: [podani@usoud.cz](mailto:podani@usoud.cz)

The Constitutional Court is the judicial body for the protection of constitutionality. Its status and competences are enshrined in the Constitution of the Czech Republic. The Constitutional Court does not form part of the general court system. 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 rules, among other things, on constitutional complaints brought by legal or natural persons against final and enforceable decisions and other interventions by public authorities against the fundamental rights and freedoms guaranteed to them by the Constitution. The decisions of the Constitutional Court are final and are not subject to appeal.

There is a guide to the constitutional complaint procedure on the Court's website, which contains basic information about the procedure (see <http://www.usoud.cz/pruvodce-rizenim-o-ustavni-stiznosti>).

**National human rights institutions**

The principal national human rights body concerned with violations of fundamental human rights is the Public Defender of Rights (*Veřejný ochránce práv*) (see below).

At government level, human rights fall within the remit of the Minister for Human Rights, Equal Opportunities and Legislation (*Ministr pro lidská práva, rovné příležitosti a legislativu*); other bodies dealing with human rights 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 (*Veřejný ochránce práv*)****Public Defender of Rights**

Údolní 39

Brno, 602 00

Telephone: +420 542 542 111

Fax: +420 542 542 112

Email: [podatelna@ochrance.cz](mailto:podatelna@ochrance.cz)

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

unlawful;

lawful, but otherwise flawed or improper, and therefore inconsistent with the principles of the democratic rule of law and good administration;

where these bodies are inactive.

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

ministries and other administrative authorities whose remit covers the whole of the Czech Republic, and their subordinate administrative authorities;

local and regional authorities (i.e. municipalities and regions), but only when performing acts of State administration, and not when exercising their own powers (self-government);

the Czech National Bank, in its capacity as an administrative authority;

the Council for Radio and Television Broadcasting;

the Police of the Czech Republic, except for investigations involving criminal proceedings;

the Army of the Czech Republic and the Castle Guard;

the Prison Service of the Czech Republic;

facilities used for holding persons in custody and serving custodial sentences, court-ordered or institutional care and court-ordered medical treatment;

health insurance companies;

bodies of the court and the public prosecutor's office exercising State administration (especially where this concerns delays in proceedings, the courts' inactivity and the inappropriate conduct of judges), rather than complaints concerning the actual decision of a court or prosecutor.

Since 2006, the Public Defender of Rights has also supervised the protection of detainees' rights.

The Public Defender of Rights is not entitled 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 concerns 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 place of State administration authorities and may not repeal or amend their decisions. However, if it finds an irregularity it may ask the authorities or institutions to provide a remedy.

If a State administration authority or a facility holding detainees does not fulfil its obligation to cooperate with the Defender or fails to take adequate remedial measures after an irregularity has been found, the Defender may inform the public about the matter in full.

Public disclosure is a sanction available to the Defender by law. In such cases, the Defender may also communicate to the public the full names of specific people who acted on behalf of the authority that committed the error.

A complaint brought before the Public Defender of Rights must be filed by the person seeking the protection of their rights or by their legal representative. If the complaint is brought on behalf of another person, it must be accompanied by a written power of attorney or by another document stating the nature of the authorisation.

**A complaint must always contain:**

the full name, address and telephone number of the complainant; in the case of a legal entity, 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 the result of that referral;

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

proof that the complainant has unsuccessfully asked the authority to which the complaint pertains to provide a remedy;

if a decision has been issued regarding the matter, the complainant must submit a copy thereof

and copies of documents relating to the matter and containing important information.

The length of investigations and the processing of complaints varies and will always depend on the circumstances and complexity of the case. The law does not establish any deadlines for the Defender; the Defender attempts to deal with all complaints, within his or her remit, within the shortest possible time.

No legal remedies (appeals) are allowed against the manner in which the Defender has handled and decided on a complaint.

**A complaint may be filed:**

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

**By email** – (also without electronic signature) sent to [podatelna@ochrance.cz](mailto:podatelna@ochrance.cz) describing the substance of the matter or, better still, by filling in the [complaint form](#) and sending it by email.

**By data box** – the ID of the Office of the Public Defender of Rights is jz5adky. The data message may contain a completed complaint form or a letter containing important information about the issue.

**Through the interactive online form** of an electronic filing service providing assurance that the complaint contains all the required particulars.

**By personal delivery** to the filing office of the Office of the Public Defender of Rights (Údolní 39, Brno), on weekdays from 8.00 a.m. to 4.00 p.m. It is thereby possible to deliver a complaint with attachments not only in writing (on paper), but also on a data carrier.

**By making a complaint in person on record** – on weekdays from 8.00 a.m. to 4.00 p.m. it is possible to go in person to the Receipt of Complaints office in the building of the Office of the Public Defender of Rights, where the complaint will be discussed with and written down by a lawyer from the Office.

**Specialised human rights bodies**

**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**

Údolní 39

Brno, 602 00

Telephone: +420 542 542 888

Fax: +420 542 542 112

Email: [deti@ochrance.cz](mailto:deti@ochrance.cz)

Children may approach the Public Defender of Rights in different ways, namely **by ordinary letter** mailed or delivered in person to the Public Defender of Rights (*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](mailto:deti@ochrance.cz), or **in person** at the address of the Public Defender of Rights, where a lawyer from the Ombudsman's Office will discuss the problem with the child and write it down.

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 has dealt with);

full name, date of birth and address of the child;

description of the problem;

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

The Defender **may** help the child, for example:

in the case of malpractice by a social worker;

if court proceedings are taking a long time;

if a judge behaves inappropriately;

if the child is being bullied at school;

if the child was not admitted to a school;

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

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

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

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

if the 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 dealt with.

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

amend the decision of a court;

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

intervene in people's personal 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](mailto:podatelna@ochrance.cz)

Under the Public Defender of Rights Act (*zákon o veřejném ochránci práv*), 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 (*antidiskriminační zákon*);

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

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

#### **The Office for Personal Data Protection (*Úřad pro ochranu osobních údajů*)**

##### **The Office for Personal Data Protection**

Pplk. Sochora 27

170 00 Prague 7

Telephone: +420 234 665 111

Fax: +420 234 665 444

Email: [posta@uoou.cz](mailto:posta@uoou.cz)

**The Office for Personal Data Protection** 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, and by certain other acts.

The purpose of the Personal Data Protection Act is the right of individuals, 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 (e.g. if the data being processed are inaccurate or go beyond the purpose for which they were requested) has the right to make a complaint to the Office.

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

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

description of the activity involving the processing of personal data which 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) documenting the relationship between the notifier (the complainant) and the entity that has incorrectly processed his or her personal data;

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

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 electronically.

The person filing the complaint is not a party to any ensuing administrative proceedings, but may be called as a witness.

#### **Other specialised authorities**

The principal 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:

#### **Refugee Facilities Administration of the Ministry of the Interior (*Správa uprchlických zařízení Ministerstva vnitra*)**

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

Lhotecká 7

143 01 Prague 12

Telephone: +420 974 827 118

Fax: +420 974 827 280

Email: [podatelna@suz.cz](mailto:podatelna@suz.cz)

The Refugee Facility Administration is a State department reporting to the Deputy Minister of the Interior for Public Order and Security (*náměstek ministra vnitra pro veřejný pořádek a bezpečnost*). It cooperates with governmental and international institutions, local government bodies and non-governmental organisations. It is also in charge of running facilities for the detention of foreign nationals, and since 2009 it has been operating a network of centres supporting the integration of foreign nationals in regional capitals.

The Czech Republic uses the Refugee Facility Administration to provide accommodation and other services to asylum seekers, refugees and detained foreigners under Act No 326/1999 on the residence of foreign nationals in the Czech Republic and Act No 325/1999 on asylum. Its objective is to offer those people appropriate and dignified conditions.

#### **Czech National Disability Council (*Národní rada osob se zdravotním postižením ČR, z.s.*)**

Partyzánská 7

170 00 Prague 7 - Holešovice

Telephone: 266 753 421

Email: [nrzpcr@nrzp.cz](mailto:nrzpcr@nrzp.cz)

The Czech National Disability Council has been registered since 11 December 2014 as a national association representing the interests of disabled people in their dealings with State and public institutions. The Council's role is to contribute to the integration of disabled people into society and to consistently defend their human rights. It is the main advisory body to the Government Board for People with Disabilities.

Its priorities also include:

coordinating organisations for disabled persons in matters of common interest;

informing the public about disability-related issues;

monitoring cases of discrimination against disabled people;

implementing projects to improve the lives of disabled people;

planning in relation to equal opportunities for disabled people at regional level;

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

**Other**

There are a number of non-profit organisations in the Czech Republic dealing with human rights issues and assisting people when those rights are violated.

**The Centre for the Integration of Foreigners (*Centrum pro integraci cizinců, o.p.s.*)**

<https://www.cicops.cz/en/>

Pernerova 32/10, 186 00, Prague 8

Email: [info@cicpraha.org](mailto:info@cicpraha.org)

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

It focuses on providing peripatetic and outreach social services and educational programmes to foreigners with long-term or permanent residence in the Czech Republic. The Centre has branches in all Czech regions, but its focus is on Prague and Central Bohemia. The organisation is a registered social services provider under the Social Services Act (*zákon o sociálních službách*) and is accredited under the Voluntary Service Act (*zákon o dobrovolnické službě*).

**The organisation's main activities include:**

providing social advisory services to immigrants: permanent and long-term resident foreign nationals and beneficiaries of international/subsidiary protection;  
providing employment advice and developing programmes and activities for immigrants to help them enter the labour market;  
organising low-threshold (open) Czech language courses and other specialised Czech language courses for foreigners, which includes developing new and progressive teaching methods;  
organising other educational activities (training of Czech language and foreign language teachers, teaching of foreign languages, further training for teachers, tutoring, computer courses, etc.);  
volunteer programme – mentoring in the form of individual cooperation between clients and volunteers, and organising leisure and social activities, meetings, discussions, thematic evenings, etc.).  
information activities - seminars, information materials.

All programmes are aimed at enabling immigrants in the Czech Republic to lead an independent and dignified life in this country while ensuring that they respect and are aware of local laws and purely interpersonal standards of conduct and behaviour. They promote understanding of, helpfulness towards and respect for each migrant as an individual on the part of the host society.

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