



European Network of
National Human Rights Institutions

Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

The situation in Czech
Republic



Czech Republic Country Report

Overview

Name of NHRI and mandate:

- The Public Defender of Rights of Czech Republic (PDCR)
- Ombuds-institution; Equality body; NMM & NPM

Sources:

- ENNHRI: [ENNHRI State of the Rule of Law in Europe in 2022, Czech Republic Country Report](#)
- CoE Independent Bodies: [ECRI Report on Czech Republic \(2020\)](#); [CPT Report on Bulgaria \(2018\)](#)

Good practices and improvements:

- **CM Principle 1:** The Public Defender of Rights of Czech Republic is a non-accredited institution. Yet, the Minister of Legislation and his team are working on a draft law/amendment to the Act on the Public Defender of Rights to the effect of it becoming an NHRI in compliance with the Paris Principles.
- **CM Principle 8: access to policy-makers and legislators throughout legislative process:** the PDCR reports it has adequate access to information and to policy makers in all stages of legislation and policy making in matters where it has competence. The Defender may also submit a petition to the Constitutional Court and propose annulment of secondary legislation, including of individual provisions.
- **CM Principle 12:** The PDCR reports **the relevant authorities have good awareness** of its mandate, independence and role.

Key areas where improvement is needed:

- **CM Principle 3§1 to 3§3: broad mandate to address all human rights:** The Public Defender of Rights does not have an explicit mandate to monitor and analyse the human rights situation in the country and address all alleged human rights violations.
- **CM Principle 3§4: unfettered access to premises and information:** In line with the CPT report (2018) the enabling legislation authorises the PDCR to carry out visits to places where persons are or may be deprived of their liberty by a public authority or as a result of their dependence on the care being provided, at its own initiative and without prior notification. However, it is recommended that cooperation with state authorities is strengthened, in particular the police to ensure monitoring in all stages of deportation cases and the Minister of the Interior to provide access to all relevant information in migration and asylum related cases, including confidential information, to enable the PDCR to carry out its mandate effectively.
- **CM Principle 6: adequate, sufficient and sustainable resources:** While the overall financial situation of the PDCR is reported to be fine, due to the increasing inflation in conjunction with the need to reduce state budget expenditures, budgetary problems appeared in 2022 and 2023. A further increase of the budget would be needed to cover all budgetary needs.

Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

I. Establishment of NHRIs

<p>Principle 1</p>	<p>Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles</p>
<p>Assessment of implementation by the institution</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 1</i></p> <p>'The Public Defender of Rights of the Czech Republic is a non-accredited associate member of ENNHRI'</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.1</i></p> <p>[...] the Government's Commissioner for Human Rights expressed a positive approach to this issue in the past and, to the knowledge of the Public Defender, her office has been working on a draft law/amendment to the Act on the Public Defender of Rights to that effect. [...]</p> <p>The Government's Representative for Human Rights promised to present a legislative proposal concerning the NHRI in a reasonable future.</p> <p><i>Information Provided by the institution in 2023</i></p>

	<p>At the end of 2022, the Minister of Legislation and his team started working on a draft amendment to the Act on the Public Defender of Rights. The purpose of this draft amendment is to entrust the Defender with the NHRI competence. Furthermore, through the same amendment a new Deputy Ombudsman should be created with a competence focusing on children rights (the so-called Ombudsman for Children). It is expected that during 2023 the draft amendment will be duly discussed, specified, and submitted to the government for consideration and further action.</p> <p>The Public Defender of Rights actively participates in the process of the preparation of the draft legislation (already at stage when the draft legislation is not yet subject to the comment procedure).</p>
<p>Principle 2</p>	<p>Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.</p>
<p>Assessment of implementation by the institution</p>	<p><i>Information Provided by the institution in 2023</i></p> <p>The Public Defender of Rights has been established by Act No. 349/1999 Coll., on the Public Defender of Rights, and does not have a constitutional basis.</p> <p>The Defender can handle complaints, write legislative recommendations, comment on a new legislation, 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, Body promoting equal treatment and</p>

	supporting workers in the European Union and their family members (under the EU Directive), and monitors forced returns (under the EU Return Directive).
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II. Strengthening of NHRIs

<p>Principle 3.1</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor and analyse the human rights situation in the country, publish reports on these findings and address recommendations to public authorities at national, regional and local levels and, when applicable, to private entities, and present an annual report to the relevant authorities, including before parliament, for its consideration.
<p>Assessment of implementation by the institution</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2021, p. 2</i></p> <p>The Defender can handle complaints, write legislative recommendations and conduct independent inquiries within the context of its mandate.</p> <p><i>Information Provided by the institution in 2023</i></p> <p>The Czech Republic has not yet established a national human rights institution (NHRI) in line with the Paris Principles. The Defender contributes to the protection of human rights by performing his duties entrusted to the institution by law. In substance, to a certain degree and in some areas, the Defender replaces the role of a NHRI in its absence. However, it does not have the broad mandate to promote and protect human rights as required by the Paris Principles.</p> <p>The Defender presents an annual report to the Parliament and other relevant entities. The Defender can also issue thematic reports.</p>

<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Czech Republic, 2020, p. 9 (Para.3)</i></p> <p>'The Public Defender may issue a report summarising her/his findings, but the report does not have the force of an official decision.'</p>
<p>Principle 3.2</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - freely address public opinion, raise public awareness on human rights and carry out education and training programmes;
<p>Assessment of implementation by the institution</p>	<p><i>Information Provided by the institution in 2023</i></p> <p>There is no provision in the Act on the Public Defender of Rights explicitly allowing the Defender to raise public awareness and carry out education and training. The Defender, however, actively engages in these activities in relation to issues falling within his/her competence. In this regard, the Defender relies on the Section 23 paragraph 2 of the Act on the Public Defender of Rights:</p> <p><i>"The Defender shall systematically inform the public of his or her activities under this Act and of any findings resulting from his or her activities. The Defender shall publish in a suitable manner reports on visits to facilities and reports on monitoring of expulsions, including statements received, and selected reports on completed inquiries in individual matters; Section 20 (2) (b) shall apply analogously."</i></p>

	<p>It would, however, be useful to amend the Act on the Public Defender of Rights and add the explicit empowerment in relation to education, training, and awareness raising.</p> <p>It is also important to stress that activities of the Defender in this regard do not cover all human rights issues as the Defender does not have the NHRI mandate.</p> <p>As mentioned earlier, the Minister of Legislation and his team are currently working on a draft amendment to the Act on the Public Defender of Rights entrusting the NHRI mandate to the Defender. As to the knowledge of the Defender, the amendment is supposed to explicitly state that the Defender in his/her new role as the NHRI shall have the power to raise awareness and offer education and training in relation to human rights.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Czech Republic, 2020, p. 9 (Para.3)</i></p> <p>'The Public Defender still has no explicit mandate to raise awareness about discrimination issues, although this has not stopped the office from doing so.</p>
<p>Principle 3.3</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - fully address all alleged human rights violations by all administrative authorities, other relevant State entities and, when applicable, private entities
<p>Assessment of implementation by the institution</p>	<p><i>Information Provided by the institution in 2023</i></p> <p>As mentioned earlier, the Defender does not have the full human rights mandate, yet.</p>

<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Czech Republic, 2020, p. 9 (para.2)</i></p> <p>‘In spite of ECRI’s previous recommendation, the Public Defender can only conduct enquiries into the activities of specific authorities and other public institutions. With regard to alleged discrimination in the private sector, the Public Defender can only request a statement from the relevant private entities which are, however, not obliged to co-operate and respond to the request or to provide evidence. In addition, the office does not explicitly have any recourse to conciliation procedures, although in practice it has in some discrimination cases mediated between the parties concerned.</p> <p>‘Its mandate and competencies cover many of the aspects recommended by ECRI, including in its GPR No. 2. However, some areas are not covered and gaps remain. ECRI recommends that the Czech authorities amend the relevant legislation in order to bring the mandate and competencies of the Public Defender fully in line with ECRI’s GPR No. 2. They should, in particular, extend the areas of enquiry and of obtaining evidence to the private sector [...]</p>
<p>Principle 3.4</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - have unfettered access to all relevant premises, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;

<p>Assessment of implementation by the institution</p>	<p><i>Information Provided by the institution in 2023</i></p> <p>The cooperation with public authorities in this regard is, in general, very good and the Defender or his/her staff do not usually encounter any obstacles.</p> <p>There are, however, two long-term problematic issues:</p> <p>The Defender has long been addressing the lack of cooperation with the police in carrying out the mandate to monitor deportations. It relates to situations where the Public Defender of Rights' staff were not allowed into the escort vehicle and thus could not monitor part of the deportation process. In the past, the Defender addressed two sanction letters to the police president. It is worth stressing that the Defender's mandate includes a competence to monitor the process of deportation in all its stages, including the part of the migrant's transfer in the police vehicle.</p> <p>There is also a long-term problem with the refusal of the Ministry of the Interior to enable the Defender to access classified files or parts of files including classified information.</p> <p>This problem relates to cases of foreign nationals whose applications for granting a residence permit or the citizenship were rejected due to security reasons, based on classified information the applicants could not access. When the applicants asked the Public Defender of Rights to investigate their case, the Defender has never been allowed to access the classified parts of files although he/she has the necessary security clearance following directly from law.</p> <p>This approach of the Ministry of the Interior has not changed so far.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>CPT Report on Czech Republic, 2018, p. 10 (Para.7)</i></p> <p>'The Ombudsman Act, as amended in this connection, authorises the Ombudsman to carry out visits to places where persons are or may be deprived of their liberty by a public authority or as a result of</p>

	<p>their dependence on the care being provided. [...]The NPM may carry out visits at its own initiative, without prior notification, and has the right to interview in private persons deprived of their liberty.'</p> <p><i>CPT Report on Czech Republic, 2018, p. 10 (Para.8)</i></p> <p>'As regards working methods, the CPT's delegation was informed that the NPM usually carries out, in addition to ad hoc visits to various establishments as necessary, a series of 10 to 15 visits to a particular type of establishment and then issues a summary report. Most recently, the NPM focused on the situation of residents in social care homes..'</p>
<p>Principle 3.5</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor existing and draft policies and legislation with human rights implications before, during and after their adoption in order to advise the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by making relevant and concrete recommendations.
<p>Assessment of implementation by the institution</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>The Public Defender of Rights takes part in the legislative comment procedure. In 2021, the participation in the comment procedure for all institutions and authorities participating in it was in some cases more complicated due to shorter deadlines for submitting the comments (examples: Decree 537/2006 Coll., on the vaccination against infectious diseases, implementing the mandatory vaccination against COVID-19 of people older than 60 years).</p>

Information Provided by the institution in 2023

This problem appeared also in 2022; the declared reason for shorter deadlines to submit comments on a new legislation was the war in Ukraine and the associated migration to the Czech Republic. Shorter deadlines to submit comments in the comment procedure were used for example in the following cases:

- Lex Ukraine V. (21/12/2022 – 05/01/2023; the deadline seems to be long enough but it included Christmas holidays)
- Lex Ukraine IV. (18/10/2022 - 02/11/2022)
- Draft government regulation establishing exceptions to the inadmissibility of applications for a residence permit on the territory of the Czech Republic submitted at embassies (15/09/2022 – 22/09/2022)
- Draft law amending Act No. 155/1995 Coll., on pension insurance (14/04/2022 – 09/05/2022)
- Amendment of the Code of Civil Procedure, Execution Code and Act No. 286/2021 Coll. - the so-called Gracious Summer II (08/04/2022 - 26/04/2022)

Whereas in some cases the shorter deadlines for comments could be justified, there were also cases in which shorter deadlines did not seem to be necessary.

<p>Principle 3.6</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <p>- contribute to an effective justice system for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;</p>
<p>Assessment of implementation by the institution</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.1</i></p> <p>The mandate includes complaint handling, the possibility to file amicus curiae before the Constitutional Court and the action in public interest before the administrative courts, initiation of proceedings pursuant to the Act on Proceedings in Matters of Judges and Public Prosecutors, [...] and awareness raising. The Public Defender cannot engage in strategic litigation before courts nor it can provide legal assistance to individuals.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Czech Republic 2020, p. 9 (para.3)</i></p> <p>Furthermore, she/he cannot bring cases independently before the courts, not even as a representative of the victim, in spite of ECRI's previous recommendation' [...] ECRI recommends that the Czech authorities amend the relevant legislation in order to bring the mandate and competencies of the Public Defender fully in line with ECRI's GPR No. 2. They should, in particular, [...] grant the Public Defender the right to initiate court cases.</p> <p><i>CPT Report on Czech Republic 2018, p. 55 (Para. 118)</i></p>

	<p>'That said, many patients were not aware of the possibility to complain to external bodies, such as to the Public Defender of Rights (Ombudsperson).</p>
<p>Principle 3.7</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - encourage the signature, ratification of and accession to international human rights treaties and contribute to the effective implementation of such treaties, as well as related judgments, decisions and recommendations as well as to monitor States' compliance with them.
<p>Assessment of implementation by the institution</p>	<p><i>Information Provided by the institution in 2023</i></p> <p>There is no provision in the Act on the Public Defender of Rights explicitly stating that the Defender shall encourage the signature, ratification of and accession to international human rights treaties. As to the contribution to and monitoring of their implementation, the Defender may engage in such actions through his/her current mandate.</p>
<p>Principle 4</p>	<p>The process of selection and appointment of the leadership of a NHRI should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>

<p>Assessment of implementation by the NHRI</p>	<p><i>Information Provided by the institution in 2023</i></p> <p>Section 2 paragraphs 1 and 2 of the Act on the Public Defender of Rights state:</p> <p><i>“(1) The Defender shall be elected by the Chamber of Deputies for a term of office of six years from among candidates of whom two shall be nominated by the President of the Republic and two by the Senate: identical proposals are admissible. The Defender may be elected for a maximum of two consecutive terms.</i></p> <p><i>(2) All those who are eligible for election to the Senate may be elected as the Defender.”</i></p> <p>The current selection process may be seen as not entirely in line with the Paris Principles. The amendment to the Act on the Public Defender of Rights is supposed to improve the situation.</p> <p>Section 4 paragraph 1 second sentence states:</p> <p><i>“(...) the former Defender shall exercise the competence of the Defender until the new Defender takes the oath.”</i></p>
<p>Principle 5</p>	<p>To ensure independence, the enabling legislation of a NHRI should contain an objective dismissal process for the NHRI leadership, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>
<p>Assessment of implementation by the institution</p>	<p><i>Information Provided by the institution in 2023</i></p>

The dismissal process for the Defender and his/her Deputy is described in Section 6 of the Act on the Public Defender of Rights. The process is objective and clearly defined by law.

The process defined in Section 6 recites:

(1) The Defender's office terminates as of the date following the date when

- a) his or her term in office expired;
- b) a court judgment came into legal force whereby the Defender was convicted of a criminal offence;
- c) the Defender ceased to be eligible for election to the Senate;
- d) the Defender assumed an office set forth in Section 3 (1) or a role in public administration; or
- e) the Defender's written declaration of resignation from the office was delivered to the Speaker of the Chamber of Deputies.

(2) The loss of the office on the grounds set forth in paragraph 1 above shall be announced by the Speaker of the Chamber of Deputies, who shall inform the person who has lost the office of Defender of this fact in writing.

(3) If the Defender carries out an activity which, pursuant to Section 3 (2), is incompatible with the discharge of the office, or if the Defender is a member of a political party or political movement, the Chamber of Deputies shall remove him or her from the office of Defender and inform the Defender in writing accordingly; the removal shall take effect as of the date of delivery of the written notification.

	<p>(4) The Speaker of the Chamber of Deputies shall inform the Senate, the President of the Republic and the public of the removal from office; the Speaker of the Chamber of Deputies shall also inform the Chamber of Deputies of the loss of office.</p> <p>(5) The election of the Defender shall take place within a period commencing on the sixtieth day before expiry of the Defender’s term in office and ending on the date of expiry.</p> <p>(6) If the Defender’s office becomes vacant before termination of his or her term in office, the election of the Defender shall take place within 60 days.</p> <p>(7) If the Defender is not elected within the period pursuant to paragraph 5 or 6 above, a new election shall take place within 60 days.</p>
<p>Principle 6</p>	<p>Member States should provide NHRIs with adequate, sufficient and sustainable resources to allow them to carry out their mandate, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p>Assessment of implementation by the institution</p>	<p><i>Information Provided by the institution in 2023</i></p> <p>According to the law, the institutional expenses are covered by a separate chapter of the state budget. In general, the Public Defender of Rights disposes with adequate, sufficient and sustainable resources to carry out the mandate.</p> <p>However, due to the increasing inflation in conjunction with the need to reduce state budget expenditures, budgetary problems appeared in 2022 and 2023. In September 2022, the tariff salaries were increased by 10%, but the Office did not receive any additional resources for the increase and it had to cover these costs from other sources (unspent expenditure) during the rest of the year. For</p>

	<p>2023, the Ministry of Finance has increased the salary funding by 4%, but a 7.84% increase would be required to cover the funding of higher salaries. The requested increase of 3.84% to cover the need was not granted to the Office. Therefore, in order to cover the tariff salaries, it will be necessary to reduce personal allowances and remuneration for major tasks. In a worst case scenario, the Office might also have problems covering tariff salaries.</p>
Principle 7	<p>NHRIs should have the authority to determine their staffing profile and recruit their own staff, as well as sufficient resources available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>
Assessment of implementation by the institution	<p><i>Information Provided by the institution in 2023</i></p> <p>The Office of the Public Defender of Rights determines its own staffing profile and recruits its own staff without any external interference.</p>
Principle 8	<p>Member States should ensure that NHRIs enjoy adequate access to information and to policy makers and legislators, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>
Assessment of implementation by the NHRI	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.1</i></p> <p>[...] the Public Defender has adequate access to information and to policy makers in all stages of legislation and policy making in matters where it has competence.</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.3</i></p>

	<p>The Public Defender of Rights regularly takes part in the comment procedure. The Defender may also submit a petition to the Constitutional Court of the Czech Republic pursuant to Section 64 (2f) of the Constitutional Court Act (182/1993 Coll.) and propose the annulment of other enactment than statute, or individual provisions thereof.</p> <p><i>Information Provided by the institution in 2023</i></p> <p>In 2022, the participation in the comment procedure for all institutions and authorities participating in it was in some cases more complicated due to very short deadlines for submitting the comments. In the period before, the declared reason was the pandemics. In 2022, it was rather the war in the Ukraine and the associated migration to the Czech Republic (see above).</p>
<p>Principle 9</p>	<p>Member States should implement the recommendations of NHRIs and are encouraged:</p> <ul style="list-style-type: none"> - to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame, - to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and - include information thereon in their relevant documents and reports.
<p>Assessment of implementation by the institution</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p>

	<p>Addressees of the Public Defender’ recommendations are legally obliged to provide a timely and reasoned reply. While the Public Defender is not aware of any state measures or practices to ensure timely and reasoned response to such recommendations, authorities do abide to this obligation in the vast majority of cases.</p>
<p>Principle 10</p>	<p>When member States grant NHRIs additional competences to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should have access to sufficient resources to develop the capacity to effectively discharge its functions, including having appropriately qualified and trained staff.</p>
<p>Assessment of implementation by the institution</p>	<p><i>Information Provided by the institution in 2023</i></p> <p>The Office of the Public Defender of Rights has usually had sufficient resources to carry out the additional competences (the budgetary cuts mentioned in point 6, however, apply to the additional competences in the same manner).</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>CPT Report on Czech Republic, 2018, p. 10 (Para.7)</i></p> <p>‘The Czech Republic ratified the Optional Protocol to the United Nations Convention against Torture (OPCAT) in July 2006 and designated the Public Defender of Rights (Ombudsperson) as the National Preventive Mechanism (NPM). [...]A separate department, responsible for the NPM function, has been established within the Ombudsman’s Office.’</p>

III. Safe and Enabling Environment

<p>Principle 11</p>	<p>Member States should ensure that NHRIs can operate independently, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of impartiality, integrity, transparency and fairness.</p>
<p>Assessment of implementation by the institution</p>	<p><i>Information Provided by the institution in 2023</i></p> <p>The Public Defender of Rights operates independently and impartially. We believe that the amendment to the Act on the Public Defender of Rights establishing the NHRI and the Ombudsman for Children could possibly even strengthen these qualities.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>ECRI Report on Czech Republic, 2020, p. 9 (Para.3)</i></p> <p>‘ECRI also notes that its previous recommendation to amend the Law on the Public Defender of Rights with a view to prevent conflicts between the officeholder and her/his deputy has not been implemented.’</p>
<p>Principle 12</p>	<p>Member States should foster awareness and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p>Assessment of implementation by the institution</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.1</i></p> <p>Relevant state authorities have good awareness of the Public Defender’s mandate, independence and role.</p>

<p>Principle 13</p>	<p>Member States should take all measures necessary to protect and support NHRIs against threats and harassment and any other forms of intimidation, including through ensuring functional immunity. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p>Assessment of implementation by the institution</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.2</i></p> <p>Measures are in place to protect and support the Public Defender of Rights and his/her Deputy against threats, harassment and intimidation. In particular, pursuant to Section 7 (1) of the Act on the Public Defender of Rights, the 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. The same applies to the Deputy Public Defender of Rights.</p>
<p>Principle 14</p>	<p>Member States should ensure that confidential information collected by NHRIs in the context of their mandate is privileged and is not unduly made public.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information Provided by the institution in 2023</i></p> <p>Section 7 paragraphs 2 and 3 of the Act on the Public Defender of Rights state:</p> <p><i>“(2) The Defender shall maintain confidentiality of facts that he or she learns during the discharge of the office, also after the termination of the office, unless the law stipulates otherwise; the same duty</i></p>

shall also be borne by employees of the Office of the Public Defender of Rights (hereinafter the "Office") (Section 25).

(3) The Speaker of the Chamber of Deputies may release the Defender and the employees of the Office from the duty to maintain confidentiality under paragraph 2 above for serious reasons."

IV. Co-operation and Support

<p>Principle 15</p>	<p>Member States should take effective measures to enable NHRIs to communicate and co-operate with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI; b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment; c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities; d. international and regional organisations working in related or similar fields.
<p>Assessment of implementation by the institution</p>	<p><i>Information Provided by the institution in 2023</i></p> <p>The Public Defender of Rights communicates and co-operates regularly with all mentioned stakeholders. We are not aware of any specific measures of the Member State taken in this regard, except providing the institution with the sufficient and adequate budget.</p>

	<p>The Public Defender of Rights currently has the advisory committee in relation to the functioning of the NMM. The amendment to the Act on the Public Defender of Rights establishing the NHRI and the Ombudsman for Children foresees the creation of another advisory committee relating to the NHRI mandate.</p>
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