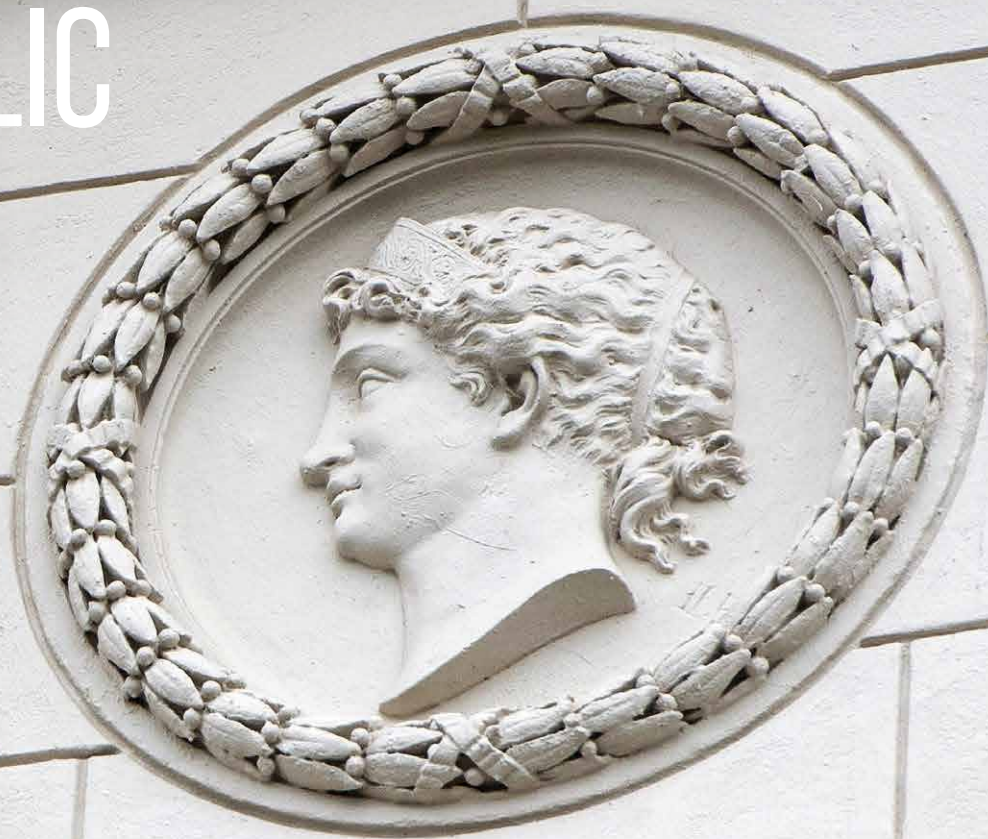






# YEARBOOK OF THE CONSTITUTIONAL COURT OF THE CZECH REPUBLIC 2024





CONSTITUTIONAL COURT  
OF THE CZECH REPUBLIC

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**YEARBOOK  
OF THE CONSTITUTIONAL  
COURT OF THE CZECH  
REPUBLIC 2024**





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# FOREWORD FROM THE PRESIDENT

*Dear Readers,*

*you are holding yet another Yearbook of the Constitutional Court, and I have the feeling that only a few weeks have passed since I wrote last year's foreword. Time moves quickly - perhaps too quickly - and as I look back on the past year, I see an immense amount of work behind us. For the Constitutional Court, it has been a period of change, challenges, and new responsibilities that we have had to face.*

*I am particularly pleased that we have accelerated the pace of plenary deliberations and that we have reached decisions on a number of legally and socially complex issues in 2024. Not all of our rulings have been met with praise - indeed, we have often faced considerable criticism - but that is part and parcel of a judge's duty. In a state governed by the rule of law, every public authority may be subject to scrutiny, and the Constitutional Court should be no exception. Nevertheless, I stand by our decisions. I know just how many discussions, arguments, and lengthy exchanges of views lie behind each and every one. I stand by them because they were reached through repeated deliberation, with integrity and a full awareness of our responsibility. And the fact that we do not always vote unanimously? That is, in fact, a positive sign. The Constitutional Court is made up of fifteen individuals, and it would not be right for us to always see everything the same way. The diversity of legal expertise, life experiences, and value systems makes us stronger, and I am grateful to my colleagues for voting solely according to their best judgment.*

*The past year has also seen continued replacement of our Justices. Namely, Justices Jiří Zemánek, Vojtěch Šimíček, Tomáš Lichovník, and David Uhlíř completed their terms of office. Each of them has contributed outstanding chapters to the history of the Constitutional Court - both as excellent colleagues and as highly respected legal experts. Their successors - Milan Hulmák, Tomáš Langášek, Jiří Přibáň, and Dita Řepková - are proving to be no less capable, having already accomplished a great deal and become valued members of the Constitutional Court. As we navigated these numerous changes last year, we also faced an increase in the number of petitions submitted to the Constitutional Court. Yet, I have made every effort to ensure that these internal challenges remained invisible to the outside world. In fact, we managed to reduce the number of pending cases compared to the previous year. After all, the public - quite rightly - cares little about the obstacles we must overcome to reach a decision. What truly matters is that our rulings are timely, well-reasoned, and clear. I take great pride in ensuring that our work is not only legally sound and just but also explained with the utmost diligence. The reasoning behind our decisions, as well as their meaning, must be accessible to anyone willing to listen.*

*I deeply appreciate the trust you place in the Constitutional Court. And I appreciate that you are reading our Yearbook.*

*Josef Baxa*







01

# ABOUT THE CONSTITUTIONAL COURT



*Photo of the building upon  
its completion 1878*

# HISTORICAL OVERVIEW

The roots of constitutional judiciary on Czech soil trace back to just after the formation of Czechoslovakia. A specialised judicial body, the world's first to bear the name "Constitutional Court," was established by the Constitution of 1920. Its primary role was to review the constitutionality of laws.

While the Czechoslovak Constitutional Court's impact on the legal-political framework was minimal, its significance is better appreciated in the historical legacy that its successors have built on since the fall of totalitarianism in 1989.

Post-1948 and 1960 Constitutions did not envisage a constitutional court, for reasons that were quite clear at the time. An unusual situation arose after the country was federalised in 1968, with plans for a federal constitutional court as well as constitutional courts for both national republics. Nonetheless, these courts were never created.

It was only after the collapse of the communist regime that a genuinely operating Constitutional Court of the Czech and Slovak Federal Republic was established pursuant to the Federal Constitutional Act of February 1991. Though short-lived, this body reviewed over a thousand cases, laying a foundation for the work of the Constitutional Court of the now independent Czech Republic, which began its operations on 15 July 1993.



*... the same view  
of the building in 2024*

# PRESENT DAY

The Constitutional Court is the judicial body responsible for the protection of constitutionality. Its role and jurisdiction are defined directly in the Constitution. Despite being termed a court, it operates outside the general court system.

Its mission is to safeguard constitutional principles, fundamental rights and freedoms, and to guarantee the constitutional character of the exercise of state power. Among its most noticeable responsibilities are to adjudicate on the constitutionality of laws and other legal provisions, and to address constitutional complaints against final decisions or actions of public authorities that infringe on constitutionally protected rights and freedoms.

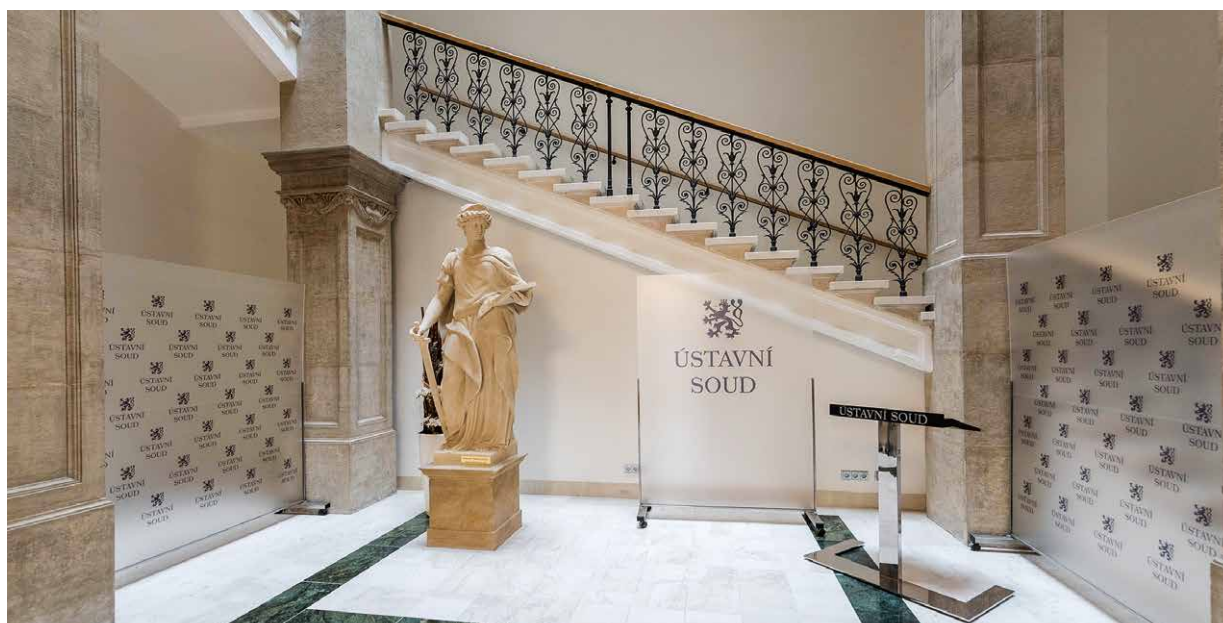
While the first constitutional court in Europe had a mere two powers (both related to the review of legal norms), modern constitutional courts possess a much broader array of powers. The Constitutional Court of the Czech Republic has a total of 15 different competences, although most of them are used rather infrequently, and are de facto “sleeping competences”.

An overwhelming majority of all proceedings before the Constitutional Court are proceedings on constitutional complaints (over 95%), and the other significant group is proceedings examining the constitutionality of legal norms.

The activities of the Constitutional Court are governed by a number of legal regulations. In addition to constitutional laws and law regulating, to a greater or lesser extent, the actual proceeding before the Constitutional Court, there are a host of laws and decrees providing for the operations of the Constitutional Court, as is the case with any other public authority. The Constitutional Court is a judicial body for the protection of constitutionality. However, in addition to the Constitution of the Czech Republic proper, the constitution includes, in a broader sense, other constitutional laws, in particular the Charter of Fundamental Rights and Freedoms.

The Czech constitution further includes:

- Constitutional Act No. 1/1993 Coll., on the Creation of Higher Territorial Self-Governing Units,
- Constitutional Act on the Security of the Czech Republic,
- Constitutional Act on the Referendum on the Czech Republic's Accession to the European Union,
- other constitutional acts adopted pursuant to the Constitution of the Czech Republic,



- constitutional acts relating to the break-up of Czechoslovakia and the establishment of the Czech Republic as a new successor state,
- constitutional acts delineating the Czech Republic's borders with neighbouring states.

The sum of constitutional acts, i.e., the constitution in a broader sense, is thus collectively referred to as the Constitutional Order of the Czech Republic. Apart from the constitutional order, the Constitutional Court also applies ratified and promulgated international treaties on human rights and fundamental freedoms as a reference criterion.

The actual proceeding before the Constitutional Court is governed by Act No. 182/1993 Coll., on the Constitutional Court. This particular act stipulates who and on what terms is entitled to file a motion for the initiation of proceedings, and sets forth other rules of proceedings before the Constitutional Court. The provisions of the Rules of Civil Procedure, and in special cases, also the provisions of the Criminal Justice Code relating to court proceedings, apply in proceedings before the Constitutional Court *mutatis mutandis*.

The Constitutional Court has jurisdiction (pursuant to Article 87 (1) and (2) of the Constitution):

- to abrogate statutes or individual provisions thereof if they are in conflict with the constitutional order;
- to abrogate other legal norms or individual provisions thereof if they are in conflict with the constitutional order or a statute;
- over constitutional complaints made by the representative body of a self-governing region against unlawful encroachment by the state;
- to decide jurisdictional disputes between state bodies, state bodies and bodies of self-governing regions, and between bodies of self-governing regions, unless that power is vested by statute in another body;
- over constitutional complaints of natural or legal persons against final decisions or other encroachments by public authorities infringing constitutionally guaranteed fundamental rights and basic freedoms;
- over remedial actions against decisions concerning the certification of the election of a Deputy or Senator;
- to resolve doubts concerning a Deputy or Senator's loss of eligibility for office or incompatibility under Article 25 of some other position or activity with holding the office of Deputy or Senator;
- over a constitutional charge brought by the Senate against the President of the Republic pursuant to Article 65 (2);
- to decide on a petition by the President of the Republic seeking the revocation of a joint resolution of the Assembly of Deputies and the Senate pursuant to Article 66;
- to decide on the measures necessary to implement a decision of an international tribunal which is binding on the Czech Republic, in the event that it cannot be otherwise implemented;
- to determine whether a decision to dissolve a political party or other decisions relating to the activities of a political party is in conformity with constitutional acts or other laws; and
- to decide on the conformity with the constitutional order of a treaty under Article 10a or Article 49, prior to the ratification of such treaty.

The Constitutional Act on the Referendum on the Czech Republic's Accession to the European Union (No. 515/2002 Coll.) entrusted two further powers to the Constitutional Court, which, in view of the results of the actual referendum held in 2002, are no longer applicable [the jurisdiction stipulated in Article 87 (1) (l) and m) has been formally repealed by Constitutional Amendment No. 71/2012 Coll.], namely:

- to make decisions on remedial actions against a decision of the President of the Republic declining to call a referendum on the Czech Republic's accession to the European Union; and
- to determine whether the manner in which the referendum on the Czech Republic's accession to the European Union was held is in harmony with Constitutional Act No. 515/2002 Coll., and with the statute issued in implementation thereof.

The Court cannot initiate proceedings autonomously; it acts solely upon requests from petitioners.









02

# JUSTICES OF THE CONSTITUTIONAL COURT



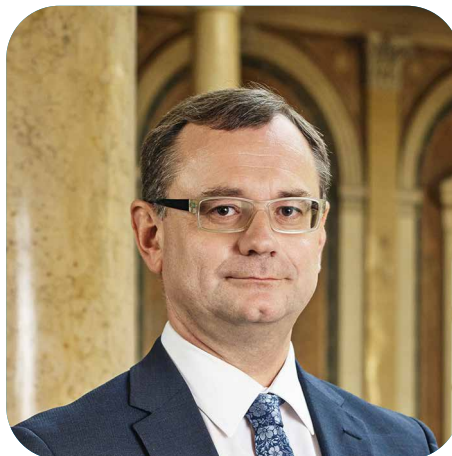




**Jiří ZEMÁNEK**

---

Justice of the Constitutional Court  
(from 20 January 2014  
to 20 January 2024)



**Vojtěch ŠIMÍČEK**

---

Vice-President of the Constitutional Court  
(from 4 May 2023 to 12 June 2024);  
Justice of the Constitutional Court  
(from 12 June 2014 to 12 June 2024)



**Tomáš LICHOVNÍK**

---

Justice of the Constitutional Court  
(from 19 June 2014 to 19 June 2024)



**David UHLÍŘ**

---

Justice of the Constitutional Court  
(from 10 December 2014  
to 10 December 2024)



**Jaromír JIRSA**

---

Justice of the Constitutional Court  
(since 7 October 2015)



**Josef FIALA**

---

Justice of the Constitutional Court  
(since 17 December 2015)



**Pavel ŠÁMAL**

---

Justice of the Constitutional Court  
(since 20 February 2020)



**Jan SVATOŇ**

---

Justice of the Constitutional Court  
(since 15 February 2023)



**Josef BAXA**

---

President of the Constitutional Court  
(since 8 August 2023);  
Justice of the Constitutional Court  
(since 5 June 2023)



**Jan WINTŘ**

Justice of the Constitutional Court  
(since 5 June 2023)



**Daniela ZEMANOVÁ**

Justice of the Constitutional Court  
(since 5 June 2023)



**Kateřina RONOVSKÁ**

Vice-President and Justice  
of the Constitutional Court  
(since 4 August 2023)



**Veronika KŘEŠŤANOVÁ**

Vice-President of the Constitutional  
Court (since 25 June 2024);  
Justice of the Constitutional Court  
(since 8 August 2023)



**Lucie DOLANSKÁ  
BÁNYAIOVÁ**

Justice of the Constitutional Court  
(since 19 December 2023)





**Zdeněk KÜHN**

---

Justice of the Constitutional Court  
(since 19 December 2023)



**Milan HULMÁK**

---

Justice of the Constitutional Court  
(since 1 February 2024)



**Tomáš LANGÁŠEK**

---

Justice of the Constitutional Court  
(since 25 June 2024)



**Dita ŘEPKOVÁ**

---

Justice of the Constitutional Court  
(since 12 December 2024)



**Jiří PŘIBÁŇ**

---

Justice of the Constitutional Court  
(since 25 June 2024)

# APPOINTMENT OF JUSTICES AND CHANGES IN COMPOSITION OF THE CONSTITUTIONAL COURT DURING 2024

A citizen of the Czech Republic is eligible for appointment as a Justice of the Constitutional Court provided that she or he has reached at least 40 years of age, has a university education in the law, and has been active in a legal profession for at least ten years.

The office of Justice of the Constitutional Court cannot be held by the President of the Republic, a member of Parliament, a person holding another office in public administration, or one holding any other paid office or gainful activity (other than a scientific, teaching, or artistic pursuit). Moreover, a Justice of the Constitutional Court may not be a member of any political party or movement.

The Justices of the Constitutional Court have immunity ensuring their independence. A Justice of the Constitutional Court cannot be criminally prosecuted without the approval of the upper chamber of the Parliament and may be arrested only if caught committing a crime or immediately afterwards.

According to the Constitution, the Justices of the Constitutional Court are appointed by the President of the Republic with the consent of the Senate of the Parliament of the Czech Republic. The President of the Republic selects a candidate whose name is then sent to the Senate with a request to express its consent to her or his appointment as a Justice of the Constitutional Court. Consent to the appointment is given if a simple majority of senators present vote in favour.

If the Senate grants consent, the President appoints the candidate as a Justice of the Constitutional Court, and the candidate thereby becomes a Justice of the Constitutional Court. The Justice's appointment becomes effective upon taking the oath of office prescribed by the Constitution and administered by the President of the Republic.

The President and two Vice-Presidents of the Constitutional Court are also named by the President of the Republic, who chooses them from among the Justices of the Constitutional Court and needs no further approval from any other body for their appointment.

## JUSTICE'S OATH:

”

*I pledge upon my honour  
and conscience  
that I will protect  
the inviolability of natural  
human rights  
and of the rights of citizens,  
adhere to constitutional acts,  
and make decisions according  
to my best convictions,  
independently  
and impartially.*

“

The term of office of Justice of the Constitutional Court is ten years; however, the Constitution does not explicitly prohibit repeated appointment and does not specify any upper age limit.

An extensive turnover in the Constitutional Court body of Justices that had begun in 2023 continued during 2024. The mandates of seven Justices had expired in 2023, and during 2024 the terms of office of four more guardians of constitutionality ended. Four new Justices were thus welcomed to the Court.

Justice Jiří Zemánek's term concluded on 20 January. On 1 February, President Petr Pavel appointed Milan Hulmák as a Justice of the Constitutional Court. On 12 June, the term of office of the Vice-President of the Constitutional Court Vojtěch Šimíček came to an end. Just one week later, on 19 June, Justice Tomáš Lichovník's term expired. On 25 June, Tomáš Langášek and Jiří Přibáň became new Justices of the Constitutional Court. At the same day, Justice Veronika Křesťanová was appointed Vice-President of the Court. David Uhlíř's term of office ended on 10 December. Two days later, Dita Řepková was appointed in his place.

*Appointment of Milan Hulmák  
as a Justice of the Constitutional  
Court on 1 February 2024*







*Appointment of Veronika Křestanová  
as a Vice-President of the Constitutional  
Court on 25 June 2024*



*Appointment of Tomáš Langášek as a Justice  
of the Constitutional Court on 25 June 2024*







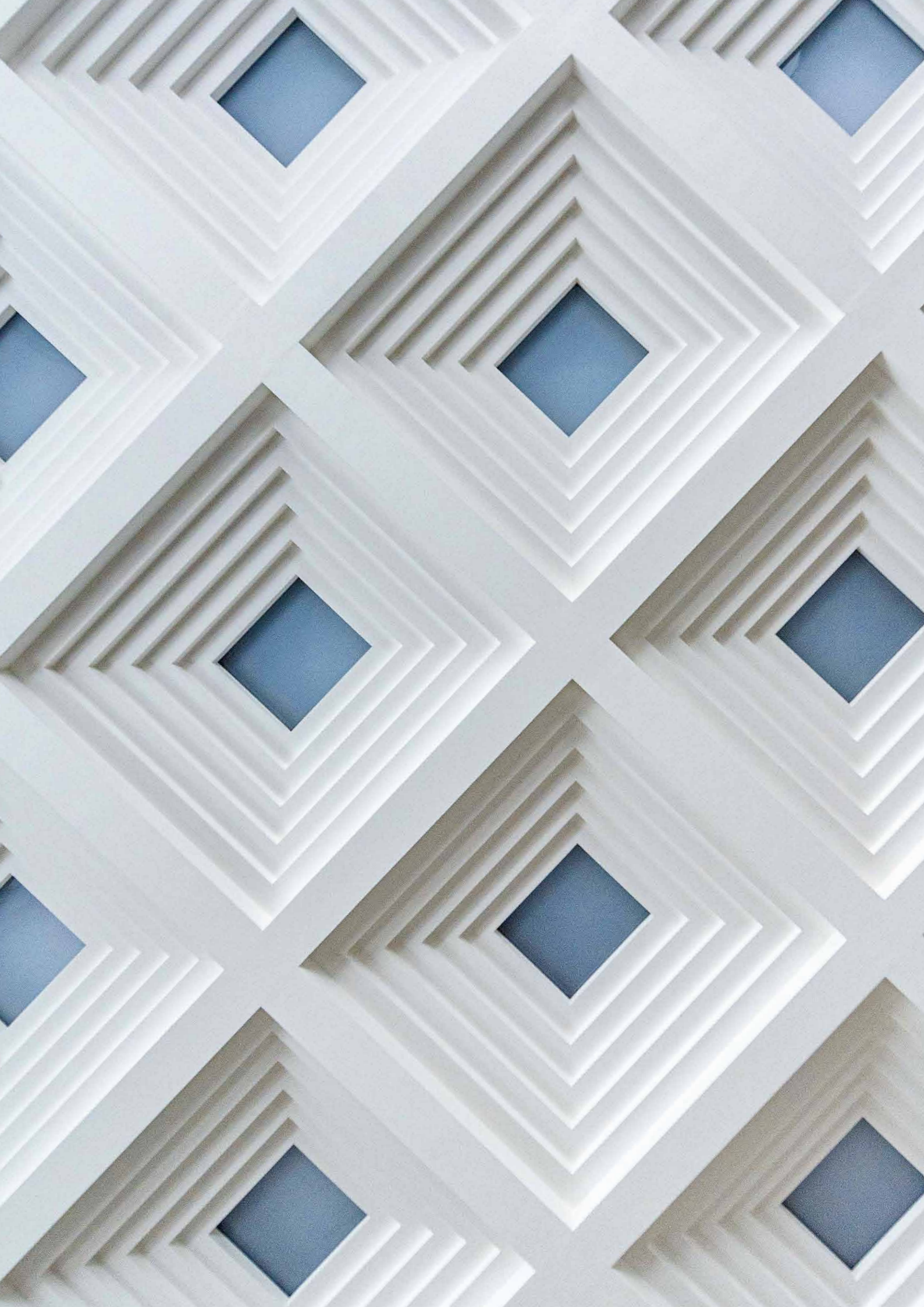
*Appointment of Jiří Příbáš as a Justice of the Constitutional Court on 25 June 2024*



*Appointment of Dita Řepková as a Justice of the Constitutional Court on 12 December 2024*







03

# STRUCTURE OF THE CONSTITUTIONAL COURT AND ORGANISATION OF WORK



# STRUCTURE OF THE CONSTITUTIONAL COURT AND ORGANISATION OF WORK

The Constitutional Court is comprised of fifteen Justices: President, two Vice-Presidents, and twelve other Justices. In the President's absence, the two Vice-Presidents act as his deputies, and with consent of the Plenum, the President may delegate some of his duties to them.

The President of the Constitutional Court represents the Court vis-à-vis third parties, performs the Court's administrative work, convenes meetings of the Constitutional Court's Plenum, fixes the agenda for meetings and directs the business of meetings, appoints Chairs of the Constitutional Court's panels, and performs other duties placed upon him by statute.







The Constitutional Court's internal structure is such that it has a Plenum, which comprises all Justices, and four three-member panels. The Act on the Constitutional Court lays down which matters are to be decided by the Plenum and which by the panels. The Justice Rapporteur, assigned to each matter of the Court's agenda, can also be considered as one of the Court's organisational components, as her or his task is to prepare the matter for deliberation, unless she or he finds that there are preliminary grounds for dismissal of the petition.

Each Justice has available to her or him three legal assistants who prepare the groundwork for decision-making, including decision drafts, as instructed by the Justice. The assistant is tied to the Justice to whom they are assigned.

The President of the Constitutional Court appoints a Secretary General, who oversees the activities of the court's judicial agendas section and the court's administration section. The judicial agendas section, directly subordinate to the Secretary General, is divided into analytics, judicial, and external relations and protocol departments. The Secretary General supervises the court's administration section through a director

appointed by the President of the Constitutional Court. This section includes human resources and legal department; information technologies department; construction and technical work department; and operations and economic activities department.

A petition to initiate proceedings before the Constitutional Court is allocated to one of the Justices according to a work schedule, making that Justice the Justice Rapporteur. The Justice Rapporteur gathers the necessary information for a decision and presents a proposal for a decision or in certain cases, decides to dismiss the petition to initiate proceedings herself or himself. The Constitutional Court makes its most significant decisions through the Plenum. These include, for instance, petitions to annul laws or other legal regulations, jurisdictional disputes, constitutional charges against the President of the Republic (impeachment), proposals for the Plenum to adopt a decision to overturn a legal opinion previously held by the Court, and other matters reserved for plenary decision-making. The majority of constitutional complaints and other petitions to initiate proceedings are definitively decided by three-member panels. Decisions of the Constitutional Court are final and cannot be appealed.



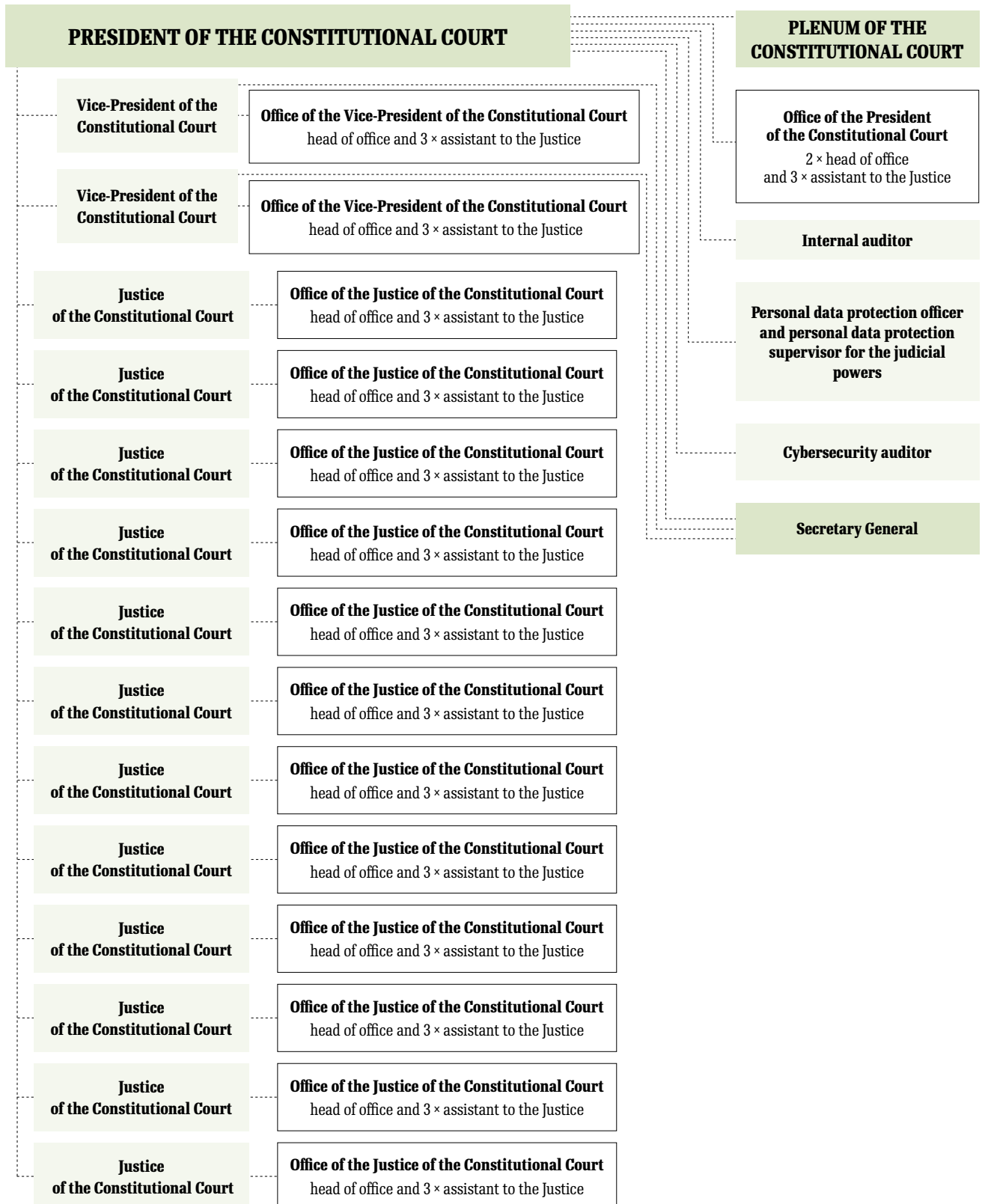


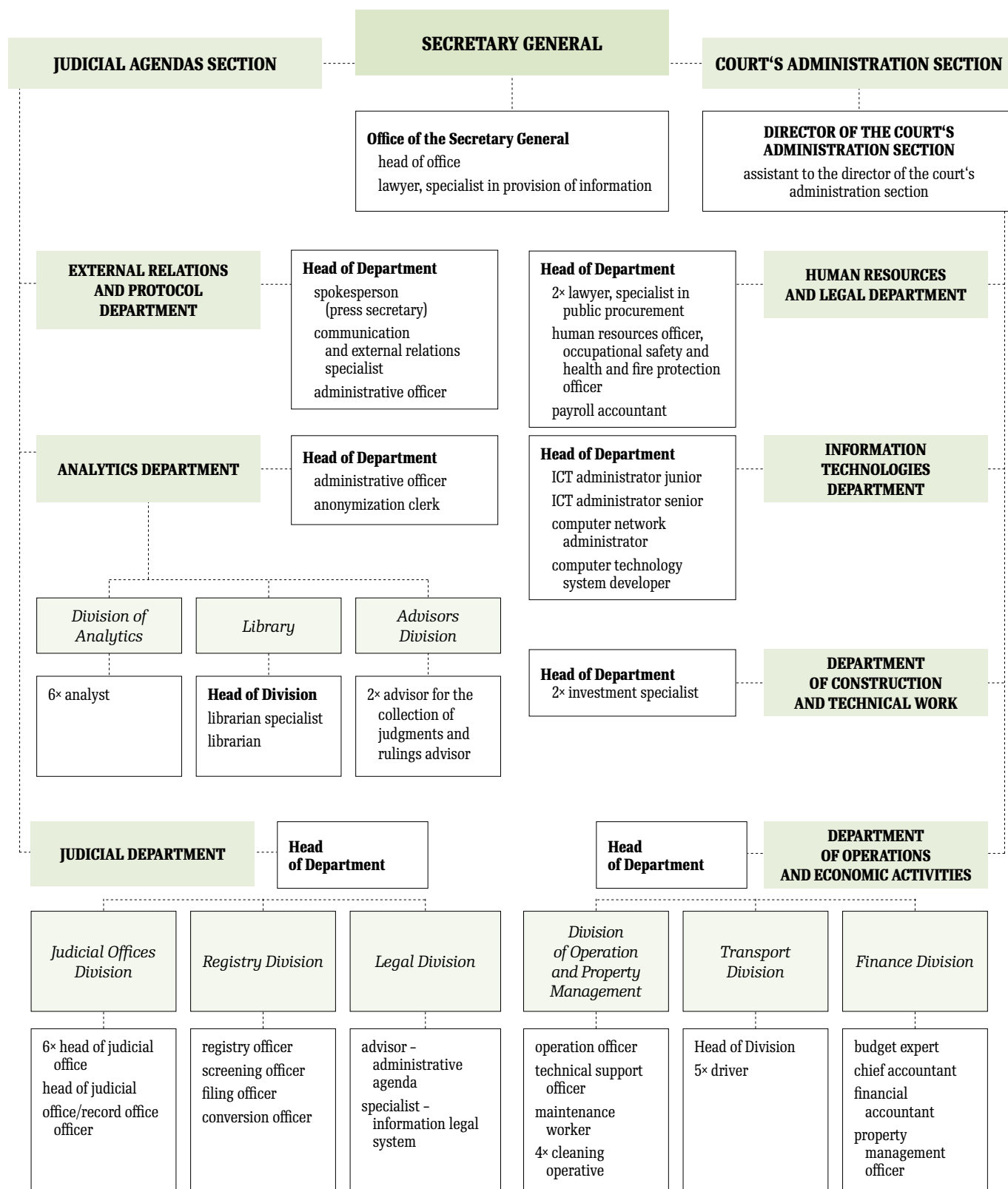






# ORGANIZATIONAL CHART









*Justices and Employees of the Constitutional Court, 11 January 2024*





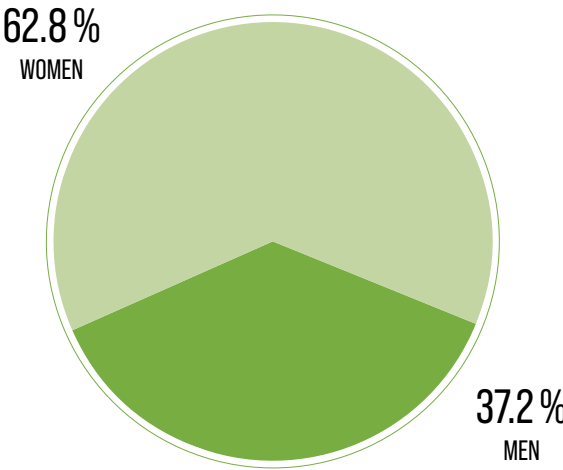
# STATISTICS

The Constitutional Court is allocated 129 positions, with the adjusted average number of employees reaching 123.43 and the recorded number of job positions 121.50 at the end of 2024. The number of actual employees (regardless of full-time equivalents or multiple job holdings) was 148, and the following charts are based on this indicator.

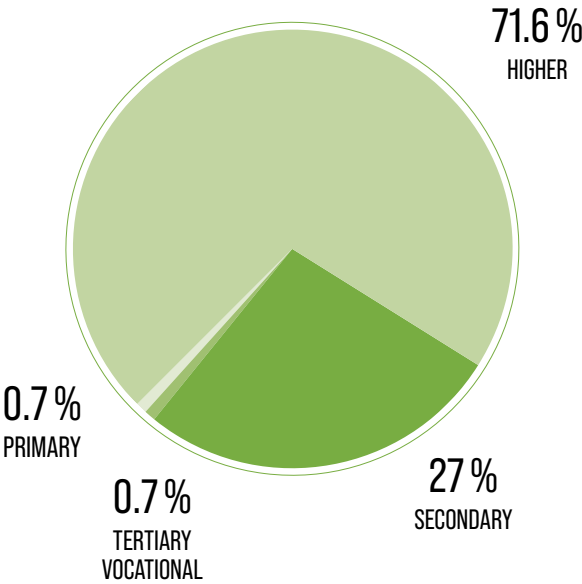
The total expenditure for the Constitutional Court in 2024 was approved at CZK 246,481,437, with CZK 247,756,639.23 being expended by 31st December 2024.

The budget structure is described in three expenditure groups: (1) funds for salaries and the Social and Cultural Needs Fund - SCNF (Justices and employees' salaries, other personal expenses, severance payments, benefits, mandatory insurance paid by the employer, compensation, and the cultural and social needs fund); (2) operational funds (expenses for materials, water, fuels, energy, services, etc.); and (3) investment funds (capital expenses for acquiring long-term tangible and intangible assets).

EMPLOYEES OF THE CONSTITUTIONAL COURT BY SEX



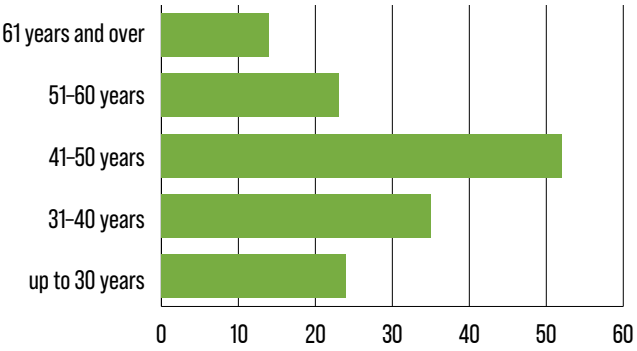
EMPLOYEES OF THE CONSTITUTIONAL COURT BY LEVEL OF EDUCATION ACHIEVED



Education	Men	Women	In Total
Primary	0	1	1
Secondary	9	31	40
Tertiary vocational	0	1	1
Higher	46	60	106
In Total	55	93	148

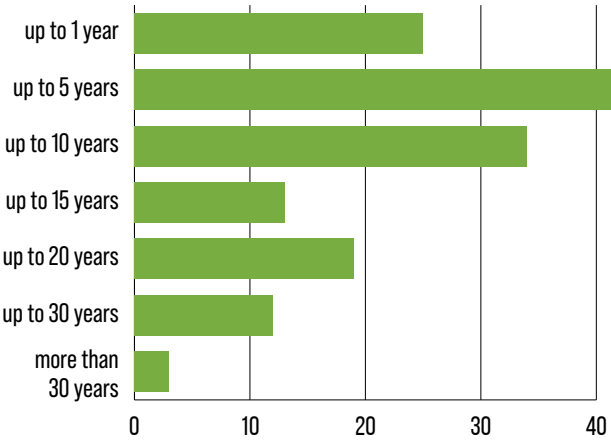


AGE STRUCTURE OF EMPLOYEES OF THE CONSTITUTIONAL COURT



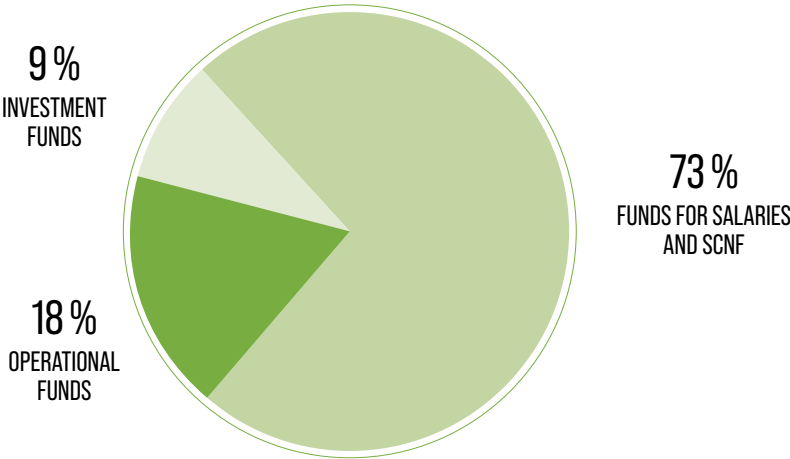
Age	Men	Women	In Total
up to 30 years	15	9	24
31-40 years	12	23	35
41-50 years	16	36	52
51-60 years	7	16	23
61 years and over	5	9	14
In Total	55	93	148

EMPLOYEES BY LENGTH OF EMPLOYMENT AT THE CONSTITUTIONAL COURT



Length of Employment	Men	Women	In Total
up to 1 year	12	13	25
up to 5 years	17	25	42
up to 10 years	13	21	34
up to 15 years	2	11	13
up to 20 years	7	12	19
up to 30 years	4	8	12
more than 30 years	0	3	3
In Total	55	93	148

STRUCTURE OF THE CONSTITUTIONAL COURT BUDGET BY EXPENDITURE GROUPS  
(actual as of 31 December 2024)





...nebo s  
lze zadržet jen, b  
t. Na své první nás  
7 (1) Ústavní soud  
mní samosprávy p  
ostech o ztrátě vol  
lení roz

04

# DECISION-MAKING IN 2024

# DECISION-MAKING IN 2024

The selection of decisions follows up on case law from the previous years but also reflects current trends, topics and perspectives. This overview presents the most noteworthy rulings issued by the Constitutional Court in 2024. For a full overview, decisions can be accessed on the Constitutional Court's website via the **NALUS database** or in the **Bulletin of the Analytics Department of the Constitutional Court**.

## FUNDAMENTAL CONSTITUTIONAL PRINCIPLES

### DEMOCRATIC STATE RESPECTING THE RULE OF LAW

The Czech Republic is defined as a democratic state respecting the rule of law by Article 1(1) of the Constitution of the Czech Republic (hereinafter the "Constitution"). This article represents a general and introductory principle, which is linked to various other principles – some regulated expressly at the constitutional level, others inferred by case law of the Constitutional Court. The provision of Article 1(1) of the Constitution integrates two principles into a single whole – democracy and the rule of law. In the context of the Czech Republic, democratic principles are interwoven with the requirements of constitutionalism, which finds its primary source in the liberal political thought of modern times. Therefore, no other regime than a democratic one can be deemed legitimate (judgment file No Pl. ÚS 19/93 of 21 December 1993), and the priority of the individual over the state, as well as the primacy of fundamental human rights and freedoms, must be upheld (judgment file No Pl. ÚS 43/93 of 12 April 1994).

In 2024, the Constitutional Court examined **legislative riders** in case No Pl. ÚS 41/23 of 4 December 2024, specifically regarding an amendment aimed at tightening the prohibition on media ownership by politicians ("Lex Babiš II"). The Constitutional Court considers a rider to be an amendment that (1) has no close relation either (1a) to the purpose or (1b) to the content of the original legislative proposal and, at the same time, (2) was not adopted with broad consensus in the Chamber of Deputies. The intensity with which such a rider infringes constitutional rules and principles must be assessed. The Constitutional Court thus examined

whether the violated constitutional rules and principles were outweighed by other conflicting constitutional values that would justify leaving the amendment intact. The Constitutional Court annulled the amendment insofar as it pertained to the rider in question. However, it did not annul the entire act merely because a part of it resulted from an unconstitutional rider, adhering to the principles of judicial self-restraint and self-limitation. In exceptional circumstances, the Constitutional Court also concluded that the annulment of the amending provisions would revive the original legal framework. However, the motion was dismissed as to the rest, as the rider itself did not contaminate the legislative process concerning the rest of the law.

In judgment file No IV. ÚS 1627/24 of 4 September 2024, the Constitutional Court reaffirmed the fundamental principle enshrined in Article 89(2) of the Constitution, namely that **Constitutional Court rulings are binding on all authorities and persons**, including the Constitutional Court itself. The requirements for compliance with a cassation judgment in subsequent decisions by general courts differ qualitatively from the binding force of precedent, which entails general normative effects extending beyond an individual case. On the one hand, the general normative effect of judgments enables general courts to present competing considerations in subsequent cases as part of a constitutional judicial dialogue. On the other hand, cassation judgments require unconditional adherence in the same case by both general courts and the Constitutional Court itself.

In judgment file No Pl. ÚS 32/23, the Constitutional Court assessed the **constitutionality of the National Sports Agency and the National Arbitration Court for Sport** in light of the amendment to the Act on the Promotion of Sport. The Constitutional Court concluded that this arbitration body is neither a general court within the meaning



of Article 91(1) of the Constitution nor an arbitration panel under the Arbitration Act. The mere fact that the legislature chose the borderline misleading designation “National Arbitration Court for Sport” does not render the legislation inconsistent with the constitutional order. The Constitutional Court found that a given entity may, in principle, fulfil the requisite elements of substantive independence without being formally part of the system of general courts. Thus, the existence of the National Arbitration Court for Sport and the institutional structure of the National Sports Agency under Act No 115/2001 Coll., on the promotion of sport, as amended by Act No 49/2023 Coll., do not contradict the constitutional order.

## OBLIGATIONS ARISING FROM EU AND INTERNATIONAL LAW

Cases brought before the European Court of Human Rights are generally first assessed by the Constitutional Court. While only two adverse judgments were issued against the Czech Republic in 2023, the Strasbourg Court found violations in seven cases in 2024. The most significant judgments from a domestic perspective are *Y. v. Czech Republic* (No 10145/22) and *Z. v. Czech Republic* (No 37782/21), which concern **non-consensual sexual acts** involving two women and the approach of domestic authorities in criminal proceedings. However, in the same year, an amendment to the Criminal Code was adopted, and the implementation of these cases is now at an advanced stage. By contrast, the case of *Spišák v. Czech Republic* (No 13968/22) will require both legislative and judicial changes, as Czech courts have thus far **conducted detention reviews for juveniles** less frequently than for adults. Another challenge for implementation will be the adverse ruling of the European Committee of Social Rights in *FEANTSA v. Czech Republic* (No 191/2020), which concerns the provision of **social housing** and adequate safeguards against forced evictions, particularly for vulnerable groups. The Constitutional Court had already highlighted the gravity of this issue in 2023 in judgment file No II. ÚS 2533/20, emphasising that the lack of access to social housing constitutes a serious systemic problem with tangible implications for fundamental rights.

A follow-up case to *Janáček v. Czech Republic* (No 9634/17) concerning the **adversarial nature of proceedings** before the Constitutional Court is the case of *Větrovec v. Czech Republic* (No 20342/23), communicated in 2024. In this case, the applicant was not provided with the statements of other parties to the proceedings, despite the fact that the Constitutional Court appeared to rely on them in its decision-making.

In case No II. ÚS 899/23 of 27 November 2024, the Constitutional Court reiterated the obligation of courts to interpret legal provisions in conformity with EU law, as required by Article 1(2) of the Constitution. Courts must choose the interpretative variant that aligns with **European Union law**. However, in the given case, the Supreme Administrative Court failed to consider the EU case law on trademark protection invoked by the complainant and did not engage at all with the EU dimension of the case. This interpretation was subsequently confirmed in case No IV. ÚS 1627/24 of 4 September 2024.

## FUNDAMENTAL RIGHTS AND FREEDOMS

### RIGHT TO LIFE

One of the most fundamental human rights, protected under Article 6 of the Charter of Fundamental Rights and Freedoms (hereinafter the “Charter”), was addressed by the Constitutional Court in connection with **criminal liability for the death of a child during a home birth**. In judgment file No I. ÚS 605/24 of 19 November 2024, the Constitutional Court upheld the conclusions of the general courts that the child was protected under criminal law from the moment it began to leave the mother's body during birth. It stated that the child was not a subject of the right to life under the first sentence of Article 6(1) of the Charter, as it was not proven that the entire body had left the mother while still alive. However, its life was protected under the second sentence of the same article. This protection, though weaker than after birth, is stronger than during pregnancy. During labour, the unborn child is also protected against interventions by the mother. If the life or health of the foetus or the child being born is at risk, reasonable restrictions on a woman's right to freely choose the circumstances and location of childbirth are permissible.

### RIGHT TO PERSONAL INTEGRITY AND PRIVACY

A landmark judgment in the area of bodily integrity and personal autonomy was judgment file No Pl. ÚS 52/23 of 24 April 2024, which concerned **surgical procedures, including sterilisation, as a prerequisite for the legal recognition of gender change**. The Plenum of the Constitutional Court found that the statutory regulation of “status-based” gender change constituted a significant interference either with the bodily integrity of transgender people – since the state requires them to undergo surgical alteration of their

genitalia and sterilisation in order to have their gender legally recognised – or with their right to self-determination and personal autonomy, as they cannot fully present themselves in accordance with their deeply held identity without undergoing the required medical procedures. It is incompatible with human dignity for the state to mandate the alteration of a person's physical appearance and bodily functions solely for the purpose of changing their legal gender status. Requiring the unconditional performance of an invasive and irreversible procedure, which carries health risks, merely to maintain legal certainty and stability is manifestly disproportionate. Therefore, the Constitutional Court annulled the challenged legal provision.

The Constitutional Court also addressed the issue of compensation for **(non-)pecuniary harm**. In judgment file No Pl. ÚS 14/24 of 28 May 2024, it found that **secondary victims** may suffer not only harm to their private and family life, including mental suffering, but also harm to their health (mental illness) as a result of the death of a close person. Section 2959 of the Civil Code, as applied by the general courts in the case, does not cover situations where the infringement of a secondary victim's rights exceeds the threshold of “mere” mental suffering and results in a medically diagnosed illness, thereby constituting a direct violation of the individual's physical and mental integrity. A mere one-off increase in compensation for emotional harm in respect of an infringement of family and private life, as applied in the Supreme Court's case law, cannot substitute compensation for (non-)pecuniary harm to health. Where a causal link exists between the damaging event and the harm suffered, courts should not substitute claims for pecuniary compensation arising from other provisions of the Civil Code (e.g., Sections 2960 or 2962) with increased compensation for non-pecuniary harm.

In judgment file No IV. ÚS 855/24 of 24 July 2024, the Constitutional Court examined the obligation of criminal courts to assess a victim's claim for **partial compensation for non-pecuniary harm in adhesion proceedings**, provided that the established facts allow for such an assessment. The reasoning of the courts indicated that they would award compensation only if the harm reached the intensity of disrupting the complainant's psychological or sexual development and was supported by medical reports. However, non-material harm caused by criminal offences may take forms other than harm to health, including mental suffering under Section 2956 of the Civil Code. Such a conclusion may also be drawn from other circumstances, such as the victim's testimony. The Constitutional Court found the courts' interpretation overly restrictive, as it unjustifiably excludes a range of cases from adhesion proceedings where harm to the victim's natural rights is evident from

the nature of the crime itself (in this case, sexual abuse and endangering a child's upbringing).

A violation of the right to personal integrity and privacy by the courts may also occur if the **awarded compensation is manifestly and extremely disproportionate** to the severity of the harm suffered. Judgment file No I. ÚS 2200/23 of 17 June 2024 concerned compensation for injuries inflicted by state security forces in connection with resistance to the communist regime. The awarded compensation of CZK 4,125 was deemed by the Constitutional Court to be cynically low and entirely inadequate given the extraordinary circumstances, which must be taken into account when determining compensation for health-related harm. Compensation must comply with the constitutional principle of full reparation, meaning it must genuinely reflect the harm suffered. The complainant cannot be penalised for asserting their rights only after societal conditions and perspectives on the application of rehabilitation rules had changed.

## PROTECTION OF PRIVATE AND FAMILY LIFE

The right to the protection of private and family life under Article 10(2) of the Charter guarantees individuals the freedom to decide on their personal and family matters without unjustified interference from the state or third parties. Respect for this right is essential for safeguarding human dignity and autonomy. In its rulings, the Constitutional Court places emphasis on the proportionality of interferences, balancing the individual's right to private and family life against legitimate societal interests while repeatedly stressing the necessity of protecting human dignity as a fundamental principle of the rule of law.

In judgment file No I. ÚS 1858/23 of 13 February 2024, the Constitutional Court examined whether general courts may **reject a request by an alleged biological father** to conduct a **DNA test to establish paternity** of a three-year-old child, even at the expense of an interference with the right to private and family life. The Constitutional Court upheld the rulings of the general courts. Conducting a DNA test could disrupt the stability of the entire family, which would be contrary to the best interests of the child, as guaranteed by Article 3(1) of the Convention on the Rights of the Child. The child lives in a harmonious family with their mother, legal father, and siblings, which is crucial for their healthy development. The biological father has never seen the child, resides abroad, and failed to demonstrate that contact with him would bring greater benefit to the child than potential risks. The Constitutional Court emphasised that while a child has the right to know their origins, this



right does not override the interest in a peaceful childhood. The decision remains open to future changes should the child express a desire to know their biological origins at a later age.

## PROTECTION AND SAFEGUARDS OF PERSONAL LIBERTY

Over the past year, the Constitutional Court dealt with several cases concerning **pre-trial detention**. It emphasised the **principle of adversarial proceedings** in detention decisions in judgment file No I. ÚS 306/24 of 28 February 2024, illustrating, among other things, how a breach of “mere” legality – in this case, the failure to deliver the request for an extension of detention – does not necessarily render the contested decision unconstitutional. The principle of adversarial proceedings was also addressed in judgment file No I. ÚS 682/24 of 24 April 2024, in which the Constitutional Court found that this principle had been violated when the appellate court fully endorsed the public prosecutor’s arguments without giving the complainant a real opportunity to respond to the appeal. The Constitutional Court stressed that in decisions concerning personal liberty, the right to a fair trial includes the creation of a space in which the party can effectively raise objections capable of influencing the court’s decision.

This is also linked to the requirement for **proper reasoning** in decisions to keep an accused person in detention, a principle reaffirmed by the Constitutional Court, for example, in judgment file No III. ÚS 5/24 of 20 March 2024. The general courts had repeated the same errors in failing to provide adequate reasoning in detention decisions, errors that the Constitutional Court had already criticised in the same criminal case in judgment file No III. ÚS 2498/23. The Constitutional Court reiterated the **doctrine of heightened justification**, which must be provided for the continued deprivation of personal liberty. A violation of the right to personal liberty may occur when a court merely repeats the grounds stated in the initial phase of detention without explaining why continued detention remains necessary. In line with its previous case law, the Constitutional Court also found errors in judgment file No IV. ÚS 94/24 of 20 March 2024, in which the general court entirely ignored **clearly and specifically formulated objections**, in which the complainant had thoroughly explained circumstances relevant to their release from detention. The Constitutional Court had already ruled in this matter once before (judgment file No IV. ÚS 2442/23), yet the general court repeated the unconstitutional approach.

The issue of the **proportionality of detention in relation to the potential sentence** was addressed by the Constitutional Court in judgment file No III. ÚS 35/24 of 17 July 2024. In accordance with its previous case law, the Constitutional Court stated that if, given the nature of the criminal case and the personality of the accused, the courts already have objective doubts at the time of deciding on detention as to whether the criminal proceedings may lead to an unconditional sentence, they must consider this question when making the detention decision.

Regarding the **maximum duration of detention**, the Constitutional Court ruled in favour of the bodies in charge of criminal proceedings in judgment file No IV. ÚS 2580/23 of 31 July 2024. These authorities concluded that the statutory time limits for detention under Section 72a(1) of the Code of Criminal Procedure cannot be applied to measures substituting for detention, such as the prohibition on leaving the country, which in this case was an accessory measure. The Constitutional Court held that such measures cannot be counted towards the maximum period of detention under the cited provision. In doing so, the Constitutional Court reaffirmed its earlier position that statutory limits apply only to time actually spent in detention, not to the duration of other precautionary measures.

In judgment file No IV. ÚS 2090/24 of 9 October 2024, the Constitutional Court examined the issue of **replacing detention with institutional protective treatment**. Under Section 67 of the Code of Criminal Procedure, it is possible to substitute detention with such a measure – in some cases, protective treatment may protect society more effectively than detention, as it may last longer. The Constitutional Court did not rule out the possibility that, despite the imposition of protective treatment, the simultaneous imposition of detention may, in certain circumstances, be permissible. However, if protective treatment is deemed insufficient, general courts must properly justify this finding.

Another area closely related to the right to personal liberty concerns the execution of sentences of imprisonment and the institution of **conditional release**. In the past year, the Constitutional Court reaffirmed in judgment file No III. ÚS 3047/23 of 9 January 2024, in line with its established case law, that there is no constitutionally guaranteed right for courts to grant requests for conditional release from imprisonment. However, as conditional release is an exceptional measure, this does not mean that courts may decide arbitrarily in these matters. Therefore, the Constitutional Court found the general court’s decision inadequate when it was based merely on a “feeling” that the time already served was insufficient. The Constitutional Court reached similar

conclusions in judgment file No III. ÚS 3024/23 of 30 May 2024, in which it emphasised that when deciding on conditional release, the requirement of rehabilitation must be assessed separately and must not be ruled out in advance for any broadly defined group of convicted persons.

In judgment file No I. ÚS 2831/23 of 27 March 2024, the Constitutional Court also addressed Section 92(4) of the Criminal Code. This provision envisages that the **time during which a convicted person was required to remain in their residence** should be counted towards the execution of their prison sentence. The Constitutional Court considered it fair for courts to take into account the difference between those who were held in detention for the entire period and those whose detention was replaced with the obligation to remain at home. In the absence of an explicit interpretative rule for the cited provision, courts should apply similar principles as those found in Sections 92(1) to (3) of the Criminal Code. A key condition for a constitutionally compliant interpretation of Section 92(4) of the Criminal Code is the precise calculation of the number of days or hours the complainant was required to remain at home.

## PROTECTION OF PROPERTY RIGHTS

The protection of property rights once again covered a broad spectrum of everyday cases in the Constitutional Court's case law in 2024.

In decision of the Plenum file No Pl. ÚS 37/23 of 20 November 2024, the Constitutional Court examined the issue of the **state's preferential position in insolvency proceedings** compared to other creditors. It concluded that neither the right to equality in the content and protection of property rights under Article 11(1), second sentence, of the Charter, nor the right to equality of participants in proceedings under Article 37(3) of the Charter implies an absolute prohibition on the privileged status of the state in insolvency proceedings. However, it held that any preferential treatment of the state in insolvency proceedings compared to other creditors must be explicitly stipulated by law and must pass the proportionality test. The legislature must have a certain degree of discretion to modify the position of individual creditors in insolvency proceedings, including the position of the state (as the "public treasury"), in order to protect other constitutionally guaranteed interests or legitimate public interests. However, this must be treated as an exception that requires proper justification and must be systemically sustainable.

The Constitutional Court addressed the issue of the **valorisation of contributions in the settlement of community property** in judgment file No Pl. ÚS 23/24 of 11 September 2024, in which it criticised the Supreme Court's interpretation of Section 742(2) of the Civil Code. The Supreme Court had effectively limited the applicability of this provision on the statutory valorisation of contributions only to cases where the parties explicitly agreed to it. It thereby transformed a general rule into an exception, making its application conditional on an agreement between the spouses. In doing so, it effectively amended the law without justification, replacing the will of the legislature with its own socio-political view on the preferable legislative solution, which exceeds its competence. This not only violated Article 36(1) of the Charter in conjunction with Articles 2(1) and 95(1) of the Constitution, but also unlawfully interfered with the complainant's protected property rights under Article 11 of the Charter.

In another judgment file No Pl. ÚS 31/21 of 28 May 2024, the Plenum reviewed a legal provision that prescribed the **extinction of liens** on property acquired by the state through the means specified in Section 13 of Act No 219/2000 Coll., on the property of the Czech Republic (i.e., by law, inheritance, a decision of the competent authority, an international treaty, etc.). The Plenum concluded that the challenged provision was inconsistent with the right to property protection [Article 11(1) and (4) of the Charter in conjunction with Article 1 of the Additional Protocol to the Convention] and the right of access to court [Article 36(1) of the Charter], as the extinction of liens occurred automatically in all cases, without compensation and without the secured creditor having any means to defend their rights in court.

In judgment file No III. ÚS 679/24 of 1 August 2024, the Constitutional Court addressed the failure of general courts to apply Section 113(2) of the **Consumer Credit Act** ex officio. The Constitutional Court stated that, given the purpose and objective of the Consumer Credit Act, the application of this provision must not depend on whether the secured asset is real estate as such or a share in a housing cooperative. Courts must consider this provision of their own motion; failure to do so constitutes a violation of the rights of the parties to the proceedings as guaranteed by Article 36(1) of the Charter, Article 6(1) of the Convention, Article 11 of the Charter, and Article 1 of the Additional Protocol to the Convention.

The Constitutional Court examined **employer liability for an employee's unlawful act** in judgment file No II. ÚS 288/23 of 19 June 2024. It concluded that the judicially established doctrine of employee excess based on Section



167 of the Civil Code cannot be applied in cases where the counterparty is a consumer if the employee commits an unlawful act while performing work duties. This doctrine exempts employers from liability for damage caused by their employees beyond the statutory framework and contradicts the constitutional principle of consumer protection. When assessing employer liability for an employee's unlawful conduct, it is necessary to consider with whom the consumer interacted and in whom they placed their trust. In the case at hand, the complainant chose Česká pošta (Czech Post). The specific employee who committed the criminal offence had been assigned to them by Česká pošta. If a general court applies the doctrine of excess in relation to the aggrieved consumer, it violates their constitutionally guaranteed rights to property protection under Article 11(1) and to judicial protection under Article 36(1) of the Charter.

The Constitutional Court also dealt with numerous **restitution cases**. In judgment file No II. ÚS 3406/22 of 2 December 2024 concerning the **property of the Strahov Premonstratensians**, the Constitutional Court held that general courts must not apply restitution laws too restrictively or formalistically but rather sensitively, always considering the specific circumstances of the case. The Constitutional Court reached the same conclusion in the case of the **Cistercian Abbey in Vyšší Brod** (judgment file No I. ÚS 806/23 of 15 October 2024), reiterating that when assessing specific circumstances, courts must not create new injustices but should interpret restitution laws as favourably as possible for entitled persons. It further stated that where multiple legal grounds for expropriation exist (Presidential Decrees Nos 12/1945 Coll. and 108/1945 Coll., and Act No 142/1947 Coll., on the revision of the first land reform), the review process must not be halted. Courts cannot summarily conclude that the property was confiscated solely under the decrees without duly examining whether they were misused. The failure to respect legal norms, inconsistency, and unpredictability in the actions of state authorities or individuals acting on behalf of the state during times of oppression must not be interpreted to the detriment of entitled persons.

In the **restitution case of the Walderode family** (judgment file No I. ÚS 854/23 of 19 September 2024), concerning the restitution claim of the complainant – the widow of Karel Des Fours Walderode – for the return of property confiscated after World War II, the First Panel addressed the issue of the unlawful rejection of a restitution claim based on the nullity of a decision on citizenship. It concluded that only particularly serious defects can render null and void the act by which the Ministry of the Interior decided, under Section 2(2) of Presidential Decree No 33/1945 Coll., on the regulation of Czechoslovak citizenship of persons

of German and Hungarian nationality, that the complainant's legal predecessor retained Czechoslovak citizenship. Such a serious defect does not exist where an act of the Ministry of the Interior is designated as a certificate and contains the necessary elements of such a certificate rather than constituting a formal decision. The Constitutional Court found that the Supreme Court's conclusion that the Ministry of the Interior's act regarding the retention of Czechoslovak citizenship for the complainant's legal predecessor was null and void constituted an extreme interpretative excess. The contested judicial decisions, which were based on this conclusion and led to the rejection of the restitution claim for confiscated property, thus violated the complainant's right to judicial protection under Article 36(1) of the Charter.

The issue of **preserving a restitution claim** in cases where restitution claimants request financial compensation and accept it in a certain amount was addressed by the Constitutional Court in judgment file No I. ÚS 2763/23 of 22 May 2024. In terms of the right to protection and satisfaction of restitution claims, the Constitutional Court held that there should be no distinction between eligible persons requesting in-kind restitution under Section 11a(1) of the Land Act and those seeking financial compensation under Section 16(1) of the Land Act. A request for financial compensation under Section 16(1) of this Act and its partial payment does not extinguish the restitution claim unless there is clear evidence that the eligible person expressly waived the remainder of their claim. If a court in such a case considers the restitution claim to be settled and extinguished, it violates the person's right to judicial protection under Article 36(1) of the Charter and the right to the protection of legitimate expectations that their restitution claims will be satisfied to the extent prescribed by law, as guaranteed by Article 1 of the Additional Protocol to the Convention.

In the case concerning the post-war **confiscation of the property of the House of Liechtenstein** (judgment file No Pl. ÚS 10/24 of 3 April 2024), the Constitutional Court did not uphold the complainants' objections. It ruled that the disputed properties were confiscated *ex lege* under Presidential Decree No 12/1945 Coll., upon its entry into effect on 23 June 1945. The Constitutional Court reiterated that current legal standards cannot be retroactively applied to past confiscations – these events fall outside the scope of the later-adopted Charter and Convention. In 2001, the Grand Chamber of the European Court of Human Rights and, in 2005, the International Court of Justice ruled similarly on the Czechoslovak confiscation of Liechtenstein property. The Constitutional Court emphasised that in similar cases, it has ruled against dozens of complainants and saw no reason to deviate from its long-standing case law.

The Constitutional Court addressed the protection of property rights in **criminal proceedings**, specifically the **proportionality of the duration of asset seizure** in criminal cases, in judgments file Nos I. ÚS 2350/24 of 9 October 2024 and III. ÚS 584/22 of 13 March 2024. In the former, the Constitutional Court held that when assessing the proportionality of the duration of asset seizure in criminal proceedings, key considerations include the reasons for the continued seizure (such as the complexity of the case or unjustified delays by bodies in charge of criminal proceedings), the impact of the criminal proceedings on the strength of the arguments justifying the seizure, and the intensity of the interference with the property owner's rights. It stated that the seizure of assets may, in some cases, be justified for a period exceeding the maximum permissible duration of pre-trial detention under Section 72a of the Code of Criminal Procedure. The Constitutional Court further noted that in the case of real estate, the mere prohibition on disposal or encumbrance constitutes an interference with the owner's property rights. However, in assessing the intensity of this interference, it is relevant that the seized property may still be used for ordinary purposes. The Constitutional Court therefore dismissed the complainant's motion challenging the seizure of their property for more than seven years, considering the specific circumstances of the case. Conversely, in judgment file No III. ÚS 584/22, the Constitutional Court ruled that the seizure of real estate for nearly 10 years during the pre-trial phase alone was disproportionate and constitutionally unacceptable in terms of restricting property rights protected under Article 11 of the Charter.

In several rulings (e.g., judgments file Nos III. ÚS 2358/24 of 19 November 2024; II. ÚS 572/24 of 2 October 2024; II. ÚS 3192/23 of 22 May 2024; IV. ÚS 277/24 of 7 May 2024; and IV. ÚS 1788/23 of 10 April 2024), the Constitutional Court had to correct the conclusions of general courts regarding the award of **compensation for the costs of proceedings** and the **calculation of lawyer's fees** under Decree No 177/1996 Coll., on lawyer's fees and compensation for the provision of legal services (the Lawyer Tariff). For instance, in judgment file No IV. ÚS 1788/23, the Constitutional Court reiterated that if the subject of the proceedings is a financially quantifiable matter, general courts must primarily apply Section 8(1) of the Lawyer Tariff and determine the tariff value based on the amount of monetary compensation or the value of the property or right to which the legal service pertains. Section 9 of the Lawyer Tariff may only be used if the value of the property or right cannot be expressed in monetary terms or can only be determined with disproportionate difficulty. A failure to adhere to this principle may lead to a violation

of the right to judicial protection under Article 36(1) of the Charter and an infringement of property rights under Article 11(1) of the Charter.

Another notable ruling in the area of litigation costs was judgment file No III. ÚS 133/24 of 24 April 2024, in which the Constitutional Court examined the issue of cost compensation in terms of **fault for the discontinuance of proceedings**. The Constitutional Court held that when it is not possible to clearly determine which party is at fault for the discontinuation of the proceedings, the special rule in Section 146(2) of the Code of Civil Procedure cannot be applied. If the circumstances of the case indicate that the reason for discontinuation cannot be attributed to either party, the general rule in Section 146(1)(b) of the Code of Civil Procedure must apply, under which neither party is entitled to compensation for legal costs based on the outcome of the proceedings.

## POLITICAL RIGHTS

Freedom of expression is a fundamental pillar of a democratic society, enabling not only the free exchange of information but also the formation of public discourse. Through its case law, the Constitutional Court significantly contributes to balancing this freedom with the protection of other rights and values, ensuring its consistent and constitutionally compliant application. The interpretation by the Constitutional Court is particularly important in cases concerning expressions governed by specific rules. In 2024, this included **statements of a political or satirical nature**.

Judgment file No I. ÚS 2946/23 of 26 June 2024 related to events following the **explosion at the Vrbětice ammunition warehouse in 2014**. The Constitutional Court reiterated that while public officials are required to verify the accuracy of the information they present to a greater extent, their statements must still be assessed in context. The activities of the complainant, a business entity that leased the warehouse, must be regarded as a subject of public interest given the circumstances of the explosion. Therefore, the complainant must tolerate a higher level of criticism. **Statements made by high-ranking public officials enjoy heightened protection** when they concern matters of public interest, are based on factual grounds, and do not constitute excessive expressions in the overall context. Any false statements made in connection with the case were not capable of causing the alleged harm, as the complainant's reputation had already been damaged by the events at the ammunition depots.



The importance of context was also emphasised in judgment file No I. ÚS 2956/23 of 10 January 2024, in which the Constitutional Court reiterated that **humour, exaggeration, irony, and sarcasm** are protected under freedom of expression in Article 17 of the Charter, as they contribute to the free exchange of opinions in a democratic society. The Constitutional Court assesses whether the person being parodied is publicly known, whether the satirical expression has a factual basis, whether it adheres to generally accepted standards of decency, and whether it contributes to public debate on societal issues. Thus, it is permissible to use irony or exaggeration to highlight the environmental impact of the complainant's activities as an energy company.

The last of the selected judgments also concerned the imperative of an individualised assessment of expression. In judgment file No I. ÚS 1933/24 of 27 November 2024, the Constitutional Court reviewed the case of a complainant, the editor-in-chief of a periodical, who had been convicted of the criminal offence of promoting drug addiction for publishing articles allegedly inciting the use of cannabis and THC. The Constitutional Court found that the **dissemination of information related to cannabis use**, including criticism of current legal regulations, constitutes a contribution to public debate on matters of public interest. Any restriction of such expression must pass the test of proportionality. Assessing the complainant's statements as a whole, without individually evaluating the nature of each specific expression, has a chilling effect on public debate and is therefore constitutionally unacceptable.

Over the past year, the Constitutional Court has contributed to the effective enforcement of the **public's right to access information** on matters of public concern. Decision file No III. ÚS 61/24 of 25 September 2024 followed up on judgment file No IV. ÚS 1378/16 of 17 October 2017 (the "salary judgment"). The Constitutional Court reaffirmed that before disclosing information on employees' salaries and remuneration in response to an information request, a proportionality test must be conducted, including an assessment of whether the information requestor is **fulfilling the role of public oversight or acting as a societal watchdog**.

The role of watchdogs was also highlighted in judgment file No I. ÚS 3254/22 of 26 June 2024, which concerned the proportionality of a **fee charged for access to a digital model of the Czech Republic's terrain**. The Constitutional Court found that the fee of nearly three million CZK was excessive. In the complainant's case – a data journalist – it constituted a significant economic barrier. The courts should

have considered objective factors, namely the nature of the requested environmental information and the deterrent effect. They also failed to sufficiently account for subjective factors related to the complainant's request, specifically that he was a journalist analysing the possible impacts of climate change and was not seeking the data for private or commercial purposes. Journalists play a crucial role as "watchdogs of democracy" in monitoring public authorities and can play a significant part in **informing the public about environmental issues**. The Constitutional Court concluded that while legislation establishing cost recovery pursues a legitimate aim, the right to environmental information may only be conditioned on a fee if the amount is reasonable.

## ECONOMIC AND SOCIAL RIGHTS

A significant portion of the Constitutional Court's case law concerns the protection of rights guaranteed under Chapter Four of the Charter, specifically economic, social, and cultural rights. While the Constitutional Court addresses some of these rights only sporadically, others traditionally form a substantial part of its case law.

One of the areas the Constitutional Court regularly examines is the rights enshrined in Article 26 of the Charter, which include the right to choose freely an occupation and the training for such occupation, the **right to engage in business** and other economic activity, and the right to acquire the means of one's livelihood by work.

In judgment file No I. ÚS 2746/23 of 28 August 2024, the First Panel of the Constitutional Court addressed home births, including from the perspective of a **midwife's right to engage in business**. In its reasoning for the dismissal of the constitutional complaint, the Constitutional Court emphasised that, under current legislation, home births fall outside the scope of health care as defined by Act No 372/2011 Coll., on health services. They are also not considered healthcare services under this act, and consequently, midwives cannot perform home births within the scope of providing health care. The fact that the state does not guarantee home births as health care does not constitute an impermissible interference with midwives' right to conduct business, as the legal framework does not prohibit home births. Women remain free to choose a home birth, assuming the associated medical and legal risks, and to use the services of a midwife or another suitable person. However, this does not constitute the provision of health care under current legislation.

The right to conduct business was also at issue in a decision file No II. ÚS 2039/24 of 2 October 2024. Although the Constitutional Court dismissed the constitutional complaint as manifestly unfounded, it provided important clarifications regarding the interpretation of Act No 300/2020 Coll., adopted to mitigate some economic consequences of the COVID-19 pandemic. The relief measures for employers set out in Section 2(1) of the Act require that all statutory conditions be met cumulatively for an employer to qualify for waiver of social security contributions and contributions to the state employment policy. This relief is neither unlimited nor unconditional. A key prerequisite, although not explicitly stated in the law, is that the employer must have had “at least one employee” in March 2020. This requirement implicitly follows from the law, as its purpose is to support pre-pandemic employers and ensure stability and continuity of employment. The mentioned requirement establishes a threshold for determining who qualifies for the waiver and who does not.

The right to acquire the means of one’s livelihood by work is substantively followed by the **right to fair remuneration for work** and to satisfactory working conditions, guaranteed by Article 28 of the Charter. A violation of this right was found by the Plenum of the Constitutional Court in judgment file No Pl. ÚS 16/24 of 20 November 2024, in which it annulled part of Act No 236/1995 Coll., on salaries and benefits of public officials, regarding the exclusion of maternity and parental leave. According to the Constitutional Court, the contested provision disproportionately affected women, specifically those who, after being appointed as judges after reaching the age 30, took maternity and parental leave within three years of serving on the bench. Although such leave counts towards overall professional experience, it was not counted toward the three-year period of actual judicial service required – alongside at least eight years of total professional experience, including maternity and parental leave – to move from salary coefficient 2 to coefficient 3. By requiring three years of actual judicial service without allowing this requirement to be met through substitute periods (maternity and parental leave), the law created a distinction based on a “suspect criterion” – gender and possibly age. The Constitutional Court stated that such a measure could be constitutionally compliant only if it pursued a legitimate aim and passed the proportionality test. However, the provision did not meet these criteria, as it failed to serve a legitimate aim (or did so only selectively for certain individuals based on an arbitrary criterion), thereby violating the prohibition of discrimination under Article 3(1) of the Charter in conjunction with Article 28 of the Charter.

Another key area of social rights concerns Article 30 of the Charter, which guarantees citizens the **right to adequate**

**material security** and everyone the **right to assistance in material need**. In judgment file No Pl. ÚS 30/23 of 17 January 2024, the Plenum rejected a petition by a group of deputies challenging legal provisions governing the extraordinary increase of pensions. The disputed provisions introduced a one-time modification to the pension calculation mechanism, resulting in lower pension increases during the relevant period. The Constitutional Court dismissed the petitioners’ objections regarding the legislative process, ruling that the declaration of a legislative state of emergency, under which the legislation was adopted, was not unconstitutional. It acknowledged that the contested regulation had a retroactive effect but classified it as “quasi” retroactivity, which – unlike true retroactivity – is only exceptionally impermissible and only if it significantly affects the legitimate expectations of citizens. The Constitutional Court held that this was not such a case, as there is no fundamental right to the permanent increase of pensions in response to rising prices. The essence of the right under Article 30 of the Charter is to ensure a dignified life in old age, which means a fair and adequate pension, but not an automatic entitlement to increases. The above is a result of policy and subject to regulation by the legislature. The Constitutional Court concluded that in this case, there was no interference with the essential core of a constitutionally guaranteed right.

The Constitutional Court addressed the issue of **deductions from social benefits of jointly assessed persons** imposed in administrative offence proceedings in judgment file No Pl. ÚS 39/21 of 31 July 2024. The Constitutional Court partially granted a petition by a group of deputies and annulled Section 51a (and related provisions) of the Act on Assistance in Material Need. The contested legal provisions allowed for deductions from the subsistence allowance and the housing supplement to cover fines imposed for certain infractions. The Constitutional Court ruled that this was inconsistent with Article 30(2) of the Charter, as it violated the right of both the person who had committed the infraction (“offender”) and their jointly assessed household members to assistance in material need. Regarding the offender, the Constitutional Court found that the provision failed the necessity test (the second step of the proportionality test), as it allowed for reductions or complete withdrawal of social benefits regardless of the need to maintain a minimum income. This contrasted with Section 51(6) of the Act on Assistance in Material Need, which allows for more measured deductions from social benefits. Additionally, the provision violated the principle of individual responsibility for wrongdoing, as it allowed deductions from the benefits of jointly assessed individuals who had no control over the unlawful conduct of another household member.

The **right to the protection of health** and the **right to a favourable environment** under Article 31 and Article 35(1) of the Charter were addressed in judgment file No Pl. ÚS 35/23 of 3 April 2024. The Plenum reviewed a petition by senators seeking the annulment of several provisions of Government Regulation No 433/2022 Coll., which introduced an increase in public health noise limits from road and rail transport in protected outdoor areas of buildings. The Constitutional Court recalled that for rights defined in Article 41(1) of the Charter, which can only be claimed within the limits of implementing laws, the power to regulate them lies not only with the legislature but also with the executive in setting specific technical parameters in statutory instruments. Once established, such parameters do not constitute an absolute threshold preventing any future changes – even those that lower the standard of protection. Although the Public Health Protection Act defines the subject of regulation as reducing noise, protecting public health, and improving the population's health status, these are general objectives of the Act. From them, it cannot be inferred that implementing regulations must only allow for changes that tighten the already defined limits or conditions. According to the Constitutional Court, once set, noise limits may, in justified cases, be adjusted in either direction. Such an approach does not automatically imply that the government has exceeded its constitutional authority under Article 78 of the Constitution, nor does it necessarily violate the social rights in question, which may be restricted under certain conditions.

A significant portion of the Constitutional Court's case law related to social rights consists of decisions concerning Article 32 of the Charter, which guarantees the protection of parenthood, family, children, and minors, as discussed earlier in a separate subsection.

## PROTECTION OF PARENTHOOD, FAMILY AND CHILDREN

The protection of parenthood and family, enshrined in Article 32 of the Charter, underscores the importance of family life as one of the pillars of society. The Constitutional Court regularly reiterates that parenthood and family relationships must be protected not only against state interference but also against interference by third parties. It is essential to balance the rights of parents and children while considering the best interests of the child, which include stability, emotional bonds, and respect for the specific circumstances of each family. The Constitutional Court also highlights the state's duty to ensure the equal status of parents and to protect family relationships without discrimination based on gender, age, or other characteristics.

Any interference with family life must be proportionate, justified, and based on a legitimate aim.

The Constitutional Court addressed the issue of **domestic child abduction** in judgment file No I. ÚS 3399/23 of 28 February 2024, concerning a case where a mother changed the child's permanent residence by nearly 500 km without the father's consent. The father applied to the court for a modification of contact arrangements and for an interim measure. The courts rejected his request, ruling that the child's normal functioning was not at risk. The Constitutional Court emphasised that a child has the right to regular contact with both parents and that both parents share equal responsibility for the child's upbringing and development. If a parent relocates with a child over a significant distance, the courts must take this change into account and adjust the conditions for the other parent's contact accordingly. In this case, the appellate court should have modified the father's contact with the child after the mother's unlawful relocation so as not to impose the negative consequences of her actions on the father. The Constitutional Court upheld the complainant's claim and annulled the appellate court's decision, as it had failed to provide adequate protection for the father's parental rights and the child's right to family life. The courts should have adjusted the father's contact with the child and prevented the potential negative consequences of separation for the child in the future.

The following judgments concern **children's participatory rights**, i.e., the right to express their views in decisions directly affecting them. In judgment file No IV. ÚS 2206/23 of 8 January 2024, the Constitutional Court criticised the general court for failing to consider the children's views on changes to their residence and schooling. The court had not conducted a hearing with the minors, aged 10 and 12, thereby violating their participatory rights and failing to adequately ensure their best interests. In judgment file No IV. ÚS 1677/23 of 19 March 2024, the Constitutional Court stressed that if the general court goes beyond the proposals of the parties and modifies childcare arrangements, it must allow the parties to the proceedings, including the children, to comment on the new arrangement. In this case, the court did not allow the mother to respond to the father's amended proposal for joint custody and did not take into account the views of the minors. In judgment file No II. ÚS 1311/24 of 7 August 2024, the Constitutional Court reiterated that a child's opinion must be a fundamental guiding factor in determining their best interests. All these judgments highlight the need to ensure that children are given the opportunity to express their views – not only in relation to their age and level of maturity but also through procedural safeguards that enable them to genuinely



participate in the decision-making process. It is crucial to uphold children's right to express their views not merely as a theoretical principle but as a practical reality in decisions concerning their care, residence, and education. The Constitutional Court consistently criticises cases where courts ignore this right or fail to provide children with sufficient opportunity to participate in decision-making.

The following Constitutional Court judgments concern **child maintenance**. While each ruling addresses different aspects, they share a common theme of the courts' protective role in determining maintenance amounts and their emphasis on upholding the rights of both the child and the obligated parent. Judgment file No II. ÚS 1487/23 of 21 February 2024 dealt with the assessment of parental maintenance obligations towards an adult child who, despite academic failures, continued their education with another attempt. The Constitutional Court disagreed with the general courts' approach, which had decided solely based on the child's academic performance without considering the child's health issues that contributed to their academic struggles. Courts must consider all circumstances affecting a child's ability to complete their education, including their health condition, when ruling on maintenance obligations. Judgment file No IV. ÚS 2173/23 of 24 January 2024 focused on retroactive determination of maintenance. Courts must assess the circumstances that prevailed at the time the maintenance obligation arose, rather than the parent's current financial situation. The court should take into account the realistic financial situation of the parent, as well as their standard of living and minimum living expenses. This approach protects not only the child but also the obligated parent's right to a dignified life. The issue of retroactive determination of child maintenance was also addressed in judgments file Nos I. ÚS 871/24 and I. ÚS 1760/24 of 25 September 2024, but from the perspective of child protection. Maintenance and its increases, as a right of the child, are generally granted retroactively from the date of a demonstrated relevant change in circumstances, but for no more than three years from the date of the initiation of proceedings. Conditioning retroactive increases in maintenance on exceptional circumstances – such as a prior request for an increase directed at the non-custodial parent or the immediate filing of a claim upon a change in circumstances – conflicts with the principle of protecting the child's best interests.

In judgment file No IV. ÚS 1162/23 of 10 December 2024, the Constitutional Court rejected a constitutional complaint by the mother of a minor girl who sought **court approval to file a personality rights action on behalf of her daughter**. The action concerned the hospital's failure to allow the mother and child continuous contact during anaesthesia

induction and recovery. The general courts ruled that court approval was not necessary, as the action's outcome would not provide any specific benefit to the child and could incur financial costs, such as legal representation fees. The Constitutional Court agreed that court approval is primarily required in cases where the proceedings could affect the child's property interests. While a child has the right to personality protection, the objectives of the action could also be pursued through an action filed by the mother without exposing the minor to financial risks.

The Constitutional Court also addressed the socially significant issue of **home births** in judgments file Nos I. ÚS 2746/23 of 28 August 2024 and I. ÚS 605/24 of 19 November 2024, as discussed above.

## RIGHT TO JUDICIAL AND OTHER LEGAL PROTECTION

### RIGHT TO A FAIR TRIAL

The right to a fair trial is one of the fundamental rights in a democratic state governed by the rule of law. Its importance is reflected in the case law of the Constitutional Court, as it is the most frequently assessed constitutionally guaranteed right. Since it is a cross-cutting issue, other related judgments can also be found in different sections of the yearbook – for example, judgment file No Pl. ÚS 23/24 concerning the valorisation of contributions in the settlement of community property, where the Constitutional Court examined the limits of teleological reduction in the interpretation of Section 742(2) of the Civil Code.

In the dismissing judgment File No Pl. ÚS 8/23, the Constitutional Court reviewed the **constitutionality of differentiated compensation mechanisms for unlawful decisions in tax and non-tax proceedings**. The Constitutional Court focused on the constitutionality of the different treatment under Section 254(1), second sentence, of the Tax Code, in cases where unlawful decisions were issued under this regulation in assessment proceedings, granting compensation for damage in the form of interest on unauthorised actions by the tax administrator without further conditions. If the administrative authority acted under a different regulation, the claim had to be made pursuant to Section 14 of Act No 82/1998 Coll., on State Liability for Damage. The Constitutional Court found that, in comparing subjects to whom an obligation is imposed in tax proceedings under Section 254 of the Tax Code and subjects required to fulfil an obligation imposed in non-tax

proceedings, the matter does not concern an assessment of two groups of subjects, but rather two different situations. The difference does not lie in the subjects themselves, but arises from procedural circumstances. The Constitutional Court therefore ruled that this differentiation did not violate the prohibition of discrimination under Article 3(1) of the Charter. It is the legislature's prerogative to determine how compensation for unlawful administrative decisions is structured. The fundamental right under Article 36(3) of the Charter was not affected by the tax regulation, as the form in which the state provides compensation is not significant.

In judgment file No I. ÚS 1238/23, the Constitutional Court addressed the **prohibition of reformatio in peius in civil proceedings** in light of the right to properly conducted judicial proceedings. If a court, in ruling on the appeal of the sole party to the proceedings, modifies the decision of the court of first instance on costs in a way that disadvantages that participant, it violates the principle of prohibiting reformatio in peius. The Constitutional Court generally exercises restraint regarding cost-related matters. However, in this case, there was a significant procedural defect that undermined the essence of access to appellate proceedings and the equality of parties. The consequence of the decision was a substantial reduction in the amount of costs originally awarded, which constituted a serious interference with the complainant's property. The Constitutional Court also addressed the right to a fair trial under Article 36(1) of the Charter in other cases concerning cost determinations, where it corrected legal opinions of general courts. Judgments on lawyer fee calculations can be found in the **Protection of Property Rights** subsection.

In judgment file No III. ÚS 1951/21, the Constitutional Court examined whether **municipalities, acting as public guardians**, perform this function as part of delegated powers or as a private-law activity. The Constitutional Court reviewed the conclusion of the Chamber for the Matters of Competence Complaints of the Supreme Administrative Court ("Competence Chamber"), which had determined that municipalities do not exercise public guardianship within delegated powers. However, the Constitutional Court ruled that municipalities' performance of public guardianship constitutes the exercise of delegated state administration within the meaning of Article 105 of the Constitution. The general method of legal regulation for public guardians is a matter for the legislator. However, the legislator has yet to adopt a general regulation on public guardianship, as foreseen by the Civil Code. As a result, the Competence Chamber violated the complainant's right to judicial protection under Article 36(1) of the Charter

and the right to a lawful judge under Article 38(1) of the Charter. The Constitutional Court also defined a broader **framework for reviewing decisions of the Competence Chamber of the Supreme Administrative Court**. The review of interpretative considerations of the Competence Chamber regarding lower than constitutional law must be accompanied by a particularly high degree of judicial restraint, as errors in the interpretation of lower than constitutional law rarely reach the level of constitutional intensity. However, the situation is different when the Competence Chamber's reasoning concerns the interpretation of constitutional law.

The Constitutional Court examined the constitutionality of the **duration of interim measures** in judgment file No III. ÚS 1538/23. By its nature, an interim measure is a means of provisionally regulating relations between parties to the proceedings and should last only for as long as strictly necessary. The law does not specify a maximum duration. Decisions on interim measures are part of civil proceedings, and they must comply with the requirements derived from the right to a fair trial. However, no provision of the constitutional order establishes a specific regulation for interim measures or their duration. The Constitutional Court has never annulled an interim measure solely on the basis of its duration, provided that the reasons for its issuance remain valid. While it is undesirable for interim measures to last several years, and as their duration increases, the Constitutional Court becomes more critical of whether the conditions for their continuation remain justified, the length of an interim measure alone does not constitute a violation of the right to judicial protection under Article 36 of the Charter.

The right to a fair trial was at the centre of judgment file No Pl. ÚS 30/24, in which the Constitutional Court ruled on the **dismissal of an electoral complaint for an alleged failure to comply with formal filing requirements**. Although the petition was submitted from the data box of a lawyer who had been granted power of attorney by the complainant, it contained only a simple electronic signature of a junior associate rather than that of the lawyer. The Constitutional Court ruled that the fiction of a signature under Section 18(2) of Act No 300/2008 Coll., on Electronic Acts and Authorised Conversion of Documents, also applies to submissions sent from a data box that include a simple electronic signature of another representative, assistant, or substitute, provided it is evident from the circumstances that the owner of the data box was authorised to sign the submission themselves. If a court disregards a properly submitted application solely due to the required "quality" of the signature, it violates the right to judicial protection under Article 36(1) of the Charter.

## SPECIFICS OF CRIMINAL PROCEEDINGS

The rights of defendants, victims, and other participants in criminal proceedings are an integral part of the right to a fair trial. The Constitutional Court has long addressed these rights in its case law.

In judgments file Nos III. ÚS 2615/23 and III. ÚS 2613/23, the Constitutional Court examined measures to **protect the rights of particularly vulnerable victims in criminal proceedings**. The Constitutional Court found that when rejecting a request for protection measures against secondary victimisation under Sections 17 and 20(4) of Act No 45/2013 Coll., on Victims of Crime, bodies in charge of criminal proceedings issue a formal decision, against which an appeal is admissible with suspensive effect. When making their decision, they must determine whether the applicant qualifies as a particularly vulnerable victim. If so, they must approve the request without further consideration, unless serious reasons prevent it or the nature of the procedural act excludes such protection. If the person is not classified as a particularly vulnerable victim, authorities must assess whether he or she is qualified as a victim and, if so, whether it is necessary to prevent direct visual contact between such person and the alleged perpetrator. The general courts failed to follow this procedure, violating the complainants' right to human dignity and personal honour, their right to protection against unlawful interference with private life under Article 10(1) and (2) of the Charter, and their right to judicial protection under Article 36(1) of the Charter.

A significant ruling in this area was judgment file No II. ÚS 527/23, in which the Constitutional Court examined a constitutional complaint filed by five victims of non-consensual sexual acts. The dispute between the complainants and the bodies in charge of criminal proceedings centred on whether the suspect's actions met the legal definition (i.e. qualified facts) of rape under the Criminal Code. The Constitutional Court specifically addressed the situation where bodies in charge of criminal proceedings concluded that the suspect's **removal of a condom without consent** did not meet the elements of a criminal offence. The Constitutional Court rejected this categorical and unsubstantiated conclusion, stating that the failure to classify the act as an offence violated the victim's right to an effective investigation under Article 3 of the Convention and Article 36(1) of the Charter. The right to an effective investigation includes an obligation for investigators to allow victims, through non-leading questions or clarifications, to fully describe the incident so that the facts relevant to the criminal case can be properly established. Only then can the victim's statement be legally assessed, and an appropriate

procedural course of action determined. The constitutional order imposes an **obligation on the state to prosecute and effectively combat all forms of non-consensual sexual conduct** that significantly infringe upon the physical or mental integrity of the victim, even if the victim did not physically resist. This obligation must also guide the interpretation of Section 185 of the Criminal Code on rape.

The Constitutional Court also addressed cases **where courts failed to rule on an adhesion claim or denied compensation**. In judgments file Nos IV. ÚS 405/24 and II. ÚS 2099/23, the general courts referred victims claiming compensation to civil proceedings. The Constitutional Court stated that if the Code of Criminal Procedure requires the courts to make decisions in accordance with Section 228(1) of the Code of Criminal Procedure, the criminal courts must conduct such a range of evidence as will enable them to exercise this power. Proper adjudication of adhesion claims is an essential part of fulfilling the purpose of criminal proceedings, which includes the protection of victims' rights. The option to refer victims to civil proceedings should not be overused, as it would render the right to seek compensation in criminal proceedings meaningless. Therefore, referring victims to civil proceedings, even when no additional evidence (that would significantly prolong the criminal proceedings) is required to determine the amount of damages, constitutes a violation of the right to judicial protection under Article 36(1) of the Charter. In another case, judgment file No IV. ÚS 2637/23, the Constitutional Court ruled that if a court refuses to grant an adhesion claim despite the relevant legal conditions being met, it violates the victim's constitutionally guaranteed right to judicial protection under Article 36(1) of the Charter.

The Constitutional Court has repeatedly addressed the determination of **remuneration for the victims' legal representative and court-appointed defence counsel in criminal proceedings**. In judgments file Nos III. ÚS 2835/23 and IV. ÚS 158/24, the Constitutional Court corrected the general courts' approach to moderating the costs of victims' representatives, stating that cost moderation should be based only on the specific circumstances of the case. Courts cannot categorically exclude the application of the Lawyer Tariff when deciding on the costs incurred by victims in hiring a legal representative in a criminal case. Such decisions must always be properly justified. The Constitutional Court also ruled on the **remuneration of state-appointed defence counsel** in judgment file No III. ÚS 49/24. When the defendant does not determine the lawyer's remuneration by agreement, but rather the state sets the amount, the payment of the lawyer's fees fulfils the constitutionally guaranteed right to legal assistance and defence under Article 37(2) of the Charter.



## COMPENSATION FOR UNLAWFUL DECISION AND INCORRECT OFFICIAL PROCEDURE

In 2024, the Constitutional Court continued its constitutional review of the application of Act No 82/1998 Coll., on State Liability for Damage, and the right to compensation for damage caused by unlawful decisions of courts, other state authorities, or administrative bodies, as well as incorrect official procedures, which is constitutionally guaranteed under Article 36(3) of the Charter.

In judgment of the Plenum file No Pl. ÚS 36/23 of 28 February 2024, the Constitutional Court examined **competence over claims for compensation for harm** caused by unlawful decisions in matters concerning the service of **police officers**. The complainant challenged the decision of the Competence Chamber of the Supreme Administrative Court, which had determined that in the complainant's case (a claim for non-pecuniary harm compensation due to an unlawful decision), the Director of the Regional Police Directorate should decide the matter. The complainant argued that civil courts should be competent, as administrative authorities posed a risk of systemic bias. The Constitutional Court disagreed with the complainant's argument, ruling that the risk of systemic bias in relation to the decision-making of the Director of the Regional Police Directorate under the Act on the Service of Security Forces does not automatically render such proceedings unconstitutional.

The Constitutional Court addressed **criteria for compensation** in cases of non-pecuniary harm due to delays in proceedings in judgment file No IV. ÚS 2699/23 of 28 February 2024. While the Constitutional Court has consistently recognised that there is no precise method for determining the amount of compensation for non-pecuniary harm, it ruled that general courts' decisions may exceed constitutional boundaries if they are extreme and contradict the purpose of the law. In this case, the Constitutional Court found a violation of the complainant's fundamental rights because the general court failed to adequately consider the complainant's individual circumstances. According to the European Court of Human Rights, a rebuttable presumption applies, meaning that excessive delays in proceedings automatically cause moral harm, and no further evidence is generally required. However, as in a factually similar case (judgment file No IV. ÚS 3377/23 of 28 May 2024), the Constitutional Court, in line with the principle of restraint and minimal interference with the decision-making of general courts, did not annul the contested decision but merely acknowledged a violation of Article 36(3) of the Charter.

The Constitutional Court also reiterated the **necessity of proper justification** for determining the appropriate form of redress for excessively long compensation proceedings in judgment file No III. ÚS 1565/23 of 10 April 2024. If the court merely finds a violation of rights, it must support its conclusion with specific and relevant circumstances, which the general courts in this case failed to do.

Judgment file No II. ÚS 379/23 of 24 April 2024 concerned the **amount of compensation** for non-pecuniary harm suffered by a high-ranking state official due to an unlawful decision initiating criminal prosecution that lasted over six years and had severe negative consequences for her. The Constitutional Court recalled its previous rulings, stating that a person subjected to criminal prosecution for a criminal offence he or she did not commit must receive adequate compensation, and that this compensation must not be merely symbolic but must comply with the requirements of the Charter. When general courts compare compensation awards from other cases, they may only use truly comparable cases. The Constitutional Court reached similar conclusions in judgment file No II. ÚS 2241/24 of 20 November 2024, concerning compensation for an active politician who faced unjustified criminal prosecution for an act directly related to her political activities. In both cases, the Constitutional Court stressed that it is not its role to determine or suggest the exact amount of financial compensation.

## RIGHT TO SELF-GOVERNMENT

The Constitutional Court also ruled on petitions by the Ministry of the Interior to annul municipal ordinances, fully granting two petitions, partially granting one, and rejecting one entirely. In each case, it applied the **four-step test** for reviewing the legality of municipal ordinances. The petitions concerned **local fees** (the municipality of Jenštejn introduced a local fee for the appreciation of building land, judgment file No Pl. ÚS 42/23 of 14 February 2024; the municipalities of Čiměř and Vlkavčice introduced a local fee for the municipal waste management system, judgments file Nos Pl. ÚS 26/22 of 21 February 2024 and Pl. ÚS 34/23 of 28 February 2024), as well as a **night-time peace and quiet ordinance** (municipality of Píšť, judgment file No Pl. ÚS 44/23 of 15 May 2024). The reason for repealing these generally binding municipal ordinances or provisions thereof was a conflict with mandatory provisions of the relevant laws. Only the petition to annul the ordinance of Píšť was fully rejected, as it passed all four steps of the review test. The municipality of Píšť had lawfully established exceptions to the usual night-time quiet period for certain extraordinary public events.

The Constitutional Court also reviewed a petition by the Director of the South Moravian Regional Authority to annul the municipal regulation of Velké Hostěrádky concerning the **market order** (judgment file No Pl. ÚS 49/23 of 21 February 2024). In such cases, the Constitutional Court does not assess violations of the right to local self-government but rather examines the constitutionality and legality

of municipal regulations adopted as delegated legislation. For this, it applies a **three-step test**, based on which the Constitutional Court partially granted the petition, partially rejected it, and dismissed the remaining parts as manifestly unfounded. Certain provisions were annulled because they exceeded the scope of statutory authorisation and failed the second step of the review test.







05

# STATISTICS OF DECISION- MAKING IN 2024

# STATISTICS OF DECISION-MAKING OF THE CONSTITUTIONAL COURT IN 2024

## DECISIONS IN 2024 IN TOTAL

3,712		
Judgments	Resolutions	Opinions of the Plenum
234	3,478	0

## JUDGMENTS IN 2024<sup>i)</sup>

234		
Granted (at least partially)	Rejected (at least partially)	Granted and rejected
196	48	10

## RESOLUTIONS IN 2024 (INCLUDING PROCEDURAL ONES)<sup>ii)</sup>

3,478						
Manifestly unfounded	Petitions flaws	After deadline	Petitioner's ineligibility	Lack of jurisdiction	Inadmissibility	Discontinued
2,673	303	70	93	170	420	33
77 %	9 %	2 %	3 %	5 %	12 %	1 %

## DECISIONS OF THE PLENUM IN 2024<sup>iii)</sup>

58	
Judgments	Resolutions
24	34

## DECISIONS OF THE PLENUM IN 2024

3,654	
Judgments	Resolutions
210	3,444



## PROCEEDINGS ON THE ANNULMENT OF LAWS AND OTHER LEGAL REGULATIONS – NUMBER OF DECISIONS

32 (19 of which were judgments)			
Granted (at least partially)		Not granted (rejected)	
11		11	
Petitions to repeal a law	Petitions to repeal another legal regulation	Petitions to repeal a generally binding regulation	Petitions to repeal a municipal/regional regulation
13 judgments (15 resolutions)	1 judgments (0 resolution)	4 judgments (1 resolution)	1 judgments (0 resolution)
Granted at least partially	Granted at least partially	Granted at least partially	Granted at least partially
7	0	3	1

## PROCEEDINGS ON CONSTITUTIONAL COMPLAINTS<sup>iv)</sup> – NUMBER OF DECISIONS

3677											
Granted (at least partially)						Not granted (rejected at least partially)					
185						37					
The constitutional complaint was directed against: <sup>v)</sup>											
Court decision	Administrative decision	Another decision	Another intervention	Act	Another legal regulation	Generally binding regulation	Municipal/ regional regulation	Decision of the Constitutional Court	Measure of a general nature	Internal regulation	Others
3435	119	158	82	121	9	2	0	2	0	1	12

## PROCEEDINGS ON MEASURES NECESSARY TO IMPLEMENT A DECISION OF AN INTERNATIONAL COURT – MOTION FOR RETRIAL – NUMBER OF DECISIONS

0	
Granted	Not granted
0	0

There were no proceedings for the Opinion of the Plenum. In 2024, the Constitutional Court ruled in other types of proceedings on one petition of a political party under Article 87(1)(j) of the Constitution, whether the dissolution of a political party or other decision concerning the activities of a political party is in conformity with the constitutional or other laws.

### Notes:

- <sup>i)</sup> Some judgments contain multiple rulings; hence, the sum of judgments in which the petition was at least partially granted and the judgments by which the petition was rejected does not correspond to the total number of judgments. There were 10 “neutral” judgments (granted and simultaneously rejected), which is reflected in the table.
- <sup>ii)</sup> A significant number of resolutions contain multiple rulings. The table shows the number of individual rulings, the absolute sum of which does not equal the sum of adopted resolutions (similarly, this applies to the percentage expression, where the sum does not make 100%, and the number of individual types of rulings is related to the total number of resolutions, including procedural ones)
- <sup>iii)</sup> Besides Opinions of the Plenum (none were adopted in 2024).
- <sup>iv)</sup> Also includes proceedings on communal complaints according to Article 87(1)(c) and proceedings on the petition of a political party or movement according to Article 87(1)(j) of the Constitution.
- <sup>v)</sup> Some submissions are directed against more than one type of act; therefore, the sum of the number of decisions in constitutional complaint proceedings does not match the number of petition according to this part of the table.

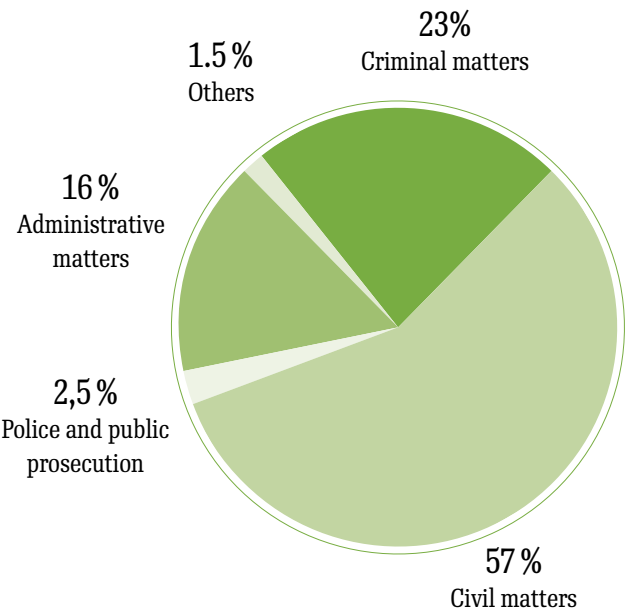
AVERAGE LENGTH OF PROCEEDINGS IN CASES COMPLETED IN 2007-2024

		Days	Months and days	
Average length of proceedings:	In all matters	139	4 months	19 days
	In matters for the Plenum	304	10 months	4 days
	In matters for a panel	137	4 months	17 days
	In matters decided upon by a judgment	351	11 months	21 days
	In matters decided upon by a dismissal for being manifestly unfounded	143	4 months	23 days
	Other methods of termination of the proceedings	79	2 months	19 days

AVERAGE LENGTH OF PROCEEDINGS IN CASES COMPLETED IN 2024

		Days	Months and days	
Average length of proceedings:	In all matters	105	3 months	15 days
	In matters for the Plenum	257	8 months	17 days
	In matters for a panel	103	3 months	13 days
	In matters decided upon by a judgment	266	8 months	26 days
	In matters decided upon by a dismissal for being manifestly unfounded	104	3 months	14 days
	Other methods of termination of the proceedings	52	1 month	22 days

SUBSTANTIVE STRUCTURE OF PETITIONS TO INITIATE PROCEEDINGS IN 2024



NUMBERS OF PUBLIC ORAL HEARINGS

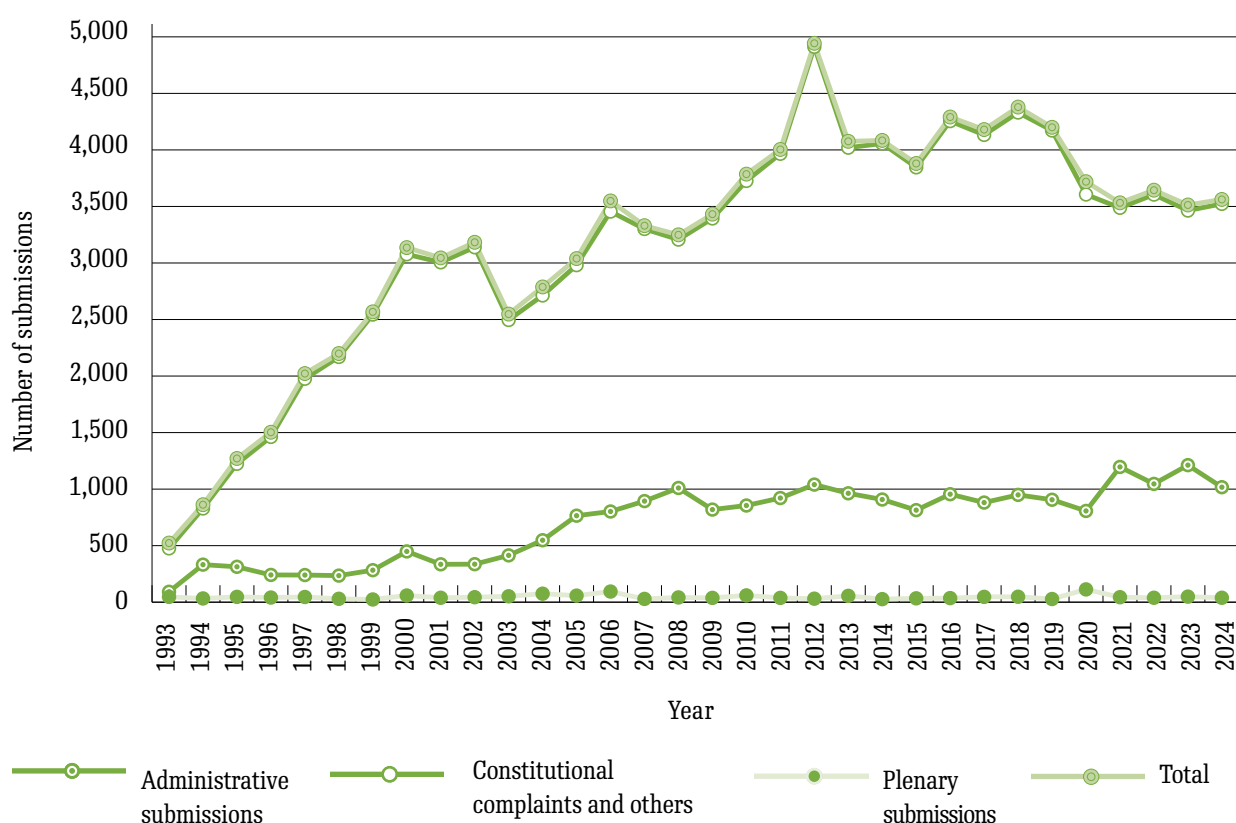
Year	Matters for the Plenum	Matters for a senate
2010	7	18
2011	8	20
2012	2	17
2013*	1	1
2014	0	0
2015	0	0
2016	0	1
2017	1	0
2018	0	0
2019	1	0
2020	0	0
2021	0	0
2022	0	0
2023	0	0
2024	2	0

\*) since 2013 reduced numbers of oral hearings due to an amendment to the law

## STATISTICS IN TERMS OF PETITIONS TO INITIATE PROCEEDINGS AND OTHER SUBMISSIONS

NUMBER OF SUBMISSIONS					NUMBER OF SUBMISSIONS				
YEAR	Total	Pl. CC	Constitutional complaints and other	SPR (admin.)	YEAR	Total	Pl. CC	Constitutional complaints and other	SPR (admin.)
1993	523	47	476	92	2009	3,432	38	3,394	819
1994	862	33	829	332	2010	3,786	60	3,726	855
1995	1,271	47	1,224	313	2011	4,004	38	3,966	921
1996	1,503	41	1,462	241	2012	4,943	31	4,912	1,040
1997	2,023	47	1,976	240	2013	4,076	56	4,020	963
1998	2,198	29	2,169	235	2014	4,084	27	4,057	908
1999	2,568	24	2,544	283	2015	3,880	34	3,846	814
2000	3,137	60	3,077	449	2016	4,291	36	4,255	955
2001	3,044	38	3,006	335	2017	4,180	47	4,133	881
2002	3,183	44	3,139	336	2018	4,379	48	4,331	949
2003	2,548	52	2,496	414	2019	4,200	28	4,172	906
2004	2,788	75	2,713	548	2020	3,719	113	3,606	807
2005	3,039	58	2,981	765	2021	3,532	44	3,488	1,196
2006	3,549	94	3,455	802	2022	3,644	39	3,605	1,046
2007	3,330	29	3,301	894	2023	3,513	49	3,464	1,212
2008	3,249	42	3,207	1 010	2024	3,562	39	3,523	1,017
					<b>Total</b>	<b>102,038</b>	<b>1,487</b>	<b>100,931</b>	<b>22,574</b>

## DEVELOPMENTS OF THE NUMBER OF SUBMISSIONS 1993-2024







06

# INTERNATIONAL COOPERATION AND EXTERNAL RELATIONS



# INTERNATIONAL COOPERATION AND EXTERNAL RELATIONS

The Constitutional Court is the judicial body responsible for the protection of constitutionality, and its right to make decisions follows from this principal task. While international relations cannot be at the core of its activities, they certainly complement and enrich its work.

The position of the Constitutional Court in the country's legal and political system is unique. It lacks any partner on the national level that would have equivalent competencies. Furthermore, there is no authority above it. In this light, international cooperation is an important means for the Constitutional Court to be able to consult on various issues with its counterparts in other countries facing similar questions and thus to broaden its perspective. Sharing experience and insights with other constitutional courts may consequently help it to deal more effectively with the particular issues that arise before it.

The Constitutional Court's international activities are both multilateral and bilateral in character. Multilateral collaboration takes place most often through the Conference of European Constitutional Courts. The Constitutional Court of the Czech Republic is also one of the founding members of the World Organization on Constitutional Justice, which is an even broader forum for international cooperation.

International conferences, seminars, and colloquia, be they academic, that is to say, focused on theoretical legal questions, or focused on practical issues in the application of the law, are a time-tested and undoubtedly useful format for multilateral cooperation. Again during 2024, the representatives of the Constitutional Court of the Czech Republic participated in a number of such events.

## INTERNATIONAL CONFERENCES

The last Friday in January is traditionally associated with the solemn hearing marking the opening of the judicial year at the European Court of Human Rights in Strasbourg. The

event is particularly valuable inasmuch as it offers a unique opportunity for representatives of the highest judicial institutions of the Council of Europe member states (constitutional courts, supreme courts, and supreme administrative courts) to meet in one room. The judges of the European Court of Human Rights (the host) were of course present, as were the judges of the Court of Justice of the European Union. The evening ceremony is usually preceded by a seminar. On this occasion the event focused on subsidiarity and shared responsibility in protecting the rights and freedoms enshrined in the European Convention on Human Rights (Revisiting subsidiarity in the age of shared responsibility). Specifically, the expert meeting focused on four topics: 1) The impact of Protocol No. 15 on subsidiarity, 2) Constitutional review and exhaustion of domestic remedies, 3) The age of subsidiarity and process-based review, and 4) Subsidiarity: the view from the national judiciary. Josef Baxa attended the event for the first time in his capacity as President of the Constitutional Court of the Czech Republic. He also had the opportunity to meet a Czech judge of the ECHR, Kateřina Šimáčková.

On Friday, 1 March 2024, Riga hosted an international conference organized by the Constitutional Court of the Republic of Latvia to mark the 20th anniversary of Latvia's membership in the European Union. The theme of the meeting was "The Role of the Constitutional Courts in Concretising the Shared Values Uniting Europe". In a broader perspective, this topic touches upon the phenomenon of national constitutional identities and their relationship to values intrinsic to the European Union. The values of democracy, the rule of law, and the protection of human rights are among the unquestionable foundations upon which the European Union stands. At the same time, the European Union is committed to respecting the national identities of its members, which are also based on their constitutional and legal systems and constitutional





traditions. The search for a balance between the protection of national constitutional identity on the one hand and protecting the shared values of the EU and its members on the other has been the subject of many academic articles. It is a practical legal question, as well, arising not only before national courts but also before the EU Court of Justice and the European Court of Human Rights. The participants in the conference discussed their views on that topic from their various perspectives and emphasized, among others things, the necessity for mutual, open, and rational dialogue between national and supranational courts. Vice-President Kateřina Ronovská, who can draw on her extensive experience in academia when participating in international events, represented the Constitutional Court of the Czech Republic at the conference.

Wednesday 1 May marked exactly 20 years since the largest-ever enlargement of the European Union. To commemorate this milestone, the Court of Justice of the European Union organized an international conference. Several personalities from the judiciary, politics, and academia spoke at

the event held at the Court's Luxembourg headquarters on 3 May. The general theme of the conference was the contribution that enlargement has made in moving the EU integration project forward. A day earlier, on Thursday, 2 May, a meeting of representatives of the highest courts of the EU Member States, representatives of the Court of Justice, and representatives of the General Court was also held at the seat of the Court of Justice of the EU. The forum focused on three themes: 1) preliminary ruling proceedings: recent case-law on procedural aspects; 2) mutual recognition and fundamental rights; and 3) access to documents and justice, particularly in the environmental sphere. Moreover, three parallel workshops were included in the programme. The first of these dealt with internal market and social policy challenge, the second focused on the protection of personal data, and the third discussed the potential of artificial intelligence to support judicial activities. The Vice-President of the Constitutional Court of the Czech Republic participated in the event and took on the role of moderator for the second workshop, addressing the protection of personal data.







On 2 and 3 May, Justice Jan Wintr participated in the Heidelberger Gesprächskreis Europäischer Verfassungsgerichtsverbund meeting in Heidelberg. The two-day discussion dealt with two topics: 1) the basic standards of judicial reform and judicial independence in light of the Polish judicial reform, and 2) reinterpretation of the foundations of European integration in the important decisions of the Court of Justice of the EU of 16 February 2022 on the actions of Poland and Hungary against the regulation conditioning payments from the EU budget on compliance with the rule of law. The event was attended by, among others, the Polish Minister of Justice Adam Bodnar; the President of the Austrian Constitutional Court Christoph Grabenwarter; the Vice-President of the German Federal Constitutional Court Doris König; judges of the Constitutional Courts of Italy, Hungary, Germany, and Austria, the European Court of Human Rights, and the Court of Justice of the EU; and the Director of the Max-Planck-Institute for Foreign Public Law and International Law (organizer).

In the first week of October, the Constitutional Court of the Slovak Republic together with the Faculty of Law of Pavol Jozef Šafárik University held the 13th International Conference “Constitutional Days” in Košice, Slovakia. The topic this time was constitutionality review proceedings – the right to initiate proceedings and the effects of the Constitutional Court’s





decisions. As in previous years, the representatives of the Constitutional Court of the Czech Republic were actively present at the event. President Josef Baxa gave the opening address and Justice Zdeněk Kühn delivered a speech on the right of the Senate to initiate proceedings to review the constitutionality of laws.

## BILATERAL MEETINGS

The most tangible results, especially for applying into practice, come from bilateral meetings. Direct discussions among justices or courts' professional personnel on matters relating to the functions of constitutional courts can contribute to more effective protection of constitutionality and human rights in the broadest sense. Thus, bilateral relations occupy an irreplaceable position in the sphere of the Constitutional Court's transnational activities.

Five bilateral meetings were held in 2024. Two took place abroad and three at the Constitutional Court in Brno. In addition, the Constitutional Court, together with the Supreme Court and the Supreme Administrative Court, hosted a visit by judges of the Court of Justice of the European Union, on the occasion of which a colloquium was organized.



## BILATERAL MEETINGS ABROAD

In mid-April a bilateral meeting took place between a delegation of representatives of the Constitutional Court of the Czech Republic and judges of the Constitutional Court of Taiwan. Despite the geographical distance between Central Europe and Southeast Asia, many parallels and similarities can be found in the Czech and Taiwanese systems for protecting constitutionality. This is true both in terms of the role and competence of the constitutional







courts and with regard to specific issues that arise before them. The first bilateral meeting of representatives of the Taiwan Constitutional Court with representatives of the Constitutional Court of the Czech Republic took place in June of the previous year in Brno. A year later, the second meeting was held on 16 April 2024, this time in Taipei. The delegation of the Constitutional Court of the Czech Republic to Taiwan was headed by its President Josef Baxa, who was accompanied by Vice-Presidents Vojtěch Šimíček and Kateřina Ronovská. The bilateral meeting was opened by the President of the Taiwan Constitutional Court and the highest representative of the Taiwanese judiciary, Mr Tzong-Li Hsu. His introductory remarks were followed by a speech by Josef Baxa, who talked about the history of constitutional judiciary in the Czech Republic, explained the broader legal,

political, and social context of the Constitutional Court's establishment, and presented three selected judgments of the Constitutional Court against the background of the past three decades. President Josef Baxa also addressed the role of a constitutional judiciary in contemporary society. After the speech, a lively discussion ensued. Among other things, the death penalty, the constitutionality of which had just been challenged before the Taiwan Constitutional Court, was discussed. While in the Czech Republic this punishment was removed from the penal code in 1990 and the constitutional order does not allow its reintroduction, this penalty remains part of Taiwanese criminal law. In addition to the bilateral meeting at the Taiwan Constitutional Court, the three-day programme also included visits to several other judicial institutions, namely the Taiwan High Court (Tainan Branch), the Taipei High Administrative Court, the Judicial Academy, and the Judicial Museum in Tainan.





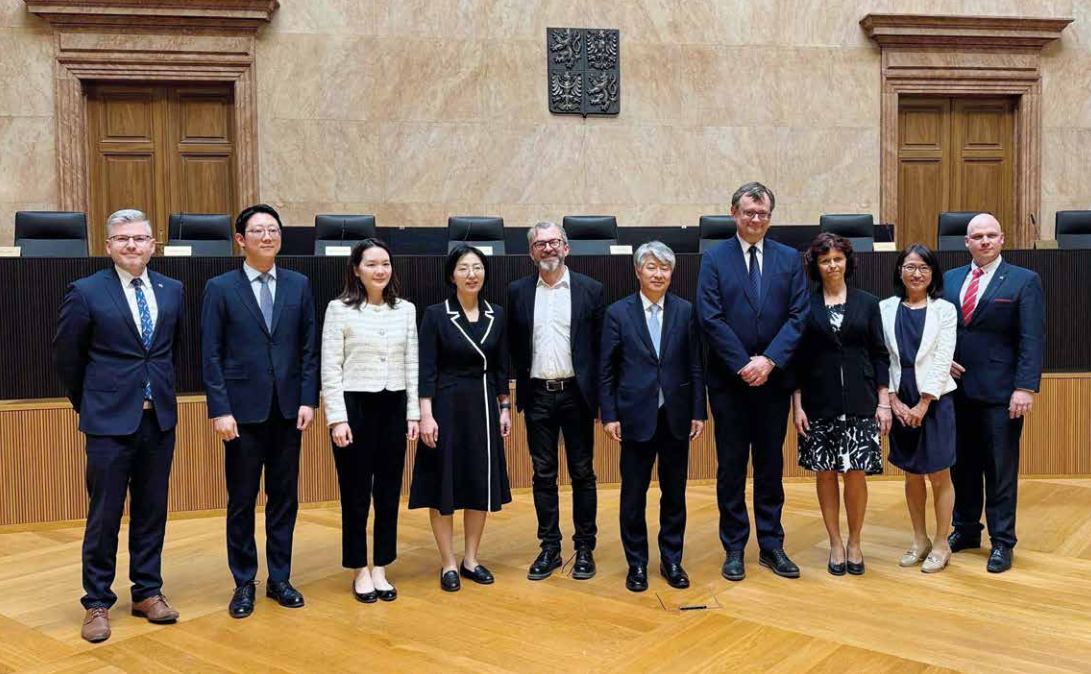


On Wednesday, 10 July, a bilateral meeting between Justices of the German Federal Constitutional Court and representatives of the Constitutional Court of the Czech Republic took place in Karlsruhe. Stephan Harbarth, President of the Federal Constitutional Court, and Doris König, Vice-President of the Federal Constitutional Court, acted as hosts. The Czech delegation consisted of the President of the Constitutional Court Josef Baxa, Vice-Presidents of the Constitutional Court Veronika Křesťanová and Kateřina Ronovská, and Justice of the Constitutional Court Jan Wintr.

A day-long meeting was divided into two sessions, with several topics on the agenda. The morning sessions was dedicated to access requirements for constitutional court proceedings and climate change. In the afternoon, the Justices discussed the relationship between domestic fundamental rights and the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union, consistency of judicial decisions, the binding nature of court case law, and the role and importance of separate opinions. With this very successful visit, the German and Czech Constitutional Courts continued their long-standing and fruitful cooperation.







## BILATERAL MEETINGS AT THE SEAT OF THE CONSTITUTIONAL COURT IN BRNO

At the very beginning of May, a delegation of the Constitutional Court of Korea, led by its President Lee Jongseok, visited the Constitutional Court in Brno. The delegation was welcomed by Vice-President of the Constitutional Court of the Czech Republic Vojtěch Šimíček together with Justices of the Constitutional Court Daniela Zemanová and Zdeněk Kühn. Opening remarks were made by Vice-President Vojtěch Šimíček, who briefly introduced the history of the constitutional judiciary in the Czech Republic, explained the position and role of the Constitutional Court in the Czech legal and political system, described the process for appointing Justices of the Constitutional Court and the structure of the Constitutional Court, and explained what competences the Constitutional Court is entrusted with. The President of the Constitutional Court of the Republic of Korea, Lee Jongseok, then clarified what makes the Czech and Korean systems for the protection of constitutionality similar and how they differ. Attention was directed also to the number of petitions submitted to the Constitutional Courts for review and the length of proceedings before the constitutional courts. Subsequent

discussion focused on the relationship of the constitutional courts to the general judiciary, the independence of judges and courts, the separation of the judiciary from political power, and the phenomenon of climate change cases.

On 15 and 16 October, a yearly meeting of the Justices of the Czech and Slovak Constitutional Courts took place in Brno. The two constitutional courts have long maintained close relations, the quality of which has been strengthened by their shared historical experience, geographical and language proximity, similarities in their legal systems, and, last but not least, the distinctive legacy of their immediate predecessor, the Constitutional Court of the Czech and Slovak Federative Republic. The annual meeting of the plenums has become a tradition. In 2023, the Justices had met in southern Slovakia, while in 2024 the joint session was held at the seat of the Constitutional Court of the Czech Republic in Brno. The programme consisted of two parts. The first of these focused on the relationship between national law and European Union law in the context of the constitutionality review proceedings before the Constitutional Court. The topic of the second session was the relationship between private law and constitutional law (with particular reference to European private law).











On Tuesday, 3 December, the Justices of the Constitutional Court of the Czech Republic held a bilateral meeting with the Judges of the Constitutional Court of the Republic of Kosovo. Although the representatives of both judicial institutions have repeatedly met at international conferences or other international forums, this was their first strictly bilateral meeting. The Constitutional Court of the Republic of Kosovo is the youngest constitutional court on the European continent. It was established in 2008 and started its activities the following year. Its position within the Kosovo legal system is similar to that of the Constitutional Court in the Czech legal system. Many parallels can also be seen with regard to the scope of competencies of both bodies tasked with the protection of constitutionality. The Kosovo delegation was led by the President of the Court, Gresa Caka-Nimani, who was accompanied by six Judges, the Secretary General, and two representatives of the Council of Europe. A day-long working session was divided into three parts. The first was commenced by the President of the Constitutional Court of the Czech Republic, Josef Baxa, who in his opening remarks introduced his colleagues present at the meeting and briefly explained the functioning of the Czech model of constitutional justice. The President of the Constitutional Court of Kosovo, Gresa Caka-Nimani, then did the same and, applying a similar structure of address, introduced the hosts to the Kosovo model of constitutional justice. After a short break, the programme continued with the second part, which was dedicated to the constitutional aspects of the disciplinary liability of judges. Justice Tomáš Langášek introduced the







topic with his thorough analysis. After a lunch, during which a lively and inspiring discussion continued, the third and final part of the meeting took place. It focused on the constitutional review of judicial reforms. Justice Nexhmi Rexhepi elaborated on the topic in his carefully prepared contribution. At the very end of the bilateral meeting, room was left for an open discussion. The programme of the bilateral visit continued on Wednesday, 4 December. In the morning hours, President of the Supreme Court Petr Angyalossy, who was accompanied at the meeting by Judge of the Supreme Court Lubomír Ptáček and other members of the Supreme Court's professional staff, received the Kosovo delegation. Before noon, the delegation then proceeded to the Supreme Administrative Court, where they met the President of the Court, Karel Šimka, and the Vice-President of the Court, Barbara Pořízková.







### COLLOQUIUM OF JUDGES HELD ON THE OCCASION OF THE VISIT OF THE DELEGATION OF THE COURT OF JUSTICE OF THE EUROPEAN UNION TO BRNO

On 21 May, a colloquium was held at the Constitutional Court that was jointly organized by the Constitutional Court, the Supreme Court, and the Supreme Administrative Court on the occasion of a visit from a delegation of the Court of Justice of the European Union.

Representatives of the top-level Czech courts opened the colloquium. In her introductory remarks, Kateřina Ronovská, Vice President of the Constitutional Court, emphasised the importance of continued and sincere communication between the European and national levels, which contributes considerably to strengthening mutual trust and understanding. She also recalled the 20th anniversary of the Czech Republic's accession to the EU. Petr Angyalossy, President of the Supreme Court, stressed the significance of preliminary ruling procedures, through which the Czech courts have long been involved in the creation of the EU legal area. Karel Šimka, President of the Supreme Administrative Court, used examples from the history of Central Europe to show how essential it is to maintain a balance between the unity of the whole and the individuality of its parts. A common denominator of the introductory speeches was an emphasis on the importance of open multilateral and multi-level dialogue for the protection and strengthening of the rule of law, human rights, and freedoms. President of the Court of Justice of the EU Koen Lenaerts, who visited the Czech Republic together with nine of his colleagues, highlighted the same values in his speech. He mentioned, among other things, that the cooperation with the Czech courts, and not solely the highest of these, is at a very good level. In his words, the Czech courts are a solid part of the European judicial dialogue, through which they participate in the resolution of legal issues affecting all EU Member States. The Czech courts have submitted a total of 47 preliminary questions between 2019 and 2023.





The second part of the programme was a roundtable with Zdeněk Kühn, Justice of the Constitutional Court, Pavel Simon, Judge of the Supreme Court, Michal Bobek, Judge of the Supreme Administrative Court, and Sacha Prechal, Judge of the Court of Justice of the EU. The role of moderator was assumed by Martin Smolek, Agent for the Czech Republic before the Court of Justice of the EU. The central theme of the roundtable was European fundamental rights and values in the decision-making of national courts and national fundamental rights and values in the decision-making of the Court of Justice. The speakers discussed the relationship between national identity and EU values, their intersection, overlap and cases of possible conflicts, as well as more generally the possibilities for and limitations upon judicial institutions' enforcement of values.



The closing remarks were delivered by Vice-President of the Constitutional Court Vojtěch Šimíček, Vice-President of the Supreme Administrative Court Barbara Pořízková, Vice-President of the Supreme Court Petr Šuk, and Judge of the Court of Justice of the EU Eugene Regan. Together they expressed their conviction that the colloquium would contribute to the further development of mutual cooperation and European legal dialogue.





## AMBASSADORS' VISITS

It has become a tradition for heads of foreign missions, especially those from countries closely and amicably tied to the Czech Republic, to meet with representatives of the highest judicial bodies, including the Constitutional Court. Again in 2024, the President of the Constitutional Court welcomed several heads of diplomatic missions to the Court's premises. Among them were the Ambassador of the Federal Republic of Germany Andrease Künne, the Ambassador of the Republic of Kosovo Albesjana Iberhysaj Kapitaj, and the Ambassador of Ireland Alan Gibbons.



## CONSTITUTIONAL COURT OF THE CZECH REPUBLIC AND THE CONFERENCE OF EUROPEAN CONSTITUTIONAL COURTS

The Conference of European Constitutional Courts is an international association for judicial cooperation that brings together European constitutional courts and aims to advance shared values of democracy, rule of law, and protection of human rights. Every three years, the presiding

constitutional court organizes a pan-European congress to discuss key doctrinal and conceptual issues.

The date of the XIXth Congress of the Conference of European Constitutional Courts had been set for 2024, specifically at the end of the penultimate week of May. It was the last event held under the presidency of the Constitutional Court of the Republic of Moldova, which had taken over this role in 2021 from the Constitutional Court of the Czech Republic.

When the Constitutional Court of the Czech Republic had handed over the presidency of the Conference of European Constitutional Courts to its Moldovan counterpart, it was







at the height of the COVID-19 pandemic and just a year before the Russian invasion of Ukraine. Both these events presented the European constitutional judiciary with new challenges and triggered the need to reflect upon existing approaches to the legal and value framework on a pan-European scale. The first opportunity fully to analyse these changes was the gathering of nearly 40 of Europe's top-level courts in Chisinau, Moldova.

The XIXth Congress of the Conference of European Constitutional Courts addressed, for the reasons mentioned above, the overlap and points of contact of national and supranational normative systems, the relationship between law and politics, and, last but not least, the protection of constitutionality in crises. One of the main speakers was the President of the Constitutional Court of the Czech Republic, Josef Baxa, who talked about the topic of deciding sensitive and ethically challenging social issues. He pointed out that constitutional courts could not relinquish their responsibility to protect human rights and values just because the legislative branch has failed to regulate certain social issues.

The participants of the XIX Congress fully agreed on the need to further continue international judicial cooperation at the highest level, linking the decision-making activity of the constitutional courts with the decision-making activity of the Court of Justice of the European Union and the European Court of Human Rights. Most importantly, they also agreed on the necessity to protect those constitutional and democratic values that are common to European countries.

The Congress also included two meetings of the Circle of Presidents, the decision-making and executive body of the Conference of European Constitutional Courts. One of the

most important items on the agenda was the election of a new presiding court to head the association in the period 2024-2027. The Constitutional Court of Albania was chosen to take on this role.

The Circle of Presidents also decided on other significant issues, one of which prominently concerned the Constitutional Court of the Czech Republic. The Circle of Presidents discussed a proposal to establish a Permanent Office of the Conference of European Constitutional Courts, which would keep a record of the decisions taken at all previous Congresses and meetings of the Circle of Presidents, create and administer the Conference of European Constitutional Court website, and in general serve as its institutional memory. The proposal was approved, and the Constitutional Court of the Czech Republic was elected to assume the duties of the Office.





*Meeting of the Superior Courts Network in Strasbourg*

## VENICE COMMISSION

The Venice Commission, officially the European Commission for Democracy through Law, is an advisory body of the Council of Europe on matters with constitutional and legal dimensions. The unofficial name of the institution refers to the venue of their regular meetings in Venice, Italy. The Venice Commission's main mission is to provide legal advice to member states and to assist countries wishing to bring their legal and institutional structures into line with European standards in the field of democracy, human rights, and the rule of law. Currently, 61 countries are represented in the Venice Commission, of which 46 are members of the Council of Europe.

Since the beginning of 2022, Justice of the Constitutional Court Tomáš Langášek has been serving as a substitute member of the Venice Commission. He thus succeeds his predecessors, Vice-President of the Constitutional Court Eliška Wagnerová and Justice of the Constitutional Court Kateřina Šimáčková, who served on the Venice Commission during 2002-2010 and 2010-2021, respectively.

In 2024, Justice Tomáš Langášek participated in two plenary sessions of the Venice Commission held at its Italian headquarters. He participated as rapporteur in preparation of the Venice Commission's comparative study on bicameralism and the opinion on the Kyrgyz draft law on normative legal acts. He was also a member of the Venice Commission delegation on a visit to Poland in the second week of September. The result was the Venice Commission's opinion on the Polish draft law on the organization of the prosecutor's office. He also participated in drafting of the Venice Commission's amicus curiae brief to the European Court of Human Rights in the case of Staderini v. Italy. In November, he represented the Venice Commission at a seminar for Belarusian lawyers at the CEELI Institute in Prague, where he presented the Venice Commission activities in the field of promoting the rule of law.

## CONSTITUTIONAL COURT IN INTERNATIONAL JUDICIAL NETWORKS

The Constitutional Court has long been a part of international networks for judicial cooperation. Courts involved in these judicial networks have the opportunity to consult partner courts in other countries on specialised legal matters in specific areas of law or to share analytical and legal insights from judicial practice.

In 2024, the Constitutional Court received 30 inquiries through its Analytics Department. It provided 30 responses, including 18 replies to inquiries from the Venice Forum, 8 within the framework of the Superior Courts Network (SCN), and 4 responses formulated for the European Union Judicial Network (JNEU). The Constitutional Court also submitted a total of 7 inquiries to these forums.

## SUPERIOR COURTS NETWORK

The Superior Courts Network (SCN) was established by the European Court of Human Rights in 2015. At present, it brings together 110 superior courts from 45 countries, along with 3 observer courts. The platform aims to create a practical and useful means for exchanging relevant information on case law relating to the European Convention on Human Rights, its implementation, and related topics.

In June 2024, Monika Hanych, Head of the Analytics Department of the Constitutional Court, participated in a meeting of this judicial network at the seat of the European Court of Human Rights in Strasbourg. The discussions covered, among other topics, challenges associated with litigation concerning climate change. In working groups, participants also debated the challenges of communication



strategies for judicial institutions. Monika Hanych chaired one of the working group meetings and subsequently presented the outcomes of the discussions at the forum.

## VENICE COMMISSION – VENICE FORUM

The Venice Forum is part of the previously introduced Venice Commission. It enables a constitutional court or supreme court of any member state (or a state with a special cooperation status) to address inquiries to its counterparts regarding foreign legal regulations or the decision-making practice of national courts in a specific area of law.

The Constitutional Court is highly active within the Venice Forum. In November 2024, analysts Tereza Ordeltová and Tereza Franková participated in the 21st session of the Joint Council on Constitutional Justice (JCCJ) of the Venice Commission in Yerevan. At the conclusion of the session, the Constitutional Court of the Czech Republic received a symbolic award, as it had become the most active member of the Venice Forum through its Analytics Department, having responded to the highest number of requests for cooperation from foreign courts during the relevant period.

## JUDICIAL NETWORK OF THE EUROPEAN UNION

The Judicial Network of the European Union (JNEU) was established in 2017 with the aim of strengthening judicial cooperation across its membership base. It provides a platform for the effective exchange of information and documents that are crucial for the uniform application of



*21st session of the Joint Council on Constitutional Justice of the Venice Commission in Yerevan*

EU law or contribute to the advancement of comparative law. At present, the network also includes three thematic groups focused on legal terminology, technological innovation, and legal research.

In November 2024, the annual meeting of correspondents from the member courts took place. The topics discussed included changes in preliminary ruling procedures, digitalisation, and the use of artificial intelligence in the judiciary. The Constitutional Court was also represented at the meeting. Analyst Viktória A. Sutórisová, who is representing the Constitutional Court in the working group on legal research, attended the session.



*Annual meeting of the Judicial Network of the European Union Correspondents*







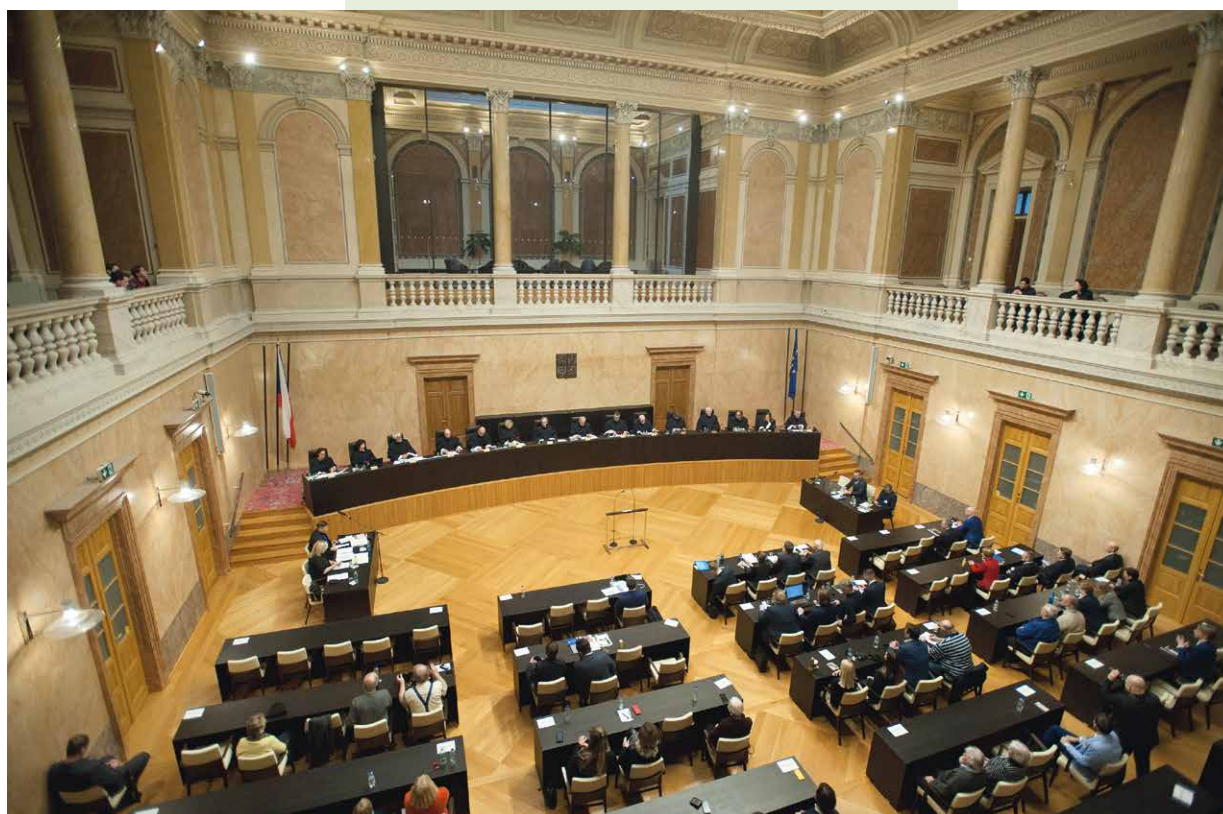
07

# FOUR SEASONS AT THE CONSTITUTIONAL COURT

# PUBLIC ORAL HEARINGS

10. 1. 2024 | 6. 11. 2024

On 10 January, a public oral hearing was held in case No. Pl. ÚS 30/23 (indexation of pensions). The judgment was pronounced on 17 January 2024.





On 6 November, a public oral hearing was held in case No. Pl. ÚS 41/23 (an amendment tightening rules regarding media ownership by politicians and the receipt of subsidies by government members and their business entities, the so-called “lex Babiš II”). The judgment was pronounced on 4 December 2024.







# NIGHT OF LAW

## 6. 3. 2024

At the beginning of March, the Constitutional Court again participated in the Night of Law festival. This fifth annual event offered the general public a rich programme which, although primarily linked to the world of law, covered, among other things, the fields of architecture, history, film, and theatre. The programme at the Constitutional Court opened with a lecture during which Pavel Dvořák, Head of the External Relations and Protocol Department, gave the audience an imaginary tour of the Constitutional Court building set in the context of the history and architecture of the city of Brno.

The next part of the programme was dedicated to an open debate, during which the representatives of the Constitutional Court reflected on the question of why the Constitutional Court is not the third chamber of Parliament and why it nevertheless is sometimes said to be so. Vice-President of the Constitutional Court Vojtěch Šimíček and Justices of the Constitutional Court Jan Wintr and Daniela Zemanová were the panellists while Secretary General of the Constitutional Court Vlastimil Göttinger assumed the role of moderator.



# “TOP-LEVEL COURTS AND THE MEDIA” SEMINAR

## 4. 4. 2024

On 4 April, the Constitutional Court organized a seminar entitled “Top-level Courts and the Media”. Representatives of the highest courts in the country and representatives of the press were invited to actively participate. The main purpose of the event was to facilitate exchange of knowledge and experience and provide space for the sharing of good practice and a mutual understanding of the objective needs of the two environments (i.e. the judiciary and the press). The Constitutional Court, the Supreme Court, and the Supreme Administrative Court are the highest judicial institutions of the Czech Republic.

Their ways and forms of decision-making distinguish them from other (lower) courts. Given the complexity of the cases they hear and specifics of the court proceedings, it may be difficult to capture the nature of their work and the substance of their decisions. The speakers and members of the audience, which included academics and other professionals in the field, discussed, for example, how the top courts and the media should communicate with each other in order to ensure that the message to the public is accurate yet understandable.





There was also a debate focused on how to reconcile the requirements of brevity, clarity, and precision of statements or commentaries, and how the substance of judicial decisions can be conveyed while taking into account the specificities of the media environment. The overall theme of the meeting was to bolster the knowledge that the quality of the courts' communication to the public is crucial for the trust and credibility of the judiciary in modern societies.





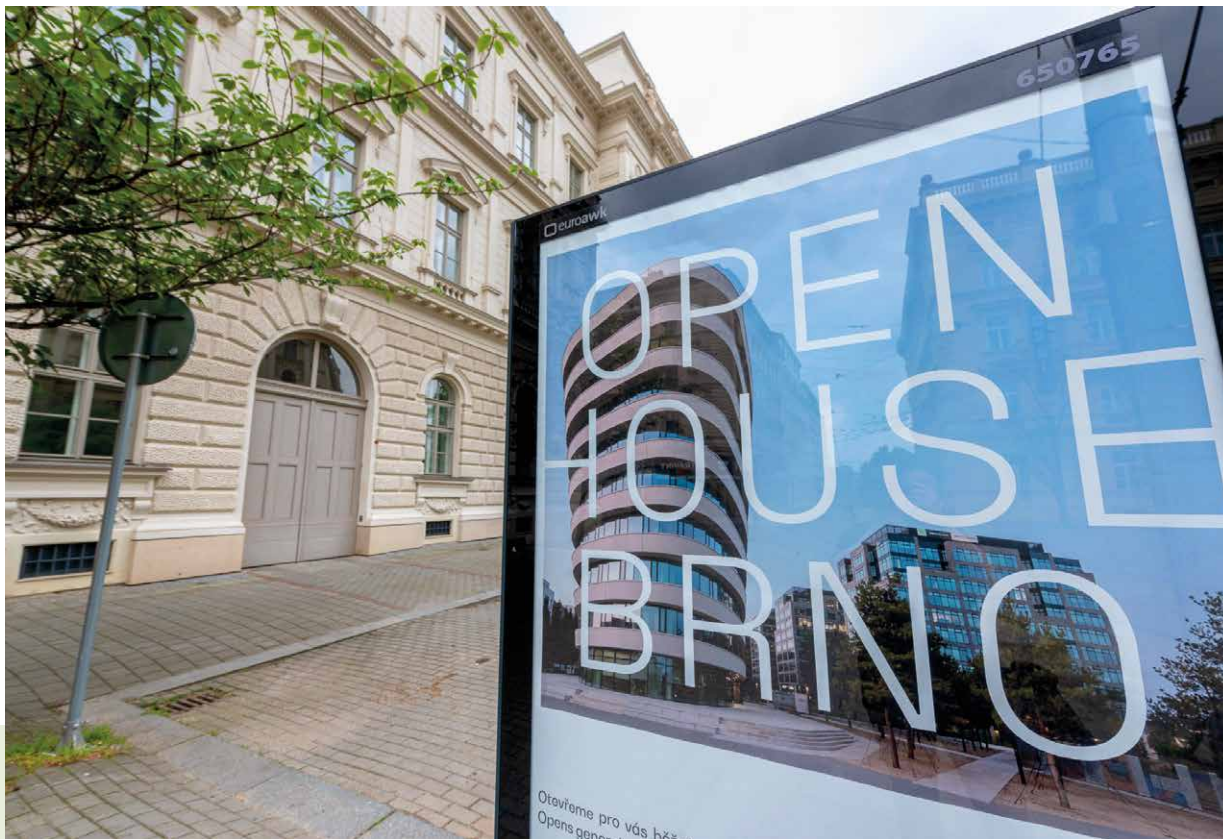
# MOOT COURT

18. 5. 2024

In May, a moot court was held at the Constitutional Court, this time as part of the Junior University (MjUNI) project. MjUNI is part of the Lifelong Learning Programme under the auspices of Masaryk University and is designed for pupils and students 9 to 18 years of age.







# BRNO OPEN HOUSE 18.-19. 5. 2024

During the third weekend of May, the public had another opportunity to visit the Constitutional Court. This was done as part of the Open House Brno architecture festival, which opened more than 100 buildings in Brno to visitors. Due to the great interest in visiting the building in the past, the Constitutional Court almost tripled the number of tours relative to previous years. Two hundred visitors were thus able to see the Assembly (Plenary) Hall, the Grand Council Room, both court rooms, the Western Gallery of the Assembly Hall, and the carriage entrance that had been used by the British monarch Elizabeth II to enter the building in 1996.

The Constitutional Court participates regularly in the Open House Brno festival. It does so with the aim of allowing those interested to see the interior of an extraordinary building and in an effort to provide the general public with further information about its activities and its mission as a judicial body for the protection of constitutionality.







# EDUCATIONAL TOURS AT THE SEAT OF THE CONSTITUTIONAL COURT









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08

# MEDIA RELATIONS AND PROVISION OF INFORMATION



# MEDIA RELATIONS

The Constitutional Court and its decision-making activities naturally attract media interest. The year 2024 was no exception in this regard. In addition to the judgments and other rulings issued by the Constitutional Court, the media primarily covered public oral hearings and the ongoing periodical replacement of its Justices. Topics related to the Constitutional Court are systematically and regularly addressed mainly by public service media, specifically the Czech News Agency (hereinafter “ČTK”), Czech Television (hereinafter “ČT”), and Czech Radio (hereinafter also “ČRo”).

The national news agency ČTK covered the Constitutional Court and its decision-making activities in approximately 750 reports and other materials in 2024, which is about a quarter less than in the previous year when increased attention was drawn to the beginning of the periodical replacement of Justices (including the appointment of President and Vice-Presidents of the Court). In 2024, the two public oral hearings before the Plenum were particularly significant, as these were rather infrequent in the past decade. These hearings concerned a case related to pension indexation adjustments and the Act known as “Lex Babiš II”.

ČTK issued approximately 40 high-priority reports (so-called “flashes”) related to the Constitutional Court. These reports focused, for example, on the ongoing replacement of Justices or on judgments with a significant legal or social impact. These included a ruling stating that surgical intervention (an operation) would no longer be a prerequisite for the official recognition of gender change, as well as a judgment concerning the issue of midwives assisting in home births. Regarding criminal matters addressed by the Constitutional Court, ČTK paid attention, for instance, to the judgment related to the case of a former deputy Dominik Feri. The highest news priority was also given to the ruling on the complaint by the Stačilo! coalition concerning the regional elections in the Liberec Region.

The Czech Television also regularly focuses on justice-related topics in its news coverage, consistently monitoring the case law of the Constitutional Court and developments in the field of constitutional justice. In 2024, the Brno newsroom of ČT prepared a total of 14 special reports for ČT24 concerning Constitutional Court rulings. At the beginning of the year, six of these reports focused on the petition to annul pension indexation adjustments. ČT dedicated more

than an hour of its daily broadcasting to the public oral hearing on this petition, including the lead report in its main news programme Události. At the time, then-Vice-President of the Constitutional Court Vojtěch Šimíček, who served as the Justice Rapporteur in the case, was also a guest on the discussion programme Interview ČT24. In April, two special reports covered the ruling on noise pollution limits from roads and railways. ČT also closely followed debates on the appointment of new Justices to the Constitutional Court. The Brno newsroom produced several additional reports for the nationwide Události and regional Události v regionech news programmes. These included coverage of the judgment that eliminated the requirement for surgical procedures as a prerequisite for the official recognition of gender change and the judgment concerning home births.

Across Czech Radio stations, the topic of constitutional justice appeared in approximately 1 200 contributions in 2024 (this is the total count, irrespective of repeats and stations). The coverage was most frequent on the news-oriented station Radiožurnál, the spoken-word-oriented station Český rozhlas Plus, and, as usual, on the Dvojka and Český rozhlas Brno stations. Compared to the previous year, there was a slight decline in the number of reports, primarily due to the exceptional nature of 2023, during which extensive changes on the bench took place within the Constitutional Court, including in the positions of President and Vice-Presidents. The dominant topics of 2024 included judicial salaries, pension indexation, the ongoing replacement of Justices of the Constitutional Court, and parliamentary opposition petitions for constitutional review of legislation submitted to the Constitutional Court. The President of the Constitutional Court Josef Baxa appeared in 80 Czech Radio reports last year. However, most of the Justices of the Constitutional Court appeared in the broadcasts to varying extents.







The topic of constitutional judiciary regularly appeared on the news website iRozhlas.cz as well.

The Constitutional Court issues press releases for rulings that attract significant media attention or have broader legal or societal implications. This practice aims to ensure the most accurate possible reproduction of its decision-making by the media. However, the press releases published on the Court's website under the News section (available at <http://www.usoud.cz/aktualne/>) are not intended solely for journalists. They are also of considerable importance to both the professional and general public, providing an efficient means to quickly and easily understand the essence of a newly issued judgment or other rulings of the Constitutional Court. Beyond its judicial decisions, the Constitutional Court also informs the media and the public about other notable aspects of its activities, such as official foreign trips of its Justices or significant guests received by the Court. In 2024, a total of 100 press releases were published in Czech and 27 in English. The Constitutional Court's website recorded 174 366 visits from 50 302 users. The News section was the most visited, accounting for 141 287 visits.

In 2014, the Constitutional Court of the Czech Republic was the first court in the country to establish its official profiles on social networks Facebook (available at <https://www.facebook.com/ustavnisoud>) and Twitter, now X (available at [https://twitter.com/usoud\\_official](https://twitter.com/usoud_official)). The aim of this initiative, among other things, is to provide immediate access to information on the Constitutional Court's decision-making to social media users, whose numbers continue to grow. The opportunity for direct feedback from information recipients is also an undeniable advantage of this approach. The majority of those interested in the content published on the Constitutional Court's profiles are members of the professional community – law students from faculties of law and grammar schools, lawyers, judges, other legal professionals, and media representatives. However, the audience also includes members of the general public who seek information beyond what is reported by mass media. The official profiles are updated almost daily and have a substantial following. By the end of 2024, approximately 10 900 users were following the Constitutional Court on Facebook, about 500 more than at the end of the previous year. In 2024, the Constitutional Court published a total of 166 posts. The total reach of the Court's Facebook page exceeded 220 000 users, nearly 100 000 more than in the previous year. The number of interactions (reactions, comments, shares, and saved posts) surpassed 10.8 million – more than double the figure from 2023. The most viewed post was a notice about the forthcoming judgment on pension indexation adjustments, published on 17 January.

It reached over 37 000 users, was shared 395 times, and received 97 reactions and 85 comments. The judgment itself, which upheld the pension indexation adjustments, was covered in a post that reached nearly 9 000 users, was shared 50 times, and received 186 reactions and 236 comments. By the end of 2024, over 16 000 users followed the Constitutional Court's profile on X, about 1 000 more than the previous year. Throughout the year, the Constitutional Court published a total of 166 brief updates on X. The most viewed X post also concerned the pension indexation adjustments, with 51 460 views, 603 reactions, 239 comments, and 78 shares. Another highly viewed post announced that the requirement to undergo surgical intervention, including sterilisation, for the official recognition of gender change did not withstand constitutional review. This post garnered 88 082 views, 260 reactions, 41 comments, and 61 shares.

In the spring of this year, the Constitutional Court launched its presence on Instagram ([https://www.instagram.com/usoud\\_official/](https://www.instagram.com/usoud_official/)). The Court made its first post on 2 April. Over the course of the year, the Constitutional Court's Instagram profile gained nearly 2 000 followers. On Instagram, the Court shares posts that highlight the broader context of its operations and activities, including relevant

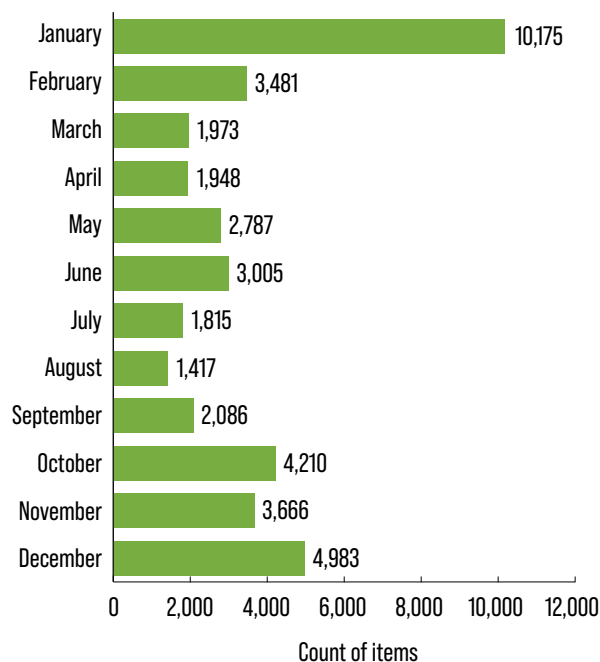




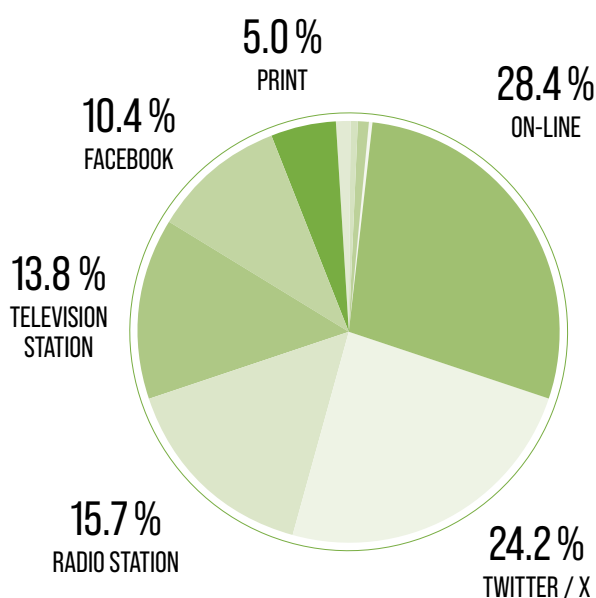
historical insights and interesting facts about the building in which the Constitutional Court is housed. In the past year, the Constitutional Court published a total of 93 posts and 378 stories on Instagram. These primarily informed about newly issued judgments, weekly schedules of upcoming pronouncements of judgments, or shared photos from hearings and other events. The Court also launched a dedicated Instagram series titled *Ústavníček*, which offers accessible explanations of key constitutional law concepts.

One of the most popular posts across all social media platforms in 2024 was a video about the Constitutional Court. The Court created this video to present its role and functions in a more engaging and accessible way. This video placed special emphasis on the journey of a constitutional complaint – explaining what happens after a complaint is filed and how the decision-making process unfolds. The video is available on the Constitutional Court's website, all its social media platforms, and YouTube. It has been released in multiple versions, including one with Czech subtitles, one with English subtitles, and another with sign language interpretation.

## DISTRIBUTION OF THE NUMBER OF REPORTS ON THE CONSTITUTIONAL COURT IN 2024

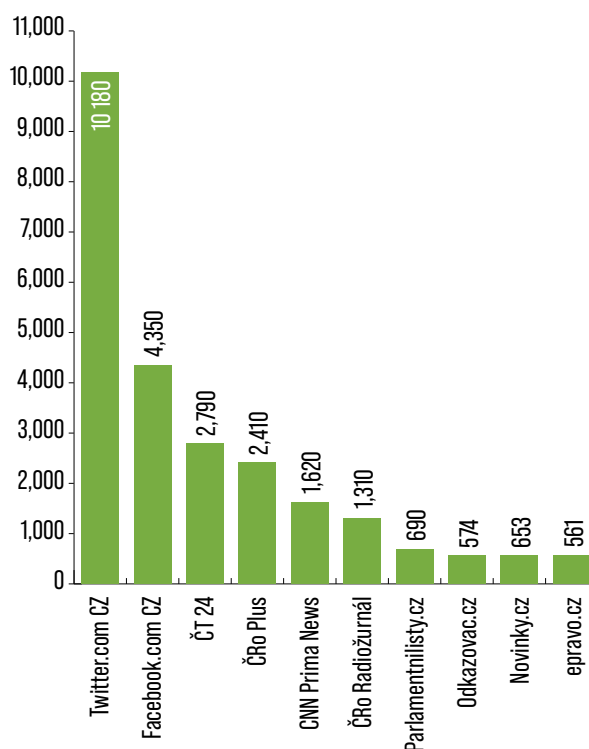


## SHARE OF DIFFERENT TYPES OF MEDIA IN REPORTING ON THE CONSTITUTIONAL COURT IN 2024



On-line	11,937	Youtube	319
Twitter / X	10,178	Diskuze	292
Radio station	6,588	Fórunm	23
Television station	5,801	Newsletter	19
Facebook	4,353	Instagram	14
Print	2,112	Blog	5
Podcast	393	TikTok	1

## TEN MEDIA OUTLETS THAT MENTIONED THE CONSTITUTIONAL COURT MOST FREQUENTLY IN 2024



Source: IMM NEWTON Media, a. s.

# PROVISION OF INFORMATION

In 2024, the Constitutional Court provided information about its activities in accordance with the obligations imposed on public authorities by Act No 106/1999 Coll., on free access to information, as amended (hereinafter referred to as “Act No 106/1999 Coll.” or “FAIA”).

The Constitutional Court makes fundamental information accessible in compliance with Act No 106/1999 Coll. through various means: on its official website at [www.usoud.cz](http://www.usoud.cz), on the official notice board in the foyer of its seat at Brno, Joštova 8, as well as directly through its staff. Among these information sources, particular mention must be made of the Constitutional Court’s online database, NALUS, which contains all Constitutional Court rulings and provides both the professional and general public, as well as the media, with detailed insights into the Court’s decision-making activities.

In 2024, the Constitutional Court recorded a total of 143 written requests for information submitted under Act No 106/1999 Coll. In the majority of cases, the requests were granted, and the requested information was provided. Nearly all of the requested information was provided free of charge. A fee for the exceptionally extensive retrieval of information was imposed in only two cases, amounting to CZK 14,910 and CZK 1,400, both of which were paid by those requesting the information.

In relation to the exercise of the right to information, a total of 33 decisions were issued in 2024 rejecting requests for information. However, a single decision to reject a request may be based on multiple statutory exemptions. The most common grounds for full or partial rejection of information requests were cases where applicants sought further explanations of specific Constitutional Court rulings, legal advice, guidance, or interpretation of legal provisions. These types of information fall under the statutory exemption pursuant to Section 2(4) of Act No 106/1999 Coll., which was applied in 17 cases.

Seven decisions were issued with reference to Section 11(4)(b) of Act No 106/1999 Coll., rejecting requests for information regarding the decision-making activities of the Constitutional Court.

Another seven requests were rejected based on Section 11b of Act No 106/1999 Coll., in conjunction with Section 2(4) of the same Act, as the Constitutional Court, as the obligated entity, did not have the requested information at its

disposal, had no legal obligation to hold such information, and it would not create such information anew.

Five requests were rejected solely under Section 11b of Act No 106/1999 Coll.

In four cases, the rejection of a request was based on the need to protect personal data and privacy, applying the statutory restriction under Section 8a(1) of Act No 106/1999 Coll. in conjunction with other legal regulations.

One request was rejected pursuant to Section 11(1)(g) of Act No 106/1999 Coll., as it sought information created and obtained directly in connection with judicial proceedings, the disclosure of which could jeopardise the equality of parties to the proceedings.

Additionally, one request was rejected under Section 11(2)(a) of Act No 106/1999 Coll., as it concerned information created without the use of public funds, provided by an entity not legally obligated to disclose such information, and this entity had not indicated consent to its disclosure.

In 2024, a total of 10 appeals were lodged against decisions of the obligated entity to reject requests. Likewise, 10 complaints were filed regarding the handling of information requests. In three cases, the complaints were upheld through autoremedura (self-remedy), while the remaining seven were forwarded to the Office for Personal Data Protection, which serves as the appellate body for decisions of the Constitutional Court concerning the provision of information under Section 20(5) of Act No 106/1999 Coll. In all cases where the appellate body had issued a ruling by the time of the yearbook’s closure, the procedure of the Constitutional Court was upheld.

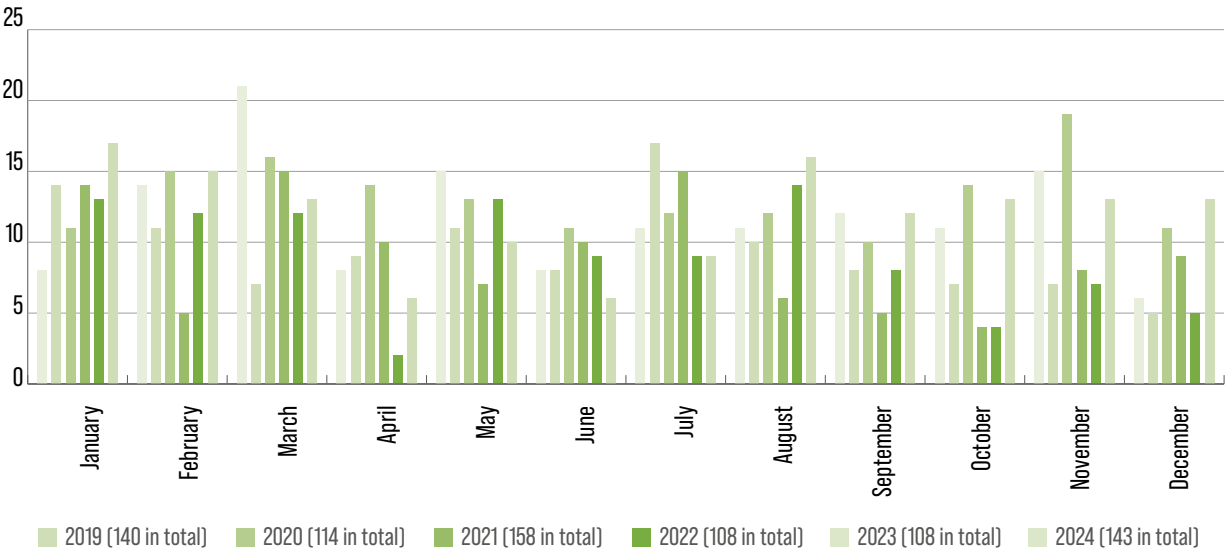
Seven information requests were either fully or partially dismissed, as they were outside the scope of competence of the Constitutional Court as the obligated entity.

In 2024, no exclusive licences were granted.

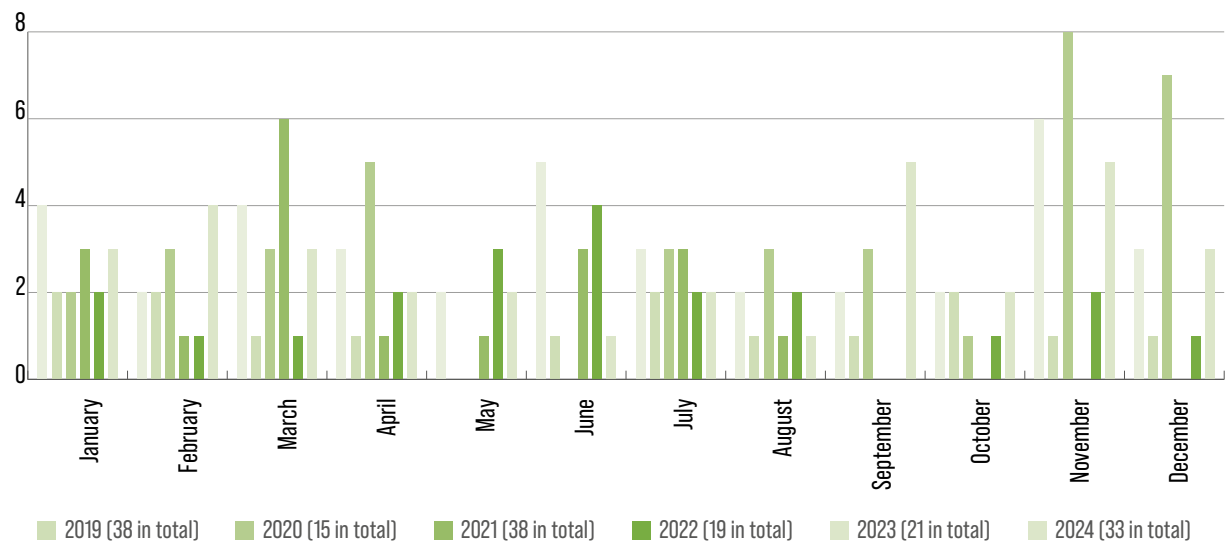


# STATISTICS OF INFORMATION REQUESTS IN 2024

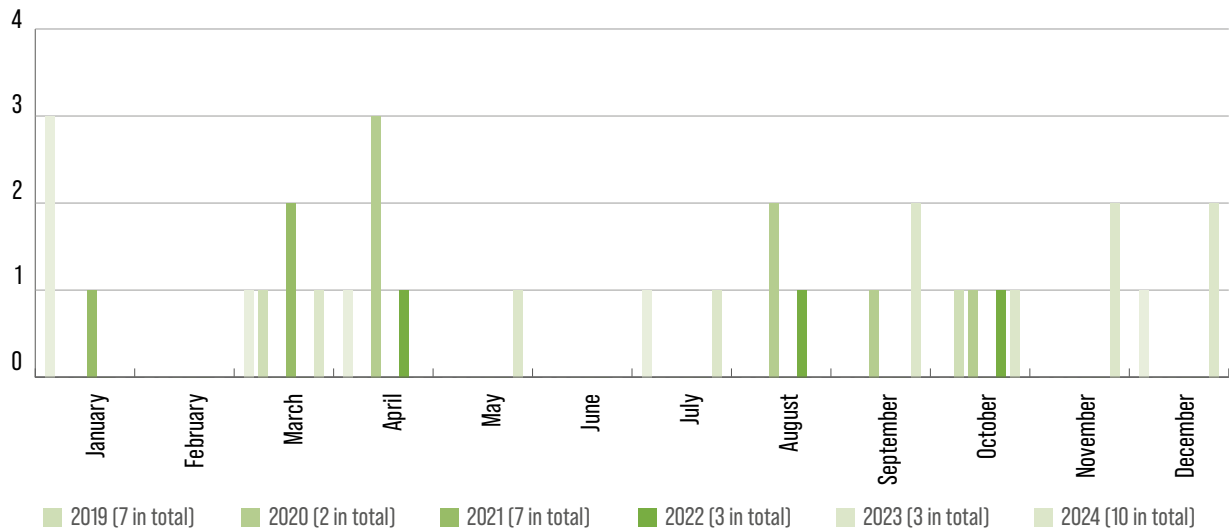
NUMBER OF INFORMATION REQUESTS SUBMITTED



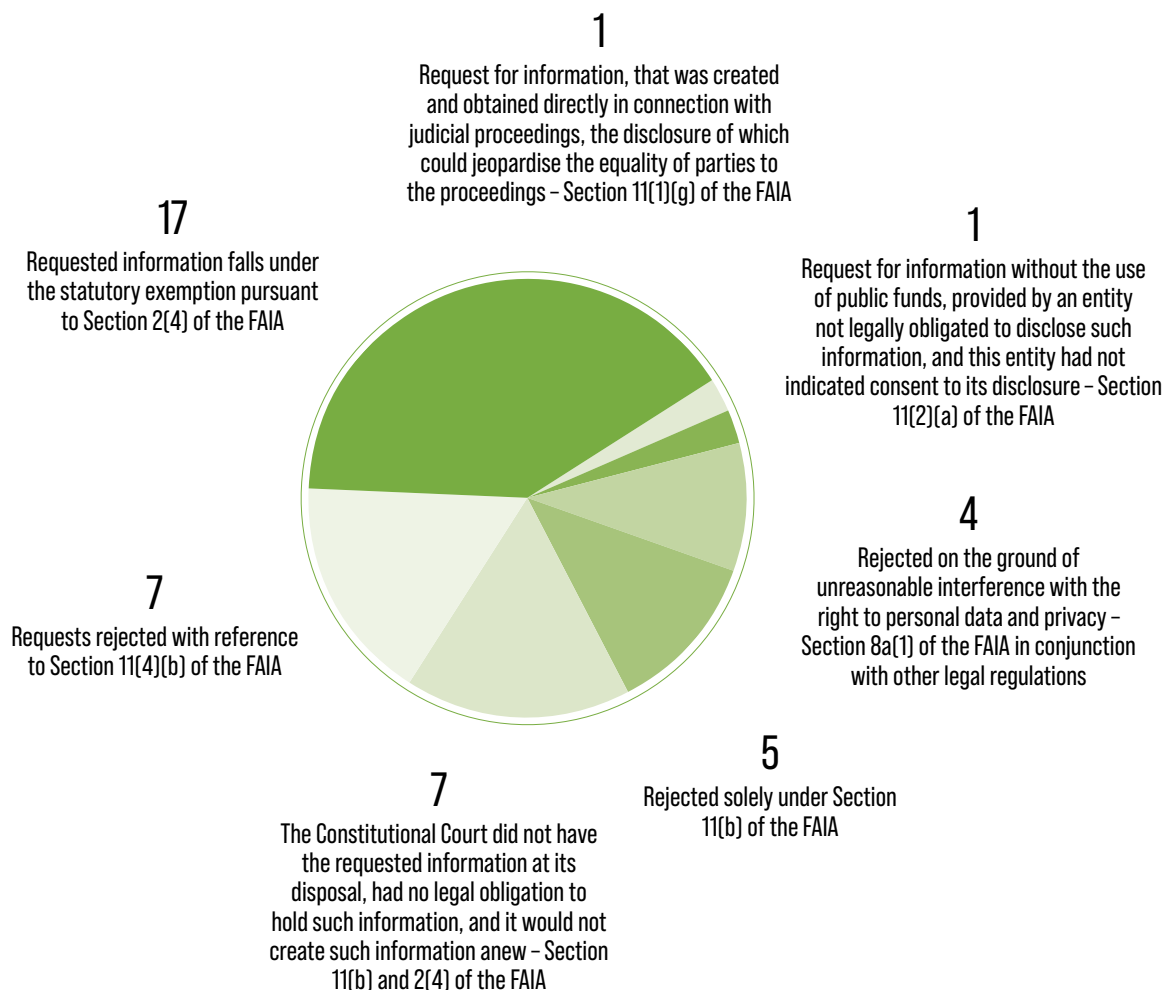
REJECTION DECISIONS ISSUED



## APPEALS AGAINST A DECISION TO REJECT A REQUEST



## REASONS FOR REJECTING REQUESTS FOR INFORMATION IN 2024







## Appendix

# JOURNEY OF A CONSTITUTIONAL COMPLAINT





# JOURNEY OF A CONSTITUTIONAL COMPLAINT

The Constitutional Court is not an ordinary court. It stands outside the general courts structure and does not serve as a regular appellate court. It has a different task: to protect constitutionality and human rights. It is not subject to other state bodies and is completely independent. This is the only way it can fulfil its mission.

The Constitution assigns several competences to the Constitutional Court. The most visible of these is deciding upon the constitutionality of laws and the constitutionality and legality of other legal regulations. Most often, however, it deals with the protection of individuals' fundamental rights by deciding on their constitutional complaints.

A constitutional complaint must be drawn up by an attorney and must be filed within two months of the delivery of the last decision. Complaints delivered to the Constitutional Court are received by the Registry, with delivery mostly via data box but sometimes also by post or in person. At the Registry, the complaint is assigned a registration number, recorded, then forwarded to the Judicial Department.



Every day at midnight, a computer system sorts all constitutional complaints received and allocates them evenly among the Justices in conformity with predetermined rules and according to the Court's work schedule. This distribution takes place without human intervention and is completely unbiased. The Justice to whom a constitutional complaint is assigned is termed the Justice Rapporteur.

The Justice Rapporteur is responsible for preparing the draft decision. She or he first examines the constitutional complaint, reviews the contested decisions and determines how to proceed in the case.



The Justice Rapporteur does not deal with the constitutional complaint alone. He or she has a small team of three lawyers who work as assistants. The Justice consults with the assistants and assigns them the task of collecting supporting material and preparing some passages of future decisions. Nevertheless, the Justice alone is responsible for the draft decision.



A Justice can also turn to the Analytics Department and request research or analysis for a case under consideration. One does so, for example, when needing to ascertain how similar legal issues are approached by foreign courts.

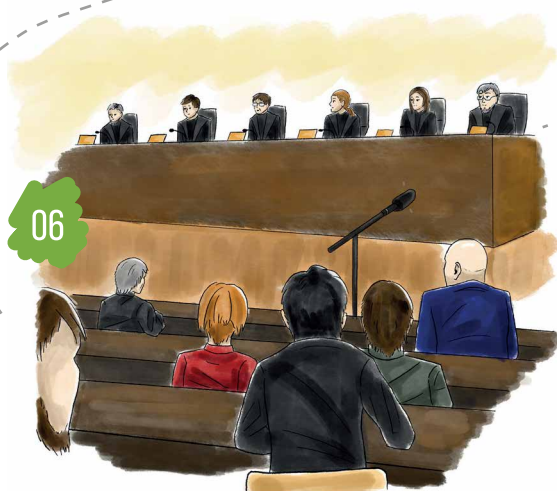


Once the Justice has gathered all the material, he or she will prepare a draft decision together with the team of assistants. This draft will then be discussed either in the Plenum, that is, among all the Justices, or in a three-member panel.



If the Justices find the constitutional complaint manifestly unfounded, they will dismiss it. The Justice Rapporteur may herself or himself also dismiss a constitutional complaint, but only on procedural or formal grounds.

If the Justices conclude that the issue requires further clarification or evidence, they will order an oral hearing. However, most of the relevant information usually will be contained in the case file. Therefore, an oral hearing is held only when the Court needs to know something that cannot be ascertained from the case file.



The Justices decide the case by vote.

Unless the constitutional complaint is dismissed, the proceedings end with a judgment. In such case, the Court decides on the merits. It will consider and assess each individual objection. In its judgment, the Constitutional Court may uphold the complainant's claim and annul the contested decision, or, if no violation of fundamental rights and freedoms is found, reject the complaint. Judgments are always pronounced publicly.



Not infrequently, the pronouncement of Constitutional Court judgments attracts media attention. When asked by the press, Justices may provide a commentary explaining the decision in a clear manner. A press release summarising the substance of a case will be issued for a decision having significant legal, social, or political impact.



All decisions of the Constitutional Court are published in the NALUS database. All judgments of the Constitutional Court and resolutions selected by the Plenum are included in the Collection of Judgments and Resolutions of the Constitutional Court. The Constitutional Court also uses its own website and social networks to inform about its decision-making and other activities.





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