

Practices of cooperation, coordination

Czechia

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Panel of Experts on the Enforcement of Judgments of the European Court of Human Rights and the Implementation of the Convention for the Protection of Human Rights and Fundamental Freedoms ('Panel of Experts') ([Ministerstvo spravedlnosti, Kolegium expertů pro výkon rozsudků Evropského soudu pro lidská práva a implementaci Úmluvy o ochraně lidských práv a základních svobod](#))

The Panel of Experts is an advisory body to the Czech Government Agent before the European Court of Human Rights ('ECtHR'). The Panel of Experts is made up of representatives of all ministries, both chambers of the Parliament of the Czech Republic, the highest judicial institutions (the Supreme Court, the Constitutional Court, and the Supreme Administrative Court), the Public Prosecutor's Office, the Office of the Public Defender of Rights, academia, and civil society.

The aim of the Panel's activities is to contribute to the effective enforcement of ECtHR judgments and to raise awareness of the Czech Republic's obligations under the Convention among the competent authorities.¹ Another objective is the application of the Convention and the case law of the ECtHR in the daily practice of national authorities and, ultimately, full adherence to the fundamental rights and freedoms enshrined in the Convention.

The Panel of Experts was established in 2015 and has since contributed to the enforcement of a number of measures resulting from ECtHR rulings and from the decisions of other international bodies. Among the countries of the Council of Europe, the Office of the Czech Government Agent has been a good example of leadership and good practice on implementation, having achieved this through a concerted effort that included intensive communication with the responsible authorities on individual judgments and through awareness-raising. In the past ten years, the Czech authorities

¹ Czech Republic, Ministry of Justice (Ministerstvo spravedlnosti) (2023), Statute of the Government Agent for the Representation of the Czech Republic before International Human Rights Bodies ([Statut vládního zmocněnce pro zastupování České republiky před mezinárodními orgány ochrany lidských práv](#)), Art. 6.

have implemented over 40 leading judgments.² The Panel of Experts is one of the key drivers of successful implementation.

The effectiveness of the Panel stems from several factors. Firstly, as an official body that meets in regular sessions, the Panel serves as a tool for regular exchange with the ministries responsible for public policy-making in the areas affected by ECtHR case law. The ministries and other relevant authorities are thus kept aware that at certain intervals they will have to report on whether and what progress has been made on their agendas. This process forces them to systematically address complex human rights issues.

The second factor is the degree of involvement of individual members of the Panel. Recently, between 2022 and 2023, the Panel of Experts succeeded in recruiting more active representatives from the Chamber of Deputies and the Senate who are willing to relay information from the Panel to the Parliament.³ The Government Agent was also invited to sit on the Legal and Constitutional Affairs Committee in the Senate in June 2023. At a meeting of the Committee, it was agreed that the Agent would regularly inform Committee members of current challenges in the area of enforcing the judgments and decisions of international bodies. The Committee expressed its wish for closer cooperation.

The Government Agent may establish working groups of the Panel of Experts to focus on the implementation of a particular judgment or decision. In the past, a working group has been established to deal with the judiciary in cases involving criminal cases of children under 15 years of age. Currently, there is a working group called Expert Forum on the Execution of the ECtHR Judgment *D.H. and Others v. Czech Republic*. The Expert Forum deals with the problem of the discrimination of Roma children in access to education.

Public Defender of Rights, Advisory Body on the Protection of the Rights of Persons with Disabilities **(Veřejný ochránce práv, Poradní orgán ombudsmana pro oblast práv lidí s postižením)**

The Advisory Body on the Protection of the Rights of Persons with Disabilities ('Advisory Body') is an advisory body of the Ombudsman. The Advisory Body was

² Democracy Reporting International (DRI) and the European Implementation Network (2023), 'Justice Delayed and Justice Denied: Non-Implementation of European Judgments and the Rule of Law', p. 32.

³ Interview with a lawyer representing the Office of the Government Agent held on 31 January 2024.

included in the Act on the Public Defender of Rights in 2018.⁴ It serves as an advisory body for cooperation in monitoring the CRPD according to its Art 33 par. 3.

The Advisory Body is distinctive in its composition. Members of the Advisory Body are in line with the CRPD persons with disabilities and persons who advocate for their rights and interests, which distinguishes the Advisory Body from other bodies on the governmental level, as these usually assemble representatives of the state, the non-governmental sector, and academia, but not necessarily members of the group a body is concerned with.

The Act on the Public Defender of Rights⁵ stipulates that it is the Ombudsman that appoints the members of the Advisory Body in consultation with organisations of persons with disabilities. Before the first Advisory Body was appointed, the Public Defender of Rights used an unconventional and low-threshold method of touring the country to network and gather contacts for potential members of the Advisory Body. Employees in the Office of the Public Defender of Rights held meetings in regional capitals, inviting people with disabilities and representatives of organisations defending their rights.⁶

With regard to responsibilities, the Advisory Body ensures, in accordance with the requirements of the CRPD, that persons with disabilities will be involved in monitoring compliance with rights under the CRPD. For example, the Advisory Body presents systemic issues on the protection of the rights of people with disabilities to the Ombudsman. It also provides the Ombudsman with advice and practical information or receives input from people with disabilities and organisations defending their rights and carers. Through the Advisory Body the Public Defender of Rights also receives input from people with disabilities, disability rights organisations, and carers and ensures that people with disabilities, organisations defending their rights, and the general public are informed about the Ombudsman's monitoring activities under the Convention.⁷

The Advisory Body usually meets four times a year – twice in person and twice online for to accessibility reasons. Like advisory bodies at the governmental level, the

⁴ Czech Republic, Act No. 349/1999 Coll. on the Public Defender of Rights ([Zákon č. 349/1999 Sb. o Veřejném ochránci práv](#)), Sec. 25a.

⁵ Czech Republic, Act No. 349/1999 Coll. on the Public Defender of Rights ([Zákon č. 349/1999 Sb. o Veřejném ochránci práv](#)).

⁶ Information provided via a phone interview by a representative of the Office of the Public Defender of Rights on 2 February 2024.

⁷ Czech Republic, Office of the Public Defender of Rights (Kancelář veřejného ochránce práv) (2020), Statute of the Advisory Body of the Ombudsman for the Protection of the Rights of Persons with Disabilities ([Statut poradního orgánu veřejného ochránce práv pro oblast ochrany práv osob se zdravotním postižením](#)).

Advisory Body sets the yearly thematic priorities and adopts resolutions on the topics discussed.⁸ The Advisory Body has adopted resolutions on the right to live independently and be included in the community,⁹ on the care allowance¹⁰ needed to exercise that right, and the right to equal recognition before the law.¹¹ Lastly, the Advisory Body cooperates with the Ombudsman in commenting on legislation where it affects the rights of persons with disabilities.

⁸ Information provided via a phone interview by a representative of the Office of the Public Defender of Rights on 2 February 2024.

⁹ Czech Republic, Public Defender of Rights (2023), 'The Ombudsman's advisory body points out that many people with disabilities are still unable to lead independent lives' (Poradní orgán ombudsmana upozorňuje na to, že řada lidí s postižením stále nemá možnost vést nezávislý způsob života), press release 19 January 2023.

¹⁰ Czech Republic, Public Defender of Rights (2023), 'The Ombudsman's Advisory Body on the Rights of Persons with Disabilities is concerned about the inadequacy of the care allowance. It has called on the Ombudsman to inform the Minister for Labour and Social Affairs about the situation' (Poradní orgán ombudsmana pro oblast práv lidí s postižením je znepokojený nedostatečnou výší příspěvku na péči. Vyzval ochránce, aby o situaci informoval ministra práce a sociálních věcí), press release 2 May 2023.

¹¹ Czech Republic, Public Defender of Rights (2023), 'Thousands of people with disabilities in the Czech Republic are limited in their legal capacity, while many would only need support, members of the Ombudsman's advisory body agree' (Tisíce lidí se zdravotním postižením jsou v Česku omezeny ve svéprávnosti, přitom by mnohým stačila jen podpora, shodují se členové poradního orgánu ombudsmana), 21 June 2023.

