

CZECH CENTRE FOR HUMAN RIGHTS AND DEMOCRACY

Czech Democracy & Rights Bulletin



Dear readers,

We are pleased to present the third issue of the Czech Democracy & Rights Bulletin, which compiles recent developments and indicators on the state of human rights and justice in the Czech Republic.

The edition opens with the most recent development in the ongoing dispute of judges' pay, as the Constitutional Court strikes down a temporary law that would decrease judges' salaries by 6%. This decision illustrates the ongoing tension between the legislature, which seeks to cut costs, and the judiciary, which argues that salary protection is essential to judicial independence.

Gabriela Grünová then examines the human rights dimension of climate protection by analyzing the Constitutional Court's ruling against an environmental association and several individual farmers. The farmers' and environmental association argued that the ministries have been violating their constitutional rights to a favorable environment. By commenting on the Court's decision not to hold the ministry accountable, Grünová asks the question, "Is legislative action the best way of protecting our climate."

Subsequently, Jonáš Hodaň details the public's reaction to the rejection of Filip Turek's nomination for the post of Minister of the Environment. Detailing critiques and concerns surrounding what the presidential power should be regarding rejecting nominations for government.

In addition, Ondřej Kučera then provides an in-depth analysis of the ongoing ramifications of the COVID-19 pandemic, specifically regarding government measures. Kučera draws on a recent case surrounding a retail company seeking payment for lost profits and how the ruling closed a series of lawsuits that have been dragging on since the pandemic.

Finally, Gabriela Grünová provides updates on Czech news, including articles on conflicts of interest between government officials and companies, the Constitutional Court's disciplinary action regarding AI use, and the Constitutional Court's ruling on Involuntary hospitalization.

We hope this edition provides readers with valuable insight into current developments shaping human rights, governmental accountability, and powers.

Editors of the Czech Democracy & Rights Bulletin

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Budova Nejvyššího soudu, author: Jakub Dubják, November 24, 2023.. Edited: cut.

CZECH DEMOCRACY & RIGHTS BULLETIN IS A BI-MONTHLY UPDATE ON THE LATEST NEWS AND EVENTS IN HUMAN RIGHTS AND DEMOCRACY IN THE CZECH REPUBLIC. EACH ISSUE FEATURES SEVERAL SHORT, EASY-TO-READ ENGLISH ARTICLES THAT HELP STUDENTS AND THE GENERAL PUBLIC QUICKLY UNDERSTAND WHAT'S HAPPENING IN THE COUNTRY'S CIVIC AND POLITICAL LIFE

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Yet Another Dispute over Judges' Salaries



*Jonáš Hodaň,
translated by Anna Slezáková*

The issue of salary restrictions affecting judges has appeared before the Constitutional Court in an almost continuous cycle. The latest ruling marks the nineteenth decision concerning legislative changes to the material security and remuneration of judges. So how did the Constitutional Court rule this time?

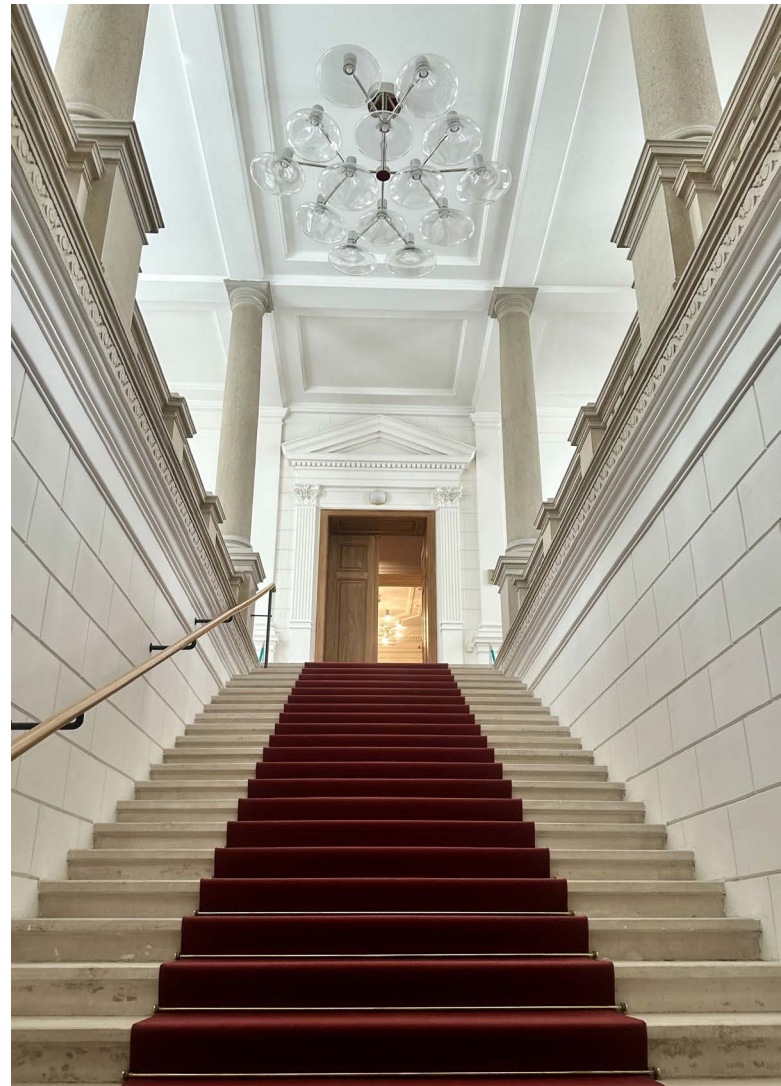
The subject of the review was Section 4 of Act No. 236/1995 Coll., which temporarily set the salary base for judges, for 2025, at CZK 121,685. This is CZK 7,675 lower than the amount that would have resulted from the automatic indexation mechanism tied to the average gross wage.

The motion to annul the provision was filed by the District Court in Děčín in connection with proceedings concerning a lawsuit brought by one of its judges, who sought salary compensation from the state. In its current judgment of 1 October 2025, Case No. Pl. ÚS 19/25 (“Judgment Pl. ÚS 19/25”), the Constitutional Court held that the application of the contested provision was unavoidable in the proceedings, thereby opening the way for a complex constitutional review..

Developments Leading up to This Year's Judgment

In its previous case law, the Constitutional Court had already formulated several key principles concerning restrictions on judicial salaries: 1) the assessment of the constitutionality of salary restrictions falls within the broader framework of judicial independence; 2) the legislature enjoys only limited discretion when regulating judges' remuneration; and 3) any interference with judicial salaries must be justified by exceptional circumstances, comply with the principle of proportionality, and reflect the distinct constitutional role of judges as compared with members of the legislative and executive branches.

The Court of Justice of the European Union has also repeatedly addressed the issue of judicial remuneration. In joined cases C-146/23 and C-374/23, it emphasized that interference with judges' salaries is permissible only when it is based on objective and generally applicable criteria,



The Constitutional Court addressed the salaries of judges once again [1]

is proportionate, and does not target judges exclusively. Arbitrary restrictions are excluded in all circumstances.

From the perspective of their temporal effect, salary restrictions may be divided into two categories: permanent restrictions, which alter the parameters for determining judicial salaries, and temporary restrictions, which introduce special rules for salary calculations for a limited period. The degree of scrutiny applied to temporary restrictions depends on the severity of the change or reduction involved. In this regard, a distinction is drawn between reducing the rate of regular salary growth, freezing salaries, and reducing salaries as such – the latter constituting the most severe form of interference.

Last year, in its judgment of 15 May 2024, Case No. Pl. ÚS 5/24 (“Judgment Pl. ÚS 5/24”), the Constitutional Court annulled an amendment concerning judicial salaries that permanently reduced the coefficient used to calculate

the salary base from three times the average gross wage to 2.822 times that amount. The Court held that the restriction lacked a legitimate aim and was unsupported by compelling arguments demonstrating its necessity and proportionality.

In response to last year's judgment, the legislature adopted a new arrangement restoring the coefficient to three times the average wage. For 2025, however, it introduced a transitional salary base for judges that reduced the rate of increase in the salary calculation base. Specifically, the salary base was set at CZK 7,675, below what would have resulted from automatic indexation based on the average gross wage in the national economy. Compared with 2024, however, the amount still increased by CZK 734.

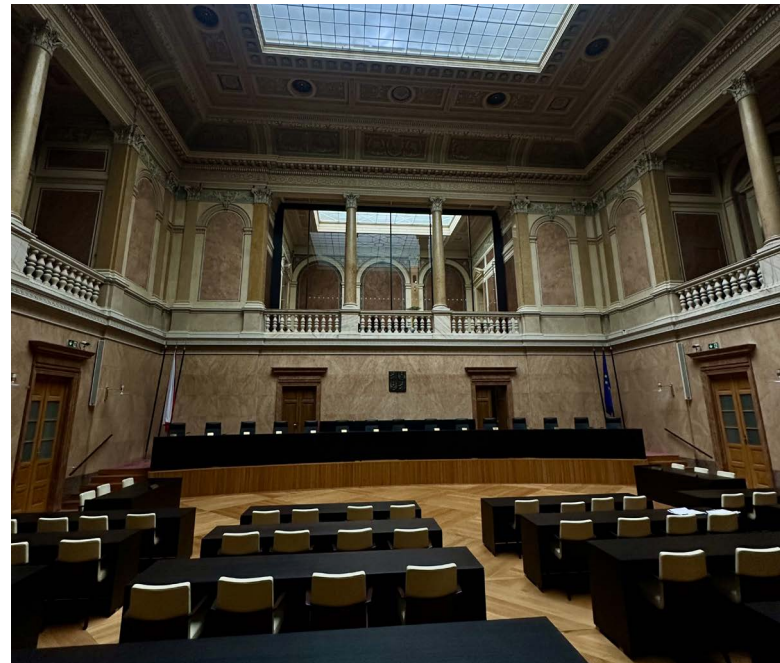
Professor Wintr's Dissenting Opinion

In his dissenting opinion, Judge Jan Wintr agrees that salary restrictions can indeed constitute an unconstitutional interference with judicial independence—particularly if they represent a reward or punishment for judges' decision-making activities or if they threaten to paralyze the functioning of the judiciary by depriving it of financial resources. In his view, however, the case at hand did not involve such circumstances.

Professor Wintr points out that financial difficulties within the judiciary currently manifest primarily in the salaries of non-judicial staff (such as law clerks, senior court officers, court reporters, and administrative personnel). According to him, it is precisely the low salaries of these groups that pose a far greater threat to the functioning of the judicial system than the fact that judges' salaries fail to grow at the rate dictated by the statutory coefficient in a given year. On the contrary, he emphasizes that, in the long term, judges' salaries have been growing faster than those of administrative staff.

Wintr also criticizes the Constitutional Court's current case law, which he considers overly stringent regarding judicial salary restrictions. This strictness is particularly evident in the requirement for a highly detailed and comprehensive economic analysis, as well as the demand for extensive consultations with the judicial branch on draft legislation. According to him, this creates an overly rigid framework that practically prevents the legislature from responding flexibly to changing economic circumstances, even when its motivations are entirely constitutional.

Furthermore, he takes issue with the Constitutional Court's conclusion that the adoption of the arrangement under



The Constitutional Court annulled the temporary reduction of the salary base [2]

review failed to respect the core findings of judgment Pl. ÚS 5/24. He points out that this prior judgment concerned a permanent restriction. In line with that ruling, the legislature restored the salary coefficient to three times the average wage, introducing only a temporary reduction to the salary base for 2025. In this regard, he does not see any failure on the part of the legislature to respect the previous decision

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Photographs

- [1] The Constitutional Court addressed the salaries of judges once again. Staircase leading to the Plenary Hall of the Constitutional Court, photographer: Jonáš Hodaň, 14 May 2025, source: author's personal archive, modifications: cropped.
- [2] The Constitutional Court annulled the temporary reduction of the salary base. Plenary Hall of the Constitutional Court, photographer: Jonáš Hodaň, 25 June 2025, source: author's personal archive. Edited: cut.

The Human Rights Dimension of Climate Protection: Climate Litigation Dismissed by the Constitutional Court



*Gabriela Grünová,
translated by Anna Slezáková*

At the end of October, the Constitutional Court dismissed a constitutional complaint filed by the association *Klimatická žaloba* (Climate Lawsuit) and other petitioners. Although the Court did not dispute the existence of the climate crisis and emphasized that this judgment does not close the door to future climate litigation, its decision has nonetheless sparked a wave of criticism.

The lawsuit was filed back in 2021 by the association *Klimatická žaloba* alongside several individual farmers, foresters, and other persons who claimed that their fundamental rights were being specifically affected, thereby establishing their standing to bring the action. In their petition, framed as an action against unlawful interference, they sought for a ruling that the interference by the Ministry of the Environment, the Ministry of Industry and Trade, the Ministry of Agriculture, and the Ministry of Transport (the respondent ministries) was unlawful. According to the petitioners, these ministries breached their obligations by failing to adopt specific mitigation measures aimed at reducing greenhouse gas emissions, thereby infringing upon the petitioners' constitutionally guaranteed fundamental rights. Concurrently, the petitioners requested that the court enjoin the respondent ministries from continuing to violate their right to a favorable environment. Having failed with their action before the administrative courts, they sought for protection by filing a constitutional complaint with the Constitutional Court, which has now issued its judgment.

The Connection to the ECtHR Judgment in *Verein KlimaSeniorinnen Schweiz v. Switzerland*

The Constitutional Court justified its decision by concluding that the administrative courts had not erred in dismissing the action against unlawful interference, as the respondent ministries were not the authors of the interference with the fundamental rights. The Court held that the respondent ministries could not be the authors of the alleged interference, as there is currently no legisla-



The Constitutional Court annulled the temporary reduction of the salary base [1]

tive framework in the Czech Republic that specifically implements the right to a favorable environment and imposes an obligation on the ministries to adopt concrete mitigation measures to reduce greenhouse gas emissions. Furthermore, the ministries lack the authority to create such legislation.

The European Court of Human Rights (ECtHR) addressed similar issues in its landmark ruling in *Verein KlimaSeniorinnen Schweiz v. Switzerland*. Among other findings, the ECtHR held that Switzerland had violated the right to respect for private and family life by failing to adopt adequate legislative and administrative measures against climate change. At the same time, it emphasized Switzerland's obligation to introduce effective climate measures and ordered it to reassess and adjust its targets and procedures accordingly.

In its judgment, the Constitutional Court did not address the *Verein KlimaSeniorinnen Schweiz v. Switzerland* ruling in any great detail. It essentially limited itself to stating that the fundamental difference between the case before the ECtHR and the case at hand lay in the fact that while the ECtHR assessed the fulfillment of climate protection obligations by the state as a whole, the Constitutional Court—owing to the procedural strategy chosen by the petitioners—only examined the contested interference by specific ministries.

The Future of Climate Litigation and Its Human Rights Dimension

The problematic aspect of the judgment, which was largely magnified by the petitioners' chosen procedural strategy, is not the dismissal itself, but rather the Constitutional Court's failure to address a broader range of pivotal questions. Answering these could have delineated a structured and effective framework for the future protection of the right to a favorable environment. The Court had a unique opportunity to shed light on several hitherto unresolved aspects of climate litigation pursued through the lens of fundamental human rights protection—particularly the parameters of protecting the right to a favorable environment. However, it failed to seize this opportunity to an extent that would contribute to shaping a predictable legal framework for assessing state or administrative interference and the potential for human rights protection in the field of climate policy.

For these reasons, the Constitutional Court's assertion that it has "not closed the door" to future climate disputes may appear somewhat unsatisfactory. Although the Court did formally leave room for further climate litigation, it provided the public with no concrete guidance on how to more effectively defend either the interests of climate protection or, crucially, their right to a favorable environment. Consequently, pursuing this protection remains a matter of trial and error, while global temperatures continue to rise and cross critical thresholds.

Speakers at an expert lecture addressing this very judgment, held at the Faculty of Law of Masaryk University in Brno, expressed similar views, emphasizing that the Constitutional Court's decision leaves a number of key aspects unresolved.

Nevertheless, the question remains whether judicial litigation is an appropriate tool for addressing the climate crisis at all, or whether it is merely a workaround resulting

from the failure of international commitment mechanisms and their implementation.

Notes

- [1] Mitigation measures are actions that address the causes of climate change with the aim of slowing it down. In contrast, adaptation measures respond to the specific manifestations of climate change, such as droughts or floods, and seek to minimize their impacts. An example of mitigation measures is the utilization of solar or wind energy, whereas an example of adaptation measures is the construction of flood barriers.
- [2] The petitioners alleged a violation of their constitutionally guaranteed rights enshrined in Articles 6, 10, 11, 26, 31, 35, and 36 of the Charter of Fundamental Rights and Freedoms; in the Preamble and Articles 7 and 8 of the Constitution of the Czech Republic; and in Articles 2, 6, and 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms.
- [3] Judgment of the European Court of Human Rights of 9 April 2024, Case No. 53600/20, *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*.
- [4] Article 8 of the European Convention on Human Rights.

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Photographs

- [1] The Constitutional Court decided the climate lawsuit in plenary session, i.e., sitting en banc with all constitutional judges. Budova Ústavního soudu, photographer: Jakub Dubják. Edited: cut.

Appointment of a Minister: Discretionary Power of the President or the Prime Minister?



*Jonáš Hodaň, translated
and updated by Kryštof Urban*

The public has recently discussed the rejection of Filip Turek's nomination for the post of Minister of the Environment. In this context, the question arises as to whether the President has the discretion to reject a nomination, and if so, under what conditions?

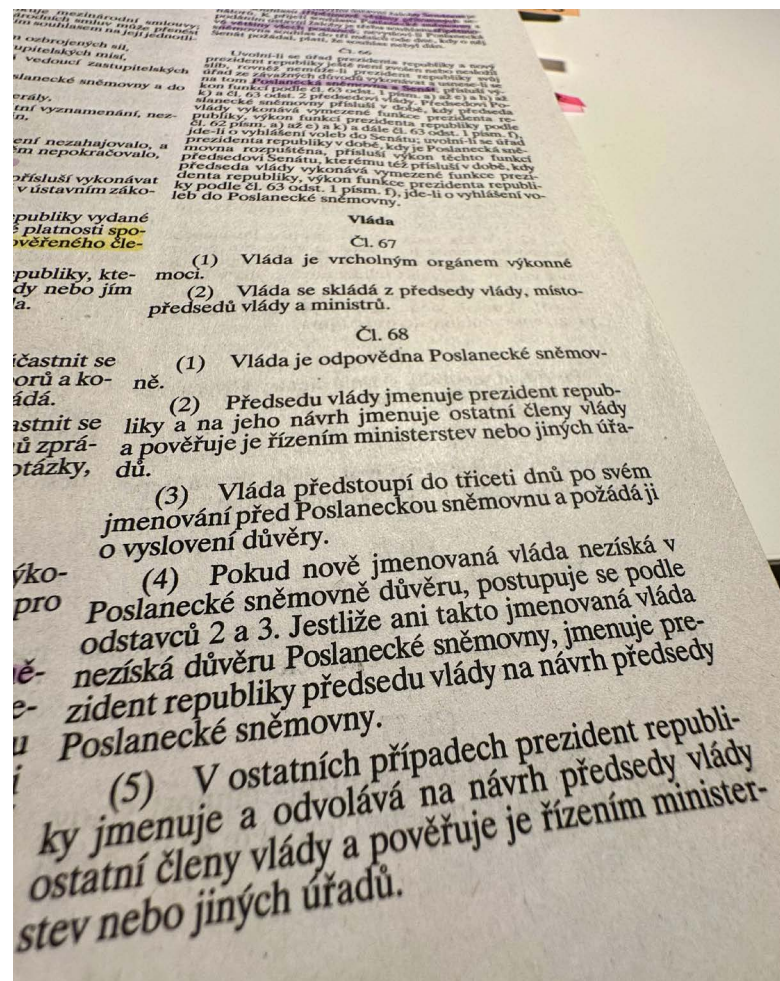
The role of the President of the Republic is often described as merely formal or representative. However, his significance increases following elections to the Chamber of Deputies, as at that point the President becomes involved in the formation of a new government. It is, after all, the President who appoints the Prime Minister and, upon their proposal, the other members of the government. Yet, on occasion, the President refuses to comply with the Prime Minister's proposal. This is precisely what occurred in the case of Filip Turek at the beginning of 2026.

This dispute marked the culmination of a long-running case involving Turek, a prominent member of the Motoristé sobě party. After various political negotiations, Prime Minister Andrej Babiš officially proposed him for the Ministry of the Environment. However, following the President's firm refusal to appoint him, the political deadlock was resolved through a temporary workaround. While the ministry was initially managed ad interim by Foreign Minister Petr Macinka, Igor Červený was ultimately appointed as the definitive Minister of the Environment in late February 2026. Meanwhile, Turek was appointed to a newly established post: the Government Envoy for Climate Policy and the Green Deal.

Nevertheless, to analyze this dispute, let's first pay attention to the fundamental theoretical baselines

The Constitutional Framework for Appointing a Member of the Government

The baseline for the President's appointment powers regarding members of the government is Article 62(a) in conjunction with Article 68(2) and (5) of the Constitution. The Constitution merely states that the President appoints the other members of the government upon the Prime



The degree of presidential discretion in appointing ministers remains uncertain [1]

Minister's proposal and entrusts them with the leadership of the ministries. The constitutional order does not provide further details. The Constitution does not explicitly contain any exceptions, any qualification requirements, nor any grounds upon which the President could reject the Prime Minister's proposal.

Thus, while the President enjoys a certain degree of latitude in appointing the Prime Minister (as there is no obligation to appoint the representative of the political party that won the most seats in the election), regarding the other members of the government, the President can only ever act upon the proposal of the Prime Minister.

Once the President has received the nomination of a specific candidate, a segment of constitutional doctrine holds that the President may refuse the appointment only in entirely exceptional circumstances. Typically, cases are cited where the proposed person would engage in activities incompatible with the office of a member of the

government under Article 70 of the Constitution. Some authors go a step further, inferring that the President could refuse to appoint a candidate if extreme moral deficiencies were present [1].

In the current affair, the President refused to appoint Filip Turek in a letter addressed to the Prime Minister, stating that, “[i]n the opinion of constitutional doctrine, the President of the Republic is constitutionally empowered, in exceptional and justified cases, to reject the Prime Minister’s proposal to appoint a member of the government; one of these grounds is the protection of the constitutional order of values of the Republic, should the proposed person actively oppose it [...]”

He emphasized that this is not a sanction against a specific candidate but a measure to protect the constitutional order. Therefore, a different standard of proof applies, whereby, in this case, mere doubts regarding the candidate’s respect for democratic values are sufficient.

The President is convinced that there is a multitude of circumstances on Filip Turek’s part that, in their entirety, raise doubts regarding his loyalty to the democratic state governed by the rule of law. He recalled Turek’s statements in which he, for instance, showed an affinity for Nazi Germany, questioned the equality of women and men or members of various minorities, or downplayed hateful acts of violence, even against young children.

I am of the opinion that the President’s current course of action is in line with at least a part of constitutional doctrine, as the aforementioned objections to Filip Turek could be summarized as extreme moral deficiencies.

However, this is not the first time a president has refused to appoint a ministerial candidate. The last significant case concerned the dismissive stance of then-President Zeman towards Jan Lipavský, on the grounds that Lipavský only held a bachelor’s degree or that his foreign policy stances differed from the President’s vision. Nevertheless, President Zeman ultimately did appoint the candidate as Minister of Foreign Affairs. Still, it can be concluded that these criticisms, operating more on a personal level, are in a way distinct from the shortcomings attributed to Filip Turek.

Competence Action

The applicant gave birth to a daughter while in detention (September 2024). She requested permission to care for her and have her with her during detention. Her request was denied, and the court subsequently decided to place the newborn girl in foster care, reasoning that neither



A competence action will not keep the Constitutional Court busy this winter [2]

the applicant in detention nor any of her family members could care for her.[2] In February 2025, the applicant was then convicted and sentenced to 22 months of imprisonment.

In April 2025, the applicant filed a request to suspend the sentence under § 325 paragraph 2 of the Criminal Procedure Code. She justified it by stating that her daughter was not yet even one year old, and she did not agree with foster care and demanded that her daughter be with her. However, the relevant district court [3] dismissed the applicant’s request, and the appeals to the Regional Court [4] were ultimately not granted. The applicant then filed a constitutional complaint against their rulings.

The district court rejected the request with the reasoning that “the applicant is not a mother caring for a child under one year of age within the meaning of § 325 paragraph 2 of the Criminal Procedure Code,” pointing out that she had been a drug user and had an older daughter in the foster care of her grandmother, whom she also did not care for. Furthermore, the court noted that the foster care was supposed to benefit the daughter.

The Regional Court then justified its dismissal by stating that a change had occurred through the amendment of § 325 paragraph 2 of the Criminal Procedure Code – “Previously, it was at the court’s discretion to suspend the execution of a sentence of imprisonment for a mother caring for a child under one year of age”.[5] According to the Regional Court, the court was not obliged to suspend the sentence for every mother, but only for one who cares for her child. It emphasized that even if the sentence were suspended, the applicant could not provide direct care for her daughter. The court concluded that the applicant was not caring

for her daughter, and therefore, the legal conditions were not met.

The applicant's key argument was based on the mutual conflict between civil and criminal decisions in the entire matter. The civil courts first placed her daughter in foster care due to her detention. The criminal courts then rejected her request for a suspension, noting that she did not have custody of her daughter. The person most harmed was the daughter herself, as, according to the appellant, this procedure deprived her of her right to her mother.

Further Potential Developments

Since the peak of the crisis in January, the situation has evolved into a practical, yet legally ambiguous, compromise. Because Filip Turek was appointed as the Government Commissioner for Climate Policy and the Green Deal, he has remained highly active within the sphere of the Ministry of the Environment. In fact, due to the political arrangements of the Motorist party, Turek has even been dispatched to represent the Czech Republic at formal EU Council meetings of environment ministers, substituting for the newly appointed Minister Igor Červený.

This configuration reopens a critical legal question regarding the Act on Conflict of Interest. The Act explicitly stipulates that the office of a Member of Parliament (which Turek holds) is incompatible with an employment or service relationship within central administrative authorities or ministries. While the government defended the move as a technical, temporary workaround to maintain the coalition's stability, critics warn that utilizing a government commissioner to exercise executive ministerial functions de facto bypasses the constitutional appointment mechanisms.

Conclusion

The current dispute, which will apparently not result in proceedings for a competence action, in a way represents a confirmation of the theoretical reflections within a segment of constitutional doctrine - namely, that in addition to his ceremonial role, the President of the Republic can, in certain cases, act as an active political player. It is thus indirectly confirmed that the President can, in exceptional circumstances, reject ministerial candidates.

Whether this development will be followed in the future as constitutionally compliant, or whether it represents

a certain excess, will be shown by the further cooperation between the President and the Government, or ultimately by a judgment on the merits by the Constitutional Court.

Notes

- [1] See, e.g., Vartazaryan, G. (2024). Překročení jmenovacích pravomocí prezidenta České republiky. *Jurisprudence*, 2024 (3), p. 24, and the sources cited therein.
- [2] Part Two, Chapter Two, Section Nine (Section 120 et seq.) of the Act on the Constitutional Court.
- [3] Ruling of the Constitutional Court dated June 20, 2001, file no. Pl. ÚS 14/01.
- [4] Ruling of the Constitutional Court dated September 12, 2007, file no. Pl. ÚS 87/06.
- [5] Part Two, Chapter Two, Section Six (Section 97 et seq.) of the Act on the Constitutional Court, also Section 136 et seq. of the Rules of Procedure of the Senate, and Section 70(5) of the Rules of Procedure of the Chamber of Deputies.

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Photographs

- [1] The degree of presidential discretion in appointing ministers remains uncertain. Čl. 68 Ústavy, author: Jonáš Hodaň, January 18, 2026, source: author's personal archive. Edited: cut.
- [2] A competence action will not keep the Constitutional Court busy this winter. Ústavní soud v zimě, author: Jonáš Hodaň, January 7, 2026, source: author's personal archive. Edited: cut.

End of Compensation Options for Traders: Supreme Court dismissed appeal



*Ondřej Kučera,
translated by Kryštof Urban*

At the end of the year, the Supreme Court ruled to dismiss a claim for lost profits sought by a retail company. This concludes yet another dispute triggered by government measures in response to the COVID-19 pandemic. On what grounds did the court reach this decision, and what arguments did the plaintiff rely on?

The lawsuit was filed against the Czech Republic – Ministry of the Interior in response to government measures concerning the COVID-19 pandemic in 2020, which restricted store operations. In the lawsuit, the retail company sought payment of CZK 1,139,123 as lost profits. Following the dismissals by the District Court for Prague 7 and the Municipal Court in Prague, the plaintiff appealed to the Supreme Court (SC), which, however, ruled identically.

The Plaintiff's Arguments: A Purposeful Loophole in the Law?

One of the key themes of this decision was the definition of the term “damage” under Section 36 of Act No. 240/2000 Coll. (the Crisis Act). The plaintiff argued for a broad definition of damage, which would also encompass lost profits. They found justification for this interpretation in the absence of a specific definition of damage within the Act itself. Furthermore, they pointed to the subsequently adopted Pandemic Act, in which the legislature explicitly specified the types of damage covered. According to the plaintiff, the omission of a detailed specification of damage in the Crisis Act must therefore have been intentional on the part of the legislature. Following this line of reasoning, the plaintiff argued that the State is liable for lost profits caused by crisis measures implemented during the state of emergency.

Assessment by the Supreme Court: Context and Purpose of the Act

In reaching its decision, the Supreme Court first anchored the issue within the constitutional framework. It referred



The Supreme Court rejected another lawsuit surviving from the COVID era [1]

to the judgment of the Constitutional Court, file no. Pl. ÚS 20/21, according to which the restriction of property rights without compensation is permissible if it theoretically applies to all owners equally (meaning, regardless of their specific situation or circumstances). The Supreme Court continues to draw from this baseline when assessing the purpose of the Crisis Act.

When examining the statutory framework, specifically Section 36 of the Crisis Act, the SC concluded that the provision must be viewed within the context of the regulation as a whole. The legislature's intent was not to provide compensation for any restriction of rights, but only for po-

tential damages (such as injury) resulting from a specific obligation imposed by the State (such as mandatory work assistance). By this, the Supreme Court does not rule out the possibility of compensation for lost profits; however, in such a case, the plaintiff would have to prove a specific obligation imposed by the State, which, according to the SC, did not occur in this instance.

The Deterrent Effect and State Liability

The Supreme Court further notes that the plaintiff's interpretation could deter the legislature, making it significantly slower to adopt measures during a state of emergency, thereby defeating the purpose of the Crisis Act.

Conclusion

According to the SC's assessment, the State is therefore not liable for all financial harm that may have arisen as a result of applying the Crisis Act. This judgment likely brings a close to one of the waves of lawsuits that have been dragging on since the beginning of the pandemic[1].

Note

- [1] The Supreme Court has already managed to apply this judgment in the case file no. 30 Cdo 2089/2025, which also concerned Section 36 of the Crisis Act.

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Czech Section News



*Gabriela Grünová,
translated by Kryštof Urban*

The Appointment of the Government and Andrej Babiš's Conflict of Interest

Several months have already passed since the elections of the Chamber of Deputies, which were won with a majority share of 34.51% of the vote by the ANO political movement, led by Andrej Babiš himself. In the interim, media attention focused primarily on Filip Turek, whose activities have long been accompanied by controversy. Nevertheless, the Motoristé sobě political movement, of which Turek is the honorary president, attempted to push for his appointment to the Ministry of Foreign Affairs of the Czech Republic.

In mid-December 2025, the appointment of the new Government of the Czech Republic took place at Prague Castle. The President of the Republic, Petr Pavel, appointed Andrej Babiš to the office of Prime Minister, who thus once again assumed the leadership of the executive power in the Czech Republic. Karel Havlíček was appointed to the position of First Deputy Prime Minister. Furthermore, for instance, Petr Macinka assumed the offices of Minister of Foreign Affairs and Minister of the Environment, and Alena Schillerová was appointed Minister of Finance.

However, an even more prominent and systemically serious issue became Andrej Babiš's conflict of interest arising from his position in relation to the Agrofert company. Even before the elections, the President of the Republic, Petr Pavel, emphasized that the appointment of the Prime Minister would be conditioned upon a clear and unquestionable resolution of this conflict of interest. Despite this fact, Andrej Babiš did not comment on the resolution of this matter for several weeks, while publicly declaring that he would resolve his conflict of interest within the legal deadline.

In December, he announced his intention to place the shares of the Agrofert holding into a trust fund named RSVP Trust to eliminate the issue of direct ownership. Critics point out that the Prime Minister's commitment to remove the conflict of interest is still awaiting full and irreversible implementation, and that some state institutions have concluded contracts with companies from the Agrofert holding, which, according to some legal analyses, may represent an ongoing risk of a conflict of interest in practice.



Strakova Akademie – the seat of the Government of the Czech Republic and the Office of the Government of the Czech Republic [1]

A Disciplinary Fine from the Constitutional Court for the Use of AI

In December 2025, the Constitutional Court imposed a disciplinary fine of CZK 25,000 on an attorney. Given that the attorney had committed such serious misconduct for the first time and that it was still possible to remedy the defects in the submission, the Constitutional Court imposed a fine near the lower limit of the statutory range.

On behalf of his client, the attorney filed a constitutional complaint against a resolution of the Supreme Administrative Court, in which he referred, among other things, to twelve decisions of the Constitutional Court and the European Court of Human Rights. However, a substantial portion of these decisions did not exist at all, or they were fundamentally misinterpreted by the attorney. When preparing legal arguments, artificial intelligence often fabricates fictitious case law, or, even when working with existing decisions, it is unable to correctly identify their essential conclusions. Instead, it focuses on marginal passages or invents the content of the decisions entirely. Precisely such excesses occurred in the arguments of attorney Kehl, where some cited decisions did not exist at all, while others did exist but were significantly distorted or attributed a completely fabricated content.

In its resolution, the Constitutional Court emphasized that it is irrelevant whether attorneys prepare their submissions with the assistance of persons or tools. What is decisive is that, as professionals, they bear full responsibility for the content of the submission. They are therefore obliged to also bear the consequences of submissions that do not meet basic qualitative requirements. According to the Constitutional Court, the attorney misled the court, thereby grossly impeding the course of the proceedings. Based on these facts, the Constitutional Court imposed a disciplinary fine on the attorney and simultaneously called upon him to remedy the defects in the submission.

The Constitutional Court's Ruling on Involuntary Hospitalization

In mid-January 2026, the Constitutional Court issued a ruling addressing court decisions on the permissibility of admitting a person for involuntary hospitalization. In this judgment, the Court examined the case of a woman who was involuntarily hospitalized for six days in November 2022, thereby being separated from her still breastfed child. Although she was subsequently released, she insisted on a review of the decisions of the ordinary courts, which had concluded that the involuntary hospitalization complied with the law because the applicant showed signs of a mental disorder and posed a threat to her surroundings, with these grounds for restricting her personal liberty supposedly persisting throughout the entire hospitalization. Pivotal to the Constitutional Court's assessment of the matter was the fact that the ordinary courts based their conclusions primarily on medical records, doctor's testimony, and an expert opinion.

In its ruling, the Constitutional Court emphasized that assessing the legality of involuntary hospitalization cannot be based exclusively on expert opinions or medical conclusions. It further stated that courts are obliged to evaluate all evidence presented, including the testimony and assertions of the hospitalized person themselves. In the case at hand, the ordinary courts failed to properly address the recordings submitted by the applicant, which captured her contact with the paramedics and the course of her hospitalization. Although the District Court admitted a transcript of these recordings into evidence, it did not adequately consider their content and failed to address them in its reasoning. By favoring expert conclusions and omitting the evidence presented by the applicant, the courts violated her right to judicial protection, fair trial, and personal liberty.

The decisions of the ordinary courts were therefore overturned, and the case was remanded to the District Court for Prague 8 for further proceedings, which will be bound by the Constitutional Court's legal opinion in its subsequent decision-making.

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Monitoring of human rights publications



Adéle Krejčířová

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Photos

[1] Illustrative photo. Právní literatura (1), autor Jakub Dubják, 6. 8. 2025.. Edited: cropped



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