

The Public Defender of Rights

is an ombudsman in the Czech Republic. The office is based in Brno. **He or she protects** persons from an act of authorities and other institutions, if it is in conflict with the law, does not comply with the principles of democratic rule of law and good governance, against their inactivity, and in this way he or she contributes to the protection of fundamental rights and freedoms.

The Ombudsman's **main importance** is seen as improving the relationship between the citizen and the state. In this relationship, he or she does not act as an opponent of state institutions, but should be a mediator in this relationship to help correct errors. However, for a successful functioning it is necessary for the state administration to be aware of its errors and to take into account the Ombudsman's recommendations and comments.

The Defender's authority covers: Czech National Bank, if it acts as an administrative authority of the Ministry, Council for Radio and Television Broadcasting, regions and municipalities in the exercise of state administration (but not if they decide as self-government), other administrative authorities with jurisdiction over the entire territory of the state and the authorities subject to them, Police of the Czech Republic (unless acting as a law enforcement authority), army, the Castle Guard, Prison service, detention and similar facilities, public health insurance companies.

On the contrary, **it does not apply to:** the Parliament of the Czech Republic, the president and the government, the Supreme Audit Office, intelligence services, law enforcement authorities, public prosecutor's offices and courts.

The Defender **has the possibility to conduct** independent inquiries in the given matters and remedies public administration errors by means of informal proposals or recommendations and, in particular, through public pressure on the given institutions, when he has the possibility to publicly call on the institutions to rectify their errors. As a last resort, it is possible to propose the opening of court proceedings.

However, he or she **has no right to cancel or change the decisions** of the authorities and to enter into legal disputes. Nor can the Ombudsman be regarded as an appeal body and cannot affect the exercise of jurisdiction. However, it may submit to the Constitutional Court a petition for annulment of a sub-legal regulation (government order, decree) or its individual provisions.

The Ombudsman **acts on the basis of:** 1) on the initiative of a natural or legal person addressed to him, 2) a motion addressed to a Deputy or Senator who has forwarded it to him, 3) an initiative addressed to one of Parliament's chambers, which referred it to him, 4) own initiative.

The complaint may be submitted in writing or orally in a report. The complaint should include, in particular, the complainant's personal data, an account of the essential

circumstances of the case and evidence in the form of copies of documents. Documentation of communication with other authorities is desirable as well as evidence of an unsuccessful request for redress. Such complaints are exempt from charges.

The Ombudsman and his deputy are elected by the Chamber of Deputies for six years on the basis of proposals from the President and the Senate. It is unimpeachable under current legislation. He or she assumes the office by taking this oath to the President of the Chamber of Deputies. The Ombudsman has an office and, besides his deputy, he may have assistants appointed to act on his behalf.