

Ombudsman – the Public Defender of Rights

What (s)he can and cannot do



When can the Defender help me (and when not)?



We **can** help you in cases where you believe **you have been treated incorrectly or unlawfully by the authorities**.

For example, if you disagree with an authority's decision, dispute the authority's procedure, when the authority is inactive even though it should act, if you have not been invited to become a party to certain proceedings, if a public servant treated you inappropriately and in other similar cases.



We **cannot** help you with your **private disputes**. We are not competent to **decide about such disputes, represent you nor provide you with legal aid**.

For example, we cannot help you with:

- *disputes with other people or companies, such as disputes between employers and employees, disputes between neighbours, consumer disputes (e.g. loans, purchase contracts, utilities contracts, disputes with phone and Internet providers), and debt collection disputes;*
- *disputes between users and providers of social/healthcare services, between insured persons and healthcare providers or an insurance company and the provider.*

We **cannot** help you with **criminal cases**.



We **can** help you if you believe **you have been discriminated against**.

For more information, see the "Discrimination" leaflet on the Defender's website (www.ochrance.cz) in the "Problems and their solutions" section on the left panel.



Our mandate also covers certain other things:

- **We visit places where people's freedom is restricted** in order to help protect them against ill-treatment.
For more information, see the "Protection against ill-treatment" leaflet on the Defender's website (www.ochrance.cz) in the "Problems and their solutions" section on the left panel.
- **We also monitor the protection of rights of people with disabilities.**
You can find more information on the Defender's website (www.ochrance.cz).
- **We monitor expulsions of foreign nationals from the Czech Republic and make sure they are carried out in accordance with the law.**

For more information, see the Defender's website or call the information line of the Office of the Public Defender of Rights at +420 542 542 888, available on business days from 8 a.m. to 4 p.m.

Which are the authorities and institutions I can file a complaint against with the Defender?

You can file a complaint concerning most public authorities, including:

- ✓ Government ministries
 - ✓ Branches of the Social Security Administration
 - ✓ Branches of the Labour Office and the Labour Inspectorate
 - ✓ Branches of the Land Registry Office
 - ✓ Tax authorities
 - ✓ Construction authorities
 - ✓ Authorities dealing with infractions
 - ✓ Roads administration authorities
 - ✓ Trade licensing authorities
 - ✓ Children's homes
 - ✓ Bodies of social and legal protection of children
 - ✓ The Prison Service
- and many other public authorities and offices**
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You can file a complaint against certain public authorities only in certain situations:

Municipalities and administrative regions:

- ✗ You **cannot** file a complaint against these authorities with the Defender if **they are acting on their own behalf (self-government or "independent competence")**.
This includes e.g. allocation of municipal flats, approval of spatial plans or sale of property.
- ✓ You **can** file a complaint against these authorities with the Defender if **they are acting on behalf of the State (public administration or "delegated competence")**.
This concerns e.g. their activities in the role of construction authorities, bodies of social and legal protection of children, roads administration authorities, public guardians etc.
- ✓ You **can** file a complaint if you believe to have been **discriminated** against by municipal or regional authorities or their subordinate organisations. *E.g. in the allocation of municipal flats.*

Courts, public prosecutor's offices and civilian enforcement officers – you cannot file a complaint with respect to most of their activities.

- ✗ The Defender **cannot interfere with court proceedings nor review court decisions**.
This means you cannot appeal to the Defender against court decisions.
 - ✗ The Defender **cannot interfere with criminal proceedings pursued by a public prosecutor** nor **police activities**.
For example, the Defender cannot deal with complaints concerning (non-)initiation of criminal proceedings nor the course of police investigation.
 - ✓ However, the Defender **can inquire into police activities if the police were dealing with a general infraction, traffic infraction or placed you in a police cell, etc.**
 - ✓ The Defender **can deal with complaints raised against courts and public prosecutor's offices if these bodies are themselves inquiring into complaints** against delays in proceedings, inappropriate conduct of employees of courts, public prosecutor's offices and civilian enforcement officers or if they are dealing with applications pursuant to the Free Access to Information Act.
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You cannot file a complaint against:

- ✗
 - the Parliament, the Government, or the President.
 - The Supreme Audit Office, intelligence services and the General Inspectorate of Security Forces.
 - Foreign authorities.

How does the Defender determine whether an authority decided or proceeded correctly?

We examine whether the authority **acted according to the law** (i.e. laws, decrees, court decisions etc.) and **according to the principles of “good governance”**. Good governance means that authorities take care not to act in a disproportionate manner, arbitrarily, in a purpose-driven fashion, evasively or with unreasonable delays. Good governance also means that public servants do not refuse to disclose information to you, discriminate against you or make errors in the administrative file.

What happens if the Defender finds out that an authority or an institution made an error?



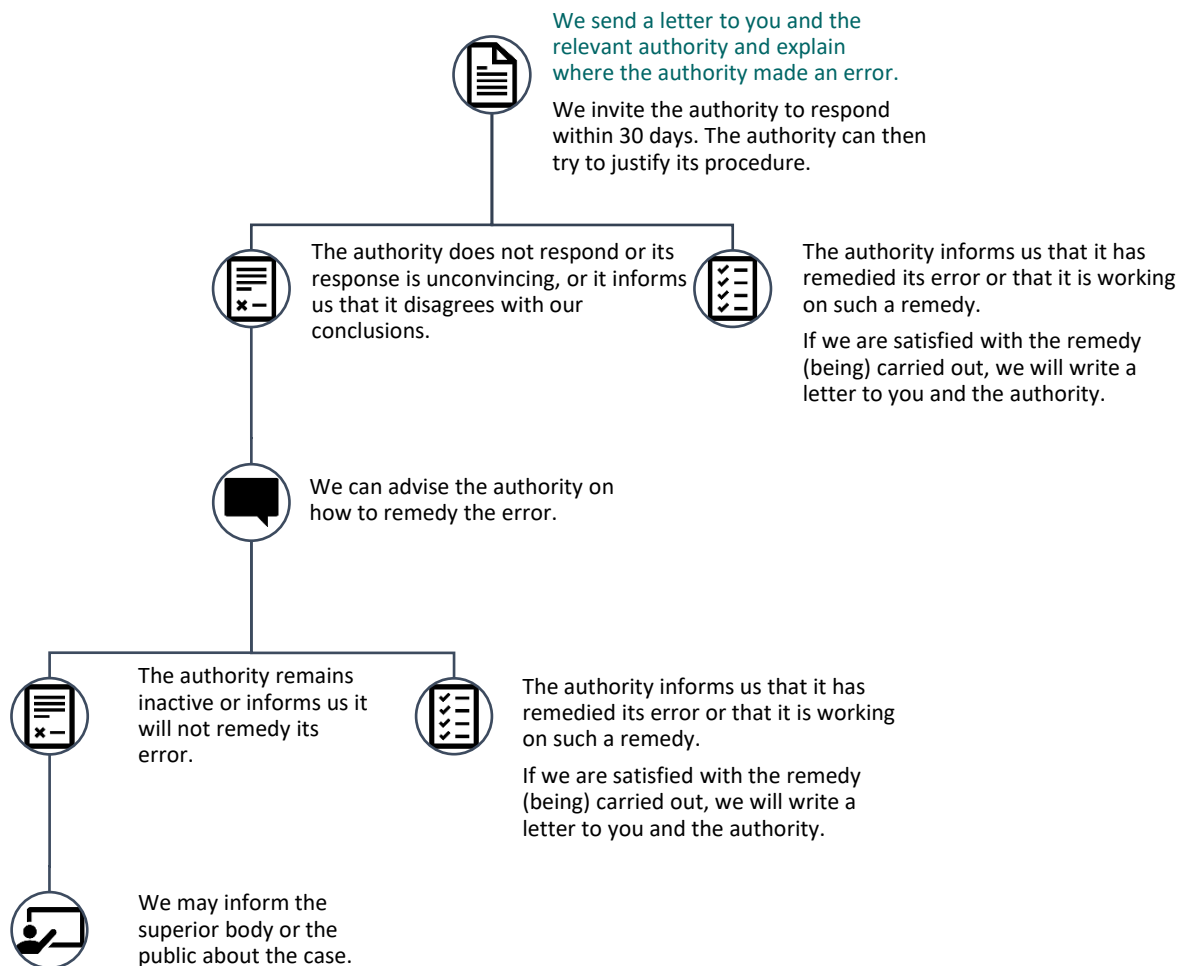
We can ask the authority or institution to remedy their decision, procedure, acts or inactivity.



We cannot issue a decision instead of the authority nor change or repeal its decision. This has to be done by the authority itself or by its superior body. Neither can we punish the public servants who erred.



How do we proceed:



What do I have to do before I contact the Defender?



You first have to request the authority you want to complain against to proceed with or remedy its conduct in the case.

The authority has failed to remedy its procedure or decision even though I requested it. What information should I disclose/send to the Defender so that (s)he can inquire into my case?

1. Please tell us the following:



Your name, surname and home address. We would appreciate it if you could also give us your phone number and e-mail address so that we can deal with the case faster.

If you are a legal entity, please indicate the business name, address of your registered office and the name of a person authorised to act on your behalf.



The facts of the case. Please **only write important facts and be brief and concise.**



Which authority are you complaining against?

You can also send us the name and surname or a description of the public servant who handled your case.



In what ways have you tried to solve the issue with the authority and what was the outcome?

Please try to provide some documentary evidence.



Have you approached other authorities, institutions or a lawyer in the same case?



If an **official decision has been issued in your case, please attach its copy.**

You can also attach copies of your correspondence with the authority and/or copies of other important documents. You can also send the original counterparts; we will return them to you when we finish our inquiry.



If you are approaching the Defender **on behalf of someone else**, you need to send us a **power of attorney made in writing.**

It need not be officially authenticated.

2. We will assess whether your statements and documents are sufficient; if not, we will ask you to provide additional evidence.

3. We will start our inquiry into your case.



Please note that we cannot inquire into your case if:

- **it concerns a matter that lies outside our mandate** (please consult the section summarising the Defender's competences at the beginning of this information leaflet);
- **it concerns an authority or institution which we are not competent to inquire into** (please consult this leaflet for a list of authorities and institutions you can file a complaint against);
- **it concerns someone other than yourself and you have not produced a power of attorney** to act on behalf of this other person.

Please note that we are not required to look into your case if:

- you have failed to disclose important information or did not send us the necessary documents even though we asked you to provide them;
 - we consider the authority's procedure correct (in that case we will comprehensibly explain this to you);
 - more than a year has passed since the last event transpired in your case;
 - your case is currently being heard by a court or has already been decided by a court;
 - you have already approached the Defender in the case and the circumstances have not changed since then.
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How can I approach the Defender?



- Send us a letter.
- Fill in the form available for printing at www.ochrance.cz.



- Send us an e-mail to podatelna@ochrance.cz.
- Fill in the online form at www.ochrance.cz.
- Via the data box (data box ID is jz5adky).



- Visit the Defender's office in person at Údolní 39, Brno, on Mondays and Wednesdays from 8:00 a.m. to 4:00 p.m. We will hear you out and record your complaint.