

**Execution of the judgment of the European Court of Human Rights
in case no. 15440/22 – *Suverénní řád Maltézských rytířů – České velkopřevorství*
v. *the Czech Republic***

Action Report submitted by the Czech Government on 8 June 2026

In the judgment of 11 September 2025 in the case of *Suverénní řád Maltézských rytířů – České velkopřevorství* (no. 15440/22), the European Court of Human Rights (“the Court“) found a violation of the right to a fair hearing under Art. 6 § 1 of the European Convention on Human Rights (“the Convention“). A chamber of the Constitutional Court, in proceedings concerning the determination of title to church property, had disregarded a new line of case-law on church property restitution developed by other chambers, without explaining its reasons for not following it and without making use of the mechanism for submitting the matter to a plenary session under Section 23 of the Constitutional Court Act.¹ This constituted a breach of the principle of legal certainty (see §§ 76–78 of the judgment).

The present action report is intended to inform the Committee of Ministers of the Council of Europe of the individual and general measures that have been carried out to execute the above-mentioned judgment.

I. INDIVIDUAL MEASURES

The applicant did not submit a claim for just satisfaction and the Court accordingly did not award it any sum on that account (§ 85 of the judgment).

On 3 February 2026 the applicant filed a request for reopening of the proceedings before the Constitutional Court following the Court’s judgment, pursuant to Section 119 et seq. of the Constitutional Court Act.² On 20 May 2026 the Constitutional Court granted the request, quashed the original decision and will re-examine the merits of the case.³ In its decision granting the reopening, the Constitutional Court found that in its original decision of 16 November 2021 it had not adequately addressed the inconsistency in its case-law and had not explained why the more recent line of case-law did not apply to the case at hand, while it was necessary to express a view on those questions explicitly and to resolve the uncertainties that had arisen, which, however, had not been done in the impugned decision (point 26 of the decision). In the reopened proceedings, it will proceed on the basis of the legal opinion of the Court.⁴

¹ Section 23 of the Constitutional Court Act provides: „If a chamber which, in the course of its decision-making, arrives at a legal opinion departing from a legal opinion of the Constitutional Court expressed in a judgment [náleží], it shall submit the matter to a plenary session of the Constitutional Court for consideration. The chamber shall be bound by the standpoint of the plenary session in further proceedings.“

² Section 119 of the Constitutional Court Act as amended by Act no. 404/2012 provides, inter alia, that if the Constitutional Court has previously ruled in a case in which an international court finds a violation of human rights or fundamental freedoms guaranteed by an international treaty, it is possible to file a request for reopening of the proceedings in which the ruling was given. Section 119b provides, inter alia, that if Constitutional Court’s previous judgment (náleží) was inconsistent with the decision adopted by the international court, it must set it aside. If the Constitutional Court sets aside its judgment, it deals anew with the original constitutional appeal and the new judgment should be based on the legal opinion of the international court.

³ The reopening proceedings are conducted under case no. Pl. ÚS 8/26. The original constitutional complaint proceedings were conducted under case no. IV. ÚS 2662/21.

⁴ Section 119b(3) of the Constitutional Court Act provides: “In the new judgment, the Constitutional Court shall proceed on the basis of the legal opinion of the international court.”

In view of the above, the Government believe that no other individual measures need to be adopted in the applicant's case.

II. GENERAL MEASURES

A. RAISING AWARENESS OF THE JUDGMENT

The Ministry of Justice has informed the public about the judgment immediately after its delivery in the form of a [press release](#) and on social media.

It has further published the Czech translation of the judgment in its online database of the international human rights case law ([mezisoudy.cz](#)).⁵ The summary of the judgment has also been published in the [Government Agent's Newsletter](#) no. 1/2026.

The translation of the judgment and its summary in Czech were sent to the relevant authorities that participated in the domestic proceedings (the District Court in Bruntál, the Regional Court in Ostrava, the Supreme Court, the Constitutional Court, and the State Land Office). The Court's judgment and its conclusions were also brought to the attention of other State authorities that were or are involved in other domestic proceedings concerning the restitution of property to this ecclesiastical legal person (the District Court in Prague 9, the Municipal Court in Prague, Forests of the Czech Republic [Lesy České republiky, s.p.], the Ministry of Culture, the Ministry of the Interior, the Ministry of Agriculture, the Office for Government Representation in Property Affairs, and the Office of the Government). All judges and, where applicable, their judicial assistants, as well as staff of the State authorities for whom the judgment is directly relevant, were informed of the judgment between September and November 2025.⁶

B. ANALYSIS OF THE JUDGMENT

The Office of the Government Agent consulted the form of appropriate general measures to implement the judgment and prevent similar violations in the future with the relevant domestic authorities, in particular the Constitutional Court. The execution of the judgment and the measures adopted were also presented to the Committee of Experts for the Execution of Judgments of the Court and the Implementation of the Convention⁷ at a meeting held on 29 April 2026.

⁵ The website is run by the Government Agent's Office. It includes a database, which provides access to the case-law of the Court. The database contains all the judgments of the Court in the language in which the Court issued them. Above that, the database contains translations of all judgments of the Court against the Czech Republic, hundreds of translations of the most important judgments of the Court delivered against other States and more than 1 700 legal summaries compiled in the Czech language of other relevant and significant judgments and decisions of the Court. The database also connects the case-law of the Court with the case-law of the Constitutional Court of the Czech Republic and the jurisprudence of the European Committee on Social Rights and United Nations Treaty Bodies.

⁶ The District Court in Bruntál, the Regional Court in Ostrava, the Supreme Court, the Constitutional Court, the Ministry of Culture, Forests of the Czech Republic (Lesy České republiky, s.p.), and the Office for Government Representation in Property Affairs.

⁷ Established as a follow-up to the obligation to reinforce the implementation of the Convention at the national level agreed by and between the Contracting Parties to the Convention at the High-level Conference on the "Implementation of the European Convention on Human Rights, our shared responsibility" of 27 March 2015, it is the Government Agent's advisory body which serves as a forum for analysing and formulating recommendations to the authorities in terms of suitable measures to be adopted for the purpose of implementing the Court's judgments. It is composed of representatives of all ministries, both Chambers of Parliament, highest courts, Office of the

It follows from the consultations and meetings that the execution of the judgment does not require an amendment to the applicable legal framework, but rather its constitutionally compliant application. The violation of Art. 6 § 1 of the Convention found by the Court was not caused by the absence or the design of the mechanism for ensuring consistency of the Constitutional Court's case-law, as the Court expressed no criticism in that regard (§ 76 of the judgment). The execution of the judgment therefore consists in ensuring that the procedure under Section 23 of the Constitutional Court Act is consistently applied by its chambers.

The key prerequisite for consistent compliance with the procedure under the above-mentioned provision is broad awareness among the judges of the Constitutional Court and their assistants that the questions raised have already been addressed by another chamber of the Constitutional Court in a judgment (nález).

his awareness is ensured in particular through searches in the [Constitutional Court's case-law database](#), through internal meetings of the plenary, and through the activities of the Constitutional Court's analytical department. The latter informs judges and their assistants by email of new case-law of the Court and stores compiled overviews of that case-law on a shared drive. It also publishes a monthly [Bulletin](#) containing abstracts of recent judgments (nálezy) of the Constitutional Court from the preceding month, as well as summaries of decisions of the Court.

All these mechanisms, taken together, are capable of ensuring that the judges of the Constitutional Court and their assistants have sufficient information to assess whether, in a given case, the statutory conditions for applying the procedure under Section 23 of the Constitutional Court Act are met.

The need for consistent use of the procedure under that provision was also emphasised by the judges of the Constitutional Court at their internal meeting of 11 February 2026, at which they familiarised themselves in detail with the Court's findings in the above-mentioned judgment and discussed them.

In the broader context of the case, it may be added that, over the past year, the plenary of the Constitutional Court has also addressed at its internal sessions the development of case-law in the area of church property restitution and has agreed on the need for its unification and consistent application in future cases. It will have an opportunity to do so, for example, in the pending plenary case no. [Pl. ÚS 25/25](#).⁸

In the margin, the Government note that, beyond the execution of the judgment in the case of *Suverénní řád Maltézských rytířů – České velkopřevorství*, the Constitutional Court intends to introduce or develop in the future additional tools to facilitate searches within its extensive case-law. The Constitutional Court is preparing a procurement for the development of a technological tool focused on advanced search and identification of case-law in substantively similar cases. During the testing and deployment of this tool, training sessions for judicial assistants on searching for and identifying relevant case-law of the Constitutional Court are also planned. The implementation of this initiative is currently at an early stage.

Supreme Public Prosecutor, Office of the Public Defender of Rights, academic staff and members of various NGOs operating in the field of fundamental human rights.

⁸ The constitutional complaint of Římskokatolická farnost – prelatura Český Krumlov.

III. CONCLUSION

The Government believe that, given the nature of the violation found, the fact that the Constitutional Court will re-examine the applicant's case in the reopened proceedings constitutes a sufficient form of redress at the individual level.

As regards general measures, the Government have ensured broad awareness of the judgment. The Constitutional Court is conscious of the need to ensure consistency of case-law and the rigorous use by its individual chambers of the procedure for submitting matters to the plenary session of the Constitutional Court and emphasised this need at its internal meeting. The existing mechanisms are moreover capable of ensuring that judges and their assistants have sufficient awareness of whether the question raised has already been addressed by another chamber in a judgment (nález), so as to be able to assess whether the statutory conditions for applying the procedure under Section 23 of the Constitutional Court Act are met. The Government consider these measures to be sufficient for the proper execution of the judgment.

The Government of the Czech Republic conclude that the judgment does not require any further individual or general measures to be taken and that all the necessary measures to execute the judgment were adopted. Therefore, they propose to the Committee of Ministers to close its supervision of the execution of the judgment.