



Visegrad Alliance
for Digital Rights
and Disinformation Defense

NATIONAL REPORT

THE CZECH REPUBLIC

Legal framework as of October 30, 2025.

The project is co-financed by the governments of Czechia, Hungary, Poland, and Slovakia through Visegrad Grants from the International Visegrad Fund. The mission of the fund is to advance ideas for sustainable regional cooperation in Central Europe.



ABOUT THE AUTHORS

MAREK ANTOŠ

Associate Professor

Charles University

Marek Antoš is a constitutional law scholar and an associate professor at the Faculty of Law, Charles University, where he serves as the Head of the Department of Constitutional Law and Vice Dean for Communication and IT. With a rich academic and professional background, he specializes in constitutional issues related to political systems, elections, rationalized parliamentarism, social rights, party financing, and the impact of technological advancements on constitutional law, including the “right to be offline.”

PETR GANGUR

PhD candidate

Charles University

Petr Gangur is a PhD student at the Department of Constitutional Law at the Faculty of Law of Charles University and a student of the LL.M. Comparative Constitutional Law programme at Central European University. He has participated in several research projects including ERC-CZ, where he worked as a researcher in the field of empirical research of the concept of “constitutional identity” at the Czech Constitutional Court. During his Master’s studies, he completed internships at the Ministry of Justice and the Czech Constitutional Court. He also worked at the same department as a student research assistant.

JAKUB HODULÍK

PhD candidate

Charles University

Jakub Hodulík is a PhD student at the Department of Constitutional Law at the Faculty of Law of Charles University and an assistant to a judge of the Constitutional Court of the Czech Republic. He has published primarily in the fields of freedom of expression and electoral law, with his current research focusing on the constitutional limits of delegated regulation of free expression in digital environment. During his master’s studies at Charles University, he also spent a year studying at University College Cork, Ireland.

LEGISLATION AND CASE-LAW CONCERNING DISINFORMATION AND HATE SPEECH

Attach the full range of public authority instruments, from criminal sanctions to administrative offences and other instruments, including noteworthy legislative proposals that did not pass.

1.1 Legal Framework and Definitions

Does your national legal framework define disinformation?

To this date, the Czech legal framework does not contain any explicit definition of disinformation.

Does your national legal framework define hate speech?

As of today, the Czech legal framework does not contain any general definition of hate speech. However, criminal and administrative law provisions include multiple offences, constituent elements of which encompass unlawful acts equivalent to hate speech (see sections 1.2 and 1.3).

Are there any specific distinctions made between online and offline disinformation or hate speech in your legislation?

Typically, unlawful acts meeting the constituent elements of verbal criminal offences (such as those regulated in sec. 355 and 356 of the Criminal Code¹) establish criminal liability regardless of whether they were expressed in online or offline world.²

¹ Act No. 40/2009 Coll., Criminal Code.

² See, e.g. PROVAZNÍK, Jan. § 355 [Defamation of a nation, race, ethnic or other group of persons]. In: ŠČERBA, Filip et al. *Trestní zákoník*. 1st edition (3rd update). Prague: C. H. Beck, 2020. Available at beck-online.cz, marginal nos. 32–33.

1.2 Criminal Sanctions

Which criminal offences address disinformation in your jurisdiction (e.g., spreading false news, incitement, etc.)?

The Czech Criminal Code does not explicitly criminalise the creation or spreading of disinformation. Disinformation and their spreading are punishable only if the constituent elements of given criminal offences are met, such as infringement of stranger's rights (sec. 181), slander (sec. 184), collaboration with the enemy (sec. 319),³ false accusations (sec. 345), defamation of nation, race, ethnic or other groups of people (sec. 355), encouragement to hatred against a group of people or to restrict their rights and freedoms (sec. 356), spreading of alarming news (sec. 357), encouragement of a criminal offence (sec. 364), approval of a criminal offence (sec. 365), expressions of sympathy for movements seeking to suppress human rights and freedoms (sec. 404), denial, questioning, approval and justification of genocide (sec. 405).⁴

Furthermore, it cannot be ruled out that the dissemination of disinformation will be punishable under the recently enacted criminal offence of unauthorised activity for a foreign power (sec. 318a). The constitutionality of this controversial provision is currently being reviewed by the Czech Constitutional Court. Several NGOs raised concerns about the excessive vagueness of the provision in their *amicus curiae* brief.⁵

Which criminal offences address hate speech in your jurisdiction?

- Sec. 355 of the Criminal Code – Defamation of Nation, Race, Ethnic or other Groups of People

³ DRAŠTÍK, Aleš, FREMR, Robert, DURDÍK, Tomáš, RŮŽIČKA, Milan, SOTOLÁŘ, Aleš et al. *Trestní zákoník: komentář*. [ASPI System]. Wolters Kluwer [cited 2025-09-04]. ASPI_ID KO40_2009CZ. Available at: www.aspi.cz. ISSN 2336-517X. Commentary to § 319, para. 4.

⁴ Some of the listed criminal offences have been considered applicable in this field by the Ministry of the Interior's Centre Against Hybrid Threats (see "Dezinformační kampaně – trestněprávní úprava." Centre against Hybrid Threats, Ministry of the Interior of the Czech Republic. Available at: <https://mv.gov.cz/chh/clanek/dezinformacni-kampane-trestnepravni-uprava-trestnepravni-uprava.aspx> (accessed 7 October 2025)).

⁵ "Vyjádření k projednávání věci sp. zn. Pl. ÚS 5/25 (*amicus curiae* brief)." [PDF document]. Available at: [https://cdn.prod.website-files.com/62a516e4c9aebb69f972c23c/685d08e0b18ef0bf56e46328_Vyj%C3%A1d%C5%99en%C3%AD%20k%20projedn%C3%A1van%C3%A9%20v%C4%Bci%20sp.%20zn.%20Pl.%20C3%9AS%205_25%20\(amicus%20curiae%20brief\)%20\(3\).pdf](https://cdn.prod.website-files.com/62a516e4c9aebb69f972c23c/685d08e0b18ef0bf56e46328_Vyj%C3%A1d%C5%99en%C3%AD%20k%20projedn%C3%A1van%C3%A9%20v%C4%Bci%20sp.%20zn.%20Pl.%20C3%9AS%205_25%20(amicus%20curiae%20brief)%20(3).pdf)

c. e.: *Whoever publicly defames a) any nation, its language, any race or ethnic group, or b) any group of people for their actual or perceived race, ethnicity, nationality, political belief, religion, or because they are actually or allegedly non-religious, shall be punished by a prison sentence of up to two years.*

- Sec. 356 – Encouragement to Hatred against a Group of People or to Restrict their Rights and Freedoms

c. e.: *(1) Whoever publicly encourages the hatred of any nation, race, ethnicity, religion, class or another group of people, or to restrict the rights and freedoms of their members, shall be punished by a prison sentence of up to two years.*

(2) Whoever conspires or protests for the commission of an act referred to in [Subsection 1](#) shall be similarly punished.

- Sec. 404 – Expressions of Sympathy for Movements Seeking to Suppress Human Rights and Freedoms⁶

c. e.: *Whoever publicly expresses sympathy for the movements referred to in Section 403 Subsection 1 shall be punished by a prison sentence of six months to three years.*

What are the typical penalties (fines, imprisonment, etc.) associated with these offences? (if available)

For the aforementioned criminal offences, the Criminal Code typically prescribes a prison sentence (sec. 181, 184(1), 318a, 319, 345, 355, 356, 357, 364, 365, 404, 405), or disqualification [sec. 184(2), 357(1-2)]. However, according to Sec 53 of the Criminal Code, other (compatible) penalties listed in Sec 52 may be imposed in addition to the punishment specified by criminal law for any criminal offence. Even when a given provision does not provide for such a penalty for a certain offence, according to sec. 53(2), listed penalties can be imposed separately (f. ex. house arrest, community service, fine, prohibition on entering sports, cultural and other social events, deportation and prohibition on residence).

⁶ ŠČERBA, Filip. § 404 [Expression of Sympathy for a Movement Aimed at Suppressing Human Rights and Freedoms]. In: ŠČERBA, Filip et al. *Trestní zákoník*. 1st edition (3rd update). Prague: C. H. Beck, 2020. Available at beck-online.cz, marginal no. 4.

Are there any aggravating factors that increase penalties for disinformation or hate speech (e.g., content targeting vulnerable groups)?

Section 42 of the Criminal Code provides an illustrative list of aggravating circumstances. Relevant in the context of spreading disinformation or hate speech can be, for example:

- commission of a criminal offence due to avarice, revenge, due to national, racial, ethnic, religious, class or other equivalent hatred, or out of another especially heinous motive, or during an emergency, natural disaster or other event seriously jeopardising lives, public order or property, etc.
- causing more serious damage or other more serious detrimental effects.

Constitutive elements of certain criminal offences incorporate the aforementioned aggravating circumstances [see Sec. 357(3-4)], or specific aggravating circumstances such as, for example

- commission of a given act by the press, film, radio, television, publicly accessible computer networks, or other similarly effective means [sec. 184(2), 345(3) b, 355(2) b], or
- commission thereof with the intention of seriously damaging the victims' employment, disrupting their family relationships, or causing them another serious harm, [sec. 345(3) c].

1.3 Administrative Offences and Civil Measures

Beyond criminal law, are there any administrative offences covering disinformation or hate speech?

Similarly to the criminal law, Czech administrative law does not explicitly define or sanction disinformation or hate speech. However, certain forms of hate speech can be qualified as "offences against civil cohabitation" under sec. 7 of the Statute On Certain Offences⁷, such as *threatening to harm other person's health* [sec. 7(1) (c)(1)] or causing harm to another because of their belonging to a national minority or ethnic origin, race, skin colour, gender, sexual orientation, language, religious or political beliefs [section 7(3)(b)].

Disinformation spreading may possibly be sanctionable as an administrative offence if the unlawful content meets the constitutive elements of the offence of

⁷ Act No. 251/2016 Coll., on Certain Offences.

defamation by ridiculing or insulting [sec. 7(1)(a)], or false accusation [sec. 7(1)(c)(2)].

Radio and TV broadcasters may be found guilty of an administrative offence if they violate their duty to ensure that their programmes do not incite hatred on the grounds of gender, race, skin colour, language, faith, religion, etc., respectively not to broadcast programs that may reinforce stereotypical prejudices concerning ethnic, religious, or racial minorities as enshrined in sec. 32(1)(c) and (i) of the Broadcasting Act.⁸

What types of administrative penalties are imposed (e.g., fines, warning notices, temporary bans)?

The aforementioned administrative offences against civil cohabitation are punishable by a fine pursuant to sec. 7(4) of the Act. The offender can be subject to restrictive measures [sec. 7(6)], such as prohibition from visiting designated public places or places where social events are held, obligation to refrain from contact with a specific person or defined group of persons, or an obligation to undergo an appropriate aggression management program. Offences under the Broadcasting Act are punishable by a fine [sec. 60(7)(a)], or, in the event of repeated violations of duties and the imposition of fines, the broadcaster's license may be revoked [sec. 63(1)(b)].

Are there civil law remedies (e.g., defamation suits, injunctions) available for victims or affected parties?

The victim whose personality was negatively affected by disinformation or hate speech has the right to claim that the unlawful interference be refrained from or its consequences remedied (sec. 82 of the Civil Code⁹). Furthermore, the victim may seek compensation for the damage as well as non-pecuniary harm thus caused (sec. 2956 Civil Code) or claim the restitution of unjust enrichment (sec. 2919 Civil Code).¹⁰ The same rights belong to a legal person whose reputation or privacy was unlawfully interfered with by disinformation or hate speech [section

⁸ Act No. 231/2001 Coll. of May 17, 2001, on Radio and Television Broadcasting Operation and on Amendments to Other Acts.

⁹ Act No. 89/2012 Coll., Civil Code.

¹⁰ TŮMA, Pavel. § 82 [Claims Arising from Interference with Personality Rights]. In: LAVICKÝ, Petr et al. *Občanský zákoník I. Obecná část (§ 1–654)*. 2nd ed. Prague: C. H. Beck, 2022, p. 332, marginal no. 21 et seq.

135(2) Civil Code¹¹ and the Constitutional Court's judgment case no. Pl. ÚS 26/24 of 15 Jan 2025, *Milion Chvílek, z. s. v Dr. V. F., C*].

1.4 Scope of Instruments and Enforcement

Which public authorities or institutions are responsible for enforcing laws on disinformation and hate speech?

Responsibility for enforcing the aforementioned criminal law provisions lies with the criminal courts, the public prosecution, and the police authorities.

Enforcement of the administrative offences is carried out by municipal authorities, or by commissions, e.g. specialized bodies established by the municipalities.¹² The offences under the Broadcasting Act fall within the competence of the Council for Radio and Television Broadcasting.¹³

How do these authorities identify and investigate potential cases?

In the criminal proceeding, the public prosecution and the Police authorities are obliged to act in accordance with the principle of officiality [sec 2(3) of the Criminal Code of Procedure], respectively ex officio [Sec 2(4)].

Administrative authorities also initiate proceedings ex officio upon obtaining knowledge about the admission of administrative offences ex officio.¹⁴

Are there any specialized agencies or task forces focusing on online disinformation or hate speech?

In 2017, the Ministry of the Interior established a specialised analytical and communications unit within its structures called the Centre Against Terrorism and Hybrid Threats. In the relevant field, the Centre monitors disinformation

¹¹ LASÁK, Jan. § 135 [Protection of Name, Reputation and Privacy]. In: LAVICKÝ, Petr et al. *Občanský zákoník I. Obecná část (§ 1–654)*. 2nd ed. Prague: C. H. Beck, 2022, p. 522.

¹² Act No. 250/2016 Coll., on Liability for Offences and Procedure thereof, sec. 60-61.

¹³ Act No. 231/2001 Coll. of May 17, 2001, on Radio and Television Broadcasting Operation and on Amendments to Other Acts, sec. 61(1).

¹⁴ Act No. 250/2016 Coll., on Liability for Offences and Procedure thereof, sec. 78(1).

campaigns related to internal security, and subsequently evaluates possible threats and prepares proposals for substantive and legislative solutions.¹⁵

In 2022, the Czech government established the position of Government Commissioner for Media and Disinformation, an advisory body whose main task was to coordinate activities and communicate with relevant ministers, heads of state administration bodies and to cooperate with state agencies dealing with media and disinformation. However, following public criticism of the commissioner's *Action Plan For Countering Disinformation*¹⁶, the government abolished the position in 2023 and transferred the agenda to the National Security Advisor.¹⁷

Within the Czech Police, the agenda of hate speech falls particularly under the remit of the unit called the National Centre against Terrorism, Extremism, and Cybercrime.¹⁸

Could you provide any statistics or data on enforcement actions, prosecutions, or convictions?

The latest available statistics cover the year 2024¹⁹, in which, according to the Ministry of Interior, 159 hate crimes were recorded in the Czech Republic, of which 4 were classified as dangerous threats (Section 353 of the Criminal Code) and 20 as defamation of a nation, race, ethnic or other group (Section 355). However, no cases of supporting and promoting movements (Sections 403, 404, 405) were recorded.

¹⁵ "Centre against Terrorism and Hybrid Threats." Ministry of the Interior of the Czech Republic, available at: <https://mv.gov.cz/chh/clanek/centre-against-terrorism-and-hybrid-threats.aspx> (accessed 13 October 2025).

¹⁶ "Vláda tají plán proti dezinformacím. 'Podíleli se na něm odborníci,' tvrdí, jejich jména ale nezná." iROZHLAS, 19 January 2023. Available at: https://www.irozhlas.cz/zpravy-domov/dezinformace-plan-vlada-klima-vnitro-chh-cthh_2301191230_cib (accessed 7 October 2025).

¹⁷ "Vládní zmocněnec pro oblast médií a dezinformací." Office of the Government of the Czech Republic, available at: https://vlada.gov.cz/cz/ppov/zmocnenci_vlady/vladni-zmocnenec-pro-oblast-medii-a-dezinformaci-194841/ (accessed 13 October 2025).

¹⁸ "Národní centrála proti terorismu, extremismu a kybernetické kriminalitě." Police of the Czech Republic, available at: <https://policie.gov.cz/clanek/narodni-centrala-proti-terorismu-extremismu-a-kyberneticke-kriminalite.aspx> (accessed 13 October 2025).

¹⁹ "Zpráva o extremismu a předsudečné nenávisti na území České republiky v roce 2024" [PDF document]. Ministry of the Interior of the Czech Republic, pp. 19–23. Available at: <https://mv.gov.cz/soubor/zprava2024-pdf.aspx> (accessed 13 October 2025).

Of the 46,462 people convicted in 2024, only 63 were convicted of a crime with racial undertones (not necessarily a verbal crime). Compared to 2023, this was an increase of approximately 26%.

Three perpetrators were convicted of the crime of dangerous threats (Section 353), 12 perpetrators were convicted of defamation of a nation, race, ethnic or other group (Section 355), and 11 perpetrators were convicted of inciting hatred against a group of persons or restricting their rights and freedoms (Section 356).

One perpetrator was convicted of the crime of establishing, supporting, and promoting a movement aimed at suppressing human rights and freedoms (Section 403), 17 perpetrators were convicted of expressing sympathy for the movement defined in sec. 404, and 12 perpetrators were convicted of denying, questioning, approving, and justifying genocide (§ 405).

In an English version of its survey covering the monitored period from 2016 to June 2019, the Public Defender of Rights presented the following data on the enforcement of provisions sanctioning online hate speech: „1. *According to the information received from the presidents of individual courts, district courts issued decisions in a total of 47 cases concerning hate speech on the Internet over the monitored period from 2016 to June 2019. In the respective period (2016 to mid-2019), only a minority of district courts (25 out of 86, i.e. 29%) dealt with cases concerning hate speech on the Internet. Furthermore, for most of these twenty-five courts, this constituted a rare experience. Prosecution of hate speech in the on-line environment often follows on from specific cases publicised in the media and does not seem to be a result of regular and systematic monitoring of illegal on-line content. The number of court decisions issued in relation to hate speech on the Internet is clearly growing year-on-year.*

4. *Where a case concerning online hate speech was heard before a court, the perpetrator was convicted, at least in the first-instance proceedings: as many as 43 out of 47 cases (91%) resulted in conviction of the perpetrator. The most frequent punishment (27 decisions) was a suspended sentence (10 months on average) with a probationary period (24 months on average), followed by a fine (10 decisions; CZK 15,800, i.e. approximately EUR 640, on average) with specification of an alternative sentence (two months on average). In some of the cases, the courts also ordered community service or forfeiture of a thing.*

5. The most common cases involved incitement to hatred against a group of persons or to restriction of their rights and freedoms (Section 356 of the Criminal Code) – the courts qualified the acts committed in this way in nearly half of the decisions analysed (49%). In about one fifth of the decisions, the offence was defamation of a nation, race, ethnic or another group of persons (Section 355), violent criminal offences against a group of persons and against an individual (Section 352) and manifestation of sympathy for a movement aiming to suppress personal rights and freedoms (Section 404). Other offences were less frequent.”²⁰

1.5 Case-Law and Judicial Interpretations

What are the most significant court decisions shaping the interpretation of disinformation or hate speech laws in your country?

- I. ÚS 1927/24 (*Vrábel*)

In its judgment file no. I. ÚS 1927/24 of 11 March 2025, the Constitutional Court upheld the application of a prominent anti-system political activist, who was found guilty by the ordinary courts of spreading false alarms for claiming in a live broadcast that the Czech government was aiming to attack Russia with nuclear weapons from fighter jets in order to start a war.

The Constitutional Court stated that the dissemination of disinformation is not excluded from the scope of the constitutional free expression guarantee. It can only be restricted under the conditions set in the limitation clause [Art 17(4) of the Charter of Fundamental Rights and Freedoms]. Drawing on its preceding case law, the Court also emphasized the need to distinguish between factual statements and opinions. While there undoubtedly is a category of hybrid statements, namely political statements are typically closer to opinions, as they often interpret the existing facts, using exaggeration and hyperbole.

Although criminal prosecution for spreading false alarms can *in abstracto* be considered a measure necessary in a democratic society, the applicant’s statement was of a predominantly political nature and represented his own interpretation of

²⁰ “Hate Speech on the Internet and Decision-Making of Czech Courts: Survey 2020” [PDF document]. Office of the Public Defender of Rights (Úřad veřejného ochránce práv), p. 3. Available at: [https://www.ochrance.cz/uploads-import/DISKRIMINACE/Vyzkum/Hate_speech_on_the_Internet_and_decision-making_of_Czech_courts_Survey_2020 .pdf](https://www.ochrance.cz/uploads-import/DISKRIMINACE/Vyzkum/Hate_speech_on_the_Internet_and_decision-making_of_Czech_courts_Survey_2020.pdf) (accessed 1 October 2025).

known facts. The Constitutional Court pointed out that in light of the known facts, the statement could not frighten the population and therefore did not meet the corresponding element of the criminal offense.

- IV. ÚS 2011/10 (*Národní odpor*)²¹

In this decision, the Constitutional Court, endorsed the concept of militant democracy and elaborated that in a democratic society, criminal sanctions are necessary in cases where expressions contain calls for violence or denial, questioning, approving, or justifying crimes against humanity committed in the past, or to support and promote movements aimed at suppressing fundamental human rights and freedoms, especially those of minorities.

Have any high-profile cases set important precedents regarding the enforcement of these laws?

- 3 Tdo 564/2021 (*ZŠ Plynářská*)

In this case²², the Supreme Court upheld the judgment of the appellate and first instance criminal courts, which found a Facebook user guilty of expressions of sympathy for movements seeking to suppress human rights and freedoms and encouragement to hatred against a group of people or to restrict their rights and freedoms (sec. 404 and 356 of the Criminal Code).

The defendant committed the first-mentioned criminal offence by sharing images with Nazi symbolism, including swastikas and photos of Adolf Hitler and Hermann Göring. Referring to its case law, the Supreme Court stated that a movement within the meaning of Section 404 is at least a partially organized group of persons pursuing the objectives described in the law. The movement must have existed at the time the perpetrator supported or promoted it, even if in a modified form (e.g., a neo-fascist or neo-Nazi movement). The Supreme Court rejected the defendant's argument that his actions were a mere historical analysis. On the contrary, it concluded that the defendant had clearly expressed public sympathy for the contemporary neo-Nazi scene. It is irrelevant that he himself was not a member of any such movement or that he did not explicitly identify it.

²¹ Constitutional Court of the Czech Republic. Order of 28 November 2011, file No. IV. ÚS 2011/10, para 10.

²² Supreme Court of the Czech Republic. Order of 24 June 2021, file No. 3 Tdo 564/2021.

Media attention focused primarily on the second criminal offense committed by the defendant, who responded to a post featuring a photograph of pupils from Plynárenská Elementary School with the comment: "Good thing they're from Plynárenská Elementary School. The solution is obvious." The name Plynárenská refers to gasworks in Czech. The children in the photo were mainly of Roma and Arab origin. In view of these facts, the defendant's interest in Nazi ideology, and of the fact that he used the phrase "solution," referring to the Nazi concept of the "final solution to the Jewish Question," the Supreme Court found that the comment in question indirectly incited hatred toward the ethnic groups represented by the children. To meet the constitutive elements of the crime, it is sufficient that a certain expression is capable of triggering strong negative emotions towards a protected group.

The Constitutional Court subsequently agreed with the conclusions of the Supreme Court, stating that hate speech is not constitutionally protected, even if intended as a joke.²³

- 8 Tdo 1246/2020²⁴

In this decision, the Supreme Court established that a criminal offense can be committed publicly within the meaning of Section 117(a) of the Criminal Code, even if a publicly accessible Facebook profile of the perpetrator is used to commit it.

- III. ÚS 3439/17

In this widely covered case²⁵ concerning hateful online reactions to the walkout of a Roma musician from a music awards ceremony in protest against the victory of a far-right music group, the Constitutional Court ruled on the issue of granting the status of injured party in criminal proceedings. According to the decision, when adjudicating in similar hate speech-related cases, courts must always examine how a particular attack manifests itself in the individual sphere of a specific individual and to what extent it is merely an unacceptable, non-targeted political campaign.

²³ Constitutional Court of the Czech Republic. Order of 7 December 2021, file No. III. ÚS 2696/21, para. 10.

²⁴ Supreme Court of the Czech Republic. Order of 17 February 2021, file No. 8 Tdo 1246/2020.

²⁵ Constitutional Court of the Czech Republic. Order of 2 April 2019, file No. III. ÚS 3439/17.

How do courts balance the protection of society from disinformation or hate speech with the right to freedom of expression? Is the principle of proportionality the main instrument?

Given that freedom of expression is not of an absolute nature in the Czech constitutional system and that its restrictions are subject to the limitation clause enshrined in Article 17(4) of the Charter of Fundamental Rights and Freedoms, the principle of proportionality is a key tool in assessing the admissibility of criminal sanctions. In some cases, however, courts have indicated that certain hate speech does not enjoy constitutional protection at all.²⁶

1.6 Legislative Proposals (Including Those Not Passed)

Have there been recent legislative proposals aimed at combating disinformation or hate speech? If so, what did they entail?

- Proposed Act on Combating Disinformation

In the summer of 2022, a ministerial bill on combating disinformation was published.²⁷ The bill sought to introduce the power of the Ministry of the Interior to restrict—presumably through blocking orders—the provision of services consisting of publishing information content online. The condition would be that the content was capable of threatening the sovereignty, territorial integrity, or democratic foundations of the Czech Republic, or significantly threatening the internal order and security of the Czech Republic. In particular, this would apply to content created or disseminated by "a person or state subject to international sanctions" or an entity under the control of such a person or state. The power was also to be applicable to content "substantially corresponding" with such content. This was to facilitate the chain dissemination of disinformation taken from abroad. The amendment was aimed primarily at disinformation websites that were adopting and spreading Russian propaganda in the aftermath of the invasion of Ukraine.

The bill was problematic in many respects—the powers of the Ministry of the Interior, which was to carry out the blocking, were very broad. For example, it was possible to restrict content on the internet if it "showed signs of a criminal

²⁶ Supreme Court of the Czech Republic. Order of 24 June 2021, file No. 3 Tdo 564/2021, para. 73.

²⁷ "Poskytnutí informace – zákon o dezinformacích." Ministry of the Interior of the Czech Republic, available at: <https://mv.gov.cz/clanek/poskytnuti-informace-zakon-dezinformace.aspx> (accessed 14 October 2025).

offense." In this light, it is necessary to point out that criminal offenses in the Czech Republic vary greatly in terms of severity. Defamation,²⁸ for example, is also a criminal offense. This assessment was again on the Ministry of the Interior.

Before issuing a decision, the Ministry was to request the opinion of the police and intelligence services, according to the bill. However, it should have been possible to issue a decision without prior warning or proceedings. The ministry should have had the option of setting a deadline of at least 12 hours for compliance with the obligation to make the content inaccessible. In the case of repeated publication of content already restricted (or equivalent content), the deadline could be one hour.

- Modification of the definition of public service in public service media legislation

In the summer of 2024, the government presented a draft amendment to the legislation on public service media, which sought to incorporate into the definition of their tasks, i.e., public service, the task of "contributing to the fight against disinformation while respecting freedom of speech." The aim was to create a legal basis for fact-checking activities by public service media, which until then had been carried out voluntarily.²⁹

Were there any proposals that did not pass? If yes, what were the main reasons for their rejection or withdrawal?

None of the aforementioned proposals has passed the legislative process.

Did these proposals encounter notable opposition or controversy? If so, from which stakeholders?

The Ministry eventually withdrew from proposing the Act on Combating Disinformation. At the end of 2022, the bill faced considerable media attention, which focused on criticism from academics and the non-profit sector. The criticism focused on the abstract and vague definition of harmful content. Non-profit organizations criticized the Ministry for not respecting their earlier recommendation to make blocking conditional on the existence of "specific, immediate, and serious harm." Reference was also made to the fact that,

²⁸ Section 184 of Act No. 40/2009 Coll., Criminal Code.

²⁹ "Dezinformace, ČT, ČRO a mediální novela: Piráti..." Echo24, 12. 7. 2024. Available at: <https://www.echo24.cz/a/HdStH/zpravy-domaci-dezinformace-ct-cro-zakon-medialni-novela-pirati> (accessed 14 October 2025).

according to the bill, it would not be possible to punish the concrete websites against which the government took immediate action after the Russian Federation's invasion of Ukraine.³⁰ Both government and opposition lawmakers later expressed concerns about excessive restrictions on freedom of expression, but also agreed that existing legal instruments, primarily criminal law, could be used against disinformation websites.³¹

The proposed change of the definition of public broadcasters' public service was criticized by the Legislative Council of the Czech Government, the parliamentary opposition³², and non-profit organizations, which pointed out, among other things, that the term "disinformation" is not defined in Czech law, is vague and ambiguous, which could result in uncertainty regarding the scope and content of the media's obligation to combat disinformation. Criticism was also directed at the fact that the amendment would interlink Czech Television and Czech Radio with state actors, thereby undermining the fundamental role of public service media as a public watchdog.³³

1.7 Role of Online Platforms and Intermediaries

Are there specific obligations (solely from state legislation, not enforced by EU law) placed on social media companies or digital platforms to monitor and remove disinformation or hate speech?

Current Czech legislation does not provide for any specific obligation of such kind. On the contrary, it is built on the principle of general monitoring obligation

³⁰ See "Zákon na blokaci dezinformačních webů má bránit demokracii, ale podle odborníků ji zatím spíš ohrožuje," Respekt, 17 October 2022. Available at: <https://www.respekt.cz/kontext/zakon-na-blokaci-dezinfowebu-ma-branit-demokracii-ale-podle-odborniku-ji-zatim-spis-ohrozuje> (accessed 15 October 2025); and "Ministerstvo vnitra připravuje zákon proti dezinformacím," iROZHLAS, 16. July 2022. Available at: https://www.irozhlas.cz/zpravy-domov/dezinformace-vnitro-zakon-legislativa_2207160500_cib (accessed 15 October 2025).

³¹ "Zákon proti dezinformacím zřejmě nevznikne. Stačí bojovat pravdou, míní Benda z ODS." Aktuálně.cz, 20 March 2023. Available at: <https://zpravy.aktualne.cz/domaci/zakon-proti-dezinformacim/r~739a7c12c71611ed8b4e0cc47ab5f122/> (accessed 15 October 2025).

³² "Boj proti dezinformacím z nařízení státu. Hlavní zásada fungování ČT a ČRo se má změnit." Echo24, 3 July 2024. Available at: <https://www.echo24.cz/a/HS7TA/zpravy-domaci-ct-boj-dezinformacim-medialni-novela-poplatky> (accessed 16 October 2025).

³³ "Stanovisko: ČT a ČRo by se neměly zamotat do 'boje proti dezinformacím' (IH21)." IH21, 1 October 2024. Available at: <https://www.ih21.org/aktuality/stanovisko-ceska-televize-a-rozhlas-by-se-nemely-zamotat-do-boje-proti-dezinformacim> (accessed 15 October 2025).

prohibition, which was transposed from the E-Commerce Directive into a pre-DSA section 6 of the Act on Certain Information Society Services.³⁴

What is the liability regime for internet service providers or online platforms in your jurisdiction?

Czech regulation of internet services' and online platforms' liability for end-user content is based on the safe harbour principle. The pre-DSA Act on Certain Information Society Services distinguishes, i.a., liability regimes for mere conduits and hosting services, the former applying to internet services, the latter to online platforms. Internet services are only liable for the content of transmitted information if a) they initiate the transmission themselves, b) they select the users of the transmitted information, or c) they select or modify the content of the transmitted information [Sec. 3(1)]. The online platform is responsible for the content if a) given the subject matter of its activities and the circumstances and nature of the case, could have known that the content of the stored information or the user's actions were unlawful, or b) it became aware of the unlawful nature of the stored information or the user's unlawful conduct and did not expeditiously take all reasonable steps to remove or disable access to such information [Sec. 5(1)]. However, the platform is always liable for the content of stored information if it exercises direct or indirect decisive influence over the user's activities [Sec. 5(2)].

Have any landmark cases or regulatory actions been taken against major tech platforms under these rules?

To our knowledge, in any of the landmark cases, the Czech courts have not dealt with the issue of intermediaries' liability for illegal content in the form of disinformation or hate speech. Where important judgments have concerned the issue of intermediary liability, they have mostly dealt with the protection of intellectual property rights. For example, in one of the landmark copyright cases,³⁵ the Supreme Court assessed the liability regime of a platform [Uloz.to cloud a.s.](#) providing services consisting of storing user content on a public data storage server. It ruled that in a situation where the platform, beyond the mere storage of the data file provided by the user, also contributes to making this work available

³⁴ Act No. 480/2004 Coll. on certain information society services and on amendments to certain acts.

³⁵ Supreme Court of the Czech Republic. Order of 8 June 2022, file No. 23 Cdo 1840/2021.

to the public, the safe harbour provision under Section 5(1) of the Act on Certain Information Society Services does not apply.

1.8 International and Regional Considerations

Has your country ratified or adopted any international conventions or regional directives relevant to disinformation or hate speech?

In 2014, the *Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems* (hereinafter as the “Additional Protocol”), previously ratified by the Parliament, entered into force in the Czech Republic.

Naturally, the Czech Republic is a party to the International Covenant on Civil and Political Rights, Article 20 of which prescribes that any propaganda for war shall be prohibited by law and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Beyond the international conventions framework, the Czech Republic signed, for example, a memorandum on combating disinformation with the USA; however, the new Trump administration withdrew from it in September of this year.³⁶

How do these international obligations influence domestic legislation and case-law?

The Additional Protocol requires its parties to adopt such legislative and other measures as may be necessary to establish certain criminal offences under their domestic law. In Czech legislation, the conduct covered by Art. 3 (Dissemination of racist and xenophobic material through computer systems) is covered by Section 356 of the Criminal Code (Instigation of Hatred towards a Group of People or of Suppression their Rights and Freedoms), Art. 4 (Racist and xenophobic motivated threat) corresponds with sec. 352(2) of the Criminal Code, i.e. threatening with death, bodily harm or causing extensive damage for one’s true or presupposed race, belonging to an ethnic group, nationality, political or religious beliefs, Art. 5

³⁶ “Trumpova administrativa otočila: Spojené státy vypověděly Česku pakt o boji proti dezinformacím.” IROZHLAS, 18 September 2025. Available at: https://www.irozhlas.cz/zpravy-domov/trumpova-administrativa-otocila-spojene-staty-vypovedely-cesku-pakt-o-boji-proti_2509180500_hrk (accessed 18 October 2025).

(Racist and xenophobic motivated insult) corresponds with sec. 355 of the Criminal Code (Defamation of Nation, Race, Ethnic or other Group of People), and finally Art. 6 (Denial, gross minimisation, approval or justification of genocide or crimes against humanity) is mirrored in sec. 405 of the Criminal Code (Denial, Impugnation, Approval and Justification of Genocide).

Besides multiple constitutional guarantees, the enactment of a number of verbal hate crimes listed in subchapter 1.2 can also be seen as a reflection of Article 20 of the International Covenant on Civil and Political Rights.

Are there any ongoing discussions about aligning national law with regional or global standards?

To our knowledge, no significant debates are currently taking place in this area.

1.9 Practical Challenges and Enforcement Gaps

Is there a notable gap between the laws on paper and the practical enforcement?

The natural gap between the enforcement in practice and the laws on paper, which, as explained above, can often be insufficiently specific, can occur as a result of the restrictive judicial interpretation and the application of the principle of subsidiarity of criminal repression.

Are there examples of under-enforcement or over-enforcement in practice?

To our knowledge, no significant attention has been paid in relevant literature or public discourse to any major cases of overenforcement or underenforcement.

2

ROLE OF AUTOMATIZATION AND AI IN CONTENT REGULATION

2.1 Legal Recognition and Definitions

Does your national legislation specifically define or recognize deep fakes or other AI-generated content (e.g., synthetic media)?

To this date, the Czech national legislation framework does not specifically define or recognize such phenomena. However, complex regulation can be found in the directly applicable EU AI Act.³⁷

Are there any legal provisions that explicitly address the creation, dissemination, or misuse of AI-generated content?

To our knowledge, beyond the directly applicable Union legislation, there are no such provisions.

2.2 Criminal and Civil Liability

Which criminal or civil offences (if any) apply to the production or distribution of deep fakes or similar synthetic media?

Misuse of a person's identity for the creation of deepfake materials can be classified as an infringement of personal rights under §§ 82-90 of the Civil Code.

In the field of criminal law, on January 1, 2026, an amendment to the Criminal Code will come into effect, introducing a new criminal offence under sec. 191a: Abuse of Identity for the Production and Distribution of Pornography." The provision shall cover production and spreading of deepfake pornography³⁸, which could have

³⁷ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (*Artificial Intelligence Act*)

³⁸ Amendment to the Government Bill amending Act No. 40/2009 Coll., the Criminal Code, as amended, and other related acts (Chamber of Deputies Print No. 616/0), p. 3. Chamber of Deputies of the Parliament of the Czech Republic. Available at: <https://www.psp.cz> (accessed 14 October 2025).

been so far prosecuted only under sec. 181 as an Infringement of Rights of Another, under sec. 184 as Defamation,³⁹ or under sec. 209 as Fraud.⁴⁰

Have any cases been prosecuted under existing laws (e.g., defamation, identity theft, fraud) rather than new legislation targeting AI-generated content?

To our knowledge, no such cases have been recorded in the public (media) discourse. Due to the lack of legal definitions or explicit regulation of the key terms, the Police typically do not provide statistics from this area.⁴¹ However, in the past, the Police have shared information about investigations in cases involving fraudulent deepfake videos that misuse the identities of well-known public figures to lure financial resources from internet users.⁴²

2.3 Preventive Measures and Oversight

Are there requirements for AI developers or platform operators to label or disclose AI-generated content?

No such requirements have been introduced into the Czech legal system to date. Given that the AI Act, which comprehensively regulates this issue [see Art. 50(4) of the AI Act], will come into force in August 2026, we do not assume that the Czech legislature will attempt to introduce its own particular regulation.

Have any policy initiatives or industry self-regulation measures been introduced to mitigate harms associated with deep fakes?

To our knowledge, no such initiatives were introduced on a national scale.

Are there any mandatory or voluntary codes of practice for social media platforms regarding AI-generated content?

³⁹ DVORÁKOVÁ, Michaela. Revenge porn a deepfakes: ochrana soukromí v éře moderních technologií. *Revue pro právo a technologie*, 2020, No. 22, pp. 51–89.

⁴⁰ "Tzv. deepfake pornografie." Police of the Czech Republic, available at: <https://policie.gov.cz/clanek/tzv-deepfake-pornografie.aspx> (accessed 14 October 2025).

⁴¹ "Tzv. deepfake pornografie." Police of the Czech Republic, available at: <https://policie.gov.cz/clanek/tzv-deepfake-pornografie.aspx> (accessed 14 October 2025).

⁴² "Deepfake video přesvědčilo seniorku." Police of the Czech Republic, available at: <https://policie.gov.cz/clanek/deepfake-video-presvedcilo-seniorku.aspx> (accessed 14 October 2025).

No such document occurred at the national level, probably due, among other factors, to the existence of extensive codes of practice at the EU level (see the *EU Code of Practice on Disinformation*⁴³ and *The General-Purpose AI Code of Practice*⁴⁴).

2.4 Impact on Political Processes and Elections

Have there been instances where deep fakes or AI-generated speeches impacted election campaigns, political debates, or voter perceptions?

To this date, there have not been significant cases of deep fake and other AI technologies' impact on Czech electoral processes. However, attention was drawn last year to a deep fake video in which a statement of a minister was manipulated to sound insulting to the residents of a city where he had previously held a public debate.⁴⁵ Last year, a case of deepfake video dissemination by an anti-establishment influencer (and a later parliamentary election candidate) was also recorded by the media.⁴⁶ Beyond political competition, fraudulent videos are appearing that misuse the identities of politicians to lure financial resources from internet users.⁴⁷

How do electoral regulations or campaign laws address the use of AI-generated media (e.g., transparency rules, disclaimers)?

Czech election legislation does not explicitly address the issue of deepfakes. However, it is possible to consider the application of provisions stipulating that campaigns must be conducted honestly and fairly and that no false information

⁴³ "Code of Practice on Disinformation." European Commission. Available at: <https://digital-strategy.ec.europa.eu/en/library/code-conduct-disinformation> (accessed 14 October 2025).

⁴⁴ *Code of Practice on General-Purpose AI*. European Commission, available at: <https://digital-strategy.ec.europa.eu/en/policies/contents-code-gpai> (accessed 14 October 2025).

⁴⁵ "Na Rakušana vyrobili kompromitující video, kde vyhrožuje cenzurou." Seznam Zprávy, 27. 1. 2024. Available at: <https://www.seznamzpravy.cz/clanek/domaci-politika-na-rakusana-vyrobili-kompromitujici-video-kde-vyhrozuje-cenzurou-244613> (accessed 14 October 2025).

⁴⁶ "Česko na prahu nejulhanějších voleb: množí se falešná videa a ChatGPT je zahlcený propagandou z Kremlu. Na co se připravit?" Hospodářské noviny, Vikend section, 2 May 2025. Available at: <https://vikend.hn.cz/c1-67710950-cesko-na-prahu-nejulhanejsich-voleb-mnozi-se-falesna-videa-a-chatgpt-je-zahlceny-propagandou-z-kremlu-na-co-se-pripravit> (accessed 14 October 2025).

⁴⁷ "Ověřovna: podvodníci se známou tváří – falešný Babiš z Lidí opět láká peníze skrz..." iROZHLAS, 5 May 2024. Available at: https://www.irozhlas.cz/zpravy-domov/overovna-podvodnici-se-znamou-tvari-falesny-babis-z-lidi-opet-laka-penize-skrz_2405050600_jar (accessed 15 October 2025).

about candidates and candidate entities may be published.⁴⁸ If it can be assumed that the use of deepfakes in the campaign might have significantly influenced the outcome of the voting, the outcome of the election, or the outcome of a candidate's election, election laws allow for their annulment to be sought in court.⁴⁹

2.5 Future Outlook and Emerging Trends

Are there legislative proposals pending or under discussion that aim to address deep fakes or AI-generated disinformation more explicitly?

Since the amendment to the Criminal Code introducing the aforementioned criminal offense of “abuse of identity for the production and distribution of pornography” was adopted, there have been no significant political debates on further legislative changes in this field.

⁴⁸ Cf. sec. 16(5) of Act No. 247/1995 Coll., on Elections to the Parliament of the Czech Republic and on Amending and Complementing Certain Other Acts, or sec. 35(2) of Act No. 275/2012 Coll., on the election of the President of the Republic and on amending certain acts.

⁴⁹ Sec. 90 of Act No. 150/2002 Coll., Code of Administrative Court Procedure, in conjunction with, for example, Sec. 66(2) Act No. 275/2012 Coll., on the election of the President of the Republic and on amending certain acts, or Sec. 87(3-5) of Act No. 247/1995 Coll., on Elections to the Parliament of the Czech Republic and on Amending and Complementing Certain Other Acts.

3

THE PROHIBITION OF CENSORSHIP AND ITS IMPACT ON REGULATING INTERNET CONTENT AND DISINFORMATION

3.1 Constitutional and Legislative Framework

Does your country's constitution or primary legislation explicitly prohibit censorship? Are there exceptions or limitations to the prohibition on censorship (e.g., national security, public order)?

The explicit prohibition on censorship is stipulated in Article 17(3) of the Charter of Fundamental Rights and Freedoms, which states: "Censorship is inadmissible". The prohibition is formulated as an absolute rule allowing no exceptions.⁵⁰ The limitation clause enshrined in Article 17(5) does not apply. Similarly, the Constitutional Act on the Security of the Czech Republic does not enshrine any explicit exceptions, for example in states of emergency.⁵¹

3.2 Judicial Interpretations and Key Cases

What major court decisions have clarified the boundaries of censorship, particularly in relation to online speech?

None of the Czech courts has yet presented a comprehensive judicial definition of constitutionally prohibited censorship. The Constitutional Court has been relatively close to defining constitutionally prohibited censorship in its ruling Case No Pl. ÚS 28/16, in which it refused to label as unconstitutional censorship a legal provision imposing an obligation on internet service providers to block gambling websites with illegal content. According to the Constitutional Court, such blocking

⁵⁰ KÜHN, Zdeněk et al. Listina základních práv a svobod : velký komentář. Praha: Leges, 2022, s. 800 nebo CHALUPOVÁ, Martina a WAGNEROVÁ, Eliška. Čl. 17 [Svoboda projevu a právo na informace] K odst. 3. WAGNEROVÁ, Eliška et al. Listina základních práv a svobod : komentář. Praha: Wolters Kluwer ČR, 2012 nebo BARTOŇ, Michal a HEJČ, David. Čl. 17 [Svoboda projevu a právo na informace]. In: HUSSEINI, Faisal et al. Listina základních práv a svobod : komentář. Vydání první. Praha: C.H. Beck, 2021, marg. č. 90 případně KOSTEČKA, Jan et al. Ústava a ústavní řád České republiky : komentář. Díl 2, Práva a svobody. Praha: Linde, 1999, s. 182 srov. naopak KLÍMA, Karel. Komentář k Ústavě a Listině. 2. díl, Listina základních práv a svobod. 2009, s. 1101.

⁵¹ FILIP, Jan. Dogmatika svobody projevu z hlediska teorie, legislativy a soudní praxe. Časopis pro právní vědu a praxi. Masarykova univerzita nakladatelství, 1998, roč. 6, č. 4, s. 628.

cannot be compared to unconstitutional internet censorship consisting of "(systematic) control or restriction of the communication of information."⁵²

Have any pivotal judgments addressed the tension between prohibiting censorship and controlling disinformation?

As far as we are aware, to date, no judgment addressed this issue.

When assessing the legality of the so-called disinformation websites blocking following the Russian Federation's invasion of Ukraine in 2022, administrative courts did not address this issue, despite it being explicitly addressed by an applicant. The applicant NGOs claimed, among other things, that an instruction issued by state authorities urging certain intermediaries to block access to these websites constituted unconstitutional censorship.⁵³ However, the Municipal Court in Prague dismissed the action on different grounds, without having to address this issue at all.⁵⁴ Its approach was then confirmed by the Supreme Administrative Court⁵⁵ and the Constitutional Court.⁵⁶

3.3 Scope and Enforcement

Which authorities or regulatory bodies are responsible for enforcing the prohibition on censorship?

The prohibition of censorship binds all entities exercising public authority.⁵⁷ Some authors argue that it is directed primarily against the executive branch.⁵⁸ If any entity performing public authority violates this prohibition, it should be possible to challenge the given administrative action, decision or legislative action either during administrative proceedings on the grounds of its unlawfulness, or,

⁵² Constitutional Court of the Czech Republic. Order of 14 February 2017, file No. Pl. ÚS 28/16, para. 29.

⁵³ "Žaloba podle § 82 s. ř. s. proti nezákonnému zásahu: návrh na vydání předběžného opatření ze dne 3. 6. 2022." INSTITUTE H21, z. ú., and OTEVŘENÁ SPOLEČNOST, o. p. s. Available at: https://www.irozhlas.cz/zpravydomov/dezinformace-blokace-weby-propaganda_2206071442_cib (accessed 1 October 2025), p. 10.

⁵⁴ Municipal Court in Prague, Order of 25 May 2021, file No. 9 A 23/2020

⁵⁵ Supreme Administrative Court of the Czech Republic. Order of 20 January 2023, file No. 4 As 206/2022-108.

⁵⁶ Constitutional Court of the Czech Republic. Order of 9 April 2024, file No. III. ÚS 2628/23.

⁵⁷ BARTOŇ, Michal. *Svoboda projevu: principy, meze, garance*. Prague: Leges, 2010, p. 130.

⁵⁸ CHALUPOVÁ, Martina and WAGNEROVÁ, Eliška. Čl. 17 [Freedom of expression and the right to information], Komentář k odst. 3. In: WAGNEROVÁ, Eliška et al. *Listina základních práv a svobod: komentář*. Prague: Wolters Kluwer ČR, 2012.

subsequently, before administrative courts⁵⁹ or the Constitutional court.⁶⁰ The Constitutional court could also derogate statutes or subordinate legislation incompatible with Article 17(3) of the Charter.⁶¹

How do these bodies reconcile the prohibition with the need to remove unlawful or harmful content (e.g., hate speech, false information)?

To date, neither the Czech courts nor the administrative authorities have issued a comprehensive ruling on this issue. However, in its conceptual document "Analysis of the Czech Republic's preparedness to face a serious wave of disinformation," the Czech government explicitly states that even in a state of emergency or state of threat to the state, pursuant to Section 5(e) of Act No. 240/2000 Coll., on crisis management and amendments to certain acts, freedom of enterprise in the media market or the operation of digital infrastructure cannot be restricted by imposing an obligation on entrepreneurs to submit information content for approval prior to publication.

Generally speaking, the need to remove unlawful or harmful content can be met by the expeditious *ex post* removal or by an *ad hoc* constitutionally admissible prior restraint, both of which should fall under the scope of Art 17(4), i.e. the free expression limitation clause, not Art 17(3).⁶²

What measures ensure that internet regulations do not amount to de facto censorship?

Given that the constitutional prohibition of censorship is not applicable to the activities of private entities, it may be possible to consider the use of an approach similar to the doctrine of attributability of delegated enforcement of freedom of expression, as pioneered, for example, by the CJEU in its case C-401/19, Poland v. European Parliament and Council.

Generally speaking, the danger of collateral censorship is mitigated by concepts such as the safe harbour principle and the general monitoring obligation prohibition (see 1.7 above or Art 4-8 of the DSA).

⁵⁹ Act No. 150/2002 Coll., Administrative Judicial Procedure Code, § 2.

⁶⁰ Act No. 182/1993 Coll., on the Constitutional Court, § 72(1)(a)

⁶¹ Act No. 182/1993 Coll., on the Constitutional Court, § 64

⁶² HODULÍK, Jakub. *Ústavní zákaz cenzury v teorii a praxi*. Prague: Wolters Kluwer ČR, 2024, p. 33.

3.4 Practical Outcomes and Challenges

Are there instances where the prohibition of censorship resulted in the inability to remove content widely considered harmful or misleading?

To the best of our knowledge, there were no such cases.

Conversely, are there examples of state overreach where content was restricted under the guise of public interest, raising censorship concerns?

In the aftermath of Russia's aggression in Ukraine, the Czech government issued a formal recommendation on the basis of which some internet providers blocked certain websites which were listed by the government as disinformation-spreading.⁶³ In public debate - and rather rarely even by some scholars⁶⁴ - concerns were raised about a possible conflict with the constitutional prohibition of censorship. The Recommendation was challenged as an unlawful intervention through administrative lawsuits by several NGOs, which claimed, among other things, that an instruction issued by state authorities urging certain intermediaries to block access to these websites constituted unconstitutional censorship.⁶⁵ However, administrative courts did not address this issue, ruling that the recommendation was not binding and thus the blocking could not have been attributable to the state.⁶⁶ This approach was then confirmed by the Supreme Administrative Court⁶⁷ and the Constitutional Court.⁶⁸

⁶³ "Blokace webů proti dezinformacím: jak funguje „dezinformační rozvědka internetu“." iROZHLAS, 22 March 2022. Available at: https://www.irozhlas.cz/veda-technologie/technologie/blokace-web-dezinformace-dezinformacni-rozvedka-internet-seznam_2203220500_cib

⁶⁴ KUDRNA, Jan. The Possibilities of Combating So-Called Disinformation in the Context of the European Union Legal Framework and of Constitutional Guarantees of Freedom of Expression in the European Union Member States. *International Comparative Jurisprudence* [online]. Mykolas Romeris University, 2022, vol. 8, no. 2, p. 143.

⁶⁵ "Žaloba podle § 82 s. ř. s. proti nezákonnému zásahu: návrh na vydání předběžného opatření ze dne 3. 6. 2022." INSTITUTE H21, z. ú., and OTEVŘENÁ SPOLEČNOST, o. p. s. Available at: https://www.irozhlas.cz/zpravdomov/dezinformace-blokace-weby-propaganda_2206071442_cib (accessed 1 October 2025), p. 10.

⁶⁶ Municipal Court in Prague, Order of 25 May 2021, file No. 9 A 23/2020

⁶⁷ Supreme Administrative Court of the Czech Republic. Order of 20 January 2023, file No. 4 As 206/2022-108.

⁶⁸ Constitutional Court of the Czech Republic. Order of 9 April 2024, file No. III. ÚS 2628/23.

3.5 Future Outlook

Are there ongoing discussions about refining or reinterpreting the prohibition on censorship to account for evolving digital challenges?

In this context, there are sporadic examples among Czech authors of opposing views to the prevailing understanding of constitutionally prohibited censorship. For example, Marie Poppeová, in her article on the human rights aspects of intermediaries' liability for end-user content, discusses unconstitutional "private censorship." Poppeová argues that the state's failure to regulate legal interactions between intermediaries and end users may constitute a violation of the constitutional prohibition of censorship, whereby the state fails to fulfill its positive obligations and does not adopt sufficient safeguards against intermediaries that would prevent excessive restrictions on end users' freedom of expression beyond the scope of international human rights standards. According to the author, a violation of the prohibition of censorship may also occur when the state regulates such relationships, but the rules introduced are so vague or the penalties so severe that they motivate intermediaries to overblock constitutionally protected speech.⁶⁹

I personally wrote about a possible parallel with American considerations on the overcomeability of the First Amendment state action doctrine in relation to so-called "collateral censorship" in the triangular relationship between intermediaries, state power and end-users.⁷⁰ I suggested that theoretical considerations about moving away from the requirement that constitutionally inadmissible censorship must come from the public authorities may be based on similar presumptions as those of those American authors, who propose that, given the dynamics of change in a digitalised society, judicial practice should follow the approach outlined in the US Supreme Court's *Marsh v. Alabama* decision.⁷¹ However, accepting such an approach would mean a complete doctrinal reversal, which could have far-reaching consequences in practice.⁷²

⁶⁹ POPPEOVÁ, Marie. *Odpovědnost zprostředkovatelů za protiprávní projevy na internetu: Hrozí nám soukromá cenzura? Časopis pro právní vědu a praxi*, 2024, vol. 31, pp. 870–871.

⁷⁰ HODULÍK, Jakub. *Ústavní zákaz cenzury v teorii a praxi*. Prague: Wolters Kluwer ČR, 2024, p. 63.

⁷¹ *Marsh v. Alabama*, 326 U.S. 501 (1946).

⁷² HODULÍK, Jakub. *Ústavní zákaz cenzury v teorii a praxi*. Prague: Wolters Kluwer ČR, 2024, p. 67.

What emerging technologies (e.g., AI-driven content moderation) might influence future debates on censorship and disinformation regulation?

Various notice-and-staydown and order-and-staydown mechanisms may come into tension with the prohibition of censorship, as they delegate the regulation of freedom of expression, materially equivalent to traditional licensing regimes (institutionalised state censorship), to intermediaries.⁷³

Both forms essentially impose an obligation to use automatic upload filters and prevent (in extreme cases, even the first) publication of certain information. A typical representative of the first category is the modified exemption from liability introduced by Article 17(4) of the DSM Copyright Directive⁷⁴, which has been found compatible with the Union's free expression guarantees by the CJEU.⁷⁵ An example of the second category are dynamic blocking orders based on the principle of preventing repeated infringements of another person's rights.⁷⁶

⁷³ HODULÍK, Jakub. *Ústavní zákaz cenzury v teorii a praxi*. Prague: Wolters Kluwer ČR, 2024, p. 70.

⁷⁴ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC.

⁷⁵ Court of Justice of the European Union (Grand Chamber). *Judgment of 26 April 2022, Case C-401/19, Republic of Poland v European Parliament and Council*. ECLI:EU:C:2022:297.

⁷⁶ For a thorough analysis, see FROSIO, Giancarlo and BULAYENKO, Oleksandr. *Study on Dynamic Blocking Injunctions in the European Union*. Study prepared by the European Union Intellectual Property Office (EUIPO) in collaboration with the Center for International Intellectual Property Studies (CEIPI), March 2021. Available at SSRN: <https://ssrn.com/abstract=3807277>.

4

NATIONAL REGULATION OF INTERNET CONTENT

Especially website blocking, social media/platforms regulation, not limited solely to EU-based regulation; legislation, case law and effectivity analysis.

4.1 Legislative Framework

What laws or regulations govern the blocking of websites and the regulation of social media/platforms in your country?

In our jurisdiction, the blocking of websites and the regulation of online platforms are governed by three primary statutes, which together establish four distinct categories of blocking measures. The first is the Act on Pharmaceuticals,⁷⁷ the second is the Act on the State Agricultural and Food Inspection Authority,⁷⁸ and the third is the Gambling Act.⁷⁹ Each of these statutes introduces specific mechanisms under which access to certain online content or services may be restricted or disabled.

4.2 Scope of Website Blocking

Under what circumstances can websites be blocked (e.g., illegal content, piracy, national security concerns)?

In all cases, this involves some form of illegal content.

In the case of the Pharmaceutical Act, this involves blocking "websites offering human medicinal products in violation of this Act." This is a relatively broad category, so a wide range of cases may be restricted. The second area of regulation under this Act is the possibility of blocking "websites offering veterinary medicinal products in violation of this Act." Both types of blocking are carried out by the State Institute for Drug Control.

In the case of the State Agricultural and Food Inspection Act, blocking is possible for offers of "dangerous foods or foods whose content seriously violates the

⁷⁷ Section 13(2)(a)(11), Section 13(3)(s), Sections 101c and 101d of Act No. 378/2007 Coll., on Pharmaceuticals and on Amendments to Certain Related Acts (the Act on Pharmaceuticals).

⁷⁸ Section 3(4)(f) and (g), Sections 3b, 3c, 3d and 4c of Act No. 146/2002 Coll., on the Czech Agriculture and Food Inspection Authority and on Amendments to Certain Related Acts.

⁷⁹ Sections 84a, 84b, 84c, 84d, 84e, 84f and 84g of Act No. 186/2016 Coll., on Gambling.

requirements set by the legal regulations for which the inspection is responsible." Again, this is a relatively broad definition of the powers of regional inspectorates to block these sites. There is no legal definition of dangerous food in the law, but a definition can be found in European Union law.⁸⁰ Similarly, the second part of the possible blockages, concerning "legal regulations for which the inspection is competent," is somewhat problematic, as it is not entirely clear from a constitutional point of view whether a regional inspectorate can block a website on the grounds that its content conflicts with a sub-statutory legal regulation. The Charter of Fundamental Rights and Freedoms links the restriction of the right to information to the statutory level.⁸¹ As a result, sub-statutory regulations could lead to widespread restrictions on internet content, which would be contrary to the rather restrictive view of secondary legislation taken by the Constitutional Court.⁸² Section 3c(6) of the Act, which reads, "Even without a prior decision under paragraph 1, the Inspectorate shall also enter another website in the list of websites if it is apparent that its content is identical or almost identical to that of a website already entered," can also be considered highly problematic. As a result, it may be up to the regional inspectorate to determine in a very abstract manner what constitutes a serious violation of legal regulations and, at the same time, what constitutes almost identical content that seriously violates legal regulations. This is a relatively abstract task, and the question is whether it does not come up against the very limits of how free public regulation of content on the internet can be.

In the case of the Gambling Act, at least in the first of the two regulatory branches, it is the narrowest and best-defined substantive determination of objectionable material. It concerns the blocking of "websites through which prohibited internet gambling is operated."⁸³ The second option is more complex, allowing for the regulation of websites that "have the essential purpose of causing, enabling,

⁸⁰ Article 14(1) of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of January 28, 2002, Celex number: 32002R0178.

⁸¹ Article 17(4) of the Charter.

⁸² Constitutional Court of the Czech Republic. Order of 15 May 1996, file No. Pl. 35/95, Constitutional Court of the Czech Republic. Order of 3 October 2012, file No. Pl. ÚS 36/11, Constitutional Court of the Czech Republic. Order of 23 July 2013, file No. Pl. ÚS 13/12, Constitutional Court of the Czech Republic. Order of 25 March 2014, file No. Pl. ÚS 43/13. Opposite tendencies are rather rare on the part of the Constitutional Court, cf. Constitutional Court of the Czech Republic. Order of 11 September 2014, file No. Pl. ÚS 19/14.

⁸³ Section 84a(2)(a) of Act No. 186/2016 Coll., on Gambling. According to § 84c of this Act, applications, not just websites, may also be restricted in a similar manner.

facilitating, or concealing a violation of the prohibition on operating prohibited online games."⁸⁴ This provision can be interpreted in various ways, from the most restrictive (e.g., a website that does not say it is an online casino, but all other signs indicate that it is) to the broadest interpretation (blocking internet discussions where ways to circumvent the ban are discussed). However, such a broad interpretation would clearly expand the powers of the Ministry of Finance beyond the regulation of gambling, as such blocking would also collaterally affect other information not related to regulation.

The blocking of websites takes place at the constitutional level in the form of a restriction of the right to information in the interest of protecting public health. In the case of veterinary medicinal products, it is a restriction of the right to information in the interest of protecting the rights and freedoms of others (consumer protection).⁸⁵

Could it be said that the legislation on website blocking leaves a lot of discretion to the blocking authority, and so the provision of the law is very broad?

The laws are generally quite loose. As described above, the most abstract possibility is blocking by the State Agricultural and Food Inspection Authority. More comprehensive regulations are found in the Pharmaceutical Act and the Gambling Act.

It is expected that the proportionality of blocking will be assessed automatically by the administrative authority without explicit mention in the law. The flexibility of the legislative provisions can be considered rather problematic from the point of view of international legal obligations.⁸⁶

⁸⁴ Section 84a(2)(b) of Act No. 186/2016 Coll., on Gambling.

⁸⁵ Article 17(4) of Constitutional Act No. 2/1993 Coll., Charter of Fundamental Rights and Freedoms.

⁸⁶ *Ahmet Yıldırım v. Turkey*, no. 3111/10, Judgment (Chamber), 18 December 2012, paras. 57–59, 64, *OOO Flavus and Others v. Russia*, nos. 12468/15, 23489/15 and 19074/16, Judgment (Chamber), 23 June 2020, paras. 30–35, 40, *Bulgakov v. Russia*, no. 20159/15, Judgment (Chamber), 23 June 2020, para. 31, *Kharitonov v. Russia*, no. 10795/14, Judgment (Chamber), 23 June 2020, para. 37, *Engels v. Russia*, no. 61919/16, Judgment (Chamber), 23 June 2020, para. 26, *Cengiz and Others v. Turkey*, nos. 48226/10 and 14027/11, Judgment (Chamber), 1 December 2015, paras. 59–61.

Is it conceivable that a court or administrative body would block a website on an ad hoc basis, on the basis of a very general mandate? E.g. interim measures in litigation.

In principle, it cannot be ruled out that a website could be made inaccessible on an ad hoc basis as a result of a court decision:

There is the possibility of seizure or forfeiture of property under Sections 70 and 101 of the Criminal Code, typically if the property in question is a physical server that would be seized by law enforcement authorities in the proceedings in question, if a website is hosted on it. However, in such a case, it is not a matter of blocking *stricto sensu*, but rather another tool for restricting content on the internet.⁸⁷

Similarly, in general, it is possible to imagine, in particular, the removal of content from websites as a result of a civil dispute or as a result of a preliminary measure in a civil matter.⁸⁸

Cases of possible restriction of content on the internet by ad hoc means will be very rare, compared to the general legal regulation described elsewhere in this chapter.

Who has the authority to order or implement website blocking (e.g., courts, government agencies, telecom regulators)?

Website blocking in the Czech Republic is carried out exclusively by administrative authorities, all of which belong to the executive branch:

- The Ministry of Finance for blocking illegal gambling websites
- The State Institute for Drug Control for human medicinal products
- The Institute for State Control of Veterinary Biologicals and Medicines for veterinary medicinal products
- The regional inspectorates of the State Agricultural and Food Inspection Authority for dangerous or non-compliant food products

⁸⁷ Sections 70 and 101 of Act No. 40/2009 Coll., Criminal Code.

⁸⁸ Sections 74 and 79 of Act No. 99/1963 Coll., Code of Civil Procedure.

These are not independent regulatory bodies but organs subordinated within the hierarchical structure of the Czech executive branch, headed by the Government of the Czech Republic.⁸⁹ This arrangement may appear controversial in the broader European context, where such powers are often entrusted to independent authorities or courts.⁹⁰

Could it be said that the website blocking bodies are well staffed for this agenda?

It is difficult to assess whether the administrative bodies responsible for website blocking are adequately staffed for this agenda, as no reliable data are available. It is also unclear which specific officials perform these tasks and whether they always have legal training or expertise in content regulation.

Is there a transparent process or published criteria for determining which sites get blocked?

As described above, the substantive criteria for blocking websites under the relevant laws are relatively broad. It is therefore up to the administrative authority to assess, in each case, whether blocking serves the public interest in protecting public health or the rights and freedoms of others, while also respecting the constitutional right to information. This balancing should, in principle, be carried out through a proportionality test, but there are no detailed or published guidelines specifying how this test must be applied in practice.⁹¹

⁸⁹ Article 67(1) of Constitutional Act No. 1/1993 Coll., Constitution of the Czech Republic. Sections 21, 27 and 28(1) of Act No. 2/1969 Coll., on the Establishment of Ministries and Other Central Authorities of State Administration of the Czech Republic, section 13(1) of Act No. 378/2007 Coll., on Pharmaceuticals and on Amendments to Certain Related Acts (the Act on Pharmaceuticals), section 1 of Act No. 146/2002 Coll., on the Czech Agriculture and Food Inspection Authority and on Amendments to Certain Related Acts.

⁹⁰ *Ahmet Yildirim v. Turkey*, no. 3111/10, Judgment (Chamber), 18 December 2012, paras. 47, 64, 68, *Kablis v. Russia*, nos. 48310/16 and 59663/17, Judgment (Chamber), 30 April 2019, paras. 90–92, 95–96, *Kharitonov v. Russia*, no. 10795/14, Judgment (Chamber), 23 June 2020, paras. 43–45, *Engels v. Russia*, no. 61919/16, Judgment (Chamber), 23 June 2020, para. 33, *Cengiz and Others v. Turkey*, nos. 48226/10 and 14027/11, Judgment (Chamber), 1 December 2015, para. 92, *Yaman Akdeniz v. Turkey*, no. 20877/10, Judgment (Chamber), 11 March 2014, para. 28.

⁹¹ Article 4(4) of Constitutional Act No. 2/1993 Coll., Charter of Fundamental Rights and Freedoms.

4.3 Implementation and Enforcement

How is website blocking technically enforced (e.g., DNS blocking, IP blocking, URL filtering)?

Website blocking in the Czech Republic is generally carried out through DNS blocking. The website remains technically reachable via its IP address, but the domain name no longer works.

Internet service providers have a legal duty to follow the official list of blocked domains and enforce the blocking. Although the law allows some flexibility in the technical method, in practice only DNS blocking is used. Non-compliance can lead to administrative fines.⁹² The mere possibility that a user circumvents website blocking through technical means is not, in itself, punishable under Czech law.

The Ministry of Finance issues methodological guidance for ISPs to ensure compliance with the Gambling Act. Circumventing blocking by users through technical tools is not punishable under Czech law.⁹³

Are there procedural safeguards (e.g., judicial warrants, due process) before blocking is executed?

Although the administrative bodies responsible for blocking belong to the executive branch, they are still bound by the procedural safeguards set out in the Administrative Procedure Code. An exception is found in the Gambling Act, which provides for a simplified process rather than a full administrative procedure. In such cases, the procedural rights of the website owner are more limited, and blocking can be executed more quickly.⁹⁴

⁹² Section 103(22) of Act No. 378/2007 Coll., on Pharmaceuticals and on Amendments to Certain Related Acts (the Act on Pharmaceuticals). Section 11(e) of Act No. 146/2002 Coll., on the Czech Agriculture and Food Inspection Authority and on Amendments to Certain Related Acts. Section 123b of Act No. 186/2016 Coll., on Gambling.

⁹³ "Metodický pokyn k plnění povinností souvisejících s blokací." Ministerstvo financí České republiky. Available at: <https://www.mfcr.cz/cs/kontrola-a-regulace/hazardni-hry/blokace-nepovolenych-internetovych-her/metodika/metodicky-pokyn-k-plneni-povinnosti-souvisejicich-55449> (accessed 13 October 2025).

⁹⁴ Section 84h of Act No. 186/2016 Coll., on Gambling.

Do the owners or operators always have the possibility to prevent the blocking of websites, e.g. are they given a period of time to correct illegal content?

Website owners are not always informed directly about the blocking. The decision is typically announced by public notice, and a copy may be sent to a known address only for information purposes.⁹⁵ As a result, there is usually no opportunity for prior deliberation or for the website operator to correct the allegedly unlawful content before the blocking takes effect.

Do the blocking authorities differentiate between blocking an entire website and blocking only part of a website?

In principle, blocking is applied to the entire website. Some authorities have attempted limited exceptions, targeting only a specific national version of a site—for example, blocking “cz.penoxal.com” instead of the broader domain “penoxal.com.” However, such selective blocking remains rare and technically limited.⁹⁶

How is the delivery of these warrants to other countries ensured?

As described above, website owners are generally not informed directly about blocking decisions, except through a public notice. Unless a separate notification reaches them, there is no established process for ensuring delivery abroad. How often administrative authorities succeed in delivering such notices internationally cannot be determined without detailed empirical research.

⁹⁵ Section 3c of Act No. 146/2002 Coll., on the Czech Agriculture and Food Inspection Authority and on Amendments to Certain Related Acts, section 101b of Act No. 378/2007 Coll., on Pharmaceuticals and on Amendments to Certain Related Acts (the Act on Pharmaceuticals). A more informal procedure, which stipulates the obligation to attempt to contact the website operator, provides Section 84e(1) of Act No. 186/2016 Coll., on Gambling.

⁹⁶ “Seznam blokovanych webu.” Státní zemědělská a potravinářská inspekce, available at: <https://www.szpi.gov.cz/clanek/seznam-blokovanych-webu.aspx> (accessed 13 October 2025).

4.4 Transparency and Accountability

Are authorities required to publish lists of blocked websites and provide justifications for blocking decisions?

Administrative authorities are required to publish lists of all blocked websites. In addition, the Czech Telecommunication Office maintains a centralized list of blocked domains, which consolidates information from different authorities and helps ensure transparency and consistency across various blocking regimes. This list allows both internet service providers and the public to see which domains are currently subject to blocking measures.⁹⁷

However, the reasoning behind individual blocking decisions is not made public. The administrative decisions themselves, including their justifications, are not automatically published. Members of the public may request access to anonymized versions of these decisions under the Freedom of Information Act, but obtaining them can be administratively difficult and is not guaranteed in practice.⁹⁸

Within the Ministry of Finance's list of blocked websites, each entry includes a field titled "reason for listing."⁹⁹ In reality, this field only refers back to the relevant legal provision of the Gambling Act that serves as the basis for blocking. It does not contain any factual or contextual explanation describing the specific conduct or circumstances that led to the decision. As a result, while basic formal transparency exists through the publication of blocked domain names, substantive transparency, i.e. explaining why a particular site was blocked, remains very limited.

Do affected website owners, users, NGOs or public have avenues to challenge blocks or content removals before courts?

Website owners can defend themselves against the decision by filing an administrative lawsuit.¹⁰⁰ In the case of the Gambling Act, website owners can

⁹⁷ Section 115b of Act No. 127/2005 Coll., on Electronic Communications.

⁹⁸ Act No. 106/1999 Coll., on Free Access to Information.

⁹⁹ Section 84d of Act No. 186/2016 Coll., on Gambling.

¹⁰⁰ Section 65 et seq. of Act No. 150/2002 Coll., Code of Administrative Justice.

defend themselves by filing a lawsuit against unlawful interference,¹⁰¹ as no administrative decision is issued in blocking proceedings.¹⁰²

For other actors, this issue is quite sensitive in the Czech context. In principle, there is no *actio popularis* in the Czech Republic. There are at least two alternative ways in which it is potentially possible to achieve change through the courts:

1. Anyone can submit an informal complaint to the ombudsman or public prosecutor to file a lawsuit in the public interest regarding the illegality of blocking a website. However, this option is rarely used and can be considered unlikely to succeed.¹⁰³
2. The question is whether an individual can enforce the initiation of *ex officio* proceedings to end the blocking. In the Czech Republic, an individual cannot, in principle, enforce *ex officio* proceedings. However, there are very narrow exceptions where this is possible, specifically through an action against unlawful interference consisting of inaction by an administrative authority in initiating proceedings *ex officio*. The question is whether such a situation can also apply to the blocking of websites, but this is an interesting question for the future.¹⁰⁴
3. An individual may file a lawsuit against an interference with their public subjective right to information due to the blocking of a website. However, it should be noted here that domestic courts have already ruled in another context, contrary to the established opinion of the European Court of Human Rights,¹⁰⁵ that there is no public subjective right to information from a specific website.¹⁰⁶ It is, however, questionable whether this position will remain unchanged in the future.

¹⁰¹ Section 82 et seq. of Act No. 150/2002 Coll., Code of Administrative Justice.

¹⁰² SKLÁDALOVÁ, Denisa. Formální znaky rozhodnutí podle soudního řádu správního pohledem judikatury NSS. *Právní rozhledy*, 2021, č. 12, s. 435-442.

¹⁰³ Section 66 of Act No. 150/2002 Coll., Code of Administrative Justice.

¹⁰⁴ Supreme Administrative Court of the Czech Republic. Order of 26 March 2021, file No. 6 As 108/2019-39.

¹⁰⁵ *Ahmet Yildirim v. Turkey*, no. 3111/10, Judgment (Chamber), 18 December 2012, para. 50, *Kablis v. Russia*, nos. 48310/16 and 59663/17, Judgment (Chamber), 30 April 2019, paras. 78-80, *Cengiz and Others v. Turkey*, nos. 48226/10 and 14027/11, Judgment (Chamber), 1 December 2015, para. 56.

¹⁰⁶ Supreme Administrative Court of the Czech Republic. Order of 20 January 2023, file No. 4 As 206/2022-108, paragraph 39. It should be noted, however, that the Supreme Administrative Court itself explicitly stated that this consideration is merely an *obiter dictum*.

Do affected website owners, users, NGOs or public have avenues to challenge blocks or content removals before (administrative) bodies?

All of the above parties may use two main avenues to challenge a blocking measure or content removal.

1. They can file a complaint under the Administrative Procedure Code against the conduct of the authority. The handling of such a complaint, however, does not necessarily mean that the authority will change or revoke the blocking decision in accordance with the complainant's request.¹⁰⁷
2. They can submit an informal request to the competent authority to initiate proceedings ex officio, asking the authority to reconsider and terminate the blocking. This is not a formal appeal but rather a discretionary procedure that depends on the authority's willingness to act.

Does the website blocking mechanism ensure that the blocking is always temporary?

No such mechanisms are in place. Website blocking in the Czech Republic is not subject to a defined time limit, and the relevant laws do not require periodic review or automatic expiry of blocking decisions. Observers have pointed out that the unblocking of websites is extremely rare, even in cases where the originally unlawful content no longer exists or the website itself has been taken offline. As a result, blocking measures often persist indefinitely, raising concerns about proportionality and the absence of effective oversight or review.¹⁰⁸

It is also unclear whether administrative authorities have the technical capacity to reassess the legitimacy of a blocking decision over time. It is not known, for example, whether they have access to tools such as VPNs or proxy servers that would allow them to verify whether the blocked content still exists. Even if such tools were available, they would not provide entirely accurate results, since they would display the website from the perspective of another country, where the content might differ. This makes continuous or retrospective evaluation of the justification for blocking technically and practically unreliable.

¹⁰⁷ Section 175 of Act No. 500/2004 Coll., Administrative Procedure Code.

¹⁰⁸ "Jednotný seznam zakázaných webů dostane na starosti ČTÚ, blokování ale půjde dál snadno obejít." *Lupa.cz*, Martin Drtina, 26 March 2025, available at: <https://www.lupa.cz/clanky/jednotny-seznam-zakazanych-webu-dostane-na-starosti-ctu-blokovani-ale-pujde-dal-snadno-obejit/> (accessed 13 October 2025).

What mechanisms exist for independent review or oversight of blocking actions and platform moderation practices?

Beyond the options already mentioned, there appear to be no additional formal mechanisms for independent review or oversight of website blocking or platform moderation in the Czech Republic.

One possible avenue is submitting a petition under the Petition Right Act, which can bring public attention to a specific case or call for a change in administrative practice, though it has no binding legal effect.¹⁰⁹

Another potential mechanism is the use of alternative dispute resolution (ADR) procedures under the Digital Services Act, which may provide affected users or service providers with an external forum for reviewing certain types of content-related restrictions.

4.5 Impact and Effectiveness

Have any studies or official reports evaluated the effectiveness of website blocking or social media regulations in reducing unlawful or harmful content?

No comprehensive studies have been conducted in the Czech Republic assessing the effectiveness of website blocking or social media regulation in reducing illegal or harmful content.

There is, however, a degree of tension between the Constitutional Court's position, which views website blocking as a measure that should be used only in exceptional circumstances,¹¹⁰ and actual administrative practice, where a relatively high number of sites, particularly in the area of gambling, are blocked by the Ministry of Finance.

One shorter study has provided an overview of website blocking in the Czech Republic. It highlights the absence of systematic evaluation and reiterates the

¹⁰⁹ Act No. 85/1990 Coll., on the Right of Petition.

¹¹⁰ Constitutional Court of the Czech Republic. Order of 14 February 2017, file No. Pl. ÚS 28/16, para. 33.

criticism that blocked sites often remain inaccessible indefinitely, even when the original justification for the blocking no longer applies.¹¹¹

How do blocked entities or individuals typically respond (e.g., mirror sites, VPN usage), and does this undermine the intended impact?

Users in the Czech Republic retain full legal access to VPN services, as the national legal framework and international commitments guarantee the right to use such tools. Website blocking measures do not affect this right.¹¹²

Operators of websites containing prohibited or restricted content often respond by creating multiple mirror sites that differ only slightly in their domain names, typically by numerical or minor variations. This practice allows them to restore access to the same content quickly after a block is imposed. It is one of the main reasons why the overall number of blocked domains continues to grow, as administrative authorities must repeatedly expand their lists to keep up with new mirrors.¹¹³

How do ISPs, platform operators, or tech companies influence the shaping of internet regulation?

It cannot be ruled out that some internet service providers, particularly smaller ones, do not fully comply with their blocking obligations. Practices vary: some ISPs inform users about the reasons for blocking and display explanatory messages, while others simply restrict access without providing any notice.

¹¹¹ GANGUR, Petr. Blokace internetových stránek v České republice. In: ŽÁK KRZYŽANKOVÁ, Katarzyna a kol. *Právo a společnost v digitálním věku: Teorie, praxe, empirie*. Praha: Auditorium, 2023, str. 245-267. ISBN 978-80-87284-94-0.

¹¹² In light of Article 1(2) of the Constitution, the case law of the European Court of Human Rights is regarded in the Czech Republic as having a broadly normative binding effect, see e.g. KMEC, Jiří, BOBEK, Michal. Kapitola V [Vnitrostátní aplikace Úmluvy]. In: KMEC, Jiří, KOSAŘ, David, KRATOCHVÍL, Jan a BOBEK, Michal. *Evropská úmluva o lidských právech*. 1. vydání. Praha: C. H. Beck, 2012, s. 152. To enable access to such technologies, see *Engels v. Russia*, judgment of the European Court of Human Rights (Chamber) of 23 June 2020, application no. 61919/16, paragraphs 29–30.

¹¹³ To illustrate, typically, the perpetrator creates the website 1xbet.com, and after it is blocked, creates the website 1xbet1.com. After this website is also blocked, they create the website 1xbet2.com, and so on.

4.6 Emerging Trends and Future Outlook

Are there any recent or upcoming legislative proposals that aim to broaden or narrow website blocking or social media regulation?

See section 1.6 of this Report.

4.7 Practical and Ethical Considerations

Have concerns been raised about over-blocking (collateral censorship) or chilling effects on legitimate speech?

The first gambling blocks caused some controversy in the second chamber of the Czech Parliament – the Senate. The debate on the blocks was quite emotional, and the then Minister of Finance, Andrej Babiš, tried to calm emotions in the plenary session of the Senate of the Czech Parliament: *"This is not really about internet censorship. That is a big misunderstanding. This is not about restricting internet freedom. It is standard practice. The map that was shown here, yes, most countries block such websites. They also block accounts..."*.¹¹⁴

The proposal was ultimately passed by the Senate, but a minority of senators referred the bill to the Constitutional Court. The Constitutional Court upheld the amendment. In its ruling, it stated that blocking should be a rare public law tool¹¹⁵ used by a highly competent administrative authority¹¹⁶ to ensure that content other than illegal content is not blocked.¹¹⁷ Furthermore, in its postulates, it stated that it expects the unblocking of websites that no longer contain illegal content to take place immediately.¹¹⁸ Critically, however, it can be noted that the Constitutional Court completely ignored the relevant case law of the European Court of Human Rights.

¹¹⁴ "Stenozáznam 26.05.2016 (2. den, schůze 24, IS 5712)." Senát PČR, available at: <https://www.senat.cz/xqw/xervlet/pssenat/hlasovani?D=26.05.2016&IS=5712&action=steno> (accessed 13 October 2025).

¹¹⁵ Constitutional Court of the Czech Republic. Order of 14 February 2017, file No. Pl. ÚS 28/16, paragraph 33.

¹¹⁶ Ibidem, paragraph 36.

¹¹⁷ Ibidem, paragraph 38.

¹¹⁸ Ibidem.

5

NATIONAL IMPLEMENTATION OF RELEVANT EU REGULATIONS CONCERNING INTERNET CONTENT

Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online

Regulation (EU) 2022/2065 (DSA)

5.1 Transposition and Legislative Adaptation

Has your country adopted or adapted any national legislation to comply with Regulation (EU) 2021/784 on terrorist content online?

Yes, the Czech Republic has adopted a special law implementing this regulation. It is Act No. 67/2023 Coll., on certain measures against the dissemination of terrorist content online.¹¹⁹

What specific laws or regulations have been enacted or amended to align with the DSA (Regulation (EU) 2022/2065)?

The changes required as a result of the DSA's coming into force were to be incorporated into Czech law by a newly proposed Act on the Digital Economy. The bill was submitted to the legislative process in August 2024 and has not yet left the Chamber of Deputies, where it must still pass through the final stage of the legislative process, the third reading.¹²⁰

5.2 Institutional Responsibilities

Which national authority or authorities are responsible for overseeing and enforcing compliance with the terrorist content regulation?

Three national authorities are responsible for overseeing and enforcing compliance with Regulation (EU) 2021/784 in the Czech Republic:

¹¹⁹ Act No. 67/2023 Coll., on Certain Measures against the Dissemination of Terrorist Content Online.

¹²⁰ Government Bill on the Digital Economy and on Amendments to Certain Related Acts (Chamber of Deputies Print No. 776). P. 134. Available at: <https://odok.gov.cz/portal/veklep/material/ALBSCWAFVK4T/> (accessed 15 October 2025).

1. **A specialized unit of the Police of the Czech Republic responsible for counter-terrorism**¹²¹ – This unit (National Centre for Combating Terrorism, Extremism and Cybercrime of the Criminal Police and Investigation Service serves as the competent authority for issuing removal orders under Article 3 of the Regulation.¹²²
2. **The Ministry of the Interior** – The Ministry is empowered to adopt decisions under Article 4 of the Regulation, particularly in relation to measures taken following non-compliance or procedural follow-up.¹²³
3. **The Czech Telecommunication Office (Český telekomunikační úřad)** – The Office exercises supervisory powers with respect to the implementation of special measures pursuant to Article 5 of the Regulation, including oversight of hosting service providers' preventive and technical obligations.¹²⁴

Similarly, which body (or bodies) monitors and enforces the Digital Services Act in your jurisdiction?

The bill designates the Czech Telecommunication Office and the Office for Personal Data Protection as competent authorities responsible for the supervision of providers of intermediary services and the enforcement of the DSA according to its article 49(1).¹²⁵

Have any new regulatory agencies or units been created to handle these mandates?

No new regulatory agencies or specialized units have been established to carry out these mandates. However, the existing authorities mentioned above have been assigned additional competences and responsibilities in connection with the implementation and enforcement of these blocking and regulatory measures.

¹²¹ "Národní centrála proti terorismu, extremismu a kybernetické kriminalitě." Policie České republiky, available at: <https://policie.gov.cz/clanek/narodni-centrala-proti-terorismu-extremismu-a-kyberneticke-kriminalite.aspx> (accessed 13 October 2025).

¹²² Section 2 of act No. 67/2023 Coll., on Certain Measures against the Dissemination of Terrorist Content Online.

¹²³ Section 4 of act No. 67/2023 Coll., on Certain Measures against the Dissemination of Terrorist Content Online.

¹²⁴ Section 5 of act No. 67/2023 Coll., on Certain Measures against the Dissemination of Terrorist Content Online.

¹²⁵ Sec 23(1) of the Government Bill on the Digital Economy and on Amendments to Certain Related Acts.

5.3 Obligations for Hosting Service Providers

Under Regulation (EU) 2021/784, how are hosting service providers required to remove or disable terrorist content?

In accordance with Regulation (EU) 2021/784 on addressing the dissemination of terrorist content online, hosting service providers are required to remove or disable access to terrorist content upon receipt of a removal order issued under Article 3 of the Regulation.

In the Czech Republic, such removal orders are issued by a designated unit of the Police of the Czech Republic, which acts as the competent authority for the purposes of the Regulation.

Are there specific timeframes for removal (e.g., the one-hour rule) and how are these enforced in practice?

The implementing legislation does not establish any specific timeframes beyond those already stipulated in Regulation (EU) 2021/784. National authorities therefore rely on the mechanisms provided by the Regulation itself to ensure compliance, rather than introducing additional temporal or procedural requirements at the domestic level.

Regarding the DSA, what additional obligations (e.g., risk assessments, transparency reports) must online platforms fulfill in your country?

To our knowledge, no such additional obligations have been introduced by the national legislator.

5.4 Notification and Removal Procedures

What procedures or protocols must authorities follow when issuing removal orders for terrorist content?

No additional procedures or protocols beyond those established in Regulation (EU) 2021/784 are prescribed under national law. The implementing legislation does not specify any supplementary procedural safeguards, notification duties, or review mechanisms.

A significant ambiguity arises from the fact that it is not publicly known which legal definition of “terrorism” is applied by the competent authority when issuing removal orders. The Regulation itself refers to terrorist offences within the meaning of Directive (EU) 2017/541, but the national practice has not clarified whether this definition is used consistently, nor how it is interpreted or operationalized by the designated police unit in practice.

How do national courts or administrative bodies review such orders to ensure they are lawful and proportionate?

In practice, the review of removal orders issued under Regulation (EU) 2021/784 presents several procedural and constitutional challenges. The removal orders are not served directly on the affected individuals or entities in the manner prescribed by the general Administrative Procedure Code. Instead, they are delivered through the hosting service providers themselves, creating a *sui generis* system of notification that departs from the ordinary administrative process. While this design originates from the Regulation itself, the national legislator could have introduced additional procedural safeguards to mitigate its deficiencies and ensure greater transparency and fairness.

A content provider that is subject to such a removal order may file an administrative action before the competent administrative court, challenging the legality of the decision issued by the designated police unit acting as the competent authority. However, this judicial avenue is complicated by the frequent anonymity of content providers. Initiating court proceedings effectively requires the provider to reveal its identity, thereby resulting in deanonymisation. This, in turn, creates a significant risk, as the police often open a parallel criminal case file in connection with the same online content. Consequently, exercising the right to judicial review may expose the content provider to immediate risk of criminal prosecution, raising serious concerns regarding proportionality, access to justice, and procedural fairness.

Under the DSA, how are notice-and-action mechanisms implemented, and are there clear guidelines for both users and platforms?

Section 67 of the bill derogates the Act on Certain Information Society Services, which regulates the liability and notice-and-action regime for intermediaries to

date. The notice-and-action mechanisms introduced by the DSA are directly enforceable and do not need any further implementation (Art 16 DSA).

5.5 Sanctions and Penalties

What sanctions or penalties can be imposed on service providers for non-compliance with Regulation (EU) 2021/784?

Under the national implementing legislation, hosting service providers that fail to comply with their obligations under Regulation (EU) 2021/784 may be subject to administrative penalties. Minor infringements—such as failure to remove terrorist content, notify authorities, maintain transparency reports, or establish complaint mechanisms—constitute administrative offences punishable by fines of up to CZK 200,000.

In cases of serious or persistent non-compliance, particularly where a provider repeatedly fails to remove or disable access to terrorist content under Article 3(3) of the Regulation, the competent authority may impose a fine of up to 4% of the provider's global annual turnover, or CZK 500,000 if that amount would be higher. Legal representatives designated under Article 17 of the Regulation may also be fined if they fail to cooperate with enforcement actions.¹²⁶

Under the DSA, are there specific ranges of fines or penalties that apply to infringements in your country?

Sections 50 and 51 of the bill draw from the limits set out in Art 52 of the DSA (6 % of the annual worldwide turnover of the administrative offence's perpetrator in the preceding financial year, or 1 % of the annual worldwide turnover of the administrative offence's perpetrator in the preceding financial year).

Have there been any notable enforcement actions or penalties imposed so far?

No enforcement actions or penalties under the national implementing legislation of Regulation (EU) 2021/784 are publicly known to date.

Since the bill has not passed the legislative process to date, there have not been any enforcement actions or penalties regarding DSA imposed yet.

¹²⁶ Section 11 of act No. 67/2023 Coll., on Certain Measures against the Dissemination of Terrorist Content Online.

5.6 Scope and Application

Are all online platforms equally subject to these regulations, or do smaller platforms and start-ups have different obligations?

All online platforms and hosting service providers are subject to the same obligations under Regulation (EU) 2021/784, as the Czech implementing legislation does not introduce any exemptions, thresholds, or differentiated requirements for smaller platforms or start-ups. The national framework mirrors the Regulation without modification or additional criteria based on size, reach, or market share.

However, a broader and still unresolved issue concerns the relationship between the Terrorist Content Online Regulation (TCO) and the Digital Services Act (DSA). The overlap between these two instruments remains complex in both interpretation and enforcement practice.

The bill respects the exemptions set out in the DSA for micro and small enterprises and does not introduce any additional nation-specific exemption.

Does your country apply any specific exemptions or streamlined procedures for non-profit platforms, academic repositories, or other niche services?

The national implementing legislation does not provide any explicit exemptions or simplified procedures for non-profit platforms, academic repositories, or other specialized online services.

The only relevant provision is found in Section 2(1) of the implementing act, which requires the police, when assessing whether terrorist content is being publicly disseminated online, to take into account *the actual purpose of the dissemination*. This allows for a degree of contextual assessment, potentially mitigating the risk of enforcement against content shared for legitimate purposes such as education, research, or public interest reporting.

Beyond this interpretative safeguard, however, no formal exemptions or streamlined mechanisms exist in Czech law.

In relation to the framework of the obligations introduced by the DSA, no exemptions have been introduced for such platforms or services.

5.7 Judicial Review and Legal Challenges

Have there been any court cases challenging the implementation or scope of Regulation (EU) 2021/784 in your jurisdiction?

No, there have been no known court cases challenging the implementation, validity, or scope of Regulation (EU) 2021/784 in the Czech Republic to date. Neither administrative courts nor the Constitutional Court have issued any decisions addressing its interpretation, enforcement procedures, or compatibility with fundamental rights.

What arguments—constitutional, procedural, or otherwise—have been raised in these challenges?

No arguments or legal challenges have been raised in the Czech Republic regarding the implementation or scope of Regulation (EU) 2021/784, as no relevant proceedings have been initiated.

5.8 Transparency and Reporting

Do authorities or platforms publish reports on the volume of terrorist content removed under Regulation (EU) 2021/784?

No, Czech authorities do not currently comply with the obligation to publish transparency reports concerning the volume of terrorist content removed under Regulation (EU) 2021/784. By contrast, online platforms appear to fulfil their reporting duties in accordance with Article 7 of the Regulation.

The available information on the number of removal orders issued in the Czech Republic is inconsistent and lacks transparency. According to statements provided by the Police of the Czech Republic to the authors of the national report, removal orders were issued on 28 December 2023, 21 June 2024, and twice on 19 July 2024.¹²⁷ However, the European Commission's report of 14 February 2024 indicated that only two removal orders had been issued in the Czech Republic up

¹²⁷ "Report from the Commission to the European Parliament and the Council on the implementation of Regulation (EU) 2021/784 on addressing the dissemination of terrorist content online." European Commission, COM(2024) 64 final, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52024DC0064> (accessed 13 October 2025).

to that date.¹²⁸ In a subsequent communication, the police reported that eight removal orders had been issued in 2023.¹²⁹ These contradictory figures suggest significant discrepancies in official reporting and raise questions about the accuracy and accessibility of enforcement data.

Under the DSA, what transparency requirements exist for service providers (e.g., content moderation reports)?

Beyond the transparency requirements introduced in the DSA [c.f. Art 10(5), Art 17, Art 24], the Czech legislator has not introduced any additional nation-specific requirements. However, transparency could be affected by the exemption enshrined in Article 17(5) of the DSA. If content has been removed as a result of an order under Article 9 of the DSA, the national regulation proposed in the bill will apply. The proposed amendment to the Code of Criminal Procedure stipulates that “an intermediary service provider shall not disclose information under Article 10(5) of the DSA if the Criminal Procedure Code imposes a duty to provide information to the authorities involved in the criminal proceedings. In other cases, it may only do so with the prior consent of the authorities involved in the criminal proceedings conducting the specific criminal proceedings or whose decision has effectively concluded the criminal proceedings. If the criminal proceedings have ended at the stage of court proceedings, consent shall be granted by the presiding judge of the court of first instance. Consent may not be granted if the recipient of the service is unknown or if the provision of information would jeopardize the purpose of the criminal proceedings; the specific reason for not granting consent shall not be disclosed to the intermediary service provider.”¹³⁰

How accessible is this information to the public or civil society watchdogs?

Information concerning the implementation of Regulation (EU) 2021/784 is very limitedly accessible to the public or to civil society watchdogs. In principle, such data may be requested under the Czech Freedom of Information Act, which allows

¹²⁸ Národní centrála proti terorismu, extremismu a kybernetické kriminalitě SKPV. *Odpověď na žádost o informace ze dne 17. března 2025, č. j. TEKK-626-2/ČJ-2025-4200PR-INF-E.*

¹²⁹ Národní centrála proti terorismu, extremismu a kybernetické kriminalitě SKPV. *Poskytnutí informací ve smyslu zákona č. 106/1999 Sb., o svobodném přístupu k informacím ze dne 24. července 2025, č. j. TEKK-1453-8/ČJ-2025-4200PR-INF-E*

¹³⁰ Section 68(4) of the Government Bill on the Digital Economy and on Amendments to Certain Related Acts.

access to administrative decisions and related documentation. This applies also to the DSA regulation in relation to public offices.

In practice, however, the Police of the Czech Republic have till this day refused to disclose removal orders or related administrative decisions issued under the Regulation, invoking statutory exemptions under the Freedom of Information Act. As a result, transparency in this area remains very limited, and independent oversight by civil society or the media is effectively constrained.

5.9 Cooperation with Other Member States and EU Bodies

Is there any formal mechanism for cooperation between your national authorities and other EU member states in enforcing these regulations?

Regarding TCO regulation yes. Cross-border cooperation in the enforcement of Regulation (EU) 2021/784 is handled by the Ministry of the Interior, as provided in Section 4 of the Czech implementing act.

Regarding DSA regulation, the bill designates the Czech Telecommunication Office as the Digital Services Coordinator pursuant to Article 49(2) of DSA, making it a body responsible for contributing to the effective and consistent supervision and enforcement of this Regulation throughout the Union. For this purpose, i.e., the Czech Telecommunication Office shall provide other Coordinators with mutual assistance and cooperate with them (Art 57 and 58), or, for example, may launch and lead joint investigations with them (Art 60). Certain aspects of such coordination, such as the usability of the operations of the Digital Services

Coordinator of another member state in the context of pre-inspection operations, or delivery of documents, are outlined in the sec. 31 of the bill.

According to sec. 8 of the bill, two contact points are also designated to ensure cooperation with other member states and with the European Commission:

- Office for Personal Data Protection (in the field of dissemination of commercial communications and commercial communications by members of professional associations)
- Ministry of Industry and Trade (in other fields of e-commerce).

How do EU-level entities (e.g., the European Commission, Europol) coordinate or facilitate the exchange of best practices?

Regarding TCO, no direct or institutionalised coordination mechanisms between Czech authorities and EU-level entities are publicly known to exist in practice.

Under the DSA, the exchange of best practices and the coordination among EU-level entities — such as the European Commission and national Digital Services Coordinators — are primarily facilitated through the European Board for Digital Services established under Art. 61–63 DSA.

Have there been cross-border cases that required joint enforcement efforts?

No cross-border cases requiring joint enforcement efforts have been reported or are publicly known.

5.10 Impact on Freedom of Expression and Privacy

Have concerns been raised that the fast removal requirements under Regulation (EU) 2021/784 might lead to over-removal or censorship?

Yes. Significant concerns have been raised over the Regulation. In the Czech context, these concerns are amplified by institutional and procedural factors. The competent authority issuing removal orders is a police unit operating directly under the Ministry of the Interior,¹³¹ i.e., part of the executive branch. There is no

¹³¹ Article 67(1) of Constitutional Act No. 1/1993 Coll., Constitution of the Czech Republic, section 5(1) of Act No. 273/2008 Coll., on the Police of the Czech Republic, sections 21, 27 and 28(1) of Act No. 2/1969 Coll., on the Establishment of Ministries and Other Central Authorities of State Administration of the Czech Republic.

independent oversight body, administrative review mechanism, or transparency process to ensure the legality or proportionality of removal decisions.

Moreover, no one till this day obtained copies of removal orders or related administrative decisions under the Freedom of Information Act, leaving it unclear what type of content has been restricted or removed.

This lack of external scrutiny, whether judicial, parliamentary, or civil society-based, means that once the police issue a removal order, no other public authority or independent institution verifies its compliance with fundamental rights or constitutional standards. From the standpoint of democratic resilience, this arrangement represents one of the most problematic aspects of the Czech implementation, as it effectively establishes a content regulation regime without meaningful public or institutional oversight.

Under the DSA, how are fundamental rights—such as freedom of expression and data protection—safeguarded in your national implementation?

The Czech transposition of the DSA has not introduced any additional safeguards of such kind.

What oversight or appeal mechanisms exist for content creators or users affected by removals?

An affected content creator or hosting service provider may appeal a removal order issued under Regulation. However, under Section 2(3) of the Czech implementing act, such an appeal does not have suspensive effect.

Following the administrative appeal, the content creator may also seek judicial review before the administrative courts by filing an action against the decision of the competent authority (the designated police unit).

It remains unclear, however, whether the alternative dispute resolution (ADR) mechanisms established under the Digital Services Act (DSA) apply to cases concerning terrorist content removal. The interaction between the TCO Regulation and the DSA has not yet been clarified in Czech and European practice or jurisprudence, leaving some uncertainty as to whether users could rely on DSA-based procedural safeguards in parallel or supplementary proceedings.

Regarding DSA itself, Czech legislation does not introduce any nation-specific oversight or appeal mechanisms for content creators or users affected by removals. The provisions of the DSA regulating those mechanisms, such as internal complaint-handling system (Art 20), out-of-court dispute settlement (Art 21), right to lodge a complaint (Art 53), right to seek compensation (Art 54) are directly applicable.

5.11 Comparisons with Other Jurisdictions

If relevant, do lawmakers or regulators reference how other EU member states are implementing these regulations?

Regarding TCO, there is no indication that comparative approaches, foreign legislative models, or cross-border consultations have influenced the Czech implementing framework or its subsequent application.

Regarding DSA, the bill introduces a new type of special court proceedings for the temporary restriction of access to intermediary services as provided for in Article 51(3)(b) of the DSA. With regard to the regulation of the essential requirements of a motion initiating this proceedings, the explanatory memorandum refers to inspiration from the German government's draft legislation, proposing that the motion should, i.e. state whether it is being submitted at the initiative of the European Commission and whether the proposer should be allowed to extend the duration of the restriction of access to the service, including the possible number of such extensions and the reasons for requesting them.¹³²

Are there notable differences in how your country addresses terrorist content or digital services obligations compared to neighboring states?

Publicly available information does not indicate any distinctive national approaches, divergences in enforcement practice, or unique legislative adaptations compared to other EU Member States.

¹³² Government Bill on the Digital Economy and on Amendments to Certain Related Acts (Chamber of Deputies Print No. 776). P. 134. Available at: <https://odok.gov.cz/portal/veklep/material/ALBSCWAFVK4T/> (accessed 15 October 2025).

6

THE ROLE OF THE ADMINISTRATOR OF THE NATIONAL TOP-LEVEL DOMAIN (.CZ/.SK/.PL/.HU)

6.1 Institutional Setup and Governance

Which entity (public, private, or non-profit) administers the national top-level domain (TLD) in your country?

The Czech national top-level domain .cz is administered by CZ.NIC, z. s. p. o., an association of legal entities established as a private, non-profit organization. Membership in CZ.NIC is open exclusively to legal persons.

How is this administrator selected or designated (e.g., through a government contract, regulatory framework, or historical precedent)?

The designation the administrator of the Czech national top-level domain is based not on statute or formal delegation, but rather on a long-standing informal arrangement between the public and private sectors.

The key instrument governing this relationship is a memorandum of understanding concluded between CZ.NIC and the former Ministry of Informatics. Under this memorandum, the government agreed not to seek direct control over the .cz domain registry, provided that certain conditions were met, namely, that CZ.NIC would operate on a non-profit basis, ensure transparency, and maintain non-discriminatory access to domain name registration services.

Following the dissolution of the Ministry of Informatics, the memorandum and its associated oversight role were transferred to the Ministry of Industry and Trade, which informally continues to represent the state's interests in matters concerning the .cz domain.¹³³

¹³³ Section 2(1) of Act No. 110/2007 Coll., on Certain Measures within the System of Central Government Authorities Related to the Abolition of the Ministry of Informatics and on Amendments to Certain Acts.

What legal or regulatory instruments define and govern the role of this TLD administrator?

There is no statutory framework in Czech law regulating the management or delegation of national TLDs. Consequently, CZ.NIC operates on the basis of self-regulation, guided by the principles of non-profit operation, transparency, and equal access to domain registration.

Nevertheless, as a TLD operator and service provider, CZ.NIC falls within the scope of the Digital Services Act (DSA). It is classified as a provider of intermediary services, a status confirmed by the Czech Telecommunication Office, and is therefore subject to the obligations and accountability mechanisms established under the DSA.¹³⁴

6.2 Responsibilities and Mandate

What are the core functions of the TLD administrator (e.g., domain name registration, policy enforcement, dispute resolution)?

The administrator performs all core functions typically associated with the management of a national top-level domain. These include:

1. **Domain name registration and maintenance** – administrator operates the .cz domain registry,
2. **Policy development and enforcement** – The administrator establishes and enforces the rules and procedures governing domain registration,
3. **Dispute resolution** – CZ.NIC oversees the alternative dispute resolution (ADR) mechanism for .cz domain disputes.

All governing rules, procedures, and operational standards are publicly accessible on the CZ.NIC website.¹³⁵

¹³⁴ "Studie poskytovatelů zprostředkovatelských služeb podle Nařízení DSA." Český telekomunikační úřad (ČTÚ), available at: <https://ctu.gov.cz/studie-poskytovatelu-zprostredkovatelskych-sluzeb> (accessed 13 October 2025).

¹³⁵ "Pravidla a postupy." CZ.NIC, available at: <https://www.nic.cz/page/314/pravidla-a-postupy/> (accessed 13 October 2025).

Does the administrator have any responsibilities related to content regulation or oversight of hosted websites?

The administrator has only limited powers related to content regulation. It may suspend or revoke a domain name, thus disconnecting it from its IP address, but cannot restrict or review specific website content. Its role concerns the domain as a whole, not particular parts of a site. Detailed rules on such interventions are described in Section 6.4.

6.3 Registration Policies

What rules or policies govern the registration of domain names under the national TLD (e.g., residency requirements, trademark considerations)?

A number of rules govern the registration of domain names. In some cases, the administrator does not act as a decision-maker but merely as a processor of binding public-law decisions. For example, when implementing a court or administrative order concerning the suspension or transfer of a domain name.

Further details on these specific registration conditions and procedures are provided in the subsequent section.

Are there restrictions or special requirements for certain types of domain names (e.g., government domains, restricted sectors)?

There are no special registration categories for government or restricted-sector domains. However, in domain disputes, general rules of deceptive use apply. A state authority would typically prevail if the disputed domain misleads users by imitating or falsely representing an official government site

Does the administrator have a public policy document or guidelines outlining registration procedures and dispute resolution processes?

It is unclear whether the administrator maintains a dedicated public policy document covering registration and dispute resolution in all areas. However, the alternative dispute resolution (ADR) mechanisms under the Digital Services Act (DSA) are likely to apply, at least in part, to disputes concerning domain-related intermediary functions.

6.4 Dispute Enforcement

Under what circumstances can the administrator revoke or suspend a domain name?

A domain name may be revoked or suspended in two situations under Articles 17 and 18 of its registration rules:

1. **At the administrator's discretion** – The administrator may cancel a domain delegation if the domain is used in a manner that endangers national or international cybersecurity. The rules state:

“The Association CZ.NIC is entitled, at its discretion, to cancel the delegation of a domain name if the domain name is used in such a way that it endangers national or international computer security, in particular if the domain name or services available through it are used for the distribution of harmful content (especially viruses or malware), for the impersonation of another service (especially phishing), or if the hardware accessible through the domain name functions as a command-and-control centre of a network of connected hardware distributing harmful content (especially a botnet).”

2. **On the basis of an enforceable decision** – If a person presents a final and enforceable administrative or judicial decision ordering the cancellation of a domain, the administrator must revoke it accordingly.¹³⁶

6.5 Collaboration with Government and Law Enforcement

Does the TLD administrator coordinate with government agencies or law enforcement in addressing illegal online activities (e.g., court orders to suspend domains)?

Yes. The administrator may revoke or suspend domain names based on decisions of public authorities, which can arise from various contexts: Most commonly civil disputes or criminal proceedings. Such actions are handled *ad hoc*, as the Czech Republic lacks a comprehensive substantive legal framework specifically

¹³⁶ “Pravidla registrace jmen domén v ccTLD .cz (účinnost od 1. 5. 2024).” CZ.NIC, available at: https://www.nic.cz/files/nic/doc/20240501_Pravidla_registrace_CZ.pdf (accessed 13 October 2025), articles 17 and 18.

governing domain name seizures or removals. Each case is therefore carried out individually, following the relevant court or administrative decision.¹³⁷

Are there formal procedures or agreements (memoranda of understanding) in place to facilitate this cooperation?

Yes. Cooperation between the administrator and public authorities is governed by several memoranda of understanding and related agreements, including:

- Memorandum with the Ministry of Informatics of the Czech Republic (2006)
- Memorandum with the National Security Authority (2012)
- Memorandum with the Ministry of Industry and Trade (2012)
- Memorandum with the Czech Telecommunication Office (2015)
- Public-law contract on the operation of the National CERT (2015)
- Memorandum with the Ministry of the Interior – Unit of Special Activities of the Criminal Police and Investigation Service (2019)
- Joint declaration of cooperation with the Police Presidium and the Criminal Police and Investigation Service – operation of the StopOnline hotline (2021)¹³⁸

Have there been notable cases in which the TLD administrator took action against domain owners at the government's request?

One notable case illustrating the capacity of administrator to act against domain holders at the request or maybe rather urging of a government occurred in early 2022. Following the outbreak of the Russian invasion of Ukraine, the administrator suspended several domain names identified by the government's security services as disseminating Russian disinformation. The action was taken after consultations with the Czech Military Intelligence Service and other state authorities, who had warned that the listed domains posed a threat to national and international cybersecurity. Administrator justified its decision under Article 17 of its Domain

¹³⁷ Ibidem.

¹³⁸ "O sdružení." CZ.NIC, available at: <https://www.nic.cz/page/351/> (accessed 13 October 2025).

Name Registration Rules, which permits the suspension of a domain in cases of threats to national security or the integrity of computer networks.

Although the registry claimed to have acted independently within its own competence, it explicitly acknowledged that its decision followed discussions and recommendations from government representatives. Thus, while there was no formal, legally binding order from the state, the intervention was clearly prompted by political and security concerns arising from the broader national emergency context. Administrator stated that the measure was temporary and subject to monthly review. After approximately three months, in the absence of any judicial or administrative order to maintain the blocks, the registry reinstated seven of the eight affected domains.

The intervention provoked significant controversy and legal challenges. Some of the affected website operators and civic associations filed lawsuits against the Ministry of Defence, claiming that the action constituted an unlawful governmental order interfering with property rights and freedom of expression. Subsequent court proceedings, however, stated, that there was no clear governmental order in place. The mere sending of a letter from a public authority to an administrator cannot be considered a government order.¹³⁹

6.6 Transparency and Accountability

Are domain holders or the public able to appeal or challenge decisions made by the TLD administrator?

Yes. Disputes concerning the administrator's decisions are generally treated as private-law disputes, including domain name disputes arising from contractual relations between the administrator and the registrant.

¹³⁹ Constitutional Court of the Czech Republic. Order of 9 April 2024, file No. III. ÚS 2628/23. "Blokování dezinformačních webů míří k soudu, dvě sdružení žalují ministerstvo obrany." *Lupa.cz*, David Slížek, 7 června 2022, available at: <https://www.lupa.cz/clanky/blokovani-dezinformacnich-webu-miri-k-soudu-dve-sdruzeni-zaluji-ministerstvo-obrany/> (accessed 13 October 2025). "Sdružení CZ.NIC přestane po třech měsících blokovat dezinformační weby." *Seznam Zprávy*, ČTK, 24 května 2022, available at: <https://www.seznamzpravy.cz/clanek/domaci-zivot-v-cesku-sdruzeni-cz-nic-prestane-po-trech-mesicich-blokovat-dezinformacni-weby-203549> (accessed 13 October 2025). "Sdružení CZ.NICablokovalo weby šířící dezinformace spojené s rusko-ukrajinským konfliktem." *CZ.NIC*, 25. února 2022, available at: <https://www.nic.cz/page/4301/sdruzeni-cznic-zablokovalo-weby-sirici-dezinformace-spojene-s-rusko-ukrajinskym-konfliktem/> (accessed 13 October 2025).

In certain cases, particularly where a restriction or cancellation occurs under Article 17 of the registration rules, the alternative dispute resolution (ADR) mechanisms under the DSA may also apply, allowing domain holders to challenge such measures through an independent dispute resolution body.

6.7 Economic and Market Considerations

Are registration fees or other costs regulated by the government, or set independently by the TLD administrator?

Registration fees are set independently by the administrator. However, under the memorandum described above, the fees must remain proportionate to the administrator's non-profit character.

The administrator's internal operations are not subject to public oversight, and it is not a public authority within the meaning of the Freedom of Information Act; therefore, its financial or operational information cannot be requested through access-to-information procedures.

INDEPENDENT OVERSIGHT MECHANISMS

The role of ombudsman institutions, national human rights bodies, and other watchdogs

7.1 Institutional Mandates and Legal Foundations

Which institutions in your country serve as independent oversight mechanisms, such as ombudsman offices or national human rights commissions?

In the Czech Republic, the Public Defender of Rights (Veřejný ochránce práv) serves as the independent oversight body. The institution functions as the national ombudsman

Under what legal or constitutional provisions are these institutions established, and how is their independence safeguarded?

The Public Defender of Rights is established under the Act on the Public Defender of Rights, and its independence is explicitly guaranteed by Section 5(1) of that Act, which states that the Defender shall perform their duties independently and without instructions from any authority.¹⁴⁰

The institution is not mentioned in the Constitution, and its status therefore derives solely from ordinary legislation rather than constitutional law.

Do their mandates explicitly cover digital rights, freedom of expression online, or the regulation of online content?

No, the mandate of the Public Defender of Rights does not explicitly cover digital rights, online freedom of expression, or the regulation of online content. Its competence is defined broadly and in general terms, focusing on the protection of individuals against unlawful or improper conduct by public authorities, as will be described below.

¹⁴⁰ Act No. 349/1999 Coll., on the Public Defender of Rights and on the Defender of Children's Rights.

7.2 Scope of Authority and Responsibilities

What types of complaints or issues can be brought to these oversight bodies (e.g., alleged censorship, violations of online privacy, hate speech)?

The mandate of the Public Defender of Rights is defined broadly. Under Section 1a(1)(b) of the Act on the Public Defender of Rights, the Defender *acts to protect individuals against the conduct of public authorities specified in this Act where such conduct is contrary to the law, inconsistent with the principles of a democratic rule of law and good administration, or in cases of their inaction.*

According to Section 1b(1), the Defender's competence extends to *ministries and other administrative authorities, the Czech National Bank (when acting as an administrative authority), local government bodies when exercising state administration, and—unless otherwise provided—also to the Police of the Czech Republic, the Armed Forces, the Castle Guard, facilities for detention, imprisonment, protective or institutional education, protective treatment, preventive detention, as well as health insurance companies.*

This general authorization allows any individual to submit a complaint (podnět) under Sections 10 et seq. of the Act. While the Defender's powers are not explicitly framed in terms of digital rights, this broad competence could, in principle, encompass issues such as alleged online censorship, violations of privacy, or improper actions by public authorities in digital regulation, insofar as they fall within the scope of state administration.

Do these institutions have the power to issue legally binding decisions, recommendations, or only advisory opinions?

Under Sections 19 et seq. of the Act, the Defender may propose remedial measures to the authority concerned. If the authority fails to implement these measures, the Defender may inform its superior authority or the government.

In addition, the Defender has the power to file a lawsuit in the public interest against an administrative decision, provided a public interest in doing so is demonstrated.¹⁴¹ Thus, the Defender's powers are primarily recommendatory, though they may have indirect legal effect through subsequent administrative or judicial proceedings.

¹⁴¹ Section 66 of Act No. 150/2002 Coll., Code of Administrative Justice.

How do they prioritize or select cases related to digital rights or internet regulation?

The internal prioritization or selection of cases by the Public Defender of Rights is determined at the Defender's own discretion and is not publicly disclosed. There are no published criteria or procedures specifically addressing how cases related to digital rights or internet regulation are selected or prioritized.

7.3 Complaints and Redress Mechanisms

How can citizens, NGOs or persons affected file complaints regarding internet-related grievances (e.g., blocked websites, content takedowns)?

As noted in the section on website blocking, the main obstacle in the Czech Republic is the limited standing to bring such cases. Czech law does not permit *actio popularis*, and the courts take a restrictive view: they have consistently held that there is no fundamental human right to access a particular website. This approach stands in direct contrast to the established case law of the European Court of Human Rights, which recognizes access to online information as an element of freedom of expression.¹⁴²

Are these processes user-friendly, accessible online, or free of charge?

The procedures are relatively informal. The Public Defender of Rights routinely accepts complaints from a wide range of areas, including from persons in detention, where formal requirements are limited. Proceedings before the Defender are free of charge and can be initiated without strict procedural formalities.¹⁴³

What remedies (e.g., compensation, policy recommendations, sanctions) can these institutions provide or recommend?

If the proceedings lead to a change in the underlying administrative decision. For example, if a website or online content allegedly containing terrorist material is unblocked as a result of the Public Defender of Rights' intervention – this may give

¹⁴² See the section on blocking in this report, 4.4.

¹⁴³ Section 10(4) of Act No. 349/1999 Coll., on the Public Defender of Rights and on the Defender of Children's Rights.

rise to state liability for damages. In such cases, affected content creators could claim compensation from the Czech Republic for harm caused by the unlawful administrative action.¹⁴⁴

7.4 Interaction with Government and Legislators

Are ombudsman or human rights bodies consulted during the legislative process on laws affecting internet governance or digital rights?

Yes. The Public Defender of Rights may comment on draft legislation in accordance with the government's legislative rules. However, the Defender is not required to do so and does not exercise this option in every case.¹⁴⁵

Do they issue formal opinions or recommendations to government entities, and are these taken into account?

The Defender's input takes the form of a formal comment that must be addressed during the legislative process. However, the government or Parliament may still adopt the law even if the Defender's comment is not accepted.

Have their recommendations ever led to significant changes in internet-related legislation or regulation?

No cases are known in which recommendations by the Public Defender of Rights have led to significant changes in Czech internet-related legislation or regulation.

7.5 Case Studies and Notable Interventions

Can you provide examples of significant cases where these institutions intervened to address online censorship, disinformation, or hate speech?

No publicly known cases exist in which the Public Defender of Rights or other national oversight institutions have intervened decisively in matters of online censorship, disinformation, or hate speech.

However, in 2020 the Public Defender of Rights issued a recommendation on hate speech on the internet (Doporučení veřejné ochránkyně práv k nenávisným

¹⁴⁴ Section 5 et seq. of Act No. 82/1998 Coll., on Liability for Damage Caused in the Exercise of Public Authority by a Decision or Incorrect Official Procedure.

¹⁴⁵ Article 5(1)(b) of the Government Legislative Rules; adopted in the form of a Government Resolution.

projevům na internetu, ref. 67/2018/DIS/JV). The Defender described online hate as a serious and growing problem, stressing that freedom of expression has limits when it incites hatred. Although lacking direct powers in criminal matters, the office acts in areas linked to discrimination and equal treatment.

The recommendation summarized several years of monitoring, cooperation with NGOs and EU initiatives, and analysis of Czech court cases. It proposed ten key measures, including: unifying criminal data systems, analysing hate-speech misdemeanours, regular reviews of case law, ensuring equal legal protection of all vulnerable groups, launching a national school campaign, improving training for police and judges, supporting research and technical tools to detect hate content, promoting online reporting forms, and revising Ministry of the Interior websites.¹⁴⁶

Were their interventions successful, and did they lead to policy changes, legal reforms, or compensation for victims?

No information is available indicating that any interventions by the Public Defender of Rights or related institutions have led to substantial policy changes, legislative reforms, or compensation for affected individuals in the area of online regulation.

What challenges did they face (e.g., resistance from governmental bodies, lack of cooperation from digital platforms)?

There is no publicly available evidence of specific challenges faced by the Public Defender of Rights or similar institutions in addressing online regulation issues.

7.6 Effectiveness and Criticisms

How do stakeholders (e.g., civil society, media, academia) perceive the effectiveness of these independent oversight mechanisms in protecting online rights?

There is no consistent or comprehensive public view on the effectiveness of these oversight mechanisms in protecting online rights. Stakeholder opinions have not

¹⁴⁶ "Veřejná ochránkyně práv. *Doporučení veřejné ochránkyně práv k nenávistným projevům na internetu.*" Sp. zn.: 67/2018/DIS/JV; Č. j.: KVOP-2550/2020. Praha: Kancelář veřejného ochránce práv, 2020. [online]. Available at: <https://www.ochrance.cz/uploads-import/ESO/67-2018-DIS-JV-doporuzeni.pdf>.

been systematically documented, and no clear consensus has emerged within civil society, the media, or academia.

Have there been criticisms or concerns regarding their impartiality, resources, or scope?

In this area, there have been no notable criticisms regarding the impartiality, resources, or scope of the existing oversight institutions. Given the ongoing focus on consolidating public finances, there has also been little discussion about establishing a new body dedicated specifically to digital rights or online regulation.

Do they face budgetary or political constraints that limit their ability to address digital rights issues effectively?

Effectiveness is limited mainly by the broad scope of Defender's mandate rather than by direct budgetary or political constraints. Because of the necessity of handling a wide range of issues, digital rights matters represent only a small part of their overall agenda.

7.7 Future Outlook and Reform

Are there ongoing discussions about reforming or expanding the mandates of these institutions to better address internet governance and digital rights challenges?

Not really. There are no significant discussions about expanding or reforming these institutions' mandates in this area. The protection of digital rights and oversight of internet governance is largely left to civil society initiatives rather than public institutional reform.

How might emerging technologies (AI, automated content moderation) influence the need for stronger or more specialized oversight?

This topic raises growing concerns, but regulation of emerging technologies such as AI and automated content moderation is expected to come primarily from the European Union. No significant role is foreseen for the Czech legislature, both due to time constraints and the relatively small size of the national market.

Are there proposals to create new institutions or strengthen existing ones to address the complexities of the digital environment?

Given limited public finances, there are no proposals to establish new institutions. Instead, new responsibilities related to the digital environment are generally assigned to existing authorities.

7.8 Comparisons and Best Practices

Do your country's oversight bodies benchmark against international best practices or models from other jurisdictions?

Occasionally, there is discussion about adding the Public Defender of Rights to the Constitution, following the model of some other countries. Apart from this, the current institutional framework is generally viewed as satisfactory, and no systematic benchmarking against best international practices takes place.

Are there examples of pioneering or innovative approaches taken by these institutions that could be emulated elsewhere?

No pioneering or innovative approaches by these institutions in the field of digital rights or internet governance are known.

How does your country's independent oversight framework compare with regional or international standards (e.g., Council of Europe recommendations, UN guidelines)?

The Public Defender of Rights frequently refers to the case law and recommendations of international legal bodies, such as the Council of Europe and the United Nations. While the Czech framework is not directly modelled on these standards, its practice of referencing international jurisprudence generally aligns it with broader regional and global human rights principles.

BIBLIOGRAPHY

Online sources

"Blokace webů proti dezinformacím: jak funguje „dezinformační rozvědka internetu“." iROZHLAS, 22 March 2022. Available at: https://www.irozhlas.cz/veda-technologie/technologie/blokace-web-dezinformace-dezinformacni-rozvedka-internet-seznam_2203220500_cib.

"Blokování dezinformačních webů míří k soudu, dvě sdružení žalují ministerstvo obrany." Lupa.cz, David Slížek, 7 června 2022, available at: <https://www.lupa.cz/clanky/blokovani-dezinformacnich-webu-miri-k-soudu-dve-sdruzeni-zaluji-ministerstvo-obrany/> (accessed 13 October 2025).

"Boj proti dezinformacím z nařízení státu. Hlavní zásada fungování ČT a ČRo se má změnit." Echo24, 3 July 2024. Available at: <https://www.echo24.cz/a/HS7TA/zpravy-domaci-ct-boj-dezinformacim-medialni-novela-poplatky> (accessed 16 October 2025).

"Centre against Terrorism and Hybrid Threats." Ministry of the Interior of the Czech Republic, available at: <https://mv.gov.cz/chh/clanek/centre-against-terrorism-and-hybrid-threats.aspx> (accessed 13 October 2025).

"Česko na prahu nejulhanějších voleb: množí se falešná videa a ChatGPT je zahlcený propagandou z Kremlu. Na co se připravit?" Hospodářské noviny, Vikend section, 2 May 2025. Available at: <https://vikend.hn.cz/c1-67710950-cesko-na-prahu-nejulhanejsich-voleb-mnozi-se-falesna-video-a-chatgpt-je-zahlceny-propagandou-z-kremlu-na-co-se-pripavit> (accessed 14 October 2025).

"Code of Practice on Disinformation." European Commission. Available at: <https://digital-strategy.ec.europa.eu/en/library/code-conduct-disinformation> (accessed 14 October 2025).

"Deepfake video přesvědčilo seniorku." Police of the Czech Republic, available at: <https://policie.gov.cz/clanek/deepfake-video-presvedcilo-seniorku.aspx> (accessed 14 October 2025).

"Dezinformace, ČT, ČRO a mediální novela: Piráti..." Echo24, 12. 7. 2024. Available at: <https://www.echo24.cz/a/HdStH/zpravy-domaci-dezinformace-ct-cro-zakon-medialni-novela-pirati> (accessed 14 October 2025).

"Dezinformační kampaně – trestněprávní úprava." Centre against Hybrid Threats, Ministry of the Interior of the Czech Republic. Available at: <https://mv.gov.cz/chh/clanek/dezinformacni-kampane-trestnepravni-uprava-trestnepravni-uprava.aspx> (accessed 7 October 2025).

"Hate Speech on the Internet and Decision-Making of Czech Courts: Survey 2020" [PDF document]. Office of the Public Defender of Rights (Úřad veřejného ochránce práv), Available at: <https://www.ochrance.cz/uploads->

[import/DISKRIMINACE/Vyzkum/Hate speech on the Internet and decision-making of Czech courts Survey 2020 .pdf](#) (accessed 1 October 2025).

“Jednotný seznam zakázaných webů dostane na starosti ČTÚ, blokování ale půjde dál snadno obejít.” *Lupa.cz*, Martin Drtina, 26 March 2025, available at: <https://www.lupa.cz/clanky/jednotny-seznam-zakazanych-webu-dostane-na-starosti-ctu-blokovani-ale-pujde-dal-snadno-obejit/> (accessed 13 October 2025).

“Metodický pokyn k plnění povinností souvisejících s blokací.” Ministerstvo financí České republiky. Available at: <https://www.mfcr.cz/cs/kontrola-a-regulace/hazardni-hry/blokace-nepovolenych-internetovych-her/metodika/metodicky-pokyn-k-plneni-povinnosti-souvisejicich-55449> (accessed 13 October 2025).

“Na Rakušana vyrobili kompromitující video, kde vyhrožuje cenzurou.” Seznam Zprávy, 27. 1. 2024. Available at: <https://www.seznamzpravy.cz/clanek/domaci-politika-na-rakusana-vyrobili-kompromitujici-video-kde-vyhrozuje-cenzurou-244613> (accessed 14 October 2025).

“Národní centrála proti terorismu, extremismu a kybernetické kriminalitě.” Policie České republiky, available at: <https://policie.gov.cz/clanek/narodni-centrala-proti-terorismu-extremismu-a-kyberneticke-kriminalite.aspx> (accessed 13 October 2025).

“O sdružení.” CZ.NIC, available at: <https://www.nic.cz/page/351/> (accessed 13 October 2025).

“Ověřovna: podvodníci se známou tváří – falešný Babiš z Lidí opět láká peníze skrz...” iROZHLAS, 5 May 2024. Available at: https://www.irozhlas.cz/zpravy-domov/overovna-podvodnici-se-znamou-tvari-falesny-babis-z-lidi-opet-laka-penize-skrz_2405050600_jar (accessed 15 October 2025).

“Poskytnutí informace – zákon o dezinformacích.” Ministry of the Interior of the Czech Republic, available at: <https://mv.gov.cz/clanek/poskytnuti-informace-zakon-dezinformace.aspx> (accessed 14 October 2025).

“Pravidla a postupy.” CZ.NIC, available at: <https://www.nic.cz/page/314/pravidla-a-postupy/> (accessed 13 October 2025).

“Pravidla registrace jmen domén v ccTLD .cz (účinnost od 1. 5. 2024).” CZ.NIC, available at: https://www.nic.cz/files/nic/doc/20240501_Pravidla_registrace_CZ.pdf (accessed 13 October 2025).

“Report from the Commission to the European Parliament and the Council on the implementation of Regulation (EU) 2021/784 on addressing the dissemination of terrorist content online.” European Commission, COM(2024) 64 final, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52024DC0064> (accessed 13 October 2025).

"Sdružení CZ.NIC přestane po třech měsících blokovat dezinformační weby." Seznam Zprávy, ČTK, 24 května 2022, available at: <https://www.seznamzpravy.cz/clanek/domaci-zivot-v-cesku-sdruzeni-cz-nic-prestane-po-trech-mesicich-blokovat-dezinformacni-weby-203549> (accessed 13 October 2025).

"Sdružení CZ.NIC zablokovalo weby šířící dezinformace spojené s rusko-ukrajinským konfliktem." CZ.NIC, 25. února 2022, available at: <https://www.nic.cz/page/4301/sdruzeni-cznic-zablokovalo-weby-sirici-dezinformace-spojene-s-rusko-ukrajinskym-konfliktem/> (accessed 13 October 2025).

"Seznam blokovanych webu." Státní zemědělská a potravinářská inspekce, available at: <https://www.szpi.gov.cz/clanek/seznam-blokovanych-webu.aspx> (accessed 13 October 2025).

"Stanovisko: ČT a ČRo by se neměly zamotat do 'boje proti dezinformacím' (IH21)." IH21, 1 October 2024. Available at: <https://www.ih21.org/aktuality/stanovisko-ceska-televize-a-rozhlas-by-se-nemely-zamotat-do-boje-proti-dezinformacim> (accessed 15 October 2025).

"Stenozáznam 26.05.2016 (2. den, schůze 24, IS 5712)." Senát PČR, available at: <https://www.senat.cz/xqw/xervlet/psssenat/hlasovani?D=26.05.2016&IS=5712&action=steno> (accessed 13 October 2025).

"Studie poskytovatelů zprostředkovatelských služeb podle Nařízení DSA." Český telekomunikační úřad (ČTÚ), available at: <https://ctu.gov.cz/studie-poskytovatelu-zprostredkovatelskych-sluzeb> (accessed 13 October 2025).

"Trumpova administrativa otočila: Spojené státy vypověděly Česku pakt o boji proti dezinformacím." iROZHLAS, 18 September 2025. Available at: https://www.irozhlas.cz/zpravy-domov/trumpova-administrativa-otocila-spojene-staty-vypovedely-cesku-pakt-o-boji-proti-2509180500_hrk (accessed 18 October 2025).

"Tzv. deepfake pornografie." Police of the Czech Republic, available at: <https://policie.gov.cz/clanek/tzv-deepfake-pornografie.aspx> (accessed 14 October 2025).

"Veřejná ochránkyně práv. Doporučení veřejné ochránkyně práv k nenávisným projevům na internetu." Sp. zn.: 67/2018/DIS/JV; Č. j.: KVOP-2550/2020. Praha: Kancelář veřejného ochránce práv, 2020. [online]. Available at: <https://www.ochrance.cz/uploads-import/ESO/67-2018-DIS-JV-doporuceni.pdf>.

"Vláda tají plán proti dezinformacím. 'Podíleli se na něm odborníci,' tvrdí, jejich jména ale nezná." iROZHLAS, 19 January 2023. Available at: https://www.irozhlas.cz/zpravy-domov/dezinformace-plan-vlada-klima-vnitro-chh-cthh-2301191230_cib (accessed 7 October 2025).

"Vládní zmocněnec pro oblast médií a dezinformací." Office of the Government of the Czech Republic, available at: https://vlada.gov.cz/cz/ppov/zmocnenci_vlady/vladni-zmocnenec-pro-oblast-medii-a-dezinformaci-194841/ (accessed 13 October 2025).

"Vyjádření k projednávané věci sp. zn. Pl. ÚS 5/25 (amicus curiae brief)." [PDF document]. Available at: [https://cdn.prod.website-files.com/62a516e4c9aebb69f972c23c/685d08e0b18ef0bf56e46328_Vyj%C3%A1d%C5%99en%C3%AD%20k%20projedn%C3%A1van%C3%A9%20v%C4%Bci%20sp.%20zn.%20Pl.%20%C3%9A%205%20\(amicus%20curiae%20brief\)%20\(3\).pdf](https://cdn.prod.website-files.com/62a516e4c9aebb69f972c23c/685d08e0b18ef0bf56e46328_Vyj%C3%A1d%C5%99en%C3%AD%20k%20projedn%C3%A1van%C3%A9%20v%C4%Bci%20sp.%20zn.%20Pl.%20%C3%9A%205%20(amicus%20curiae%20brief)%20(3).pdf)

"Zákon na blokaci dezinformačních webů má bránit demokracii, ale podle odborníků ji zatím spíš ohrožuje," Respekt, 17. October 2022. Available at: <https://www.respekt.cz/kontext/zakon-na-blokaci-dezinfowebu-ma-branit-demokracii-ale-podle-odborniku-ji-zatim-spis-ohrozuje> (accessed 15 October 2025); and "Ministerstvo vnitra připravuje zákon proti dezinformacím," IROZHLAS, 16. July 2022. Available at: https://www.irozhlas.cz/zpravy-domov/dezinformace-vnitro-zakon-legislativa_2207160500_cib (accessed 15 October 2025).

"Zákon proti dezinformacím zřejmě nevznikne. Stačí bojovat pravdou, míní Benda z ODS." Aktuálně.cz, 20 March 2023. Available at: <https://zpravy.aktualne.cz/domaci/zakon-proti-dezinformacim/r~739a7c12c71611ed8b4e0cc47ab5f122/> (accessed 15 October 2025).

"Žaloba podle § 82 s. ř. s. proti nezákonnému zásahu: návrh na vydání předběžného opatření ze dne 3. 6. 2022." INSTITUTE H21, z. ú., and OTEVŘENÁ SPOLEČNOST, o. p. s. Available at: https://www.irozhlas.cz/zpravydomov/dezinformace-blokace-weby-propaganda_2206071442_cib (accessed 1 October 2025).

"Zpráva o extremismu a předsudečné nenávisti na území České republiky v roce 2024" [PDF document]. Ministry of the Interior of the Czech Republic. Available at: <https://mv.gov.cz/soubor/zprava2024-pdf.aspx> (accessed 13 October 2025).

Czech and European Law, including bills

Act No. 106/1999 Coll., on Free Access to Information.

Act No. 110/2007 Coll., on Certain Measures within the System of Central Government Authorities Related to the Abolition of the Ministry of Informatics and on Amendments to Certain Acts.

Act No. 127/2005 Coll., on Electronic Communications.

Act No. 146/2002 Coll., on the Czech Agriculture and Food Inspection Authority and on Amendments to Certain Related Acts.

Act No. 150/2002 Coll., Administrative Judicial Procedure Code.

Act No. 182/1993 Coll., on the Constitutional Court.

Act No. 186/2016 Coll., on Gambling

Act No. 2/1969 Coll., on the Establishment of Ministries and Other Central Authorities of State Administration of the Czech Republic.

Act No. 231/2001 Coll. of May 17, 2001, on Radio and Television Broadcasting Operation and on Amendments to Other Acts.

Act No. 247/1995 Coll., on Elections to the Parliament of the Czech Republic and on Amending and Complementing Certain Other Acts.

Act No. 250/2016 Coll., on Liability for Offences and Procedure thereof.

Act No. 251/2016 Coll., on Certain Offences.

Act No. 273/2008 Coll., on the Police of the Czech Republic.

Act No. 275/2012 Coll., on the election of the President of the Republic and on amending certain acts.

Act No. 349/1999 Coll., on the Public Defender of Rights and on the Defender of Children's Rights.

Act No. 378/2007 Coll., on Pharmaceuticals and on Amendments to Certain Related Acts (the Act on Pharmaceuticals).

Act No. 40/2009 Coll., Criminal Code.

Act No. 480/2004 Coll. on certain information society services and on amendments to certain acts.

Act No. 500/2004 Coll., Administrative Procedure Code.

Act No. 67/2023 Coll., on Certain Measures against the Dissemination of Terrorist Content Online.

Act No. 82/1998 Coll., on Liability for Damage Caused in the Exercise of Public Authority by a Decision or Incorrect Official Procedure.

Act No. 85/1990 Coll., on the Right of Petition.

Act No. 89/2012 Coll., Civil Code.

Act No. 99/1963 Coll., Code of Civil Procedure.

Regulation (EC) No. 178/2002 of the European Parliament and of the Council of January 28, 2002, Celex number: 32002R0178.

Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC.

Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU)

2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (*Artificial Intelligence Act*).

Amendment to the Government Bill amending Act No. 40/2009 Coll., the Criminal Code, as amended, and other related acts (Chamber of Deputies Print No. 616/0), p. 3. Chamber of Deputies of the Parliament of the Czech Republic. Available at: <https://www.psp.cz> (accessed 14 October 2025).

Government Bill on the Digital Economy and on Amendments to Certain Related Acts (Chamber of Deputies Print No. 776). P. 134. Available at: <https://odok.gov.cz/portal/veklep/material/ALBSCWAFVK4T/> (accessed 15 October 2025).

Constitutional Act No. 1/1993 Coll., Constitution of the Czech Republic.

Constitutional Act No. 2/1993 Coll., Charter of Fundamental Rights and Freedoms.

Rulings of Czech Courts

Constitutional Court of the Czech Republic. Order of 11 September 2014, file No. Pl. ÚS 19/14.

Constitutional Court of the Czech Republic. Order of 14 February 2017, file No. Pl. ÚS 28/16.

Constitutional Court of the Czech Republic. Order of 14 February 2017, file No. Pl. ÚS 28/16.

Constitutional Court of the Czech Republic. Order of 15 May 1996, file No. Pl. 35/95.

Constitutional Court of the Czech Republic. Order of 2 April 2019, file No. III. ÚS 3439/17.

Constitutional Court of the Czech Republic. Order of 23 July 2013, file No. Pl. ÚS 13/12.

Constitutional Court of the Czech Republic. Order of 25 March 2014, file No. Pl. ÚS 43/13.

Constitutional Court of the Czech Republic. Order of 28 November 2011, file No. IV. ÚS 2011/10.

Constitutional Court of the Czech Republic. Order of 3 October 2012, file No. Pl. ÚS 36/11.

Constitutional Court of the Czech Republic. Order of 7 December 2021, file No. III. ÚS 2696/21.

Constitutional Court of the Czech Republic. Order of 9 April 2024, file No. III. ÚS 2628/23.

Constitutional Court of the Czech Republic. Order of 9 April 2024, file No. III. ÚS 2628/23.

Constitutional Court of the Czech Republic. Order of 9 April 2024, file No. III. ÚS 2628/23.

Municipal Court in Prague, Order of 25 May 2021, file No. 9 A 23/2020.

Supreme Administrative Court of the Czech Republic. Order of 20 January 2023, file No. 4 As 206/2022-108.

Supreme Administrative Court of the Czech Republic. Order of 26 March 2021, file No. 6 As 108/2019-39.

Supreme Court of the Czech Republic. Order of 17 February 2021, file No. 8 Tdo 1246/2020.

Supreme Court of the Czech Republic. Order of 24 June 2021, file No. 3 Tdo 564/2021.

Supreme Court of the Czech Republic. Order of 8 June 2022, file No. 23 Cdo 1840/2021.

Rulings of European court of Human rights and Court of Justice of European Union

Ahmet Yildirim v. Turkey, no. 3111/10, Judgment (Chamber), 18 December 2012.

Bulgakov v. Russia, no. 20159/15, Judgment (Chamber), 23 June 2020.

Cengiz and Others v. Turkey, nos. 48226/10 and 14027/11, Judgment (Chamber), 1 December 2015.

Court of Justice of the European Union (Grand Chamber). *Judgment of 26 April 2022, Case C-401/19, Republic of Poland v European Parliament and Council*. ECLI:EU:C:2022:297.

Engels v. Russia, judgment of the European Court of Human Rights (Chamber) of 23 June 2020, application no. 61919/16.

Kablis v. Russia, nos. 48310/16 and 59663/17, Judgment (Chamber), 30 April 2019.

Kharitonov v. Russia, no. 10795/14, Judgment (Chamber), 23 June 2020.

OOO Flavus and Others v. Russia, nos. 12468/15, 23489/15 and 19074/16, Judgment (Chamber), 23 June 2020.

Yaman Akdeniz v. Turkey, no. 20877/10, Judgment (Chamber), 11 March 2014.

Literature

BARTOŇ, Michal. *Svoboda projevu: principy, meze, garance*. Prague: Leges, 2010.

CHALUPOVÁ, Martina and WAGNEROVÁ, Eliška. Čl. 17 [Freedom of expression and the right to information], Komentář k odst. 3. In: WAGNEROVÁ, Eliška et al. *Listina základních práv a svobod: komentář*. Prague: Wolters Kluwer ČR, 2012.

DRAŠTÍK, Aleš, FREMR, Robert, DURDÍK, Tomáš, RŮŽIČKA, Milan, SOTOLÁŘ, Aleš et al. *Trestní zákoník: komentář*. [ASPI System]. Wolters Kluwer [cited 2025-09-04]. ASPI_ID KO40_2009CZ. Available at: www.aspi.cz. ISSN 2336-517X.

DVOŘÁKOVÁ, Michaela. Revenge Porn and Deepfakes: Privacy Protection in the Era of Modern Technologies. *Revue pro právo a technologie*, 2020, No. 22, pp. 51–89.

FILIP, Jan. Dogmatika svobody projevu z hlediska teorie, legislativy a soudní praxe. *Časopis pro právní vědu a praxi*. Masarykova univerzita nakladatelství, 1998, roč. 6, č. 4.

FROSIO, Giancarlo and BULAYENKO, Oleksandr. *Study on Dynamic Blocking Injunctions in the European Union*. Study prepared by the European Union Intellectual Property Office (EUIPO) in collaboration with the Center for International Intellectual Property Studies (CEIPI), March 2021. Available at SSRN: <https://ssrn.com/abstract=3807277>.

GANGUR, Petr. Blokace internetových stránek v České republice. In: ŽÁK KRZYŽANKOVÁ, Katarzyna a kol. *Právo a společnost v digitálním věku: Teorie, praxe, empirie*. Praha: Auditorium, 2023, str. 245-267. ISBN 978-80-87284-94-0.

HODULÍK, Jakub. *Ústavní zákaz cenzury v teorii a praxi*. Prague: Wolters Kluwer ČR, 2024.

KLÍMA, Karel. Komentář k Ústavě a Listině. 2. díl, Listina základních práv a svobod. 2009.

KMEC, Jiří, BOBEK, Michal. Kapitola V [Vnitrostátní aplikace Úmluvy]. In: KMEC, Jiří, KOSAŘ, David, KRATOCHVÍL, Jan a BOBEK, Michal. *Evropská úmluva o lidských právech*. 1. vydání. Praha: C. H. Beck, 2012, s. 152.

KOSTEČKA, Jan et al. Ústava a ústavní řád České republiky: komentář. Díl 2, Práva a svobody. Praha: Linde, 1999.

KUDRNA, Jan. *The Possibilities of Combating So-Called Disinformation in the Context of the European Union Legal Framework and of Constitutional Guarantees of Freedom of Expression in the European Union Member States*. *International Comparative Jurisprudence* [online]. Mykolas Romeris University, 2022, vol. 8, no. 2, p. 143.

KÜHN, Zdeněk et al. Listina základních práv a svobod : velký komentář. Praha: Leges, 2022, s. 800 nebo CHALUPOVÁ, Martina a WAGNEROVÁ, Eliška. Čl. 17 [Svoboda projevu a právo na informace] K odst. 3.

LASÁK, Jan. § 135 [Protection of Name, Reputation and Privacy]. In: LAVICKÝ, Petr et al. *Občanský zákoník I. Obecná část (§ 1–654)*. 2nd ed. Prague: C. H. Beck, 2022, p. 522.

POPPEOVÁ, Marie. *Odpovědnost zprostředkovatelů za protiprávní projevy na internetu: Hrozí nám soukromá cenzura?* *Časopis pro právní vědu a praxi*, 2024, vol. 31.

PROVAZNÍK, Jan. § 355 [Defamation of a nation, race, ethnic or other group of persons]. In: ŠČERBA, Filip et al. *Trestní zákoník*. 1st edition (3rd update). Prague: C. H. Beck, 2020. Available at beck-online.cz.

ŠČERBA, Filip. § 404 [Expression of Sympathy for a Movement Aimed at Suppressing Human Rights and Freedoms]. In: ŠČERBA, Filip et al. *Trestní zákoník*. 1st edition (3rd update). Prague: C. H. Beck, 2020. Available at beck-online.cz.

SKLÁDALOVÁ, Denisa. Formální znaky rozhodnutí podle soudního řádu správního pohledem judikatury NSS. *Právní rozhledy*, 2021, č. 12, s. 435-442.

TŮMA, Pavel. § 82 [Claims Arising from Interference with Personality Rights]. In: LAVICKÝ, Petr et al. *Občanský zákoník I. Obecná část (§ 1–654)*. 2nd ed. Prague: C. H. Beck, 2022.

WAGNEROVÁ, Eliška et al. Listina základních práv a svobod : komentář. Praha: Wolters Kluwer ČR, 2012 nebo BARTOŇ, Michal a HEJČ, David. Čl. 17 [Svoboda projevu a právo na informace]. In: HUSSEINI, Faisal et al. Listina základních práv a svobod : komentář. Vydání první. Praha: C.H. Beck, 2021.

Others

Government Legislative Rules; adopted in the form of a Government Resolution.

Marsh v. Alabama, 326 U.S. 501 (1946).

Národní centrála proti terorismu, extremismu a kybernetické kriminalitě SKPV. *Odpověď na žádost o informace ze dne 17. března 2025*, č. j. TEKK-626-2/ČJ-2025-4200PR-INF-E.

Národní centrála proti terorismu, extremismu a kybernetické kriminalitě SKPV. *Poskytnutí informací ve smyslu zákona č. 106/1999 Sb., o svobodném přístupu k informacím ze dne 24. července 2025*, č. j. TEKK-1453-8/ČJ-2025-4200PR-INF-E.