

Summary

The public administration itself is bound by applicable laws rules. Therefore, in case of breach of individual rights stemming from the legal system of the Czech Republic, every person is guaranteed a strictly legal procedure with corresponding legal mechanisms, which aim to remedy of status cause by unlawfull action or inaction of the public administration. Moreover, if conditions laid down by European Convention on the Protection of Human Rights and Fundamental Freedoms are met, an individual has a right to apply to the European Court of Human Rights (Strasbourg) for a revision of a challenged act of public administration, which is considered to be as a final and conclusive from the point of view of national law.

The object of this Thesis focuses, in particular, on analysis of individual means of protection of rights in public administration and their mutual relationships between them at level of legal regulation *de lege ferenda*. Also, it cannot be disregarded the assessment of effect of courts' decisions or doctrine, including stating own knowledge based on the practice particularly in the area of administrative law.

The Thesis focuses on the issue of the protection of individual public rights. As a consequence, legal means designed to provide protection of law in objective sense (that is control of public administration or administrative supervision) are discussed to a minimal extent.

Nevertheless, the Thesis deals also with aspects of some supervisory instruments, even if those are not enforceable and connected with discretion of bodies of public administration.

In this regard it might be stated that using these subsidiary instruments may, to a considerable extent, lead to achieving a remedy of individual rights of a person.

Before conducting a proper analysis of legal instruments it needs to be introduced to a different doctrinal approaches to the protection of rights in public

administration, including their mutual comparison with relation to the three authors I have chosen. Based on aggregating particular approaches, a general system of the most significant so called legal guarantees could be deduced.

In this regard the doctrinal approach of Mr. V. Sládeček is highlighted. He perceives the issue from the viewpoint of an individual who is in a certain situation and tries to achieve within an administrative proceeding a positive result for him. When an appeal remedy fails, the appellant draws his attention to the area of following judicial protection including the possibility of making use of a protection within the European standard of the protection of rights.

Because the above approach has become a basis for the concept of the Thesis, I discuss the issue of the protection of rights within the administrative proceeding first, then the issue of the protection of rights within the administrative justice and then constitutional justice are mentioned, including the possibility of bringing, upon certain conditions, an action to the European Court of Human Rights. However, bringing such an action goes beyond the national level.

In the part devoted to the protection of rights in public administration a catalogue of these procedural rights of the party to the proceeding is summarized, and that with the emphasis on a fair procedure in particular. Then, especially the issue of rights through bringing regular and irregular remedy measures is explained. This part concludes with the discussion on the above supervisory instruments although these are not completely related to the topic of this Thesis.

In the Thesis, some attention is paid also to so called other means of the protection of rights in public administration, which could be perceived as a summarizing area. In this sense, especially the issue of a right to information, the institute of Public Defender of Rights, the protection provided as part of so called police law and the protection of rights within the protection of personal data.

As a part of the following judicial protection within the administrative justice the Thesis puts emphasis on the protection of rights via an action against the decision of a body of public administration, an action against the inactivity of a body of public administration and an action against an unlawful interference, instruction or coercion of a body of public administration. This part concludes with discussion on irregular remedial measures, i.e. cassation complaint and renewal of proceedings.

Considering the fact that applicable laws have changed relatively considerably as from 1st January 2012, the impact of the novel of the Administrative Judicial Code on the issue related to the topic of the Thesis is assessed.

If a claimant does not succeed in enforcing his rights within protection available to him in the system of administrative justice, he can seek defence by filing a constitutional complaint usually against a final decision of the Supreme Administrative Court on a cassation complaint. A situation cannot be ruled out in which by filing a constitutional complaint a final decision of an administrative body which is excluded from the review within administrative justice by a special act is challenged directly. With regard to a constitutional complaint, it needs to be noted that together with a constitutional complaint against a decision of an administrative body or other intervention of an administrative body a motion to cancel a legal regulation or its particular provisions, application of which led to the fact which is dealt with by/in the constitutional complaint may be filed.

After exhausting all national remedies and subject to other conditions set in by the European Convention on the Protection of Human Rights and Fundamental Freedoms, a complainant may file a complaint with the European Court of Human Rights to deal with a violation of its particular provisions. It is worth pointing out that complainants take advantage of this remedy quite often, in particular as far as complaints to deal with delays in administrative proceedings are concerned. In this part of the Thesis, a significant impact of

decisions of the European Court of Human Rights in the context of guaranteeing a right to have a fair trial is also touched upon.

It needs to be noted that the aim of this Thesis is not only to evaluate applicable legal regulation of legal remedies to protect rights, to determine problematic issues and recommend possible solutions, but also to provide a comprehensive overview of possible measures for the protection of rights in the public administration. Conclusions, based on this analysis, should confirm or reject the hypothesis that existing legislation provides individuals with adequate and in particular effective legal instruments for protection of their rights within public administration. Based on confirmation or rejection of this hypothesis possible recommendations and suggestions *de lege ferenda* are mentioned within relevant parts of this Thesis.