

*Jan Denka**

THE ENFORCEMENT OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS BY THE ADMINISTRATIVE COURTS IN POLAND AND CZECHIA

Abstract: *The article aims to explore the enforcement of the International Covenant on Economic, Social and Cultural Rights (ICESCR) by administrative courts in Poland and Czechia. The concluding observations of the Committee on Economic, Social and Cultural Rights have suggested significant differences between the two countries in this regard for many years. However, the exact reasons underlying this discrepancy remained unclear. The paper provides comprehensive insight into this legal phenomenon. Firstly, the author reconstructs the obligations relating to the economic, social and cultural (ESC) rights imposed on administrative courts. Secondly, the results of a large-scale review of the domestic rulings are presented. Based on the quantitative and qualitative analysis of the existing case law, it is revealed that the Polish and Czech courts share significant similarities in enforcing ESC rights. The study indicates that comparable shortcomings in terms of judicial enforcement of the Covenant are inherent in both jurisdictions. Thirdly, the author points to the existing methods available for the administrative courts that can still be used to strengthen the protection of the rights recognised in the ICESCR.*

* PhD Student; Department of Constitutional Law, Faculty of Law and Administration, Adam Mickiewicz University (Poland); email: janden@amu.edu.pl; ORCID: 0000-0001-9385-0984. This paper is a direct outcome of the research project implemented at Masaryk University (Brno, Czechia) titled “The Justiciability of Social Rights in the Administrative Justice of the Czech Republic”, which received funding from the International Visegrad Fund (under the Visegrad Fellowship Program, No. 62410222). I would like to express my gratitude to Prof. Lukáš Potěšil for his support during the implementation of my project. I also thank Dr Adam Płoszka for his valuable feedback on the initial draft of this paper, as well as the members of the Czech judiciary for insightful discussions. Last but not least, I extend my appreciation to the anonymous reviewers, whose comments were invaluable in improving the quality of my paper. Any remaining errors are my own.

Keywords: ICESCR, ESC rights, enforcement, justiciability, administrative justice

INTRODUCTION

The focus of the international legal discourse regarding the realisation of economic, social and cultural (ESC) rights has long centred on the jurisprudence of constitutional courts.¹ Meanwhile, the role of administrative courts in enforcing these rights has received comparatively less scholarly attention despite their crucial role in protecting individuals from unlawfulness of the national authorities.² It is therefore reasonable to infer that they also bear a vital responsibility in ensuring the enforcement of ESC rights, such as the right to education and the right to health.³

This paper contributes to the ongoing academic debate on ESC rights by conducting a comprehensive study of the approaches taken by administrative courts in enforcing the rights enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR or the Covenant). The analysis encompasses the case law from two countries: Poland and Czechia. The selection of these legal orders is justified in a number of respects. Both countries share significant similarities resulting from historical experiences. The implementation of the ICESCR has consequently been significantly impeded by the economic conditions following the transition from a communist system to a free market-orientated model in the 1990s.⁴ It is important to note that the constitutional acts of these states contain detailed catalogues of ESC rights, albeit with provisions aimed at limiting their judicial enforcement.⁵ Lastly, it is noteworthy that these are the only states in continental Europe that attempted to limit the justiciability of the “solidarity” rights

¹ E.g. F. Lucherini, *The Constitutionalization of Social Rights in Italy, Germany, and Portugal: Legislative Discretion, Minimal Guarantees, and Distributive Integration*, 25(2) German Law Journal 335 (2024); A. Chilton, M. Versteeg, *How Constitutional Rights Matter*, Oxford University Press, New York: 2020, pp. 167–206; K.G. Young, *Proportionality, Reasonableness, and Economic and Social Rights*, in: V.C. Jackson, M. Tushnet (eds.), *Proportionality. New Frontiers, New Challenges*, Cambridge University Press, Cambridge: 2017, pp. 248–272; B. Ray, *Policentrism, Political Mobilization and the Promise of Socioeconomic Rights*, 45(1) Stanford Journal of International Law 151 (2009).

² See also Recommendation Rec(2004)20 of the Committee of Ministers to Member States on Judicial Review of Administrative Acts, 15 December 2004.

³ See also M. Wyrzykowski, *Der Schutz der sozialen Grundrechte in der Rechtsordnung Polens*, in: J. Iliopoulos-Strangas (ed.), *Soziale Grundrechte in den “neuen” Mitgliedstaaten der Europäischen Union. Zugleich eine Einführung in die mitgliedstaatlichen Allgemeinen Grundrechtslehren*, Nomos Verlagsgesellschaft, Baden-Baden: 2019, pp. 476–477; V. Šimíček, M. Kokeš, *Der Schutz der sozialen Grundrechte in der Rechtsordnung Tschechiens*, in: J. Iliopoulos-Strangas (ed.), *Soziale Grundrechte in den “neuen” Mitgliedstaaten der Europäischen Union. Zugleich eine Einführung in die mitgliedstaatlichen Allgemeinen Grundrechtslehren*, Nomos Verlagsgesellschaft, Baden-Baden: 2019, pp. 808–810.

⁴ CESCR, *Concluding observations on the third periodic report of Poland* (E/C.12/1/Add.26), para. 9; CESCR, *Concluding observations on the initial report of the Czech Republic* (E/C.12/1/Add.76), para. 7.

⁵ These provisions will be discussed in the first section.

enshrined in the EU Charter of Fundamental Rights. However, Czechia eventually withdrew from this idea.⁶

The parties to the ICESCR are obliged to submit their initial reports within two years of the Covenant's entry into force, and thereafter periodic reports at five-year intervals.⁷ The approaches taken by national courts can therefore be studied to some extent based on the concluding observations of the UN Committee on Economic, Social and Cultural Rights (the Committee), which are in principle adopted after the Committee reviews the available data gathered through the monitoring mechanism, including extensive state party reports and submissions from NGOs and UN specialised agencies.⁸ These documents provide a general overview of the implementation of the ICESCR.

Since the 1989 transition, Poland has been evaluated by the Committee five times – in 1998,⁹ 2002,¹⁰ 2009,¹¹ 2016¹² and 2024.¹³ So far, the Committee has also adopted concluding observations regarding Czechia based on an initial report (in 2002)¹⁴ and two subsequent periodic reports (in 2014¹⁵ and 2022¹⁶). After reviewing the existing concluding observations, one could posit that at some juncture, the Czech courts adopted a different approach to enforcing the ESC rights than the Polish courts. Formerly, at the beginning of the 21st century, both countries failed to present compelling evidence that individuals could invoke the rights enshrined in the Covenant before the courts. While listing the principal subjects of concern in 2002, the Committee stated that the Covenant had “not been given full effect” in Czechia, underlying that most of the rights were not deemed “justiciable”.¹⁷ In

⁶ See generally Wyrzykowski, *supra* note 3, pp. 422–423; European Parliament Resolution of 22 May 2013 on the Draft Protocol on the Application of the Charter of Fundamental Rights of the European Union to the Czech Republic (Article 48(3) of the Treaty on European Union), 00091/2011 – C7-0385/2011 – 2011/0817(NLE); Consolidated version of the Treaty on the Functioning of the European Union, Protocol (No 30) on the application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom [2008] OJ C 115, 09/05/2008, pp. 313–314.

⁷ Art. 17 of the International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3; Rule 58 § 2 in Committee on Economic, Social and Cultural Rights, Rules of Procedures of the Committee, 1 September 1993, E/C.12/1990/4/Rev.1.

⁸ M. Langford, J.A. King, *Committee on Economic, Social and Cultural Rights: Past, Present and Future*, in: M. Langford (ed.), *Social Rights Jurisprudence: Emerging Trends in Comparative and International Law*, Cambridge University Press, Cambridge: 2008, p. 479.

⁹ CESCR, *Concluding observations on the third periodic report of Poland* (E/C.12/1/Add.26).

¹⁰ CESCR, *Concluding observations on the fourth periodic report of Poland* (E/C.12/1/Add.82).

¹¹ CESCR, *Concluding observations on the fifth periodic report of Poland* (E/C.12/POL/CO/5).

¹² CESCR, *Concluding observations on the sixth periodic report of Poland* (E/C.12/POL/CO/6).

¹³ CESCR, *Concluding observations on the seventh periodic report of Poland* (E/C.12/POL/CO/7).

¹⁴ CESCR, *Concluding observations on the initial report of the Czech Republic* (E/C.12/1/Add.76).

¹⁵ CESCR, *Concluding observations on the second periodic report of the Czech Republic* (E/C.12/CZE/CO/2).

¹⁶ CESCR, *Concluding observations on the third periodic report of Czechia* (E/C.12/CZE/CO/3).

¹⁷ CESCR, *Concluding observations on the initial report of the Czech Republic* (E/C.12/1/Add.76), para. 8.

the same year, Poland was explicitly requested to provide relevant case law in the next periodic report and was urged to raise awareness of the Covenant.¹⁸

Significant differences occurred in the following reporting periods. In 2014, Czechia ascertained that the Supreme Administrative Court (SAC) had adjudicated some cases concerning ESC rights.¹⁹ In 2022, the Committee also noted that the Covenant had been referred by the Czech SAC.²⁰ Meanwhile, the practices of the Polish courts were criticised. In 2009, the Committee expressed its concern, noting that the provisions of the ESC rights were viewed as “programmatically, aspirational and not justiciable.”²¹ Essentially, the same problem was noted in the 2016 concluding observations.²² As late as September 2024, the Committee noted, for the first time, “the full applicability of the Covenant by domestic courts” in Poland; however, it did not specify which courts had invoked the Covenant in recent years. A “low level of awareness of the Covenant in the wider justice system” was still listed as one of the primary areas of concern.²³

The aim of the article is therefore to explore the enforcement of the ICESCR in the administrative justice system in Poland and Czechia. This is achieved by examining the approaches taken by the respective national courts in both jurisdictions based on the existing case law. According to the UN documents referenced above, it can be inferred that the Czech courts developed, at an earlier stage, some distinctive methods for adjudicating cases related to ESC rights. However, none of the concluding observations delves into the particularities of these approaches.

The subject of this research is of considerable importance since “perhaps no other human rights treaty is violated in as obdurate or frequent a way as the International Covenant on Economic, Social and Cultural Rights.”²⁴ In addition to numerous shortcomings in its implementation, the justiciability of the rights contained therein has been repeatedly questioned, mainly because of the economic burden of realising them.²⁵ The notion of non-enforceability, however, has been dismissed by some

¹⁸ CESCR, *Concluding observations on the fourth periodic report of Poland* (E/C.12/1/Add.82), para. 33.

¹⁹ CESCR, *Concluding observations on the second periodic report of the Czech Republic* (E/C.12/CZE/CO/2), para. 5.

²⁰ CESCR, *Concluding observations on the third periodic report of Czechia* (E/C.12/CZE/CO/3), para. 4.

²¹ CESCR, *Concluding observations on the fifth periodic report of Poland* (E/C.12/POL/CO/5), para. 8.

²² CESCR, *Concluding observations on the sixth periodic report of Poland* (E/C.12/POL/CO/6), para. 5.

²³ CESCR, *Concluding observations on the seventh periodic report of Poland* (E/C.12/POL/CO/7), para. 4.

²⁴ S. Leckie, *Another Step towards Indivisibility: Identifying the Key Features of Violations of Economic, Social and Cultural Rights*, 20(1) Human Rights Quarterly 81 (1998), p. 82. This statement was expressed in 1998, but it remains relevant today. Profound negative impacts on the enjoyment of economic, social and cultural rights have been especially evident in times of crisis, such as the COVID-19 pandemic. See also CESCR, *Statement on the Coronavirus Disease (COVID-19) Pandemic and Economic, Social and Cultural Rights*, 17 April 2020 (E/C.12/2020/1).

²⁵ K.L. Scheppele, *A Realpolitik Defense of Social Rights*, 82(7) Texas Law Review 1921 (2004), pp. 1930–1931.

significant judicial bodies²⁶ and the Committee itself, which will be discussed later in the article. For this reason, it is certainly worth discussing how the ESC rights are (or can be) enforced before domestic courts.

The subsequent sections of this article are organised as follows: Section 1 undertakes a reconstruction of the obligations placed upon the administrative courts in relation to the realisation of the ICESCR, taking into consideration the constitutional frameworks. The analysis also covers the Czech Charter of Fundamental Rights and Freedoms, which is a legally binding “part of the constitutional order” of the Czech Republic.²⁷ Section 2 presents the results of the analysis covering the case law of the Polish and Czech administrative courts. It should be noted that the scope of this research encompasses all the rulings available in the official public databases. Employing both qualitative and quantitative methods, this study provides a continuation of previous research endeavours by offering a comprehensive understanding of domestic practices.²⁸ Section 3 aims to refine methods for the judges adjudicating cases concerning ESC rights to apply the Covenant. The insights contained in this section may be leveraged to strengthen the protection of these rights in both legal orders. The key findings are listed in the conclusions.

1. OBLIGATIONS IMPOSED ON THE ADMINISTRATIVE COURTS

The status of international agreements to which Poland and Czechia are bound is explicitly regulated in the constitutions of both countries. According to Art. 10 of the Czech Constitution and Art. 91 of the Polish Constitution, ratified and promulgated international agreements form a part of the relevant domestic legal order.²⁹

²⁶ See generally M. Langford, *The Justiciability of Social Rights: From Practice to Theory*, in: M. Langford (ed.), *Social Rights Jurisprudence: Emerging Trends in Comparative and International Law*, Cambridge University Press, Cambridge: 2008, pp. 8–9.

²⁷ Art. 3 of Ústava České Republiky [The Constitution of the Czech Republic], 16 December 1992, Ústavní zákon č. 1/1993 Sb.; K. Klima, *Constitutional Law of the Czech Republic*, 5 Cuestiones Constitucionales 173 (2001), pp. 190–191.

²⁸ H.C. Scheu, J. Brodská, *The Impact of the United Nations Human Rights Treaties on the Domestic Level in the Czech Republic*, in: C. Heyns, F.J. Viljoen, R. Murray (eds.), *The Impact of the United Nations Human Rights Treaties on the Domestic Level: Twenty Years On*, Brill, Leiden: 2024, p. 323; K. Sękowska-Kozłowska, G. Baranowska, J. Grygiel-Zasada, E. Szoszkiewicz, *The Impact of the United Nations Human Rights Treaties on the Domestic Level in Poland*, in: C. Heyns, F.J. Viljoen, R. Murray (eds.), *The Impact of the United Nations Human Rights Treaties on the Domestic Level: Twenty Years On*, Brill, Leiden: 2024, pp. 863–864; A. Tychmańska, *Znaczenie Międzynarodowego Paktu Praw Obywatelskich i Politycznych oraz Międzynarodowego Paktu Praw Gospodarczych, Społecznych i Kulturalnych dla polskiego porządku prawnego na przykładzie analizy orzecznictwa polskich sądów administracyjnych* [The significance of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights for the Polish legal order based on the analysis of judicature of Polish administrative courts], 34(20) Studenckie Zeszyty Naukowe 71 (2017).

²⁹ Konstytucja Rzeczypospolitej Polskiej [The Constitution of the Republic of Poland], 2 April 1997, Dz.U. 1997, no. 78, item 483, as amended; Ústava České Republiky [The Constitution of the Czech Republic], 16 December 1992, Ústavní zákon č. 1/1993 Sb.

Furthermore, agreements ratified with prior consent granted by the Parliaments take precedence over statutes. If such an agreement provides something different from what a Czech statute provides, the agreement shall apply (*stanoví-li mezinárodní smlouva něco jiného než zákon, použije se mezinárodní smlouva*).³⁰ Similarly, if the agreement cannot be reconciled with the provisions of the Polish statutes (*jeżeli ustawy tej nie da się pogodzić z umową*), it may be applied directly, unless its application depends on the enactment of a statute (*jest bezpośrednio stosowana, chyba że jej stosowanie jest uzależnione od wydania ustawy*).

The ICESCR is considered an international agreement ratified with prior consent from both Parliaments, thus forming a part of both domestic legal orders. This is significant as, in accordance with Art. 2 of the Covenant, each state party is obliged to “take steps [...] to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.” The primary responsibility for implementing the ICESCR therefore rests with the legislature. While enacting statutes is certainly an “appropriate means” of achieving the full realisation of ESC rights, there are also other indispensable measures that should be adopted at the national level.³¹

The national courts in Poland and Czechia, particularly the administrative courts, are not exempted from the duty to take adequate “steps” to enhance the protection of ESC rights.³² It is imperative for the courts of the state parties to consider Covenant rights where necessary to ensure the consistency of the state’s conduct with its obligations, as delineated in General Comment No. 9, issued in 1998 by the Committee on Economic, Social and Cultural Rights.³³ Moreover, the Committee suggested as early as 1990 that several provisions in the ICESCR are “capable of immediate application by judicial organs.”³⁴

The primary issue is the necessity of identifying the circumstances under which these Covenant provisions should be applied by the courts. The obligations imposed

³⁰ The priority applies if there is an actual contradiction (*skutečný rozpor*) between the treaty and the statute. See also V. Mikule, R. Suchánek, *Commentary on Article 10*, in: V. Sládeček, V. Mikule, J. Syllová, (eds.), *Ustava České republiky. Komentář* [The Constitution of the Czech Republic: A Commentary], C.H. Beck, Praha: 2016, p. 127.

³¹ E.g. M. Ssenyonjo, *Economic, Social and Cultural Rights in International Law*, Bloomsbury Publishing, London: 2016, pp. 84–90; Langford, King *supra* note 8, p. 496; A.R. Chapman, *The Status of Efforts to Monitor Economic, Social, and Cultural Rights*, in: S. Hertel, L. Minkler (eds.), *Economic Rights: Conceptual, Measurement, and Policy Issues*, Cambridge University Press, New York: 2007, p. 146.

³² See also J. Kratochvíl, *Judikovatelnost sociálních práv: nějaké mezery?* [The Justiciability of Social Rights: Are There Any Gaps?], 155(11) *Právník* 1161 (2007).

³³ CESCR, *General Comment No. 9 on the Domestic Application of the Covenant*, 3 December 1998 (E/C.12/1998/24), para. 10.

³⁴ CESCR, *General Comment No. 3 on the Nature of States Parties’ Obligations*, 14 December 1990 (E/1991/23), para. 5.

on administrative courts are further complicated by the limitation provisions in the constitutional acts of both states.³⁵ According to Art. 41 of the Czech Charter of Fundamental Rights and Freedoms, certain ESC rights specified in a number of constitutional provisions “may be claimed only within the scope of the laws implementing these provisions” (*možno se domáhat pouze v mezích zákonů, které tato ustanovení provádějí*).³⁶ Under Art. 81 of the Polish Constitution, some rights “may be asserted subject to limitations specified by statute” (*można dochodzić w granicach określonych w ustawie*). Although the provisions specifically refer to the rights contained in the constitutional acts, not in the provisions of the ICESCR, it is worth noting that these constitutional rights generally correspond (to varying degrees) to the rights included in the Covenant (Table 1).

Table 1. ESC rights covered by the limitation provisions in each country

| International Covenant on Economic, Social and Cultural Rights | Czech Charter of Fundamental Rights and Freedoms | Polish Constitution |
|---|--|---|
| Art. 6 – the right to work | Art. 26 – the right to freely choose one’s profession and the training for such profession; the right to engage in enterprise and pursue other economic activity | Art. 65(5) – the obligation of public authorities to pursue policies aiming at full, productive employment |
| Art. 7 – the right to the enjoyment of just and favourable conditions of work | Art. 28 – the right to fair remuneration for one’s work and to satisfactory work conditions | Art. 65(4) – a minimum level of remuneration for work Art. 66 – the right to safe and hygienic conditions of work; the right to statutorily specified holidays and annual paid leave |
| Art. 8 – the rights related to trade unions | Art. 27(4) – the right to strike | <i>not covered by the limitation provision</i> |
| Art. 9 – the right to social security | Art. 30(1) – the right to adequate material security in old age, during periods of incapacity for work and in the case of the loss of one’s provider | <i>not covered by the limitation provision</i> |

³⁵ The similarity of these limitation provisions has been pointed out in the existing literature: J. Wintř, *Commentary on Article 41*, in: I. Pospíšil, E. Wagnerová, V. Šimíček, T. Langášek (eds.), *Listina základních práv a svobod – Komentář* [The Charter of Fundamental Rights and Freedoms – A Commentary], Wolters Kluwer, Praha: 2012, p. 832.

³⁶ *Listina základních práv a svobod* [The Charter of Fundamental Rights and Freedoms], 9 January 1991, Ústavní zákon č. 23/1991 Sb.

| International Covenant on Economic, Social and Cultural Rights | Czech Charter of Fundamental Rights and Freedoms | Polish Constitution |
|--|--|---|
| Art. 10 – the protection of families, children, adolescents and mothers during a reasonable period before and after childbirth | Art. 29 – the right of women, adolescents and persons with health problems to increased protection of their health at work and to special work conditions; the right of adolescents and persons with health problems to special protection in labour relations and to assistance in vocational training Art. 32(1) – the protection of parenthood, the family, children and adolescents | Art. 69 – the obligation of public authorities to provide aid for persons with disabilities Art. 71 – the protection of the family; the right of mothers to special assistance from public authorities |
| Art. 11 – the right to an adequate standard of living; the right to be free from hunger | Art. 30(2) – the right to secure a basic standard of living | Art. 75 – the obligation to pursue policies conducive to satisfying the housing needs of citizens |
| Art. 12 – the right to the enjoyment of the highest attainable standard of physical and mental health | Art. 31 – the right to the protection of health | <i>not covered by the limitation provision</i> |
| Art. 13 – the right to education | Art. 33 – the right to education | <i>not covered by the limitation provision</i> |
| Art. 15 – the right to take part in cultural life; the right to enjoy the benefits of scientific progress and its applications; the right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which one is the author | <i>not covered by the limitation provision</i> | <i>not covered by the limitation provision</i> |
| <i>not explicitly enshrined in the Covenant</i> | Art. 35 – the right to a favourable environment; the right to timely and complete information about the state of the environment and natural resources | Art. 74 – protection of the environment; the right to be informed of the quality of the environment and its protection |
| <i>not explicitly enshrined in the Covenant</i> | Art. 32(3) – the equal rights of children | — |
| <i>not explicitly enshrined in the Covenant</i> | — | Art. 76 – the protection of consumers, customers, hirers and lessees |

It must be emphasised that although Polish and Czech administrative courts are not identical, they remain comparable. There are still some differences that make the administrative justice systems distinctive. Most importantly, in Czechia, the

functions of first-instance administrative courts are performed by benches within ordinary (regional) courts,³⁷ while in Poland first-instance courts are separate from ordinary courts.³⁸ However, both systems can be considered “similar in structural and procedural terms” to the extent that comparing them is “justified”.³⁹ The administrative courts in Czechia and Poland play a fundamental role in overseeing the actions of national authorities by evaluating the legality of their activity and inactivity so that the rights of individuals are protected.⁴⁰ They are, in principle, based on a very similar model of court review developed previously in Austria.⁴¹ Even though classifying certain acts of administrative authorities might pose challenges in judicial practice,⁴² the scopes of the courts’ jurisdictions are similar. Therefore, it can be said that they perform comparable functions.⁴³

The review process before the administrative courts primarily focusses on ensuring compliance with relevant statutes; however, it must also take into account adherence to the ICESCR. To demonstrate this issue, one might consider an example in the field of education. For instance, if an unlawful action concerning schooling occurs due to non-compliance with domestic regulations, it can be asserted that the respective administrative court, through its review, is already fulfilling its duty to protect the right to education as enshrined in Art. 13 of the Covenant. However, if a contested decision issued by an administrative body is grounded in statutory provisions, yet raises concerns regarding its alignment with the ICESCR, it prompts the question of what appropriate measures the administrative courts should undertake in such cases.

In the context of Czechia, the court is bound by Art. 41 of the Charter, which obliges the adjudicating bench to acknowledge that the constitutional right to edu-

³⁷ D. Kryska, *Organization of Czech and Polish Administrative Judiciary*, 12(1) *International and Comparative Law Review* 81 (2012), pp. 83–84.

³⁸ See W. Piątek, A. Skoczylas, *Geneza, rozwój i model sądownictwa administracyjnego w Polsce* [The genesis, the development and the model of administrative justice in Poland], in: R. Hauser, Z. Niewiadomski, A. Wróbel (eds.), *Sądowa kontrola administracji publicznej*; System Prawa Administracyjnego, t. 10. [Judicial control over public administration, “Administrative Law System” vol. 10], C.H. Beck, Warszawa: 2016.

³⁹ W. Piątek, L. Potěšil, *A Right to Have One’s Case Heard within a Reasonable Time before the Czech and the Polish Supreme Administrative Courts – Standards, the Reality and Proposals for the Future*, 17(1) *Utrecht Law Review* 20 (2021), p. 23.

⁴⁰ See Zákon soudní řád správní [The Code of Administrative Justice], 21 March 2002, Zákon č. 150/2002 Sb; Ustawa Prawo o postępowaniu przed sądami administracyjnymi [The Act on Procedure before Administrative Courts], 30 August 2002, Dz.U. 2024, item 935, as amended; D. Kryska, *Konstytucyjny model czeskiego sądownictwa administracyjnego* [The Constitutional Model of the Czech Administrative Courts], 52(1) *Zeszyty Naukowe Sądownictwa Administracyjnego* 175 (2014), p. 176; L. Potěšil, *The Administrative Justice in the Czech Republic – Changes and Expectations*, 4(2) *Opolskie Studia Administracyjno-Prawne* 87 (2018), pp. 87–89.

⁴¹ Kryska, *supra* note 39, p. 176.

⁴² See e.g. T. Svoboda, D. Skládalová, *The Qualification of Action in Administrative Justice and its Perils – The Czech Experience*, 14 *Adam Mickiewicz University Law Review* 281 (2022).

⁴³ Piątek, Potěšil, *supra* note 38, p. 24.

cation, corresponding to Art. 13 of the Covenant, can only be asserted in accordance with the laws that implement these provisions. The situation is no less intricate in Poland. While Art. 81 of the Constitution does not explicitly reference the right to education (Art. 70),⁴⁴ the international agreement cannot be directly applied if its application depends on the enactment of a statute, as specified in Art. 91 of the Constitution. The realisation of the right to education still requires the adoption of various domestic regulations, which could give rise to the conclusion that administrative courts may face difficulties effectively addressing such an issue. Nonetheless, this does not preclude the possibility of administrative courts taking appropriate actions in this regard.⁴⁵ A different viewpoint would be – as described in General Comment No. 9 – “incompatible with the principle of the rule of law.”⁴⁶

There are several pathways available for administrative courts in Poland and Czechia to navigate this apparent impasse. It is essential that actions taken by national authorities in relation to the ESC rights are subject to rigorous scrutiny. The administrative courts must not regard themselves as exempt from the obligation to apply the ICESCR. At the same time, it is important to clarify that not every allegation of an infringement of the Covenant brought forth by a party to the proceedings is intrinsically valid.

Regardless of whether the actions of national authorities seem “lawful” under statutory regulations, it might remain the responsibility of administrative courts to assess whether any rights enshrined in the ICESCR are at risk due to the activities of the public administration. Should a potential threat be identified, I argue that, in view of the legal provisions and the stances of the Committee, the courts may proceed with appropriate steps, depending on the specific circumstances involved:

- a. When assessing the legality of actions undertaken by the public administration, administrative courts are required to interpret relevant provisions in statutes, as well as potentially other domestic acts, “as far as possible in a way

⁴⁴ S. Jarosz-Żukowska, Ł. Żukowski, *Prawo do nauki i jego gwarancje* [The Right to Education and its Guarantees], in: M. Jabłoński (ed.), *Realizacja i ochrona konstytucyjnych wolności i praw jednostki w polskim porządku prawnym* [The Realisation and Protection of Constitutional Freedoms and Rights of Individuals in the Polish Legal Order], E-Wydawnictwo, Wrocław: 2014, p. 639; *See generally* Ł. Kierznowski, *Prawo do nauki w aktach prawa międzynarodowego* [The Right to Education in Acts of International Law], in: M. Perkowski, W. Zoń (eds.), *Umiejdzynarodowienie krajowego obrotu prawnego* [The Internationalisation of the Domestic Legal Order], Wydawnictwo Prawo i Partnerstwo, Białystok: 2016, pp. 61–75.

⁴⁵ While the legislature has considerable discretion concerning the rights specified in Art. 41 of the Czech Charter, it is important to note that this discretion is not absolute. On this issue, *see e.g.* M. Tomoszek, *Commentary on Article 41*, in: F. Hussein, M. Bartoń, M. Kokeš, M. Kopa (eds.), *Listina základních práv a svobod. Komentář* [The Charter of Fundamental Rights and Freedoms: A Commentary], C.H. Beck, Praha: 2021, p. 1276; K. Šimáčková, *The Rights of the Elderly in the Case-Law of the Constitutional Court of the Czech Republic from the Perspective of Old-Age Pensions*, 10 *Czech Yearbook of Public & Private International Law* 248 (2019), pp. 252–255.

⁴⁶ CESCR, *General Comment No. 9 on the Domestic Application of the Covenant*, 3 December 1998 (E/C.12/1998/24), para. 14.

which conforms to a State's international legal obligations."⁴⁷ Specifically, if a provision within Czech or Polish legislation can be interpreted in multiple ways, the administrative court has the obligation to reject interpretations that could hinder the realisation of the ESC rights and favour the interpretation that most comprehensively supports the implementation of the ICESCR. This interpretative technique is consistent with General Comment No. 9 and complies with the limitation provisions established in the states' constitutional acts. Furthermore, it can mitigate the risk of denying the rights of certain groups of potential beneficiaries, who may struggle to ascertain their eligibility due to unclear provisions. In this way, the interpretation process can reinforce the principles of equality and non-discrimination.

- b. Even when employing the interpretive technique outlined above, it is possible for the interpretative process to result in outcomes that are still debatable in relation to the ICESCR. To illustrate this concern, one could consider a hypothetical regulation under which parents are charged substantial fees by the Minister of Education for their children's primary education in public schools. Art. 13(2)(a) of the Covenant stipulates that primary education must be "compulsory and available free to all". Furthermore, according to General Comment No. 3, this provision is "capable of immediate implementation" by national courts.⁴⁸ Consequently, even if domestic statutes clearly mandate that parents pay such fees, the courts may regard the ICESCR provision as self-executing and potentially rule the actions of the Minister unlawful. It appears that at least some provisions of the ICESCR may be viewed as self-executing, owing to their sufficiently clear and specific wording.⁴⁹ Accordingly, under certain circumstances, administrative courts may refer directly to the Covenant, acknowledging its precedence over statutory regulations.⁵⁰

The example regarding access to free primary education is relatively obvious. However, there may be instances where certain provisions within the Covenant are less explicit, such as Art. 13(2)(c), which states that "[h]igher education shall be made

⁴⁷ *Ibidem*, para. 15.

⁴⁸ CESCR, *General Comment No. 3 on the Nature of States Parties' Obligations*, 14 December 1990 (E/1991/23), para. 5

⁴⁹ CESCR, *General Comment No. 9 on the Domestic Application of the Covenant*, 3 December 1998 (E/C.12/1998/24), para. 11.

⁵⁰ This approach appears justified in light of the views expressed in the Polish and Czech literature. See A. Capik, A. Łazowski, *Komentarz do art. 91* [Commentary on Art. 91], in: M. Safjan, L. Bosek (eds.), *Konstytucja RP. Tom II. Komentarz do art. 87–243* [The Constitution of Poland. Vol. 2. Commentary on Articles 87–243], C.H. Beck, Warszawa: 2016; P. Mlsna, *Commentary on Article 10*, in: P. Rychetský, T. Langášek, T. Herc, P. Mlsna, *Ústava České republiky. Ústavní zákon o bezpečnosti České republiky. Komentář* [The Constitution of the Czech Republic. The Act on the Security of the Czech Republic: A Commentary], Wolters Kluwer, Praha: 2015, p. 110; K. Klíma, *Ústavní právo* [The Constitutional Law], Aleš Čeněk, Plzeň: 2016, p. 183.

equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.” Such phrasing allows greater latitude to parliaments in implementing these provisions.⁵¹ Consequently, the administrative courts must recognise that statutes play a significant role in realising these rights. Moreover, one cannot overlook that constitutional limitations may prevent claims that go “beyond” the laws that implement these provisions.

Nevertheless, it is crucial to highlight that, despite significant limitations, the constitutional courts in Poland and Czechia have developed methodologies for evaluating provisions that may conflict with the standards of ESC rights protection. The Czech Constitutional Court has employed a reasonableness test,⁵² while the Polish Constitutional Court aims to determine whether a given right’s essence (*Wesensgehalt*) has been undermined.⁵³ Thus, in instances of uncertainty, it is necessary that adjudicating bodies refer to the constitutional courts questions regarding domestic regulations’ compatibility with the ICESCR.

Selecting an appropriate course of action, tailored to the specific circumstances of each case, is not merely a competence of administrative courts in Poland and Czechia; it is also a legal obligation under the ICESCR. Judges responsible for adjudicating cases related to ESC rights must not defer their responsibilities by asserting that the implementation of the Covenant is solely the domain of the legislative and executive branches. While the “adoption of legislative measures” referred to in Art. 2 of the Covenant is critical for enhancing the protection of these rights, it constitutes only one of several essential steps. Administrative courts, within the scope of their authority, are required to actively contribute to the progressive realisation of these rights.

⁵¹ On the controversies regarding this provision in the Swiss case law, *c.f.* A. Constantinides, *Economic and Social Rights*, in: A. Nollkaemper, A. Reinisch, R. Janik, F. Simlinger (eds), *International Law in Domestic Courts. A Casebook*, Oxford University Press, Oxford: 2018, pp. 659–661.

⁵² *E.g.* M. Bartoň, *Úvod*. The Introduction, in: F. Husseini, M. Bartoň, M. Kokeš, M. Kopa (eds.), *Listina základních práv a svobod. Komentář* [The Charter of Fundamental Rights and Freedoms. A Commentary], C.H. Beck, Praha: 2021, pp. 52–53; M. Bartoň, J. Kratochvíl, M. Kopa, M. Tomoszek, J. Jirásek, O. Svaček, *Základní práva* [Fundamental Rights], Leges, Praha: 2016, pp. 100–107, 479–481; K. Koldinská, J. Pichrt, *Ústavněprávní aspekty ochrany základních sociálních práv* [The Constitutional Aspects of the Protection of Fundamental Social Rights], in: K. Koldinská (ed.), *Právo sociálního zabezpečení* [Social Security Law], C.H. Beck, Praha: 2022, p. 446. *But see* critical remarks in M. Antoš, *The Czech Constitutional Court and Social Rights: Analysis of the Case Law*, in: P. Šturma, N.L.X. Baez (eds.), *International and Internal Mechanisms of Fundamental Rights Effectiveness*, Právnická fakulta UK, Praha: 2015, pp. 187–196; J. Kratochvíl, *Test rationality: skutečně vhodný test pro sociální práva?* [The Reasonability Test: Really a Suitable Test for Social Rights?], 154(12) *Právník* 1052 (2015).

⁵³ *E.g.* Wyrzykowski, *supra* note 3, pp. 491–493. *See also* A. Ploszka, *The Right to Subsistence Minimum and Its Role in the Protection of People Living in Extreme Poverty – The Polish Experience*, 24 *Comparative Law Review* 225 (2018).

2. PRACTICES OF THE ADMINISTRATIVE JUSTICE SYSTEM

This section examines the practices of administrative courts regarding the enforcement of the ICESCR in Poland and Czechia. This examination is based on an extensive review of rulings sourced from two pertinent national databases: the one maintained by the Czech Supreme Administrative Court, which also includes decisions from lower-instance administrative courts,⁵⁴ and the Central Database of Administrative Court Decisions (CBOSA) in Poland.⁵⁵ The dataset encompasses every ruling referencing the ICESCR that has been made publicly accessible as of the end of 2024 (comprising a total of 262 rulings).⁵⁶ It is important to note that the timeframes for the research differ between the two countries. In Czechia, the earliest recorded decision is from 5 October 2003, whereas the oldest judgment in Poland dates back to 24 February 1989. This discrepancy arises from variations in the availability of data.⁵⁷

A numerical comparison of the existing case law reveals several significant findings (see Tables 2 and 3). Some common trends, particularly regional variations, can be identified. Most of the courts in both countries have referenced the ICESCR only a few times over the extensive periods. Notably, the Polish administrative courts in Olsztyn and Opole have never invoked the Covenant. Overall, invoking the ICESCR appears to be an exceptional occurrence rather than a regular practice, even among the administrative courts that yielded the highest numbers in this comparison.

Table 2. The ruling of the administrative courts in Czechia

| The name of the court | The number of rulings |
|----------------------------------|-----------------------|
| The Supreme Administrative Court | 82 |
| The Municipal Court in Prague | 18 |
| The Regional Court in Brno | 23 |

⁵⁴ *The Czech Supreme Administrative Court database*, Nejvyšší Správní Soud, available at: <https://vyhledavac.nssoud.cz/> (accessed 30 June 2025).

⁵⁵ *The Polish Central Database of Administrative Court Decisions*, Naczelny Sąd Administracyjny, available at: <https://orzeczenia.nsa.gov.pl/> (accessed 30 June 2025).

⁵⁶ Both databases are designed to provide open access to all the administrative courts' rulings. The Czech database has been available since 2010, but it also covers a majority of earlier rulings. If some of them are not available, it is due to technical obstacles, not intentional selection. A similar rule applies to the Polish database, which was created in 2007 to make all the rulings available to the public. In the case of Poland, there might be a small number of omissions, which is, however, not governed by any binding rules as to the selection procedures. The general idea of these databases is therefore to ensure access to complete (not selected) case law.

⁵⁷ The Czech SAC began operating in 2003.

| The name of the court | The number of rulings |
|--|-----------------------|
| The Regional Court in České Budějovice | 1 |
| The Regional Court in Hradec Králové | 8 |
| The Regional Court in Ostrava | 4 |
| The Regional Court in Plzeň | 3 |
| The Regional Court in Prague | 4 |
| The Regional Court in Ústí nad Labem | 7 |
| In total: | 150 |

Table 3. The rulings of the administrative courts in Poland

| The name of the court | The number of rulings |
|---|-----------------------|
| The Supreme Administrative Court | 30 |
| The Voivodeship Administrative Court in Białystok | 11 |
| The Voivodeship Administrative Court in Bydgoszcz | 1 |
| The Voivodeship Administrative Court in Cracow | 2 |
| The Voivodeship Administrative Court in Gdańsk | 2 |
| The Voivodeship Administrative Court in Gliwice | 3 |
| The Voivodeship Administrative Court in Gorzów Wielkopolski | 3 |
| The Voivodeship Administrative Court in Kielce | 1 |
| The Voivodeship Administrative Court in Lublin | 3 |
| The Voivodeship Administrative Court in Łódź | 8 |
| The Voivodeship Administrative Court in Olsztyn | 0 |
| The Voivodeship Administrative Court in Opole | 0 |
| The Voivodeship Administrative Court in Poznań | 2 |
| The Voivodeship Administrative Court in Rzeszów | 4 |
| The Voivodeship Administrative Court in Szczecin | 1 |
| The Voivodeship Administrative Court in Warsaw | 27 |
| The Voivodeship Administrative Court in Wrocław | 14 |
| In total: | 112 |

The provisions of the Covenant are invoked mostly by the courts of highest instance. However, despite the longer timeframe for Poland, instances of invoking the ICESCR are markedly less frequent. The Polish SAC referenced the Covenant in

only 30 of its rulings, while its Czech counterpart did so almost three times as often (82 cases), despite the shorter period. This discrepancy is also apparent when lower-instance administrative court rulings are included. The Czech Municipal Court in Prague (18 cases), the Regional Court in Brno (23 cases), the Polish Voivodeship Administrative Courts in Warsaw (27 cases) and Wrocław (14 cases) were among those which invoked the Covenant the most. Nevertheless, the number of references to the ICESCR by the Czech administrative courts still exceeds those reached in Poland. This notable difference remains striking, particularly in light of the fact that Poland's population is over three times larger, potentially influencing these outcomes.

While the practice of invoking the Covenant is subject to variation year by year (see Figures 1 and 2), the overarching trend is characterised by infrequent references from the administrative courts. In 2009 and 2012, the Polish SAC referred to the Covenant in three cases each year. This threshold was never exceeded in other years. As far as the Czech SAC is concerned, the highest number of references was noted in 2007 (11 cases). There have also been years when these highest-instance courts did not refer to the ICESCR at all – 2004 and 2017 (Czechia) and, for example, 2019, 2021 and 2023 (Poland).

Figure 1. The Polish Supreme Administrative Court rulings referencing the ICESCR (per year)

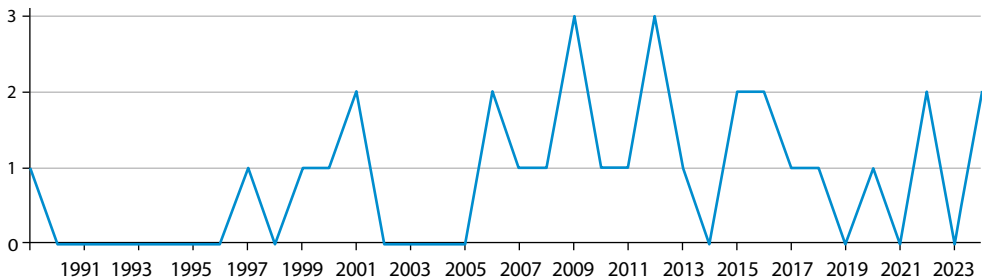
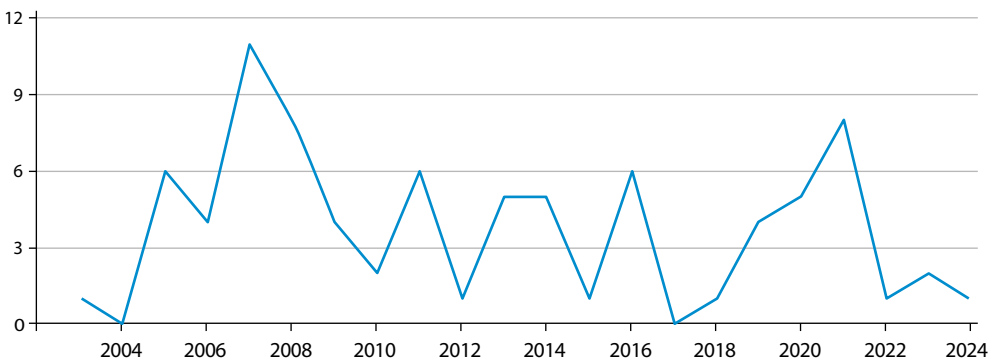


Figure 2. The Czech Supreme Administrative Court rulings referencing the ICESCR (per year)



Furthermore, additional insights emerge from the qualitative analysis of the available decisions. An interesting and consistent pattern is observed in the case law of both countries. In numerous instances, parties involved in proceedings referenced the Covenant; however, these arguments were often deemed unjustified by the adjudicating benches. This phenomenon is significant for two primary reasons. Firstly, it provides a new perspective on the previously discussed quantitative results, indicating that the actual number of cases where the Covenant influences the final decision is even lower than originally suggested. Secondly, this practice raises important questions regarding the rationale underlying court rulings.

The available rulings can be categorised into three primary groups based on the relevance of their references to the Covenant:

- group A includes rulings in which the ICESCR is mentioned in the arguments presented by the parties, but the court does not further elaborate on this reference in its later justification;
- group B encompasses cases where the court addresses the applicability of the Covenant, albeit briefly, but ultimately finds the arguments based on the reference to be unfounded;
- group C consists of a limited number of cases in which the Covenant was deemed relevant to the resolution of the case.

The analysis reveals that the majority of decisions fall within groups A and B (see Figures 3 and 4). The latter category exhibits diversity, as many cases merely touch upon the arguments related to the Covenant, while others delve deeper into the legal implications of the ICESCR. The former may initially appear to hold less cognitive value. However, its significant volume highlights important phenomena present in both jurisdictions. In certain instances, judges refrain from discussing the applicability of the Covenant, focussing instead on resolving cases based exclusively on domestic statutory regulations. However, this trend is more prevalent in the Polish judiciary.

Figure 3. The rulings referring the ICESCR issued by the Polish courts

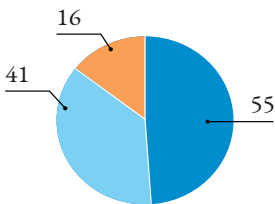
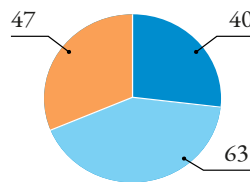


Figure 4. The rulings referring the ICESCR issued by the Czech courts



- Group A – The ICESCR is mentioned in the arguments presented by the parties, but the court does not further elaborate on this reference.
- Group B – The applicability of the ICESCR is addressed by the court, but the argument based on the reference is deemed unfounded.
- Group C – The ICESCR is deemed relevant to the resolution of the case.

Notably, group C, despite constituting a relatively small category, offers valuable insights into the similarities and differences between Poland and Czechia regarding the enforcement of the Covenant. It is thus worth exploring these individual cases in detail. A qualitative analysis of the rulings within group C indicates that the Polish administrative courts have occasionally utilised the provisions of the Covenant as an auxiliary tool in the interpretation process. While it is hardly feasible to reconstruct the judges' specific interpretive methodology, it can be concluded that these references may serve to confirm the validity of the decisions rendered by the adjudicating benches. For instance, Art. 7(1) of the Covenant (the right to fair remuneration) was cited in three cases, alongside the analogous provision within Polish labour law, in assessing traineeship scholarships (*stypendium stażowe*), which were eventually considered equivalent to regular remuneration. In this context, the reference was clearly intended to validate the correctness of the decisions taken by the courts.⁵⁸

A comparable approach to invoking the Covenant was evident in a case involving a mother who had received a fine for not ensuring her daughter's attendance at school. The court indicated that the national regulations regarding education were in accordance with international standards, specifically citing Art. 13(2)(a) ICESCR, which addresses compulsory primary education.⁵⁹ Similarly, Art. 12 of the Covenant, which guarantees the right of every individual to attain the highest standard of physical and mental health, was referenced as a foundational element in justifying several decisions regarding legal aid, which included exemptions from court fees and the provision of state-funded legal representation.⁶⁰

The Polish SAC elaborated on the interpretation process in the resolution concerning the licensing of taxi drivers. The adjudicating bench explicitly recognised that the obligations associated with realising the right to work, as enshrined in Art. 6 of the Covenant, are not only imposed on legislators, but also on the entities responsible for interpreting and applying the law. Consequently, the court concluded that it is incumbent upon the judiciary to assess whether the implications of the

⁵⁸ Wyrok WSA w Rzeszowie [Judgment of the Voivodeship Administrative Court in Rzeszów], 28 October 2020, II SA/Rz 818/20, LEX 3088121; wyrok WSA w Poznaniu [Judgment of the Voivodeship Administrative Court in Poznań], 28 December 2017, II SA/Po 948/17, LEX 3088121; wyrok WSA w Poznaniu [Judgment of the Voivodeship Administrative Court in Poznań], 18 October 2017, II SA/Po 540/17, LEX 2390360.

⁵⁹ Wyrok WSA we Wrocławiu [Judgment of the Voivodeship Administrative Court in Wrocław], 4 January 2006, IV SA/Wr 175/04, LEX 836539.

⁶⁰ Postanowienie WSA w Warszawie [Decision of the Voivodeship Administrative Court in Warsaw], 15 May 2009, III SA/Wa 644/09, LEX 574036; postanowienie WSA w Warszawie [Decision of the Voivodeship Administrative Court in Warsaw], 20 November 2008, III SA/Wa 1879/04, LEX 988856; postanowienie WSA w Warszawie [Decision of the Voivodeship Administrative Court in Warsaw], 11 April 2008, III SA/Wa 558/08, LEX 1073037.

adopted legal interpretations impose undue restrictions on principles derived from international law.⁶¹

Furthermore, the activities of the Polish courts have extended beyond the previously outlined practices. Within group C, there are two cases in which a professional self-government body declined to register new legal trainees because of numerical limits imposed by the self-government. The SAC determined that these internal regulations contravened the “directly applied” Art. 6 ICESCR. Consequently, the court refused to enforce the regulations on the grounds of their incompatibility with the Covenant.⁶² Notably, these are the only instances in which a Polish administrative court explicitly acknowledged the possibility of not applying provisions that manifest a clear non-compliance with the ICESCR.

When comparing the rulings of the Polish courts to those from the Czech judiciary, certain parallels are undisputed. The Czech courts have also referred to specific provisions of the ICESCR in their justifications as a way of bolstering the validity of the rulings, such as in one case concerning a fine imposed on an employer (*zaměstnanosti pokuta*), in which the court’s justification invoked Art. 7(b) of the Covenant (the right of safe and healthy conditions of work).⁶³ On several occasions, the adjudicating benches also adduced quotes from the Czech Constitutional Court which contain explicit references to the Committee’s General Comment No. 5.⁶⁴ This argument proved useful while discussing the extent of the state’s obligation towards people with disabilities.⁶⁵

Interestingly, some references encountered in the Czech case law do not even concern the very essence of specific cases. For example, in two judgments concerning expulsion from Czech territory, the Municipal Court in Prague mentioned that Uzbekistan is a party to the ICESCR. This circumstance was relevant to evaluating the ongoing situation in an individual’s country of origin.⁶⁶ In another case, an

⁶¹ Uchwała NSA [Resolution of the Supreme Administrative Court], 13 October 2011, II GPS 1/11, LEX 951321. This view was later cited in wyrok WSA w Szczecinie [Judgment of the Voivodeship Administrative Court in Szczecin], 14 December 2011, II SA/Sz 931/11, LEX 1134906.

⁶² Wyrok NSA [Judgment of the Supreme Administrative Court], 23 March 1999, II SA 202/99, LEX 46730; wyrok NSA [Judgment of the Supreme Administrative Court], 22 May 2000, II SA 2725/99, LEX 654789.

⁶³ Rozsudek Krajského soudu v Hradci Králové – pobočka v Pardubicích [Judgment of the Regional Court in Hradec Králové – Branch in Pardubice], 19 March 2018, 52 Ad 12/2017-89, para. 36.

⁶⁴ CESCR, *General Comment No. 5 on Persons with Disabilities*, 9 December 1994 (E/1995/22), para. 34.

⁶⁵ Rozsudek Krajského soudu v Ostravě – pobočka v Olomouci [Judgment of the Regional Court in Ostrava – Branch in Olomouc], 30 October 2020, 72 Ad 17/2019-24, para. 54; Rozsudek Krajského soudu v Ostravě – pobočka v Olomouci [Judgment of the Regional Court in Ostrava – Branch in Olomouc], 31 January 2020, 72 Ad 44/2018-28, para. 50; Rozsudek Nejvyššího správního soudu [Judgment of the Supreme Administrative Court], 25 April 2019, 8 Ads 271/2018-34, para. 34.

⁶⁶ Rozsudek Městského soudu v Praze [Judgment of the Municipal Court in Prague], 15 June 2018, 13 A 69/2018-24, para. 25; Rozsudek Městského soudu v Praze [Judgment of the Municipal Court in Prague], 25 June 2018, 13 A 56/2018-27, para. 15.

adjudicating bench noted some similarities between the Paris Agreement and the Covenant and eventually examined the latter to provide an argument from analogy.⁶⁷

A qualitative analysis of the Czech case law reveals that over the study period, the ICESCR was expressly considered useful for interpretation in only a severely limited number of cases. To some extent Art. 13(4) of the Covenant, which is aimed at preventing “interfering with the liberty of individuals and bodies to establish and direct educational institutions”, influenced the interpretation of domestic regulations on establishing non-state schools, because the SAC ruled in favour of an applicant who referred to the necessity of interpreting a provision of the Education Act (*Školský zákon*) and a long-term plan for education adopted at the regional level in alignment with Czechia’s binding international obligations, including those arising from the ICESCR, which ultimately led the Court to the conclusion that the domestic regulations cannot be interpreted in such a way that they allow the minister to prevent the registration of a private school simply because local schools have sufficient spare capacity to admit additional pupils.⁶⁸ Conversely, the right to housing, enshrined in Art. 11(1) of the Covenant, was used more explicitly as an interpretative context in numerous cases regarding the interpretation of tax law.⁶⁹

The higher volume of references to the ICESCR in Czechia stems mainly from the fact that the parties to the proceedings strive (usually unsuccessfully) to strengthen their viewpoints by making practical use of human rights treaties.⁷⁰ This same phenomenon persists, to a lesser extent, in the Polish judiciary. Although it is impossible to fully understand the rationale behind the decisions allocated to group A, the decisions in group B give a slightly broader perspective on this issue. The fact is that the parties’ arguments often appear misguided, such as in a case concerning

⁶⁷ Rozsudek Městského soudu v Praze [Judgment of the Municipal Court in Prague], 15 June 2022, 14 A 101/2021-248, paras. 260–261.

⁶⁸ Rozsudek Nejvyššího správního soudu [Judgment of the Supreme Administrative Court], 7 December 2022, 10 As 320/2020-58, paras. 16, 34, 58, 65; Rozsudek Městského soudu v Praze [Judgment of the Municipal Court in Prague], 13 May 2020, 10 A 148/2018-65, paras. 41 and 55.

⁶⁹ E.g. Rozsudek Nejvyššího správního soudu [Judgment of the Supreme Administrative Court], 28 August 2007, 2 Afs 212/2006-147; Rozsudek Nejvyššího správního soudu [Judgment of the Supreme Administrative Court], 19 September 2007, 1 Afs 143/2006-68; Rozsudek Nejvyššího správního soudu [Judgment of the Supreme Administrative Court], 16 April 2008, 1 Afs 62/2008-93; Rozsudek Nejvyššího správního soudu [Judgment of the Supreme Administrative Court], 22 March 2013, 5 Afs 71/2012-37.

⁷⁰ E.g. cases involving parties that invoked the Covenant in the asylum proceedings: Rozsudek Krajského soudu v Hradci Králové [Judgment of the Regional Court in Hradec Králové], 8 April 2016, 32 Az 20/2015-43; Rozsudek Krajského soudu v Hradci Králové [Judgment of the Regional Court in Hradec Králové], 30 May 2017, 43 Az 26/2016-57; Rozsudek Nejvyššího správního soudu [Judgment of the Supreme Administrative Court], 15 February 2021, 4 Azs 325/2020-29; Rozsudek Krajského soudu v Plzni [Judgment of the Regional Court in Plzeň], 9 April 2021, 60 Az 8/2021-25, para. 7.

a convicted person who referred to the Covenant in an attempt to safeguard their right to take up entrepreneurial activity in road transport.⁷¹

It is still possible to uncover some interesting considerations in group B. To provide an example, while resolving one case concerning a care allowance, the Polish Supreme Administrative Court expressed the view that the norms enshrined in Art. 9 (the right to social security) and Art. 11(1) of the Covenant (the right to an adequate standard of living) are merely programmatic and cannot be directly applied.⁷² Another administrative court in Poland highlighted – in as many as three cases – that the Covenant only sets out goals in the field of social aid and that the entitlements should be substantiated in national law.⁷³ These views correspond to the notions encountered in the Czech case law, such as the conclusion that the rights contained in the Covenant are programmatic and depend on the approach adopted by the legislature.⁷⁴

While the adoption of legislative measures definitely remains a key step in the realisation of ESC rights, the adduced views might suggest that the burden is only on the legislative bodies. This kind of approach would be irreconcilable with the guidelines contained in General Comment No. 9, which clearly highlights that every Covenant right possesses “at least some significant justiciable dimension.” In reality, the administrative courts in both jurisdictions have occasionally endeavoured to utilise the provisions of the ICESCR, thereby contributing to the full realisation of these rights. Such cases, unfortunately, are extremely scarce from the perspective of the wide time ranges adopted in the present study.

The number of decisions in which administrative courts in Czechia invoked the Covenant in ways that impacted the outcome of the cases is higher than in Poland. The above-presented examples do not confirm, however, the existence of a significant qualitative discrepancy between the attitudes adopted by the administrative courts in Poland and Czechia as to the enforcement of the ICESCR. Very similar lines of reasoning are evident in group C (on the interpretation process and direct applicability). What is particularly important is that the Czech courts expressed their

⁷¹ Wyrok WSA w Gliwicach [Judgment of the Voivodeship Administrative Court in Gliwice], 23 September 2009, II SA/GI 582/09, LEX 631009; wyrok NSA [Judgment of the Supreme Administrative Court], 8 December 2010, II GSK 4/10, LEX 686784.

⁷² Wyrok NSA [Judgment of the Supreme Administrative Court], 1 March 2017, I OSK 2163/15, LEX 2277807.

⁷³ Wyrok WSA we Wrocławiu [Judgment of the Voivodeship Administrative Court in Wrocław], 10 July 2008, IV SA/Wr 194/08, LEX 1077360; wyrok WSA we Wrocławiu [Judgment of the Voivodeship Administrative Court in Wrocław], 10 July 2008, IV SA/Wr 193/08, LEX 509288; wyrok WSA we Wrocławiu [Judgment of the Voivodeship Administrative Court in Wrocław], 10 July 2008, IV SA/Wr 192/08, LEX 509353.

⁷⁴ Rozsudek Nejvyššího správního soudu [Judgment of the Supreme Administrative Court], 27 September 2016, 1 Ads 92/2016-23, para. 20; Rozsudek Nejvyššího správního soudu [Judgment of the Supreme Administrative Court], 27 September 2016, 1 Ads 94/2016-20, para. 19.

considerations on these matters more often, but – taking into account the overall number of cases adjudicated in administrative courts – these are still small numbers.

Surprisingly, the examination did not reveal significant discrepancies between the Czech and Polish courts in the way of adjudicating cases relating to ESC rights, although the concluding observations of the Committee, presented in the introductory part, implied otherwise. Indeed, it can be established that the ICESCR has been invoked far more frequently by the parties in Czechia. Nonetheless, this fact has not resulted in a qualitative change in terms of judicial treatment of the Covenant. The research even identified considerable similarities between these two legal orders. In both countries, the administrative courts rarely elaborate on the “justiciable dimensions” of Covenant rights in the justifications of their rulings, and when eventually discussing such dimensions they resort to indicating the “non-self-executing” and “programmatic” character of the provisions. Thus, the issue of judicial enforcement of ESC rights becomes easily simplified, which may lead to the parties becoming confused as to whether or not the ICESCR can be successfully invoked before the courts.

One could potentially assume that in these cases there were grounds for considering that the norms expressed in the Covenant were programmatic. However, this premise is unjustified because every right expressed therein has a “justiciable dimension”. The presumption that some of these rights are justiciable and others are not would be incompatible with the nature of these norms. The provisions of the ICESCR might still be deemed irrelevant if they do not apply to a given situation. It can also occur that the individuals were attempting to derive unreasonable legal consequences from these provisions. However, this does not change the fact that every provision should be read in a way that can support the judicial enforcement of the rights. As outlined above, some administrative courts have made efforts to include the Covenant in the adjudication process, while others have largely omitted the potential of ESC rights for judicial practice.

3. FINDING BETTER METHODS OF ACHIEVING THE FULL REALISATION OF ESC RIGHTS

Based on the practices of the administrative courts in Poland and Czechia presented herein, it would be hard to argue that they have used all the available “appropriate means” to progressively achieve “the full realization” of the rights recognised in the Covenant.⁷⁵ One of the factors that can potentially affect the approaches taken by the national courts is the fact that state authorities might tend to overtly question

⁷⁵ As described in Art. 2 of the Covenant.

the justiciability of ESC rights. To some extent, these reluctant approaches can be traced based on the statements provided in reports submitted to the Committee by the states parties. To provide an example, in the 2008 report, the Polish authorities referred to the ruling issued by the Polish Supreme Court on 8 February 2000, in which it was explicitly stated that “parties to national proceedings might not directly invoke the rights under the Covenant.”⁷⁶ It was also highlighted that the ICESCR is not directly applied by the Polish common courts.⁷⁷ Although the Polish authorities did not directly elaborate on the attitudes of judges adjudicating in administrative courts, the statements presented within the reporting procedures provide some context on how the justiciability of these rights might be perceived in the domestic legal system.

Interestingly, the concept of judicial enforcement was not explicitly undermined in the reports submitted by Czechia. In 2001, the state authorities declared that the rights recognised under the ICESCR are protected primarily through constitutional complaints, which can be submitted to the Czech Constitutional Court.⁷⁸ Most recently, Czechia underscored that ESC rights receive “the same level of protection as other fundamental rights and freedoms”⁷⁹ and that the priority of the Covenant is guaranteed by the possibility of the Constitutional Court repealing contested provisions in case of non-conformity.⁸⁰ Although these statements do not fully correspond to the actual chances of enforcing ESC rights in practice, they might reflect a greater willingness of the Czech administrative courts to discuss arguments concerning the Covenant.

Multiple deficiencies in the judicial enforcement of the ICESCR might be exacerbated by the rather general wording of the respective provisions of international treaties. However, over the years, the national courts of Poland and Czechia have successfully referred in their case law to international human rights law, especially the European Convention on Human Rights.⁸¹ This indicates that domestic courts are still willing to engage in the judicial treatment of international law, even though referring to it can pose challenges. In the case of the ICSECR, the limitation provisions in the constitutional acts and the efforts to safeguard the separation of powers

⁷⁶ The fifth periodic report submitted by Poland on the implementation of the International Covenant on Economic, Social and Cultural Rights, 4 August 2008 (E/C.12/POL/5), para. 853.

⁷⁷ *Ibidem*, para. 854.

⁷⁸ The initial report submitted by the Czech Republic on the implementation of the International Covenant on Economic, Social and Cultural Rights, 25 May 2001 (E/1990/5/Add.47), para. 51.

⁷⁹ The third report submitted by Czechia on the implementation of the International Covenant on Economic, Social and Cultural Rights, 2 December 2019 (E/C.12/CZE/3), para. 4.

⁸⁰ *Ibidem*, para. 5.

⁸¹ D. Kosař, K. Šípulová, H. Smekal, L. Vyhnaněk, J. Janovský, *Domestic Judicial Treatment of European Court of Human Rights Case Law: Beyond Compliance*, Routledge, Milton Park: 2020, pp. 81–232; A. Wiśniewski, *The Impact of the European Convention of Human Rights on the Polish Legal System*, 9(1) Polish Review of International and European Law 153 (2020), pp. 160–162.

when it comes to realising ESC rights additionally increase these difficulties. Nonetheless, there are methods that can help to enhance the enforcement of the ICESCR.

The impediments to judicial enforcement of ESC rights in Czechia and Poland can be easily attributed to the constitutional provisions which make these clauses subject to criticism: Art. 81 of the Polish Constitution and Art. 41 of the Czech Charter.⁸² Certainly, these provisions can increase the judges' and the parties' uncertainty regarding the scope in which the Covenant rights can be enforced before the courts. This is itself one of the worthy arguments for derogating these limitation provisions. However, any amendment in that regard would require a consensus of many political actors, which does not necessarily appear feasible. For this reason, it is justified to concentrate solely on the methods that remain within the competencies of the administrative courts.

The results outlined in Section 2 describe the first core problem – the relative scarcity of references to the ICESCR in the existing case law. This shortcoming is rather puzzling. Certainly, the administrative courts take decisions that affect the protection of ESC rights on a regular basis, even when relying mostly on statutory provisions. However, they do not necessarily acknowledge their role in enforcing the Covenant, which clearly arises from the prior analysis. This state of affairs can perpetuate the limited awareness of the Covenant among the judiciary, and can even lower awareness among the rightsholders.⁸³ It is therefore essential that the respective provisions of the ICESCR are invoked in the decisions each time the court adjudicates a case that can potentially influence the parties' ESC rights (even if the party did not invoke the Covenant). Such a systematic change in the approach could bring about several positive effects:

- a. raising awareness among the parties and the general public of the Covenant rights
- b. ensuring the parties and the general public that a court has considered the international human rights standards while resolving a case
- c. making the administrative courts more “sensitive” to problems concerning the protection of ESC rights.

These references can matter even if an adjudicating bench is convinced that the final decision would remain the same without referring to international law. This

⁸² E.g. Z. Kędzia, *Do We Need to Revise the Constitutional Charter of Rights?*, 80(1) *Ruch Prawniczy, Ekonomiczny i Socjologiczny* 61 (2018), p. 76; CESCR, *Concluding observations on the third periodic report of Czechia* (E/C.12/CZE/CO/3), para. 4.

⁸³ Over the years, the insufficient awareness of the Covenant has been classified as one of the primary concerns in the concluding observations of the Committee, and the recommendations often concentrate on raising this level of awareness. E.g. CESCR, *Concluding observations on the sixth periodic report of Poland* (E/C.12/POL/CO/6), paras. 5–6; CESCR, *Concluding observations on the third periodic report of Czechia* (E/C.12/CZE/CO/3), paras. 4–5.

practice can make it clear that deciding a case based on, for example, the statutory provisions on health care, is also a way of safeguarding the right of everyone to “the enjoyment of the highest attainable standard of physical and mental health”, as outlined in Art. 12(1) ICESCR. However, the references to the Covenant rights should not be merely some “ornaments” added by the adjudicating court in its justification after the actual decision has been reached. These rights must be taken into account in the process of interpreting statutes and other acts adopted by the national authorities, as described in Section 1.

It would also be advisable that the administrative courts elaborate in their rulings on the extent to which the norms enshrined in the Covenant can be considered self-executing. While the obligation to take “steps” to achieve the full realisation of ESC rights rests primarily with the national parliaments, the court can still acknowledge that the ICESCR provisions are self-executing in some aspects. The opposite approach would be hard to reconcile with General Comment No. 9. The most difficult issue is determining the extent of this self-executing character of the Covenant. I would argue that all provisions of the Covenant may be deemed self-executing, in that they impose the obligation on the courts to take necessary steps within the limits of their competencies to protect the “minimum core” of the Covenant rights.⁸⁴ If the national law clearly infringes this core, the administrative court may be required to refuse to apply the respective national provisions. Such a “minimum core” approach should still be consistent with the obligations stemming from Art. 81 of the Polish Constitution and Art. 41 of the Czech Charter. The administrative courts are therefore obliged to take into account how these rights have been realised by the legislative bodies, thereby accepting a wider margin of appreciation as to the statutory framework in that regard. But if the law clearly deprives the individuals of the very core of their rights, the courts can rely on the ICESCR, acknowledging the precedence of international agreements before the statutes.⁸⁵

Alternatively, the administrative courts should, at any time, consider referring the questions to the constitutional courts, which for years has been a rare practice as far as compliance with the ICESCR is concerned. In the case of Poland, this solution would not be currently effective due to serious doubts as to the lawfulness of the constitutional court.⁸⁶ In view of the fact that these doubts persist, the Polish

⁸⁴ See generally K.G. Young, *The Minimum Core of Economic and Social Rights: A Concept in Search of Content*, (33)1 Yale Journal of International Law 113 (2008); Langford, King *supra* note 8, pp. 492–495.

⁸⁵ This approach is still compatible with some views arising in the Czech case law; e.g. *Rozsudek Krajského soudu v Brně* [Judgment of the Regional Court in Brno], 10 October 2018, 33 Az 2/2018-53, para. 31. However, there is still little evidence of an actual acknowledgement by the administrative courts that some national legislation is incompatible with international obligations arising from the Covenant.

⁸⁶ E.g. ECtHR, *Xero Flor w Polsce sp. z o.o. v. Poland* (App. No. 4907/18), 7 May 2021, paras. 290–291; ECtHR, *M.L. v. Poland* (App. No. 40119/21), 14 December 2023, paras. 173–174.

administrative courts may even consider abstaining from referring the questions to the body whose lawfulness is being questioned, and instead review the conformity of a given regulation with the ICESCR themselves.⁸⁷

Last but not least, an underlying reason for the lingering attitudes of the administrative courts in Poland and Czechia towards the ICESCR seems to be a widespread view that the “matters involving the allocation of resources should be left to the political authorities rather than the courts.” This notion is reasonably disputed by the Committee,⁸⁸ but has not yet been disputed so overtly by the administrative courts in both countries. As a matter of fact, it is overlooked that a substantial number of court rulings eventually cause the allocation or reallocation of resources. This is also the case when the courts interpret the national law in a way which conforms to international standards. Whether explicitly acknowledged or not, interpretations adopted by the administrative courts might, one way or another, influence public expenditures. It seems that accepting this existing influence can make the administrative courts more inclined to engage in deliberations on the extent of obligations stemming from the ICSECR, which has certainly been lacking for years in both jurisdictions.

The shift in the approaches taken by the administrative courts cannot be achieved without providing two cornerstones: adequate training for judges and increased awareness about the ICESCR among lawyers and the general public. The UN Committee has repeatedly recommended both Poland and Czechia to intensify efforts in this regard, which can be clearly seen from the subsequent concluding observations.⁸⁹ It must be still acknowledged that over the last decade, some steps have been taken in both countries. According to the third periodic report of Czechia, the Judicial Academy organised seminars on ESC rights for judges, prosecutors, assistants of judges, prosecutor assistants, trainee judges and trainee prosecutors.⁹⁰ Selected aspects of ESC rights protection are also covered during training courses organised by the Polish National School for the Judiciary and Public Prosecution.⁹¹

⁸⁷ See generally P. Chybalski, *The Problem of the So-called Dispersed Judicial Review of Parliamentary Acts in Poland – Traditions and Current Perspectives*, in: M. Granat (ed.), *Constitutionality of Law without a Constitutional Court*, Routledge, London: 2023, pp. 48–64.

⁸⁸ See also Kratochvíl, *supra* note 31, pp. 1167–1669.

⁸⁹ CESCR, *Concluding observations on the third periodic report of Czechia* (E/C.12/CZE/CO/3), para. 5; CESCR, *Concluding observations on the second periodic report of the Czech Republic*, (E/C.12/CZE/CO/2), para. 5; CESCR, *Concluding observations on the initial report of the Czech Republic* (E/C.12/1/Add.76), para. 45; CESCR, *Concluding observations on the seventh periodic report of Poland* (E/C.12/POL/CO/7), para. 5; CESCR, *Concluding observations on the sixth periodic report of Poland* (E/C.12/POL/CO/6), para. 6; CESCR, *Concluding observations on the fifth periodic report of Poland* (E/C.12/POL/CO/5), paras. 9–10; CESCR, *Concluding observations on the fourth periodic report of Poland* (E/C.12/1/Add.82), paras. 33, 56.

⁹⁰ The third periodic report submitted by Czechia on the implementation of the International Covenant on Economic, Social and Cultural Rights, 2 December 2019 (E/C.12/CZE/3), para. 7.

⁹¹ The seventh periodic report submitted by Poland on the implementation of the International Covenant on Economic, Social and Cultural Rights, 3 December 2021 (E/C.12/POL/7), para. 2.

In 2018, the first Polish-language commentary on the ICESCR was published.⁹² The translation of the 2016 concluding observations was issued by the Polish Office of the Commissioner for Human Rights.⁹³ Nevertheless, the findings of the UN Committee are not widely discussed in Poland. The last report concerning Poland received only limited media coverage.⁹⁴ A similar issue concerning low awareness arises in Czechia. While there are some publications describing the Committee's activity aimed at the general public, the fact that the concluding observations are not consistently translated into Czech might create a significant barrier in the implementation process.⁹⁵ The efforts of national human rights institutions, NGOs and the academic community are further hindered by the long-standing lack of coherent strategies among the Polish and Czech executives in promoting the ICESCR, which is also reflected in the failure to ratify the Optional Protocol to the Covenant.⁹⁶

Enhancing the quality and intensity of judicial training on ESC rights and raising awareness about the significance of the Covenant can be rightly seen as prerequisites for any developments in the ways in which members of the judiciary invoke the ICESCR. It is, therefore, reasonable to infer that the changes in the judicial treatment of this international agreement can be induced not only by judges, but also by other actors, such as NGOs disseminating the findings of the UN Committee, ombudspersons releasing statements on the potential of judicial enforcement of ESC rights and attorneys consistently invoking the provisions before the administrative courts.

⁹² Z. Kędzia, A. Hernandez-Polczyńska (eds.), *Międzynarodowy Pakt Praw Gospodarczych, Społecznych i Kulturalnych. Komentarz* [International Covenant on Economic, Social and Cultural Rights: A Commentary], C.H. Beck, Warszawa: 2018.

⁹³ Rekomendacje Komitetu Praw Gospodarczych, Społecznych i Kulturalnych ONZ dotyczące Polski [The Recommendations of the UN Committee on Economic, Social and Cultural Rights Concerning Poland], available at <https://bip.brpo.gov.pl/pl/node/8934/revisions/8985/view> (accessed 30 June 2025).

⁹⁴ A. Płoszka, *Lista hańby. Komitet ONZ wskazuje, jak poprawić ochronę praw społecznych w Polsce* [The List of Shame: The UN Committee Indicates How to Improve the Protection of Social Rights in Poland], OKO.press, 21 October 2024, available at <https://oko.press/komitet-onz-wskazuje-jak-poprawic-ochrone-praw-spoecznych> (accessed 30 June 2025).

⁹⁵ V. Nováková, *Jak se daří ČR naplňovat Mezinárodní pakt o hospodářských, sociálních a kulturních právech?* [How Is the Czech Republic Dealing with Implementing the International Covenant on Economic, Social and Cultural Rights?], Centrum pro lidská práva a demokracii, 29 July 2022, available at <https://www.centrumlidskaprava.cz/jak-se-dari-cr-naplnovat-mezinarodni-pakt-o-hospodarskych-socialnich-kulturnich-pravech> (accessed 30 June 2025); *Mezinárodní pakt o hospodářských, sociálních a kulturních právech* [The International Covenant on Economic, Social and Cultural Rights], Vláda České republiky, 6 November 2006, available at <https://vlada.gov.cz/cz/ppov/rlp/dokumenty/zpravy-plneni-mezin-umluv/mezinarodni-pakt-o-hospodarskych--socialnich-a-kulturnich-pravech-19856/> (accessed 30 June 2025).

⁹⁶ Ratification Status for the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/treaty.aspx (accessed 30 June 2025).

CONCLUSIONS

Even though the UN Committee has evaluated the domestic application of the Covenant by the Czech courts more favourably than the activities of their Polish counterparts, this study leads to the conclusion that, in reality, members of the Czech administrative justice system have not developed distinctive methods for adjudicating cases related to ESC rights. Undeniably, parties to the proceedings before the Czech administrative courts are slightly more inclined to invoke the provisions of the ICESCR, and the Czech judges have more frequently addressed references to the international obligations arising from this agreement. However, this apparent trend does not translate into different approaches to judicial treatment of the Covenant in the two jurisdictions. Although the study covered all the rulings available in public databases, identifying an established practice of directly applying the Covenant poses significant challenges. Over the years, the adjudicating benches only occasionally used its provisions as an aid in interpreting national legislation.

The limitation provisions in the constitutional acts of both countries (Art. 81 of the Polish Constitution and Art. 41 of the Czech Charter) certainly make it more difficult to enforce rights recognised in the Covenant. This does not mean, however, that they are excluded from judicial protection. There are still multiple “steps” that administrative courts can and must take to progressively foster the full realisation of ESC rights. The first step might be to realise that their day-to-day practice involves resolving many cases concerning these rights. Invoking relevant rights in their justifications, at least to provide an interpretive background, will be indispensable any time a given right is at stake. Subsequently, it might be necessary to consider one of the actions available within the courts’ competencies, such as relying on a self-executing provision if the core of a given right is endangered, or referring a problematic issue to the constitutional court. In any event, what should not be lacking is more engagement of the courts with deliberations on the extent of obligations arising from the ICESCR. Otherwise, the domestic application of the Covenant will still be listed as one of the primary areas of concern in Poland and Czechia.

The research also revealed that despite the high cognitive and practical value of the Committee’s concluding observations, as secondary resources, they provide only limited insight into the practices of national authorities. It might therefore prove crucial to juxtapose the data already collected by the UN bodies with primary resources derived from specific jurisdictions. The remarks contained herein can thereby contribute to improving future research on ESC rights.

Appendix 1.

| Grupa A (Poland) | | | |
|-------------------------|---|--------------------|--|
| Date | Court | Case number | Subject |
| 5 September 2024 | The Voivodeship Administrative Court in Gorzów Wielkopolski | I SA/Go 130/24 | property tax |
| 5 September 2024 | The Voivodeship Administrative Court in Gorzów Wielkopolski | I SA/Go 131/24 | property tax |
| 5 September 2024 | The Voivodeship Administrative Court in Gorzów Wielkopolski | I SA/Go 132/24 | property tax |
| 26 April 2023 | The Voivodeship Administrative Court in Warsaw | VII SA/Wa 325/23 | appointment of a theatre director |
| 16 April 2022 | The Supreme Administrative Court | III OSK 3754/21 | social security benefits for former officials of the People's Republic of Poland |
| 14 September 2022 | The Voivodeship Administrative Court in Kielce | II SA/Ke 295/22 | removal from the register of residents |
| 15 September 2020 | The Voivodeship Administrative Court in Warsaw | VI SA/Wa 539/20 | outcome of the entrance examination for notarial training |
| 23 March 2020 | The Voivodeship Administrative Court in Warsaw | II SA/Wa 2460/19 | habilitation proceedings |
| 19 September 2019 | The Voivodeship Administrative Court in Warsaw | II SA/Wa 669/19 | social security benefits for former officials of the People's Republic of Poland |
| 22 September 2017 | The Voivodeship Administrative Court in Lublin | I SA/Lu 428/17 | remission of tax arrears |
| 15 November 2016 | The Voivodeship Administrative Court in Warsaw | I SA/Wa 1388/16 | child benefits |
| 5 April 2016 | The Voivodeship Administrative Court in Warsaw | II SAB/Wa 1012/15 | access to public information |
| 8 March 2016 | The Voivodeship Administrative Court in Warsaw | IV SA/Wa 3315/15 | temporary residence for a foreign national |
| 1 April 2015 | The Supreme Administrative Court | I OSK 2774/14 | habilitation proceedings |
| 4 September 2014 | The Voivodeship Administrative Court in Gliwice | IV SA/GI 1119/13 | tuition fees |

| Grupa A (Poland) | | | |
|-------------------------|---|--------------------|---|
| Date | Court | Case number | Subject |
| 12 September 2012 | The Voivodeship Administrative Court in Rzeszów | II SA/Rz 559/12 | care allowance |
| 26 June 2012 | The Supreme Administrative Court | II GSK 805/11 | financial assistance for supporting farming |
| 19 June 2012 | The Voivodeship Administrative Court in Warsaw | VIISA/Wa 437/12 | products with psychoactive effects |
| 23 May 2012 | The Supreme Administrative Court | I OSK 2179/11 | family allowance |
| 23 May 2012 | The Voivodeship Administrative Court in Warsaw | VII SA/Wa 2906/11 | products with psychoactive effects |
| 16 May 2012 | The Voivodeship Administrative Court in Warsaw | VII SA/Wa 2824/11 | products with psychoactive effects |
| 27 October 2009 | The Supreme Administrative Court | II GSK 123/09 | financial assistance for supporting farming |
| 3 September 2009 | The Voivodeship Administrative Court in Białystok | II SA/Bk 374/09 | care allowance (question to the Constitutional Court) |
| 3 September 2009 | The Voivodeship Administrative Court in Białystok | II SA/Bk 373/09 | care allowance (question to the Constitutional Court) |
| 2 September 2009 | The Voivodeship Administrative Court in Bydgoszcz | II SA/Bd 526/09 | unemployment benefit |
| 3 December 2008 | The Voivodeship Administrative Court in Białystok | I SA/Bk 347/08 | financial assistance for supporting farming |
| 23 September 2008 | The Supreme Administrative Court | I OSK 1511/07 | periodical benefit |
| 27 April 2007 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 95/07 | periodical benefit |
| 27 April 2007 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 96/07 | targeted benefits |
| 23 April 2007 | The Voivodeship Administrative Court in Warsaw | VI SA/Wa 73/07 | registering as a solicitor |
| 20 April 2007 | The Supreme Administrative Court | I OSK 989/06 | discharge from prison service |

| Grupa A (Poland) | | | |
|-------------------------|---|--------------------|--------------------------------|
| Date | Court | Case number | Subject |
| 4 April 2007 | The Voivodeship Administrative Court in Łódź | III SA/Łd 279/06 | housing allowance |
| 21 December 2006 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 795/06 | periodical benefit |
| 21 December 2006 | The Voivodeship Administrative Court in Łódź | III SA/Łd 410/06 | housing allowance |
| 12 December 2006 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 794/06 | periodical benefit |
| 4 July 2006 | The Voivodeship Administrative Court in Łódź | III SA/Łd 333/06 | housing allowance |
| 4 July 2006 | The Voivodeship Administrative Court in Łódź | III SA/Łd 332/06 | housing allowance |
| 20 April 2006 | The Supreme Administrative Court | I OSK 758/05 | housing allowance |
| 19 April 2006 | The Voivodeship Administrative Court in Gdańsk | III SA/Gd 258/04 | housing allowance |
| 29 March 2006 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 78/05 | targeted benefits |
| 26 January 2006 | The Voivodeship Administrative Court in Warsaw | VI SA/Wa 1978/05 | registering a solicitor |
| 7 September 2005 | The Voivodeship Administrative Court in Warsaw | VI SA/Wa 593/05 | registering new legal trainees |
| 28 July 2005 | The Voivodeship Administrative Court in Wrocław | II SA/Wr 2277/03 | periodical benefit |
| 5 April 2005 | The Voivodeship Administrative Court in Łódź | III SA/Łd 721/04 | housing allowance |
| 16 March 2005 | The Voivodeship Administrative Court in Łódź | II SA/Łd 1712/03 | targeted benefits |
| 14 March 2005 | The Voivodeship Administrative Court in Warsaw | VI SA/Wa 891/04 | registering new legal trainees |
| 1 March 2005 | The Voivodeship Administrative Court in Warsaw | VI SA/Wa 908/04 | registering new legal trainees |
| 23 December 2004 | The Voivodeship Administrative Court in Warsaw | VI SA/Wa 909/04 | registering new legal trainees |
| 4 August 2004 | The Voivodeship Administrative Court in Warsaw | II SA 3690/02 | registering new legal trainees |
| 21 July 2004 | The Voivodeship Administrative Court in Warsaw | VI SA/Wa 890/04 | registering new legal trainees |

| Grupa A (Poland) | | | |
|-------------------------|--|--------------------|--------------------------------------|
| Date | Court | Case number | Subject |
| 1 July 2004 | The Voivodeship Administrative Court in Warsaw | VI SA/Wa 749/04 | registering new legal trainees |
| 15 April 2004 | The Voivodeship Administrative Court in Gdańsk | II SA/Gd 2301/01 | unemployment benefit |
| 17 May 2001 | The Supreme Administrative Court | I SA/Po 480/00 | payment with pre-war bonds (tax law) |
| 2 April 2001 | The Supreme Administrative Court | II SA 2692/99 | registering new legal trainees |
| 24 February 1989 | The Supreme Administrative Court | I SA 1104/88 | establishing schools |

| Group B (Poland) | | | |
|-------------------------|---|--------------------|--|
| Date | Court | Case number | Subject |
| 14 June 2024 | The Supreme Administrative Court | II GSK 708/21 | outcome of the entrance examination for notarial training |
| 19 January 2024 | The Supreme Administrative Court | I OSK 2429/22 | care allowance |
| 6 September 2022 | The Voivodeship Administrative Court in Rzeszów | II SA/Rz 430/22 | care allowance |
| 17 May 2022 | The Voivodeship Administrative Court in Lublin | III SA/Lu 60/22 | vacating a service quarter |
| 8 February 2022 | The Supreme Administrative Court | I OSK 1036/21 | care allowance |
| 3 February 2021 | The Voivodeship Administrative Court in Rzeszów | II SA/Rz 1149/20 | care allowance |
| 25 November 2020 | The Supreme Administrative Court | I OSK 1472/20 | care allowance |
| 28 October 2020 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 227/20 | unemployment benefit |
| 22 November 2019 | The Voivodeship Administrative Court in Warsaw | II SA/Wa 1228/19 | social security benefits for former officials of the People's Republic of Poland |
| 20 December 2018 | The Supreme Administrative Court | II OSK 627/17 | removal from the register of residents |
| 1 March 2017 | The Supreme Administrative Court | I OSK 2163/15 | care allowance |
| 23 November 2016 | The Voivodeship Administrative Court in Cracow | III SA/Kr 1653/15 | removal from the register of residents |

| Group B (Poland) | | | |
|-------------------------|---|--------------------|---|
| Date | Court | Case number | Subject |
| 17 May 2016 | The Supreme Administrative Court | II GSK 2844/14 | results of the bar examination |
| 14 April 2016 | The Supreme Administrative Court | I OSK 2493/14 | vacating residential premises |
| 24 July 2014 | The Voivodeship Administrative Court in Warsaw | VI SA/Wa 526/14 | results of the bar examination |
| 4 April 2013 | The Supreme Administrative Court | I OSK 918/12 | discharge from the Internal Security Agency |
| 23 May 2012 | The Supreme Administrative Court | I OSK 2226/11 | care allowance |
| 20 December 2011 | The Voivodeship Administrative Court in Warsaw | II SA/Wa 1980/11 | discharge from the Internal Security Agency |
| 21 June 2011 | The Voivodeship Administrative Court in Lublin | III SA/Lu 138/11 | scholarship for PhD students |
| 21 January 2011 | The Voivodeship Administrative Court in Białystok | I SA/Bk 252/10 | financial assistance for supporting farming |
| 8 December 2010 | The Supreme Administrative Court | II GSK 4/10 | licensing of drivers |
| 10 March 2010 | The Voivodeship Administrative Court in Białystok | I SA/Bk 585/09 | financial assistance for supporting farming |
| 23 September 2009 | The Voivodeship Administrative Court in Gliwice | II SA/Gl 582/09 | licensing of drivers |
| 27 May 2009 | The Supreme Administrative Court | I OSK 958/08 | care allowance |
| 27 May 2009 | The Supreme Administrative Court | I OSK 957/08 | family benefit |
| 3 December 2008 | The Voivodeship Administrative Court in Białystok | I SA/Bk 332/08 | financial assistance for supporting farming |
| 29 October 2008 | The Voivodeship Administrative Court in Białystok | I SA/Bk 333/08 | financial assistance for supporting farming |
| 10 July 2008 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 192/08 | targeted benefit |
| 10 July 2008 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 193/08 | health insurance contribution |
| 10 July 2008 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 194/08 | health care services |

| Group B (Poland) | | | |
|-------------------------|---|--------------------|--|
| Date | Court | Case number | Subject |
| 22 April 2008 | The Voivodeship Administrative Court in Białystok | II SA/Bk 822/07 | family benefit |
| 22 April 2008 | The Voivodeship Administrative Court in Białystok | II SA/Bk 823/07 | care allowance |
| 14 August 2007 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 249/07 | unemployment status |
| 15 May 2007 | The Voivodeship Administrative Court in Łódź | III SA/Łd 573/06 | housing allowance |
| 22 February 2007 | The Voivodeship Administrative Court in Gliwice | IV SA/Gl 238/06 | family benefit |
| 16 February 2007 | The Voivodeship Administrative Court in Warsaw | VISA/Wa2089/06 | registering as a solicitor |
| 31 January 2007 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 849/06 | targeted benefit |
| 31 January 2007 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 850/06 | targeted benefit |
| 16 May 2006 | The Supreme Administrative Court | I OSK 8/06 | periodic benefit |
| 24 February 2005 | The Voivodeship Administrative Court in Łódź | II SA/Łd 1315/03 | housing allowance |
| 19 June 1997 | The Supreme Administrative Court | V SA 1512/96 | permanent residence for a foreign national |

| Group C (Poland) | | | |
|-------------------------|--|--------------------|----------------------------|
| Date | Court | Case number | Subject |
| 28 October 2020 | The Voivodeship Administrative Court in Rzeszów | II SA/Rz 818/20 | traineeship scholarships |
| 28 October 2017 | The Voivodeship Administrative Court in Poznań | II SA/Po 948/17 | traineeship scholarships |
| 18 October 2017 | The Voivodeship Administrative Court in Poznań | II SA/Po 540/17 | unemployment status |
| 18 October 2015 | The Supreme Administrative Court | II GSK 2910/14 | retirement benefits |
| 14 December 2011 | The Voivodeship Administrative Court in Szczecin | II SA/Sz 931/11 | licensing of drivers |
| 13 October 2011 | The Supreme Administrative Court | II GPS 1/11 | licensing for taxi drivers |

| Group C (Poland) | | | |
|-------------------------|---|--------------------|--|
| Date | Court | Case number | Subject |
| 27 July 2011 | The Voivodeship Administrative Court in Białystok | II SA/Bk 309/11 | care allowance |
| 26 July 2011 | The Voivodeship Administrative Court in Białystok | II SA/Bk 412/11 | family benefit |
| 15 May 2009 | The Voivodeship Administrative Court in Warsaw | III SA/Wa 644/09 | exemption from court fees |
| 11 May 2009 | The Voivodeship Administrative Court in Warsaw | III SO/Wa 6/09 | exemption from a filing fee |
| 20 November 2008 | The Voivodeship Administrative Court in Warsaw | III SA/Wa 1879/04 | exemption from court fees |
| 11 April 2008 | The Voivodeship Administrative Court in Warsaw | III SA/Wa 558/08 | exemption from court fees |
| 15 March 2006 | The Voivodeship Administrative Court in Cracow | III SA/Kr 63/04 | discharge from a prison service |
| 4 January 2006 | The Voivodeship Administrative Court in Wrocław | IV SA/Wr 175/04 | a fine for not ensuring attendance at school |
| 22 May 2000 | The Supreme Administrative Court | II SA 2725/99 | registering new legal trainees |
| 23 March 1999 | The Supreme Administrative Court | II SA 202/99 | registering new legal trainees |

Appendix 2.

| Group A (Czechia) | | | |
|--------------------------|--------------------------------------|--------------------|----------------------------|
| Date | Court | Case number | Subject |
| 7 November 2024 | The Municipal Court in Prague | 19 Az 24/2024 - 66 | international protection |
| 10 January 2024 | The Regional Court in Ústí nad Labem | 75 Ad 2/2023 - 50 | care allowance |
| 27 January 2022 | The Regional Court in Brno | 30 Ad 13/2020 - 64 | military service |
| 14 January 2022 | The Municipal Court in Prague | 9 A 86/2020 - 138 | compensation for damages |
| 16 September 2021 | The Supreme Administrative Court | 6 Ao 27/2021 - 40 | COVID-19 pandemic measures |
| 22 July 2021 | The Supreme Administrative Court | 2 Ao 2/2021 - 44 | COVID-19 pandemic measures |
| 22 June 2021 | The Supreme Administrative Court | 2 Ao 3/2021 - 105 | COVID-19 pandemic measures |

| Group A (Czechia) | | | |
|--------------------------|--------------------------------------|----------------------|------------------------------------|
| Date | Court | Case number | Subject |
| 7 June 2021 | The Supreme Administrative Court | 1 Azs 41/2021 - 29 | international protection |
| 17 March 2020 | The Municipal Court in Prague | 10 Ad 4/2019 - 61 | health insurance |
| 13 January 2020 | The Regional Court in Ústí nad Labem | 42 Az 8/2018 - 61 | international protection |
| 12 December 2019 | The Supreme Administrative Court | 9Ads214/2018-63 | health insurance |
| 29 August 2019 | The Municipal Court in Prague | 10 Ad 5/2017 - 45 | military service |
| 8 February 2018 | The Municipal Court in Prague | 8 A 182/2016 - 80 | birth registration |
| 7 February 2018 | The Supreme Administrative Court | 5 Azs 295/2017-20 | international protection |
| 7 June 2017 | The Regional Court in Brno | 41 Ad 13/2016-88 | social security |
| 29 July 2015 | The Regional Court in Brno | 41 A 52/2014 - 33 | housing allowance |
| 29 May 2015 | The Regional Court in Plzeň | 30 A 31/2014 - 73 | exclusion from the university |
| 27 May 2015 | The Supreme Administrative Court | 3 Azs 264/2014-25 | administrative expulsion |
| 27 March 2015 | The Regional Court in Brno | 22 Az 1/2015 - 33 | international protection |
| 11 March 2015 | The Regional Court in Brno | 41 Az 11/2014 - 51 | international protection |
| 25 February 2015 | The Regional Court in Brno | 33 A 11/2014 - 60 | housing allowance |
| 17 April 2014 | The Supreme Administrative Court | 4 Ads 27/2014 - 28 | health insurance |
| 17 April 2014 | The Supreme Administrative Court | 4Ads113/2013-45 | social security |
| 24 April 2013 | The Supreme Administrative Court | 6Ads123/2012-76 | extraordinary immediate assistance |
| 31 January 2013 | The Regional Court in Ústí nad Labem | 78 Ad 29/2011 - 107 | social benefits |
| 31 January 2013 | The Regional Court in Ústí nad Labem | 78 Ad 30/2011 - 134 | social benefits |
| 11 November 2011 | The Supreme Administrative Court | 4 Ads 141/2011 - 83 | social benefits |
| 31 October 2011 | The Supreme Administrative Court | 4 Ads 79/2011 - 115 | social benefits |
| 31 October 2011 | The Supreme Administrative Court | 4 Ads 130/2011 - 119 | social benefits |
| 31 May 2011 | The Regional Court in Ústí nad Labem | 16Cad61/2008-52 | social benefits |

| Group A (Czechia) | | | |
|--------------------------|----------------------------------|---------------------|--------------------------------|
| Date | Court | Case number | Subject |
| 24 March 2010 | The Supreme Administrative Court | 2 Ans 1/2010 - 32 | housing |
| 28 August 2009 | The Supreme Administrative Court | 7 As 29/2008 - 104 | dissolving a civic association |
| 29 April 2009 | The Supreme Administrative Court | 4 Ads 79/2008 - 61 | noise limits |
| 29 December 2008 | The Supreme Administrative Court | 4 Ads 128/2008 - 42 | social security |
| 31 October 2008 | The Supreme Administrative Court | 4 Ads 49/2008 - 73 | noise limits |
| 18 September 2008 | The Supreme Administrative Court | 4 Ads 106/2008 - 34 | social security |
| 31 March 2008 | The Supreme Administrative Court | 4 Ads 2/2008 - 66 | social benefits |
| 31 March 2008 | The Supreme Administrative Court | 4 Ads 3/2008 - 61 | social benefits |
| 31 March 2008 | The Supreme Administrative Court | 4 Ads 88/2007 - 62 | social benefits |
| 5 August 2003 | The Supreme Administrative Court | 4 Ads 35/2003 - 28 | social security |

| Group B (Czechia) | | | |
|--------------------------|----------------------------------|--------------------|-----------------------|
| Date | Court | Case number | Subject |
| 24 April 2024 | The Supreme Administrative Court | 7 Ads 67/2023 - 17 | housing allowance |
| 11 August 2023 | The Supreme Administrative Court | 2 As 241/2022 - 74 | health services |
| 30 May 2023 | The Supreme Administrative Court | 3 As 370/2020 - 33 | housing |
| 29 August 2022 | The Regional Court in Brno | 29 Ad 11/2020 - 63 | military service |
| 2 August 2022 | The Regional Court in Brno | 29 Ad 9/2020 - 68 | military service |
| 2 August 2022 | The Regional Court in Brno | 29 Ad 12/2020 - 66 | military service |
| 29 June 2022 | The Regional Court in Brno | 29 Ad 10/2020 - 74 | military service |
| 28 April 2022 | The Regional Court in Brno | 62 Ad 9/2020 - 69 | military service |
| 28 April 2022 | The Regional Court in Brno | 62 Ad 10/2020 - 69 | military service |
| 28 April 2022 | The Regional Court in Brno | 62 Ad 11/2020 - 64 | military service |
| 15 March 2022 | The Municipal Court in Prague | 19 Ad 19/2020 - 26 | unemployment benefits |
| 17 February 2022 | The Regional Court in Brno | 30 Ad 10/2020 - 42 | military service |
| 31 January 2022 | The Regional Court in Brno | 30 Ad 11/2020 - 44 | military service |
| 31 January 2022 | The Regional Court in Brno | 30 Ad 12/2020 - 44 | military service |
| 21 December 2021 | The Supreme Administrative Court | 4 As 171/2021 - 49 | registering at school |

| Group B (Czechia) | | | |
|--------------------------|--|---------------------|-----------------------------------|
| Date | Court | Case number | Subject |
| 10 November 2021 | The Supreme Administrative Court | 2 Ao 10/2021 - 125 | COVID-19 pandemic measures |
| 26 October 2021 | The Regional Court in Brno | 31 Ad 9/2020 - 59 | military service |
| 26 October 2021 | The Regional Court in Brno | 31 Ad 10/2020 - 60 | military service |
| 26 October 2021 | The Regional Court in Brno | 31 Ad 11/2020 - 59 | military service |
| 27 September 2021 | The Regional Court in Plzeň | 60 Az 8/2021 - 60 | subsidiary protection |
| 23 June 2021 | The Supreme Administrative Court | 8 Ao 16/2021 - 124 | COVID-19 pandemic measures |
| 26 May 2021 | The Municipal Court in Prague | 15 A 75/2020 - 42 | registering at school |
| 9 April 2021 | The Regional Court in Plzeň | 60 Az 8/2021 - 25 | subsidiary protection |
| 15 February 2021 | The Supreme Administrative Court | 4 Azs 325/2020 - 29 | international protection |
| 30 November 2020 | The Regional Court in Hradec Králové – the branch in Pardubice | 50 Az 2/2020 - 82 | international protection |
| 11 November 2020 | The Regional Court in Ústí nad Labem | 15 A 118/2018 - 130 | housing |
| 26 October 2020 | The Municipal Court in Prague | 5 A 192/2017 - 76 | registering at school |
| 8 October 2020 | The Regional Court in Brno | 62 A 35/2020 - 186 | protection of national minorities |
| 30 June 2020 | The Supreme Administrative Court | 7 As 40/2019 - 32 | housing |
| 29 March 2019 | The Supreme Administrative Court | 5 Ads 89/2018 - 20 | housing allowance |
| 19 December 2018 | The Regional Court in Ostrava – the branch in Olomouc | 65 A 60/2018 - 69 | housing |
| 10 October 2018 | The Regional Court in Brno | 33 Az 2/2018 - 53 | international protection |
| 29 May 2018 | The Regional Court in Ústí nad Labem | 15 A 52/2018 - 59 | temporary residence permit |
| 28 June 2017 | The Municipal Court in Prague | 5 A 145/2015 - 49 | social benefits |
| 30 May 2017 | The Regional Court in Hradec Králové | 43 Az 26/2016 - 57 | international protection |
| 27 September 2016 | The Supreme Administrative Court | 1 Ads 92/2016 - 23 | housing allowance |
| 27 September 2016 | The Supreme Administrative Court | 1 Ads 94/2016 - 20 | housing allowance |
| 11 August 2016 | The Supreme Administrative Court | 5 Ads 181/2014 - 21 | social benefits |
| 24 June 2016 | The Regional Court in Prague | 47 A 2/2014 - 133 | odour emissions |

| Group B (Czechia) | | | |
|--------------------------|---|---------------------|--|
| Date | Court | Case number | Subject |
| 27 April 2016 | The Supreme Administrative Court | 1 Azs 76/2016 - 27 | international protection |
| 8 April 2016 | The Regional Court in Hradec Králové | 32 Az 20/2015 - 43 | international protection |
| 7 March 2016 | The Regional Court in Hradec Králové | 29 Az 13/2015 - 44 | international protection |
| 4 March 2016 | The Regional Court in Hradec Králové | 32 Az 8/2015 - 43 | international protection |
| 24 February 2016 | The Regional Court in Brno | 31 A 53/2014 - 95 | entrance exams for a university |
| 10 February 2016 | The Regional Court in České Budějovice | 10 A 21/2015 - 50 | administrative offence in the area of remuneration |
| 27 January 2016 | The Supreme Administrative Court | 4 Ads 85/2015 - 57 | social services |
| 22 October 2015 | The Regional Court in Prague | 48 A 27/2015 - 98 | odour emissions |
| 19 September 2014 | The Supreme Administrative Court | 6 As 33/2013 - 50 | school exams |
| 20 June 2013 | The Supreme Administrative Court | 4 Azs 12/2013 - 38 | international protection |
| 21 February 2013 | The Regional Court in Ostrava – the branch in Olomouc | 73 Ad 23/2011 - 36 | housing allowance |
| 18 February 2013 | The Municipal Court in Prague | 11 A 131/2012 - 38 | school exams |
| 4 April 2012 | The Supreme Administrative Court | 3 Ads 72/2011 - 88 | appointment to a position in Police service |
| 8 July 2011 | The Supreme Administrative Court | 3 Ads 61/2011 - 36 | housing allowance |
| 9 February 2011 | The Supreme Administrative Court | 3 Ads 156/2010 - 53 | housing allowance |
| 22 December 2010 | The Municipal Court in Prague | 9 Ca 234/2009 - 39 | appointment to a position of customs officer |
| 24 November 2010 | The Supreme Administrative Court | 3 Ads 98/2010 - 56 | housing allowance |
| 18 November 2009 | The Supreme Administrative Court | 4 Azs 50/2009 - 75 | international protection |
| 18 December 2008 | The Supreme Administrative Court | 7 As 21/2008 - 101 | long-term residence permit |
| 31 May 2006 | The Supreme Administrative Court | 4 As 38/2004 - 116 | school facilities |

| Group B (Czechia) | | | |
|--------------------------|----------------------------------|--------------------|------------------|
| Date | Court | Case number | Subject |
| 15 December 2005 | The Supreme Administrative Court | 7 Azs 305/2004- 61 | asylum |
| 20 July 2005 | The Supreme Administrative Court | 5 Azs 87/2005 - 43 | asylum |
| 19 January 2005 | The Supreme Administrative Court | 5 A 18/2002 - 54 | military service |
| 19 January 2005 | The Supreme Administrative Court | 7 A 142/2002 - 72 | military service |

| Group C (Czechia) | | | |
|--------------------------|---|----------------------|----------------------------------|
| Date | Court | Case number | Subject |
| 7 December 2022 | The Supreme Administrative Court | 10As320/2020-58 | registering at school |
| 15 June 2022 | The Municipal Court in Prague | 14 A 101/2021 - 248 | climate protection |
| 31 May 2022 | The Regional Court in Brno | 41 Az 20/2021 - 39 | international protection |
| 30 October 2020 | The Regional Court in Ostrava – the branch in Olomouc | 72Ad17/2019-24 | care allowance |
| 22 May 2020 | The Supreme Administrative Court | 3 As 90/2018 - 31 | housing |
| 13 May 2020 | The Municipal Court in Prague | 10 A 148/2018 - 65 | registration of a primary school |
| 29 April 2020 | The Supreme Administrative Court | 3 Ads 91/2018 - 32 | housing |
| 23 April 2020 | The Supreme Administrative Court | 5 Azs 189/2015 - 127 | asylum |
| 27 March 2020 | The Supreme Administrative Court | 5 Ads 131/2018 - 53 | health insurance |
| 31 January 2020 | The Regional Court in Ostrava – the branch in Olomouc | 72Ad44/2018-28 | care allowance |
| 9 May 2019 | The Supreme Administrative Court | 3 Ads 151/2016 - 117 | social services |
| 25 April 2019 | The Supreme Administrative Court | 8 Ads 271/2018 - 34 | social services |
| 20 August 2018 | The Municipal Court in Prague | 13 A 69/2018 - 24 | administrative expulsion |
| 25 June 2018 | The Municipal Court in Prague | 13 A 56/2018 - 27 | administrative expulsion |
| 21 June 2018 | The Municipal Court in Prague | 14 Ad 13/2017 - 50 | health insurance |
| 31 May 2018 | The Municipal Court in Prague | 13 A 35/2018 - 24 | administrative expulsion |

| Group C (Czechia) | | | |
|--------------------------|---|------------------------|---|
| Date | Court | Case number | Subject |
| 19 March 2018 | The Regional Court in Hradec Králové – the branch in Pardubice | 52Ad12/2017-89 | employment-related fines |
| 11 January 2018 | The Municipal Court in Prague | 10Ad18/2014-86 | permanent residence permit |
| 10 October 2017 | The Regional Court in Prague | 46Az19/2016-29 | international protection |
| 13 June 2016 | The Regional Court in Prague | 46A91/2015-89 | housing |
| 13 May 2016 | The Supreme Administrative Court | 6As84/2016-12 | legal aid (proceedings concerning housing supplement) |
| 19 December 2014 | The Regional Court in Hradec Králové – the branch in Pardubice | 52A87/2014-71 | permanent residence permit |
| 19 December 2014 | The Regional Court in Hradec Králové – the branch in Pardubice | 52A103/2014-47 | permanent residence permit |
| 30 October 2014 | The Supreme Administrative Court | 4 Ads 134/2014 - 29 | personal assistance services |
| 28 February 2014 | The Supreme Administrative Court | 5Afs72/2012-95 | tax law (real estate) |
| 29 August 2013 | The Supreme Administrative Court | 4Ads31/2013-18 | pension benefits |
| 22 March 2013 | The Supreme Administrative Court | 5Afs71/2012-37 | tax law (real estate) |
| 13 March 2013 | The Supreme Administrative Court | 5Afs73/2012-41 | tax law (real estate) |
| 25 August 2011 | The Supreme Administrative Court | 3Ads130/2008 - 204 | pension benefits |
| 21 July 2009 | The Supreme Administrative Court | 6Ads88/2006 - 132 | social security |
| 16 April 2008 | The Supreme Administrative Court | 1Afs62/2008-93 | tax law (real estate) |
| 28 December 2007 | The Supreme Administrative Court | 8Afs141/2006 - 77 | tax law (real estate) |
| 13 December 2007 | The Supreme Administrative Court | 8Afs9/2007-128 | tax law (real estate) |
| 13 December 2007 | The Supreme Administrative Court | 8Afs10/2007 - 126 | tax law (real estate) |
| 13 December 2007 | The Supreme Administrative Court | 8Afs11/2007 - 128 | tax law (real estate) |
| 13 December 2007 | The Supreme Administrative Court | 8Afs139/2006 - 68 | tax law (real estate) |

| Group C (Czechia) | | | |
|--------------------------|----------------------------------|-------------------------|-----------------------|
| Date | Court | Case number | Subject |
| 9 November 2007 | The Supreme Administrative Court | 5 Afs 182/2006 - 139 | tax law (real estate) |
| 8 November 2007 | The Supreme Administrative Court | 7 Afs 190/2006 - 73 | tax law (real estate) |
| 26 October 2007 | The Supreme Administrative Court | 8 Afs 140/2006 - 77 | tax law (real estate) |
| 19 September 2007 | The Supreme Administrative Court | 1 Afs 128/2006 - 74 | tax law (real estate) |
| 19 September 2007 | The Supreme Administrative Court | 1 Afs 143/2006 - 68 | tax law (real estate) |
| 28 August 2007 | The Supreme Administrative Court | 2 Afs 212/2006 - 147 | tax law (real estate) |
| 31 July 2006 | The Supreme Administrative Court | A 2/2003 - 73 | access to information |
| 27 January 2006 | The Supreme Administrative Court | 4 Ads 23/2005 - 50 | social security |
| 25 January 2006 | The Supreme Administrative Court | 4 Ads 5/2005 - 45 | social security |
| 26 October 2005 | The Supreme Administrative Court | 3 Ads 2/2003 - 112 | social security |
| 23 February 2005 | The Supreme Administrative Court | 6 Ads 62/2003 - 31 | social security |