

# **Fundamental human rights and freedoms in a state of emergency**

## **Abstract**

The subject of this thesis is a description of the institute of the state of emergency and its impact on specific fundamental human rights and freedoms defined in Section 5 of Act No. 240/2000 Coll. on Crisis Management (Crisis Act). The first chapter compares the state of emergency with the state of war, state of national emergency, state of danger and state of pandemic emergency. It also includes a discussion of the circumstances surrounding the adoption of the Pandemic Act and concludes with a historical perspective on states of emergency.

The second chapter discusses each case of state of emergency - the 2002 floods, the 2006 floods, Hurricane Kyrill 2007, the 2013 floods, the covid pandemic and the war in Ukraine. For specific states of emergency, the reason for their declaration and a list of the fundamental rights that have been restricted are described.

The third chapter describes the instruments that interfere with fundamental rights and freedoms, of which the most space is devoted to government crisis measures, including a discussion of their substantive nature and the related judicial review. The subsection on emergency measures of the Ministry of Health elaborates on the principle of reservation of the law enshrined in Article 4 of the Charter of Fundamental Rights and Freedoms. The chapter concludes with an analysis of emergency measures under the Pandemic Act.

The fourth chapter deals with fundamental rights and freedoms that have been restricted under Act No 240/2000 Coll. on Crisis Management (Crisis Act). The subsection dealing with the right to inviolability of the person discusses compulsory vaccination in the light of the case law of the European Court of Human Rights. The following subchapters describe the interference with the right to privacy, the right to inviolability of the home, the right of ownership and use, the freedom of movement and residence, the freedom of assembly and the right to conduct business.

Chapter Five proposes specific changes to the regulation of the declaration of a state of emergency, government emergency measures, the Pandemic Act and consent to the extension of a state of emergency.

**Key words: state of emergency, fundamental human rights, emergency measures**