



[Czech Republic - V. v. Public Health Insurance of the Czech Republic](#)

Access to Public Health Care should be granted to applicants while the statelessness procedure is pending, by analogy with the situation of asylum seekers.

Case name (in original language) : V proti Veřejné zdravotní pojišťovně - žaloba na nezákonný zásah

Case status: Appealed

Case number: 14 A 131/2020

Citation: Municipal Court Prague decision Nr. 14 A 131/2020

Date of decision: 13/07/2021

State: Czech Republic

Court / UN Treaty Body: Municipal Court Prague

Language(s) the decision is available in: Czech

Applicant's country of birth: Belarus

Applicant's country of residence: Czech Republic

Legal instruments: 1954 Statelessness Convention

Key aspects: Access to social and economic rights

Relevant Legislative Provisions:

1954 Convention Relating to the Status of Stateless Persons

Facts

The applicant was in hospital while his application for statelessness status was pending and needed a surgery. The hospital charged him almost 40.000 CZK, claiming he was lacking health insurance. He petitioned the Public Health Insurance company to request a determination that he is insured, but the Public Health Insurance company never answered.

Legal arguments by the applicant

The applicant claimed that this is an unlawful action, contrary to the Law on Public Health Insurance to not be let into the system of public health care, similarly to asylum seekers who have their public health insurance covered by the State.

Legal arguments by the opposing party

The Public Health Insurance company claimed that the applicant is not covered. It stated that the classification and time period of the unlawful action is unclear. It stated that it did not refuse to let the applicant enter the public health care and that they will still evaluate the matter. It also stated it is not obliged to examine when individual insured persons start to be covered and it did not receive any announcement about the State covering the health care.

Decision & Reasoning

"It is decided that the action of the accused party (Public Health Insurance of the Czech Republic) consisting in not allowing the appellant, as an applicant for the statelessness status, into the system of public health care, was unlawful."

The applicant pointed out to the present Supreme Administrative Court jurisprudence which finds an analogy with the situation of asylum seekers, derived from the systemisation of statelessness in the same Asylum Act.

The court points out to the current Supreme Administrative Court jurisprudence and states that "it would not be logical that the law maker inserts this agenda into the Asylum Act, while not intending to grant the statelessness status applicants rights and obligations of persons submitting applications according to the Asylum Act"

The court further states that, while the applicant seems to not have formally announced to the Public Health Insurance the start of the coverage of his insurance, this announcement can be derived from the letter asking the Public Health Insurance to determine his status of an insured person.

Outcome

This decision establishes that applicants for the statelessness status enjoy public health care, including public health insurance coverage, derived from the systemization of the statelessness procedure in the Asylum Act, which grants this

right to asylum seekers as a right to have the public health insurance covered by the State.

Caselaw cited

Supreme Administrative Court jurisprudence in the Czech Republic (in general)