



File No: 1179/2026/DO/PPO
Ref. No.: KVOP-45504/2026
Date: 24 August 2026

Submission by the Ombudsman for Children to the to the United Nations Human Rights Committee on the List of Issues Prior to Reporting for the Fifth Periodic Examination of Czechia under the International Covenant on Civil and Political Rights

This submission may be published on the Human Rights Committee's website.

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Introduction

The Children's Ombudsman is independent and impartial. The Ombudsman is accountable to the Chamber of Deputies, which elected him to the office. In the area of children's rights, the Children's Ombudsman performs a number of tasks typical of a **national human rights institution** according to the Paris principles.

Children's Ombudsman:

- **protects and promotes the rights of children;**
- in cases where the rights of a specific child may be affected, examines the actions of authorities, bodies of territorial self-governing units and other bodies and persons (legal and natural) in cases where they act as an authority;
- conducts research and analysis, issues reports, opinions and recommendations; and
- raises awareness of children's rights.

In this statement, the Children's Ombudsman provides the UN Human Rights Committee with **information for the preparation of a list of issues prior to submitting Czechia's report**.

The statement is not an exhaustive overview of the state of protection of civil and political rights with respect to children. The Children's Ombudsman focuses only on selected issues that he considers particularly relevant for the 5th monitoring cycle.

The **selection of topics** is based, in particular, on the Committee's previous final recommendations, on developments in legislation and practice since 2020 and on the findings from inquiries, systematic visits, research and cooperation with civil society.

The statement also contains **draft issues** that the Committee could address to the Czech Republic.

Professional, organisational and technical support for the Children's Ombudsman's activities is provided by the Office of the Public Defender of Rights and the Defender of Children's Rights. If you have any questions regarding this statement, please contact Ms Petra Šuplerová, Head of the Child Rights Department of the Office, e-mail: petra.suplerova@ochrance.cz.

General information on the national human rights situation (Article 2(2) of the Covenant)

Effective from 1 July 2026, the Government of the Czech Republic has approved (Resolution No. 365/26 of 18 May 2026 and Amending Resolution No. 319 of 25 May 2026) the most extensive reorganisation of the central human rights and expert fields to date; in the framework of this reorganisation, the executive departments and departments of the Office of the Government of the Czech Republic were transferred to the remit of four ministries:

- Ministry of Justice: took over the Department of Human Rights and Equal Treatment, the Department of Gender Equality and the Department of Cooperation with Civic Society;
- Ministry of Health: took over the fields of addiction and mental health care (newly the Mental Health and Anti-Drug Policy Section);
- Ministry of Labour and Social Affairs: took over the Department for the Rights of Persons with Disabilities and Social Integration of Roma;
- Ministry of Culture: took over the area of protection of national minorities.

The Office of the Government of the Czech Republic formally retained advisory bodies of the Government (the Government Council for Human Rights, the Government Council for Gender Equality, the Government Council for Roma Minority Affairs, etc.) chaired by the Prime Minister, and newly established the Offices of Government Agents with a limited administrative capacity of eight officers. This structural change was adopted without prior expert debate or impact analysis and led to the resignation of dozens of independent experts from advisory bodies. Human rights policies (including the protection of children's rights, gender equality and the rights of persons with disabilities) are cross-cutting and intersectoral by nature (requiring coordination of the Ministries of the Interior, Justice, Health, Labour and Social Affairs, Regional Development and Education). Their dispersion into the structures of the individual ministries creates a risk of fragmentation, promotion of individual ministerial priorities at the expense of comprehensive protection of rights and weakening of independent expert supervision. The described reorganisation and institutional fragmentation raise doubts as to how the State will put into practice an effective and stable mechanism for coordinating and implementing the performance of its international obligations under Article 2(2) of the Covenant.

Draft issue:

- Please clarify the specific institutional, procedural, and personnel mechanisms used by the State to ensure effective and binding inter-ministerial coordination

of human rights policies across all ministries following the dissolution and transfer of the executive departments from the Office of the Government of the Czech Republic, effective from 1 July 2026, and how, within this new structure, it ensures the continued involvement of independent experts and civil society in the preparation and evaluation of public policies.

Participation of children in matters concerning them (Articles 19 and 24 of the Covenant)

The Czech Republic lacks a systemic mechanism that would ensure the consultation and involvement of children in the preparation of legal regulations and strategic documents that directly concern them.

The involvement of children in policymaking remains a rare exception (e.g. in the Strategy of Support for Young People in the Czech Republic 2025–2030).¹ For fundamental normative and strategic changes – such as the blanket regulation of the use of mobile phones in schools² and the preparation of a new Action Plan for Mental Health – the authorities did not seek the opinions of children.³

The lack of methodological guidance and training of civil servants in the area of children's participatory rights causes public authorities not to reflect their needs and experience.

This situation raises doubts as to the exercise of children's right to express their opinions and to stand up for themselves without obstacles under Articles 19 and 24 of the Covenant in conjunction with Article 12 of the Convention on the Rights of the Child and Article 7(3) of the Convention on the Rights of Persons with Disabilities.

Draft issue:

- Please provide information about systemic measures adopted to ensure children's participation in the creation of legislative and non-legislative proposals concerning them, and indicate how the State trains and methodically guides public administration employees to systematically seek and evaluate children's opinions.

¹ Ministry of Education, Youth and Sports. *Strategy of Support for Young People in the Czech Republic 2025–2030* [online]. Prague: Ministry of Education, Youth and Sports, 2025 [retrieved on: 2026-08-09]. Available at: https://msmt.gov.cz/file/65052_1_1/.

² Office of the Public Defender of Rights and the Defender of Children's Rights. Let's not ban cell phones in schools, and rather teach children how to handle them safely, the Children's Ombudsman tells politicians. Children's Ombudsman [online]. Brno [retrieved on: 2026-08-09]. Available at: <https://deti.ochrance.cz/aktualne/nezakazujme-mobily-ve-skolach-radeji-deti-ucme-jak-s-nimi-zachazet-bezpecne-vzkazuje-politikum-detsky-ombudsman/>.

³ Office of the Public Defender of Rights and the Defender of Children's Rights. About children without children? That's not good, says the Children's Ombudsman. Children's Ombudsman [online]. Brno [retrieved on: 2026-08-09]. Available at: <https://deti.ochrance.cz/aktualne/o-detech-bez-deti-to-teni-dobre-rika-detsky-ombudsman/>.

Facilities for institutional and protective education of children: strategic shortcomings and corporal punishment (Articles 7, 10 and 24 of the Covenant)

The applicable legislation on institutional and protective education of children⁴ has long failed to meet the needs of vulnerable children and the system, faced with inadequate staffing and material support, lacks a long-term strategy.

The findings of the Defender of Children's Rights show that the legislation does not reflect the diversity of children's needs and does not allow for the necessary differentiation of care. Facilities lack adequate legal and methodological tools for working with children with complex needs and serious risk behaviour. In practice, care for vulnerable children often takes place in spatially or materially unsuitable conditions, and there is a lack of systematic preparation for their departure from the facility and independent life.⁵

Although the Ministry of Education, Youth and Sports states that it is currently drafting new legislation⁶, a substantive intent has yet to be submitted for the new regulation and the timetable for its adoption remains unclear.

Similarly, a serious discrepancy persists between the legal regulation and actual practice in treatment of children in these facilities. Despite the fact that the Czech legislation does not permit corporal punishment of children in institutions and, since 1 January 2026, such punishment has also been prohibited in families⁷, the Defender of Children's Rights found, during several visits to children's homes and educational institutions in 2025, that slapping, kneeling against the wall and threats were still among the educational methods used.⁸ The Defender increasingly encounters

⁴ Act No. 109/2002 Coll., on the provision of institutional education or protective education at school facilities and on preventative educational care at school facilities and on amendments to other laws.

⁵ Cf. the Public Defender of Rights' report on the visit to the facility of 26 January 2026, File No. 18/2025/NZ, eso.ochrance.cz; the Public Defender of Rights' report on the visit to the facility of 5 June 2025, File No. 2/2025/NZ, eso.ochrance.cz; the Public Defender of Rights' report on the visit to the facility of 9 April 2025, File No. 41/2024/NZ, eso.ochrance.cz; the Public Defender's report on the visit to the facility of 24 October 2024, File No. 16/2024/NZ, eso.ochrance.cz.

⁶ Ministry of Education, Youth and Sports. Report on the activities of the School Ombudsman and Commissioner for Institutional and Protective Education (4/2025–3/2026) [online]. Prague: Ministry of Education, Youth and Sports, 27. 5. 2026 [retrieved on: 2026-08-12], p. 10. Available at: <https://msmt.gov.cz/file/66259/>.

⁷ Act No. 268/2025 Coll., amending Act No. 89/2012 Coll., the Civil Code, as amended, and other related laws.

⁸ Office of the Public Defender of Rights. Corporal and psychological punishment of children in institutional care: Completely unacceptable, warns the deputy Children's Ombudsman and files a

unacceptable attitudes of facility employees towards children in their care in various regions of the Czech Republic.

Draft issues:

- Please provide information on the current status and timetable of preparation and adoption of the substantive intent of the new Institutional and Protective Education Act and indicate what specific transitional measures (personnel, methodological and material) the State is taking to ensure differentiation of care, management of risk behaviour and preparation of children for independent life.
- Provide information on recorded misconduct and cases of corporal punishment or other ill-treatment in facilities for institutional and protective education, and information about systemic, control and educational measures taken to ensure zero tolerance towards corporal punishment and to promote positive educational methods by the institutional and protective education facility's staff.

criminal complaint; Public Defender of Rights – Ombudsman [online]. Brno [retrieved on: 2026-08-10]. Available at:
https://www.ochrance.cz/aktualne/telesne_a_psychicke_trestani_deti_v_ustavni_peci_naprosto_ne_prijatelne_varuje_zastupce_detskeho_ombudsmana_a_podava_trestni_oznameni/.

Alternatives to the detention of families with children (Articles 7, 9, 10 and 24 of the Covenant)

According to national law and international standards, detention of foreign nationals is a measure of last resort (*ultima ratio*) which can only be applied if specific measures aimed at departure (financial guarantee, residence report or presence in a designated place) are insufficient.⁹ In spite of the Committee's previous criticism, detention is used in practice as a primary instrument, while alternatives are assessed only in formal terms.

While a team worked at the Ministry of the Interior in the period 2024–2025 to prepare a pilot project on the use of alternatives for unaccompanied minors and families with children, there is no information on its actual functioning and results in practice. The Defender's monitoring has confirmed that families with children continue to be placed in facilities for the detention of foreigners, especially with a view to ensuring their transfer to another country.

This situation raises serious doubts as to the implementation of Articles 9 and 24 of the Covenant.

Draft issue:

- Specify how the State ensures in practice that less restrictive measures are systematically applied before a decision is made on the detention of foreign nationals, provide information on the specific results and functioning of the pilot project on alternatives to detention for families with children and unaccompanied minors, and explain how the placement of families with children in detention facilities is in conformity with the absolute necessity requirement.

⁹ Pursuant to Sections 123b and 123c of the Residence of Foreign Nationals Act. Similarly, Act No. 325/1999 Coll., on asylum, and the commentary on Section 73 of the Act, emphasise that the detention of applicants for international protection is to be exceptional and that countries should resort to it only if alternatives have failed (e.g. the duty to report regularly, the possibility of another person to vouch).

Interference with the right to family life and the care of children (Articles 17, 23, 24 and 26 of the Covenant)

The legal framework continues to allow restrictions of legal capacity to interfere automatically and across the board with the private and family life of the adults concerned.¹⁰

In judicial practice, the scope of restrictions of legal capacity may extend to the right to marry or enter into a partnership.¹¹ In the area of parental rights, decisions restricting legal capacity automatically trigger court proceedings concerning parental responsibility, irrespective of whether a parent with a disability is properly caring for the child or whether such proceedings are required by the best interests of the child.¹²

In addition, persons whose legal capacity has been restricted may acknowledge paternity only in person before a court (or, where applicable, through a guardian)¹³ and are completely excluded by law from adopting a child.¹⁴

The State also lacks systematic data collection on the number of cases involving such interferences, as well as on the specific barriers faced by these parents and their needs for targeted support to enable them to care for their children independently.

Draft issues:

- Please provide information on the steps and timeframe for reviewing the legislation so that restrictions on legal capacity do not result in automatic interference with the right to family life and the care of children. Provide statistical data collected on such interferences.
- Describe the specific support provided by the State to parents with disabilities to enable them to care for their children as independently as possible.

10 See the survey of the Public Defender of Rights, Crossroads of Autonomy. Practice of the courts in deciding on support measures. Public Defender of Rights, 2020, pp. 41–42. Available at ochrance.cz.

11 Sections 655(2) and 673 of the Civil Code.

12 Section 468a of Act No. 292/2013 Coll., on special court proceedings.

13 Section 780 of Act No. 89/2012 Coll., the Civil Code.

14 Section 799(1) of the Civil Code.

Protection of women and children from obstetric violence and forced separation (Articles 7, 17, 23, 24 and 26 of the Covenant)

The Defender has long received complaints concerning interference with bodily integrity and family life during childbirth and postnatal care.¹⁵ Women report medical procedures carried out without their free and informed consent (e.g. prophylactic episiotomy, performed on 15.2% of women giving birth in 2025¹⁶) and disregard for their birth preferences.

A recurring problem in the Czech maternity care system is the inadequate provision of midwifery care¹⁷, as well as the routine separation of newborns from their mothers immediately after birth without serious medical reasons and the failure to enable uninterrupted skin-to-skin contact (bonding).¹⁸

The Ministry of Health has yet to issue methodological guidance on the application of informed consent in healthcare.¹⁹ The Government has yet to adopt the maternity care reform strategy that has been in preparation since 2019.²⁰

The Committee on the Elimination of Discrimination against Women (CEDAW) also drew the Government's attention to these shortcomings in February 2026.²¹

Draft issue:

- Please provide information on the timetable for adopting the Government's maternity care reform strategy and indicate what specific measures the State is

15 Office of the Public Defender of Rights. 2022 Annual Report [online]. Brno: Office of the Public Defender of Rights, 2023 [retrieved on: 2026-08-12]. ISBN 978-80-7631-087-2. Available at: https://www.ochrance.cz/en/dokument/annual_report_2022/annual_report_2022.pdf.

16 [National Health Information Portal \(NZIP\), Selected healthcare indicators in maternity hospitals in the Czech Republic – data summary](#) (updated 27 July 2026).

17 For example, the number of postnatal visits that should have been provided in the first quarter of 2026 was 51,828. The number of postnatal visits actually provided equalled 2,958. See [Breastfeeding in the Czech Republic \(infographic\) | NZIP](#).

18 JÍROVÁ, Jana, *et al.* [Outdated] [Reproductive health: Newborns and care in the delivery room](#) [online]. Prague: Ministry of Health of the Czech Republic and Institute of Health Information and Statistics of the Czech Republic, 2023 [retrieved on: 2026-08-12]. ISSN 2695-0340.

19 Measure 4.3.1 of the [updated Gender Equality Strategy for 2021–2030](#), p. 191.

20 Office of the Government of the Czech Republic. [Working Group on Maternity Care recommends continuing discussions on the Strategy for the Development of Respectful Care for Mothers and Children](#) [online]. Prague: Office of the Government of the Czech Republic, 26 September 2025 [retrieved on: 2026-08-12].

21 UN Committee on the Elimination of Discrimination against Women. [Concluding observations on the seventh periodic report of Czechia](#), CEDAW/C/CZE/CO/7 [online]. 25 February 2026 [retrieved on: 2026-08-12].



taking to require informed consent for all obstetric procedures, ensure respectful care and the availability of midwifery care, and prevent the routine separation of newborns from their mothers by promoting bonding.

Planned lowering of the age of criminal responsibility for children (Articles 14 and 24 of the Covenant)

In its Policy Statement of January 2026, the Government stated that it would consider lowering the age of criminal responsibility.²² In July 2026, the Minister of Justice followed up with statements on reducing the minimum age from 15 to 14, or even 13.²³

The UN Committee on the Rights of the Child does not recommend lowering the 15-year age threshold.²⁴ Experience from countries such as Denmark, which first lowered the age threshold in 2010 and then raised it again in 2012, shows that the impact on the children concerned can be highly negative, including stigmatisation, threats to their future integration into society, and also impaired education.²⁵

The preparation of this change without documented expert analyses raises doubts as to the implementation of Article 24 of the Covenant and Article 14(4) of the Covenant.

Draft issue:

- Please clarify on the basis of what expert analyses the Government is considering lowering the age of criminal responsibility below 15 years, and provide information on specific preventive and reintegration measures that will be taken by the State to prevent stigmatisation and negative impacts on the development and education of children above and below the threshold of criminal responsibility.

²² Government of the Czech Republic. *Policy Statement of the Government of the Czech Republic* [online]. Prague: Office of the Government of the Czech Republic, 2026 [retrieved on: 2026-08-09]. Available at: <https://vlada.gov.cz/assets/vlada/programove-prohlaseni/programove-prohlaseni-vlady.pdf>.

²³ VACULÍK, Radim. To prison at thirteen. Tejc wants to push for a fundamental change in criminal responsibility. Novinky.cz [online]. 23 July 2026 [retrieved on: 2026-08-09]. Available at: <https://www.novinky.cz/clanek/domaci-do-vezeni-ve-trinacti-tejc-chce-prosadit-zasadni-zmenu-trestni-odpovednosti-40589033>.

²⁴ UN Committee on the Rights of the Child. *General comment No. 24 (2019) on children's rights in the child justice system*, CRC/C/GC/24, paragraph 22 [online]. 18 September 2019 [retrieved on: 2026-08-09]. Available at: <https://digitallibrary.un.org/record/3899429?v=pdf#files>.

²⁵ DAMM, Anna Piil, Britt Østergaard LARSEN, Helena Skyt NIELSEN and Marianne SIMONSEN. *Lowering the minimum age of criminal responsibility: Consequences for juvenile crime and education* [online]. Aarhus: Department of Economics and Business Economics, Aarhus University, 2017 [retrieved on: 2026-08-09]. Economics Working Papers, No. 2017-10. Available at: https://repec.econ.au.dk/repec/afn/wp/17/wp17_10.pdf.

Discrimination against children in access to education (Articles 2 and 24 of the Covenant)

Discrimination and spatial and educational segregation of vulnerable groups of children persist in the Czech Republic. There has been no systemic shift despite the Committee's recommendation of 2019.

Although Roma pupils make up on average only 3.9% of the primary school student population, in 135 specific primary schools they make up more than a third (33%+) of pupils. A serious disproportion persists in diagnosis and placement in special education: mild intellectual disability (MID) is diagnosed in 12.6% of Romani pupils (compared to 1.3% in the general population); as a result, Roma children make up 30.4% of all pupils educated in MID programmes. In the most burdened localities, up to 45.6% of Roma pupils attend special schools, often in places where the surrounding regular schools have large free capacities.²⁶

Moreover, the founders of mainstream public schools (in the Czech Republic, these are municipalities) are resistant to desegregation measures.²⁷

The inclusive education system also has shortcomings for children with disabilities, especially those with challenging behaviour. In some regions, the necessary capacities for these children are lacking and parents are often forced to move them to individual ("home") education.²⁸

The situation could be aggravated by the upcoming amendment to the Schools Act aimed at changing the establishment and funding of teaching assistants in mainstream schools.²⁹

²⁶ NĚMEC, Zbyněk *et al.* Segregation of Roma pupils in primary education in the Czech Republic: situation report, public version [online]. Prague: National Pedagogical Institute of the Czech Republic, 2025 [retrieved on: 2026-08-11]. Available at: <https://edu.gov.cz/segregace-romskych-zaku-v-zakladnim-vzdelavani-v-ceske-republice/>.

²⁷ National Pedagogical Institute of the Czech Republic. *Final Report Desegregation (2024–2026)* [online]. Prague: National Pedagogical Institute of the Czech Republic, 2026 [retrieved on: 2026-08-11]. Available at: https://zapojmevsechny.cz/storage/app/media/Z%C3%81V%C4%9ARE%C4%8CN%C3%81%20ZPR%C3%81VA%20DESEGREGACE%202024_2026.pdf.

²⁸ Office of the Public Defender of Rights and the Defender of Children's Rights. The State must stop the involuntary outflow of children with disabilities into home education, the Ombudsman's advisory body demands. Ombudsman [online]. Brno [cited] 2026-08-09]. Available at: https://www.ochrance.cz/aktualne/stat_musi_zastavit_nedobrovolny_odliv_deti_s_postizenim_do_domaciho_vzdelavani_zada_poradni_organ_ombudsmana/.

²⁹ Comments of the Defender of Children's Rights on the draft legislative act amending Act No. 561/2004 Coll., on pre-school, primary, secondary, higher vocational and other education (Schools

Draft issue:

- Please provide current data on the number of segregated Roma schools and classes, provide information about specific desegregation results at the municipal level and about inspections by the Czech School Inspectorate, and specify analyses used by the State to guarantee that the upcoming legislative amendment affecting teacher assistants will not worsen the conditions of education for children with special educational needs and will not lead to their involuntary transfer to home education.

Act), as amended, and certain other laws of 8 July 2026, File No. 36256/2026/S. Available at: <https://eso.ochrance.cz/Nalezene/Edit/14688>.

Joint adoption of a child by same-sex partners (Articles 2, 17, 23 and 26 of the Covenant)

The Czech Republic introduced the institution of partnership for same-sex couples in 2025, thus straightening out most of the legal differences with marriage.³⁰

However, the new regulation only allows for adoption of the other partner's child. Joint adoption (adoption of a minor child by both partners) remains prohibited for same-sex couples according to the prevailing legal interpretation.³¹ If both partners are to acquire the legal status of parents, the child must first be adopted by one of them as an individual and the other partner will then seek adoption in separate subsequent proceedings.

This two-stage process is administratively cumbersome and time-consuming. It creates an interim period during which the child does not have a legally recognised relationship with one of the persons who effectively exercises a parental role, which deprives the child of legal protection. The described difference in the regulation is not based on any individual assessment of the child's best interests, but solely on the applicants' sexual orientation.

The legislation raises doubts as to its conformity with the right to equal treatment and the prohibition of discrimination in connection with the duty to protect the family.

Draft issue:

- How does the Government assess the compatibility of the ban on joint adoption of children by same-sex partners with the right to equal treatment and the best interests of the child, and what specific steps is it planning to take and within what timeframe?

³⁰ Act No. 123/2024 Coll., amending Act No. 89/2012 Coll., the Civil Code, as amended, and other related laws.

³¹ Section 800 of Act No. 89/2012 Coll., the Civil Code.

Normalising medical interventions for intersex children (Articles 7, 17 and 24 of the Covenant)

In children with variations in sexual characteristics (intersex children), invasive and irreversible surgical or other medical procedures may be performed in medical practice to adjust the anatomy to a typically male or female body, without these procedures being immediately medically necessary to save life or health.

Although the prevailing interpretation of the national legislation infers that these non-acute operations cannot be performed on children without their own consent (even with the court's permission), in practice no one has verified whether healthcare facilities consistently comply with this standard.

Public data on the numbers, nature, indications and long-term impacts of these operations are completely lacking in the Czech Republic. An expert working group established by the Ministry of Health based on the Defender's recommendation from 2021³² has not yet fulfilled its primary task: to map and evaluate current practice in hospitals and, on this basis, to propose systemic measures that would ensure the postponement of non-acute medical procedures until the child is able to express free and informed consent.

This situation raises doubts as to the implementation of Articles 7, 17 and 24 of the Covenant.

Draft issue:

- Please provide information on the results of mapping and expert evaluation of hospitals' practice regarding the performance of normalising interventions for children with variations in sex characteristics (including available disaggregated data on their number, nature and indications) and provide information on specific systemic measures and their timeframe adopted by the State to prevent the performance of medically non-acute irreversible interventions without free and informed consent of the child itself.

³² Recommendation of the Public Defender of Rights, *The situation of people with variations of sexual characteristics and their families* of 27 August 2021, File No. 54/2021/OZP, available at: <https://eso.ochrance.cz/Nalezene/Edit/9602>.

Protection against conversion practices (Articles 2, 7, 17, 24 and 26 of the Covenant)

Conversion practices – aimed at changing, suppressing or limiting sexual orientation or gender identity – are recognised in the international environment as harmful and scientifically unfounded.

In response to the European Citizens' Initiative, the European Commission pledged to recommend that EU Member States ban them.³³ According to available data, up to 37% of LGBTIQ+ people in the Czech Republic have experienced these practices.³⁴

The Czech Republic has yet to adopt an explicit ban on conversion practices or their promotion, advertising or commercial offering. Healthcare and criminal law do not cover all forms of these practices, especially when offered outside healthcare by religious or private entities. There are also no mechanisms to monitor their occurrence or support victims.

Draft issue:

- Please provide information about planned legislative changes aimed at explicitly prohibiting the implementation, promotion and commercial offering of conversion practices in the Czech Republic and specify what specific data the State records on the occurrence of these practices and what measures it adopts to support their victims.

33 The European Commission press release of 13 May 2026 is available at:
https://ec.europa.eu/commission/presscorner/api/files/document/print/en/ip_26_1070/IP_26_1070_EN.pdf.

34 European union agency for fundamental rights (FRA): LGBTIQ Survey III 2024. Available at:
<https://fra.europa.eu/en/publications-and-resources/data-and-maps/2024/eu-lgbtqi-survey-iii?visualisation=map&topic=5&indicator=C18&answer=01.%20yes&subset=0&subsetValue=0&subsetB=0&subsetBValue=0>.

Repeated interviewing of minor victims and witnesses in criminal proceedings (Articles 14 and 24 of the Covenant)

National law³⁵ requires that minor victims and witnesses should, as a rule, be interviewed only once, with particular sensitivity, in the presence of a body for social and legal protection of children or another expert, and using an audiovisual recording, and that the interview should be conducted in such a manner that it normally need not be repeated in subsequent proceedings. The legal regulation thus places the protection of the child from secondary victimisation above the procedural principles of orality and immediacy.

However, in the practice of Czech criminal justice, children are routinely interviewed repeatedly and without justification. In 2025, the Supreme Court corrected the procedures of lower courts in the case of a minor victim who had to testify a total of seven times in single criminal proceedings, and the lower courts did not see any error in this procedure.³⁶

The main causes of repeated interviewing include the low professional quality of the initial interview, procedural errors (e.g. failure to ensure the participation of the accused person's defence attorney in an urgent action), failure to use audiovisual recordings, inconsistent practice of criminal justice authorities, and insufficient use of specialised interrogation rooms and trained experts. Moreover, the State does not conduct systematic monitoring and lacks data on the number of interviews of children and the degree of actual use of audiovisual recordings in court proceedings.

Draft issues:

- Please provide disaggregated statistical data on the practice of interviewing minor victims and witnesses in criminal proceedings (including the number of repeated interviews, the proportion of interviews carried out in specialised children's interrogation rooms and the frequency of use of personal examination in court instead of playing an audiovisual recording).

³⁵ Section 102 of Act No. 141/1961 Coll., on criminal court proceedings (the Code of Criminal Procedure); Section 20 of Act No. 45/2013 Coll., on victims of crime and amending certain laws (the Victims of Crime Act).

³⁶ Judgement of the Supreme Court of 10 April 2025, File No. 30 Cdo 2865/2024, No. 17/2026 Coll., available at: <https://sbirka.nsoud.cz/sbirka/25355/>; Supreme Court. According to the Supreme Court, it is necessary to consider whether repeated interviewing of minor victims of sexual crimes is necessary and whether it might increase the risk of further traumatising. Supreme Court of the Czech Republic [on-line]. Brno [retrieved on: 2026-08-09]. Available at: <https://www.nsoud.cz/pro-verejnost-a-media/tiskove-zpravy/detail/podle-nejvyssiho-soudu-je-nutne-zvazit-zda-jsou-opakovane-vyslechy-nezletilych-obeti-sexualnich-trestnich-cinu-nezbytné-a-zda-neohrozuji-jejich-dalsi-traumatizaci>.

- Provide information on specific measures to strengthen intersectoral co-ordination, to ensure compulsory education of criminal justice authorities and to provide a guarantee of a one-time, sensitive interview that prevents secondary victimisation of children.

Effective investigation of ill-treatment of children with intellectual disabilities in residential care (Articles 2, 7, 24 and 26 of the Covenant)

In its 2026 judgement, the Constitutional Court³⁷ commented in detail on the duties of criminal justice authorities in investigating suspected ill-treatment towards children and adults with intellectual disadvantage in residential social services facilities.

The Constitutional Court emphasised that the authorities had to consistently take into account the extraordinary vulnerability of victims, their specific communication needs, dependence on staff, the institutional context of long-term violence and the potential liability of providers as legal persons. According to the Constitutional Court, a decision on the discontinuation or termination of criminal prosecution in these cases must be conclusively justified.

However, it is not yet clear how these requirements formulated in case law are systematically reflected in the methodological guidance, education and everyday practice of the police and Public Prosecutor's Office.

This raises doubts as to the fulfilment of the State's obligation to ensure effective and thorough investigation of ill-treatment under Article 7 in conjunction with Article 26 of the Covenant.

Draft issue:

- Please state what methodological, organisational or other systemic measures the Czech Republic has adopted to ensure that criminal justice authorities consistently take into account the requirements established by the Constitutional Court when investigating suspected ill-treatment of people with severe intellectual disabilities in residential social services, in particular as regards the vulnerability of victims, their specific communication needs, institutional context of violence and liability of legal persons.

37 Judgment of the Constitutional Court of 25 March 2026, File No. [II. ÚS 3027/24](#). The Constitutional Court cancelled measures taken by the police body and the notices made by Public Prosecutor's Offices, whereby these authorities had discontinued the examination of physical and mental violence committed by the employees of a residential facility against clients with severe disabilities, considering this conduct to be merely an administrative infraction. The case was referred back to the relevant criminal justice authority for new proceedings with the duty to reflect on these specific circumstances.

Trafficking in children (Articles 8, 9 and 24 of the Covenant)

There is no specialised support and protection programme for child victims of human trafficking in the Czech Republic. The State protection programme is available exclusively to persons over 18 years of age.

The conclusions of the October 2024 evaluation report by the Group of Experts on Action against Trafficking in Human Beings (GRETA)³⁸ confirm systemic shortcomings in the treatment of child victims:

- There is a lack of accommodation at a secret address and trained staff to work with them, which is especially alarming given the growing number of unaccompanied children.
- The procedure for identifying (potential) victims and providing protection depends on whether the authorities initiate criminal proceedings on the grounds of a trafficking offence.
- The State does not have any official statistics on child victims of trafficking (for the purposes of sexual and other exploitation).

This situation raises doubts as to the fulfilment of the obligations under Articles 8, 9 and 24 of the Covenant.

Draft issues:

- Please provide information on the measures and timeframe for establishing a specialised programme of support and protection for child victims of trafficking (including secret accommodation).
- Explain how the authorities legally and practically guarantee that the identification of a child victim and access to protection takes place independently of their participation in criminal proceedings, and provide statistics on the number of identified child victims, disaggregated by age, gender, origin and form of exploitation.

Martin Beneš
Defender of Children's Rights
(signed electronically)

³⁸ GRETA – Group of Experts on Action against Trafficking in Human Beings. *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Czech Republic. Second Evaluation Round*, GRETA(2024)11 [online]. Strasbourg: Council of Europe, 2024 [retrieved on: 2026-08-09]. Available at: <https://rm.coe.int/greta-report-on-the-implementation-of-the-council-of-europe-convention/1680b1ea58>.