

**Implementation of the Views of the Committee on the Rights of the Child
in case no. 139/2021 – *B.J. and P.J. v. the Czech Republic***

**Report submitted by the Government of the Czech Republic
on 26 August 2025**

In its Views of 15 May 2023, the Committee on the Rights of the Child (“the Committee”) held that there was a violation of articles 3 (1), 9 (1–3), 12 and 37(b) of the Convention on the Rights of the Child (“the Convention”). The case concerned the placement of two siblings in institutional care due to concerns about their health and ensuring their school attendance.

The Government of the Czech Republic (“the Government”) submitted their report on the implementation of the Committee’s Views on 15 December 2023. In its “Follow-up progress report on individual communications” of 12 February 2025, the Committee decided to invite the Government to submit further information on the implementation of the Views to comply with the general measures.

The present report is intended to inform the Committee of general measures that have been or are planned to be adopted to give effect to the present Views. The Government will also provide up-to-date information on the issue of individual measures.

I. INDIVIDUAL MEASURES

As the Government stated in their report of 15 December 2023, Article 12 of the new Statute of the Government Agent for the Representation of the Czech Republic before International Human Rights Bodies, approved by the Czech Government on 14 June 2023 ([see Annex to Government Resolution No. 420 of 14 June 2023](#)), according to which it is possible to provide monetary compensation to an individual if a UN Committee found a violation of his or her rights and freedoms and, at the same time, it appears to be an appropriate form of reparation or mitigation in view of the circumstances, cannot be applied to the Views in question. The use of the compensation mechanism is not possible due to the time factor, as the Committee’s Views were issued before the entry into force of the Statute.

In their comments of 21 May 2024 on the Government’s report of 15 December 2023, the authors stated that due to the failure to adopt individual measures of reparation in the form of financial compensation, they brought an action before an administrative court against the “decision” of the Ministry of Justice/the Government on the impossibility of using the above-mentioned domestic mechanism for compensation for non-pecuniary damage.

The Government inform the Committee that on 12 June 2024 the Prague Municipal Court dismissed the above action (Ref. No. 17 A 45/2024). The authors’ cassation appeal was dismissed by the Supreme Administrative Court on 30 April 2025 ([Ref. No. 7 As 127/2024](#)). Referring to its earlier case law (judgment of 22 November 2018, Ref. No. 1 As 365/2018-59), the Supreme Administrative Court stated that UN Committees are quasi-judicial international bodies established to resolve international disputes, but differ from judicial bodies primarily in that the outcomes of their activities are binding in the form of a legally non-binding, albeit *de facto* respected, views. Given the sovereign status of the Contracting parties, the views are not

binding in nature, which makes them substantially different from the judgments of international courts. At the same time, however, the views of the UN Committees are the authoritative result of an assessment of a specific matter by an independent and impartial body to which the contracting parties have entrusted decision-making power, albeit non-binding. They represent an expert view on how the rights and freedoms under the relevant Convention should be interpreted and applied in practice. The UN Committee's views do not establish the existence of a public subjective right to adequate monetary compensation. The Prague Municipal Court correctly assessed the claim for adequate monetary compensation as a matter of private law, where the courts deciding in civil proceedings, rather than administrative courts, have jurisdiction.

Therefore, the situation remains that there is no legal basis for the Ministry of Justice/the Government to pay monetary compensation to the authors in the present case.

II. GENERAL MEASURES

In its report of 12 February 2025, the Committee invited the Government to provide further information on the steps taken to comply with the general measures of reparation, particularly regarding guarantees of placement procedures (to institutional care) and legal representation of children.

A. TRAINING OF PROFESSIONALS

The Office of the Government Agent continues to raise awareness of the violations of the Convention identified in the Committee's Views. The family law judges were informed about the Views at seminars held by the Judicial Academy [in January 2025](#) and [in March 2025](#). Another similar seminar will take place in January 2026.

B. LEGISLATIVE CHANGES

As stated in the previous Government's report of 15 December 2023, the lack of effective legal representation of the child where there is a potential conflict of interest between the parties has been identified as a general problem.

A change of the system of guardianship is an integral part of implementation of the Views in the new Act on Child Protection and Family Support, which is being prepared by the Ministry of Labor and Social Affairs. Details of the bill are available [here](#). The new Act will also include changes relating to institutional care.

III. CONCLUSION

The Government will continue their efforts to implement the Views and are ready to maintain a follow up dialogue with the Committee in order to discuss implementation of the Views.