

**Statement of the Government of the Czech Republic on the decision of  
the European Committee of Social Rights in case no. 148/2017 –  
– *International Commission of Jurists (ICJ) v. Czech Republic*  
submitted on 23 February 2021**

In its decision of 20 October 2020, the European Committee of Social Rights (“ECSR”) held that the failure to ensure mandatory legal assistance for children below the age of criminal responsibility in the pre-trial stage of proceedings and the failure to provide alternatives (diversion) to formal judicial proceedings for them constitute a violation of Article 17 of the European Social Charter of 1961.

The Ministry of Justice, responsible for the coordination of the implementation of the ECSR’s decisions, will publish the translation of the decision into Czech on the website of the Ministry. Besides that, the translated decision and its legal summary have already been sent to the national authorities concerned, in particular the Constitutional Court, the Supreme Court, the Prosecutor General’s Office, the Ministry of Labour and Social Affairs and the Police Headquarters.

Even before the delivery of the Committee’s decision, the Government Agent, following judgment of the European Court of Human Rights (“Court”) in the case of *Blokhin v. Russia*, (no. 47152/06, judgment [GC] of 23 March 2016) and the communication of the collective complaint to the Government, initiated a wide-range discussion on the issue.

Thus, the impact of the above judgment on the Czech legislation and practice has been discussed by the Committee of experts for the execution of judgments of the Court and implementation of the Convention.<sup>1</sup> Moreover, the Committee of experts set up a Working group to reflect on how to bring the proceedings for children below the age of criminal responsibility into conformity with the relevant international human rights obligations of the Czech Republic.

Besides that, the topic was also addressed by the Government Council for Human Rights’ Committee for the Rights of the Child.

The Committee of experts and the Working group postponed their activities until the ECSR adopt its decision on the collective complaint. Now, the topic will be again included on the agenda and discussed at the next meeting of the Committee of experts which will take place in May 2021.

In the circumstances, the Government of the Czech Republic conclude that the process of implementation of the ECSR’s decision has been initiated, and will keep the Committee of Ministers and/or the ECSR informed about its progress.

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<sup>1</sup> The Committee of experts for the execution of judgments of the European Court of Human Rights and the implementation of the European Convention on Human Rights (“Committee”) has been established as a follow-up to the obligation to reinforce the implementation of the Convention at the national level agreed by and between the Contracting Parties to the Convention at the High-level Conference on the “Implementation of the European Convention on Human Rights, our shared responsibility” of 27 March 2015 (also known as “the Brussels Declaration”). The Committee has the status of the Government Agent’s advisory body which serves as a forum for analysing and formulating recommendations to the authorities in terms of suitable measures to be adopted for the purpose of implementing the Court’s judgments. Since the Government Agent started in 2017 to represent the Czech Republic also in proceedings before the European Committee for Social Rights and UN Treaty bodies, the Committee of experts extended its focus also on the implementation of the decisions of these bodies. The Committee of experts is composed of representatives of all ministries, Parliament, highest courts, Office of the Supreme Public Prosecutor, Office of the Public Defender of Rights, academia and members of various non-governmental organizations operating in the field of human rights.