

MINISTRY OF JUSTICE OF THE CZECH REPUBLIC

Vyšehradská 16, 128 10 Prague 2

Supervision and Disciplinary Agenda Division

Dear Mrs. Zuzana Andreatta

DS ID: djvav9g

YOUR LETTER No.: FROM:

OUR ref.: MSP-209/2025-ODKADOH/5

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Dear Mrs. Andreatta, on behalf of the Minister of Justice, JUDr. Pavel Blažek, Ph.D., we are responding to your submission dated 19 March 2025, marked as "Psychological violence in the family, by OSPOD, by judges - proposals for measures", in which you send a comprehensive report in which you describe in great detail and with personal commitment the problems you have encountered in the system of protection of children's rights, activities of child welfare authorities (OSPOD) and judicial practice in guardianship matters.

First of all, please accept the information that the Ministry of Justice is the central body of the state administration for courts, public prosecutor's offices, prison services, probation and mediation, conflict of interest and whistleblower protection, while performing only tasks directly related to its statutory competences exclusively in the above-mentioned areas of state administration of justice. In connection with this, it must be stated that **the agenda of the activities of the authorities of social and legal protection of children (OSPOD) falls under the responsibility of the Ministry of Labour and Social Affairs (MoLSA). The Ministry of Justice does not have the power to intervene in the execution of this agenda.**

As far as the competences of the Ministry of Justice in relation to the courts are concerned, it can be briefly stated that they are strictly set out in Act No. 6/2002 Coll., on Courts, Judges, Assessors and State Administration of Courts and on the Amendment of Certain Other Acts (Act on Courts and Judges),

in particular with regard to the principle of judicial independence enshrined in the Constitution of the Czech Republic. According to this Act, the Ministry monitors and evaluates the procedure of high, regional and district courts in proceedings and decision-making **only from the point of view of compliance with the principles of dignity of conduct, judicial ethics and whether there are unnecessary delays in proceedings.**

According to Section 164 et seq. of the Act on Courts and Judges, natural and legal persons may turn to the state administration of courts **with complaints only if they concern delays in proceedings, inappropriate behaviour of judicial persons or violation of the dignity of proceedings before the court.** We note that **complaints cannot be used to seek a review of the court's procedure in the exercise of its independent decision-making activity.** If you believe that your proceedings are delayed, contains inappropriate behaviour of judicial persons or violation of the dignity of proceedings before the court, do not hesitate to file a complaint. **The presiding judge of the court where the proceedings are conducted is competent to deal with the complaint.**

However, we would like to emphasise that **the state administration bodies of the court**, i.e. the presiding judges and the Ministry of Justice, **are not entitled to review court decisions** issued in proceedings under the Code of Civil Procedure or other procedural rules. **Neither the local authority nor the minister himself can enter into specific court proceedings and influence the procedure of the courts or individual decisions.**

On the basis of an appeal, only courts can **assess, review and evaluate the procedure of courts and issued court decisions, including in terms of their legality**, namely higher courts in relation to lower courts. Procedural rules give the parties the opportunity to defend themselves against court decisions by means of ordinary and extraordinary remedies.

We note that your report containing negative findings from practice is indeed extensive. We appreciate that you have taken the time to describe in detail the individual cases and the systemic deficiencies you have identified. Your perspective from practice is valuable to us, as it brings specific experience that can help to gain a deeper understanding of the impact of the current setting of legislation and the functioning of individual institutions. In this respect, we can assure you that the local authority is intensively involved in the protection of children's rights and family law and, if necessary, tries to adopt appropriate legislative changes.

Dear Mrs. Andreatta, we would like to conclude by adding that we have accepted your report as **an incentive to carry out supervisory activities over the activities of the courts.** We also noted it as **an inspiration for considering possible legislative changes.** We appreciate your commitment and interest in improving the system of protection of children's and family rights in the Czech Republic. We believe that an open dialogue between citizens and institutions is a key prerequisite for positive change.

Yours truly

JUDr. Ivana Borzová

Head of the Judicial Oversight Unit