



dětský ombudsman
ochránce práv dětí

Sp. zn. 42/2025/DO/TK
Č. j. KVOP-35607/2025
Datum 11. srpna 2025

Vážená paní
Ing. Zuzana Andreatta
Ke Kapličce 387
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Dear Engineer,

I am responding to your submission in which you draw attention to the risks of the upcoming amendment to the Civil Code in relation to the regulation of the custody of children. I have studied your suggestion and listened to the recording of the Round Table in the Chamber of Deputies on the topic "The guardianship system in the Czech Republic, current practice – shortcomings – necessary changes". I have also read the letter and the analysis you addressed to the Constitutional Court of the Czech Republic.

I appreciate that you are not indifferent to the fates of children living in the Czech Republic and the legislation that affects them. It is clear from the documents sent that you are dealing with the topic in detail and that you care about it.

The adoption of this amendment is accompanied by extensive discussions among experts and the general public. However, the Deputy Children's Ombudsman is among those who support its adoption. He expressed his support for the adoption of the amendment in a press release at the beginning of July this year and called on senators to support the amendment.¹

The amendment reflects changes in society and the functioning of family and partner relationships and tries to understand family life more as a private law matter. It also contains elements that should significantly speed up the process of decision-making on children's matters, which is more than desirable. We can see from practice that lengthy court proceedings do not contribute to the best interests of the child.

He also sees the abandonment of the distinction between the concepts of joint, alternating and exclusive (sole) custody as a step in the right direction. In this way, the legislator points out, first, that divorce or breakdown of a partnership does not automatically change parental responsibility and the child's right to care for both parents. It also aims at the psychological aspect of naming types of care and thus perhaps reducing cases of competition between parents to achieve a certain type of care just because of its designation.

1

https://www.ochrance.cz/aktualne/odzvony_telesnym_trestum_a_zjednodusme_rozvedy_vyzyva_senatory_novy_zastupce_detskeho_ombudsmana_schorn/

The Deputy Children's Ombudsman also supported the amendment because it explicitly enshrines the principle of unacceptability of corporal punishment of children and their mental suffering and other degrading measures. He emphasized that physical punishment cannot be used as an educational tool in the 21st century.

Dear Engineer, although we are not in agreement with the appropriateness of adopting the amendment to the Civil Code, we appreciate the trust you have shown us.

Kind regards

Mgr. Petra Šuplerová

Deputy Director of the Legal Section for the agendas of the Children's Ombudsman

(signed electronically)