EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX

Case Document No.5

International Association Autism-Europe v. Czech Republic
Complaint No. 245/2025

GOVERNMENT'S RESPONSE TO THE OBSERVATIONS OF THE PUBLIC DEFENDER OF RIGHTS ON THE MERITS

Registered at the Secretariat on 19 January 2026



CZECH REPUBLIC

RESPONSE OF THE GOVERNMENT TO THE OBSERVATIONS SUBMITTED BY THE PUBLIC DEFENDER OF RIGHTS AND DEFENDER OF CHILDREN´S RIGHTS ON THE COLLECTIVE COMPLAINT

AUTISM-EUROPE v. the CZECH REPUBLIC
(no. 245/2025)

PRAGUE

19 JANUARY 2026

1. In response to the letter of 3 December 2025 regarding the above-mentioned collective complaint lodged with the European Committee of Social Rights ("the Committee"), in which the Committee transmitted to the Government of the Czech Republic the third-party submissions made in this case by the Czech Public Defender of Rights and the Defender of Children's Rights ("the Ombudsmen"), the Government, maintaining their position expressed in their initial observations of 31 October 2025 ("the Government's initial observations"), wish to submit the following additional comments.

I. GENERAL REMARKS

2. The Government first and foremost emphasize that they greatly appreciate the role that ombudsmen play in protecting the rights of persons with disabilities and highly value their expertise.

3. With regard to their present third-party submissions, the Government note that their relevance for the collective complaint in hand is nonetheless weakened by three aspects: *first*, by their time reference, *second*, by their factual basis, and *third*, by their dominant reliance on an instrument of international law on which the collective complaint in question is not based. In the following text, the Government will address each of these issues separately.

(i) Time reference of the Ombudsmen's submissions

4. *First*, the Government deem it important to point out that the Ombudsmen's submissions are based to large extent on the findings of the Public Defender of Rights from a relatively more distant past. To give examples, in order to evidence their claim concerning a lack of appropriate social services for people with disabilities, and the absence of corresponding strategy documents and planning, the Ombudsmen refer to the surveys of the Public Defender of Rights, reports and recommendations from 2018 (page 5 of the Ombudsmen's submissions), 2020 (*ibid.*, page 6), 2019 (*ibid.*, page 7), 2018 (*ibid.*, page 9), 2019 (*ibid.*, page 10), 2020 (*ibid.*, pages 11 and 12) and 2018 (*ibid.*, page 14). In other words, the Ombudsmen's submissions rely on documents issued in the period 6–8 years ago, whereas the situation in several of the respective areas has changed significantly in the meantime, as evidenced by the Government's initial observations.

(ii) Factual basis of the Ombudsmen's submissions

5. *Second*, the findings of the Public Defender of Rights in this area stem primarily from the regular visits of the representatives of this institution conducted in the facilities where people may be deprived of their liberty, including in residential health and social services facilities (see § 2 of the Ombudsmen's submissions). At the same time, the Government find it necessary to highlight that the Public Defender of Rights carries out only a limited number of these visits each year. For example, in years 2017–2020, his representatives have visited 9 homes

for persons with disabilities,[1] whereas the overall number of these facilities in 2019 was 204 (see § 98 of the Government's initial observations). Therefore, the Government are of the opinion that the results of these visits cannot serve as a comprehensive basis for full and reliable assessment of the functioning of the Czech system of social services for people with disabilities as such.

(iii) Legal reference of the Ombudsmen's submissions

6. And *third*, in terms of legal argumentation, the Ombudsmen's submissions rely to a decisive extent on the Convention on the Rights of Persons with Disabilities ("CRPD"), whereas the collective complaint alleges a violation of various provisions of the European Social Charter ("the Charter"), read alone or in conjunction with the Preamble to the Charter. The Ombudsmen emphasize this themselves explicitly (see § 6 of his observations). In this connection, the Government recall that while the CRPD might reflect existing trends in comparative European law in the sphere of disability policies, the task of the Committee is to assess whether the State Party in questions conforms to the normative content of the Charter (e. g. *FIDH v. Belgium*, collective complaint no. 75/2011, decision on the merits of 18 March 2013, §§ 111–112).

II. SPECIFIC REMARKS

7. As for the specific areas addressed by the Ombudsmen's submissions, the Government refer fully to their initial observations, in particular to the parts concerning provision of care for persons with high care needs (see §§ 137–147 of the Government's initial observations), support for informal caregivers (*ibid.*, §§ 151–157), and strategic documents of the state in the area of social services for people with disabilities (*ibid.*, §§ 67–71 and 202–215).

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[1] See the summary report of the Public Defender of Rights from the visits in homes for persons with disabilities, issued in 2020, available at https://share.google/dAp8UnRebsjeHAXiz.