

New Challenges for the Ombudsman Institution in the Czech Republic**

Abstract

The paper introduces some new challenges that await the Czech Ombudsman concerning protecting individual rights. They have recently been transformed into a human rights institution, and a new ombudsman institution, the Children's Ombudsman, has been established, with whom the Ombudsman will have to cooperate.

In the first part of the paper, I describe what competences have been entrusted to the Ombudsman in the past and how they have changed the view of the institution, with an emphasis on those that are relevant for the protection of individual rights. In the second part, the paper analyses what it means for the ombudsman institution to shift its focus from protection against maladministration to the protection of human rights, and what impact the establishment of the Children's Ombudsman may have on its activities.

Keywords: Ombudsman, Children's Ombudsman, national human rights institution, equality body, national preventive mechanisms, protection of individual rights

* Anna Chamráthová Richterová (JUDr., Ph.D.) is an assistant professor at Masaryk University, Faculty of Law, Department of Administrative Law and Administrative Science. The presentation of the paper was funded by a grant from Masaryk University, Faculty of Law, which supports the internationalisation of academics. ORCID 0009-0001-2037-5227.

** The paper is based on the research of the author presented at the conference Individual Autonomy, Fundamental Rights and Institutional Safeguards in Budapest, 29–30 May 2025. Participation at the conference was funded by a grant from Masaryk University, Faculty of Law, which supports the internationalisation of academics.

I Introduction

The Czech ombudsman institution is called the Public Defender of Rights and was established 25 years ago, not by the Constitution but by an ordinary act of Parliament.¹ It is important to mention that its role and purpose were thus defined solely by the Ombudsman Act. There is, therefore, no clear, difficult-to-change constitutional regulation. The Public Defender of Rights was conceived as a body providing rapid, inexpensive, and informal assistance to individuals who lack legal training in cases where public administration acts in a manner that violates not only the law but also the principles of good governance and the democratic rule of law.²

However, in the 25 years of their existence, the institution has undergone a fundamental transformation, with new competences gradually being entrusted to them.³ The final important change happened in the spring of 2025.⁴ They were transformed into a human rights institution, and a new ombudsman institution was established, the Public Defender of Children's Rights (Children's Ombudsman), with whom the Public Defender of Rights will have to cooperate.⁵

¹ Act no. 349/1999 Coll., the Act on the Public Defender of Rights, currently named the Act on Public Defender of Rights and the Public Defender of Children's Rights (hereinafter 'the Ombudsman Act').

² Explanatory notes to the Ombudsman Act 14, Sec 1 (1) of the Ombudsman Act in the Original version.

³ Anna Chamráthová Richterová, 'Postupná proměna instituce veřejného ochránce práv' [*The Gradual Transformation of the Public Defender of Rights Institution*] in Anna Chamráthová Richterová, Jiří Valdhan, Eva Lásková (eds), *Dny práva 2019. 20 let zákona o veřejném ochránci práv* [*Days of Law 2019. 20 years of the Ombudsman Act*] (Masarykova univerzita 2020, Brno, 64–78) 64–71 and Vladimír Sládeček, 'Nad návrhem novely zákona o Veřejném ochránci práv' [*On the draft of an amendment to the Public Defender of Rights Act*] (2024) 57 (8) *Správní právo* 542–549, 543–544.

⁴ At the time of writing this article, further changes to the institution are happening. The Public Defender of Rights should undertake the tasks of a monitoring mechanism in connection with the initial screening of foreigners and asylum procedures at the borders in accordance with the European Union legislation, and that from June 2026 (Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 and Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU).

The institution also became a body protecting fundamental rights in relation to the use of high-risk AI systems in August 2025 ('Akt o umělé inteligenci a jeho přínosy' [*The Artificial Intelligence Act and its benefits*] (2024) The Government Office of the Czech Republic <<https://digitalnicesko.gov.cz/ai-akt/>> accessed 31 October 2025) and its role as an equality body will undergo some changes (Personal correspondence with Jaroslav Švoma from 22 August 2025).

The first-mentioned task slightly expands and further refines the pre-existing task of monitoring the detention of foreign nationals, which the paper mentions later. The two other tasks lack a more precise definition, so it is difficult to provide any substantive analysis of them. Therefore, the paper does not deal with them in further detail.

⁵ The Ombudsman Act, as amended by the Act no. 77/2025 Coll.

The definition of the role of the Czech ombudsman institution is thus changing and evolving. The paper aims to analyse new challenges that await the institution, focusing on the protection of individual rights. The first part will describe what competences have been entrusted to the Public Defender of Rights in the past and how they have changed the view of the institution, with an emphasis on those that are relevant for the protection of individual rights. Specifically, this will include the Public Defender of Rights' role as a national preventive mechanism, an equality body, and the protection of the rights of persons with disabilities. In the second part, the paper will analyse what it means for the ombudsman institution to be a national human rights institution⁶ and what impact the establishment of the Public Defender of Children's Rights is likely to have on the institution's activities. The presentation will also explore the involvement of vulnerable groups of people in the activities of the ombudsman institution.

II From the beginning to the current changes

1 Original mandate

As I have already mentioned, the original main task of the ombudsman institution was to protect people against maladministration conducted by official authorities.⁷ The Ombudsman Act also suggested that the institution should contribute to the defence of fundamental rights and freedoms by doing so. The Public Defender of Rights was intended to provide general recommendations to public administration and to investigate individual cases on their own initiative or on the basis of complaints lodged by members of the public. Thus, the institution complied with the Venice Principles on the Protection and Promotion of the Ombudsman Institution, which demand that it play an important role in strengthening democracy, the rule of law, good administration, and the protection and promotion of human rights and fundamental freedoms.⁸ The importance of this task was also expressed by the United Nations in 2020⁹ and by the International Ombudsman Institute in 2021.¹⁰

⁶ Hereinafter, 'NHRI'.

⁷ Cf. Sec 1 of the Ombudsman Act.

⁸ Council of Europe, 'Principles on the protection and promotion of the ombudsman institution' opinion no. 897/2017, 3 May 2019.

⁹ The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law, GA Res 75/186, 72nd sess, UN DOC A/RES/75/186 (16 December 2020).

¹⁰ International Ombudsman Institute, 'By-Laws', 25 May 2021.

The aforementioned remained the main task of the body for several years,¹¹ and the institution became immensely popular.¹² This was partly because of the person holding the office, Otakar Motejl, who was distinguished and admired by the general public, public administration and experts.¹³

2 Entrusting new competences¹⁴

Five years later, the institution became a national preventive mechanism, whose task was the protection of people restricted in their freedom by public authorities, or as a result of their dependence on care provided to them. The Public Defender of Rights should systemically visit places where such people are or may be confined¹⁵ to strengthen the protection of the latter against torture, or cruel, inhuman and degrading treatment, or punishment and other forms of ill-treatment. Although it may not seem so at first, this represented a considerable change in the concept of the Ombudsman's activities and in the paradigm that its sole purpose is to protect members of the public against public administration.

This new task was not only concerned with investigating the conduct of official authorities but also with investigating anybody operating a detention facility, even private individuals.¹⁶

Four years later (2009), the institution became the equality body tasked with protecting against discrimination, a broad competence concerned with conduct in the public and private spheres.¹⁷ In 2011, the Ombudsman also started to monitor the detention of foreign nationals and the enforcement of administrative expulsion, transfer or transit of detained foreign nationals, as well as the punishment of expulsion imposed on foreign nationals placed in expulsion custody or serving prison sentences.¹⁸

Another problem arose in 2010 when O. Motejl died and P. Varvařovský took over the position. The expert community saw him as likely to continue O. Motejl's legacy since he 'took over the office as it was and did not interfere too much in management processes'.¹⁹

¹¹ Eg, interview with Anna Šabatová for the journal *Státní zastupitelství* (2014) 12 (3) 6–9, 7.

¹² They were also entrusted with several special competences regarding the legislation, complementing their potential to influence public administration. For further details, see, eg the original text of the Ombudsman Act or Chamráthová Richterová, 'Postupná proměna instituce' 64–71.

¹³ Šabatová, 'Interview' 7, Lucie Šimáčková, 'Činnost Veřejného ochránce práv při ochraně před diskriminací a jeho úspěchy v této oblasti' [*The Activity of the Public Defender of Rights in Protection against Discrimination and Their Successes in this Area*] (MA thesis, Masaryk University 2025) 79.

¹⁴ Apart from the competences mentioned in the paper, a few other ones were entrusted to the institution. However, as these competences are not directly relevant, I decided not to cover them due to the length and content of the paper. For further details, see Chamráthová Richterová, 'Postupná proměna instituce' 64–71. Hereinafter, 'detention facilities'.

¹⁵ The Ombudsman Act, as amended by the Act no. 381/2006 Coll.

¹⁷ The Ombudsman Act, as amended by the Act no. 198/2009 Coll., the Antidiscrimination Act.

¹⁸ The Ombudsman Act, as amended by the Act no. 427/2010 Coll.

¹⁹ Šabatová, 'Interview' 7.

His personal situation may have contributed to this, as he resigned three years later, citing unspecified personal and work-related reasons.²⁰ However, the opinion of the expert community differed from that of the general public, as trust in the office plummeted.²¹

In 2014, a new Public Defender of Rights was elected, A. Šabatová. As a human rights expert, she welcomed the new role of the institution as an equality body. She proposed a shift in its concept from purely protection against maladministration to a greater emphasis on the general protection of human rights.²² Her concept and the practical steps she took provoked media outrage, as it was inferred that the ombudsman institution was interfering with individuals' private businesses rather than protecting them against maladministration, thereby deviating from the perceived ideal role of this office.²³ What is noteworthy is that, despite the media image, trust in the office gradually rose again; at the end of her mandate, the level was comparable to that during O. Motejl's tenure.²⁴

Four years later (2018), the Public Defender of Rights was entrusted with two new competences in matters related to the freedom of movement of citizens of the European Union and the implementation of the international treaty on the rights of persons with disabilities. The latter signified another change in performance, as they were obliged to establish an advisory body composed of persons with disabilities and persons defending their rights and interests, and to cooperate with this body.²⁵

I conclude that in 2020, another Public Defender of Rights, S. Křeček, a former Deputy of the Public Defender of Rights, was elected to succeed A. Šabatová, whose mandate had ended. He may be considered a controversial figure due to his disputes with A. Šabatová over the concept of the institution during his time as Deputy, and due to his disputes with his own Deputy, M. Šimůnková, from whom he withdrew all of her workload in 2022.²⁶ Although his election and the withdrawal of his Deputy's workload attracted substantial negative media attention,²⁷ trust in the institution during his term remained stable at a level similar to that in A. Šabatová's term.²⁸

²⁰ Interview with Pavel Varvařovský in ČT24 on 20 December 2013 <<https://ct24.ceska televize.cz/clanek/archiv/ombudsman-o-sve-rezignaci-bylo-to-takove-skladani-stripku-322557>> accessed 31 October 2025.

²¹ Due to official public opinion surveys, it fell from 68% during the time of O. Motejl to 5–11%. See Šimáčková 77. However, I dare to argue that the issue was not the performance of Pavel Varvařovský himself but rather a natural, gradual process of promoting the institution in the eyes of the public, as I analyse further later.

²² Šabatová, 'Interview' 7–8 and Anna Šabatová, *Ombudsman a lidská práva* [The Ombudsman and Human Rights] (Doplněk 2008, Brno) 81–85 and 95.

²³ Anna Chamráthová, *Veřejný ochránce práv – jeho úloha, postavení a perspektiva* [Ombudsman – his function, position and perspective] (Ph.D. thesis, Masaryk University 2020) 77 and the literature cited therein.

²⁴ Šimáčková 77.

²⁵ The Ombudsman Act, as amended by the Acts no. 198/2007 Coll. and no. 365/2017 Coll.

²⁶ See Anna Chamráthová Richterová, 'Rozvrat ve vztahu veřejného ochránce práv a jeho zástupce – ohlédnutí po dvou letech' [The Breakdown in the Relationship Between the Ombudsman and His Representative – Two Years Later] (2024) 32 (9) Právní rozhledy 275–284, 276–278.

²⁷ Ibid 278.

²⁸ Šimáčková 79.

III The NHRI and the Public Defender of Children's Rights

1 Legal background

As I have already stated, the spring of 2025 signified a huge change in the role and the concept of the Czech ombudsman institution. First, its main task shifted from protection against maladministration to the role of a national human rights institution (NHRI). NHRIs are independent bodies with a constitutional and or legislative mandate to protect and promote human rights. They monitor and report on the human rights situation in their countries, provide advice and investigate human rights violations. They are defined by the UN's Paris Principles.²⁹ The current tasks of the Public Defender of Rights remain the same. However, their main and defining tasks should primarily be defending human rights and maintaining good administration, with the scope of the activity not only concerned with public administration, but also with private individuals.³⁰ From now on, the institution's focus should be on the general protection of fundamental rights, and this competence should encompass all of its other competences.³¹

Instead of investigating of individual cases, the Ombudsman's role as an NHRI comprises several tasks. They should systematically monitor and evaluate the fulfilment of fundamental rights and freedoms, conduct research and analysis in the field, issue reports, opinions, and recommendations, recommend measures to improve their protection, support raising awareness in society, including education, as well as cooperate and ensure the exchange of information with relevant international, domestic and foreign bodies.

Second, a new Ombudsman has been established within the ombudsman institution, the Public Defender of Children's Rights. They will have the function of an NHRI when fundamental rights of children are concerned and be a 'typical' Ombudsman that carries on inquiries and investigations of a conduct of authorities in individual cases when children are concerned when such conduct is at variance with the law or does not comply with the principles of a democratic state governed by the rule of law and good administration, as well as against their inaction.

Therefore, two equal Ombudsmen will fulfil the roles of two NHRIs within one ombudsman institution, sharing its supporting body (the Office of the Public Defender of Rights and the Public Defender of Children's Rights) and one Deputy, obliged to cooperate.³²

²⁹ The Paris Principles, GA Res 134, 48th sess, UN doc A/RES/48/134 (20 December 1993). See also Pavel Doubek, 'Ombudsman jako národní lidskoprávní instituce: Jak sladit rozličné lidskoprávní působnosti a naplnit požadavek plurality?' [*Ombudsman as a National Human Rights Institution: How to Harmonize Different Human Rights Competences and Meet the Requirement of Pluralism?*] (2023) 31 (2) *Časopis pro právní vědu a praxi* 353–379, 354–355, DOI: <https://doi.org/10.5817/CPVP2023-2-4>

³⁰ Sládeček 543–544.

³¹ Explanatory notes to the Act no. 77/2025 Coll.; Doubek 376–378.

³² The legal regulation of the issue is deeply problematic and raises many concerns. Due to the extent and scope of the article, for the detail I refer the reader to Anna Chamráthová Richterová, 'Zřízení ochránce práv dětí

The position of the Public Defender of Children's Rights has not yet been filled, so the current Deputy has been acting in this office.

Another noteworthy change is an increased focus on the role of vulnerable groups in the ombudsman institution's activities. Apart from the current advisory body for monitoring the rights of people with disabilities, there are three new situations in which vulnerable groups play a specific role, in particular, the election of Ombudsmen and their performance as NHRIs.

During the election process, candidates are evaluated by a committee composed of representatives from the expert and academic sphere, national minorities, civil society and other social groups (and children in the case of the Public Defender of Children's Rights), taking into account the fair representation of men and women. As an NHRI, the Public Defender of Rights appoints an advisory body comprised of representatives from the expert, academic and spiritual spheres, national minorities, civil society, and other social groups, taking into account that the resulting composition of the advisory body reflects the social, ethnic, cultural, and regional diversity of the population of the Czech Republic, including the fair representation of men and women. The Public Defender of Children's Rights' role as an NHRI has the same duty to appoint an advisory body – in their case, composed of children from 12 to 18 years old.³³

The increased role of evaluating committee and advisory bodies corresponds with the demands of the Paris Principles that the selection of the person holding the office should be a transparent process that ensures their expertise and that NHRIs are based on plurality.³⁴

2 New challenges

The described changes to the ombudsman institution are also associated with some challenges. Instead of one main task, the institution now carries out many separate tasks with different goals, often performed by different means. Its main task and goal is not just protection against maladministration and the activities of official authorities, but supporting the general welfare of people, focusing especially on vulnerable groups.³⁵ As I have

v ČR' [*The Establishment of a Public Defender of Children's Rights in the Czech Republic*] in Viera Jakušová, Šimon Bleho, Veronika Ťažká (eds), *Bratislavské právnické fórum 2023. Garancia uplatňovania princípov právneho štátu vo verejnej správe* [Bratislava Legal Forum 2023. *Guaranteeing the application of the principles of the rule of law in public administration*] (Právnická fakulta Univerzity Komenského v Bratislave 2023, Bratislava, 178–189) 184–186; Chamráthová Richterová, 'Rozvrat' 281 and 283; and Sládeček 545–546.

³³ For further details, see Chamráthová Richterová, 'Zřízení ochránce práv dětí v ČR' 184–186.

³⁴ The Paris Principles, GA Res 134, 48th sess, UN doc A/RES/48/134 (20 December 1993).

³⁵ Cf. Olga Rosenkranzová, 'Chvála neurčitosti orgánu ochránce, kompetencí agend a principů dobré správy jakož dobrých emocí a ostudná absence ústavního zakotvení ochránce' [*Praise for the uncertainty of the ombudsman's authority, the competences of the agendas and the principles of good governance as good emotions, and the shameful absence of constitutional anchoring of the ombudsman*] in Kateřina Frumarová, Petra Melotíková (eds), *Pocta Vladimíru Sládečkovi* [In Honour of Vladimír Sládeček] (Leges 2024, Prague, 373–386) 373–374.

demonstrated above, its roles and goals within different competences may be perceived as colliding, and the question arises whether the institution can fulfil all its tasks and roles fully and simultaneously.³⁶ P. Doubek even argues that several of the institution's competences may not be fully compatible with the role of an NHRI and may even complicate it.³⁷

I see three possible solutions. The first one depends on the activity of the ombudsman institution. This means that the institution finds a way to undertake its activities within the current legislative framework in a complex manner, thus creating a truly complex body concerned with the general welfare of individuals. This may seem improbable because, as I already stated, the competences of the office are carried out using different means and have different goals. However, they are based on a similar approach and were entrusted to the Ombudsman on the grounds that they do resemble activities already undertaken, are often entrusted to Ombudsmen in other countries, and do not contradict the nature of the institution.³⁸

I disagree with the latter claim, however, because even though the competences may not contradict the nature of the institution individually, we see that together, they have changed its nature. Nevertheless, I agree that they are based on a similar approach, and it is noteworthy that all of them contain at least an element of the protection of fundamental rights, even the primary and original one concerned with protection against maladministration. We may also argue that the new competences added over the years did not introduce anything completely new; they simply emphasised aspects of the existing protection of fundamental rights. The embodiment of an NHRI into the ombudsman institution, from this perspective, thus does not mean a fundamental change in its concept but an acknowledgement that this role has become an integral part of it.³⁹

This idea is supported by the Public Defender of Rights themselves, who often emphasise that 'they have already been doing this'.⁴⁰ The same then may be applied to the Public Defender of Children's Rights' activity.⁴¹ G. Kucsko-Stadlmayer's research on ombudsmen institutions throughout Europe also supports this statement. She reveals that even though ombudsmen institutions may not be explicitly entrusted with the protection of human

³⁶ Terezie Boková, 'Nelidskoprávní ombudsman? K debatě o lidskoprávním rozměru jedné instituce' [*Human rights ombudsman? A debate on the human rights dimension of one institution*] [2020] Právo21 <<https://pravo21.cz/spolecnost/nelidskopravni-ombudsman-k-debate-o-lidskopravnim-rozmeru-jedne-instituce>> accessed 31 October 2025. The idea was also raised by David Slováček at the conference 25 let činnosti veřejného ochránce práv [25 Years of Existence of the Public Defender of Rights] held on 21 May 2025 in Brno.

³⁷ Doubek 358. He further analyses in detail the differences with a NHRI's activity and the monitoring of detention facilities.

³⁸ Chamráthová, 'Veřejný ochránce práv' 163.

³⁹ Doubek 357; Rosenkranzová 381 and 384; Boková.

⁴⁰ Cf. Doubek 357. The issue was also discussed at length at the conference '25 let činnosti veřejného ochránce práv' [25 Years of Existence of the Public Defender of Rights] held on 21 May 2025 in Brno.

⁴¹ Soňa Pospíšilová, 'Veřejný ochránce práv jako ochránce práv dětí' [*The Public Defender of Rights as a Defender of Children's Rights*] in Kateřina Frumarová, Petra Melotíková (eds), *Pocta Vladimíru Sládečkovi* [*In Honour of Vladimír Sládeček*] (Leges 2024, Prague, 309–319) 310.

rights, this activity is encompassed within their activities due to the fact that human rights treaties are often part of the legal order or are incorporated within the concept of good administration. She states that, according to this perspective, ombudsmen institutions that are not entrusted with the protection of human rights explicitly do not differ from ones that are.⁴² L. Reif makes a similar observation and explores how human rights may be applied by ombudsmen institutions.⁴³

It has been confirmed even at the United Nations that the role of the ombudsman institutions is the protection of human rights as a separate and additional function, but also as an integral part of all other aspects of their work.⁴⁴

Two other solutions rely on a change in the legislation. The first one is a constitutional change whereby the ombudsman institution is incorporated into the Constitution, thus clearly defining its primary goal. Nevertheless, in its 25 years of existence, no serious attempt has ever been made to do this, and it cannot be assumed that any change will occur in the foreseeable future. Therefore, I consider this solution improbable and purely hypothetical.

The second one is the creation of a system of multiple ombudsmen (a multi-ombudsman institution) with a clear division of competences. Such a model is used in Sweden, the origin of the Ombudsmen institution that has now spread worldwide.⁴⁵ My colleague T. Svoboda and I put forward such a solution several years ago, arguing its advantages and disadvantages in detail.⁴⁶ My original opinion was that the model is not typical of the Czech environment, where the institution is embodied in one well-known person, and was partly based on D. Rowat's argument that individual ombudsmen may not coordinate their activities completely and may reach different conclusions, which can hinder the office from forming a uniform opinion.⁴⁷ L. Majerčík expressed a similar concern.⁴⁸

However, I have since leaned towards a multi-ombudsman institution, as I have come to believe it would address potential collisions and conflicts arising from the new competences

⁴² Gabrielle Kucsko-Stadlmayer, 'Part One: The Legal Structures of Ombudsman-Institutions in Europe – Legal Comparative Analysis' in Gabrielle Kucsko-Stadlmayer (ed), *European Ombudsman-Institutions: A comparative legal analysis regarding the multifaceted realisation of an idea* (Springer 2008, Wien, 1–67) 39.

⁴³ Linda Reif, *The Ombudsman, Good Governance and International Human Rights System* (Martinus Nijhoff Publishers 2008, Leiden/Boston) 83, 100, 103–112.

⁴⁴ The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law, GA Res 75/186, 72nd sess, UN DOC A/RES/75/186 (16 December 2020).

⁴⁵ Donald Cameron Rowat, *The ombudsman plan: the worldwide spread of an idea* (University Press of America 1985, Lanham) 147.

⁴⁶ Anna Chamráthová, Tomáš Svoboda, 'Veřejný ochránce práv jako monokratický orgán' [*The Public Defender of Rights as a Single Person Body*] (2018) 27 (4) Jurisprudence 20–32, 30–32.

⁴⁷ Rowat 147.

⁴⁸ Lubomír Majerčík, 'Veřejný ochránce práv – kam po 15 letech dál na mezinárodní a vnitrostátní úrovni?' [*The Public Defender of Rights – where to go next after 15 years at the international and national levels?*] in Petra Zdražilová, Dagmar Křišová (eds), *15 let činnosti veřejného ochránce práv [15 years of activity of the Public Defender of Rights]* (Kancelář veřejného ochránce práv 2015, Brno, 50–55) 51–52, <https://www.ochrance.cz/dokument/ochrance_sbornik_iii_2015_sazba_cz__07/ochrance_sbornik_iii_2015_sazba_cz__07.pdf> accessed 31 October 2025.

of the Public Defender of Rights. It is also a highly probable development, as the new legislation creating the Public Defender of Children's Rights is a clear and intentional step in this direction.⁴⁹ Other experts have also confirmed that, under current conditions, a division of the tasks among institutions among several persons seems desirable.⁵⁰

Nevertheless, to create a fully-fledged multi-ombudsman institution, several issues regarding the relationship among more Ombudsmen would have to be resolved. It would be necessary to determine whether the institution should consist of several independent Defenders with clear rules of cooperation or one central Defender to whom several other Defenders would be subordinate, with clear elements of subordination.⁵¹

The current state of the Ombudsman Act, unfortunately, severely lacks any such solution; on the contrary, it raises many questions regarding the relationship between the Public Defender of Children's Rights, the Public Defender of Rights and their Deputy.⁵² Another challenge awaiting the ombudsman institution is thus to manage the cooperation among these institution representatives without conflict and unnecessary overlaps in activities.

Another concern, especially regarding the early stages of creating the multi-ombudsman institution, is the perception of the office's representatives. As I have described, a highly personal concept of this office is typical of the Czech environment; changes in this regard may create instability. Interestingly, this is not always the case everywhere in the world. For example, D. Rowat declares that the office's representative personally does not matter, and if the institution's performance is satisfactory, people trust the institution, not the representative. He even went as far as to call discussions on the personal concept of the office 'sentimental twaddle'.⁵³ Even though this sounds like heresy in the Czech environment, I must note that the results of the above-mentioned official surveys do seem to partially confirm his opinion, although the public continues to care about the individual holding the office.

In my opinion, the Czech situation corresponds with experiences in other countries where the ombudsman institutions have been established fairly recently. If the first representative of the institution was popular, the second one was criticised.⁵⁴ Based on this, I have come to the conclusion that it takes a longer period after the establishment of the ombudsman institution for people to gradually stop identifying it with its personal representative. In this light, we may expect that the popularity of the institution will eventually cease to depend solely on the performance of the specific representative.⁵⁵

⁴⁹ Explanatory notes to the Act no. 77/2025 Coll.

⁵⁰ Doubek 374–375; and the literature cited therein, Sládeček 547–548.

⁵¹ Chamráthová Richterová, 'Rozvrat' 284.

⁵² Chamráthová Richterová, 'Rozvrat' 282–284; Chamráthová Richterová, 'Zřízení ochránce práv dětí v ČR' 184–186; Sládeček 546; Doubek 373.

⁵³ Rowat 57.

⁵⁴ Chamráthová, 'Veřejný ochránce práv' 24.

⁵⁵ Ibid 24.

IV Conclusion

Gradual changes in the concept of the Czech ombudsman institution have occurred during its existence. From a protector against maladministration, it has evolved into an institution concerned with general welfare and the fundamental rights of individuals, regardless of the perpetrator's identity – whether public body or private person. The process was cemented by creating another Ombudsman within the institution, the Public Defender of Children's Rights, and entrusting both Defenders with the role of an NHRI.

The change signifies possible challenges for the institution, as the process, as well as personal changes within the institution, have been met with anxiety by the public. It is necessary to clarify the institution's role and goals to avoid confusion. I see two likely solutions. The first may be implemented by the institution itself, meaning it would find a way to merge all its tasks and roles into a single complex operation, while the second solution would involve changes by the legislator that lead to the creation of a multi-ombudsman institution.

The latter would create further challenges concerning cooperation within such an institution and the necessity of overcoming the wider perception of the institution among Czechs as a single person holding the office.

To end on a positive note, there is no reason to assume that the ombudsman institution will not deal with these issues as successfully as it has overcome challenges in the past.