



Report of Various Size – Fieldwork research (FRANET)

Criminal Detention in the EU – Conditions and Monitoring

Country Report Czech Republic

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1. Cell space

- a) **What is the national standard for cell space available to prisoners in m²? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?**

The national standard for cell space available to prisoners is regulated by two legal regulations: Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (*řád výkonu trestu odnětí svobody*)¹ and Regulation No. 104/1994, Rules of Procedure of the Exercise of Custody (*řád výkonu vazby*).²

The Exercise of the Punishment of the Deprivation of Liberty: In a lodging room for more than one prisoner, there must be a minimum space of 4 m² per person. The cell or bedroom for one prisoner must have a minimum space of 6 m².

The minimum standard space for lodging one person cannot be decreased. The minimum standard space of a room intended for multiple prisoners can be decreased to 3 m² per person but only in the case where the total number of prisoners serving a prison sentence of the same basic type and requiring the same level of security (prisons with security guards/i.e. minimum, medium, high-security prisons – *věznice s ostrahou*) exceeds the prison's maximum capacity.³

Similar rules apply to the exercise of custody, with one difference – the minimum standard for a cell for one person can also be decreased to 4m². This is only possible if the total number of accused persons held/detained in the holding cells of a high court (*vrchní soud*) exceeds the prison's maximum capacity.⁴

- b) **Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).**

The same national standard for cell space applies to all detention regimes.

- c) **Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here:**

<https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

Protection Against Ill Treatment 2015 ('The 2015 Report'):

The 2015 Report in Czech: https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/Zpravy-vyrocní/2015-DET-vyrocní-zprava.pdf

The 2015 Report in English: https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/Zpravy-vyrocní/2015-DET-annual-report.pdf

Protection Against Ill Treatment 2016 ('The 2016 Report'):

The 2016 Report in Czech: https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/Zpravy-vyrocní/2016-DET-vyrocní-zprava.pdf

The 2016 Report in English: https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/Zpravy-vyrocní/2016-DET-annual-report.pdf

¹ Czech Republic, Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (*vyhláška, kterou se vydává řád výkonu trestu odnětí svobody*), 21.12.1999, available at: <https://www.zakonyprolidi.cz/cs/1999-345>.

² Czech Republic, Regulation No. 104/1994, Rules of Procedure of the Exercise of Custody (*vyhláška, kterou se vydává řád výkonu vazby*), 3.6.1994, available at: <https://www.zakonyprolidi.cz/cs/1994-109>.

³ Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (*vyhláška, kterou se vydává řád výkonu trestu odnětí svobody*), § 17 section 6.

⁴ Regulation No. 104/1994, Rules of Procedure of the Exercise of Custody (*vyhláška, kterou se vydává řád výkonu vazby*), § 15.

Protection Against Ill Treatment 2017 ('The 2017 Report'):

The 2017 Report in Czech: https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/Zpravy-vyrocní/2017-DET-vyrocní-zprava.pdf

The 2017 Report in English: https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/Zpravy-vyrocní/2017-DET-annual-report.pdf

Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 ('The Prisons Report'):

The Prisons Report in Czech: https://www.ochrance.cz/fileadmin/user_upload/ESO/14-2014-NZ-Souhrnna_zprava_z_navstev_veznic.pdf

The Prisons Report in English:

https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Veznice/2016_prisons.pdf.

Police Cells, Report from the Regular Visits Carried Out by the Public Defender of Rights 2017 ('The Police Cells Report'):

The Police Cells Report in Czech: https://www.ochrance.cz/fileadmin/user_upload/ESO/22-2017-NZ_Souhrnna_zprava_Policejni_cely_2017_CZ.pdf

The Police Cells Report in English: https://www.ochrance.cz/fileadmin/user_upload/ESO/22-2017-NZ_Souhrnna_zprava_Policejni_cely_2017_EN.pdf.

Recommendations regarding cell space:

The Prisons Report

- *Doporučuji v rámci rekonstrukcí stávajících ubytoven či eventuální výstavby nových ubytoven směřovat k ubytování odsouzených po jednom až dvou.*

I recommend that the General Directorate of the Prison Service of the Czech Republic aims at accommodating convicts in single-occupancy cells or double cells when restoring existing accommodation facilities and/or building new ones.⁵

- *Doporučuji zohledňovat při rekonstrukcích či případné výstavbě nových ubytovacích kapacit standardy CPT k velikosti ubytovací plochy na jednoho vězně.*

(In the course of the reconstruction of the current lodging houses or the construction of new ones, I recommend that the CPT standards regarding the area of lodging space per prisoner be taken into account⁶).

Please cite any relevant sources

Czech Republic, Public Defender of Rights: Protection against Ill Treatment 2015. Report of the Public Defender of Rights as a National Preventive Mechanism (*Ochrana před špatným zacházením 2015. Zpráva veřejné ochránkyně práv jako Národního preventivního mechanismu*). Public Defender of Rights, 2016.

Available in Czech at: https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/Zpravy-vyrocní/2015-DET-vyrocní-zprava.pdf. Available in English at:

https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/Zpravy-vyrocní/2015-DET-annual-report.pdf

Czech Republic, Public Defender of Rights: Protection against Ill Treatment 2016. Report of the Public Defender of Rights as a National Preventive Mechanism (*Ochrana před špatným zacházením 2016. Zpráva veřejné ochránkyně práv jako Národního preventivního mechanismu*). Public Defender of Rights, 2017.

Available in Czech at: https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/Zpravy-vyrocní/2016-DET-vyrocní-zprava.pdf, in English at: https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/Zpravy-vyrocní/2016-DET-annual-report.pdf.

Czech Republic, Public Defender of Rights: Protection against Ill-treatment 2017. Report of the Public Defender of Rights as a National Preventive Mechanism (*Ochrana před špatným zacházením 2017. Zpráva veřejné ochránkyně práv jako Národního preventivního mechanismu*). Public Defender of Rights, 2018.

Available in Czech at: https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/Zpravy-vyrocní/2017-DET-vyrocní-zprava.pdf, in English at: https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/Zpravy-vyrocní/2017-DET-annual-report.pdf.

⁵ Czech Republic, Public Defender of Rights. 2016. Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 (*Věznice – Zpráva ze systematických návštěv veřejného ochránce práv 2016*), p. 18.

⁶ Czech Republic, Public Defender of Rights. 2016. Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 (*Věznice – Zpráva ze systematických návštěv veřejného ochránce práv 2016*), p. 18.

Czech Republic, Public Defender of Rights: Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 (*Věznice – Zpráva ze systematických návštěv veřejného ochránce práv 2016*). Available in Czech at: https://www.ochrance.cz/fileadmin/user_upload/ESO/14-2014-NZ-Souhrna_zprava_z_navstev_veznic.pdf, in English at:

https://www.ochrance.cz/fileadmin/user_upload/ochrana_osob/ZARIZENI/Veznice/2016_prisons.pdf.

Czech Republic, Public Defender of Rights: Police Cells, Report on the Regular Visits Carried Out by the Public Defender of Rights 2017 (*Policejní cely. Zpráva ze systematických návštěv veřejného ochránce práv 2017*). Available in Czech at: https://www.ochrance.cz/fileadmin/user_upload/ESO/22-2017-NZ_Souhrna_zprava_Policejni_cely_2017_CZ.pdf, in English at:

https://www.ochrance.cz/fileadmin/user_upload/ESO/22-2017-NZ_Souhrna_zprava_Policejni_cely_2017_EN.pdf.

2. Sanitary Facilities

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do prisoners have access to these facilities without undue delay, even during the night? Do these facilities offer privacy to prisoners who use them?**

The national standard with regard to access to toilets is regulated by Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (*řád výkonu trestu odnětí svobody*), § 17. Cells must be equipped with hygiene facilities – a toilet and a sink with running drinking water. The toilet must be separated from the rest of the cell at least by a non-transparent screen.

There is no such standard for the exercise of custody – Regulation No. 104/1994, Rules of Procedure of the Exercise of Custody (*řád výkonu vazby*) does not include any provisions on the need for custody cells to be equipped with a toilet.

- b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities offer privacy to prisoners who use them?**

The Exercise of the Punishment of the Deprivation of Liberty: The national standard with regard to access to shower/bathing facilities is regulated by Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (*řád výkonu trestu odnětí svobody*), § 21. Prisons are required to make arrangements to allow prisoners to perform personal hygiene – daily washing, regular shaving, and the usual hygiene acts. Prisoners have access to bathing (a shower with hot water) at least twice a week. If for technical reasons prisoners are unable to given access to a shower, they must be given the chance to regularly wash themselves with hot water.

The Exercise of Custody: The national standard with regard to access to shower/bathing facilities is regulated by Regulation No. 104/1994, Rules of Procedure of the Exercise of Custody (*řád výkonu vazby*), § 35 and 36. The rules are similar to the ones that apply to the exercise of the punishment of the deprivation of liberty. An additional rule applies to bathing/showering – accused persons are guarded by a person of the same sex.

- c) Is the provision of cleanly sanitary facilities regulated by any legal instrument such as a legislative act, internal prison regulations, manuals, policy papers etc.?**

Yes, see point b).

- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).**

No, there is one standard applicable to all types of regime.

- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National**

Preventive Mechanism. For ease of reference a list of links can be found here:

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For links, see chapter 1.

The 2015 Report:

Odsouzení se opět mohou mýt v teplé vodě dvakrát týdně. Na doporučení veřejné ochránkyně práv byla povinnost věznic umožnit odsouzeným sprchovat se teplou vodou nejméně dvakrát týdně zapracována do novely řádu výkonu trestu odnětí svobody (vyhláška č. 345/1999 Sb.). Od začátku března 2015 se tak změnil dosavadní přechodný stav, který odsouzeným zaručoval koupání v teplé vodě pouze jednou za týden.

Prisoners again have access to hot showers twice a week. At the recommendation of the Public Defender of Rights, the duty of prisons to allow prisoners to take a hot shower at least twice a week has been incorporated in the Rules of Procedure (Regulation No. 345/1999). At the beginning of March 2015, this ended the cost-saving arrangement that had previously (temporarily) applied wherein prisoners were guaranteed access to a hot shower only once a week.

In the 'Police Cells' report:

Vydávat bez dalšího umístěným osobám zubní kartáček. V případě jeho individuálního nevydání uvádět tuto skutečnost, včetně popisu okolností a důvodů, do dokumentace.

The Police should provide a toothbrush to all detained persons, irrespective of any other considerations. If in individual cases a toothbrush is not provided, this fact and the reasons and circumstances behind it must be recorded in the file.⁷

Vydávat umístěné osobě do cely toaletní papír bez dalšího.

The police must supply detainees with toilet paper automatically.⁸

Please cite any relevant sources

Czech Republic, Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (*vyhláška, kterou se vydává řád výkonu trestu odnětí svobody*), 21.12.1999, available at: <https://www.zakonyprolidi.cz/cs/1999-345>.

Czech Republic, Regulation No. 104/1994, Rules of Procedure of the Exercise of Custody (*vyhláška, kterou se vydává řád výkonu vazby*), 3.6.1994, available at: <https://www.zakonyprolidi.cz/cs/1994-109>.

3. Time out of cell

a) **What is the national standard set for time per day/week spent by prisoners outside of their cells:**

- a. **Outdoors (within the boundary of the prison)?**
- b. **Indoors in the common area?**

The national standard set for time per day

a. outdoors – is one hour per day, both in the case of the exercise of the punishment of deprivation of liberty and in the exercise of custody;

b. indoors – is not defined. The Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (*řád výkonu trestu odnětí svobody*) states in § 50 that prisoners are locked in their cell for the 8-hour period that is reserved for sleep. This period of time can be extended in justifiable cases by the director of the prison, mainly for reasons of security and safety in the prison. There is no similar rule in the Rules of Procedure of the Exercise of Custody (*řád výkonu vazby*).

b) **Are sports or other recreational and educational facilities available to prisoners? If so what types?**

⁷ Czech Republic, Public Defender of Rights. 2017. Police Cells, Report on the Regular Visits Carried Out by the Public Defender of Rights 2017 (*Policejní cely. Zpráva ze systematických návštěv veřejného ochránce práv 2017*), p. 27.

⁸ Czech Republic, Public Defender of Rights. 2017. Police Cells, Report on the Regular Visits Carried Out by the Public Defender of Rights 2017 (*Policejní cely. Zpráva ze systematických návštěv veřejného ochránce práv 2017*), p. 27.

All prisoners must follow a special programme of treatment (*program zacházení*), which defines the goals of the performance of the punishment of the deprivation of liberty. The programme describes the activities that a prisoner is required to perform, including working activities, and recreational and educational activities. Working activities include the following: employment, working activities related to the everyday operation (*každodenní provoz*) of the prison, work therapy led by the employees of the Prison service with special training in this area.

Educational activities include the following: education carried out by vocational schools, education led or supervised by employees of the Prison Service, participation in correspondence courses and within the network of elementary, grammar schools and universities in the Czech Republic.

Special educational activities include the following: social, pedagogical and therapeutic activities focused on the reasons and consequences of committing a crime; change of attitudes, thinking and behaviour of the convict.

c) Is time spent in cells regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?

The rules, as mentioned in point a), are defined in legislation: – Act No. 169/1999 on the Performance of the Punishment of the Deprivation of Liberty (*zákon o výkonu trestu odnětí svobody*)⁹, and Act No. 293/1993 on the Performance of Custody (*zákon o výkonu vazby*).¹⁰ Further details are defined in Regulation No. 345/1999, the Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (*řád výkonu trestu odnětí svobody*) and the Rules of Procedure of the Exercise of Custody (*řád výkonu vazby*).

d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The extent of prisoners' freedom of movement in a prison's inner area or while working outside the prison depends on the type of prison. Prisons with a lower level of security (*věznice s ostrahou*) may allow prisoners unrestricted freedom of movement, depending on the type of the inner structure. In low-degree security prisons, prisoners may usually have unrestricted movement in designated areas. In low- and middle-degree security prisons, prisoners usually work outside the prison area and are supervised once a week (low degree of security) or once an hour (middle degree of security). Prisoners in low- and middle-degree security prisons may also move outside the prison to take part in various educational, cultural or sports activities, if permitted by the director of the Prison Service. Prisons with high degree of security (*vysoký stupeň zabezpečení*) are more similar to higher security prisons (*věznice se zvýšenou ostrahou*). Within these, prisoners usually work within the area of the prison and their movement within the area of the prison is usually restricted. They are only allowed to move around outside their cells under the supervision of a member of the Prison Service. They cannot move freely outside the area of the prison. Prisoners in higher security prisons (*věznice se zvýšenou ostrahou*) are only allowed to work in the area of the prison or in the cells and are supervised every 30 minutes. They can never move freely within the area of the prison and visits also take place under the supervision of a member of the Prison Service member.

**e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here:
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For links, see Chapter 1.

In the Prisons Report, the Public Defender of Rights inserted the following recommendation in the General Directorate of the Prison Service of the Czech Republic:

- *Doporučuji ve vnitřním předpisu (NGŘ 4/2011) demonstrativním výčtem stanovit situace, při kterých lze přikročit k rozšíření doby uzamykání na celách/ložnicích, přičemž rozšíření doby uzamykání musí vycházet z vyhodnocení individuálních rizik*

⁹ Czech Republic, Act No. 169/1999, on the Execution of the Punishment of the Deprivation of Liberty (*zákon o výkonu trestu odnětí svobody*), 3.8.1999, available at: <https://www.zakonyprolidi.cz/cs/1999-169>.

¹⁰ Czech Republic, Act No. 293/1993, on the Execution of Custody (*zákon o výkonu vazby*), 10.12.1993, available at: <https://www.zakonyprolidi.cz/cs/1993-293>.

a bezpečnostní důvody musí být prokazatelně dány u každého odsouzeného, a to do 30. 6. 2016.

(In internal regulation No. 4/2011, I recommend that it be stipulated, in a list of examples, the situations in which it is possible to extend the period of time for locking prisoners in their cells/bedrooms, in which case the lengthening of the period of time in which they are locked in their cells must be supported by an individual risk assessment and the security reasons must be demonstratively presented for each prisoner, no later than 30 June 2016.¹¹

Please cite any relevant sources

Czech Republic, Act No. 169/1999, on the Execution of the Punishment of the Deprivation of Liberty (*zákon o výkonu trestu odnětí svobody*), 3.8.1999, available at: <https://www.zakonyprolidi.cz/cs/1999-169>.

Czech Republic, Act No. 293/1993, on the Execution of Custody (*zákon o výkonu vazby*), 10.12.1993, available at: <https://www.zakonyprolidi.cz/cs/1993-293>.

4. Solitary confinement

a) What is the national standard set regarding solitary confinement? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?

The national standard set regarding solitary confinement is regulated by Act No. 169/1999, on the Execution of the Punishment of the Deprivation of Liberty (*zákon o výkonu trestu odnětí svobody*), § 49. Solitary confinement is one form of disciplinary punishment. A prisoner may be placed in a closed department (with the exception of the time reserved for tasks specified in the treatment programme) for a maximum of 28 days. A prisoner may be placed all day in a closed department for a maximum of 20 days, or placed in solitary confinement (for a maximum of 20 days) The number of hours that a prisoner spends in these regimes per day is not clear from the standards. The Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty (*vyhláška, kterou se vydává řád výkonu trestu odnětí svobody*), § 49, section 3, say that in solitary confinement, the convict does not work, does not take part in the treatment programme, is not allowed to smoke, read daily newspapers, books or other publications except for legal, educational or religious literature, and is not allowed to shop for food and personal belongings, except for hygienic necessities. The prisoner is not allowed to rest in bed except for the time designated for rest in the internal rules. The same rules apply for the disciplinary punishment of an all-day placement in a closed department, with the exception that the convict is obliged to do cleaning activities and perform work necessary for the everyday operation of the prison.

Similar rules apply in the execution of custody. According to § 22 of Act No. 293/1993 on the Execution of Custody (*zákon o výkonu vazby*), an accused person may be placed in solitary confinement for up to 10 days.

Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Given that solitary confinement is a disciplinary punishment, it applies equally in all types of detention regimes.

b) *Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>*

For links, see Chapter 1.

The 2017 report:

Výbor CPT vládě doporučil zajistit, aby maximální délka samovazby nepřevyšovala 14 dnů (u mladistvých 3 dny) a vězňům nebyly ukládány následné tresty, které fakticky délku samovazby prodlužují nad maximální délku. Výbor CPT dále opětovně doporučoval, aby disciplinární trest vězňů nezahmoval celkový zákaz kontaktu

¹¹ Czech Republic, Public Defender of Rights. 2016. Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 (*Věznice – Zpráva ze systematických návštěv veřejného ochránce práv 2016*), p. 48.

s rodinou, pokud spáchaný přestupek s tímto kontaktem nesouvisel. Je zapotřebí změnit zákon o výkonu trestu odnětí svobody, jenž pravidla stanoví.

The CPT recommended that the Government ensure that the maximum duration of solitary confinement does not exceed 14 days (3 days for juveniles) and that no subsequent penalties are imposed on prisoners that would de facto extend the duration of solitary confinement beyond the maximum length of time. The CPT further repeatedly recommended that any disciplinary punishment of prisoners should not include the total prohibition of contact with family if the misconduct was in no way related to such contact. It is necessary to modify the Imprisonment Act, which stipulates the relevant rules.¹²

Please cite any relevant sources

5. Access to healthcare

- a) **What is the national standard with regard to access to medical services in prisons? (E.g. do prisoners have prompt access to medical services within prisons or externally? Do prisoners have access to dentists and opticians?)**

Healthcare is provided to prisoners by the Prison Service in its healthcare facilities. If necessary, healthcare is provided in cooperation with other healthcare providers (§ 23 of Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty).

- b) **Are there any special provisions relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly prisoners, the mentally ill, drug addicted prisoners etc.)**

There is a crisis department in prisons for prisoners who experience a sudden mental crisis (§ 23 section 5 of the Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty).

- c) **Is access to healthcare in prisons regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?**

By § 23 of Regulation No. 345/1999, Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty; and, for the performance of custody, by § 32 of the Rules of Procedure of the Exercise of Custody (řád výkonu vazby).

- d) **Please indicate whether there are different standards applicable to different detention regimes.**

Same standards for different detention regimes apply.

- e) *Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>*

The 2015 report:

V průběhu roku 2015 se na půdě Ministerstva spravedlnosti připravovala Koncepce vězeňství do roku 2025. Jako expert se do prací zapojil také právník Kanceláře a mimo jiné prezentoval základní důrazy veřejné ochránčyně práv:

Doporučení reformovat systém poskytování zdravotních služeb ve věznicích. Nyní vykazuje problémy s dostupností a kvalitou péče, což souvisí s nedostatkem lékařů motivovaných k práci ve věznicích. Podle ochránčyně je zapotřebí provést analýzu pojetí vězeňského zdravotnictví.

The Outlook of the Prison System to 2025 was under preparation at the Ministry of Justice during the course of 2015. A lawyer from the Office of the Public Defender of Rights joined the initiative as an expert consultant, presenting inter alia the key aspects emphasised by the Public Defender of Rights:

¹² Czech Republic, Public Defender of Rights. 2018. Protection against Ill-treatment 2017. Report of the Public Defender of Rights as a National Preventive Mechanism (Ochrana před špatným zacházením 2017. Zpráva veřejné ochránčyně práv jako Národního preventivního mechanismu), p. 27.

The recommendation to reform the system by which healthcare services are provided in prisons. There are problems in the present system relating to the availability and quality of care, which is connected with the lack of physicians willing to work in prisons. In the view of the Public Defender the concept of prison healthcare needs to be reviewed.¹³

The 2017 report:

Je zapotřebí změnit zákon o zdravotních službách a vést policisty a příslušníky Vězeňské služby ČR k respektování pravidla, že jejich přítomnost při ošetření je možná pouze na požádání lékaře, a to pak jen „na dohled“.

It is necessary to modify the Healthcare Services Act and direct police officers and members of the Prison Service of the Czech Republic to respect the rule that their presence during a physical examination is only possible at the physician's request, and in that case only 'for monitoring purposes'.¹⁴

The prisons report:

•• *Doporučuji provést analýzu možností zajištění zdravotních služeb v zařízeních VS ČR s výhledem na převedení povinnosti zajistit zdravotní služby vězněným osobám z VS ČR na civilní zdravotnictví, a to do konce roku 2016.*

(I recommend that an analysis be made of the possibilities for providing healthcare services in the facilities of the Prison Service of the Czech Republic, with a view to transferring the duty to ensure the provision of healthcare services for prisoners from the Prison Service of the Czech Republic to civil healthcare services by the end of 2016).¹⁵

•• *Doporučuji uvést § 16 odst. 1 nařízení ministra spravedlnosti č. 4/2008 do souladu se zákonem č. 101/2000 Sb., a to do 30. 6. 2016.*

(I recommend that Directive No. 4/2008 of the Ministry of Justice be harmonised with Act No. 101/2000 on the Protection of Personal Data.¹⁶)¹⁷

- to the General Directorate of the Prison Service of the Czech Republic:

•• *Doporučuji v návaznosti na změnu nařízení ministra spravedlnosti č. 4/2008 zajistit, aby v knihách hlásících se k lékařům nebyly uváděny informace o zdravotním stavu žádajících odsouzených.*

(Following the change to Directive No. 4/2008 of the Ministry of Justice, I recommend ensuring that no information about the health status of prisoners who request access to a health practitioner be filed in the books where prisoners requesting to see a doctor are listed).¹⁸

Generálnímu ředitelství VS ČR

•• *Doporučuji provést analýzu stavebně-technického stavu a materiálního vybavení všech specializovaných oddělení věznic, která jsou určena k umístování odsouzených se zdravotním postižením, a to do konce roku 2016.*

¹³ Czech Republic, Protection against Ill-Treatment. Report of the Public Defender of Rights as a National Preventive Mechanism (Ochrana před špatným zacházením 2015. Zpráva veřejné ochránkyně práv jako Národního preventivního mechanismu). Public Defender of Rights, 2016, p. 20.

¹⁴ Czech Republic, Public Defender of Rights. 2018. Protection against Ill-treatment 2017. Report of the Public Defender of Rights as a National Preventive Mechanism (Ochrana před špatným zacházením 2017. Zpráva veřejné ochránkyně práv jako Národního preventivního mechanismu), p. 26.

¹⁵ Czech Republic, Public Defender of Rights. 2016. Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 (Věznice – Zpráva ze systematických návštěv veřejného ochránce práv 2016), p. 27.

¹⁶ Czech Republic, Act on the Protection of Personal Data (zákon o ochraně osobních údajů), 4.4.2000.

¹⁷ Czech Republic, Public Defender of Rights. 2016. Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 (Věznice – Zpráva ze systematických návštěv veřejného ochránce práv 2016), p. 31.

¹⁸ Czech Republic, Public Defender of Rights. 2016. Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 (Věznice – Zpráva ze systematických návštěv veřejného ochránce práv 2016), p. 31.

(I recommend that by the end of 2016 an analysis be made of the structural and technical conditions and the material equipment of all the specialised departments in prisons that are intended to lodge prisoners with disabled prisoners[prisoners with health difficulties])¹⁹

•• *Doporučuji v návaznosti na předchozí doporučení uvést podmínky výkonu trestu odsouzených se zdravotním postižením do souladu se zákonem a judikaturou ESLP.*

(Following on the previous recommendation, I recommend that the conditions surrounding the execution of punishment by prisoners with health difficulties be brought into line with the law and jurisprudence of the ECHR).²⁰

•• *Doporučuji neumísťovat imobilní odsouzené do Věznice Karviná.*

(I recommend not placing prisoners with mobility problems to Karviná Prison.)²¹

•• *Doporučuji zajistit, aby odsouzení, jejichž zdravotní stav to vyžaduje, měli dostupnou rehabilitační péči.*

(I recommend ensuring that prisoners whose health requires it have access to rehabilitation care).²²

•• *Doporučuji zajistit osobám se zdravotním omezením adekvátní zdravotní (kompenzační) pomůcky.*

(I recommend ensuring that persons with health limitations receive adequate medical (compensation) aids).²³

The 'Police Cells Report':

Zajistit dostatečně vypovídající předpis medicace ze strany lékaře, tj. jaké léky, v jakém množství a v kterou dobu je má policie zpřístupnit.

(The police should ensure that the physician's prescription for medication is sufficiently specific, i.e. that it specifies which medicine is to be dispensed by the Police, when, and in what dosage.)²⁴

Uvádět do informačního systému, nebo do služebních pomůcek záznam o zpřístupnění léků a jejich užití.

(The Police should ensure the physician's prescription of the medication is sufficiently specific, i.e. specify which medicine, when and in what dosage should be dispensed to the detainee.)²⁵

Ponechávat osobám umístěným v cele brýle. Brýle lze odebrat jen na základě individuálně vyhodnocených „zvláštních“ důvodů. Ty je nutné zaznamenat do informačního systému.

(The police should let the detainees keep their glasses while in their cell. Glasses may only be removed on the grounds of individually determined 'special' reasons. These reasons must be recorded in the information system.)²⁶

Please cite any relevant sources

6. Special measures in place to protect juvenile prisoners.

¹⁹ Czech Republic, Public Defender of Rights. 2016. Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 (*Věznice – Zpráva ze systematických návštěv veřejného ochránce práv 2016*), p. 37.

²⁰ Czech Republic, Public Defender of Rights. 2016. Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 (*Věznice – Zpráva ze systematických návštěv veřejného ochránce práv 2016*), p. 37.

²¹ Czech Republic, Public Defender of Rights. 2016. Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 (*Věznice – Zpráva ze systematických návštěv veřejného ochránce práv 2016*), p. 37.

²² Czech Republic, Public Defender of Rights. 2016. Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 (*Věznice – Zpráva ze systematických návštěv veřejného ochránce práv 2016*), p. 41.

²³ Czech Republic, Public Defender of Rights. 2016. Prisons – Report from the Regular Visits of the Public Defender of Rights 2016 (*Věznice – Zpráva ze systematických návštěv veřejného ochránce práv 2016*), p. 41.

²⁴ Czech Republic, Public Defender of Rights. 2017. Police Cells, Report on the Regular Visits Carried Out by the Public Defender of Rights 2017 (*Policejní cely. Zpráva ze systematických návštěv veřejného ochránce práv 2017*), p. 22.

²⁵ Czech Republic, Public Defender of Rights. 2017. Police Cells, Report on the Regular Visits Carried Out by the Public Defender of Rights 2017 (*Policejní cely. Zpráva ze systematických návštěv veřejného ochránce práv 2017*), p. 22.

²⁶ Czech Republic, Public Defender of Rights. 2017. Police Cells, Report on the Regular Visits Carried Out by the Public Defender of Rights 2017 (*Policejní cely. Zpráva ze systematických návštěv veřejného ochránce práv 2017*), p. 23.

- a) **Are there any legal instruments, such as a legislative act, internal prison regulations, manuals, policy papers etc. regulating the separation of juvenile prisoners from adults? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)**

Juvenile prisoners are placed separately from adults (Act No. 169/1999 on the Execution of the Punishment of the Deprivation of Liberty (*zákon o výkonu trestu odnětí svobody*), § 7). The act further specifies how the punishment of the deprivation of liberty is executed in the case of juveniles – the prison mainly focuses on the education of these prisoners.

- b) **What age category falls under this specific juvenile prison regime?**

Prisoners who have not reached the age of 18.

- c) **Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).**

NO.

- d) **Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>**

For links, see Chapter 1.

Please cite any relevant sources

7. Special measures in place to protect prisoners from violence

- a) **Are any special measures in place to protect prisoners against violence, including sexual violence? (E.g. are prisoners supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do prisoners have access to a complaints mechanism?)**

In order to protect prisoners against violence, Prison Service employees are required to report all cases of violence to the director of a prison and carry out all measures to stop such behaviour. The prison's director is required to investigate these reports. He/she has a duty to ensure that prisoners who may become a victim of violence are lodged separately from aggressive prisoners. Every cell needs to be equipped with an emergency signalling button.²⁷

- b) **Are there any special measures in place to protect LGBTI prisoners, who are particularly vulnerable to violence/sexual violence?**

There are no such measures.

- c) **Are these measures regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?**

The measures sub a) are regulated by the Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty and the Rules of Procedure of the Exercise of Custody (*řád výkonu vazby*).

- d) **Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).**

NO.

- e) **Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a**

²⁷ § 35 of the Rules of Procedure of the Exercise of the Punishment of the Deprivation of Liberty.

link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of--designated-npmb-by-regions-and-countries/>

The 2017 report:

Je zapotřebí změnit zákon o zdravotních službách tak, aby oznámení zjištění známek špatného zacházení nepředstavovalo porušení povinné mlčenlivosti lékaře. Dále je zapotřebí otevřít odbornou debatu, aby lékaři přijali svou roli v boji se špatným zacházením s pochopením a bez ohrožení vztahu lékaře a pacienta.

(It is necessary to modify the Healthcare Services Act so that it is not a breach of the physician's confidentiality duty to report the discovery of signs of ill-treatment. Furthermore, it is necessary to initiate a professional debate so that physicians accept their role in combatting ill-treatment with understanding and without undermining the physician-patient relationship.)²⁸

Please cite any relevant sources

8. Responsible authorities

- a) **What authority is responsible for the provision of additional information requested under Article 15 of the EAW Framework Decision? (Please specify whether there a central authority deals with these requests, if yes, please provide contact details, such as the name of the institution, a website, physical and email addresses, and a telephone number. In the absence of a central authority, who deals with those requests?)**

The court issuing the EAW will provide additional information.²⁹

- b) **What authority is responsible for monitoring conditions of detention and putting forward recommendations?**

The Public Defender of Rights.³⁰

Please cite any relevant sources

²⁸ Czech Republic, Public Defender of Rights. 2018. Protection against ill-treatment 2017. Report of the Public Defender of Rights as a National Preventive Mechanism (*Ochrana před špatným zacházením 2017. Zpráva veřejné ochránkyně práv jako Národního preventivního mechanismu*), p. 25.

²⁹ Czech Republic, Act on International Judicial Cooperation in Criminal Matters (*zákon o mezinárodní justiční spolupráci ve věcech trestních*), No. 104/2013, 20.3.2013, § 193, section 7. Available at: <https://www.zakonyprolidi.cz/cs/2013-104>.

³⁰ Czech Republic, Act on the Public Defender of Rights (*zákon o veřejném ochránci práv*), No. 349/1999, 8.12.1999, § 1, section 3. Available at: <https://www.zakonyprolidi.cz/cs/1999-349>.