



**Responses of the Czech Government  
to the report of the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)  
on its visit to the Czech Republic  
from 16 to 26 February 1997**

The Czech Government has requested the publication of the CPT's report on the visit to the Czech Republic from 16 to 26 February 1997 (see CPT/Inf (99) 7) and of its interim and follow-up reports in response. The responses of the Czech Government are set out in this document.



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**Preliminary Report by the Government of the Czech Republic  
to the Report by the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment  
on the Visit to the Czech Republic  
from 16 to 26 February 1997**

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## I. Introduction

The Government of the Czech Republic has received the report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter the CPT) and has studied it with interest in the CPT findings since it realises it is responsible for implementing the conclusions of the inspection visit by the CPT members in the Czech Republic from 16 to 26 February 1997.

The Government appreciates that the relevant bodies of the state administration of the Czech Republic provided the CPT inspection group members with due conditions while respecting their mandate, privileges and immunities ensuing from the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter the Convention) which is binding for the Czech Republic.

The Government is very pleased to note that the CPT members did not encounter any cases of torture or similar forms of treatment of persons deprived of their liberty in police holding facilities, prisons, or detention centres for minors during their inspection visit.

The CPT findings give rise to a realistic hope that observing fundamental human rights as defined in the relevant international conventions of the European Community which have been integrated into the legal system of the Czech Republic is clearly gaining ground in the work of the police, prison staff and the staff of detention centres for minors, and is binding for them.

This approach to the CPT recommendations listed, namely, in the final summary of the report with the aim to promote the observation of fundamental human rights in all places where persons officially deprived of their liberty are being held reflects the fact that some of the recommendations will take some time to implement.

As respects the reported inadequate conditions for holding foreigners awaiting expulsion the Government fully accepts the CPT requirement under Art. 8 para 5 of the Convention presented at the final meeting with the representatives of the ministries involved. Noted here has also been a reply by the Police President, Col. O. Tomášek, sent to the CPT President Mr. C. Nicolay.

The Government of the Czech Republic sees as very important the CPT recommendation related to the strong reminder that mistreatment of persons placed in police establishments, remand and sentence prisons and establishments for minors is not permitted. The relevant ministers will see to it that problems found in the treatment of persons held in police establishments, prisons, and detention centres for minors be resolved in compliance with the CPT recommendations.

At the same time, a parallel internal control system in all relevant ministries will be launched with the aim to check the implementation of measures adopted in compliance with the CPT recommendation. All levels of officers in charge will be informed about the results of these checks and the Government of the Czech Republic will monitor their implementation.

The changes proposed for the work of police, prison staff, and the staff of detention centres for minors which need a new legislation will be included in the legislative programme of the respective ministries in 1998. Stressed will be the choice of staff and their professional training with an emphasis on the protection of human rights and social communication.

The CPT recommendations with an impact on the national budget will become a long-term priority on the expenditure side of the relevant ministries budget. It is evident that most difficult will be to deal with the inadequate accommodation capacity for remand and sentenced prisoners.

The present interim report covers, first and foremost, the immediate measures of mostly organisational nature and measures which are the least time-intensive. Measures to comply with recommendations that require new legislation and will have an impact on the national budget expenditures will be elaborated in the follow-up report.

## II. Position to the facts found by CPT and CPT proposals

### A. Police establishments

#### *a) Torture and other forms of ill-treatment (II/A/2, paras 13-17 of the Report)*

The specific case of ill-treatment of a remand prisoner indicated by the CPT delegation during the visit to the Czech Republic was not identified either during the final assessment or in the report which did not include any details enabling the identification of the affected person. Nevertheless, the Control and Complaints Department of the Police Presidium of the Czech Republic has been charged with assembling the necessary information, investigating the case, and taking the appropriate measures in case of any proved breach of rules. (to para 14 of the Report)

A remand prisoner can be taken from prison to the office of investigation on the basis of an order by the respective investigator with the aim to conduct the necessary investigation. For both technical and economic reasons it is not possible to conduct all investigation in the prison where the prisoner is being held due to the need of having the prisoner on the crime scene, or the unavailability of suitable rooms in the prison, etc. The investigator conducts the investigation in compliance with the Rules of Criminal Procedure (Act No. 141/1961 as amended) and sectoral regulations (in particular, Guidelines for Investigators and Police Officers of the Police of the Czech Republic in Conducting Criminal Procedure). Minutes of the investigation session include information on reasons for bringing the person to the police establishment and all measures taken during the person's presence there and form an integral part of the investigation file. (to para 15 of the Report)

The report also points out the need for human rights education and related professional training of police officers as the cornerstones of a strategy in preventing ill-treatment. The issue of human rights forms a part of the basic curricula in the education of police officers both in direct and indirect duty (Annex 1). Police Academy organises a specialised course on the Bill of Human Rights and Freedoms for police officers in medium and higher management. The personnel and education section of the Ministry of Interior organises professional training in co-operation with the Centre for Human Rights Education of Charles University which covers the following topics: human rights protection, tolerance and its violations, conflicts and their resolution, and „communication responsibility“. (to para 16 of the Report)

Though the present legislation on the enforcement and protection of human rights by police authorities is not perfect, the Police of the Czech Republic pays permanent attention to the issue. It is the focus of the day-to-day management, organisational and, in particular, monitoring work of officers on all levels of management, as well as of specialised departments dealing with citizens' complaints, notices and suggestions. Any identified problems are immediately dealt with by the respective officers and remedial measures, including disciplinary ones, are taken in parallel. More serious breaches of rules, though in practice rather rare, are dealt with by the personnel department and usually handed over for

settlement to the respective law enforcement bodies (Annex 2). Such problems are, in a generalised form, discussed in meetings, staff training sessions, instructions of police officers before their assigning to duty, etc. (to para 17 of the Report)

*b) Conditions of detention in police establishments (II/A/3, paras 18-24 of the Report)*

It is obvious that the CPT delegation did not take into account the differences between the various types of limiting personal freedom in the Czech Republic and the related procedures applied by the Police of the Czech Republic. The report indicates that the delegation did not differentiate between persons brought in to provide explanation or to prove identity and persons detained under the Act on the Police of the Czech Republic (Act No. 17/1994) or under the Rules of Criminal Procedure (Act No. 141/1961 as amended).

Police cells are not available in all police stations and not all persons brought in may be placed in a police cell. More details on police cells are stipulated by the Act on the Police of the Czech Republic and relevant regulations issued by the Ministry. The detained persons are held in rooms available to the individual police stations for the period necessary for conducting the required police procedures. These rooms, however, cannot offer the same equipment or regime as a police cell if they have not been approved as police cells. (to paras 19, 20 of the Report)

*c) Safeguards against ill-treatment (II/A/4, paras 25-35 of the Report)*

Neither the Act on the Police of the Czech Republic (Act No. 283/1991 as amended) nor the Rules of Criminal Procedure (Act No. 141/196/ as amended) include any clear stipulation related to the right for notification of close relatives or a third person about the limitation of personal liberty (taking in for explanation, taking in for establishing identity, detention of a suspect, detention of a charged person). However, there is no obstacle for the respective person to exercise this right and it is being done in practice. Exceptions may be considered if they are required by the investigation tactics.

In relation to the above it should be mentioned that the institute of bringing in a person is possible only if other actions are required by the police which could only be taken in the police station; they must be done without undue delay, and after their completion the person must be released. In such cases it is assumed the person will not stay in the police station for a long period of time. Different is the situation with detentions, because the Rules of Criminal Procedure set an obligation to immediately inform the detained person's relative and a superior at work - in case of a member of armed forces, information would go to his/her commander. (to paras 27, 28 of the Report)

The right to have access to a lawyer, though it is not mentioned explicitly in the Police Act, is enjoyed by any person including those who have been brought in to provide an explanation. This right is granted in the Constitution of the Czech Republic (Act No. 1/1993) and the Bill of Fundamental Rights and Freedoms (Act No. 2/1993) and in compliance with the ruling of the Constitutional Court of the Czech Republic of 5 June 1996 (Annex 3). (to paras 29, 30 of the Report)



The right to have access to a doctor is not treated either in the Police Act or the Rules of Criminal procedure. From the Constitution of the Czech Republic and the Bill of Fundamental Rights and Freedoms it may be deduced indirectly that a doctor of the detained person's own choice may be called to do the medical examination. The implementation of this practice, however, would be rather problematic. The problems include the availability of the doctor, payment for the examination, guarding of the person, attempts of the detained person to use up the legitimate detention period, and last but not least, to potentially influence witnesses and other persons with the help of the doctor. We agree to the need for the confidentiality of medical records (it can easily be arranged e.g. through inserting the medical records into the file in a sealed envelope) and defining persons and conditions for access to this documentation.

As to the information on the patient's condition, the Law on the Health of the Population (Art. 23, para 1 of Act No. 20/1966 as amended) obliges the doctor to inform, in an appropriate form, the patient or a relative about the nature of the illness and required treatment. The doctor is not obliged to offer the medical records for inspection to the affected person or his/her lawyer. The documentation is a working material of the doctor and it includes, in the interest of the patient, data needed for the diagnosis and treatment including data unfavourable, at the given moment, for the detained person. It is up to the doctor to consider what information, when and in what form he will provide the information in view of the respective patient's condition. Any other procedure cannot be considered correct in both professional and ethical terms. (to paras 31, 32 of the Report)

Actions under the Rules of Criminal Procedure (Act No. 141/1961 as later changed and amended) are conducted in the presence of a certified interpreter, in writing and the information about rights forms an integral part of them. The affected person confirms by his/her signature the accuracy of the protocol and knowledge of the information about his/her rights (the accuracy of the translation is guaranteed by the interpreter who has a court authorisation). Any violation of these principles represents a major lapse in procedure and a reason for sending the file back for additional investigation. Under the Police Act (Law No. 283/1991 as amended) the police officer is obliged to inform the person who is being apprehended on his/her rights. The information is usually offered orally because the law does not require a written form. (to para 33 of the Report)

Investigation procedures are sufficiently defined in the Rules of Criminal Procedure and, additionally, in the internal guidelines on proving identity of police officers, the place of interrogation, the time of starting and ending the interrogation, persons present at the interrogation, possibility to raise objections and comments to the written protocol, etc. An individual approach is taken to persons with health problems or those under the influence of drugs, alcohol or medicaments in respect of a lawyer's presence, because any irregularity in legal procedures and investigation tactics would result in pronouncing the action illegal. Similar is the approach in hearing children, mentally retarded persons, etc. In this respect the existing legislation is sufficient. (to para 34 of the Report)

## B. Prisons

### a) *Torture and other forms of ill-treatment (II/B/2, paras 39-43 of the Report)*

The statistics covering the use of the means of coercion indicate that in the first half of 1997 (Annex 4) that as compared to second half of 1996 the number of cases increased by 37. Out of the 348 cases of coercion means application against prisoners none had to be handed over to the police for the investigation of a suspected violation of the law by a prison guard. Only one action has been assessed as unjustified (use of a baton against sentenced prisoner Bendová on 16 February 1997 in Praha-Pankrác remand prison) and one as disproportionate (use of a baton against a juvenile sentenced prisoner Vilím on 17 February 1997 at Všehrady prison). In both cases the prison guards involved received a disciplinary punishment. Their incorrect actions have not caused an injury to the prisoner which would require a long-term treatment or leave a permanent consequence. After investigation all the other uses of coercion means in the first half of 1997 have been evaluated as adequate and appropriate in the given situation. (to para 40 of the Report)

Out of the total 348 cases in which means of coercion were used in the first half of 1997 44 cases were responses to physical violence by prisoners. In the second half of 1996 only 27 such cases were recorded which means an increase of about 162%. This growing trend in prisoners' violence requires a better training of prison officers in legal conditions for the use of means of coercion, and tactics and technical skills in using them. In the period under consideration most cases involved physical restraint in self-defence (122 cases), followed by the use of baton (68 cases) and handcuffs (49 cases). The prevailing use of self-defence is seen as positive and, therefore, the prison officers' training will focus mostly on gaining the necessary skills and improving their awareness of how to deal with prisoners. (to para 41 of the Report)

We fully agree with the statement that the existence of effective mechanisms for examining prisoners' complaints is a fundamental safeguard against ill-treatment of prisoners. However, the CPT findings do not accurately reflect the way how prisoners' complaints are being handled in the Prison Service of the Czech Republic. Complaints submitted by prisoners, employees of the Prison Service or other persons are investigated and processed in compliance with the instruction No. 7/1995 issued by the Director General. It stipulates who is responsible for the investigation and processing of the complaint. Complaints against prison officers in a prison are processed by the governor of the respective prison, any complaints against his decision are processed and finalised by the Director General of the Prison Service of the Czech Republic. It is, therefore, a common practice that complaints addressed or passed to the Director General are sent for investigation and processing to the respective prison governor. Prison officers in charge of investigating and processing, in fact, only prepare background documentation for the governor's decision.

In case of any investigation of suspected criminal acts committed by members of the Prison Service of the Czech Republic the Rules of Criminal Procedure (Art. 2, para 4-6 and Art. 12, para 2 of Law No. 141/1961) give some powers to the respective police body of the Prison Service of the Czech Republic which are clearly defined in the instruction issued

by the Director General No. 15/1994. In case this body finds that the prison officer has committed a crime under the Criminal Code (Law No. 140/1961 as later changed and amended), it will hand over the file to a police investigator. If no crime has been committed the body files and disposes definitely of the case in compliance with the provisions of the Rules of Criminal Procedure (Art. 159, para 1 of Law No. 141/1961). Under the Rules of Criminal Procedure the aggrieved party than has the right to complain against the filing and desposing of the case by decision and the complaint is then processed by a state attorney. If the authorised police body concludes the act has not been a crime but a trespass the file will be passed for a disciplinary action to the respective prison governor.

In view of the CPT doubts about the objectivity and impartiality of processing some of the prisoners' complaints by the Prison Service of the Czech Republic and the procedure of investigating such complaints which, in case of the withdrawal of a complaint, is seen as a sort of pressure on the claimant there is no objection against the recommendation to check the procedures the Czech bodies apply in dealing with prisoners' complaints. (to para 42 of the Report)

The experience of the Czech prison service confirms that the best possible guarantee against the ill-treatment of prisoners is a properly trained prison officer, who is capable of adopting an appropriate attitude in his relations with inmates. Therefore, it is in the interest of the Czech prison service to promote training of prison officers (Annex 5) in assertiveness and appropriate social communication. (to para 43 of the Report)

*b) Conditions in prisons (II/B/3, paras 44-57 of the Report)*

The law on detention on remand (Art. 9 of Law No. 293/1993) which stipulates that cells shall be equipped with a table and an adequate number of chairs is not applicable to sentenced prisoners but only to remand prisoners. As for separating the lavatory from the rest of the cell by an opaque screen, same approach is taken in case of sentenced prisoners in both high and maximum security prisons and in disciplinary punishment sections of all prisons where prisoners are locked in the cell. Guard call system is installed in the above mentioned types of prisons and disciplinary punishment sections in all prisons (in compliance with the regulation by the Director General No. 8/1997). Electric lighting is a common feature in all buildings and is based on generally binding regulations for buildings used for accommodation. (to para 44 of the Report)

Both the Prison Service and the Ministry of Justice of the Czech Republic view the present overcrowding of prisons, if there should be 3.5 m<sup>2</sup> per prisoner the overcrowding amounts to 113%, as negative. It should be added that in 1993 the area per prisoner guaranteed by law was increased from 2.5 to 3.5 m<sup>2</sup>. This increase was necessary but it required an increase of about 5000 places in prison capacity which, despite all efforts, has not been achieved yet (Annex 6 and 7). With the present price level, building of a single new place in prison costs about CZK 1 mil., it would amount to an investment of about CZK 5 bil. It is not possible to use all the investment money for building accommodation, since the funds must cover repairs and reconstruction of the existing premises, purchase of cars and other objects needed for the operation of remand and sentence prisons. Nevertheless, the recommendation to increase the accommodation capacity is seen as positive because

enlargement of the living space would mean better conditions for treatment of prisoners. It will, therefore, become a part of a long-term concept which will be implemented depending on the money made available from the state budget.

The problem of overcrowding may also be, to some extent, reduced by using alternative sentences already provided for in the present legislation. Their broader application will depend on acquiring good experience with imposing and executing such sentences and increased activity of probation officers. The proportion of sentenced prisoners who could receive a non-custodial sentence amounts to maximum 30% of the prison population. (to paras 46, 47, 48 of the Report)

The central escort point (transit facility) in Prague-Pankrác Remand Prison has 25 cells and during two escort days a week 360 prisoners, on an average, pass through them. In this situation at least 14 prisoners are placed in one cell. It is an urgent problem which must be dealt with. At first, we plan to organise escort assembly points in other prisons as well. A final solution we see in building a new escort assembly centre outside Prague. (to para 49 of the Report)

In compliance with the respective provisions of the Code Governing the Execution of Incarceration (Law No. 59/1965 as later changed and amended) principles of internal differentiation were introduced at Mírov prison and made an integral part of the Mírov prison internal rules. Under these principles sentenced prisoners are subdivided into three categories of internal differentiation and provided they succeed in the resocialisation programme they may be transferred to a less restrictive category. This differentiation also affects work and leisure time activities because guarding less problematic prisoners is easier. This leads to a paradox of less work being done with the most problematic prisoners. The logical requirement of CPT to enlarge the range of activities for prisoners in maximum security regime and life prisoners cannot be met without having the necessary space and personnel. Intense attention should be paid to the CPT argument that life-prisoners should not be kept apart from other prisoners. Since such a sentence is a relatively new experience for the Prison Service of the Czech Republic it will take some time to handle the situation. We intend to learn from the experience of our foreign partners. (to paras 50,51,52,53,54 of the Report)

The respective governors have already replied to the CPT finding that remand prisoners at Prague-Pankrác Remand Prison and the remand section of Mírov Prison spend most of their time without any activity in overcrowded cells. In treating the detainees prison officers at Prague-Pankrác Remand Prison focus on lessening the impact of imprisonment on the detainee's psychology, on intellectual and aesthetic education, self-control training, consultancy against various addictions (smoking, alcohol, drugs), sexual issues (contraception and AIDS prevention), and reintegration after release from prison.

The above activities are organised by a professional team consisting of a pedagogue, psychologist, social worker and educators. The pedagogue conducts initial and individual interviews, teaches the prisoners in order to help them to complete their elementary education, organises artistic and musical groups, conducts group therapy. The psychologist conducts individual interviews and art therapy. The social worker prepares social case histories of individual prisoners and takes part in individual interviews and group therapies.

Educators lead sports activities (table tennis, ball games, field hockey, gymnasium exercises), hobby activities (model building, chess), and provide basic training in working with a computer. Additionally, they are in charge of audio-visual means and social games. The availability of the above activities for some remand prisoners may be limited by space and also by the rules of collusion detention under which any contact with other plaintiffs in the same case is forbidden. However, it is also up to the remand prisoners whether they will take part in the available activities or not, since the Code on Execution of Pre-Trial Detention (Art. 17 of Law No. 293/1993) provides they have a right to be offered cultural activities but it is not their obligation to take part in them.

Remand prisoners learn about the available activities during their initial interview with the chief guard (Art. 8 of the Ministry of Justice Regulation No. 109/1994). Same procedure applies in the remand section of Mírov Prison which, at the moment, offers remand prisoners expert help in consolidating and improving their general education and language skills. In terms of cultural activities, they may borrow books, use audio-visual means, and engage in artistic activities. In terms of sport, offered are board games, fitness exercises, table tennis. As in other remand prisons, pedagogical, psychological, social and legal advice is offered. (to para 55,56 of the Report)

In Prague-Pankrác Remand Prison the offer of educational, sports and cultural activities for juveniles, as a specific category of remand prisoners, is treated separately. A permanent team consisting of the remand section staff is appointed to deal with this issue and special attention is paid to physical exercise and sport. (to para 57 of the Report)

*c) Medical Service (II/B/4, paras 58-62 of the Report)*

The vacant general practitioner post at Mírov Prison was filled as off 1 July 1997 with the aim to provide the required level of medical treatment and prevention. Full-time internist Zdeněk Nedvěd, MD, was hired. (to para 58 of the Report)

Prisoners' medical data are considered confidential and are protected under the Law on the Health of the Population (Art. 55, para 2, letter d) of Law No. 20/1966 as amended). Only the prison health officers may see the medical records or add any data to it. In compliance with the above law, not even law enforcement bodies may get any information from medical files without a prior consent of the patient. In legal terms, it is impossible for prison guards to look into the prisoners' medical records and to have any knowledge of their contents. The records are stored in locked cabinets with only the prison medical staff having access to them.

Examination rooms in most prisons are designed to provide safety for the medical staff, on the one hand, and to meet the need for confidentiality during medical examinations, on the other hand. Therefore, it is possible to accept the recommendation for the doctor to decide about the presence of prison guards during medical examinations based on his knowledge of the prisoner and type of examination. The doctor should also decide whether the prisoner's examination should be conducted out of the hearing or out of the sight of prison officers. (to paras 59,60 of the Report)

Information on transmissible diseases (in particular hepatitis, AIDS, TBC, and skin diseases) and protection against the disease is the regular part of a medical examination in the prison. As to the HIV/AIDS problem, there is a regulation issued by the Director General No. 23/1994 based on a general norm developed by the Health Ministry of the Czech Republic in compliance with the recommendation of the World Health Organisation (WHO). It includes the principle of voluntariness and anonymity for the patient and measures to guarantee protection and safety of the prison staff. It is complemented by a methodological guideline detailing the procedure of counselling related to anonymous testing and availability of care for HIV positive prisoners and AIDS patients in prison. The professional training of prison officers includes learning about HIV/AIDS as required by the above regulations. The TBC problem is screened in compliance with the regulation issued by the Director General No. 11/1997 regulating the system of supervision over TBC prisoners and keeping the appropriate records of patients. (to para 61 of the Record)

It can be accepted that suicide prevention is not a case for the prison health service only. Experience shows that all members of the prison staff who are in daily contact with prisoners may help deal with the problem. During the initial preventive medical examination upon arrival in the prison the doctor searches for potential mental deviations in the prisoner, records non-typical reactions, and any in- or out-patient psychiatric treatment in the past. Any deviations from the norm are usually analysed by a psychologist, and if needed by a psychiatrist, who are members of the staff in all prisons. All the personality characteristics of a sentenced prisoner are then assessed in the admission department which designs the respective resocialisation programme. An inclination to suicide may be revealed during this diagnostic activity.

All prisons have an emergency centre for persons in an acute psychological stress who are potentially suicidal. The rooms should be furnished in the same way as in psychiatric clinics, i.e. soft edges, firmly fixed objects, unbreakable wash basins, lavatories, and window panels. (to para 62 of the Report)

*d) Other issues relevant to the CPT's mandate (II/B/5, paras 63-79 of the Report)*

A new law on the execution of incarceration which has been in principle agreed by the Government unifies the periodicity and length of visits to sentenced prisoners in various types of prisons. Differences in visiting arrangements in the individual types of prisons will then be affected by security measures only. Lengthening of the visiting time or shortening of the interval between visits will require an amendment of the respective article of law governing the execution of the pre-trial detention (Art. 14, para 1 of Law No. 293/1993), and more space for organising the visits. The assumed increase in the number of visits will require an increase in the numbers of prison staff. Such measures will, undoubtedly, have an effect on the state budget. The separation of the prisoner and visitor by a glass screen is allowed under the remand prison rules (Art. 44 para 4 of the Regulation issued by the Ministry of Justice of the Czech Republic No. 109/1994). All prisons have facilities for visits in open conditions, their capacity is, however, limited. (to paras 63-66 of the Report)

In case of remand prisoners detained for reasons of collusion visits must be authorised in writing by a judge or state attorney. Any delays in issuing such an

authorisation should be dealt with by the relevant bodies of the Ministry of Justice of the Czech Republic. (to para 67 of the Report)

It is possible, in principle, to allow extended visits without direct supervision in order to maintain family and personal, including sexual, relations in rooms specially set up for such visits. Extension of such practice will be made possible after a new law on incarceration is passed. It will require the setting up of appropriate visiting rooms in all high and maximum security prisons. It seems, however, that for prisoners in low and medium security prisons it would be better to allow for contacts with their family through temporary releases from the prison. (to para 68 of the Report)

The geographical isolation of Mírov Prison and related problems with travelling for a visit is known but a number of sentenced prisoners residing in Moravia apply for a transfer into this prison. Visits are arranged in compliance with the Code Governing the Execution of Incarceration and rules of incarceration which provide for one visit a month for prisoners in high security prison (Art. 75 para 1 of the Regulation of the Ministry of Justice of the Czech Republic No. 110/1994) and one visit in six weeks for prisoners in maximum security prisons (Art. 78 para 1 of the Regulation of the Ministry of Justice of the Czech Republic No. 110/1994). The above mentioned harmonisation of the interval between visits to prisoners will deal with the problem.

Guidelines for visiting arrangements at Mírov Prison exist and are annexed to the internal rules of the prison. They include arrangements for visits, definition of prison officers' functions, timetable for staff and prisoners, responsibilities of the staff, information for prisoners and visitors, model authorisation by the governor of the visit and a non-standard form of the visit. (to para 69 of the Report)

Provisions of the Code Governing the Execution of Pre-Trial Detention (Art. 13 of Law No. 293/1993) and Code Governing the Execution of Incarceration (Art. 12 para 1 of Law No. 59/1965 as amended) authorise the prison to check prisoners' correspondence but do not oblige it to read all of it. Checks of correspondence in the prison are not a reason for delays in sending it out or handing it over to prisoners. There may be some delays if correspondence of a remand prisoner suspected of collusion is checked by a law enforcement authority. Such delays will be dealt with individually rather than by a general regulation. (to para 70 of the Report)

The access of prisoners to telephone will be regulated by a new law on incarceration. The present legislation and technical condition of telephone switchboards in most prisons do not allow for monitoring of the call in case of necessity. At present, it is the governor who authorises access of the prisoner to telephone, in exceptional circumstances and if there is no risk of interfering with the execution of pre-trial detention or incarceration - e.g. influencing of witnesses, preparation for an escape, etc. (to para 71 of the Report)

Problems with outdoor exercise at Prague-Pankrác Remand Prison and Mírov Prison were caused by operational problems and not by insufficient legislation. In 1996 and later, before the CPT visit, Prague-Pankrác Remand Prison limited, in some cases, the regulated exercise time (1 hour daily) or cancelled the exercise of remand prisoners due to insufficient numbers of prison guards who were on escort duty since more prisoners were to

be taken to courts. Outdoor exercise at Mírov is suspended in bad weather - torrential rain, snow blizzard or icy conditions, and not on foggy days as the Report indicates. In any case, all prison governors are obliged to prevent any violation of the prisoners' right to outdoor exercise. The same applies to patients in prison health facilities, unless medical reasons prevent it. (to para 72 of the Report)

Prague-Pankrác Remand Prison will adopt measures allowing the remand prisoners to exert themselves physically during the outdoor exercise. In 1992 an instruction was issued defining 40 m<sup>2</sup> as the minimum area for outdoor exercise. The compliance with the instruction, however, depends, to a great extent, on funds available for the reconstruction of existing exercise areas. Again, it will take some time to deal with the problem. (to para 73 of the Report)

In 1989 much attention was paid to the size, lighting, heating, ventilation, and furnishing of disciplinary cells in prisons. Though the situation has improved since it can only be agreed, as CPT rightly indicates, that some fixtures and fittings could be used by a distressed prisoner to inflict injuries upon himself. It can also be agreed that the cells should be fitted with mattresses. The access of prisoners placed in disciplinary cells to reading matter is regulated by the law on pre-trial detention (Art. 22 para 7 of Law No. 293/1993) and on incarceration (Art. 20 para 5 of Law No. 59/1965 as amended). It should be noted that remand prisoners placed in disciplinary cells may study legal regulations. (to para 75 of the Report)

Regular visits to all prisons by an independent body, deemed as specially important by CPT, can only be supported. At present, any independent external inspections of the prison service are conducted by the members of a subcommittee for prison service set up by the Committee for Defence and Security of the Chamber of Deputies of the Parliament of the Czech Republic. Stronger external control conducted by judges is being considered in connection with drafting a new law on incarceration. Similarly, external control, under the amended law on pre-trial detention, may be entrusted to judges or state attorneys. (para 77 of the Report)

Much attention is being paid in the law on the prison service and court guards (Art. 17 of Law No. 555/1992) to the permissible use of means of coercion and their effectiveness when used on duty but also in respect of the protection of prisoners' health and lives. The CPT recommendations to revise the list of authorised means of coercion can be reflected, after an appropriate analysis, in the amendment of the mentioned law which should be passed in 1998. It should be added that electric shock devices included in the authorised list have been, after tests, removed from the list and are not used at present. (to para 78 of the Report)



## C. Detention centres for minors

### a) *Torture and other forms of ill-treatment*

The educational system of the Czech Republic bans any use of physical punishments, rude offences, and public degradation of pupils or residents at schools and educational establishments. If the teacher fails to respect this ban it amounts to a gross violation of discipline and the director is obliged, under the Labour Code provision which allows the employer to immediately terminate the contract of an employee who has grossly violated the required work discipline (Art. 53 para 1 of Law No. 65/1995 as later amended), to terminate the employment of the respective person. This measure does not exclude prosecution under the law if the respective act can be qualified as a criminal offence. Though the alleged inappropriate behaviour of some members of the staff at Moravský Krumlov Educational Institute has not been specified or documented in the CPT Report inspection, as a preventive measure, has focused on checking these facts which have not, however, been confirmed. Directors of these establishments for minors will pay more attention to the to pay more attention such negative phenomena. (to para 85,86,89 of the Report)

It is true the staff of educational establishments should be carefully selected and receive an appropriate regular and in-service training. The staffing of institutional and protective educational establishments remains a problem. Most of them are located in isolated places or small villages and to hire skilled local staff is difficult. Many directors attempt to recruit young university graduates with appropriate skills but most of the graduates do not stay long due to the conditions offered and difficulties of the work. The special education department of the Ministry of Education, Youth and Sports of the Czech Republic has called upon the diagnostic institutes acting as information and professional centres in the educational establishments' network asking them to develop a staff training project. The proposals will be used in 1998 for a final project. (to para 88 of the Report)

The following may be said to the CPT requirement for more information on the Ministry of Education Inspectorate and possibilities the minors deprived of liberty have for submitting complaints: they may submit complaints against educational methods, meals, etc. to the director of the establishment, regional education department, the Czech Education Inspectorate, the internal control department of the Ministry of Education, Youth and Sports of the Czech Republic, the office of the state attorney, district government and other offices of state administration related to institutional or protective education. Inspections in educational establishments are conducted in compliance with the law on government administration and self-administration in education (Art. 18 paras 3 and 4 of Law No. 564/1990 as amended). Most inspections are conducted by inspectors with an appropriate qualification and experience. They visit an establishment once in two years, on an average, and during their visits they also talk to residents who can inform them about both positive and negative experience from their stay in the establishment. Inspection results are first submitted to the respective director for comments. Finally, the Inspectorate produces publicly available inspection reports that are sent to supervising authority, education departments and directors of the respective establishment. At present, inspection activities are being modified to make them comply with the uniform methodology, and only

professionally skilled and experienced inspectors will be allowed to conduct such inspections. (to para 89 of the Report)

*b) Conditions of detention (II/C/3, paras 90-92 of the Report)*

Most of the establishments offer suitable conditions for sport and physical training of the minors. The establishments organise numerous sports competitions, summer and winter olympics, and other activities serving as important incentives. It is in the interest of the Ministry of Education, Youth and Sports of the Czech Republic to improve the conditions for physical education and sports available to boys and girls as required by the CPT recommendation. (to paras 90,91,92 of the Report)

*c) Discipline and isolation (II/C/4, paras 93-96 of the Report)*

Disciplinary measures applicable to minors are detailed and harmonised for all establishments. The minors have a right to be heard in their disciplinary procedure, though in some establishments this right is only formal. The right to appeal against a disciplinary punishment will be guaranteed in a law on social and legal protection of children whose outlines the government has already approved. With the exception of the requirement to keep records of a temporary separation from other children for the maximum of five days, no other records are being held, though complete records seem desirable.

Disciplinary measures applicable in all establishments are regulated by a regulation on education establishments for institutional and protective education (Art. 17 para 2 of the Regulation by the Ministry of Education, Youth and Sports of the Czech Republic No. 64/1981). We can only agree that placing minors in an isolation room should be seen as a wholly exceptional measure and strict rules should be set for it (furnishing of the room, conditions for placing in the room with respect to the minor's psychological condition). Important are regular and frequent inspections by the relevant education authorities and a supervision by an independent commission. A bill dealing with establishments on institutional and protective education is being drafted and it will define the powers of the relevant educational and protective education establishments and remove problems that may remain unregulated in the mentioned law on social and legal protection of children. (to paras 93,94,95,96 of the Report)

*d) Medical care (II/C/5, paras 97-98 of the Report)*

To the CPT requirement on the confirmation of confidentiality of medical records in detention centres for minors: it is an obligation to keep medical records of all inmates and the person in charge of them is a professional health officer who works together with the doctor and takes part in deciding on the type of treatment. The obligation to protect medical data under the law on the health of the population (Art. 55 para 2 letter d) of Law No. 20/1966) applies also to educational establishments. (to para 98 of the Report)

### **III. Immediate measures for the implementation of the CPT Report**

#### **A. Immediate observations under Art. 8 para 5 of the Convention**

##### *Information required*

As a follow-up to the report by the Police President of the Czech Republic of 2 May 1997, which was invoked by CPT as an immediate measure under Art. 8 para 5 of the Convention, it may be said that the detention centre for foreigners awaiting expulsion will be established on the premises of a former police school at Bálková which is now being reconstructed for this purpose. A new law on the stay of foreigners in the country, now being in the comments procedure, will regulate the placement of foreigners in such establishments. It is assumed the law will be passed and become effective in 1998. The General Directorate of the Prison Service of the Czech Republic has agreed to take part in the detention centre staff training. The Directorate of Foreigners and Border Police will train the staff in foreigners' related issues. Both the Ministry of Interior and the Police of the Czech Republic are interested in a quick solution of the problem.

An amendment to the Rules of criminal procedure introducing an institute of remand imprisonment before expulsion which the judge may use if he believes the foreigner sentenced to expulsion may go to hiding or otherwise interfere with the expulsion sentence (Art. 305 c of Law No. 150/1997 of 12 June 1997 amending the Law No. 141/1961 on criminal procedure as later amended) has helped, to some extent, improve the capacity situation of the detention centres for foreigners. Conditions for the remand imprisonment of foreigners awaiting expulsion are regulated by the law governing the execution of pre-trial detention (Law No. 293/1993) and the detainees may, therefore, be placed in the establishments of the Prison Service of the Czech Republic.

More details on the establishment and operation of the detention centre for foreigners awaiting expulsion will be presented in the follow-up report. (to para 10 of the Report)

#### **B. Police establishments**

##### *a) Torture and other forms of ill-treatment (II/A/2, paras 13-17 of the Report)*

##### *Response to recommendations*

All directors of regional police directorates in the Police of the Czech Republic were urged at a consultative meeting to inform all their subordinates that any ill-treatment of detainees is absolutely unacceptable and will be the subject of severe sanctions. The directors received also an extract from the CPT report with an information that the issue would be a

subject of an order which is being drafted by the Police President and which would point out deficiencies and lapses in police work. (to para 15 of the Report)

The removal of remand prisoners to the police for legal procedures is recorded by the respective prison. It is based on a written request by the investigator approved by the director of the respective investigation office who checks the reasons and need for the legal procedure to be conducted outside the prison. (to para 15 of the Report)

#### *Comments*

The recommendation for a court approval with any removal of a remand prisoner from the prison seems somewhat problematic because, in practice, it would mean an increased administrative burden interfering with the speed and the capability to respond to the situation. Under the order by the Police President of the Czech Republic any removal of a remand prisoner from the prison to police premises must be limited to situations when the investigator cannot apply the appropriate measure in the prison (e.g. reconstruction on the crime scene, identification parade, etc.). At the moment there is no indication of any violation of the Police President's order. (to para 15 of the Report)

#### *Requests for information*

Information on the police officers' training in human rights issues, both initial and in-service, is included in Annex 1. (para 16 of the Report)

Information on complaints against the work of police officers and results of their prosecution in the first half of 1997 is included in Annex 2. (to para 17 of the Report)

#### *b) Conditions of detention in police establishments (II/A/3, para 18-24 of the Report)*

#### *Response to recommendations*

During the process of assembling ideas and proposals for the upcoming amendment of the Police Act of the Czech Republic the Directorate of law and order police submitted a proposal to add into the new law a provision on „premises for apprehended persons“. The amendment of the above law should also include provisions on furnishing of such premises and conditions of detention in such premises which would improve the legal protection of detainees. (to para 21 of the Report)

#### *Comments*

The availability of more appropriate premises for foreigners awaiting expulsion, supervising of such detainees by properly trained staff, and introducing of proper daily regime including outdoor exercise are parts of the task issued by the Police President of the Czech Republic in reaction to immediate observations under Art. 8 para 5 of the Convention. More information can be found on page 17 of the Interim Report. Placing of foreigners in such detention centres will be regulated by a new law on the stay of foreigners

in the country which will be drafted by the Ministry of Interior in 1998. (to para 24 of the Report).

*c) Safeguards against ill-treatment*

*Response to recommendations*

The right of persons deprived of liberty by the police to notify a relative or a third person of their situation will be stipulated in the amended rules of criminal procedure. The Ministry of Interior of the Czech republic will suggest such amendment in 1998. (to paras 27,28 of the Report)

The right of persons deprived of liberty by the police to have access to a doctor of their choice out of the hearing and if requested out of the sight of police officers will also be considered in the amendment of the rules of criminal procedure suggested by the Ministry of Interior of the Czech Republic in 1998. (to paras 31,32 of the Report)

In order to improve the legal protection of detainees and the legal position of police officers the Police President of the Czech Republic shall arrange in 1998 for issuing a form informing detainees of their rights in major languages. The rights of detainees shall be treated in the suggested amendment of the Police Act which will be drafted by the Ministry of Interior of the Czech Republic in 1998. (to para 33 of the Report)

To further the legal protection of detainees and the legal position of police officers the Police President of the Czech Republic will arrange for introducing a single and comprehensive custody record for each person detained in the Czech Republic including all data a facts related to the detained person. (to para 35 of the Report)

*Comments*

All persons deprived of their liberty by the police, for whatever reasons, have a right to contact their lawyer since the moment of their apprehension. More information can be found on page 6 of the Preliminary Report. (to para 30 of the Report)

The Instructions on criminal procedure issued by the Police of the Czech Republic will be revised in view of the CPT comments as a part of an analysis preceding the drafting of outlines for a new law on the police, or a minor amendment of the existing law will be proposed. At the same time, all existing sectoral guidelines will be analysed and, if needed, amended. The Police President of the Czech Republic will submit the required background information. (to para 34 of the Report)

## C. Prisons

### *a) Torture and other forms of ill-treatment*

#### *Response to recommendations*

A strong message to prison officers that ill-treatment of prisoners is unacceptable and will be subject to severe sanctions has been conveyed in a meeting of all prison governors. The governors have been informed about the relevant parts of the CPT Report on the use of physical force against prisoners and the analysis of the use of means of coercion in the Prison Service of the Czech Republic in the first half of 1998. (to para 41 of the Report)

The procedure of processing prisoners' complaints will be reviewed, in the first half of 1998, by the department of the Ministry of Justice of the Czech Republic that is in charge of the prison service; the aim is to guarantee the necessary independence and impartiality in processing the complaints and not to discourage persons who may have been ill-treated from filing a complaint. (to para 42 of the Report)

#### *Requests for information*

Information on initial and in-service training for human rights of prison officers is included in Annex 5. (to para 43 of the Report)

### *b) Conditions in prisons (II/B/3, para 44-57 of the Report)*

#### *Response to recommendations*

The recommendations to increase the current legal standard of 3.5 m<sup>2</sup> per prisoner, not to use cells measuring 8 m<sup>2</sup> for more than one prisoner, and to take out of service cells measuring less than 6 m<sup>2</sup> are viewed as a target situation for the Czech prison service in its efforts to put an end to overcrowding. The General Director of the Prison Service of the Czech Republic has been charged with designing a strategy as a one of the major tasks of the Czech Prison Service in 1998. (to para 48 of the Report)

In order to reduce the number of prisoners in escort cells in Prague-Pankrác Remand Prison transit prisoners will be assembled in several regional escort centres in 1998 and a new transit centre will be built at Jiřice Prison in the future. A project already exists and all depends on the funds available to the Prison Service of the Czech Republic. Escort cells in the Prague-Pankrác Remand Prison will be equipped with means of rest in the first half of 1998. The person in charge is the General Director of the Prison Service of the Czech Republic. (to para 49 of the Report)

The governor of Mírov Prison has adopted his own measures aimed at offering activities to long-term prisoners as a part of their regime. Relevant information may be found at page 11 of the Preliminary Report. (to para 54 of the Report)

The governor of Prague-Pankrác Remand Prison has adopted his own measures, taking into account the available capacities, aimed at improving the regime of remand prisoners, especially the juveniles, offering education, culture and sports. Related information may be found on page 11 of the Preliminary Report. In 1998 the priority is to increase the time offered to juvenile prisoners for out-of-cell activities from 4 to 6 hours. The General Director of the Prison Service of the Czech Republic is charged to supervise the implementation of the task. (to paras 56, 57 of the Report)

*Requests for information*

Information on equipping cells for sentenced prisoners with a table, adequate number of chairs, with amenities separated from the remaining part of the cell by an opaque screen, and with electric lighting and call system may be found on page 9 of the Preliminary Report. (to para 44 of the Report)

*c) Medical issues (II/B/4 paras 58-62 of the Report)*

*Response to recommendations*

In a meeting with all prison governors the General Director of the Prison Service of the Czech Republic issued an instruction to arrange for medical examinations of prisoners be conducted without the presence of a prison officer unless the doctor requests otherwise. (to para 59 of the Report)

The governor of Prague-Pankrác Remand Prison adopted his own measures to ensure that strict confidentiality of medical data is guaranteed in compliance with Art. 55, para 2, letter d) of the Law No. 20/1966 on the Health of the Population as later amended. (to para 59 of the Report)

*Requests for information*

It can be confirmed that the vacant general practitioner post at Mírov Prison was filled. More information can be found on page 11 of the Preliminary Report. (to para 58 of the Report)

More information about the approach of the Czech Prison Service as regards the provision of information to prisoners and prison staff on transmissible diseases including AIDS and preventive medical examinations can be found on page 12 of the Preliminary Report. (to para 61 of the Report)

Information on measures taken by the Prison Service of the Czech Republic as regards suicide prevention in prisons can be found on page 12 of the Preliminary Report. (to para 62 of the Report)

*d) Other issues of relevance to the CPT's mandate*

*Response to recommendations*

The increase of visiting entitlements of sentenced prisoners in high and maximum security prisons will be treated in a new law on the execution of incarceration which will be drafted by the Ministry of Justice of the Czech Republic in 1998. The increase of visiting entitlements of remand prisoners will be considered by the General Director of the Prison Service of the Czech Republic when drafting an amendment to the law on the execution of pre-trial detention in 1999. (to para 65 of the Report)

The Governor of Mírov Prison adopted his own measures in order to improve the visiting arrangements for sentenced prisoners. More information can be found on page 13 of the Preliminary Report. (to para 69 of the Report)

Access to telephone for sentenced prisoners enabling them to contact their relatives or other persons will be treated in the new law on the execution of incarceration which will be drafted by the Ministry of Justice in 1998. More information can be found on page 13 of the Interim Report. (to para 71 of the Report)

In a meeting the General Director of the Prison Service of the Czech Republic strongly reminded all prison governors of the need to provide all remand and sentenced prisoners, including patients in prison health-care facilities unless their medical condition prevents it, with outdoor exercise guaranteed to them under the law. (to para 72 of the Report)

The use of the exercise facilities of Prague-Pankrác Remand Prison which would enable the remand prisoners to exert themselves physically will be arranged by the governor of Prague-Pankrác Remand Prison during 1998. The General Director of the Prison Service of the Czech Republic will supervise the implementation. (to para 73 of the Report)

The obligatory provision of mattresses in disciplinary cells which the prisoners will keep from lights-out to reveille will be added to the internal regulation of the General Director of the Prison Service of the Czech Republic in 1998. (to para 75 of the Report)

The list of the authorised means of coercion will be reviewed and any proposals for amendments will be presented by the General Director of the Prison Service of the Czech Republic in the process of amending the law on the prison service and court guards in 1998. (to para 78 of the Report)

The General Director of the Prison Service of the Czech Republic will initiate a review of visiting arrangement for remand prisoners in reasonably open conditions. The results of the review will be used in the process of amending the law on the execution of pre-trial detention in 1999. (to para 66 of the Report)

The possibility of providing sentenced prisoners with extended unsupervised visits will be considered in drafting the new law on the execution of incarceration by the Ministry of Justice of the Czech Republic in 1998. (to para 68 of the Report)



In the first half of 1998 the Prison Service Department of the Ministry of Justice of the Czech Republic will check whether the present system of monitoring prisoners' correspondence does not cause unnecessary delays or a wasteful use of staff. If appropriate, a proposal for a remedial action will be presented to the General Director of the Prison Service of the Czech Republic. (to para 70 of the Report)

In drafting a new law on the execution of incarceration it has been proposed to introduce a provision of using judges for independent external control of the treatment of sentenced prisoners. Similar proposal will be submitted during the amendment procedure related to the law on the execution of pre-trial detention in 1999. Both proposals will be submitted by the Ministry of Justice of the Czech Republic. (to para 77 of the Report)

#### *Requests for information*

Art. 14 para 1 of Law No. 293/1993 on the execution of pre-trial detention provides for a three-week interval between visits received by remand prisoners. If appropriate, the governor may authorise a visit before the three weeks are out. (to para 67 of the Report)

The use of means of coercion available to the prison staff is regulated by Art. 17-21 of Law No. 555/1992 on the prison service and court guards of the Czech Republic. As regards the use of coercion means the prison staff undergo an initial seven-week course and there is a uniform professional and physical training programme approved annually by the General Director of the Prison Service of the Czech Republic for all prisons. (to para 78 of the Report)

### **D. Detention centres for minors**

#### *a) Torture and other forms of ill-treatment*

##### *Response to recommendations*

The director of Moravský Krumlov Educational Institute, as well as directors of other detention centres for minors, and through them their staff were strongly reminded that all forms of physical chastisement of detained minors should be avoided and that to publicly humiliate a minor would be equally objectionable. The issues of minors' treatment were discussed at a meeting of directors of all detention centres for minors. (to para 87 of the Report)

The Ministry of Education, Youth and Sports will pay a closer attention to the recruitment of staff for detention centres for minors, and their appropriate professional training, and apply strict conditions to the recruitment of directors for such establishments. (to para 88 of the Report)

*Requests for information*

Information about the work of the Inspectorate of the Ministry of Education, Youth and Sports of the Czech Republic and possibilities for the detained minors to file complaints can be found on page 15 of the Preliminary Report. Further improvement of the inspection work is expected after a new law is passed on educational establishments for institutional and protective detention which is being drafted by the Ministry of Education, Youth and Sports of the Czech Republic. The Ministry of Education, Youth and Sports, together with the School Inspection, will deal with the existing lack of properly trained school inspectors - ethopedes in compliance with the provisions offered in Act No. 564/1990 as amended in Art. 19, para 2 and 3 of Act No. 139/1995 on government and administration in education. It will use the services of professional ethopedes with the required experience who will be authorised for conducting inspections by the school Inspector General. (to para 89 of the Report)

*b) Conditions in the establishments (II/C/3 paras 90-92 of the Report)*

*Response to recommendations*

In 1998 the Ministry of Education, Youth and Sports of the Czech Republic will see to it that physical education constitute a significant element in the daily regime in the detention establishments for minors and the existing facilities for sports and exercise of both boys and girls be made a better use of. (to para 92 of the Report)

*c) Discipline and isolation*

*Response to recommendations*

An appropriate disciplinary procedure for handling disciplinary offences committed by minors and safeguards of their right to appeal to a higher authority against sanctions imposed will be regulated by a law on social and legal protection of children. The law will be drafted by the Ministry of Labour and Social Affairs of the Czech Republic in 1998. (to para 96 of the Report)

In 1998 the Ministry of Education, Youth and Sports will ensure that all establishments keep records with full details of all disciplinary sanctions imposed. The Inspectorate of the Ministry will also monitor whether the placement of minors in an isolation room is used only as a wholly exceptional measure. (to para 96 of the Report)

*d) Medical care (II/C/5 paras 97-98 of the Report)*

*Requests for information*

The confirmation of the confidentiality of medical records in all establishments for minors can be found on page 16 of the Preliminary Report. (to para 98 of the Report)

**Information on the education of police officers in the area of human rights during  
both initial basic courses and further education**

**Curriculum - basic professional education**

**Course: Basics of the Law**

No.	Subject	Allotted time
I.	Law and the State	4
	- concept and role of law in a democratic state - sources and formulation of law, law categories	
II.	Constitutional law	6
	- Constitution of the Czech Republic, constitutional order - Bill of fundamental rights and freedoms - state bodies (parliament, government, president, courts, state attorney offices)	
III.	Administrative law	4
	- the concept and characteristics of public administration - public administrative bodies and organisations	
IV.	Material criminal law	18
	- criminal code = structure, effect, significance - criminal offence = concept, characteristics - general forms of CC = stages of development - circumstances excluding the qualification of an act as illegal = necessary self-defence, extreme emergency, authorisation to use a weapon, enforcement of right and duty, approval of the injured party - factors constituting an offence = concept, classification, characteristics = object and objective factors = subject and subjective factors - analysis of factors in frequent offences	14
	Practical exercise	4
V.	Interpretation of Art. 89 and 90 of CC	2
	- interpretation and analysis of individual concepts	
XII.	Introduction into police deontology	2
	- concept of police deontology and its importance for police work	
XIII.	Basic police roles	4
	- position of a police officer in a democratic society - relationship of a police officer to power - relationship between rights and duties - abuse of power by a police officer	
XIV.	Police - citizen relationship	6

No.	Subject	Allotted time
	<ul style="list-style-type: none"> <li>- fundamental human rights and freedoms</li> <li>- rules for dealing with citizens (respect for the citizen's personality, differentiated approach to citizens, importance of the first contact and winning trust of the citizen)</li> <li>- potential conflict factors resulting from the police officer's role</li> <li>- control of one's own behaviour and acts</li> <li>- professional deformation and its prevention</li> </ul>	
XV.	Moral profile of a police officer	5
	<ul style="list-style-type: none"> <li>- importance of a moral profile</li> <li>- character and its traits</li> <li>- will properties</li> <li>- approach to work, duty, responsibility, discipline</li> <li>- formation of attitudes, value system, and social competence of the officer</li> <li>- private life</li> </ul>	
XVI.	Social behaviour	4
	<ul style="list-style-type: none"> <li>- basic social norms</li> <li>- principles of social behaviour (tact, aesthetics, empathy, etc.)</li> <li>- etiquette (greeting, introductions, table manners, behaviour at various social occasions)</li> </ul>	

## Higher education course

<i>Name of the course:</i>	<b>The Bill of Fundamental Rights and Freedoms (interpretation from the position of the Police of the Czech Republic)</b>	
<i>Target group:</i>	Teachers at police high schools Police spokespersons, public opinion Medium and higher police management	
<i>Course objective:</i>	Basic information on constitutional and practical issues related to the implementation of the citizen's right to safety in view of the Bill of Fundamental Rights and Freedoms	
<i>Contents of the course:</i>	<ol style="list-style-type: none"><li>1. Fundamental human rights and freedoms</li><li>2. Political rights</li><li>3. Rights of national and ethnic minorities</li><li>4. Right to protection at court and other protection</li><li>5. Law and order and police, present issues of security policy</li></ol>	
<i>Professional guarantee:</i>	Vladimír Zoubek, Doctor of Law, PhD Department of public law, Police Academy, Czech Republic tlf: 477/2338, 477/2336	
<i>Lecture/seminar:</i>	Lecture, discussion	
<i>Dates:</i>	20.11.1997	Building B, room 620
	19.02.1998	Building B, room 620

**Information on complaints against police officers and results of their prosecution in  
the first half of 1997**

Structure of complaints with and without grounds according to subject matter

SUBJECT	I.-IX. 1996			I.-IX. 1997		
	with + without ground	with ground of the total	in %	with + without ground	with ground of the total	in %
Inappropriate act and behaviour	813	121	14,9	808	102	12,6
Interference with civil procedure	54	9	16,7	44	9	20,5
Use of physical violence	160	5	3,1	88	8	9,1
Abuse of official position	87	12	13,8	63	9	14,3
Deconspiration	0	0	0	0	0	0
Apprehension and detention	95	18	18,9	102	14	13,7
Use of coercion means	37	3	8,1	23	3	13,0
Processing of traffic code violations	431	91	21,1	342	75	21,9
Acts in criminal and trespass procedure	1378	380	27,6	1370	313	22,8
Decisions on ID card, driving licence, passport, weapons, etc.	118	30	25,4	93	19	20,4
Refusal to accept notification under Rules of Criminal Procedure	162	46	28,4	150	39	26,0
Refusal to accept complaint under Reg. 150/58	70	8	11,4	43	6	14,0
Personnel issues, salary, housing	46	12	26,1	28	13	46,4
Medical issues	8	2	25,0	8	0	0,0
Illegal material gain	14	1	7,1	0	0	0
Use of weapon	4	0	0	3	1	33,3
Expulsion	1	0	0	3	0	0,0
Others	842	168	20,0	653	128	19,6
<b>Total</b>	<b>4320</b>	<b>906</b>	<b>21,0</b>	<b>3821</b>	<b>739</b>	<b>19,3</b>

More than half of the complaints processed is filed against members of the law and order police section (51,8%), next comes the traffic police (13,2%) followed by the criminal police (10,4%).

Most of the complaints found as grounded have been filed against the following police services: logistics, personnel and training, administrative and traffic.

Structure of complaints with and without grounds according to police sections

SERVICE	I.-IX. 1996			I.-IX. 1997		
	with + without ground	with ground of the total	in %	with + without ground	with ground of the total	in %
Criminal	414	70	16,9	398	74	18,6
Law and order	2205	517	23,4	1979	410	20,7
Traffic	613	122	19,9	504	108	21,4
Administrative	79	19	24,1	53	12	22,6
Investigation	269	44	16,4	305	42	13,8
Personnel and education	9	2	22,2	9	3	33,3
Logistics	19	6	31,6	11	5	45,5
Health and social	15	7	16,7	1	1	100,0
Inspection and control	197	46	23,4	184	31	16,8
Police schools administration	0	0	0	0	0	0

SERVICE	I.-IX. 1996			I.-IX. 1997		
	with + without ground	with ground of the total	in %	with + without ground	with ground of the total	in %
Foreigners and border	130	22	16,9	129	18	14,0
Protective	5	1	20,0	6	1	16,7
Rapid deployment unit (URNA)	7	0	0	3	0	0,0
Railway police	0	0	0	2	0	0,0
Others	180	40	22,2	138	30	21,7
Not specified	178	10	5,6	99	4	4,0
<b>Total</b>	<b>4320</b>	<b>906</b>	<b>21,0</b>	<b>3821</b>	<b>739</b>	<b>19,3</b>

Most of the 173 confirmed offenders come from law and order police section -77 (-36 i.e. - 31,9%), traffic police -29 (-26, i.e. -47,3%) and criminal police -19 (+2, i.e. +11,8%).

SERVICE	I.I.-30.XI. 1996		I.I.-30.XI. 1997	
	total	in %	total	in %
Criminal	17	6,9	19	11,9
Law and order	113	45,8	77	44,5
Traffic	55	22,3	29	16,7
Administrative	4	1,6	0	0
Investigation	12	4,9	8	4,6
Personnel and education	0	0	1	0,6
Logistics	5	2,0	1	0,6
Health and social	1	0,4	1	0,6
Inspection and control	1	0,4	2	1,2
Police Academy	0	0	0	0
Police high schools	5	2,0	5	2,9
Foreigners and border	10	4,0	13	7,5
Protective	3	1,2	3	1,7
Rapid deployment unit	1	0,4	4	2,3
Others	20	8,1	10	5,8
<b>TOTAL</b>	<b>247</b>	<b>100,0</b>	<b>173</b>	<b>100,0</b>

Out of the total of 173 cases 118 have been finalised, in 102 cases there has been proposal to present a charge under Art. 163/3 of the Rules of Criminal Procedure, 12 cases have been filed and disposed of definitely under Art. 159/2 of the Rules of Criminal Procedure, in three cases prosecution has been stopped under Art. 172 and in one case suspended under Art. 173.

As to the age of police officers - offenders, most of them come from the 25 - 30 years age group - 50 offenders, followed by the under 25 age group - 36 offenders (table 3 offers comparison with 1996). It indicates that police officers under 30 commit 49,7% of offences (in 1996 it was 47,8%).

AGE	I.I.-30.IX. 1996		I.I.-30.IX. 1997	
	Total	in %	Total	in %
below 25	61	24,7	36	20,8
26 - 30	57	23,1	50	28,9
31 - 35	42	17,0	29	16,8
36 - 40	31	12,5	23	13,3
41 - 45	24	9,7	16	9,3
46 - 50	19	7,7	12	6,9
over 50	13	5,3	7	4,0
<b>TOTAL</b>	<b>247</b>	<b>100,0</b>	<b>173</b>	<b>100,0</b>

102 offences were committed when off duty (-22, i.e. -17,7%) and 106 offences were committed while on duty (-64, i.e. 37,6%).



**CZECH REPUBLIC**  
**RULING**  
**BY THE CONSTITUTIONAL COURT**  
**OF THE CZECH REPUBLIC**  
**IN THE NAME OF THE CZECH REPUBLIC**

The Constitutional Court represented by a court division consisting of chairman JUDr. Antonín Procházka and judges JUDr. Iva Brožová and JUDr. Vojtěch Cepl considered a constitutional complaint submitted by Mr. Radomír Ráža, living at Teplice, Novoveská 1045/12, represented by JUDr. Jaroslav Savek, lawyer from a legal firm at Teplice, Dlouhá 31/63 against an action by Czech Police District Department at Teplice and in presence of the Czech Police District Department at Teplice as a participant of the proceedings and ruled as follows:

The constitutional complaint is justified, since by its action the District Police Department at Teplice prevented the claimant from exercising his right to use legal aid during providing his explanation to the case registered under the reference No. ORTP - 199/KS-HK-95, and thus violated Art. 12 of Act No. 283/1991, as later amended, which guarantees the constitutional right to legal aid as stipulated in Art. 37 para 2 of the Bill of Fundamental Rights and Freedoms. The District Department of Czech Police at Teplice must not continue in violating the right provided for by Art. 37 para 2 of the Bill of Fundamental Rights and Freedoms during giving an explanation under Art. 12 of Act No. 283/1991.

**R e a s o n i n g:**

The claimant in his submission sought for a ruling by the Constitutional Court that the action taken by police officers of the District Police Department at Teplice to prevent the claimant in exercising his right to legal aid during providing an explanation in compliance with Art. 12 of Act No. 238/1991 as later amended (hereinafter Act No. 283/1991) was a violation of his constitutional right to legal aid provided for in Art. 37 para 2 of the Bill of Fundamental Rights and Freedoms (hereinafter The Bill). In substantiating his submission he said he was called to the police to provide an explanation on March 6, 1995 under Art. 12 of Act 283/1991 and on May 3, 1995 he was brought in to provide the explanation though he asked for his lawyer to be present on the basis of an agreement on

legal aid which had already been signed. The lawyer, however, was prevented from taking part in the explanation procedure because, as was indicated, the Act No. 283/1991 did not provide for the duty of the police to allow legal aid for a person who should provide an explanation and that the lawyer should play a role in the criminal proceedings, and not before, in compliance with the respective provisions of the Rules of Criminal Procedure. The claimant further stressed that he referred to Art. 2 para 2 and Art. 37 para 2 of the Bill and pointed to the difference between a legal aid provided by a counsel in a criminal proceeding and a lawyer contracted for a legal aid. In addition to violating Art 37 para and Art. 2 para 2 of the Bill he also indicated a violation of Art. 4 para 2 and Art. 2 para 3 of the Bill.

The District Police Department at Teplice presented no written opinion though the submission was duly delivered on June 23, 1995; later during the proceedings through their director they proposed to dismiss the submission whereas Art. 12 of Act No. 283/1991 did not oblige the police to provide a lawyer because it was not a criminal proceedings, the fact that reflected also in the extent of information on rights given to the person called in to provide an explanation and, finally, that the explanation was related to the person who was to provide the required explanation.

The Constitutional Court reviewed the claimant's submission, together with the file under ref. No. ORTP-199/KS-HK-95 provided by the District Police Department at Teplice, and the subpoena for March 6, 1995 provided by the claimant. After completing the evidence by hearing JUDr. Jiří Houžvíc, director of the District Police Department at Teplice, first lieutenant Jan Nedvídek, and JUDr. Jaroslav Savek, who all confirmed that the request for the claimant's legal representation during the explanation for which he was called in was refused, the Court concluded that by preventing the claimant from exercising his right to use legal aid during the explanation procedure the District Police Department at Teplice as a public authority violated Art. 37 para 2 of the Bill which explicitly states that every individual has a right to legal aid in proceedings before courts, other state or public administration authorities from the very beginning, because the condition of the explanation being a proceeding is met by the fact that the District Police Department as a party to the procedure has a superior position. Consequently, the procedure used by the District Police Department at Teplice was also a violation of Art. 1 and Art. 2 para 2 combined with Art. 3 of the Bill, as well as Art. 1 and Art. 2, paras 1, 3 and 4 of the Constitution safeguarding the principle of the citizen's supremacy over the State. The above is not affected by the lack of explicit provisions to that effect in Act No. 283/1991 on the representation during explanation procedures because there are quite clear provisions in the legislation of the highest force, i.e. the Bill and the Constitution. In addition, the objection citing a lack of an explicit legislation as a reason for refusing the right to legal aid is an expression of a purely positivist approach to law which is not in compliance with the law and order requirement that also allows for natural law tendencies (e.g. the Preamble of the Bill or Art. 85 para 2 of the Constitution). In conclusion, the Constitutional Court, in order to be cautious, states explicitly that the right to legal aid during the explanation procedure does not mean the police must always arrange for a lawyer but only a duty to allow for such a representation.

As to the claimant's allegation of the violation of Art. 4 para 2 of the Bill which says that any limitation to the fundamental rights and freedoms can only be done, under conditions set out in the Bill, by a law, this provision could not be invoked because there is

no more detailed legislation on the fundamental right to legal aid during providing an explanation (Act No. 283/1991).

After considering the above reasons and in compliance with Art. 82 paras 1, 2 and 3 letter b) of Act No. 182/1993 on the Constitutional Court, the Constitutional Court ruled as stated in the above Ruling. The Constitutional Court did not order the restoration of the situation existing before the constitutional complaint had been submitted, because the proceedings before the Constitutional Court revealed the claimant had already provided the explanation and the law enforcement bodies, i.e. including the District Police Department at Teplice, applied the principle of investigation, follow-up and officiality, i.e. the Court concluded that the restoration of the situation existing before the violation in the case under consideration was not possible.

**I n s t r u c t i o n:** A Constitutional Court ruling cannot be appealed.

Done in Brno, on June 5, 1996

Signed by: JUDr. Antonín Procházka, Chairman of the Constitutional Court Division

**Use of coercion means in the Prison Service of the Czech Republic in the first half of 1997 - breakdown**

*1) Number of coercion means used*

Prison	Types of coercion means														Total
	1*	2*	3*	4*	5*	6*	7*	8*	9*	10*	11*	12*	13*	14*	
Brno	10			16		1		16							43
Břeclav	3			1				2							6
Č.Budějovice	2	1													3
Hradec Kr.	4		2					5							11
Karviná			1	1											2
Liberec	3			1		1		2							7
Litoměřice	15	5	10					4							34
Olomouc	6		6			1		5							18
Ostrava	9		4	3				8							24
Pankrác	8		7	3		2		6							26
Ruzyně	4	1	5					1							11
Znojmo	2			1				2							5
Bělušice	4		1	1				1							7
Hefmanice															0
H.Slavkov	5	2													7
Jiřice															0
Kuřim	3	1	2												6
Kynšperk	1			1											2
Mírov	6	1	1	2		1		2	1						14
N.Sedlo	1		1	1											3
Odolov															0
Opava	1														1
Oráčov	3		1	1									1	1	7
Ostrov	4	4	1			3		5							17
Pardubice	1														1
Plzeň	9		5	1				4					2		21
Příbram	2					1									3
Říčany															0
Rýnovice	5		5	3											13
Stráž	7	1	4					1							13
Valdice	9	4	3			11		8							35
Vinařice	2														2
Všehrady	5							1							6
<b>Total</b>	<b>134</b>	<b>20</b>	<b>59</b>	<b>36</b>	<b>0</b>	<b>21</b>	<b>0</b>	<b>73</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>348</b>

\*

1. Physical restraint
2. escort chains
3. handcuffs
4. restraining harness
5. handcuffs and restraining harness
6. teargas
7. electrical shock

8. baton
9. dog
10. water spray
11. maroon
12. hit by a medium-size weapon
13. threat by a medium-size weapon
14. warning shot

348 cases of the use of coercion means were documented by the Czech Prison Service in the first half of 1997, i.e. an increase of 37 cases as compared to the second half of 1996.

## **Information on the human rights education during initial and in-service training of prison staff**

### **1. Initial training**

#### *a) A, B, C types:*

##### Professional subjects:

- \* When informing on legislation regulating incarceration and pre-trial detention stress is being put on provisions dealing with good treatment of prisoners, relationship with prisoners, unacceptability of degrading approach to prisoners, psychological or physical pressure on prisoners. It is stressed that appeal to, reprimand, or warning of the prisoner should be used before any application of means of coercion. The awareness of the need for human and non-degrading treatment of prisoners is one of the focuses during the final examinations in professional subjects.
- \* Within the subject on guard and escort duties detailed explanation is provided on the addition to the General Director Regulation No. 9/95 on the access and powers of members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

##### Psychology and pedagogics:

- \* The education in psychology includes instruction on communication, its importance and identification of errors in communication; stressed is the need of a fair and non-provoking approach to prisoners.
- \* Assertive behaviour forms another part of the training (concepts, techniques, significance).
- \* Psychohygiene and relaxation when off-duty form another part of the training.

All the initial A, B, and C course reflects the need to promote humanisation and democratisation in our prison service and a change in treatment of remand and sentenced prisoners.

## 2. Specialisation courses

a) for chief inspectors of guard duty at Stráž p.R.  
(on-going)

*Its final section will include the following issues:*

- \* The methodological guideline by the General Director which requires that any evaluation of prison staff work reflects their capability to communicate with prisoners and to resolve problems peacefully while staying within the set rules and regulations; the same type of behaviour should be consistently required from all staff, including oneself and one's subordinates.
- \* Means of coercion or physical force may be used against the detainees only in extreme situations (threat to physical integrity of the staff, potential major damage to property).
- \* Permissible force may be used in dealing with conflicts only as a last resort after all psychological and educational methods have failed.
- \* Baton or any other means of force may not be used against a detainee who is already under control.
- \* Any breach of legal regulations by the staff is unacceptable and strict sanctions will be applied in case of any such breach.
- \* Fair and tactful approach to detainees and firm insistence on the fulfilment of duties.
- \* Elimination of „solidarity“ in the cases of any breach of legal regulations by subordinates and winning the necessary authority and distance.
- \* Preference to a natural authority with prisoners (through fair approach, willingness to do one's duties in relation to their needs) over an enforced authority.
- \* The need for patience in communication with detainees.
- \* The need to change the „image“ of the prison staff which requires a long-term effort but without the involvement of the Prison Service it will not be possible.

### Psychology

- \* The importance of one's own psychohygiene and that of one's subordinates, including practical training.
- \* Social training including communication skills in various situations before any use of means of coercion.
- \* Building of a new prison staff „image“ through their behaviour while on duty and in public, basics of professional ethics.

b) A short course (2-3 days) for heads of prison service departments and their deputies in issues as listed above because, as the CPT report indicates, most problems relate to the uniformed staff. The Prison Service management believes that most heads of the prison service departments have not yet clearly realised that their subordinates are first in contact with the prisoners and they mostly focus on security. It may also be a consequence of removing the prison guards from the authority and management and guidance influence of the department in charge of sentence and remand prisons.

There may also be some unwillingness resulting from a long-term one-sided focus of the prison service („security first“).

c) A short three-day course with similar topics for educators: coping with difficult and crisis situations, detailed knowledge of the respective documents (Standard minimum rules, The Bill of Fundamental Rights and Freedoms, The Convention against Torture), and international bodies, committees, institutions and their powers. Another topic will include the basics of professional ethics.

## List of building activities to improve accommodation capacity since 1.1.1993

Year	Prison	Type of action	Number of places
1993	H.Slavkov	Reconstruction of building F, former disciplinary section	40
1993	Mírov	Remand prison building	66
1993	Mírov	Reconstruction of building 13	60
1993	Vinařice	Reconstruction of accommodation building „O“/X	82
1993	H.Slavkov	Accommodation building C	261
1993	N.Sedlo	Accommodation building L	172
1993	Ostrov	Reconstruction of remand prison building	81
1993	Prague-Ruzyně	Reconstruction of the 6th floor, building A	69
1993	Opava	Adjustments in remand prison - exercise areas	40
1993	Ostrov	Accommodation building L	208
1993	Plzeň	Reconstruction of prison - disciplinary section, reconstruction of water supply	52
1993	Č.Budějovice	Reconstruction of prison	34
1993	Oráčov	Drahonice section	253
1993	Odolov	Reconstruction and repair of buildings	48
<b>Total for 1993</b>			<b>1456</b>
1994	Č.Budějovice	Addition to and reconstruction of building	65
1994	Vinařice	Accommodation building „K“	516
1994	Liberec	Reconstruction of Pelhřimovská building	36
1994	Stráž pod Ralskem	Remand prison building	225
1994	Břeclav	Remand prison	137
1994	Hr.Králové	Reconstruction of building B	19
1994	Jiřice	Medium security prison section	120
1994	Mírov	Reconstruction of building 13	37
1994	Pardubice	Reconstruction of building 11	37
1994	Plzeň	Heat and gas distribution	48
1994	Prague-Ruzyně	Reconstruction of building A	117
1994	Nové Sedlo	Adjustments to the prison building	14
1994	Odolov	Reconstruction and adjustments of prison buildings	145
1994	Brno	Moving out of administration spaces	50
<b>Total for 1994</b>			<b>1566</b>
1995	Plzeň	Heat and gas distribution	54
1995	H.Slavkov	Remand sentence section at Kynšperk Kolová	120
1995	Ostrava	Addition to and reconstruction of the prison - I.stage	116
<b>Total for 1995</b>			<b>290</b>
1996	Znojmo	Znojmo prison	194
1996	Ostrava	Addition to and reconstruction of the prison - II.stage	94
1996	Plzeň	Sentence section at Heřmanova Huť	30
1996	Č.Budějovice	Reconstruction of remand section	96
<b>Total for 1996</b>			<b>404</b>
1997	Prague-Ruzyně	Sentence section for women at Řepy	60
1997	Karviná	Karviná prison	213
1997	H.Slavkov	Expansion of sentence section at Kynšperk Kolová	126
1997	Brno	Moving of medical section to hospital	72
1997	Ostrava	Addition to and reconstruction of the prison - III.stage	117
1997	Mírov	3rd floor of section 14	25
<b>Total for 1997 - until 31.10.</b>			<b>613</b>
<b>Total from 1.1.1993 to 31.10.1997</b>			<b>4329</b>



**Outline of accommodation capacity increase since 1.1.1993**  
 based on data supplied by the building department of the Prison Service of the Czech Republic

Accommodation capacity to date	remand prisons	sentence prisons	total	increase compared to previous year
1.1.1993	5296	9731	15027	
1.1.1994	6076	10535	16611	1584
1.1.1995	6953	11082	18015	1404
1.1.1996	6680	11623	18303	288
1.1.1997	6796	11905	18701	398
31.10.1997	6742	12835	19127	426
<b>Total increase</b>				<b>4100</b>



Ref. No: GŘ 66/řed-98

**Follow-up Report by the Government of the Czech Republic  
to the Report by the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment  
on the Visit to the Czech Republic  
from 16 to 26 February 1997**

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## I. Introduction

The Government of the Czech Republic, at its session on 29 January 1998, discussed the Report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter the CPT) on the inspection visit to the Czech Republic from 16 to 26 February 1997.

The Government adopted measures for implementing the CPT conclusions and recommendations that resulted from the inspection visit and in its Resolution No. 45 charged the Minister of Justice, Minister of Interior and Minister of Education, Youth and Sports with their implementation in their respective sectors.

The CPT President was informed about the measures in the preliminary report which was submitted by the required date.

The present follow-up report informs about the progress in implementing some of the task as of 30 June 1998 and specifies the procedures for implementing long-term tasks. The annexes illustrate the progress with respect to the CPT interest in specific data.

## II. Measures for the implementation of the CPT report conclusions

### A. Police establishments

#### *a) Torture and other forms of ill-treatment*

The Control and Complaints Department of the Police Presidium of the Czech Republic investigated the case of the alleged ill-treatment of a remand prisoner during interrogation which had been indicated by the CPT members during their inspection visit. The CPT information indicating a remand prisoner being escorted approximately 14 times from Prague-Pankrác remand prison for interrogation from April to June 1995 was not sufficient for identifying the person.

Repeated requests addressed to the CPT Secretariat by the officer in charge of contacts with the CPT to be given the name of the affected remand prisoner were refused by Mr. Mark Kelly on the grounds that the prisoner did not wish to reveal his identity (Annex 1). In this situation it is not possible to successfully continue in the investigation and the only possibility is to put the case aside. (to para 14 of the CPT Report)

#### *b) Conditions of detention in police establishments*

The Order No. 3 of the Minister of Interior of 16 January 1998 singled out the Tis by Blatná-Bálková facility as a detention centre where foreigners are obliged to stay until their expulsion. Based on this Order a proposal was drafted to complement the Regulation by the Minister of Interior No. 25/1994 on police cells (Annex 2) and the draft of a binding guideline issued by the Police President regulating the operation of a detention centre for foreigners (Annex 3). Both internal instruments are based on the provisions of Act No. 123/1992 on the stay of foreigners on the territory of the Czech and Slovak Federal Republic, Act No. 293/1993 on the detention on remand, and the CPT comments. The individual draft provisions deal with medical, hygienic, and supply situations, outdoor exercise and meeting the cultural needs of the detained foreigners including minors.

A reconstruction study has been developed for the existing Bálková facility and shortly a decision will be taken on the project tender and actual reconstruction. Since the beginning of this year the detention centre staff selection process has been underway and training has been organised for officers of the Foreigners and Boarder Police. The detention facility should be in operation in the VI. quarter of 1998. (to para 22, 24 of the CPT Report)

#### *c) Safeguards against ill-treatment*

The CPT recommendations on conditions for apprehension and detention of persons in police establishments serve as a basis for collecting information needed for drafting and outline for a new police act. The new draft is a reason for the re-assessment of the existing internal regulation in effect in the Police of the Czech Republic. The aim is to reach a

situation which would not provide a ground for CPT objections. (paras 25, 26, 27, 28, 29, 30, 31, 32 of the CPT Report)

Any lapses committed by police officers against detained persons are thoroughly investigated and if found substantiated appropriate disciplinary or staff measures are taken by the respective police commander in charge and, if appropriate, the lapses are investigated by the Inspection of the Minister of Interior. Violations of duty obligations by officers of the Ministry of Interior and the Police of the Czech Republic are listed in the 1997 Report. (Annex 4)

## **B. Prisons**

### *a) Torture and other forms of ill-treatment*

In relation to the ongoing implementation of the CPT recommendations it should be noted that each and every use of coercion means is discussed at the prison staff meetings and the tactics of the use is analysed in detail. Regular tests of justified and appropriate use of coercion means and training on model situations are organised for the officers of the Prison Service of the Czech Republic as a part of their professional training.

The evaluation of the use of coercion means in the 2nd half of 1997 indicates a slight increase in the use of coercion means as compared to the 1st half of the same year; altogether 355 cases, i.e. an increase of 7 cases. Out of that number, two cases were evaluated as unjustified and one as an excessive use of a coercion means. Two prison guards of the Ostrava remand prison were charged with an offence of an abuse of public official powers for an unjustified team use of coercion means against a remand prisoner. A less unjustified use of coercion means in the Horní Slavkov prison resulted in a disciplinary action against the guard and another guard was subject to disciplinary action for an excessive use of coercion measures in the Litoměřice remand prison. (paras 41, 78 of the CPT Report) The use of individual coercion means is documented in the comparison of individual 1996 and 1997 half years (Annex 5).

Among the 123 justified complaints against the prison staff behaviour in 1997 there was none related to physical violence used by the prison guards. There were only two complaints related to inappropriate and offending statements and twelve complaints related to incorrect behaviour on the part of the prison staff. The situation is documented in the analysis of complaints received by the Prison Service of the Czech Republic in 1997. (Annex 6)

In the first half of 1998 officials of a separate prison a drug related criminality department of the Ministry of Justice conducted an inspection focusing on the compliance with law in 22 remand and sentence prisons. During the inspection they also checked the procedure of accepting, registering and processing of complaints and notification from remand and sentence prisoners. The report on the inspection indicates that complaints, and

notifications are registered and processed in compliance with the Government Decree No. 150/1958 and Regulation No. 7/1995 issued by the Director General.

In addition, the report indicates that the prevention and inspection staff in remand and sentence prisons collect the necessary written materials for an objective assessment and evaluation of the complaints. In case of justified complaints the prison governors always adopt measures with the aim to eliminate the causes for complaints. When interviewing the prisoners no proof has been found of a potential discrimination of claimants or attempts to prevent them from filing a complaint. (para 42 of the CPT Report)

#### *b) Conditions in prisons*

Among the 1997 Prison Service of the Czech Republic objectives, in view of the allocated funds, there is a plan to build 450 new places for remand and sentenced prisoners. The accommodation capacity will be enlarged through completing a new remand prison in Teplice and reconstructing prisons in Oráčov, Plzeň, Valdice and Horní Slavkov.

The present overcrowding of remand and sentence prisons, as of 31 May 1998 and with the total number of 22,068 prisoners, amounts to 116% of the standard accommodation capacity (3.5 m<sup>2</sup> per prisoner). An investment concept of the Prison Service of the Czech Republic till 2002 has been developed with the aim to reduce overcrowding in remand and sentence prisons, extension of work and leisure time activities and visits to remand and sentenced prisoners (Annex 7). The concept objective is to enlarge the accommodation capacity (19,035 places on 31 May 1998) by another 4,380 places, i.e. the planned accommodation capacity of 23,415 places. (paras 46, 47, 48 of the CPT Report)

The elimination of overcrowding in the escort centre (transit prison facility) in the Prague-Pankrác remand prison is very difficult because the number of escorted through Prague is grows. This is the reason why the existing escort cells cannot be furnished for rest. The only solution which can substantially change the situation is the completion of a new remand facility in the Jiřice prison where a an escort assembly centre will be set up (Annex 8). The opening of the centre requires a change in the system of escorting remand and sentenced prisoners and the proposals have already been developed (Annex 9). This measure will allow for discontinuing the use of inappropriate escort cells in the Prague-Pankrác Remand Prison and using the space for remand prisoners. (para 49 of the CPT Report)

#### *c) Medical service*

Based on the CPT recommendation on confidentiality of medical consultations or treatment the following measure has been taken at Mírov Prison. The guard is posted behind the consultation room door and a signalisation is installed in the consultation room for cases help is needed. The guard may be present in the consultation room only as an exception and with the consent of the doctor. Similar is the procedure of guaranteeing safety for medical staff in other prisons. (para 59 of the CPT Report)



*d) Other issues relevant to the CPT's mandate*

An increase in the contacts of sentenced prisoners, especially in high and maximum security prisons, with members of their families is integrated in a new bill on the execution of incarceration. On the one hand, it includes the extension of the right to receive visits by relatives for up to 3 hours in a calendar month and, on the other hand, a possibility of a telephone call with a relative or, in justified cases, with another person. The bill is now discussed in the Legislative Council of the Government of the Czech Republic. In compliance with the legislative plan of the Government of the Czech Republic the new law should become effective in July 1999. (to para 68, 71 of the CPT Report)

Additional legislative changes reflecting the CPT recommendations have been presented by the Director General of the Prison Service of the Czech Republic in a form of proposals to be included in the 1999 work plan of the Government of the Czech Republic. The amendment of Act No. 293/1993 on the execution of pre-trial detention should be debated in the second quarter of 1999 and the outline of a new law on the status and powers of the prison service and court guards which should replace the existing Act No. 555/1992 on the Prison Service and Court Guards of the Czech Republic should be debated in the fourth quarter of 1999. Both pieces of legislation should become effective on 1 January 2000. (paras 66, 77, 78 of the CPT Report)

Funds have been allocated for an obligatory furnishing of disciplinary cells with mattresses and a relevant regulation by the Director General of the Prison Service of the Czech Republic has been drafted and is to be approved shortly. (para 75 of the CPT Report)

In the first half of 1998 the staff of the Ministry of Justice department for prisons and drug related criminality conducted inspections focusing on the correspondence of remand and sentenced prisoners. The findings indicate that the checks of correspondence by educators neither cause any delays in sending or receiving letters nor can it be seen as a wasteful use of staff resources. Smooth sending and receiving of prisoners' correspondence is one of the basic indicators the supervising staff of the Ministry of Justice analyse in all remand and sentence prisons. Interviews of remand and sentenced prisoners have not revealed any complaints related to correspondence. (para 70 of the CPT Report)

## **C. Detention centres for minors**

*a) Torture and other forms of ill-treatment*

In 1997 and January 1998 several exceptional events related to the failure to cope with aggression on the part of minors happened in educational institutes. In one case a female educator was killed. In view of the psychological impact of such events on educational establishments staff and the need for improving safety in institutional, or protective education in detention centres for minors the deputy minister for education,

youth and sports issued a guideline for all directors of these establishments and directors of school authorities (Annex 9). It should be noted that the guideline was effective in preventing a potential spontaneous dealing with the situation on the part of the staff of such establishments.

This year the need has been stressed in working consultations to all senior staff of diagnostic institutes and through them to all directors of educational establishments to avoid all forms of physical punishments of minors and public degradation by the staff. In case of a physical attack by a resident against an educator the institute is obliged to immediately document the event and submit a report on what has been done to the Ministry of Education, Youth and Sports and the relevant diagnostic institute. (para 87 of the CPT Report)

The Ministry of Education, Youth and Sports works on a concept of a methodological guidance to be provided by diagnostic institutes to educational establishments including the delegation of relevant powers. The professional assistance from the diagnostic institutes will also include professional inspections and assistance in choosing qualified persons as directors of the establishments.

In April 1998 the Ministry of Education, Youth and Sports organised a working meeting with heads of special pedagogy departments of Czech universities and colleges. The principal topic of the meeting was to improve and update the offer of courses aimed at training professionals for the educational establishments, potential extension of distance studies and increase in the total numbers of admitted students. Another focus was an analysis of a potential participation of universities and colleges in the on-the-job training of the existing educational establishments staff. (para 88 of the CPT Report)

The Czech Education Inspectorate has started to use professionals in ethopedy in its inspections of such educational establishments in compliance with Art. 9 para 2a and para 3 of the Act No. 139/1995 on state administration and self-rule in education. (para 89 of the CPT Report)

#### *b) Conditions of detention*

Physical exercise now forms a major part of the daily regime for minors detained in educational establishments. All senior staff have been instructed to provide more variable possibilities of physical exercise. Much emphasis is placed on setting up fitness rooms and furnishing the existing gymnasia. In order to promote the interest of minors in physical exercise and sports the number of inter-establishment and inter-regional competitions, olympics and shows have been increased (Annex 10). During their visits to educational establishments the Czech Educational Inspectorate also stresses the maximum use of physical training and sports facilities. (para 92 of the CPT Report)

*c) Discipline and isolation*

The appropriate disciplinary procedure in dealing with the disciplinary offences of the minors with respect to their right to be heard in the matter and appeal to a higher authority against a disciplinary measure is reflected in the bill on social and legal protection of children. According to the legislative plan of the Government of the Czech Republic the law should come into effect in April 1999.

In working meetings the relevant staff of the Ministry of Education, Youth and Sports have pointed out to the directors of the educational establishments that all disciplinary measures should be entered into the respective minor's personal register and serious disciplinary violations should be reported to the respective diagnostic institute.

The meeting of the diagnostic institutes directors recommended to place minors in isolation only as an exception and only in cases a resident endangers the safety of others or himself and to give preference to other educational methods and procedures. The application of this recommendation is also being checked by the Czech Educational Inspectorate. It should be noted the most of the educational establishments for minors do not use the institute of placing minors into an isolation room. (para 95, 96 of the CPT Report)

Council of Europe  
 Conseil de l'Europe

Annex 1



European Committee for the Prevention of Torture  
 and Inhuman or Degrading Treatment or Punishment

Comité européen pour la prévention de la torture  
 des peines ou traitements inhumains ou dégradants

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Ref: MK/sbk/kyr-0212

Strasbourg, 12 February 1998

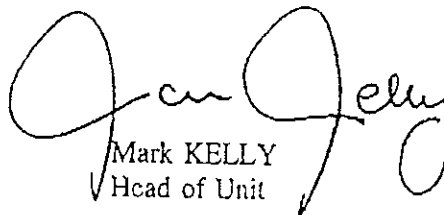
Dear Dr Kyr,

Thank you for your fax of 12 February 1998, regarding the case mentioned in paragraph 14 of the CPT's report.

The Committee's policy is that the names of persons interviewed by its delegations will only be disclosed with the consent of the persons concerned. In the case in question, it was apparent that the remand prisoner concerned did not wish his identity to be revealed.

I would be happy to discuss the CPT's approach to these matters with you in greater detail during your forthcoming visit to Strasbourg in March 1998.

Yours sincerely,

  
 Mark KELLY  
 Head of Unit

Dr Aleš KÝR  
 Prison Service of the Czech Republic  
 Táborská 988  
 CZ-140 67 Prague 4

## REGULATION

issued by the Ministry of Interior  
on 1998

complementing the Regulation by the Ministry of Interior No. 25/1994

### Article 1

The Regulation by the Ministry of Interior No. 25/1994 on police cells is being complemented as follows: a new article is inserted after Article 10 and it reads:

#### Special provisions Art. 10a

(1) The cells singled out for detaining foreigners awaiting expulsion<sup>1</sup> are covered by the provisions of Articles 1 - 10 and Article 11 with the following differences.

(2) Setting up and closing down of the cells is within the power of the Police President.

(3) The foreigner detained in the cell under Art. 1 must be provided, after 24 hours spent in the cell, with an outdoor exercise for at least one hour on the outdoor exercise ground (an area set up for outdoor exercise of foreigners appropriately furnished). The provision on separation of detained persons applies to the outdoor exercise directly supervised by a police officer<sup>2</sup>.

(4) The foreigner detained in a cell may keep basic hygienic items. Shavers (potentially electrical shaver) shall be stored outside the reach of the foreigner and their use may be granted only under a direct supervision of a police officer. The foreigner who does not possess basic hygienic items will be provided with them, in an appropriate amount, by the establishment management.

(5) The foreigner is obliged to take a bath or shower in warm water once a week. Based on the doctor's recommendation the establishment management will provide for warm water bathing or showering more frequently. The appropriate washing in warm water must always be provided in the above extent irrespective of the operational or energy supply

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<sup>1</sup> Art. 15, para 2 of Act passed by the Czech National Council No. 283/1991 on the Police of the Czech Republic as later amended.

<sup>2</sup> Art. 28, para 1 of the Act No. 283/1991 passed by the Czech National Council.

problems. The bathing (showering) or washing of foreigners under a direct supervision of a police officer is covered by the relevant provision on separate placing of detained persons<sup>2</sup>.

(6) A foreigner who is aggressive and continuously violates the internal rules shall be placed in a special cell separated from other foreigners.

(7) In the absence of quarantine or security reasons a foreigner placed in a cell under para 1 may move freely in a designated area from reveille to lights-out time. The uninterrupted time for sleep lasts from 22:00 to 6:00. (This period may be moved by one hour, i.e. from 23:00 to 7:00, on non-working days and free days.)

(8) Foreigners shall receive meals three times a day under conditions and in amounts reflecting the principles of healthy nutrition and the person's condition.

(9) Should a foreigner requests so, he has a right to use his own clothing, underwear and shoes provided they are immaculate in terms of hygiene and aesthetics and he has arranged for their replacement at his own costs. In case the above conditions are not met the foreigner is obliged to use the clothing, underwear and shoes provided by the establishment. His own clothing, underwear and shoes are then stored by the management.

(10) In order to meet cultural needs the management furnishes common rooms with TV and radio sets, commonly available games and foreign dailies and magazines within its possibilities.

(11) More details related to rights and obligations of foreigners, internal rules, namely schedule of outdoor exercises, bathing, provision of medical services and meeting of other needs, are to be defined by the police president.

## Article II

This regulation becomes effective on the date of issue.

Ref. No.: PPR-42/RCP-org-98

Minister of Interior  
JUDr. Cyril SVOBODA

### To be received by:

Minister, Deputies, security section departments, Department of Investigation of the CR Police of the Czech Republic - Police Presidium, regional administration, district (municipal) directorates, district governments, district police departments.

### Copy to:

Ministry of Justice, Ministry of Health

### Recommended password for documentation:

police cells (detention centre for foreigners)

## **Basic principles for building police cells in detention centres for foreigners**

### **I. General principles**

- a) supervision and inspection should be arranged for by a peephole in the doors or a sound recording camera connected to the monitor located on the panel supervised by the head of the shift;
- b) arrangement for low-voltage wiring to the guard room on the floor to allow for signalisation (bell);
- c) setting up of quarantine room(s) for body searches of detained persons and their placement before an entrance medical check is done;
- d) to give preference to single-use dishes while serving meals, or arrange for washing and storing the dishes in a separate room (or in a locker located in a separate part of the cell);
- e) to arrange for a permanent connection between the guards on individual floors and the head of shift, to place guard rooms at the end of the corridor by the staircase.

### **II. Construction principles**

#### **a) Cell lay-out**

1. to divide the cell into two parts by a metallic bar structure, the part used for placing the detained persons must have dimensions defined under part II, letter c), points 1 and 2, the other part is to be used for protection of entering policemen and for storing the foreigners' belongings;
2. the second part of the cell may be used for storing in a locker of hygienic items including a shaver (or an electric shaver), shoes and clothing (coat, jacket) and, possibly, dishes.

#### **b) Windows**

1. for a stay exceeding 24 hours the cell must have windows providing day light, the windows should open into fenced area of the detention centre;
2. the windows must be covered by a foil preventing breakage and secured by steel bars locked from outside.

**c) Dimensions of the detention part of the cell**

1. for two persons 11 m<sup>2</sup> at minimum;
2. for four persons 22 m<sup>2</sup> at minimum.

**d) Height of the cell**

2.5 m at minimum

**e) Cell walls coating**

smooth plaster covered with washable coating (to the door height at minimum)

**f) Floor**

1. the floor must allow for a firm fixing of the bed, table and stools;
2. it is recommended to use thermal insulation under a smooth upper layer allowing for an easy cleaning.

**g) Walls**

The design and materials for circumferential and partition walls should be selected in view of preventing escapes of detained persons from cells and corridors, any substantial surface damage and providing for a sufficient sound-proofing.

**h) Cell entrance door**

1. steel door in a frame with a peephole and a little window which can be opened;
2. with a lock and to be opened only from outside.

**i) Metallic bar partition**

1. consists of steel bars fitted into a frame anchored in the circumferential walls, ceiling and floor;
2. a door of the same material and design with a lock opening into the part of the cell where persons are detained.

**j) Lighting**

1. day light is required;



2. bulb light with a removable, unbreakable and transparent cover and an electricity input protected against damage; such a light must provide an intensity of light which complies with the hygienic minimum standard; additionally, an emergency (or subdued) lighting should be installed;
3. lights should be controlled by separate switches from outside the cell;
4. a low-voltage wiring for signalisation (a bell) should be installed in cells, the wires being placed in tubes and branched from the mains of the building.

#### **k) Heating**

The heater should allow for heating the cell to 20°C and its control should be protected against damage.

#### **l) Sanitary facilities**

The cell should include a WC and a wash basin with running water to allow for basic hygiene.

##### **Toilet**

1. metallic or ceramic toilet bowl with a spill trap in compliance with valid standards;
2. the bowl is located in the cell and partially screened from the sleeping part of the cell;

##### **Wash basin**

1. metallic or ceramic basin with a spill trap and unbreakable mirror, installation in compliance with valid standards;
2. the wash basin is located in the cell partially screened from the sleeping part of the cell;

##### **Showers**

Metallic with running hot and cold water installed in compliance with valid standards.

#### **m) Ventilation**

Ventilation of cells is provided through opening the windows for a necessary period of time which is set in the internal rules of the detention centre for a minimum of one hour a day.

#### **n) Noise level**

It is set by the regulation of the Ministry of Health No. 13/1977.

### III. Cell furnishing

#### a) Bed

1. lower part of the bed must be firmly fixed to the cell floor;
2. dimensions: 80 x 200 cm.

#### b) Table

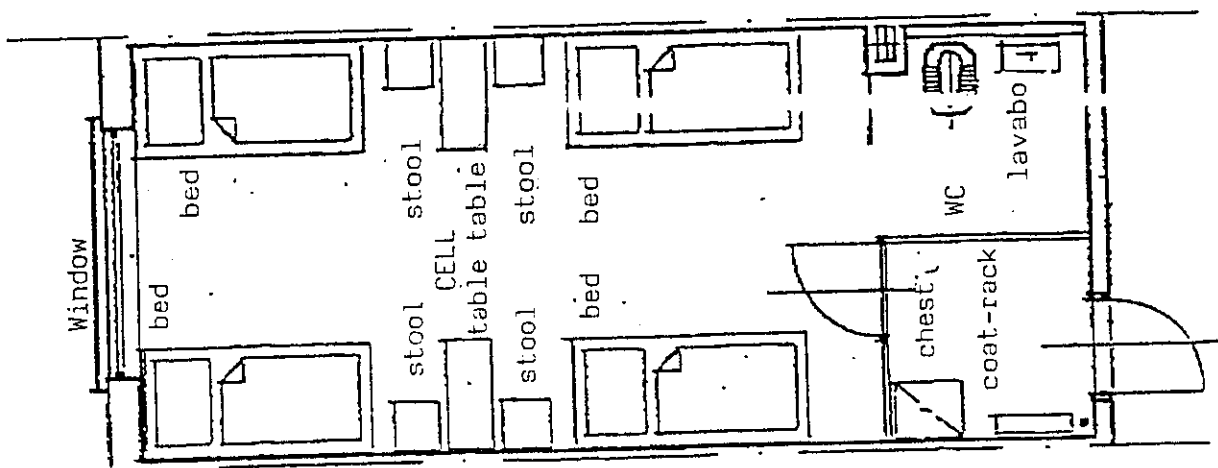
1. metallic - one piece per 2 persons;
2. dimensions: 90x 40 cm;
3. firmly fixed to the floor or wall of the cell;
4. located in the best lighted part of the cell.

#### c) Stool or chair

1. metallic - one piece per a person;
2. dimensions: 40 x 40 cm;
3. firmly fixed to the floor or wall of the cell.

#### d) Camera (if installed)

Installed in the second part of the cell enabling a check of the whole part of the cell where persons are detained. The sanitary facilities may not block the camera view.



*Annex 5*  
*to the Regulation by the Ministry of Interior No. 25/1994*

**Items provided in the detention cell for foreigners**

blanket	4 pcs
bolster	4 pcs
sheet	8 pcs
toilet paper rolls	2 pcs
towel	4 pcs
dishes for meals	4 sets
spoon	4 pcs
dishtowel	4 pcs

Other items will be defined in a special regulation which will reflect the sex of the person, his/her own belongings and nationality.

**REGULATION**

**defining the activities of a detention centre for foreigners**

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**C O N T E N T S:**

<b>Part One</b>	<b>General Provisions</b>
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Article 2	Definition and purpose of the establishments
<b>Part Two</b>	<b>Reception and placement of foreigners</b>
Article 3	Types of regimes in the establishments
Article 4	Open regime
Article 5	Police cell regime
Article 6	Documentation required for a foreigner's reception
Article 7	Principles for placing (accommodation) of foreigners
<b>Part Three</b>	<b>Stay of the foreigners</b>
Article 8	Stay of the foreigner in an open regime
Article 9	Stay of the foreigner in a police cell regime
Article 10	Bringing in and escorting of foreigners
Article 11	Guarding of open regime establishments and foreigners placed there
Article 12	Guarding of foreigners placed in a police cell
<b>Part Four</b>	<b>Release of foreigners</b>
Article 13	Grounds for release
Article 14	Documentation for release
<b>Part Five</b>	<b>Other arrangements related to the foreigner's stay in the establishment</b>
Article 15	Exercise of rights and obligations of foreigners
Article 16	Procedure to be applied in exceptional events
<b>Part Six</b>	<b>Special and final provisions</b>
Article 17	Co-ordination and co-operation between establishments
Article 18	Other tasks

**Part one**  
**General Provisions**

Article 1  
Objective of the Regulation

The objective of this regulation is to define the conditions of placing foreigners in a detention centre for foreigners (hereinafter the Establishment) including the way of exercising their rights and obligations and to define the powers of the foreigners and boarder police bodies and their uniform procedure in relation to Establishments.

Article 2  
Definition and Purpose of the Establishment

(1) The Establishment is being set up by the Police Presidium of the Czech Republic and it is run by the Directorate of the Foreigners and Boarder Police of Police Presidium of the Czech Republic<sup>1</sup> (hereinafter RSCPP).

(2) The Establishment is a place designated by the Ministry of Interior of the Czech Republic for placing foreigners who have been sentenced to expulsion and are obliged to stay in such a place until their expulsion<sup>2</sup>.

(3) The Establishment includes police cells<sup>3</sup> where foreigners detained before expulsion are being placed<sup>4</sup>.

(4) The obligation of the foreigner to remain in the Establishment until his/her expulsion can last 30 days at maximum since his/her placement in the Establishment<sup>5</sup>.

(5) This regulation defines the rights and obligations of foreigners placed in the Establishment as defined in compliance with the valid laws and internal regulations.

(6) The internal rules of the Establishment (hereinafter Internal Rules) define details on the exercising of rights and obligations of detained prisoners, daily schedule, namely outdoor exercise, hygiene, diagnostic and medical care, cultural needs, visits, contacts with the consulate of a domestic state or a lawyer. A situation plan detailing the Establishment in terms of its furnishing and lay-out is attached to the internal rules.

(7) The internal rules in Czech are posted on a board accessible to all detained Foreigners in such a way to provide them with information on the exercise of their rights

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<sup>1</sup> Decision by the Ministry of Interior of the Czech Republic No. 3/1998 defining the location where the foreigners are obliged to stay after the decision on expulsion has been taken.

<sup>2</sup> Art. 17, para 1 of Act No. 123/1992 on the stay of foreigners on the territory of the CSFR as later amended.

<sup>3</sup> Regulation by the Ministry of Interior No. 25/1994 on police cells - Annex 1 to the Regulation.

<sup>4</sup> Art. 15, para 2 of Act No. 283/1991 on the Police of the Czech Republic as later amended.

<sup>5</sup> Art. 15, para 3 of Act No. 283/1991.

and obligations according to their detention regime. The foreigner shall be informed about the internal rules (Art. 6, para 4, letter i) of this Regulation).

## Part two Reception and placement of foreigners

### Article 3 Types of regimes in the Establishment

Within the Establishment foreigners can be placed into:

- a) open regime;
- b) police cell regime<sup>3</sup>.

### Article 4 Open regime

Foreigners are placed into the open regime in the Establishment following a decision on their expulsion<sup>2</sup>. It applies mostly to foreigners below 15 years of age, foreigners forming a complete or incomplete family, mothers with children or pregnant women.

### Article 5 Police cell regime

Foreigners detained on the grounds of expulsion decision are placed into police cells<sup>4</sup>.

### Article 6 Documentation required for a foreigner's reception

(1) Before a foreigner is received in the Establishment the following documents must be prepared:

- a) „Order to place a detained person into a cell“ which includes a list of items taken from the person in compliance with Art. 27 of the Police Act and an „Official record on the person's detention“ which is on the other side of the „Order“ or is attached to the „Order“ (in compliance with Annex 3 to NMV ČR No. 25/1994 on police cells - see Annex 1 to this Regulation) when a foreigner is placed into a police cell.
- b) „Record of handing over the foreigner into a detention centre“<sup>6</sup> and „Receipt for temporary withheld documents and belongings of the foreigner“<sup>7</sup> after the person is placed in an open regime.

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<sup>6</sup> Annex 1

<sup>7</sup> Annex 3

The „Order“ or „Record“ must include an information on the starting of an expulsion procedure or a statement that the procedure could not be started due to the failure in establishing the foreigner's identity.

2) The Order and Record are made in an original and a copy, the original after confirmation goes to the police authority which has sent the foreigner into the establishment and the copy is filed into the establishment records. A round official stamp with the state emblem allocated to the respective police unit and a signature by its head or his deputy must be attached to the Order and Record.

3) When receiving a foreigner into an establishment the police officer on duty is obliged to:

- a) check whether all conditions required for receiving a foreigner into the establishment under paras 1 and 2 of this Article have been met;
- b) require from the police officer who brings the foreigner in information on facts which should be reflected (e.g. information on the foreigner's personality, his/her condition, etc.) when deciding about the regime which the foreigner will be subjected to. If needed, a record should be made of these facts and filed together with the copy of Order and Record in the establishment records;
- c) confirm the acceptance of the foreigners on both copies of Order and Record and keep one copy for the establishment files;
- d) organise a body search and check of the foreigner's belongings (the body search and its supervision is done by a person of the same sex), the search is being conducted in presence of the police officers who brought the person in (who escorted the foreigner);
- e) arrange for temporary taking away and storing of the foreigner's travelling document (should he/she has it) a other documents (e.g. an ID card, decision on expulsion, etc.), and taking away of things which may be used for endangering the health or life of the foreigner or other persons during his/her stay in the establishment;
- f) compile a list of documents and things taken away (it is a part of the Order or an annex to the Record) and make the foreigner sign the list (documents and things temporarily taken away will be stored by the establishment during the foreigner's stay in the establishment);
- g) arrange for a preventive medical check-up on entrance in compliance with the principles outlined in para 5 of this Article in case the check-up had not been done, without any reasonable doubts, before the foreigner was brought into the establishment;
- h) place the foreigner (based on the Order, Record, results of entrance formalities, preventive medical check-up or other information) under the respective regime (see Art. 4 and 5 of this Regulation); the decision on placing (accommodation) of the foreigner is guided by principles outlined in Art. 7 of this Regulation;

- i) inform the foreigner in his/her native language (or a language he/she understands) on rights and obligations during the stay in open regime or police cell regime, record the fact of providing the information on a separate sheet of paper and, signed by the foreigner, file the record together with the copy of Order or Record;
- j) enter all the required information in the police documentation, namely the Register of Events and Register of Foreigners.

4) The procedure of placing a foreigner into an establishment includes an entrance preventive medical check-up. Before the check-up is done the foreigner is placed into a quarantine police cell or a quarantine room for an open regime. The guarding of foreigners is guided by principles outlined in para 4 letter d) of this Article.

5) If the foreigner's identity is unknown a procedure to prove it is started immediately under the internal regulation - Art. 205 and 206 of the Regulation on the Stay of Foreigners - Binding Guideline by Police President No. 26/1997 which publishes the methodological guideline by the director of the Directorate of Foreigners and Boarder Police No. 4/1997 (hereinafter Regulation on the Stay of Foreigners).

#### Article 7

##### Principles for placing (accommodation) of foreigners

1) Foreigners who are suspect of having a contagious disease/s and not subjected to a hospital treatment are placed in separate police cells or rooms for an open regime until the medical doctor decides about their further placement. Children younger than 18 are placed together with their parents in a separate room for an open regime.

2) In the open regime the foreigner may be placed in common rooms with respect to the family ties, sex, age, etc. or separately (especially in case of foreigner with children) according to the capacity and other possibilities of the establishment.

3) When accommodating foreigners - children younger than 18, mothers with children and pregnant women - their physiological and psychological distinctiveness should be taken into account. Much attention should be paid to placing and stay of pregnant women in order to protect them and to provide for their regular medical check-ups.

4) Foreigners younger than 18 are usually placed together with their parents (or one parent or an older brother or sister) in order not to sever social and emotional bonds.

5) Based on a recommendation by a doctor or psychologist the foreigner may be placed in a police cell or an open regime room with an increased surveillance by the establishment staff.

6) When placing foreigners account should be taken of potential attacks (e.g. from religious, nationalistic, ethnic or other reasons).



7) An aggressive foreigner (or a foreigner continuously violating the internal rules) may be placed into a police cell or an open regime room designated for a separate stay with an increase surveillance. It is up to the head of the establishment to decide on such a placement. A change of placement must be recorded in the documentation (Register of Events and Register of Foreigners).

### **Part Three** **Stay of the Foreigners**

#### Article 8

##### Stay of the foreigner in an open regime

1) A foreigner placed in the open regime may, if he/she complies with the internal rules, move freely around the establishment with the exception of its parts where entrance is banned (in the internal rules or by warning boards). The foreigner may leave the establishment on justified occasions (e.g. visit to a consulate, treatment by a medical specialist, etc.) provided the head of the establishment gives permission.

2) The open regime rooms must be furnished above standard by furniture for storing basic hygienic items and toys for children, potentially with cots.

3) Open regime rooms must be ventilated, heated and illuminated each day and in justified cases a dimmed light may be used from lights-out to reveille.

4) Cleaning and maintenance of the open regime rooms and adjacent areas shall be arranged for by the establishment administration.

5) Details of the open regime stays of foreigners are outlined in the internal rules.

#### Article 9

##### Stay of the foreigner in a police cell regime

1) The issue of police cells (used for placing foreigners in compliance with provisions of Art. 5 of this Regulation), their regime, obligations of police officers, etc. is regulated by a separate regulation by the Ministry of Interior on police cells<sup>2</sup>.

2) Cleaning and maintenance in cells (potentially in adjacent areas) shall be arranged by the establishment administration.

#### Article 10

##### Bringing in and escorting of foreigners

1) Foreigners are brought in (it is not a bringing in under the Art. 13 of the Police Act) within the establishment mostly for the following reasons:

a) steps needed for expulsion;

- b) dealing with partial problems (e.g. medical check-up, complaint, etc.);
- c) interviews with law enforcement bodies.

2) Bringing in of the foreigner within the establishment can be done based of an instruction (written approval is not required) issued by the person in charge (head of the establishment, head of shift). Bringing in of a foreigner is recorded in the Register of Events with additional details (namely who approved the bringing in and for what reason, date and time slot „from - to“).

3) The foreigner to be brought in is guarded until the end of bringing in (return to a police cell or the open regime room) by the police officer who has been charged with bringing the foreigner in.

4) Outside the establishment foreigners are escorted mostly for the following reasons:

- a) expulsion from the Czech Republic;
- b) acts under para 1 of this Article if they can only be conducted outside the establishment;
- c) acts related to the implementation of relevant legal regulations and international agreements.

5) During escorting foreigners the police officers apply special regulations<sup>8, 9</sup>. Handing the foreigner for an escort and completion of an escort (e.g. expulsion, bringing into a remand prison, returning of the foreigner into the establishment, etc.) is recorded into the Register of Events and Register of Foreigners (according to the circumstances and including more necessary details).

#### Article 11

##### Guarding of open regime establishments and foreigners placed there

1) The establishment shall be protected against unjustified leaving of foreigners placed here and against the entrance of unauthorised persons by a fence and information boards announcing the ban of entry:

2) The establishment is guarded continuously by authorised police officers in order to prevent a foreigner from an unauthorised leaving of the establishment without a permission and control or entrance into the establishment by an unauthorised person.

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<sup>8</sup> Regulation by the Ministry of Interior No. 32/1994 on the conduct of the Czech police officers during escorts - Annex 4

<sup>9</sup> Art. 201 on the Stay of foreigners

3) As a part of guarding the establishment a continuous surveillance is conducted of the rooms where foreigners are accommodated under the open regime including rooms for separate stay with increase surveillance for foreigners who are aggressive or continuously violate the internal rules (Art. 7, para 7 of this Regulation).

4) Police officers in charge of guarding the establishment shall also be involved in checking foreigners placed in an open regime brought in for interviews under Article 10 of this Regulation.

5) Guarding of the establishment shall be recorded in the Register of Events; possible exceptional or other serious events shall be recorded in the Register of Events and, if justified, also in the Register of Foreigners.

6) Guarding of the establishment including the detailing of principles outlined in this Regulation shall be provided for by a special instruction by the head of the establishment.

#### Article 12

##### Guarding of foreigners placed in a police cell

1) Foreigners placed in police cells are guarded by police officers in compliance with principles outlined in a separate regulation<sup>2</sup> on police cells.

2) Information on guarding the police cell and the foreigner's behaviour is entered into the Register of Events, in case of extraordinary or other serious events is also entered into the Register of Foreigners.

3) During outings from a police cell in the outdoor exercise area or substitute area in bad weather (or, exceptionally, in other allocated areas) appropriate guarding of the foreigner must be ensured in agreement with the above paras of this Article as follows:

- before the outing the outdoor area must be thoroughly checked for dangerous object that could be used by the foreigner for self-harming or attack against the police officer on guard;
- persons placed in one cell may go for the outing together;
- if appropriate (e.g. foreigners are investigated in the same case), it is necessary to arrange for the foreigners neither to see each other during the outing nor communicate with each other in any way;
- should the foreigner refuse to take part in the outdoor exercise the fact is recorded together with reasons for the refusal (provided the foreigner gives them) in the Register of Events.

4) Police officers on guard may not speak with the foreigners placed in police cells or during outdoor exercise (communication must be limited to necessary instructions) and may not allow the foreigner to enter into unauthorised contacts with persons placed in a open regime are staying outside the establishment.

**Part four**  
**Release of foreigners**

Article 13  
Grounds for release

1) The foreigner must be immediately released from the establishment once the grounds for detention cease to exist, at maximum after 30 days of limiting his/her personal liberty.

2) The release is done on the grounds that reasons for expulsion have been proved insufficient during investigation or, within the time limit for expulsion procedure, they have not been proved or no facts needed for justifying the expulsion have been found.

3) Under the provisions of this part of the regulation release is defined also as any termination of the foreigner's stay in the establishment (e.g. handing over the foreigner for expulsion, placing him/her in remand prison, etc.).

Article 14  
Documentation for release

1) The decision on release must be in writing (with listing the grounds) and an official round stamp and signature of the officer in charge must be attached. The decision must be entered into the Register of Events and Register of Foreigners.

2) A foreigner released from the establishment is being given back his/her belongings (that have been stored by the establishment) provided a decision to the contrary have not been taken. The foreigner confirms their acceptance by his/her signature under the list of items (attached to the Order or Record - see Art. 6 para 1 letters a) and b) of this regulation). Should the belongings be handed over to another person (e.g. for an escort to prison, etc.) the items are taken over by a person (e.g. an escort commander) who takes over the foreigner and the items against a receipt. The foreigner must be informed about the fact that the items have been handed over to another person.

3) If the foreigner is ill in the time of release (or in any time during his/her detention in the establishment) an exit medical check-up is conducted and the medical doctor decides how to proceed. If the foreigner cannot be released special regulations are applied (transferring the foreigner into a hospital, etc.).

**Part five**  
**Other arrangements related to the foreigner's stay in the establishment**

Article 15  
Exercise of rights and obligations of foreigners

1) A special regulation applies to providing meals, personal belongings, medical service and hygiene for foreigners.

2) Meals are served to the foreigners three times a day under the conditions and in amounts corresponding to the principles of healthy eating and with respect to the age and medical condition of the foreigner.

3) A foreigners placed in an establishment are given tea at least twice a day and in hot weather they receive cold drinks. Children are given milk or other type of food following the instructions of a doctor or a nurse.

4) Following his/her request and at his/her costs the foreigner may buy food in the establishment canteen which will be arranged by the establishment staff.

5) Should the foreigner, due to his/her nature or beliefs, cannot accept the usual eating arrangements, he/she may - if the conditions allow for that - acquire additional meals at his/her own costs (his/her right for getting usual meals is not affected).

6) A foreigner placed in an open regime or in a police cell regime has a right to use his/her own clothing, underwear and shoes provided they are immaculate in hygienic and aesthetic terms and their regular replacement is arranged at the foreigner's costs. If the above conditions are not met the foreigner is obliged to use the clothing, underwear and shoes provided by the establishment (in such a case his/her own clothing, underwear and shoes are stored by the establishment). When meeting the above conditions the foreigner uses his/her own clothing specially during outdoor exercise, in bad weather, etc. Bedding is replaced once a week and replacement or lending of basic clothing is arranged for children.

7) A foreigner may bring in basic hygienic items including detergents - if he/she does not have them they will be provided in the necessary amounts and range.

8) A foreigner placed in an open regime and a foreigner placed in a police cell regime is obliged to take a bath or shower in warm water once a week. Following a doctor's recommendation the establishment staff will arrange for a more frequent bathing or showering in warm water. If this is not possible for operational or power supply reasons the above frequency of appropriate washing in warm water must be arranged for. Bathing (showering) or washing of foreigners is organised separately for the two sexes. Should a supervision be required it is exercised by an officer of the respective sex.

9) Foreigners placed in an establishment are provided with the necessary medical service. If the foreigner's condition requires an emergency service which is not available in the establishment he/she is transferred into a relevant medical institution.

10) Foreigners must be given an interrupted time for sleeping in compliance with the internal rules, i.e. usually from the reveille to lights out (the time may differ on weekdays and week-ends).

11) A foreigner whose movement around the establishment (within designated areas) is limited must be provided with a daily exercise (for at least one hour) in the area designated and appropriately furnished for this purpose. Areas designated for outings of parents with children include a playground. In bad weather exercise is organised in

substitute areas (corridors, a gym, play room for children, etc.) with respect to placing a foreigner into a regime or, if appropriate, to other circumstances.

12) Cultural and sports interests of the foreigners are provided for by lending local and foreign books, local dailies and magazines (books not available in the establishment library, foreign dailies and magazines - if distributed in the country - may be acquired by the staff at the foreigner's cost), watching TV or listening to radio, lending of table games, sports gear, etc.

13) In exercising his/her rights and justified interests the foreigner may submit complaints and topics for discussion to the Czech authorities and international organisations (under international agreements binding for the Czech Republic), demand a contact with a consular officer of his/her country or a lawyer.

14) More detailed conditions of the execution of rights and obligations of foreigners placed in an establishment are defined in the internal rules.

#### Article 16

##### Procedure to be applied in exceptional events

1) An exceptional event is defined as a death or injury of a foreigner, a suicide or self-injury attempt by a foreigner, an escape by a foreigner from the establishment or another event threatening the safety of persons and property or presents a serious violation of the internal rules. For the purpose of this regulation, any behaviour of the foreigner defying the usual practice or standard (e.g. repeated refusal to take meals, do hygiene, or exercise, etc.) is considered an exceptional event.

2) An exceptional event must be immediately reported to the head of the establishment, in his/her absence his/her deputy or another staff member put in charge, who will take the appropriate measures (first aid, invitation of a doctor, securing the crime scene, calling in the law-enforcement bodies, etc.). In case of need (the danger of delay, etc.) the necessary measures shall be taken by the police officer on duty.

3) In case of a foreigner's death the immediate measures (para 2 of this article) shall include information to the doctor, superior in the establishment and the consulate of the foreigner's country (if the his/her nationality is known). Next procedure is provided for in a special regulation defining that the transfer of the deceased foreigner is arranged for by the establishment.

4) Any exceptional event is entered into the appropriate files (namely the Register of Events and Register of Foreigners).

**P a r t s i x**

**Special and final provisions**

Article 17

Co-ordination and co-operation between establishments

1) In creating conditions for the operation of the establishment the respective head of establishment closely co-operates, within its territory, with the respective administration and government bodies, citizens' interest groups, church, religious and charity associations (foundations, etc.) focusing on granting rights and justified interests to foreigners.

2) In order to ensure internal order and safety in the establishment the head co-ordinates and co-operates with local police units and other administration bodies (prosecution, courts, etc.)

Article 18

Other tasks

1) When dealing with aspects of the establishment operation not covered by provisions of this regulation the head of the establishment applies internal rules (article 2, paras 6 and 7 of this regulation) and other normative acts issued by the director of foreigners and border police of the Police Presidium of the Czech Republic.

E N D

## REPORT

### on the breaches of rules on the part of the staff of Ministry of Interior or Police of the Czech Republic in 1997

#### Introduction

The Report on breaches of rules on the part of the staff of the Ministry of Interior and Police of the Czech Republic is divided into three parts.

The first one includes developmental trends in the period under consideration, i.e. 1993 - 1997. The second one analyses complaints settled in 1997. The third one deals with complaints classified as justified.

The data documenting breaches of rules by the staff are taken from the central database of submissions registered by the Inspection of the Minister of Interior. Information for the database is processed and input by the staff of regional complaints and control police departments of the Police of the Czech Republic, complaints and control department of the Police Presidium, Department of Investigation of the Czech Republic and other bodies dealing with the submission.

#### A. Developmental trends

Between 1 January and 31 December 1997 various complaints departments registered 7273 complaints which represents a 33.9% decrease (3730 complaints) as compared to 1996. Out of the total number 7123 were complaints (98.1%), 73 notifications (0.1%), 67 proposals (0.9%) and 1 petition.

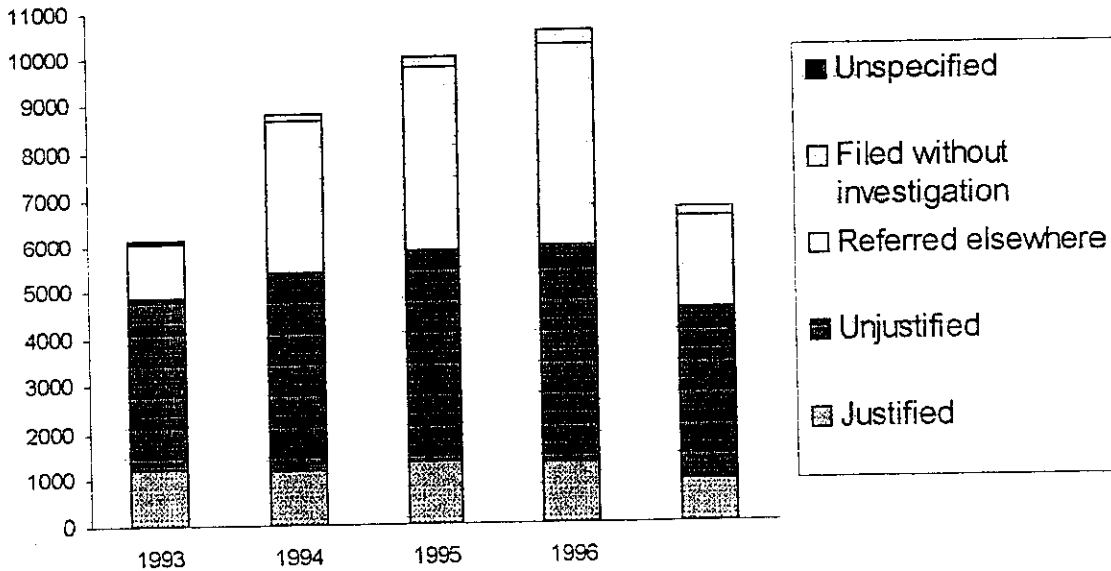
Altogether 6729 (by 36.4%, i.e. 3854 less) complaints and notifications were settled by the various departments. Changes in the structure of settling the cases are documented in table 1 and chart 1.

Table 1

Classification of submissions	1993		1994		1995		1996		1997	
	Abs.	%	Abs.	%	Abs.	%	Abs.	%	Abs.	%
Justified	1189	19.4	1150	13.0	1321	13.2	1288	12.2	902	13.4
Unjustified	3686	60.2	4242	48.1	4551	45.5	4653	44.0	3678	54.7
Referred elsewhere	1150	18.8	3286	37.3	3925	39.2	4340	41.0	1989	29.5
Filed without investigation	36	0.6	130	1.5	208	2.1	302	2.8	160	2.4
Unspecified	59	1.0	9	0.1	0	0	0	0	0	0
<b>Total</b>	<b>6120</b>	<b>100.0</b>	<b>8871</b>	<b>100.0</b>	<b>10005</b>	<b>100.0</b>	<b>10583</b>	<b>100.0</b>	<b>6729</b>	<b>100.0</b>



Chart 1



A sharp increase in complaints in 1994 slowed down substantially in 1995 (in 1994 the increase caused mostly by complaints referred elsewhere amounted to 44.1%, in 1995 it was only 13.5% which corresponds to an overall increase in settled complaints). The number of complaints increased only slightly in 1996 mostly as a result of an increased share of complaints referred elsewhere. In 1997 the number of settled complaints dropped substantially as a result of a decrease in complaints referred elsewhere.

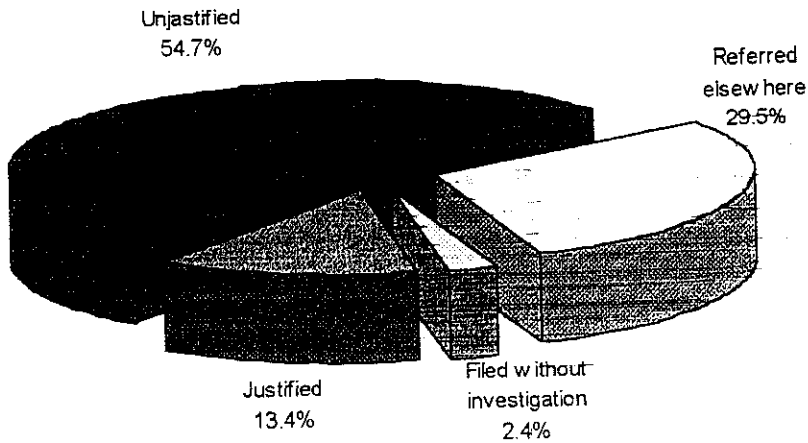
## B.

### Analysis of settled complaints

In 1997 a total number of 6729 complaints were settled, i.e. 36.4% (by 3854) less than in 1996. Chart 2 illustrates the structure of complaints according to the method of resolving the complaint.

Out of all resolved complaints 556 were repeated complaints and 74 of them were classified as justified.

Chart 2



In order to minimise the distorting effect of complaints referred elsewhere which often lack significant statistical information on their nature only the set of 4580 justified and unjustified complaints are further analysed.

Most complaints came from physical persons (4394), out of which 265 were aimed against the way the criminal procedure against the claimant was conducted, 8 complaints were filed by police officers, 58 by former police officers, 14 by civilian staff of the administration, 5 by soldiers, and 155 by foreigners. Additionally, resolved were 113 complaints by legal persons, 63 complaints by anonymous senders, and 10 unspecified. The structure illustrated in Table 2 does not show any substantial changes between 1996 and 1997.

Table 2

Claimant	1996		1997	
	number	%	number	%
citizen	4818	81.1	3812	83.2
police officer	188	3.2	85	1.9
former police officer	81	1.4	58	1.3
soldier	7	0.1	5	0.1
civilian staff	11	0.2	14	0.3
organisation	150	2.5	113	2.5
foreigner	219	3.7	155	3.4
anonymous	120	2.0	63	1.4
person prosecuted in criminal procedure	322	5.4	265	5.7
others	25	0.4	10	0.2
Total	5941	100.0	4580	100.0

Most complaints dealt with were, as in 1995, against police officers serving with the **Police of the Czech Republic in Prague, Northern Bohemia and Southern Moravia** (in the first two the share of justified complaints is higher than average), see Chart 3 and Table 3.

Chart 3

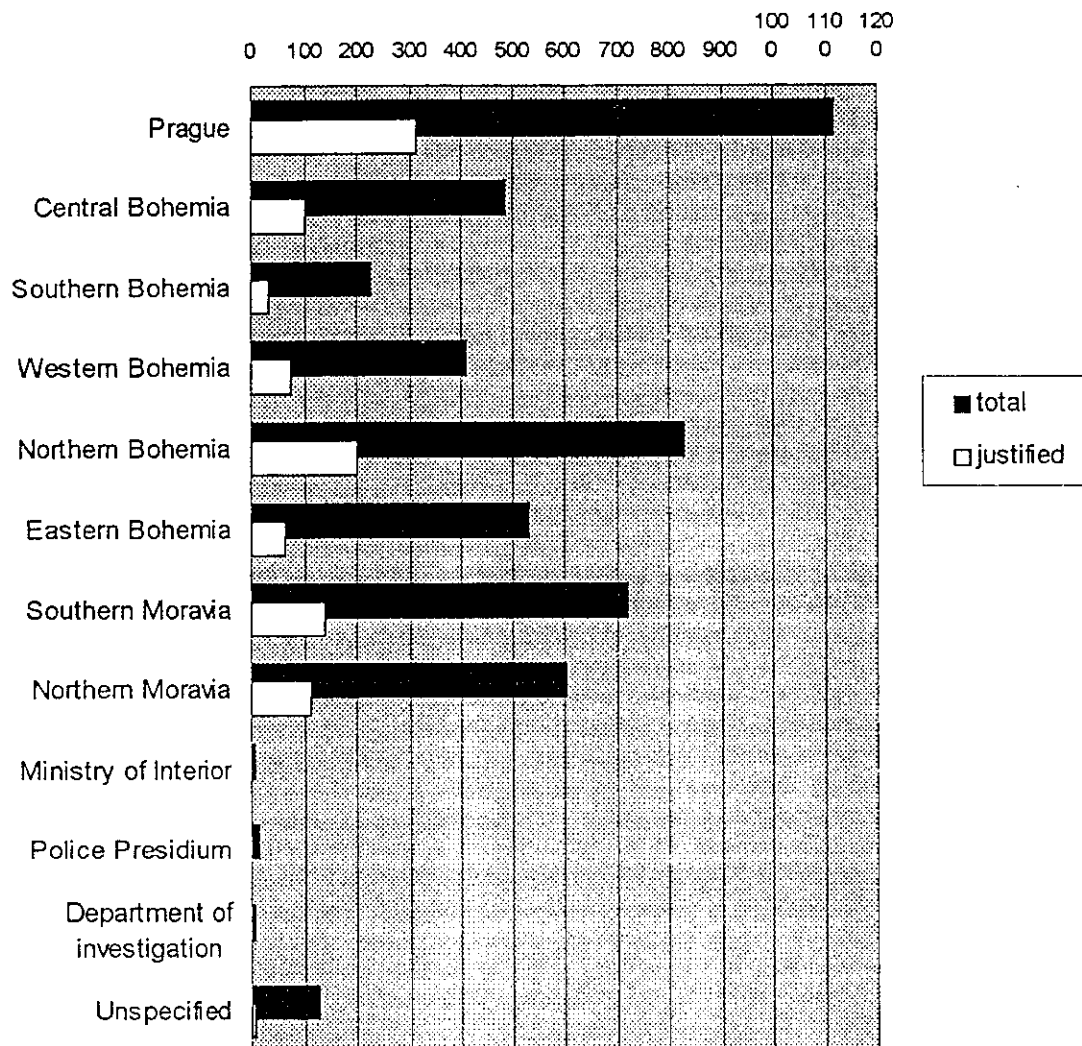


Table 3

SUBSUMPTION	1996			1997			
	TOTAL	JUSTIFIED	%	TOTAL	JUSTIFIED	%	*
Prague	1043	296	28,4	1118	313	28	4,87
Central Bohemia	529	112	21,2	488	100	20,5	2,99
Southern Bohemia	304	44	14,5	226	33	14,6	1,08
Western Bohemia	632	128	20,3	413	76	18,4	1,65
Northern Bohemia	801	193	24,1	830	201	24,2	4,09
Eastern Bohemia	613	93	15,2	533	65	12,2	1,56
Southern Moravia	632	117	18,5	722	138	19,1	2,21
Northern Moravia	1009	243	24,1	603	114	18,9	1,63
Ministry of Interior	40	15	37,5	7	0	0	0
Police Presidium	65	18	27,7	16	1	6,3	0,03
Department of investigation	19	5	26,3	8	0	0	0
Unspecified	254	24	9,4	128	9	7,0	x
Total	5941	1288	21,7	5092	1050	20,6	2,34

Statistically significant is the point of justified number of complaints finding on 100 policemen of individual administrations and verges, possible the central organs. In the light of these data (in table No. 3 the designate column starlet) would have the worst evaluation the administration of capital Prague (4, 87 justified complaints finding on 100 policemen, Northern Bohemia (4, 09) and the Central Bohemia verge (2, 99). On contrary best are the central authority with a distance.

In table No. 4, are noted the shares of individual passing subjects. More than one half of all complaints concerns irregularities in criminal or trespass procedures (35,4%) and inappropriate acts and behaviours (22,5 %).

Table 4

SUBJECT	1996			1997		
	Just. & unjust. complaints	Out of which just.	%	Just. & unjust. complaints	Out of which just.	%
<b>Inappropriate acts and behaviour</b>	1111	161	14.5	1066	137	12.9
interfering with civil procedure	80	12	15.0	54	9	16.7
physical violence	202	10	5.0	111	10	9.0
abuse of official authority	121	18	14.9	72	10	13.9
deconspiration	0	0	x	0	0	x
apprehension and detention	152	26	17.1	127	18	14.2
use of coercion means	53	5	9.4	31	6	19.4
traffic rules violation	608	141	23.2	429	90	21.0
irregularities in criminal or trespass procedures	1760	497	28.2	1678	381	22.7
decisions on driving licence, ID, passports, gun licence, etc.	169	42	24.9	102	20	19.6
refusal to accept notification under criminal procedure	232	68	29.3	185	46	24.9
refusal to accept complaint under Reg. 150/58	82	10	12.2	66	9	13.6
personnel issues, salary, housing	86	27	31.4	35	14	40.0
medical issues	9	2	22.2	0	0	x
illegal material gain	16	1	6.3	8	1	12.5
use of weapon	4	0	0	3	0	0
expulsion	4	0	0	3	0	0
others	1252	268	21.4	770	151	19.6
<b>Total</b>	<b>5941</b>	<b>1288</b>	<b>21.7</b>	<b>4740</b>	<b>902</b>	<b>19.0</b>

A high rate of justified complaints existed in personnel, salary and housing matters (40.0%), refusal to accept a notification under the rules of criminal procedure (24.9%) and conduct in criminal and trespass procedure (22.7%). Low was, on the other hand, the rate of justified complaints against inappropriate conduct and behaviour (12.9%), abuse of official position (13.9%) and, in particular, use of physical violence (9.0%).

As in 1996 most complaints were filed against officers serving in the law and order service (the reason being their proportion in all the police force and nature of their work). The rate of these justified complaints was slightly above average. Higher percentage of justified complaints was in personnel and education (33.3%) and logistics (31.3%). Low was, on the other hand, the rate of justified complaints against investigators (15.3%), police officers serving in foreigners and border police units (15.4%), inspection and control units (16.6%) and criminal police (18.3%) - see Table 5.

Table 5

SERVICE	1996			1997		
	complaints with+without ground	with ground of the total	in %	complaints with+without ground	with ground of the total	in%
Criminal	551	88	16.0	482	88	18.3
Law and order	2923	696	23.8	2500	498	19.9
Traffic	829	184	22.2	656	137	20.9
Administrative	102	27	26.5	62	12	19.4
Investigation	304	50	16.4	352	54	15.3
Personnel and education	11	3	27.3	12	4	33.3
Logistics	24	8	33.3	16	5	31.3
Health and social	20	8	40.0	1	1	100.0
Inspection and control	397	82	20.7	223	37	16.6
Police school administration	1	0	0	0	0	x
Foreigners and border	244	52	21.3	162	25	15.4
Protective	10	2	20.0	7	1	14.3
Rapid deployment unit (URNA)	11	0	0	3	0	0
Railway police	65	12	18.5	2	0	0
Others	257	63	24.5	163	36	22.1
Not specified	192	13	6.8	99	4	4.0
Total	5941	1288	21.7	4740	902	19.0

The structure of submissions according to **tiers of management** is illustrated in Table 6. The highest is the number of justified complaints on the basic (local) tier (20.7%).

Table 6

TIER OF MANAGEMENT	1996			1997		
	complaints with+without ground	with ground of the total	in %	complaints with+without ground	with ground of the total	in%
Basic (local)	2877	699	24.3	2523	521	20.7
District	2150	424	19.7	1716	308	17.9
Regional	532	102	19.2	374	67	17.9
Central headquarters	135	42	31.1	39	1	2.6
Not specified	247	21	8.5	88	5	5.7
Total	5941	1288	21.7	4740	902	19.0

The management work (directors, heads and their deputies) was criticised in 508 complaints (10.7% of the total, in 1996 it was 12.8%), 133 complaints of the total had grounds (i.e. 26.2% as compared to 25.8% in 1996).

Table 7

POSITION	1996			1997		
	complaints with+without ground	with ground of the total	in %	complaints with+without ground	with ground of the total	in%
director - head	630	149	23.7	392	94	24.0
deputy	133	48	36.1	116	39	33.6
others	4235	998	23.6	3510	723	20.6
not specified	943	93	9.9	722	46	6.4
Total	5941	1288	21.7	4740	902	19.0

## C.

## Justified complaints

902 justified complaints criticised the conduct of a total number of 1050 subjects, i.e. police officers, civilian staff or the whole unit. The causes for and consequences of the companies are illustrated in Tables 8 and 9.

Table 8

CAUSE	1996		1997	
	number	in %	number	in %
problems in management and control	98	7.6	119	11.3
wrong interpretation of legal and service norms	306	23.8	268	25.5
intentional violation of service rules	34	2.6	25	2.4
other intentional conduct	29	2.3	10	1.0
negligence and violation of discipline	531	41.2	460	43.8
moral deficiency	16	1.2	14	1.3
others	235	18.3	122	11.6
not specified	39	3.0	32	3.0
Total	1288	100.0	1050	100.0

The above table illustrates the stable structure of justified complaints. Among the most frequent causes are negligence or violation of discipline or wrong interpretation of legal and service norms.

Table 9

CONSEQUENCES	1996		1997	
	number	in %	number	in %
reprimand	731	38.4	382	36.4
written reprimand	186	9.7	60	5.7
pay reduction	89	4.7	43	4.1
demotion	0	0	0	0
ban of work	1	0.1	0	0
forfeit of the thing	0	0	1	0.1
others	346	18.1	254	24.2
information not received	512	26.9	242	23.0
not specified	40	2.1	68	6.5
Total	1905	100.0	1050	100.0

**Reprimand** (36.4%) and **written reprimand** (5.7%) are most frequent punishments. The statistics is to some extent distorted by a high rate of cases on which information has not been received yet (242).

558 complaints (53.1%) were filed against **police officers**, 444 complaints (42.3%) against **warrant officers** and 10 complaints (1.0%) against the civilian staff. In 38 cases (3.6%) the rank was not specified or the complaint was not filed against a specific officer - see Table 10.

Table 10

RANK	1996		1997	
	number	in %	number	in %
warrant officers	787	41.3	444	42.3
officers	983	51.6	558	53.1
civilian staff	38	2.0	10	1.0
not specified	97	5.1	38	3.6
Total	1905	100.0	1050	100.0

Justified complaints were mostly filed against officers with the **length of service** below 5 years (271, i.e. 25.8%). Officers with 6 to 10 years of service represent about 20% of complaints and other groups between 11 and 13% in all 5-year groups. The number of complaints against the most experienced police officers is substantially lower - see Table 11.

Table 11

LENGTH OF SERVICE	1996		1997	
	number	in %	number	in %
less than 5 years	430	22.6	271	25.8
6 to 10 years	385	20.2	211	20.1
11 to 15 years	255	13.4	123	11.7
16 to 20 years	214	11.2	129	12.3
21 to 25 years	220	11.3	103	9.8
26 to 30 years	215	11.3	103	9.8
over 30 years	56	2.9	32	3.0
not specified	130	6.8	47	4.5
Total	1905	100.0	1050	100.0

The age structure of police officers against whom complaints were filed was rather similar for categories between 26 and 45 years of age (13 - 18% of all justified complaints in each 5-year group). 28.4% of justified complaints were filed against younger officers, 10.1% of justified complaints were filed against older officers.



Table 12

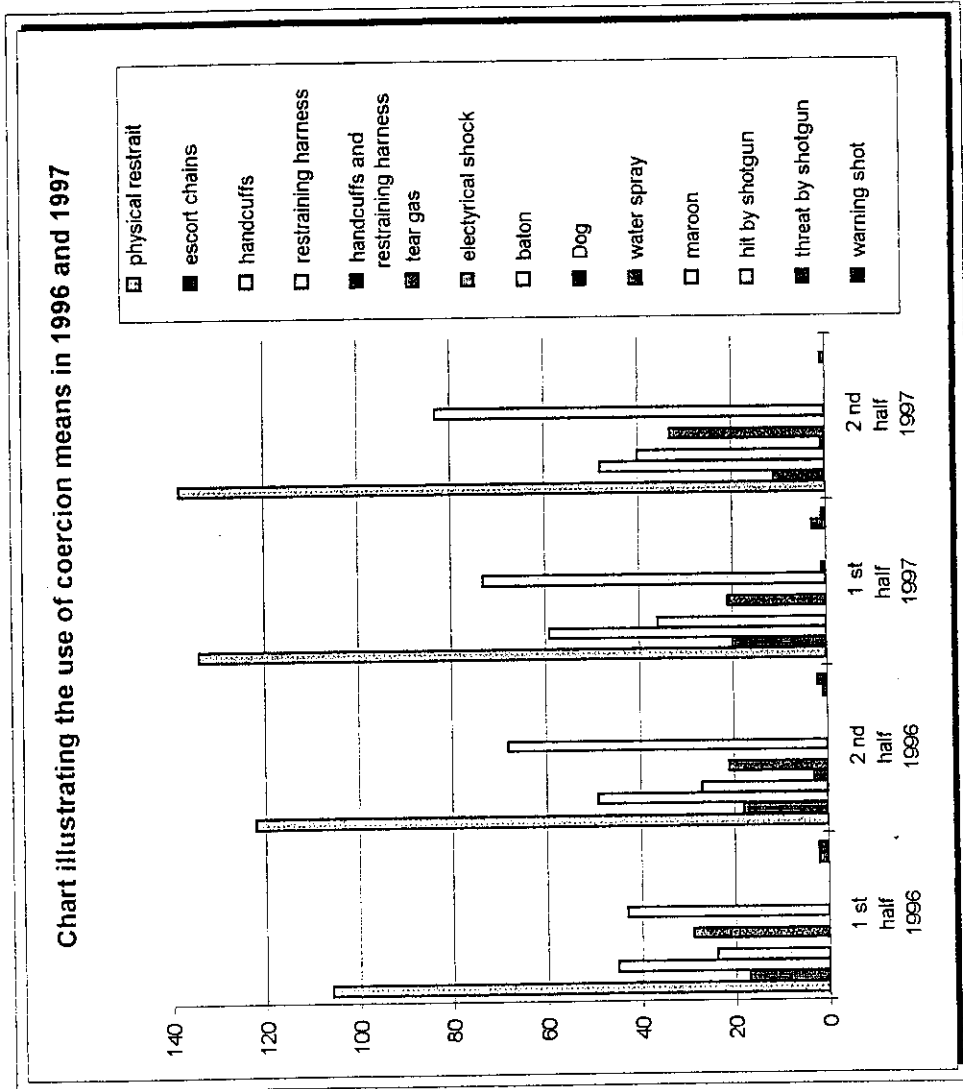
AGE	1996		1997	
	number	in %	number	in %
less than 25 years	298	15.6	298	28.4
26 to 30 years	342	18.0	185	17.6
31 to 35 years	288	15.1	137	13.0
36 to 40 years	243	12.8	130	12.4
41 to 45 years	253	13.3	134	12.8
46 to 50 years	237	12.4	106	10.1
over 50 years	135	7.1	17	1.6
not specified	109	5.7	43	4.1
Total	1905	100.0	1050	100.0

### Conclusions

Statistical processing of submissions filed in 1997 and its comparison to the previous period indicate the following:

- there was a substantial drop in the number of filed complaints against the conduct of the Police of the Czech Republic (by 34% less than in 1996);
- the number settled complaints dropped by 36%;
- the proportion of justified complaints in the total numbers increased by 1 percentage point (13.4%);
- the proportion of justified complaints in the total number of investigated complaints (i.e. evaluated as justified or unjustified) decreased from 21.7% to 20.6%;
- one seventh (13.3%) of the repeated complaints were reclassified as justified (in 1996 it was 15.6%);
- most settled complaints were filed against police officers serving in Prague, the North-Moravian and North-Bohemian regions which corresponds to the amount of criminal offences in these regions;
- taking into account the numbers of police officers serving under the individual regional administrations of the Police of the Czech Republic the highest numbers of justified complaints were filed against police officers in Prague, North-Bohemian and Central-Bohemian regions;
- complaints against higher officers were more frequently justified than those against other staff;
- the most frequent causes for justified complaints are negligence and violation of discipline and wrong interpretation of legal and service norms, reprimand was the most often applied punishment;
- contrary to criminal offences committed by police where most complaints were filed against warrant officers, other justified complaints were mostly filed against higher ranking officers;
- the above item is related to the age and length of service in the police; the frequency of justified complaints in categories other than criminal offences is rather equal across the age categories and the length of service intervals.

*Comparison of coercion means use in individual half yers in 1996 and 1997*



Coercion means in individual half yers	1st half 1996	2nd half 1996	1st half 1997	2nd half 1997
physical restraint	106	122	134	138
escort chains	17	18	20	11
handcuffs	45	49	59	48
restraining harness	24	27	36	40
handcuffs and restraining harness	0	3	0	1
tear gas	29	21	21	33
electrical shock	0	0	0	0
baton	43	68	73	83
Dog	0	0	1	0
water spray	0	0	0	0
maroon	0	0	0	0
hit by shotgun	0	0	0	0
threat by shotgun	2	1	3	1
warning shot	2	2	1	0
<b>TOTAL</b>	<b>268</b>	<b>311</b>	<b>348</b>	<b>355</b>

**ANALYSIS OF COMPLAINTS FILED BETWEEN 1 JANUARY 1997  
AND 31 DECEMBER 1997**

Subject of complaints by prisoner	justified	objective	unjustified	total
01 family allowances	1	0	4	5
02 children allowances	0	0	0	0
03 money of remand and sentenced prisoners (pocket money, savings, etc.)	5	1	38	44
04 costs of remand and prison	1	0	1	2
05 health and social insurance	0	1	2	3
06 others in financial matters	0	0	10	10
07 medical service	8	1	319	328
08 hygiene and tidying up	0	6	23	29
09 placing on job	0	1	29	30
10 overtime work	0	0	1	1
11 damages to the remand and sentenced	2	0	5	7
12 pay for work	0	1	5	6
13 labour safety and protection of health	0	0	2	2
14 damages for injury and occupational disease	0	2	0	2
15 catering	5	1	57	63
16 accommodation	0	20	28	48
17 provision of belongings	2	1	11	14
18 outings, exercise, physical training	1	4	11	16
19 leisure time	0	0	0	0
20 hair cutting	0	0	6	6
21 visits	6	1	56	63
22 correspondence	15	3	59	77
23 packets	12	2	47	62
24 personal belongings and their checks	16	1	41	58
25 purchase of personal items	0	1	6	7
26 dailies and books	1	0	3	4
27 cultural activities	1	0	7	8
28 rest	0	0	3	3
29 disciplinary punishments and measures	7	0	58	65
30 physical violence by guards	0	0	66	66
31 inappropriate and degrading statements by officers	2	0	49	51
32 other wrong doings by officers	6	0	210	216
33 inappropriate conduct of civilian staff	2	0	20	22
34 inappropriate conduct or physical violence on the part of prison staff	1	0	5	6

35 inappropriate conduct or physical violence on the part of prisoners	0	0	18	18
36 unmet, undealt with, wrongly settled complaints, requests	4	0	60	64
37 protective medical treatment	0	0	0	0
38 contact with lawyer	2	1	2	5
39 evaluation	0	0	8	8
40 refusal to interrupt the sentence	0	0	6	6
41 refusal to release from remand or sentence prison	0	0	3	3
42 transfer or no transfer	2	0	33	35
50 others	0	4	27	31
Subject of complaints by prison staff	0	0	0	0
51 service, employment contract (assessment, length of service, etc.)	9	1	19	29
52 medical service	0	0	3	3
53 damages for injury or occupational disease	0	0	0	0
54 housing	1	4	13	18
55 inappropriate conduct on-duty	4	1	24	29
56 inappropriate conduct in public off-duty	2	0	1	3
57 unauthorised activities	0	0	3	3
60 failure to deal with a request or complaint or wrong settlement of the above	4	0	12	16
70 others	1	3	8	12
TOTAL	123	62	1422	1607



Ref. No.: V-130/01/1998

Prison Service of the Czech Republic  
 General Directorate  
 Secretariat of the Director General  
 Dr. Aleš Kýr

### **Background information for an escort centre in the Jiřice Remand Prison**

Attached: 3 blueprints

Following your request I submit the comments by the Jiřice Prison to the planned establishment of an escort centre in the Jiřice Remand Prison.

We assume the escort centre will be set up on the 1st storey of buildings No. 027, 028 and building 100 connected with them (the remaining storeys of the buildings will be used as a remand prison). In view of the number of cells (48) the maximum capacity amounts to 174 remand or sentenced prisoners. The break-up of the cells follows:

	NO. of cells	Type of cell	area in m <sup>2</sup>	No. of sentenced prisoners per cell	No. of remand or sentenced prisoners
<b>BUILDING 027</b>	19	escort	17.86	4	76
	2	open remand	19.44	4	8
	1	high security	17.93	1	1
	2	solitary	17.86	1	2
<b>BUILDING 028</b>	17	escort	17.86	4	68
	2	open remand	19.44	4	8
	1	high security	17.93	1	1
	2	cell for the disabled, incl. wheel chairs	16.40	4	8
	2	solitary	17.93	1	2

The escort centres will be furnished with beds fixed in concrete, Turkish toilets, stainless steel wash basins of a vandalisation-resistant design. Additionally, the cells may be furnished with internal bar partitions.

In order to build a needed capacity of the escort centre more funds will be required in view of special requirements placed on an escort centre (increased resistance of the cells and their furnishing against damage, building of an offices for the escort centre management, garages for vehicles). All the above is related to the public tender for a design and construction of new garages for the escort centre.

Director of the Jiřice Prison

Col. Dr. Miroslav Bednář

**Prison Service of the Czech Republic  
General Directorate  
department of prison and court guards**

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Ref. No.: GŘ VS - 193/7/301 - 98

Prague, 4 June 1998

**Proposal to change the system of conducting escorts  
of remand and sentenced prisoners  
in their placements and transfers**

**Contents:**

- I.** Introduction
- II.** Analysis of the present situation
- III.** Proposal of alternative system of escorts of remand and sentenced prisoners in their placements and transfers
- IV.** Conclusions

**Prepared by:** maj. Stanislav Janovský

**Submitted by:**

**Director of Department  
of prison and court guards**

**col. Dr. Miloslav Mádle**

## I. Introduction

Escorting remand and sentenced prisoners ranges among the most difficult tasks of the Prison Service of the Czech Republic. Escorting is a burden for remand and sentence prisons and requires additional guards and vehicles.

The existing analyses of numbers of prisoners escorted within the Prison Service of the Czech Republic in previous years indicate ever growing numbers of escorted persons and an increasing number of all types of escorts. Substantial is an increase in escorts to law enforcement bodies and escorts on medical grounds. The burden is further increased by escorts required in placing and transferring remand and sentenced prisoners (long-distance escorts).

More than 31,000 persons were escorted with the aim to change the placement or transfer remand and sentenced prisoners in 1995, the number amounted to 53,182 prisoners escorted in 1996 and 53,525 prisoners in 1997. Compared to the previous years, the permanent increase in numbers of escorted prisoners was slowed down in 1997.

An increase in numbers of escorted prisoners is affected by a growing trend in criminality. The growing number of escorted persons is also affected by a fact that many requests by prisoners for a transfer are accepted; if it is at all possible such requests are granted. The situation and numbers of escorts are further influenced by the need to transfer remand and sentenced prisoners to other prisons during the times of various reconstructions.

The system of escorting remand and sentenced prisoners in the process of their placement or transfer underwent partial changes and adaptations reflecting new needs. The most radical and substantial change happened during the period when the Central escort centre was abolished and a system was set up which has been, with minor changes, applied until now.

When comparing the past system of a Central Escort Centre (CEC) with the present system of escorts we should not forget that the former CEC was in charge of escorting 10 - 12 thousands of prisoners a year. In the present system more than 50,000 prisoners are escorted in any single year which represents a fivefold increase in the number of escorted prisoners. 30 officers worked in the former CEC who were able to cope with the role of the CEC because the CEC formed only a backbone of the escort system existing in the country from Prague through Olomouc to Slovakia. The system was complemented by a number of partial and additional escorts. I.e. the CEC was not in charge of all escorts to remand and sentence prisons where the prisoners were placed or transferred.

The change should be made in the escort system and location of the escort service centre since the conditions in the escort service centre in the Prague-Pankrác prison are completely insufficient, as will be documented below. Furthermore, taken into account should be the possibilities offered in a newly built remand prison at Jiřice where all conditions for a escort service centre will be created for the required types of escorts. Moreover, in view of the conclusions presented in the Report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) it is necessary to immediately deal with the situation and do something with the unacceptable condition of the escort centre in the Prague-Pankrác prison. The above reasons lead me to present proposals for changing the system of escorting remand and sentenced prisoners during their placement and transfers. The proposed alternatives are analysed for their pro and contras, including personnel, technical and distance aspects. Very important in



evaluating the proposals are other practical and realistic aspects of conducting escorts, operationability and acceptability of the system.

## II. Analysis of the present situation

### Escort Centre in the Prague-Pankrác remand prison:

- a) unacceptable placement in the basement of the remand prison;
- b) insufficient number of cells and their capacity;
- c) insufficient furnishing of cells;
- d) problems with providing sanitary facilities for escorted persons;
- e) insufficient and lacking conditions for thorough body searches;
- f) presence of undesirable and unconcerned persons in the basement;
- g) limited area for storing escort bags of remand and sentenced prisoners;
- h) insufficient conditions for staff in charge of the escort centre operation;
- i) absence of social and cultural facilities for escort officers;
- j) very limited and insufficient space for escort vehicles;
- k) overburdening of the vehicle entrance into the remand prison;
- l) all escorts must travel on the jammed roads of the capital city.

### The present number of kilometres travelled in one week and one month:

Prague-Ruzyně escort	= total	50 km
Ostrava escort: 230 km, two vehicles on each escort day	= total	920 km
Mírov escort: 40 km	= total	130 km
Břeclav escort: 65 km	= total	130 km
Znojmo escort: 75 km	= total	150 km
Kuřim escort: 15 km	= total	30 km
Brno-Prague escort: 200 km, two vehicles on each escort day	= total	800 km
H.Králové-Prague escort: 180, two vehicle on each esc. day	= total	720 km
Liberec escort: 125 km	= total	250 km
Litoměřice escort: 150 km	= total	300 km
Vinařice escort: 30 km	= total	60 km
Ostrov escort: 165+230 km, two vehicles on each esc. day	= total	790 km
Pízeň escort: 90 km	= total	180 km
Příbram escort: 60 km	= total	120 km
Říčany escort: 15 km (only Wednesdays)	= total	30 km
České Budějovice escort: 140 km (only Wednesdays)	= total	280 km
<b>Number of km travelled in one week</b>		<b>9,470 km</b>
<b>Number of km travelled in one month</b>		<b>37,880 km</b>

On every second escort day it is periodically necessary to use three escort vehicles on the road from Brno to Prague which means to add another 1600 km to the number of km travelled in one month. It means that the No. of km travelled in one month comes close to 40,000 km per month.

The first alternative is based on the plan to allow the new Jiřice escort centre provide for all escort services to remand and sentence prisons in the Czech Republic (**Alternative A**).

The next alternative keeps the existing system intact with one exception: the meeting point of all escorts in the country will change. The Centre of the escort service would be moved from the Praha-Pankrác remand prison to the Jiřice prison (**Alternative B**).

Another alternative can be seen in a combined system in which escorts would be arranged from the centre (the Jiřice prison) by a separate escort department but the Moravian region would have to offer co-ordination and share in the arrangement of bringing the remand and sentenced prisoners into a defined place in the region (the Brno remand prison) and their distribution into places where the Jiřice escort would take over the escorted persons (**Alternative C**).

The last mentioned alternative would mean to maintain the existing system with moving the escort service centre from the Praha-Pankrác remand prison to the Jiřice prison and this centre would be in charge of collecting and distributing of remand and sentenced prisoners from the Jiřice escort centre and the Brno remand prison (**Alternative D**).

List of proposed alternatives:

ALTERNATIVE A:

(an escort system centrally and totally managed by a separate escort centre set-up in the Jiřice prison)

The following routes are proposed for collecting and distributing escorted prisoners:

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ROUTE 1:

- on Mondays, JIŘICE - KUŘIM - BRNO - OLOMOUC - OPAVA - KARVINÁ - OSTRAVA - HEŘMANICE  
here the escort officers stay over night, return route same as route on Tuesdays  
= 910 km (there and back)

ROUTE 2:

- Mondays, JIŘICE - ZNOJMO - BŘECLAV - BRNO - OLOMOUC - HEŘMANICE  
here the escort officers stay over night, return route same as route on Tuesdays  
= 1080 km (there and back)

ROUTE 3:

- Wednesdays - same as route 1, return route same as route on Thursdays  
= 910 km (there and back)

ROUTE 4:

- Wednesdays - same as route 2, return route same as route on Thursdays  
= 1080 km (there and back)

**The present requirement for officers and facilities in escorts of placement and transfer of remand and sentenced prisoners:**

- a) on an average escort day (Mondays and Wednesdays) 15 escort vehicles, on an average, set on the standard routes from 12 remand and sentence prisons;
- b) these basic routes are complemented by 5 partial escorts from remand and sentence prisons;
- c) about 20 vehicles are needed for doing the escort (Hradec Králové, Ostrov, Brno, Ostrava need, almost as a rule, two vehicles and, exceptionally, three escort vehicles are needed from Ostrava and Brno), as well as 100 officers including drivers and dog handlers. In defining the number of officers needed for an escort the average of 5 officers per one escort vehicle (the number is not constant) incl. dog handlers and drivers has been applied (the average is used in order to compare all proposed alternatives).

**Advantages of the present escort system:**

- a) exchange of remand and sentenced prisoners within the Prison Service of the Czech Republic in one day (twice a week); i.e. maximum efficiency of escorts without any unnecessary delays.

**Disadvantages of the present escort system:**

- a) unacceptable conditions in the escort centre of the Prague-Pankrác prison as described above;
- b) unacceptable time schedules set for the escorts from Ostrava to Brno and from Brno to Prague that must arrive in time in order to catch other follow-up escorts.

**III. Alternatives to the system escorts of remand and sentenced prisoners in their placements and transfers**

Any alternative of new escort systems had to take into account that escorts twice a week would have to be arranged for remand and sentence prisons in Moravia in view of the numbers of persons escorted from and to this region. At present, two escort buses travelling from Brno to Prague are used on every escort day, on occasion even three vehicles are needed. The same applies to the escorts from Ostrava to Brno which use two (exceptionally three) escort vehicles. Escorts from Hradec Králové and Ostrov to Prague also regularly use two escort vehicles.

During the consideration of alternatives account should have been taken of the fact that a remand or sentenced prisoner escorted into another prison for court procedures or medical treatment should spend minimum time on a single-purpose to and fro transfer within the proposed system. Taken into account should also be the length of escort routes as seen by the drivers, the difficulties of guard duty in the escort vehicles and, last but not least, basic biological needs of the escorted and escorting staff (in this respect the D1 motorway seems to be the most suitable).

Therefore, it is not possible to simply accept the most cost-effective alternative because the above aspects have to be considered as well.

## ROUTE 5:

- **Mondays and Wednesdays**, from Mírov to Olomouc (organised by Mírov) to catch up with escorts to Heřmanice  
= 80 km (there and back)

## ROUTE 6:

- **Mondays and Wednesdays**, Jiřice - Prague-Pankrác - Příbram and back  
= 200 km (there and back)

## ROUTE 7:

- **Mondays and Wednesdays**, Jiřice - Prague-Pankrác - Prague-Ruzyně - Vinařice and back  
= 150 km (there and back)

## ROUTE 8:

- **Tuesdays**, Jiřice - Prague-Pankrác - Říčany - Č.Budějovice and back  
= 400 km (there and back)

## ROUTE 9:

- **Tuesdays and Thursdays**, Jiřice - Litoměřice - Teplice - Bělušice - Nové Sedlo and back  
= 300 km (there and back)

## ROUTE 10:

- **Tuesdays and Thursdays**, Jiřice - Všehrdy - Ostrov - Horní Slavkov - Kolová and back  
= 450 km (there and back)

## ROUTE 11:

- **Tuesdays and Thursdays**, Jiřice - Rýnovice - Liberec - Stráž p. Ralskem and back  
= 300 km (there and back)

## ROUTE 12:

- **Tuesdays and Thursdays**, Jiřice - Pardubice - H.Králové - Valdice - Odolov and back  
= 480 km (there and back)

## ROUTE 13

- **Tuesdays and Thursdays**, Jiřice - Prague-Ruzyně - Vinařice - Oráčov - Plzeň and back  
= 340 km (there and back)

Kilometres travelled in a week:	8,980
Kilometres travelled in a month:	35,920

It should be noted that the above figures on travelled kilometres do not include the potential use, on defined days, of a third escort vehicle from Jiřice to Moravia. If a third escort vehicle is needed the number of travelled kilometres per month would increase by about 4000 km. Altogether the number of kilometres travelled in one month would amount to about 40,000.

### **A proposal to set up a separate department (centre) in the Jiřice Prison:**

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Based on the previously submitted proposal, after further analyses of the present situation and the past escort system I propose to set up a separate centre in the Jiřice prison. This would bring about a substantial change in the present system of escorting remand and sentenced prisoners for their placement or transfer. A separate escort department (centre) would have to be set up with the following staffing:

- Prison Service director - head of Prison Service department	1
- Prison Service director - deputy head of Prison Service department	1
- dispatcher	1
- VISS - ES	1
- ISS - ES	1
- officers on escort shift	56 incl. 6 women
- ISS - dog handler	1
- guard - dog handler	15
- head of transport department	1
- drivers	15
- officers on round-the-clock duty in escort department	17 (4 x 3 guards + reserve)

Total proposed number of staff in the separate central escort centre: 110

### **Proposed escort days and the number of vehicles needed, number of staff:**

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As the composition of proposed routes indicate escort vehicles would travel on week days (with the exception of Fridays) and with the assumed escorting staff as follows:

MONDAYS:           4 x a vehicle of the Jiřice prison  
                   1 x a vehicle of the Mírov prison  
                   = 22 officers of the Jiřice prison (routes to Moravia - always 2  
                   drivers)  
                   = 5 officers of the Mírov prison

Summary: 5 x a vehicle, 27 officers

TUESDAYS:         6 x a vehicle of the Jiřice prison  
                   = 30 officers of the Jiřice prison  
                   = 6 escort vehicles

Summary: 6 x a vehicle, 30 officers

WEDNESDAYS: 4 x a vehicle of the Jiřice prison  
 1 x a vehicle of the Mírov prison  
 = 22 officers of the Jiřice prison (routes to Moravia - always 2 drivers)  
 = 5 officers of the Mírov prison  
 Summary: 5 x a vehicle, 27 officers

THURSDAYS: 5 x a vehicle of the Jiřice prison  
 = 25 officers of the Jiřice prison  
 = 5 escort vehicles of the Jiřice prison  
 Summary: 5 x a vehicle, 25 officers

Proposed number of vehicles:  
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- escort buses in total	14 (3 as a reserve - repairs, technical checks, unplanned escorts)
- passenger cars	6 (armed guards, expulsion, inspections)
- special vehicles for transporting extremely dangerous prisoners	1

Dogs:  
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- total number of dogs	16
(10 on routes, 2 as reinforcement with larger groups, 4 as reserve)	

The assumed accommodation capacity in the proposed separate department for remand and sentenced prisoners amounts to 150 places. The proposal assumes an escort of prisoners from Prague-Pankrác, Prague-Ruzyně and Vinařice prisons 4 x a week with no accommodation needed for them at Jiřice. This applies to an approximately similar number of persons, i.e. 150.

#### ADVANTAGES:

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- utilisation of the Jiřice prison area will minimise the costs of placing the proposed centre. The only investment needed would be the expansion of the sanitary filter and garages for vehicles and their technical inspection. The existing kennels can already house more dogs than at present;
- reduction of escort costs, reduction by 5 vehicles and elimination of guards overtime in prisons involved in long-distance and follow-up escorts;

- c) establishment of a professional group of officers specialising in this activity resulting in a step-by step increase of the escorts safety;
- d) much relief for the Prague-Pankrác remand prison and better social conditions for escorting guards and escorted persons; elimination of all negative aspects of placing the escort centre in the Prague-Pankrác remand prison;
- e) the overtime can be compensated by free days for the guards on Fridays when escort activity in the Jiřice prison will be minimal;
- f) escorts of remand and sentenced prisoners for placement in and transfer from all remand and sentence prisons under the Prison Service of the Czech Republic (with the exception of the Mírov prison) will be arranged by one escort centre.

#### **DISADVANTAGES:**

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- a) a partial reduction of places for sentenced prisoners in the Jiřice prison;
- b) a longer time spent by a remand or sentenced prisoner on an escort due to a short-time transfer (a court, medical reasons, etc.) and his/her return back to the „native“ prison. Escorts cannot „exchange“ prisoners in one day and twice a week around the country as the present practice allow;
- c) no reduction of staff will be possible in the new system of escorts;
- d) absolutely unacceptable is the length of escort route from Jiřice to Northern Moravia with a stop in Heřmanice which is very difficult for all members of the escort staff and, namely, for the drivers;
- e) high numbers of officers needed and located in the Jiřice prison and some doubts about the possibility of hiring them in view of the experience so far.

Ref. No. 11 981/1998 - 24

**Guideline by the Minister of Education, Youth and Sports  
issued on 30 January 1998  
with the aim to promote safety  
in educational institutions ensuring protective institutional education**

In view of exceptional events in recent days I demand the application of the following measures whose aim is to promote safety in institutional and protective education in children's educational institutes, in educational institutes for children and youth, in educational institutes for youth, in institutes with educational and medical regime, in children's diagnostic institutes and in diagnostic institutes for youth (hereinafter Establishments).

Article 1

From the Directors of the Establishments the following measures:

1. to apply Art. 7, para 1 of the Czech Government Decree No. 251/1992 as later amended and define personal bonuses for educators working on afternoon and night shifts amounting up to 50% of the tariff of the respective pay category;
2. to submit the demand for an amendment of the budget to the respective school administration by 6 February 1998;
3. to allocate two staff members for night shifts, at least one of them should be a man;
4. to organise the afternoon activities in such a way that at least two adults be present at all times;
5. to increase the frequency of checks during afternoon and night shifts with respect to the actual situation in the Establishment;
6. to discuss with the closest unit of the Police of the Czech Republic a system of a direct connection between the Establishment and the Police unit should a situation which cannot be resolved by normal educational procedures arise;
7. to elaborate, or update, a system of resolving exceptional situations resulting from medical indications in co-operation with medical services;
8. to train all staff and inform them on the potential risks and to outline a procedure to be applied in such situations;
9. to record in detail any negative acts by residents of the Establishment;
10. to consult repeated antisocial acts by residents with the respective diagnostic institutes.

Article 2

From the Directors of School Administration

1. to allocate an advance payment to the directors of Establishments (limits on the number of staff and limits on wages) to their budgets by 15 February 1998;



2. to summarise the needs of the respective district and to submit them to the department 45 of the Ministry of Education, Youth and Sports which can amend the budget allocations for the district by 28 February 1998.

Mgr. Petr Roupec  
deputy of the minister for education, youth and sports

**List of competitions and shows in school year 1998/1999  
supported by the department of special and institutional education**

Category A

- A1 Festival of artistic activities of the educational institutes for youth  
a) categories: girls, boys, residents of educational institutes  
b) Š, Ú  
d) proposed budget: CZK 60,000.-
- A2 Festival of children's educational institutions  
a) categories: girls, boys, children's educational institutes, children's homes, special boarding schools;  
b) Š, Ú  
d) proposed budget: CZK 60,000.-
- A3 Competition of children's educational establishments in minifootball and „vybíjená“ ball game  
a) categories: girls, boys, children's homes, children's educational institutes  
b) Š, Ú  
d) CZK 40,000.-
- A4 Sports games for children placed in children's homes  
a) categories: girls, boys, children's homes, special schools, children's educational institutes  
b) Š, R, O  
d) proposed budget: CZK 50,000.-
- A5 Festival of interest activities in children's homes  
a) 2 categories respecting the age  
b) Š, R, UM  
d) proposed budget: CZK 80,000.-
- A6 Young trackers from children's homes  
a) categories irrespective of age, children's homes  
d) proposed budget: CZK 170,000.-
- A7 Winter olympics of children's educational institutes  
a) category: girls, boys, children's educational institutes  
b) Š, Ú  
d) proposed budget: CZK 85,000.-
- A8 Winter olympics of youth educational institutes  
a) categories: girls, boys, youth educational institutes

- b) Š, Ú  
d) proposed budget: CZK 85,000.-
- A9 Summer olympics of children's educational institutes  
a) category: boys, children's educational institutes  
b) Š, Ú  
d) proposed budget: CZK 180,000.-
- A10 Summer olympics of youth educational institutes  
a) category: boys, youth educational institutes  
b) Š, Ú  
d) proposed budget: CZK 165,000.-
- A11 Summer olympics of educational institutes  
a) categories: girls, children's educational institutes, youth educational institutes  
b) Š, Ú  
d) proposed budget: CZK 100,000.-
- c) Contact for A1 to A11:  
Mgr. Michaela Hejná, department 24 of the Ministry of Education, Youth and Sports, Karmelitská 7, 118 12 Praha 1, Tel.: 02/57 19 23 80
- A12 Sports games of special schools pupils - athletic quadrathlon
- a) category: girls, boys, special schools  
b) R, Ú (6/99)  
d) proposed budget: CZK 180,000.-
- c) Contact for A/12:  
Mgr. Marta Teplá, department 24 of the Ministry of Education, Youth and Sports, Karmelitská 7, 118 12 Praha 1, tel. 02/57 19 35 70