

## EXECUTIVE SUMMARY

During the April 2024 visit, the CPT delegation focused on the treatment of persons held in police custody, several prisons and two security detention facilities as well as juveniles accommodated in an educational institution. The visit also provided an opportunity for the CPT to continue its dialogue with the Czech authorities concerning the use of surgical castration in the treatment of sex offenders.

The cooperation received during the visit, both from the national authorities and staff at the establishments visited, was excellent.

### Persons in police custody

While the vast majority of persons interviewed by the delegation during the visit made no allegations of ill-treatment by the police, a few allegations of excessively tight handcuffing were received, both at the time of apprehension and during subsequent escorts.

Moreover, the information available to the CPT indicates that ill-treatment and possibly disproportionate (and sometimes lethal) use of force by the police has not yet been fully eradicated in the Czech Republic. In the report, the Committee summarises several cases of use of force by police officers which are in the public domain and considers that the authorities should remain vigilant to any signs of ill-treatment, abuse of power and unnecessary and disproportionate use of force by police officers.

The report contains detailed findings concerning the practical operation of fundamental safeguards against ill-treatment for persons deprived of their liberty by the police. The right of access to a lawyer and a medical doctor appeared to be generally respected. However, a few allegations were received that the provision of information on rights was delayed for several hours and that requests by detained persons that a third person be notified were not granted by police officers. Moreover, despite certain amendments to the relevant regulations, it continues to be the case that police officers remain systematically present during medical examination of detained persons.

As regards the specific situation of juveniles, while a lawyer and usually a parent were present during police questioning, a few allegations were heard that police officers attempted to interview juveniles immediately after apprehension in the absence of both a lawyer and a trusted adult person. The CPT wishes to point out that juveniles (that is, all persons below the age of 18) should never be subjected to police questioning or requested to make any statement or to sign any document concerning the offence(s) they are suspected of having committed without the presence of a lawyer and, in principle, a trusted adult person.

The relevant legal provisions continue to allow, under certain conditions, detained persons to be handcuffed to fixed objects for up to two hours at a time, and the findings of the visit suggest that this possibility was used in certain cases, including in respect of juveniles. The CPT reiterates that, as a matter of principle, the practice of handcuffing a person to a fixed object is inappropriate and could amount to degrading treatment. This is particularly true for juveniles.

Despite certain amendments to the relevant regulations, persons who were being strip-searched were in practice still obliged to strip fully naked and perform one to three squats. The CPT recommends that the relevant national regulations be fully implemented, that resort to a strip search be always based on an individual risk assessment and that detained persons who are searched not be required to remove all their clothes at the same time.

Material conditions in the police cells seen by the delegation were very good. However, detained persons held for 24 hours or longer were offered no access to the open air.

## **Olešnice Educational Institution**

The vast majority of juveniles with whom the delegation spoke made no complaints of ill-treatment by staff. On the contrary, many of them spoke positively of staff and the delegation observed that the overall atmosphere in the establishment was not tense. However, the delegation heard a few isolated allegations that juveniles were slapped and punched to their head and shoulder by a particular member of staff. The management of the Olešnice Educational Institution should remain vigilant to any signs of ill-treatment of juveniles by staff and take appropriate action if such allegations are brought to their attention, with a view to preventing this kind of unacceptable behaviour.

Material conditions in the Institution were very good and the CPT appreciates that the establishment gives the impression of a genuinely educational, rather than carceral facility. While the communal areas, in particular the living rooms, were decorated with pictures and colourful curtains, contained plants and provided a convivial environment, some of the bedrooms were somewhat impersonal and were not decorated by the juveniles. The Committee considers that staff should encourage and motivate juveniles to personalise and decorate their environment.

The CPT gained a positive impression of the regime, education and activities offered to juveniles accommodated in the Institution, including vocational training, leisure and association time, sports activities and unsupervised walks into the community. However, group therapeutic sessions for juveniles who were prone to self-harm, emotionally instable or aggressive towards others were not offered, and should be introduced.

Access to both general and specialist healthcare appeared to be satisfactory overall. However, the entry medical examination of the juvenile took place only after the receipt of the individual medical file, which led to delays of at least one week, and sometimes longer. Moreover, there was no physical medical examination and no systematic screening of new admissions for the detection of possible injuries by the medical doctor.

## **Security detention**

The CPT visited for the first time Opava Security Detention Facility and Prague – Pankrác Security Detention Facility.

The delegation received no allegations of ill-treatment, whether physical or verbal, in either of these establishments. Instances of violence between inmates were rare and mainly consisted of verbal altercations and minor physical attacks which resulted in no or only minor injuries. The findings of the visit also show that staff intervene promptly and adequately to de-escalate the situation and separate the inmates involved.

Material conditions were on the whole adequate in both establishments. In particular, cells were sufficient in size for their capacity and were suitably equipped. However, all the premises of Prague – Pankrác Security Detention Facility and the cells at Opava Security Detention Facility were austere and impersonal, and lacked any colour or decoration. The Czech authorities should make efforts to provide a more congenial and personalised environment for inmates in both establishments visited.

The CPT gained a positive impression overall of the treatment and activities provided to inmates; in addition to pharmacotherapy, they were offered a range of varied psychosocial activities. Multidisciplinary teams met regularly to assess the situation of individual inmates. However, it appeared that individual treatment plans were mostly prepared by special educators and that input from other members of the teams could be reinforced to further develop and supplement the existing plans. Inmates should be involved in the drafting and subsequent review of their treatment plans.

Group therapies, any other organised activities during which prison officers were not present and, at Opava Security Detention Facility, individual sessions of inmates with a psychiatrist, were systematically carried out by staff through metal bars. The CPT acknowledges that special security measures might be called for in specific cases on the basis of an individual risk assessment; however, systematic contact with inmates through bars whenever prison officers are not present is a practice which can hardly be described as conducive to a genuine therapeutic relationship and is

potentially degrading to both inmates and staff. The CPT reiterates its recommendation that the Czech authorities fundamentally review this approach in all security detention facilities.

In line with the relevant legal provisions, consent to treatment was not systematically sought from security detention inmates. The CPT considers that, as a general principle, all categories of psychiatric patient, be they voluntary or involuntary, civil or forensic, with legal capacity or legally incapacitated, should be placed in a position to give their free and informed consent to treatment. Any derogation from this fundamental principle should be based upon law, and only relate to clearly and strictly defined exceptional circumstances and should be accompanied by appropriate safeguards.

As regards medical confidentiality, the information gathered during the visit indicates that prison officers remained systematically present during medical examinations of inmates. The CPT underlines that there can be no justification for prison officers being systematically present during medical examinations/consultations of inmates. Their presence is detrimental to the establishment of a proper relationship between the patient and the healthcare professional and usually unnecessary from a security standpoint.

The staffing situation was on the whole adequate at Opava Security Detention Facility. However, at Prague – Pankrác Security Detention Facility, there was a number of vacant posts, both as regards specialist and custodial staff. Attracting suitably qualified staff was considered a major challenge by the management of the facility. Indeed, apparently due to the lack of staff, the operation of Prague – Pankrác Security Detention Facility was temporarily suspended in the months following the CPT visit.

Resort to means of restraint and coercive means did not appear to be excessive and was well documented on the whole. However, at Opava Security Detention Facility, priority would appear to be given in most cases to the use of coercive means under the authority of custodial officers, rather than resort to the means of restraint under the control of healthcare staff. The CPT considers that, given the profile of security detention inmates most of whom (if not all) are persons with mental health problems, priority should be given to a therapeutic approach and, where necessary, the use of means of restraint under the authority of healthcare staff, rather than coercive means applied by custodial officers.

Individual medical files of practically all inmates in both establishments contained PRN prescriptions (*pro re nata*, as needed) for chemical restraint. At Prague – Pankrác Security Detention Facility, the application of chemical restraint on the basis of these prescriptions was approved by a medical doctor in individual cases, and carried out by a nurse.

However, at Opava Security Detention Facility, chemical restraint was often applied on the basis of PRN prescriptions by nurses, without confirmation by a medical doctor, and without a medical doctor subsequently examining the inmate concerned. This may place too much responsibility on nurses as regards the assessment of the inmate's mental state and the provision of an adequate response, in the absence of a medical doctor, to potential complications.

## **Prisons**

The CPT visited for the first time Oráčov and Rýnovice Prisons and carried out a follow-up visit to Valdice Prison. These three establishments accommodated adult sentenced men.

The vast majority of prisoners made no allegations of ill-treatment by staff. However, at Valdice, the delegation received a few isolated allegations of physical ill-treatment by staff (including slaps, punches and truncheon blows). Further, the delegation received a few isolated allegations of verbal abuse and discriminatory behaviour at Rýnovice and Valdice Prisons. The CPT acknowledges the authorities' commitment to investigating and properly documenting without delay alleged unlawful conduct by prison officers towards prisoners, upon the prison administration's own initiative or upon receipt of individual complaints.

Inter-prisoner violence was a challenge in all three prisons visited. Episodes of violence concerned both minor incidents and more serious fights (involving slaps, punches, and sometimes the use of heavy or sharp objects) which could result in injuries, and threats thereof. The CPT gained a positive impression that when these incidents were brought to the attention of the staff and management, a swift response was provided. The CPT welcomed important efforts to tackle inter-prisoner violence. It also pointed out that addressing the phenomenon of inter-prisoner violence and intimidation required an adequate level of staff and training to ensure a dynamic security approach that promotes a good atmosphere in the prison environment.

As regards material conditions, the premises and the accommodation units of the establishments visited were generally clean and in an adequate state of repair, with an exception relating to a couple of units at Oráčov which required some refurbishment. However, the CPT found the cage-like living conditions of prisoners held on the ground floor of D building (main hall) of Valdice completely inappropriate. In addition, the material conditions of the disciplinary units were generally very poor, in particular in Oráčov and Valdice Prisons, and require immediate attention. Outdoor exercise yards used by the general prison population were usually adequate, although drab and dreary with concrete walls and floors and few green areas. The yards dedicated to the disciplinary, segregation and maximum-security units were particularly austere, and often in a very poor state of repair.

In respect of the living space, the Czech authorities should ensure that all prisoners are afforded, as a minimum, 4 m<sup>2</sup> of living space per person in a multiple-occupancy cell (not counting the space taken by the in-cell sanitary annexe). This was not the case at the time of the visit.

The CPT acknowledges the efforts made across the three establishments visited to increase the work opportunities and vocational training for prisoners. It also gained a positive impression of the prison service's efforts, in particular those of the local pedagogues, educators and psychologists, despite their limited means, to continuously increase the portfolio of special educational programmes tailored to the prisoners' individual needs. However, staff shortages and recent funding cuts had had a significant impact on the regime offered to male sentenced prisoners who did not work and those placed in high security surveillance and enhanced surveillance.

The levels of nursing and medical cover, including in psychiatry, appeared generally insufficient to meet the needs of the prison population in the establishments visited. The medical service was left vulnerable to potential disruptions in the continuity of care and unable to take a proactive stance on health matters. Moreover, the Committee has misgivings about the overall organisation and coordination of healthcare services within each establishment. That said, the CPT welcomes the recent steps taken to enhance the independence of the healthcare services in Czech prisons and encourages the development of a system of effective quality control.

The CPT stressed that it does not subscribe to the approach to quarantine groups of prisoners who may have been considered to have been in contact with a person who had tested positive for hepatitis C. Such placement could be perceived as stigmatising and an informal punishment by those concerned.

The practice of fixating violent and/or recalcitrant prisoners and those threatening to commit self-harm to fixed objects such as radiators or other items of furniture, in their own cells or special cells (located in the disciplinary/crisis units) remains problematic and should be reviewed. Indeed, the CPT had serious misgivings about the fixation of prisoners to a bed in a non-medical setting for security-related reasons or to manage a person at a risk of self-harm. It considers that the practice of initiating disciplinary proceedings following instances of self-harm or attempted suicide should be ended forthwith as it is totally inappropriate.

The CPT welcomes the authorities' commitment to develop a policy towards the management of transgender persons in prison and encourages taking into account the Committee's standards in this area.

It is regrettable that the minimum visit entitlements for adult prisoners have not been increased, as repeatedly recommended by the Committee. Necessary steps should be taken to ensure that all adult prisoners may receive visits for at least one hour every week. The conditions for visits with families and lawyers at Rýnovice and Valdice Prisons should be reviewed. Prisoners should not have to conduct closed visits through metal bars.

### **Surgical castration in the treatment of sex offenders**

The CPT notes that the number of approved applications for surgical castration continues to be relatively low, in comparison with the number of interventions actually carried out some two decades ago. However, that in itself cannot remove the Committee's fundamental objection to the intervention which could easily be considered as amounting to degrading treatment. The Committee once again urges the Czech authorities to build on these developments and to put a definitive end to the use of surgical castration as a means of treatment of sex offenders. Further, the authorities should take the necessary measures to ensure that data on the annual number of surgical castrations actually carried out in the context of treatment of sex offenders is collected.