

Response

**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 Czechia**

from 16 to 26 April 2024

The Government of the Czech Republic has requested the publication of this response. The CPT's report on the 2024 visit to Czechia is set out in document CPT/Inf (2025) 11.

Strasbourg, 10 September 2025

I. Introduction

D. National preventive mechanism

Comment on paragraph 11

The Czech Republic confirms that the reform of the Ombudsman's Office described above, which is intended to enable it to be accredited as a national human rights institution under the Paris Principles and at the same time to establish the institution of the Children's Ombudsman, will enter into force on 1 July 2025. It also stresses that these changes will not affect the functioning and financing of the National Preventive Mechanism within the Ombudsman's Office. The Czech Republic aims to continue to enable the full exercise of all the Ombudsman's competences, including the National Preventive Mechanism.

II. Findings from the visit and proposed actions

A. Restriction of personal liberty by the Police of the Czech Republic

1. Introductory remarks

2. Ill-treatment

Comments on point 16

The Czech Republic submits that the Ministry of the Interior, in cooperation with the Police Presidium of the Czech Republic, is strengthening methodological guidance and training on the use of coercive measures against persons deprived of personal liberty in accordance with the law and human rights principles, including the prevention of ill-treatment. The Ministry of the Interior is also preparing a separate interpretative opinion on the use of handcuffs under the Police Act, which will also consider the CPT's recommendations on the proportionate use of handcuffs.

Statement on point 17

The Czech Republic will continue to emphasize the observance and application of the fundamental legal safeguards for persons deprived of liberty under the Police Act. The Act clearly obliges a police officer to treat persons deprived of liberty in accordance with their human dignity and the prohibition of torture or cruel, inhuman or degrading treatment. If any police officer witnesses such treatment, they are obliged to take measures to stop it and report it immediately to their superior. From the beginning of their service, police officers are continuously trained in the appropriate treatment of persons deprived of personal liberty, the support in the exercise of their rights, the use of coercive measures and the clear prohibition of any form of ill-treatment (physical, verbal or psychological). The police will continue these measures, both in the framework of basic training for police recruits and in the framework of regular training for serving police officers.

The Czech Republic has also adopted an action plan for the implementation of the ECtHR judgment in *V v. Czech Republic*, in which the following measures are being implemented under the responsibility of the Ministry of the Interior and the Police Presidium of the Czech Republic: - improving the training of police forces in dealing with persons in an agitated state, with mental illness, psychosocial disabilities or intoxicated persons, including the creation of special training courses

- consistent application of the 2022 methodology of the Police Education and Service Training Unit on the risks of positional asphyxia, which imposes in the case of its

- exceptional use for the shortest time possible to check the vital signs of the person against whom the intervention is directed
- strengthening coordination between police and health professionals in interventions against agitated persons, persons with psychosocial disabilities or intoxicated persons, and establishing rules for joint interventions by police and health professionals in psychiatric institutions and in public spaces
- unification of the interpretation of the law on the use of tasers against vulnerable persons under the Police Act, based on the Ministry of the Interior's 2024 methodological opinion, according to which the prohibition of the use of specified coercive means, including tasers, also applies to persons with obvious manifestations of psychological or mental disorder, even if they are not explicitly mentioned in the law, unless it is necessary to avert an attack on life, health or property that cannot be averted otherwise

A new Methodological Recommendation No. 3/2024 of the Director of the Police Education and Service Training Unit on preparation for the use of law enforcement means has been issued. The Recommendation unifies and directs the activities of the members of the Police of the Czech Republic in the preparation for the use of law enforcement means and emphasizes preventive measures to avoid serious consequences, inter alia, during positional and compression asphyxia. The handcuffed person should be turned to the side to relax their airway and muscles. The person should be restrained only for as long as necessary, and a restraint should be chosen that does not restrict breathing. The next precautionary step is to monitor the person so that in the event of loss of consciousness, resuscitation can be initiated in time. Instructional videos are part of the methodology.

Regarding the question about the outcome of the investigation into the death of a patient on 7 February 2023 at the Bohnice Psychiatric Hospital, the Czech Republic states that the police officers involved were finally acquitted of all charges by the judgment of the District Court for Prague 8 of 22 October 2024. The court found that the police officers' intervention was not the sole cause of the patient's death, as the patient's medical condition and the use of large quantities of drugs were other causes. It also found that the organisation of medical care at the Bohnice Psychiatric Hospital was not entirely correct and that there was a need to improve the methodology of similar interventions.

3. Guarantees against ill-treatment

Comments on points 21 to 24

The Czech Republic assures that the Ministry of the Interior, in cooperation with the Police Presidium of the Czech Republic, will continue to provide methodological guidance and training to ensure that persons deprived of liberty are fully informed of their fundamental rights from the very beginning of their deprivation of liberty. Obligations to instruct detainees are the subject of lifelong training of members of the Police of the Czech Republic. In cases of detected improper procedure, adequate measures are taken. The described legislation will be consistently enforced. In addition, the methodological materials "Instructions to the escorted person" and "List of rights of the detained person" will be updated soon to include the right to inform a third party about the restriction of personal liberty. Along with this, care will be taken to assist detainees who could not be instructed through traditional channels.

Comments on points 26 and 27

On the question of the use of the right to legal assistance by the police for persons deprived of personal liberty, the Czech Republic stresses that legal assistance is not used to any great extent in the case of short-term restrictions of personal liberty, mainly for reasons of time. The detention of a person pursuant to Section 26 of the Police Act constitutes a short-term administrative restriction of personal liberty for one of the statutory reasons. Its aim is to prevent conduct that violates public order and security, or to enable the seizure of evidence for further measures. It is designed to be short-term for a maximum of 24 hours, and the police officer is obliged to release the person immediately after the reason for detention has passed. On the other hand, nothing prevents the detained person from securing legal aid. Following the CPT's recommendations, all police officers carrying out restrictions on personal liberty are being trained from 2024 to be more familiar with how to proceed in the event of a person requesting legal aid. Similarly, methodological training of police officers to assist in the event of a request for a medical examination will be carried out.

The amendment to the Advocacy Act mentioned in the CPT's report made it possible to provide legal aid also at the expense of the State. Anyone can therefore ask the Czech Bar Association to appoint a lawyer to provide legal advice or legal services if they cannot secure legal services otherwise, particularly for financial reasons. If the legal income conditions are met, the Chamber should appoint the applicant a lawyer without delay. An administrative fee of CZK 100 is payable for the provision of the consultation, which may be waived for legal reasons.

Comment on point 28

With regard to the issue of supervision of police officers during medical examinations, the Czech Republic emphasises its efforts to continue to afford the detained persons the greatest possible protection of privacy during medical examinations, while continuing to ensure a high level of protection of the life and health of all persons involved, to ensure adequate protection of public safety and property and to fulfil as far as possible the aims and purposes of the restriction of personal liberty under the relevant regulations. To this end, an amendment to the Health Services Act has been adopted to provide that a patient's right to confidentiality and respect for privacy and the ability to refuse the presence of third parties may be restricted by the supervision of a member of the Prison Service or the Police of the Czech Republic if necessary due to a reasonable fear of flight or for the safety of the patient or persons involved in the provision of health services and the threat cannot be otherwise averted. The supervision and its intensity shall be proportionate to the danger and the conditions of the service provision. A note shall be made in the patient's medical record about the application of supervision and its form.

It follows that the presence of a member of the Prison Service or the Police of the Czech Republic when providing health services to a patient deprived of liberty may be only a last resort. Any supervision and its form will be determined by the officer in cooperation with the health care professional in accordance with the circumstances of the case, while both parties will continue to fulfil their obligations to ensure safety and security as well as the provision of health care services under the legal conditions. It is always necessary to ensure the highest degree of privacy for patients that is possible in the context. Examinations of persons deprived of their personal liberty should therefore always be carried out of sight and earshot of other persons, including police and guards, where the conditions of healthcare provision allow.

The internal regulations of the Police described in the CP report, i.e. the binding instruction of the President of the Police No. 159/2009 of 2 December 2009 on escorts, guarding of persons and police cells, are set on these principles. Its current version, dating from 2020, was drafted in cooperation with health services personnel who are directly involved in medical examinations of

persons deprived of their liberty. The practice also confirms that the health services themselves insist on the presence of police officers during medical examinations or searches of persons deprived of their liberty. However, it will be amended, if this proves necessary after the adoption of the amendment in question.

Comment on point 29

The Czech Republic points out that when a minor (including juveniles) gives an explanation or is questioned, two situations must be distinguished under the criminal procedure rules.

Firstly, it is a minor (juvenile) giving an explanation, who is not a suspect neither in a material nor in a formal sense (for example, a witness). Under the Criminal Procedure Code, everyone has the right to the assistance of a lawyer when giving an explanation. In addition, when giving explanations to minors, as the Report correctly states, the legal representative or guardian must, as a rule, be informed in advance. However, the article in question refers to juveniles deprived of their liberty, i.e. juveniles acting in a different capacity.

The second situation is when the juvenile gives an explanation as a suspect or when other actions are taken against them under criminal law. From that point onwards, the juvenile must have a defence counsel under the Juvenile Justice Act. The only exceptions to this rule are situations in which secret actions are carried out against the juvenile or the explanation, or another action cannot be postponed, and the notification of the defence counsel cannot be ensured. The legal representative or guardian of the juvenile shall be entitled to attend those acts in which the juvenile may participate.

It can thus be concluded that it would be contrary to the Juvenile Justice Act if detained juvenile suspects who are subjected to explanations, interrogations or other procedural acts against them do not have a defence counsel, unless the act cannot be postponed and the notification of the defence counsel ensured. The law enforcement authorities shall always make every effort to ensure the presence of the juvenile's defence counsel during the criminal proceedings.

Comment on point 30

The Czech Republic submits that on 1 July 2024 an amendment to the Juvenile Justice Act, introduced by Act No 165/2024 Coll., entered into force, which substantially modified proceedings in cases involving children under 15 years of age. One of the main changes was to guarantee a child under 15 the right to legal assistance by a lawyer to a similar extent as a criminally responsible juvenile. Under the previous legislation, the child was guaranteed this right only at the court stage of the proceedings. The new legislation stipulates that a child under the age of 15 must be represented by a lawyer from the moment they give explanation, and it is ascertained and clarified whether they have committed an otherwise criminal offence or whether other actions are taken against them other than in a confidential manner. A child under 15 years of age shall therefore be represented throughout the proceedings, and as far as possible by the same legal representative, who shall always be an attorney.

A child under the age of 15 must have a legal representative until the age of 18. If the public prosecutor, the public prosecutor's office or the youth court considers it appropriate with account to the child's level of intellectual and moral maturity and the circumstances of the case, the child must have a legal representative until the age of 21. Even if the authority of the legal representative has expired, they are still entitled to bring an appeal and an action for confusion on behalf of the child and to participate in the proceedings in those actions.

It is envisaged that the costs of the legal representative of a child under 15 years of age will continue to be primarily borne by the State, however, if the proceedings result in a measure being imposed

on the child, the youth court has the possibility, in justified cases, to impose the reimbursement of these costs on the child or their legal representative or guardian. In this case, in addition to the financial circumstances of the child, the youth court shall also assess the circumstances in which the child committed the otherwise criminal act, the motives for their conduct and its nature, their personal characteristics and social circumstances or any other circumstances.

4. Conditions for deprivation of liberty

Comments on points 31 and 32

The Czech Republic states that the improvement of conditions in police cells is regulated in the principles for the construction of cells, which are annexed to the binding instruction of 2 December 2009 on escorts, guarding of persons and police cells. In the case of 'long-term cells', all expert recommendations are taken into account, and efforts are made to create the conditions for the detainee to have the opportunity to be outdoors where technically possible, both when building new premises and when renovating existing ones. Specific modifications depend on the financial possibilities of the Police of the Czech Republic to carry out construction or other modifications or to build new police cells

5. Other issues

Comment on point 33

The Czech Republic maintains its previous comments here. We no longer consider legislative changes that would restrict the legal powers to handcuff persons to be necessary, as well as the complete removal of fixed objects intended for handcuffing in the premises of the Police of the Czech Republic. In accordance with the CPT's earlier recommendations, fixed objects on the walls of police cells have been removed to ensure that persons are not handcuffed to objects that are not primarily intended for that purpose and could be dehumanising to the person handcuffed. In their place, handholds have been established as part of the cell bench frame to allow for handcuffing in a safe, natural and comfortable position. These handholds will be placed outside the cell only in the service areas of police departments without normal public access. The specific position of the restraint was consulted with the Medical Institute of the Ministry of the Interior. These rules are based on mutual discussions between the Police Presidium of the Czech Republic and members of the CPT and the Government Commissioner for Human Rights and were communicated to the CPT in the Government's statement on the CPT's report on its 2010 visit. In January 2014, the rule of exceptionality of the use of handcuffs as a means of restraint in a secure environment resulting from the judgment of the European Court of Human Rights in *Kummer v. Czech Republic*, was enshrined in the binding instruction of the President of the Police of 2 December 2009 on escorts, guarding of persons and police cells and in the annexes attached thereto. The CPT's recommendation has therefore been implemented to this extent. The officers of the Police of the Czech Republic include the information on the restraint of a person in a police cell by handcuffs in documents relating to the stay of a person restrained at liberty in a police cell.

Comment on point 34

In the case of searches of persons restricted in their personal liberty, the Ministry of the Interior, in cooperation with the Police Presidium of the Czech Republic, will continue to provide methodological guidance to police officers so that the search of a person is not carried out automatically and routinely, but is always based on an individual risk assessment and that the person is allowed to reveal only one half of the body at a time during the search.

B. Olešnice Educational Institute

1. Introductory remarks

Comment on point 36

The Czech Republic informs that the Ministry of Education, Youth and Sports has started work this year on drafting new legislation on foster care services for children at risk, which follows up on the 2024 joint memorandum of the Ministry of Education, Youth and Sports, the Ministry of Labour and Social Affairs, the Ministry of Justice, the Ministry of Health, the Ministry of Regional Development and the Government Commissioner for Human Rights on the need for a comprehensive transformation of care for children at risk, including foster care services. The Memorandum anchors their cooperation on transforming and deinstitutionalizing the system of care for children at risk at the national and local levels and improving its quality to meet the needs and rights of individual children and to support families in providing for them. The joint steps also include cooperation in the development of new legislation on child protection and family support, which is to be based on a transition from institutional care facilities to support for biological or foster families and, if necessary, to care in community-based residential services with a small bed capacity, so that the child's life is as close as possible to that of their peers living in biological family. An essential part of this process is the specialisation of services for the different needs of children, including the development of services for young adults leaving institutional care. The intention of the Ministry of Education, Youth and Sports is to submit a proposal for the statutory regulation of foster care services by 2026. Currently, individual theses are being developed, and the basic concept of the legislative regulation is being created.

In line with these intentions is the parliamentary amendment to the Act on Institutional Education, which allow for only one family group within a single children's home building. The amendment also stipulates that the care provided by children's homes shall be carried out in a manner resembling normal family life as far as possible. As far as possible, care provided by children's homes shall take place in separate family groups in flats in apartment buildings or in family houses in ordinary development. The emphasis is on the highest possible integration of children into society. The amendment will enter into force this February.

2. Ill-treatment

Comment on point 38

The Czech Republic states that the unacceptability of ill-treatment of juveniles and physical punishment is clearly stated in the legislation and in the guidance. This issue will be given more space in the methodological guidance of school establishments together with the relationships in school groups. The Ministry of Education, Youth and Sports supports the training of staff in institutional education in a trauma-respecting approach, work with aggression, crisis intervention, etc. Currently, calls for European funds have been announced to support training in this direction.

3. Living conditions

Comment on point 41

On the issue of the individualisation of the environment and material conditions in institutions, three seminars were organised in cooperation with the Ministry of Labour and Social Affairs for residential care workers on the participation of children in residential care. Their involvement in the organisation or modernisation of the facilities is the subject of ongoing investment actions by the Ministry of Education, Youth and Sports.

4. Regime, education and activities offered to adolescents

Comment on point 45

The Czech Republic states that the theme of mental health and accessible care is promoted not only in the field of institutional education but also has a strong priority in the entire education system and in supporting families in general. Objectives include expanding the undergraduate training of future education and training personnel to include mental health competencies and expanding the availability of alternative services, for example through educational care centres offering individual and family therapy and other support and assistance. The capacity of these services in the regions are developed and strengthened so that the necessary care is available to as many children as possible.

5. Staff

6. Health care

Comment on point 49

The Czech Republic states that sex education aimed at pregnancy prevention is addressed in educational institutions in the context of basic counselling and general education. At the same time, the Ministry of Education, Youth and Sports specifically promotes cooperation with Freya, an organization focusing on sexuality, and cooperation with targeted programmes for children in institutional care.

Comments on paragraphs 50 and 51

The Czech Republic will look more closely into the admission processes in institutional care, in particular the issue of medical interview and examination when children are admitted into care. Methodological material on this issue will be developed during 2025. In the same way, it will deal with procedures for handling cases of self-harm and suicide.

7. Initial institutional placement and review of arrangements

Comment on paragraph 54

Proceedings relating to the institutional placement of a minor child fall under proceedings relating to the care of minors by the court under the Special Court Proceedings Act. In view of the possible conflict of interests between the child and the parents, the child is represented in these proceedings by a court appointed guardian. This guardian is usually a child protection authority, i.e. the municipal authority of the municipality with extended competence. However, a child protection authority may not be appointed as guardian if it has filed a petition to initiate proceedings. The word 'usually' also makes it possible to appoint a person other than the child welfare authority as guardian. A guardian may also be appointed from among attorneys if the circumstances of the case so require (e.g. due to legally complexity). If the child does not agree with the person of the guardian (e.g. they want to be represented by an attorney, but the court has appointed another guardian), they may appeal against this decision. According to the Court Fees Act, proceedings in matters concerning the custody of minors are exempt from fees. The costs of the lawyer as the appointed guardian of the child are then borne by the State. It can therefore be summarised that the child may also be represented by an attorney in these proceedings free of charge.

8. Other issues

Comment on point 57

The Czech Republic will remedy this situation.

Comment on points 58 – 60

The Czech Republic states that a uniform basic information leaflet on the regime in residential educational establishments and the rights and obligations of children and their legal representatives will be created, which can be adapted individually to the nature of each establishment. This can then be used both on admission and during the stay in the establishment.

C. Secure detention

1. Introductory remarks

Comment on point 66s

The Czech Republic is currently focusing on reforming the entire system of psychiatric care, including a review of the system of protective treatment. In this respect, a problem has been identified in the absence of a link between protective detention and protective treatment, which the forthcoming National Concept of Protective Treatment refers to as 'medium security' separation. Unfortunately, in the absence of facilities with such level of security, situations arise where psychiatric hospitals propose to convert protective treatment into security detention as the most stringent protective measure in terms of protection of society for patients with inpatient protective treatment who cannot cope with the ward regime in the long term. Thus, the working version of the concept sets as among its objectives the establishment of a network of medium security wards, which should, on the one hand, make the system more transparent between the different levels of intensity of restrictions on the freedom of persons and, on the other hand, create space for the placement of patients without necessarily imposing security detention on them. Experts from the security detention facilities themselves will be involved in the reforms.

Comment on point 67

According to the original plan, the investment project *'Increase of the accommodation capacity of the Opava Security Detention Centre'* was completed in the Opava Security Detention Centre, which consisted in the reconstruction of one unit. This part was duly approved and ready for the accommodation of inmates at the end of the first half of 2024. The new accommodation unit has a designated final accommodation capacity of 15 inmates, which increased the accommodation capacity of the facility from the original 50 to a total of 65 male inmates.

The therapeutic and medical team (the sixth in total within the local institution) purposefully places the most motivated inmates in the new accommodation unit due to their realistic prerequisites for the possible conversion of security detention into institutional protective treatment or for release from security detention. This selection corresponds to a more open regime for inmates and their greater involvement in activities. It is a sufficiently spacious unit with predominantly shared accommodation for inmates, which places increased demands on the actual selection of suitable inmates and security. The unit also includes two spacious common rooms, a kitchen, a multifunctional room and a classroom. During the period of operation of the unit from 26 June 2024 to 14 March 2025, the local court has already changed the regime from security detention to institutional protective treatment for 4 inmates.

Following the decision of the General Directorate of the Prison Service of the Czech Republic to temporarily suspend the operation of the Security Detention Unit at the Prague Pankrác Detention Centre, on 26 June 2024, 17 inmates were transferred en masse from this facility to the Opava Detention Centre. The increased accommodation capacity of the detention centre was thus filled. The entire institution is currently 95% full of 62 inmates.

2. Ill-treatment

3. Living conditions Comment on point 69.

The Czech Republic states that each cell in the detention unit is equipped with an opening window. Although there is an internal grille in front of the window, this grille is provided with a hole so that each inmate can reach the window handle and open the window if necessary. The sanitary facilities of each cell are equipped with an extraction system. The structural-technical design of the windows in the building therefore allows for ventilation according to the needs of the prisoners, and there was certainly no restriction of ventilation during the summer period on the part of the detention centre.

Comment on paragraph 71.

The Czech Republic points out that the CPT's delegation noted during its visit to the Opava Detention Centre that the activity rooms and the therapy rooms for the treatment of inmates were decorated. The delegation was guided through all the indoor treatment areas, in particular the newly renovated therapy centre complex with a therapy room, relaxation room, gym, PC classroom, multifunctional workshop for art, work and self-care activities, as well as the cultural rooms and common areas of all the dormitories. Already on the spot, the delegation expressed immediate satisfaction with the level of aesthetic decoration of in the form of unconventional colourful painting, photo wallpapers, successful motivational pictures, symbols and texts on the walls linked, among others, to the new standardised Motivator programme, and other accessories distinguishing the environment of the security detention centre from other prison facilities. Its members also took photo documentation in this context. Nor can one fully agree with the assertion that the cells of the inmates were austere. The members of the delegation had only entered a small fraction of the cells during the visit, and their overall impression might therefore have not fully reflected the actual situation.

The equipment of the cells is fully in line with Section 20 of the Act on the Execution of Preventive Detention, according to which each inmate must be provided with their own bed, chair, and space for storing personal belongings. Inmates store their personal belongings in a large wardrobe and a smaller bedside table, both of which are lockable. There is also a desk in each cell. The furniture in the inmates' cells is wooden, which makes it significantly different from the usual furnishings in inmates' cells and contributes to the aesthetics and civilization of the housing environment. For inmates without current signs of danger, disruptive or aggressive behaviour, there are also shelves for displaying pictures, photographs, handicrafts, memorabilia, or their own authorized radio receiver.

Inmates are continuously motivated and encouraged by the professional staff not only to keep their personal belongings and cells tidy, but also to aestheticize and personalize them. However, for many inmates, these efforts are not having any effect, especially in view of their mental capacity, health limitations, inferior personality and lack of such habits from the past. The fact that inmates in secure detention are moved between cells quite frequently, particularly for security or relational reasons, also plays a significant role in this respect. However, more recently, the efforts at personalisation and decoration have improved in the newly established unit for motivated inmates, where the motivational encouragement of inmates by the professional staff has had the desired response. Despite any objective challenges, the professional staff will continue to give this area the necessary attention.

At the Prague Pankrác Security Detention Institute, inmates were frequently moved for organizational or security reasons, and the "personalized" cells were a source of conflict between inmates, as some inmates did not have completely satisfactory hygiene habits. The Institute will focus on further adaptation and improvement of the common areas. The active involvement of inmates in creating a more conducive environment is considered beneficial and has been proven in the past.

Comment on point 72

The Czech Republic emphasises that all inmates are encouraged to participate to the maximum extent possible in supervised and unsupervised activities, including outdoor exercise and walks.

The delegation found during its visit that walks are provided in all residential facilities beyond the legal hourly limit, in the form of extra walks several times a day under the condition of maintaining internal security in the institution. The walks are carried out in several separate walking yards set up for this purpose, which are equipped with shelters, benches and where inmates are allowed to smoke. Mass events of inmates always pose an increased security risk and care is taken to ensure safety during all walks. When inmates are placed in the exercise yards, their current health and mental state is considered, and they are placed in smaller groups within the exercise yards so that they have sufficient space. In addition, as a rule, twice a week walks are carried out in the walking yard, if the operational and security situation in the detention centre allows it. The inmates primarily want to relax on the walks, and their primary concern is smoking, despite the best efforts of the supervisory and professional staff to keep them active during all walks.

The construction and technical design of the outdoor areas of the facility is complemented by vegetation as far as possible. In addition to working in the greenhouse, inmates also tend to raise lavender beds, strawberries, tomatoes, cucumbers, ornamental greenery, hedges or lawns in various parts of the facility. The inmates take care of live animals - a guinea pig and a dwarf rabbit - in an organised way as part of zotherapy. They also participate with interest in regular Canis therapy sessions with an external tutor and a trained dog. The CPT delegation was able to watch the ongoing lesson on the second day of their visit to the Institute for the Execution of Security Detention in Opava.

Walking is far from being the only outdoor activity of the inmates at the Opava Detention Centre. The programme activities in all residential facilities offer several such forms when the weather conditions are suitable. The team of professional staff, supported by the medical staff, still perceives the inmates' stay in outdoor spaces as a positive and important aspect that helps to relieve various tensions. Therefore, in addition to the main and extra-curricular outings described above, regular outdoor sports, social and leisure activities are provided for all inmates. The recent renovation of the inpatient playground and the adjacent areas with a greenhouse, covered bleachers and sanitary facilities have contributed greatly to improving the conditions for these activities. On a part of the sports field, selected inmates have been preparing for a long period of time to engage in outdoor activity beyond the normal detention programme, which resulted in repeated participation in the Yellow Ribbon Run - Escape Prejudice. The newly renovated outdoor activity area with inmates described above was available for the delegation to view. These outdoor activities are regularly carried out for inmates in the morning and afternoon, and other outdoor spaces adjacent to the accommodation buildings are also used for this purpose. It can be stated that most of the inmates are interested in these physical activities, although for some of them, due to their health limits or treatment programme, these activities are very physically demanding. The above-mentioned activities can be implemented even after the increase in the accommodation capacity of the institute, even though it is very demanding in terms of organisation and personnel. However, the conditions for outdoor activities are limited by the location of the walking yards and

the capacity of the areas of the organisational units. All forms of outdoor exercise for inmates will continue to have a firm place in the programme activities.

4. Treatment and activities

Comment on point 73

The Czech Republic clarifies that outdoor exercise in the detention unit of the Prague Pankrác Detention Centre took place in two designated areas. The inmates were allowed to use the exercise yards and, as part of the supervised activity "Work in the garden", they could also use the garden areas, which were arranged in three raised beds surrounded by gravel. The supervised 'Garden Work' programme provides inmates with the opportunity to work physically in a more aesthetically pleasing garden space, which contributes to their psychological well-being and provides significant therapeutic benefits.

The walking yards are equipped with three benches with shelters that serve as a place for inmates to rest or as protection from inclement weather. In addition, there are three outdoor weight machines in the walking yards to promote physical activity among the inmates. The walking yards for inmates are designed to meet both their needs and safety standards. However, further expansion of the exercise yards is not desirable, as there are buildings with inmates housed nearby and it is not advisable, for reasons of order and safety, to have the exercise yards in their vicinity. The possibility of using the gym for inmates classified as A-active cooperative and B-mainly cooperative to promote their physical activity may be considered in the future in view of the design possibilities of the detention unit.

Comment on point 75

The Czech Republic adds that the CPT delegation's overall positive impression of the treatment and activities provided to persons in secure detention was conveyed to the professional and supervisory staff at the Opava Detention Centre. The professional staff in direct contact with the inmates work as a team under appropriate conditions and system settings. In the long term, the work of the entire therapeutic team of the detention unit, which includes psychologists, special educators, a social worker, therapists and educators, is positively evaluated beyond the detention centre. The psychiatric team of all three doctors, as well as the general practitioner and paramedical staff, work very closely and mutually with the therapeutic team. The detention centre lawyer has become an integral and very active part of the team.

A multidisciplinary approach to each of the inmates is applied immediately after their admission to the Opava Detention Centre. Within the framework of their expertise and work duties, the team of the above-mentioned professional staff, including doctors, constructively participate together, among other things, in the determination of the inmates' diagnostic groups, the assessment of individual risks, the creation of individual programmes, including treatment procedures set by the doctor, their updating, implementation and evaluation. The inmates themselves are also involved in the establishment of individual plans, within the limits of their abilities. Teamwork is also reflected in the management of therapeutic groups, including the management of the standardised Fury and Motivator programmes, where the tutor pairs consist of a psychologist-special educator, psychologist-educator-therapist, special educator-educator therapist. An external Canis therapy lecturer is also involved in the creation and implementation of the therapeutic programmes. The required transfer of valid information is ensured by allowing access to shared files on each of the inmates, but also by regular working meetings. Meetings between the members of the therapeutic team of the detention unit take place daily, and meetings between the therapeutic team and the doctors are periodic and take place at least once every quarter year. An important part is the work

of the expert committee of the detention unit, which is convened at least once every two weeks. The deputy director of the prison is the chairman of the expert committee, and the members are the head of the security detention unit, a general practitioner, a psychiatrist, a psychologist, a special educator, a therapist, a social worker and a lawyer. The lawyer in the facility not only meets regularly with the members of the therapeutic team, but also periodically participates in community meetings so that the inmates know him and can communicate with him.

The judges of the local court and the prosecutors are informed annually about the current state of secure detention, the individual programmes and plans conducted with the inmates, as well as the form of their evaluation, which is always accompanied by a personal visit to the detention centre, a mutual professional discussion and feedback. Cooperation between detention centres at the level of professional and supervisory staff in the form of exchange of traineeships and transfer of experience in the treatment of inmates is an established and beneficial practice in the implementation of preventive detention. The calendar of events in the Prison Service of the Czech Republic includes an annual professional and methodological seminar on secure detention organised by the General Directorate of the Prison Service of the Czech Republic for representatives of all detention centres. In 2025, this seminar is organised by the Opava Prison and the Institute for the Execution of Security Detention, and the programme includes the development of individual programmes with inmates. In the second half of 2024, another cycle of the annual course for the staff of detention facilities with a practical part was also held in cooperation with the Academy of the Prison Service of the Czech Republic on the premises of the Psychiatric Hospital Prague Bohnice.

The Czech Republic also adds that the visit of the CPT to the Prague Pankrác Detention Centre took place after the departure of a psychologist, a therapist educator and a social worker from the team of professional staff as of 31 December 2023. The Prison Service of the Czech Republic acknowledges that in this period from January 2024 until the suspension of the institution's activities, precisely for staffing reasons, the plans could indeed have been prepared to a greater extent by special educators. For six months the therapist staffing was at 50% and no psychologist has been present in the institution since the beginning of June 2024, with a psychiatrist attending the institution usually once a week. This difficult staffing situation has been addressed by intensive recruitment efforts or by emergency relief from other departments. Despite the above-mentioned staffing problems, the widest possible degree of interdisciplinarity was applied during this period. For example, the entire therapeutic team was involved in and consulted on treatment plans or programmes. Each new inmate was interviewed individually by a psychologist, therapist, educator, psychiatrist and special educator before a programme was set. At the same time, all the staff members reviewed all available documentation on the inmate, including the characteristics and intake report provided by the Brno Detention Centre, before designing the program.

The sub-specific parts of the programme are under the responsibility of individual professionals. The therapeutic and psychotherapeutic programmes are determined by the therapist as they depend on the therapeutic groups the inmate is assigned to. Similarly, special educational activities are the responsibility of the psychologist, who decides which groups the inmate will be assigned to. Prior to the inmate's familiarisation with the programme, the programme is discussed at internal meetings of the professional staff and at the committee of the detention unit. Also, when considering the transition between different therapeutic phases and regime stages within detention, the individual inmates are shifted after consultation of the whole professional team according to the Operational Manual of the Detention Unit. When moving to the highest phase, the inmate has to pass an examination before a committee consisting of a psychologist, a psychiatrist, a special educator and a therapist educator. The whole team of professional staff is also involved in the daily

evaluation of the inmates (positive and negative) regulated by the Institute's Evaluation System, which is further elaborated in the Operational Manual of the Security Detention Unit. Finally, the same applied to the monthly evaluation of the inmates.

Comment on point 76

The Czech Republic submits first that at the Opava Detention Centre most of the leisure activities, including daily communities, conversations in the cultural rooms, gym, playground, classrooms, kitchen, workshops and outdoor areas, take place without the use of bars, as do visits. In the climatically favourable season, the inmates' stay outside is also used to conduct interviews or therapeutic groups with professional staff using the pergola, benches, playground. The guards of the security detention unit are part of the team acting on this risky group of prisoners and their participation in the controlled activities is professional and educational and therefore they do not have exclusively a repressive role. They are thus involved to a considerable extent in the treatment of inmates, they are continuously trained on many differences in the treatment of inmates and convicts, and most of them have completed professional internships on secure detention and work with people with mental illness at the Psychiatric Hospital Prague Bohnice and the Academy of the Prison Service of the Czech Republic.

A similar procedure is followed regarding the presence of a guard service or the use of a dividing partition, also based on requests from a general practitioner and a psychiatrist. It has not been pointed out by either the professional staff or the inmates that in cases of use of the dividing partition or the presence of the warden during the activity, the course of the medical examination is disturbed or otherwise negatively affected or even any humiliation is subjectively felt. In general, the aspect of security of staff and prisoners themselves is currently the focus of particular attention, not only in view of the composition and increased number of inmates in the detention centre, but also in view of the significantly increasing number of physical attacks against staff and members of the Prison Service.

The Prague Pankrác Security Detention Centre maintains a list of inmates who are at high risk of unpredictable aggressive behaviour towards their surroundings and who cannot be allowed contact with a staff member without a dividing barrier or the presence of a third person providing security (a guard) for security reasons. The list is regularly updated based on the inmates' risk assessments. The actual conduct of a barrier-free interview or activity for other inmates depends on the current condition of the inmate. The professional staff member always has the choice whether the interview or activity is conducted behind or without bars.

Comment on point 78

The Czech Republic states that the provision of health care under the Health Services Act is primarily based on the patient's free and informed consent. This means that the patient has the right not to give such consent and, consequently, to refuse health care. However, there are statutory exceptions to this general rule, where a patient can be provided with health services without their consent or where they will be obliged to accept certain treatment. Examples include the obligation to undergo mandatory vaccinations, epidemiological examination, occupational health examination, professional medical examination in connection with substance abuse, etc. It is also the case of urgent care if the patient is unable to consent. Finally, it is a case of a serious mental disorder or intoxication where the patient poses an immediate and serious threat to himself or to their surroundings which cannot be averted in any other way or, in all likelihood, would result in serious damage to the patient's health if left untreated. These are therefore basic legal rules in accordance with the constitutional order and international obligations of the Czech Republic.

One of the legal possibilities to provide health services without the patient's consent is the judicial imposition of protective treatment or secure detention. Under these, patients or inmates are legally obliged to undergo medical procedures and treatments within the framework of their individual treatment programme. However, these procedures and treatments must be necessary to achieve the purpose of the protective treatment or secure detention and must not unduly restrict the rights of patients and inmates. This shall also be without prejudice to their right to choose between possible alternatives to their treatment or to express their views on medical procedures which are not directly related to their treatment programme. They can, of course, refuse these.

Thus, legislation already exists in the Czech Republic for the provision of health services without the patient's consent and for their provision in the context of protective treatment or secure detention. They are also complemented by the possibility of judicial review of involuntary hospitalisation, with statutory time limits of days for a decision. Violations of the statutory rules on the provision of health services may also be challenged in court or brought before the regional authority or other body authorising the operation of the health service provider. In the case of court-imposed protective treatment or secure detention, the primary route to change or revoke it is again through the courts.

The functioning of the system of protective treatment and secure detention is now being analysed in the context of the preparation of a new concept of protective treatment. Some revision and refinement of the legislation may be considered here to make the position of the various actors, including patients and inmates, clearer.

Comment on point 79

The Czech Republic refers to its comments on point 28 above regarding the general legislation and its amendment. However, in the context of secure detention, the Czech Republic considers it necessary to draw attention to the general and significant dangerousness of inmates in secure detention. The obligation of members of the Prison Service of the Czech Republic to exercise security supervision over persons in custody, imprisonment or secure detention and to guard, show and escort such persons is therefore particularly important. These obligations obviously continue during medical examinations by non-prison health service providers and certainly cannot be effectively delegated to them or to other entities. At the same time, the dangerousness of the inmates, which is the reason for their placement in secure detention, makes it very nearly impossible to make use of the alternatives offered by the CPT, such as the assistance of another health professional, as these are generally in short supply and would require special training to operate in a secure custody environment. Also, the specific health condition of the inmates and their complex diagnosis and medical history usually preclude the possibility of a qualified assessment of their dangerousness for the purpose of deciding on the need for supervision by ordinary health professionals who are not familiar with them in detail. It can therefore be assumed that in their case, supervision by members of the Prison Service of the Czech Republic will continue to be rather justified, even after the adoption of the above-described changes.

5. Staff

Comment on point 80

The Czech Republic notes that the delegation noted that the overall situation regarding the staffing of the Opava detention centre, including the shift patterns during working days and weekends/holidays, was satisfactory. Overall, 3 posts of educators and 1 post of therapist were vacant in the Opava Detention Centre last year. The personnel department of the Institute managed to fill these positions through diligent recruitment activities, when from 1 January 2025, an

additional professional prison treatment worker - educator - was recruited to fill the vacant position. Currently, as of 1 March 2025, there is only one vacant position of Prison Treatment Officer - Educational Therapist in the Detention Unit, for which a suitable candidate is being profiled.

Comment on point 82

The Czech Republic states that health care for inmates is provided in the Opava Detention Centre on an outpatient basis, 7 days a week from 6 a.m. or 7 a.m. to 6 p.m. or 7 p.m. If acute medical treatment of an inmate is necessary in the absence of medical staff, an ambulance crew is called from the adjacent Silesian Hospital in Opava, or the inmate is transported to that hospital for examination by a doctor or for a professional examination. This system is functional in the long term in terms of providing medical care for the inmates.

Furthermore, the CPT's recommendation appears to be based on inaccurately ascertained facts, as members of the Prison Service of the Czech Republic are continuously trained in first aid, as evidenced by several cases where they provided cardiopulmonary resuscitation. For this purpose, prisons were simultaneously equipped with automatic external defibrillators, which by their nature are intended for the public so that possible first aid can be provided even by untrained staff.

Regarding the presence of medical staff, it should be noted that the detention centre is not a medical establishment and certainly does not provide inpatient medical services. Health services are provided only on an outpatient basis. There is therefore no reason, in terms of the legislation in force, for the continuous presence of any health professional.

For the so-called inpatient part of the infirmary, this is a terminological outgrowth. It is a special accommodation capacity of the prison, which is usually used in the event of the occurrence of infectious diseases that do not necessarily require placement in an isolation cell. At the time of the CPT's visit, the Czech Prison Service was no longer providing any health services in the form of inpatient care.

Comment on paragraph 83

The Czech Republic announces that, as of 1 July 2024, the activities of the Prague Pankrác Detention Centre are temporarily suspended until 30 June 2025 due to the critical staffing situation, in particular among the members of the Prison Service of the Czech Republic. However, the staffing situation in this facility remains critical due to the high competition on the labour market in the capital city of Prague. There are currently 98 vacant service posts and 14 vacant working posts, including 10 posts of prison officers. For these reasons, there are currently no plans to put the Detention Centre into operation. Staffing measures have been taken to improve the situation, such as an intensive recruitment campaign, an increase in the stabilisation allowance and the expansion of the capacity to accommodate staff and officers. The impact of the staffing measures is being analysed and evaluated and will be the basis for the subsequent re-commissioning negotiations.

6. Use of restrictive and coercive measures

Comment on paragraph 86

The Czech Republic draws attention to the need to distinguish between restraints used under the Act on Secure Detention and restraints used under the Health Services Act and coercive measures. The restraints whose use must be recorded in the medical records are exhaustively defined in the Health Services Act, which also sets out the conditions for their use. The decision to use such means shall be taken by the health professional if they consider that their use is necessary in

accordance with the ultima ratio principle. The use of a restraint in the provision of health services must be recorded in the medical record and, where applicable, the provider's other obligations under the Health Services Act must be fulfilled.

According to the content of the selected health records, it was found that in the case of a decision to use a restraint by a health professional within the meaning of the Health Services Act, the health records contain a record of their use. The situation is quite different for restraints used under the Act on Secure Detention. Their use is not decided by the health service provider or the health care professional. The recording in the medical records is therefore irrelevant; moreover, the inclusion of such a record in the medical records has no support in the legal regulation, which defines the medical records as a collection of information on the health services provided. If the inmate is not subsequently transferred to a medical centre after the application of restrictive measures pursuant to the Act on the Secure Detention, then the doctor or any other medical worker has no reason or need to make a record in the medical documentation.

Comment on point 87

The Czech Republic points out that, according to the Prison Service Act, an officer is entitled to restrict the free movement of a person who physically assaults an officer or another person, endangers their own life, damages property or attempts to escape, by handcuffing them to a suitable object, in particular by means of handcuffs. This restraint must be terminated at the moment when it is obvious that the person will not repeat such behaviour, but no longer than 2 hours after the moment of restraint. If an inmate in a secure detention facility behaves aggressively for any reason, destroys the property of the Prison Service of the Czech Republic, threatens their health or life or the health of other persons, it is always the priority of the Prison Service of the Czech Republic to resolve this situation in the least repressive manner and to provide them with professional medical assistance as soon as possible.

Restriction of the inmate's freedom of movement by handcuffing them to a suitable object shall be resorted to only in extreme cases. This fact is demonstrated by statistical data on the number of uses of various types of restraint in previous years. In the Opava Detention Facility, coercive measures were used in four cases in 2020, in no cases in 2021 and 2022, in three cases in 2023, including one registered case of handcuffing to a suitable object - a bed - for one hour, and in three cases of handcuffing to a suitable object in 2024. Handcuffs are used as a legitimate means of coercion to handcuff an inmate to a suitable object for a strictly necessary period, primarily because officers are primarily armed with them and the action is intended to quickly and effectively prevent further unlawful conduct or further self-harm by the inmate.

Currently, according to the established methodology, the use of coercive means is recorded in the established Record of Use of Coercive Means, which also includes a certificate of medical treatment or examination and a report on the investigation of the circumstances and reasons for the use of coercive means. The Prison Service of the Czech Republic is obliged to inform without delay the public prosecutor who supervises compliance with legal regulations during the execution of secure detention about the use of coercive measures. In this way, verification of the legality and proportionality of the use of coercive measures in specific cases is guaranteed.

Comment on point 88

The Czech Republic respects the CPT's view and strongly agrees with the provision of supervision by a health professional, but the intensity of such supervision should be determined by the health professional based on an individual assessment of the case. This procedure is envisaged by the Health Services Act, where the provider is obliged to ensure that the patient is supervised by health professionals during the period of the restraint. The supervision must be appropriate to the severity

of the patient's medical condition and at the same time measures must be taken to prevent damage to the patient's health. The supervision as described by the CPT is therefore in line with the legislation and is sufficient. The conclusion about the necessary permanent presence of a healthcare professional cannot be accepted, since the regime set should be adapted to the individual needs of the patient, which can only be assessed by a healthcare professional with knowledge of the state of health.

Comment on point 89

The Czech Republic accepts the recommendation in principle and agrees with the need to review the use of this pharmacotherapeutic approach. According to the information currently available, it can be stated that the inmates' medical records do contain indications for the use of certain medicinal products in predefined situations. It should be noted, however, that the prescription of medicines is, of course, always carried out by a doctor, usually a psychiatrist, who also defines the conditions under which intermediate medical staff, i.e. general nurses, may take such action. It is an established practice that, during her working hours, the general nurse contacts the inpatient psychiatrist by telephone and consults with him the current deterioration of the inmate's health and also takes over the recommendations for therapy. In this respect, the Prison Service of the Czech Republic and its Medical Services Department do not see any conflict with *lege artis* procedures. An area which is not covered in a fully relevant way by legal or internal regulations concerns the method of follow-up communication after the use of the relevant medicinal product. In the future, the Ministry of Justice's health care facilities, which will provide health care in prison establishments from 1 April 2025, will focus on methodical guidance of procedures within the provision of health care services.

7. Guarantees

8. Other issues

Comment on point 97

The instruction of the inmates with their rights and obligations upon entering into secure detention is enshrined in the Act on Secure Detention and is regulated in the Regulation of the Director General of the Prison Service of the Czech Republic No. 47/2024, which establishes the forms of instruction for the accused, the convicted and the inmate. Each inmate is demonstrably reacquainted with this instruction by a professional staff member upon transfer to a detention centre. The instruction shall be given in a manner appropriate to the inmate's mental capacity to understand the instruction. The inmate shall then confirm whether or not they have understood the instruction. Prison officers providing instruction to inmates shall treat each inmate individually and, where necessary, explain everything properly and clearly, considering the intellectual and character qualities of the inmate concerned. In the case of a restriction of the inmate's legal capacity, the designated guardian shall also be informed. No cases of explicit misunderstanding by inmates or guardians were noted or reported. In case of need for further clarification or completion of the required information concerning the conditions of detention, the professional staff is ready to respond to the needs and requests of the inmates or guardians not only during the initial interviews but also during the further course of the stay.

At present, in cooperation with the Office of the Ombudsman, an Instruction for accused persons on entering custody has been developed and is already being used in prison establishments, and an Instruction for convicted persons on entering custody is being developed. Both instructions contain the necessary information in a comprehensible version. These documents complement the existing

comprehensive instructions on the rights and obligations of prisoners, with an emphasis on simplifying the form of interpretation of the various areas of detention and imprisonment. The Prison Service of the Czech Republic will also prepare a similar simplified information document, which will take into account the specific needs of inmates, for persons in secure detention.

D. Prisons

1. Introductory remarks

Comment on paragraph 101

The Czech Republic specifies that the effectiveness of alternative sentences is conditional on their appropriate imposition, which presupposes that the offender is familiar with the conditions of the sentence and is prepared and motivated to carry out the sentence. Such sentences should therefore be imposed on offenders in reasonable cases. Before the imposition, knowledge of the conditions of the sentence is essential for the offender. On the basis of a risk and needs analysis of the offender and the identification of needs and interests of the victim of the offence, the Probation and Mediation Service may also propose the imposition of appropriate reasonable restrictions or obligations on the offender. The successful application of diversion is based on knowledge of the offender's and victim's situation and the steps already taken to deal with the consequences of the offence, the offender's attitude to the offence, etc. This information is provided by the Probation and Mediation Service to the law enforcement authorities on the basis of the personal experience with the victim and the offender in the context of mediation or other restorative programmes.

The new electronic monitoring system monitored 79 people in the second half of 2024, i.e. in its first six months of operation in the Czech Republic. The Probation and Mediation Service has 700 bracelets and can purchase more. So far, the courts use the devices mostly for people under house arrest, but in some cases the bracelets also replace detention. During the period, 64 home prisoners were fitted with wristbands, while in 12 other cases the court gave the wristbands priority over placing the accused to a custody cell. The remaining three wristbands provided for reasonable restrictions imposed by the court, which may include the obligation to stay in a specified place at a specified time.

On 24 November 2022, the first probation house in the Czech Republic was inaugurated in Písek. It was established by the Probation and Mediation Service as part of the Back to Life project financed by the Norway Grants. The probation house has a capacity of 16 people and provides a six-month residential resocialisation programme for parolees. The house aims to support parolees in their integration into society and to help them work on themselves during the risky period of the first months after their release. The house is for adult males who are under supervision and have a proportional obligation to participate in a residential re-socialisation programme. Other prerequisites for inclusion in the programme are, for example, the need for a more intensive level of support after parole, but also the motivation to work on oneself.

Comment on paragraph 102

The Czech Republic informs that the submitted amendment to the Criminal Code has been adopted and will enter into force next year. The amendment adds the principle of restorative justice to the basic principles of criminal procedure. The main methods of restorative justice are mediation between the perpetrator and the victim, whereby, after their consent, contact between them can be mediated under the supervision of a trained mediator and lead them to the settlement of their mutual relations, family group conferences with the participation of family members of the parties involved, or other persons related to the case, and so-called circles, whereby, in addition to the

perpetrator, the victim, their families and representatives from the judiciary, representatives of the community are also involved in the conference. The Probation and Mediation Service, which carries out mediation in criminal proceedings, plays a key role in the implementation of the restorative approach. Anchoring this principle should contribute to the increased use of the Probation and Mediation Service by law enforcement authorities in the course of criminal proceedings, where appropriate, to conduct mediation between the accused and the victim and to motivate the persons concerned to engage in restorative programmes.

Under the current wording of the Criminal Code, the court should consider imposing a monetary penalty, particularly if the offender's criminal activity was motivated by selfish intent. In such cases, the Criminal Code emphasises the imposition of this type of penalty, either as a separate penalty or imposed in addition to another penalty. The amendment to the Criminal Code then introduces the imposition of a financial penalty in all cases where appropriate based on the effectiveness of a financial penalty in 'hurting' the offender. The enforced renunciation of consumption and the associated reduction in living standards is perceived as a significant harm by the majority of society, where consumerism prevails and the fulfilment of material needs is emphasised. Property penalties then correspond to the principle that crime *does not* pay. Given the possibility of satisfying the claims of victims from the funds obtained through the execution of a financial penalty, its imposition is not to the detriment of the rights of the victims, but on the contrary represents an easier way for them to pursue their property claims. The main limit on the imposition of this penalty will therefore continue to be its enforceability in the light of the offender's financial and personal circumstances, which must be assessed. In the light of those circumstances, the court shall decide whether it is appropriate to impose this type of penalty and, if so, to determine its amount. In doing so, the offender's other obligations must also be assessed, e.g. if the payment of a financial penalty would jeopardise the offender's ability to meet the obligation to maintain dependants, etc.

The amendment also addresses the issue of the sanction for recidivism. Efforts to curb crime or recidivism of offenders cannot be implemented only through criminal repression, as criminal activity is conditioned by a number of social, economic and other factors. Indeed, criminological research shows that the application of highly punitive approaches and sanctions based on deterrence can even have counterproductive effects. The radical solution of considering recidivism as a general aggravating factor for all offences is not adopted. Instead, the level of punishment for repeated theft is reduced with both the lower and upper limits of the sanction. The reduction of the penalty for repeat offences is linked to a similar reduction in other enrichment-related property offences (embezzlement, fraud, dishonest gambling and betting).

Comment on paragraph 103

The Czech Republic informs that the Ministry of Justice, together with the Prison Service of the Czech Republic, carried out an evaluation and revision of the Prison Concept 2016-2025 in 2021 and set out its priorities until 2025, including objectives and deadlines for their implementation. The global objective of the Concept was formulated as follows: '

- *"To create a well-functioning, and effective prison system linked to crime prevention, post-penitentiary care, social sphere and education system and aimed at reintegration of offenders into society in line with international standards.*
- *To reform convicted persons on a case-by-case basis in order to prevent recidivism of their criminal behaviour and to ensure maximum public safety, including ensuring the isolation of those individuals who repeatedly commit the most serious violent crimes.*

- *To achieve a modern prison system appropriate for the 21st century and comparable to those of advanced democratic states through the consistent implementation of the adopted complex of appropriate measures."*

In the end, a total of 17 strategic objectives were formulated, 66 specific objectives were set, and a total of 337 measures were identified to meet them, which were divided into a total of 9 thematic chapters.

The evaluation of the Concept was carried out by a retrospective evaluation of all tasks in relation to the fulfilment of the measures, the specific objective and the strategic objective. The overall achievement of each specific strategic objective was also evaluated, as well as the achievement of the global objective. In summary, the evaluation showed that the identification of specific objectives and measures in the strategic objectives was binding in the achievement of the global objective. The setting of core tasks was implemented without funding coverage and with such a large number of tasks being set, duplication of tasks occurred. Indicators were often not set as measurable.

Therefore, in the revision of the Concept, strategic objectives were deleted, and strategic areas were proposed which are more general in nature and do not bind the Prison Service in the implementation of the conceptual tasks. The areas for meeting the global objective are:

1. Professional treatment
2. Security
3. Drug policy
4. Health
5. Economy
6. Personnel
7. Informatics
8. Service activities

The new definition of strategic areas was reflected in the definition of strategic objectives, specific objectives and measures in each strategic area.

The Prison Service of the Czech Republic subsequently created action plans for individual years, and the last action plan for 2025 is currently being implemented. At the beginning of 2026, the evaluation of the revised Concept from 2021 to 2025 will be launched. At the same time, work has already started on the new Concept of Prison Development for the period 2026-2035 with four strategic areas:

1. Personnel and Human Resources
2. Treatment of prisoners
3. Security
4. Modernisation and technology.

These strategic areas will be developed into strategic objectives, specific goals and measures. As part of their elaboration, issues are identified based on available resources. One of the primary sources of inspiration are the CPT reports. The 2018 CPT report was used in the initial identification of issues and strategic areas. The current CPT report will also be used as a source of information as part of the current development of the strategic objectives, specific objectives and measures.

2. Ill-treatment

Comment on paragraph 107

The Czech Republic submits that in the cases of criminal prosecution of members of the Prison Service of the Czech Republic on duty at Rýnovice Prison, 9 officers have so far been acquitted. In the remaining 5 cases, court proceedings are still pending. The criminal prosecution of 8 members of the Prison Service of the Czech Republic on duty at Valdice Prison is also currently pending and the court proceedings are still ongoing.

Comment on paragraph 109

The Czech Republic submits that the conduct described is completely contrary to the philosophy of the management of the two prisons in question, as well as of all other organisational units of the Prison Service of the Czech Republic. The management of Rýnovice and Valdice prisons conveys information to this effect at regular training sessions and meetings with staff and officers working or serving in these prisons.

Comment on paragraph 112

The Czech Republic states that measures to prevent violence are continuously implemented in all prison establishments in accordance with the Regulation of the Director General of the Prison Service of the Czech Republic No. 24/2022 on the prevention, avoidance and early detection of violence by accused persons, convicts and inmates and on the recording of signs of inappropriate or degrading behaviour. This includes keeping a list of names of relevant persons and relevant documentation of individual cases, carrying out control activities, body and medical examinations, photographic documentation of the bodies of the actors of physical violence, general overview of relevant persons and their location by the staff, regular contact with the treatment experts in the prison system, ensuring medical and psychological care after detected violence, registration in the Prison Information System, marking of relevant documentation of prisoners, and regular discussion and evaluation of the issue of violence at meetings of the directors within their facilities and at meetings of the Detention, Sentencing and Preventive Detention Unit. Statistical data from the Prison Service of the Czech Republic show that there is no significant increase in the number of cases of violence among prisoners and that the number of such cases is rather stable.

The staffing of prisons is determined by the number of systematised posts needed to ensure the safe operation of prisons. On the basis of these facts, the numbers of officers needed are determined by means of the rosters of guard and warden posts in order to ensure the proper functioning of the prison during the day and night and to implement the rights and duties of the prisoners. During the daytime hours, professional treatment officers are present.

Considerable attention is paid to staff training in the Prison Service of the Czech Republic. All employees and members of the Prison Service of the Czech Republic undergo basic training upon joining, through which they are prepared for theoretical and practical issues of the treatment of prisoners, including the prevention of violence and the procedure for its detection. In the framework of further training, prison staff receive, among other things, a course on dynamic security and a course on the performance of duty as a guard in a closed compartment, whose content also covers the issue of violence. Specialisation courses are currently being prepared for wardens, which include, inter alia, information on the theoretical and practical aspects of violence among prisoners in order to strengthen its prevention. Training of prison staff is carried out through the Prison Service Academy

Comment on paragraph 113

The Czech Republic specifies that the use of personal cameras by officers in the performance of their duties is regulated by Regulation No. 11/2023 of the Director General of the Prison Service of the Czech Republic on the conditions of operation of the camera system and on the use of security cameras in the performance of duty and work. Personal cameras are primarily used to ensure security and order in prisons and escort vehicles. Monitoring is initiated at the individual discretion of the employee, with the main purpose of the use of personal cameras being to record acts or interventions that may involve illegal or inappropriate conduct. In addition, the body camera serves as a preventive device designed to record and reduce the risk of such behaviour. One of the main duties when using a body camera is to inform the subjects against whom the acts or interventions are directed that the course of the acts or interventions is being recorded. The Regulation of the Director General of the Prison Service of the Czech Republic also regulates other rules and obligations of officers when using personal cameras, such as the system of training the officer in the use of the personal camera, handling of the footage taken, etc. A total of 253 personal security cameras are currently distributed to all prisons in the Czech Republic. Of these, 30 are allocated to Valdice Prison. As part of the strengthening of internal security in prisons, it is planned to expand the number of personal security cameras in the future.

3. Conditions of deprivation of liberty

Comment on paragraph 114

The Czech Republic adds that the cladding of the Oráčov prison building dates to the late 1970s and lacks thermal insulation, which is also a factor in the formation of mould, especially in cold weather. The total renovation of both wards in building 'A' has not yet been carried out due to lack of funds, and the prison is therefore continuously renovating the common areas and individual bedrooms on its own. The inmates themselves are involved in the renovation of the dormitories, thus improving the environment in which they are accommodated, which has a positive impact on them. With the help of the inmates, first the mould is removed and then the bedrooms are redecorated using anti-mould agents. The floors are also repaired - damaged flooring is torn up, the floor area is levelled, and new linoleum is laid where necessary. Despite limited funds for repairs, some non-compliant floors are squeegeed and then recoated, which also reduces the possibility of hiding places for unauthorised objects.

With regard to the washrooms in building 'A' and other buildings, the prison has taken permanent measures in the form of more frequent ventilation of the premises and regular use of ventilation equipment to prevent as much as possible the formation of moisture. The heating of all the buildings in the prison is provided by a central boiler room with a fully automatic system for measuring and regulating the heating system, which is ensured by controlling the output of the heat source and the temperature of the heating and service water in relation to the weather and climatic conditions. The heating of all areas of the prison is thus properly ensured. There have been no heating system failures or breakdowns in the past period.

Comment on paragraph 117

The Czech Republic states that there is currently no timetable for the reconstruction of building "A" at Oráčov Prison. The conversion - reconstruction of wards A1 and A2 is an investment project, whose implementation is subject to established procedures. The intended investment actions are prioritised by prisons in the so-called Development Plan of individual prisons, and on the basis of these, the General Directorate of the Prison Service of the Czech Republic subsequently draws up an Investment Plan for the given period. An investment action was already

included by the Oráčov prison in the Prison Development Plan for the period 2019 - 2025 as one of the three priority actions, but it was not implemented. In 2024, the Prison Development Plan was updated for the period 2025 - 2028, and the investment action for the reconstruction of dormitory "A" was again included in the prison plan.

In addition, other options are being explored to achieve the reconstruction of the subject building. Negotiations are currently underway in cooperation with the General Directorate of the Prison Service of the Czech Republic regarding the possibility of reconstruction of building "A" from Norwegian funds. The building "A" of the Oráčov Prison has been selected as a possible building suitable for a project financed from the Norwegian funds. Specifically, the reconstruction of building "A" with all its details has been included as one of the possible options for a pilot study within the Future Step: Czech Norwegian Correctional Innovation Project in the Justice Programme, Norway Grants 2014 - 2021. Within the framework of this project, an expert team is preparing a set of recommendations for a Norwegian donor for a major project within the current period. If the project is approved, such a modernisation of prison facilities would undoubtedly significantly improve the living conditions of prisoners and enable more effective work with them. Furthermore, if successful, it could serve as a model for the renovation of other facilities.

In Valdice Prison, it is a currently unused dormitory, also designated as "A", where some of the inmates are housed in a dormitory system and some in the whole system. Originally, this dormitory was built as a dormitory only. During its renovation in the past, however, for economic reasons, one part of it was converted into a whole-house system. There remain 6 bedrooms of varying sizes within the standard accommodation capacity, the largest of which has an accommodation area of 76.24 m².

The Czech Republic recognises the negative consequences of mass accommodation of prisoners. This arrangement creates a risky environment that reduces the possibility of educational influence on prisoners and increases the risk of recidivism. Overcrowding leads to a deterioration in hygiene conditions, a lack of privacy and limited opportunities for individual work with prisoners. The Prison Service of the Czech Republic is aware of this and tries to counteract these conditions by preparing various options for solving the problem of large-capacity cells and dormitories. One of the options under consideration is a construction modification which would divide one cell or bedroom with a large accommodation area into several smaller ones with smaller accommodation areas. Another option under consideration is to maintain the existing accommodation area and only the internal measures of the Prison Service of the Czech Republic determine how many prisoners can be accommodated in each such cell and dormitory. The issue of accommodation space will also be addressed within the framework of the currently prepared Concept of Prison Development until 2035 and also in the context of the reforms of the state's penal policy described above together with sufficient funding.

Comment on paragraph 118

The Czech Republic states that the Prison Service of the Czech Republic continuously monitors and evaluates the development of the number of prisoners in all types of prisons. Based on this evaluation, it subsequently implements changes in the existing accommodation capacities or profiles of prisons and detention facilities so that the accommodation settings correspond to the actual numbers of prisoners in each category. The aim of this procedure is to ensure that as many prisoners as possible have sufficient living space, with a minimum of 4 m² per person. It is true that, in view of the continuing increase in the number of prisoners, this standard cannot be implemented in all types of imprisonment. The amendment to the penal legislation described above is also intended to help the situation.

Comment on paragraph 119

The Czech Republic submits that the exercise yards in prisons are equipped and designed in proportion to the risk of the prisoners using the designated areas. It agrees with the CPT's criticism of the current technical state of the walking yard of the closed ward in Rýnovice Prison. Rýnovice Prison had already addressed the matter prior to the CPT's visit. A complete renovation of the facility is currently being planned, for which the necessary funds are being sought, and which will include the provision of certain exercise equipment.

However, we cannot agree that the exercise yards of the closed section are austere. It is a designated area for the prisoner to be outdoors in the fresh air and to exercise in accordance with the Prison Act and the Prison Rules. The walking yard is equipped with structural and technical security appropriate to the fact that the majority of the prisoners in the closed section are convicts who do not respect the legal norms governing the execution of imprisonment and, in some cases, have seriously endangered the security of the prison, purposefully damaged prison property or are dangerous to themselves or other persons. At the same time, it is equipped with a sufficiently large shelter in relation to the number of convicts placed there, and if it were larger, it would be disproportionate to the size of the exercise yard.

The walking area is sufficiently equipped, as the convicts have sports equipment and there are also benches for resting or a shelter to protect them from rain and sunlight. The Prison Rules stipulate that the purpose of the walks is to ensure that the prisoners have fresh air and active recreation during the day. The exercise yard is primarily used for exercise and sporting activities. It can therefore be considered that the placing of flowers does not have the desired effect for these purposes and, on the contrary, could limit the possibilities for sporting activities. At the same time, it is not appropriate to have objects in such an area which could endanger a member of staff or another prisoner, so that the criticised austerity and the absence of, for example, flowers or other objects is an appropriate measure in view of the above.

The CPT also drew attention to the limited horizontal view from the exercise yard for inmates placed in the section with reinforced structural security and the section specialised for the execution of sentences for inmates with mental and behavioural disorders with individual treatment. As this exercise yard is used by very dangerous convicts with identified high or very high external and internal risks, it is not desirable that they should have an extensive view of the whole prison grounds, even in view of the location of the exercise yard on the roof of Building C.

In Valdice Prison, the walks of the closed ward are carried out in the so-called small walking yard, which consists of two separate walking boxes and is situated in the courtyard of the historical building of the original Carthusian monastery between the church and one wing of Building D. A separate part of this courtyard is also used as a walking yard for inmates in the medium-security section of the prison. Therefore, there is no scope for extending the walkout section of the Closed Ward. The high surrounding historic buildings naturally restrict the view from this walking yard. It is true that the walk-in boxes are covered from above by metal bars, but these are necessary to prevent inmates from trying to climb up the rugged façade onto the roofs of Building D, which is directly adjacent to the restricted zone on the other side. The other exercise yards are equipped with suitable exercise equipment, including shelters.

Comment on paragraph 120

The Czech Republic submits that water quality is one of the priorities of the prison, to which constant attention is paid. The fact that Oráčov Prison is the supplier of drinking water to the adjacent village of Oráčov is also not negligible. No unsatisfactory results of water analyses were detected by the accredited testing laboratory neither before nor after the visit of the CPT delegation.

The analyses carried out showed that the water complied with the hygiene standards and did not contain bacteria that could have a negative impact on human health or could possibly cause infectious diseases. In addition, an investment project has already started in 2020 for the construction of 2 new deep boreholes to pump groundwater, including the construction of a new intake pipe and the modernisation of the water treatment plant technology. Currently, in cooperation with the General Directorate of the Prison Service of the Czech Republic, the tender documentation for the implementation of the work is being prepared.

Comment on paragraph 121

The Czech Republic states that the success of the treatment programme is evaluated at regular intervals in accordance with the Rules of Detention. The convicted person is then mandatorily informed of the results of the evaluation and participates in the updating of their programme. Convicts sign the familiarisation in the form "Uniform Record Sheet", which is set by an internal standard mandatory for all prisons.

Similarly, the evaluation of the success of the treatment programme is carried out when the prisoners are assigned and reassigned to the internal differentiation groups. Each prison has set out in its internal rules the basic procedure for assigning and reassigning prisoners to these groups. The Prison Information System has a form for this process with the signature of the convict. However, unlike in the case of the treatment programme, in the case of the internal differentiation groups, the prison is not obliged by the relevant legislation to inform the prisoner of the evaluation. Therefore, it cannot be excluded that the signature of some convicts was omitted. However, it is very unlikely that such a practice is systematic and that convicts would not know that they were proposed for transfer to another internal differentiation group, that the process was ongoing or that they would not be informed of the outcome. At a minimum, the inmate will learn this fact as part of the regular evaluation of the treatment programme, with which they are always demonstrably familiarised. At the same time, as part of the ongoing evaluation of the current practice, including in relation to the of changing the security level in a secure prison, the relevant competent authorities (e.g. the working group of the Prison Service of the Czech Republic on internal differentiation) will continue to address the issue of permeable internal differentiation groups.

Comment on paragraph 122

The Czech Republic states that employment of convicts is supported both through work in the internal operation of prisons (kitchen, laundry, cleaning, maintenance) and in economic activities in cooperation with external companies. The employment coordinator of the Prison Service of the Czech Republic actively seeks employment opportunities for convicts in close cooperation with the Confederation of Industry and Transport, the CzechInvest agency, the non-profit organisation Rubikon centrum and other companies. In addition, a project plan was developed for funding from EU funds - Training in practice to increase employment, whose aim is to provide vocational training for convicted persons during their imprisonment.

The Prisoner Employment Departments in the various prisons continue their efforts to increase employment opportunities for convicts. In 2024, a total of 29 meetings with employers were held in the above-mentioned prisons, including one in Oráčov, 14 in Rýnovice and 14 in Valdice. By concluding a memorandum with the companies Česká pošta and Zásilkovna, it was possible to involve these companies in several prisons, including Rýnovice Prison. Currently, a new workplace (Call Centre) is being prepared in Valdice Prison with an initial staffing of approximately 20 inmates and with the expectation of gradually expanding the number of employed inmates. Last year Oráčov Prison started the implementation of two investment projects to expand workplaces and increase the volume of employment opportunities for convicts. These

are the construction of a prefabricated hall in the production area and the purchase of two shipping containers, which will free up existing storage space for production space and should increase employment.

Oráčov Prison currently employs 286 inmates (55.21%), 165 inmates are employed in Rýnovice (52.05%), and 326 inmates are employed in Valdice (45.79%). The percentage of employment is calculated based on the prisoners able to work. Compared to the previous period, there was an increase in employment in Rýnovice and Valdice. Even though maximum attention is paid by the prison to the employment of convicts, the inclusion of a larger number of convicts is mainly hindered by their low skills and, unfortunately, their reluctance to work.

Comment on point 130

The Czech Republic specifies that the possibilities of creating specific multidisciplinary teams are strictly dependent on the number of staff and the target groups of convicts and their needs. The Prison Service of the Czech Republic has a relatively well-developed system of individual functions of professional staff, including their standards for the number of prisoners. An internal standard then sets out a detailed catalogue of activities for each position. Professional staff in prisons work with prisoners as educators, social workers, psychologists, special educators, therapists or leisure educators. Uniformed guards should also be counted in the team, especially in high-security prisons where the provision of an internal security regime is a significant part of the imprisonment of prisoners with exceptional sentences. In this respect, important foundations are laid for the functioning of the so-called multidisciplinary teams.

The current greatest shortage of uniformed and civilian personnel in the last 20 years and the inability to provide internal security and professional treatment is directly related and has deeper causes that go beyond the Prison Service of the Czech Republic. Other security forces, such as the police and fire brigade, are also currently suffering from staff shortages.

Comment on point 132

The Czech Republic points out that, given the characteristics of prisoners in high-security prisons and the security settings under the Prison Rules, their specific conditions must always be considered. Prisons consider the motivations and needs of convicts on an individual basis and place them in appropriate specialised treatment. Allowing for 8 hours out of cell for all convicts in this type of prison cannot be ensured in the current conditions of the Czech prison system. However, in the framework of an individual assessment of active and motivated convicts, it is possible for these convicts to spend extended periods of time out of the cell in the context of a set programme of treatment which includes educational activities, specialised sections, extended visiting hours, part-time work, etc. However, the Prison Service of the Czech Republic fully agrees with the CPT that it is necessary to intensively and actively expand the methods and possibilities of team and individual work with convicts and to further adapt the relevant conditions in prisons accordingly.

This is the only way to make the execution of imprisonment more meaningful and to contribute to the reduction of criminogenic risks, including recidivism of convicts after release.

Comment on paragraph 133

The Czech Republic clarifies that the Prison Service of the Czech Republic assesses the criminological risks and needs of prisoners beyond the scope of the recommendation to offer them appropriate programmes and services. High levels of indebtedness are the most common risk diagnosed, alongside addiction. Inmates, if interested, are assisted intensively with their indebtedness, up to the stage of filing for bankruptcy. Prisons have therefore entered into agreements for cooperation with NGOs that provide debt counselling. Prison social workers are

regularly trained in debt management and informed about legislative changes in the field of foreclosure and insolvency to provide expert advice. The Czech Prison Service has developed a Financial Literacy and Debt Counselling Programme in cooperation with debt counselling, enforcement authorities, insolvency judges and other institutions, which is built on 3 pillars - education, counselling and post-release support. The programme has been rolled out to 20 prisons and 40 trainers have been trained with further training planned for 2025.

Debt counselling is also offered by employment offices as part of general employment counselling, by municipal social workers or by providers of special social counselling or outreach programmes. The released person is already linked to the relevant service from the time of incarceration or has the possibility to use such a service upon return to the place of residence. The Prison Service of the Czech Republic is open to cooperation with other persons and institutions such as lawyers and ministries that provide grants to NGOs that offer professional debt-relief services to incarcerated persons not only during the period of incarceration but also after release. At the same time, it engages in the form of counselling in state programmes such as the so-called Gracious Summer, which aimed to reduce the debt burden of the population of the country.

4. Health care

Comments on paragraph 142

The Czech Republic acknowledges that the insufficient number of prison staff is a well-known problem which the Prison Service of the Czech Republic tries to address by all means at its disposal. However, staff shortages must be seen in the context of the labour market situation in the Czech Republic as a whole. In order to increase competitiveness, among other things, the transformation of the prison health service is currently being carried out. The CPT's recommendations in this respect cannot be contradicted in any way.

However, it is not possible to agree with the assertion that prisoners are provided with healthcare of a lower quality than other patients, as such a practice would contravene the legislation. Although access to health services is limited by the working capacity of doctors in individual prisons, this corresponds to the general situation where the number of people in the Czech Republic without a registered general practitioner is increasing, the time limits for specialist examinations are lengthening and inpatient care providers are limiting their operations due to a lack of medical staff.

The Prison Service of the Czech Republic clearly agrees that health services within prisons must be coordinated. To this end, each prison has a Chief Medical Officer who participates in regular meetings with the prison management. Unfortunately, it has to be acknowledged that, in reality, these positions are not filled in all prisons. However, this does not mean a disruption in internal communication and the transfer of information, as the role of mediator is taken over by another health worker in such situations.

Under these circumstances, the Prison Service of the Czech Republic does not consider the employment of convicts as doctors to be in any way inappropriate. On the contrary, it refers to the Act on the Execution of Prison Sentences, which expressly requires that, when assigning prisoners to work, account be taken of their competence to provide medical services. At the same time, this is consistent with the desire to ensure that convicts maintain their skills and working habits. By not interrupting their medical practice, they can continue to provide medical care smoothly after release from prison. At the same time, it is demonstrated that, given the current staffing situation, this measure contributes to increasing the capacity of health care and improving access to health services.

Comment on point 143

The Czech Republic submits that the process of transformation of the prison health care system was initiated by a decision of the Minister of Justice of 18 March 2023. The State Contributory Organisation Health Facilities of the Ministry of Justice was formally established on 1 January 2024 and since then, as part of the first phase, it has started to provide health services to the Brno Prison and the Institute for Security Detention and to the Prague Pankrác Prison and the Institute for Security Detention, where it has taken over two in-patient health facilities. With effect from 1 April 2025, the remit of this organisation will be extended to other prison establishments. Therefore, on this date, all medical staff will be transferred to the new organisation, and the Prison Service of the Czech Republic will no longer provide health services except for occupational health services, medical transport services and protective treatment.

The Prison Service of the Czech Republic is obliged under current legislation to provide occupational health services directly as an employer. However, an amendment to the Act on Specific Health Services is currently being discussed, which should loosen this restriction. If the amendment is adopted, occupational health services will also be transferred to the Ministry of Justice Health Facilities. For the time being, the medical transport service will also remain under the competence of the Prison Service of the Czech Republic, particularly in view of the fact that ambulance drivers are in the service of the Prison Service of the Czech Republic and also perform other duties arising from their official duties. These posts were never intended for civilian employees. Protective treatment is then provided on a community basis within the Prison Service of the Czech Republic, with the majority of the therapeutic work being carried out by non-medical staff in the Prison Service. In addition, the protective treatment programmes are very closely intertwined with the programmes of professional treatment of prisoners, so it seems advisable for the time being to keep this area under the Prison Service of the Czech Republic.

Comment on point 144

The Czech Republic agrees that the provision of occupational health services logically limits the amount of time that a doctor can attend to prisoners. However, it should be noted that many prisons have doctors contracted solely for the purpose of providing occupational health services, i.e. not for the provision of health services to prisoners and inmates. In some cases, there are even doctors separately for officers and staff and for prisoners. Thus, the provision of health services to inmates and staff by the same doctor is more likely not to occur. However, as indicated above, this may not be the case in the future.

Observation on point 145

The Czech Republic refers here to its comments on paragraph 82 above.

Comment on point 147

The Czech Republic emphasises that only outpatient care, i.e. time-limited care, is provided in prisons. Under normal circumstances, i.e. outside prison facilities, prisoners would have their medication with them. However, in view of the security risks involved in the conditions of imprisonment, the Prison Service, in its role as the security service responsible for the execution of custody, imprisonment and security detention, has restricted the possibility of holding certain medicines. The main reason is to reduce the risk of overdose or secondary distribution of medicines among prisoners as part of illegal commercial activities. It is therefore not a restriction resulting from any medical indication.

However, medicines are not dispensed or administered under this scheme within the meaning of the Medicines Act but only distributed. The officer who hands out medicines to a particular

prisoner is, in effect, merely acting as a 'deliverer' and is not aware of the patient's diagnosis. However, the preparation of medicines distributed is, of course, carried out by a qualified medical officer. Nevertheless, the Prison Service of the Czech Republic does not fundamentally disagree with the CPT's recommendation to dispense medicines by medical staff, but only considers such a change to be practically unfeasible under current conditions, as it would mean the introduction of round-the-clock operation for medical staff and the associated considerable economic impact, as the number of medical staff in prisons would have to be increased.

In Valdice Prison, the guards of the Penitentiary Department are also involved in the distribution of insulin. The doors of the cells with inmates with insulin needs are marked with the sign Insulin. This orientation aid has proved to be very useful, as there is a high turnover of guards in the prison and this marking facilitates the dispensing of insulin to specific inmates and prevents any confusion, where the wrong inmate could be given the medication, thus endangering their health or life. This designation 'Insulin' does not stigmatize anyone. On the other hand, the diabetic inmate's roommates are instructed, in accordance with the diabetologist's recommendation, on what to do in the event of a medical condition.

It is also worth adding that the issue of handing over medicines to prisoners outside the working hours of medical staff by other designated employees, i.e. usually members of the Prison Service of the Czech Republic, is regulated in the Regulation of the Director General of the Prison Service of the Czech Republic No. 26/2016, which lays down the conditions for handling medicines in the Prison Service of the Czech Republic. Pursuant to Article 6(7) of this Regulation, medical staff prepare medicinal products in exact quantities in a medicine box or bag with the patient's identification data in scope of name, surname and date of birth, the name of the medicinal product and its dosage. A regime for the handing over of medicines is established in each prison. There is no violation of the obligation of confidentiality of providers or medical staff in this context, since the designated staff members fulfil the status of persons to whom medical information can be disclosed in connection with their activities, and are therefore also bound by confidentiality under the Act on Health Services and Conditions of their Provision.

Comment on point 148

The Czech Republic recalls that it is necessary to distinguish between foreign nationals and insured persons from EU or EEC countries, who have in principle a status similar to that of insured persons in the Czech Republic. If the imprisoned person is neither an insured person nor has a status similar to that of an insured person, then they are entitled to receive health services within the scope of emergency care under the Act on the Residence of Foreigners in the Czech Republic and to health services related to quarantine or other measures related to the protection of public health. Health services to this extent are provided free of charge and are directly covered by the state budget. It is therefore not true that foreign nationals in detention are not receiving health care or are being denied it in any way. It is only their residence status which, under the legislation in force in the Czech Republic, affects the extent of the free care to which they are entitled.

The Czech Republic further submits that the Prison Service of the Czech Republic could not assess the circumstances and relevance of the information provided by the convicted person that he had received an invoice for CZK 2 million for the treatment of his health care needs without further identification and within the time available for the preparation of the observations.

Observations on paragraph 149

The Czech Republic submits that the Health Services Act establishes the right of the patient to choose the person and the manner in which interpretation will be provided in the event of a

language barrier. In the case of persons in detention, imprisonment or secure detention, the person who will interpret is determined by the Prison Service of the Czech Republic, i.e. the patient is limited in determining such a person himself.

In the conditions of the Czech prison system, several ways are used for foreign nationals to communicate with a doctor or other medical personnel when providing health services. First of all, the language skills of the medical staff are used. If the language barrier can be bridged in this way and normal contact can be established with the patient, there is no reason to provide an interpreter. If it is not possible to communicate with the patient in this way, other prison staff or officers and, where necessary, other prisoners are used. In such cases, the patient should be informed and agree to the procedure. Automatic translators are already used for translation in some prisons. In cases where the above methods of communication cannot be used, a translator or interpreter is provided from outside the prison environment, but this is often a more time-consuming process. Nevertheless, the Prison Service of the Czech Republic, or its Department of Health Services, has knowledge from its methodological and control activities that this method is also used.

Comment on point 151

The Czech Republic submits that the issue of TB prevention is regulated by the Regulation of the Director General of the Prison Service of the Czech Republic No 32/2020 on the provision of health services, which introduces mandatory chest X-ray examinations as part of the entry examination into custody, detention or security detention for the purpose of possible detection of TB. For women, this examination is carried out after the gynaecological examination. In addition, Regulation No 26/2003 of the Director General of the Prison Service of the Czech Republic on the control and supervision of tuberculosis, which deals exclusively with this issue, is still in force. Both regulations lay down a uniform procedure for all organisational units of the Prison Service of the Czech Republic

In the measures taken to mitigate the spread and outbreak of, and to diagnose and treat all suspected cases of TB, Oráčov Prison is always guided by the above-mentioned internal regulations of the Prison Service of the Czech Republic, as well as by the decisions of doctors and the Regional Hygienic Station. All measures and procedures in the event of a TB disease are then performed by the prison doctors in cooperation with the public health authority. The above-mentioned internal regulations lay down a treatment plan for suspected cases of TB disease and further determination of treatment is the responsibility of the prison doctors in cooperation with the locally competent Regional Hygienic Station. According to the Prison Service of the Czech Republic, the system of detection and diagnosis of TB disease is thus sufficient. The last case of infectious tuberculosis in Oráčov Prison occurred in 2019.

Comment on point 152

The Czech Republic clarifies that the vaccination of officers (not employees) against HBV is not based on the discretion of the Prison Service or prison management, but on the decree on vaccination against infectious diseases. This decree distinguishes between regular vaccination and special vaccination. Under the regular vaccination, children are vaccinated against HBV by the so-called hexavaccine as are persons enrolled in dialysis programmes. Under the special vaccination, persons newly recruited as members of the Prison Service of the Czech Republic are vaccinated only if they have not suffered from HBV, do not have antibodies against HBsAg or have not been vaccinated before. These vaccinations are covered by the state budget, not by public health insurance. It is therefore clear from the above-mentioned provisions that the law establishes the range of persons who are entitled to voluntary vaccination covered by public health insurance

on the basis of clinical criteria (age, quality of health, etc.), whereas the decree regards vaccination as compulsory and takes into account the employment or other status of the person concerned.

It is certainly not the case that the prison vaccinates employees at the expense of the prisoners. In this respect, it should be pointed out that, according to the Decree, HBV vaccination applies only to officers, so that even civilian employees are neither obliged nor entitled to receive the vaccination free of charge, i.e. they have to pay for it out of their own funds. If a prisoner is interested in HBV vaccination, it is available to any prisoner as a paid service, as well as to other potential candidates in the general population. Moreover, transmission of HBV in the Czech environment in general including prisons is significantly reduced with regard to childhood vaccination.

Comment on point 155

The Czech Republic states that, in general, in the event of hepatitis C, standard procedures are followed and within the limits of the Public Health Protection Act. The Department of Health Services of the Prison Service of the Czech Republic has already requested a statement from the medical centre of Valdice Prison in the context of its acquaintance with the preliminary report. At the same time, the matter was further specified during a working conversation with the employees of the medical centre. In the cases in question persons who had been in contact with a person who had been confirmed to have acute hepatitis C were involved. The prison environment can be demonstrably perceived as a high-risk environment in terms of the potential spread of infectious diseases, particularly given the high accumulation of people in a relatively small space. As a precautionary measure, the prison has taken organisational measures such as keeping out persons not identified as contacts, independent walks, food delivery, etc., pending the decision of the public health authority. The latter ordered medical supervision of these persons, which is one of the quarantine measures, not quarantine proper. The Prison Service of the Czech Republic, or rather the Department of Medical Services, found no fault in the procedure in Valdice Prison. It was a suspected case of acute, not chronic hepatitis C, where preventive action in the form of quarantine measures was entirely appropriate. In the case of a chronic disease, prisoners are not restricted in any way, as quarantine measures are not taken in such cases in accordance with generally applicable procedures.

The introduction of harm reduction measures is one of the policies that the Prison Service maps and, in cases where it is not limited by legislation, implements partial measures. In some prisons, free distribution of condoms operates on the basis of implemented projects. Counselling is provided both by health workers and other professional staff within the framework of treatment programmes, assets, drug counselling centres, etc. Other harm reduction measures (e.g. needle exchange, access to tattoo machines) require legislative changes.

Comment on paragraph 157

The Czech Republic will continue proper hygiene supervision and anti-epidemic measures in all prisons.

Comment on paragraph 158

The Czech Republic generally shares the CPT's reasoning but considers that the issue is sufficiently addressed. In the case of a person entering substitution treatment, steps are taken to ensure that this treatment is continued. At the same time, substitution treatment is also initiated, and the Brno Prison and Institute for the Execution of Security Detention has been designated as the initiating prison in this respect, although according to the internal regulation it may also be the Prague Pankrác Prison and Institute for the Execution of Security Detention. Subsequently, the patient

may be transferred to another prison with an established substitution centre. Internal Regulation No 2/2019 on the provision of substitution treatment for opioid dependence then sets out the conditions under which substitution treatment is provided. If some prisoners have been denied opioid substitution treatment, specific cases should be examined, but these cannot be identified from the content of the CPT's report.

Comment on paragraph 159

The Czech Republic informs that a specialised ward for prisoners with personality and behavioural disorders caused by substance abuse has been created in Valdice Prison. However, its activities have been suspended as of 1 September 2022 for staffing reasons. However, given the current staffing situation, in particular the lack of psychologists or the absence of a therapist educator, it does not seem realistic to expect the resumption of these specialised sections during the first half of 2025. Nevertheless, this area is receiving increased attention in cooperation with the prison's personnel department. However, the drug-free zone section and the drug prevention counselling centre, which also work with inmates who have experience of substance abuse, continue to operate.

Comment on point 162

The Czech Republic perceives that the CPT Recommendation is particularly aimed at training nonhealthcare workers in the skills of early recognition of suicidal behaviour. If suicidal tendencies are detected, these persons are usually referred for psychiatric evaluation and on the basis of this evaluation, more frequent check-ups, psychological intervention, etc. are recommended. The cooperation between the various prison departments is functionally set up in this respect.

The issue of suicidal behaviour of prisoners, and in particular the prevention of suicidal behaviour, is one of the areas that has long been monitored by the Ministry of Justice itself, the Ombudsperson, the media and other institutions. That is also why each such incident is analysed not only in the context of the operation of a particular prison and the activities of its staff, but also in relation to the complex functioning of the entire system in order to minimise the consequences of possible suicidal behaviour of prisoners. The Prison Service of the Czech Republic, in cooperation with the Czech Red Cross, is also preparing a pilot project "Strengthening Health in Prisons", which will focus, among other things, on improving access to mental health and "peer to peer" suicide prevention.

According to the Regulation of the Director General of the Prison Service of the Czech Republic No. 2/2022 on employees and officers of the Prison Service of the Czech Republic ensuring the execution of custody, the execution of imprisonment and the execution of security detention, each employee is obliged to report to their superior any case of atypical behaviour of a prisoner that may result in their injury to health or the occurrence of an emergency. According to the same regulation, the psychologist of the detention unit conducts a psychological interview with all newly admitted defendants, focusing on the risk of suicidal behaviour and the risk of withdrawal symptoms, within 24 hours of admission to detention. In their absence, they shall review the interview conducted with the newly admitted accused by another professional staff member immediately upon their arrival at the department.

On the topic of prevention of suicidal behaviour of detainees, a recommended methodology has been prepared, which was published in December 2023 in the 4th updated edition and in a print run of 1600 copies and is provided to all staff members in both printed and electronic form. The topic of prevention of suicidal behaviour of prisoners, including the methodology of conducting an initial interview and assessing the risks of suicidal behaviour of prisoners and withdrawal symptoms, is regularly included in the agenda of meetings of psychologists, educational therapists, special educators, as well as directors of prison facilities and heads and representatives of detention

and punishment departments. An interdisciplinary seminar on the Prevention of Suicidal Behaviour of Prisoners has also been organised separately every year in recent years. The last interdisciplinary seminar was held on 19 November 2024 with 138 participants and was intended for all staff and employees of the Prison Service of the Czech Republic who encounter the issue in practice. In 2025, in accordance with the approved calendar of events for 2025, this seminar will take place on 18 November 2025.

Comment on point 164

The Czech Republic informs that already on the basis of previous recommendations of the CPT and the Ombudsperson, the internal regulation of the Regulation of the Director General of the Prison Service, no. 24/2022 has been modified to set out the scope of the medical examination, which is based on the Istanbul Protocol and also corresponds to the CPT's requirements. The content of the regulation was also repeatedly consulted with the Ombudsperson's Office. From the point of view of systemic measures, the CPT's recommendation is thus fulfilled, and no intervention is needed. If the CPT's representatives have identified shortcomings, this is an individual failure which will be investigated.

Comment on paragraph 165

The Czech Republic refers here in full to its comments on paragraphs 28 and 79 above. However, in the context of prisons, the Czech Republic would like to point out that, as of 1 January 2008, according to the Director General's Regulation, an exception is possible for the transfer or escort of prisoners in low-security, medium-security and high-security wings in a maximum-security prison, who are employed in a non-secure workplace outside the prison, are allowed free movement outside the prison in the performance of their work duties, or are allowed free movement outside the prison, shall be transported or accompanied by a member of staff or an officer to visit medical, rehabilitation and similar facilities. The staff member or officer shall only transport or accompany the prisoner to the non-prison medical facility but shall not enter the consultation room. In this case, no coercive means are applied to the prisoner, and the officer is not normally armed with a service weapon. This regime is therefore possible if the prisoner is not assessed as dangerous, unlike the secure detention environment described in paragraph 79.

Observations on paragraph 166

The Czech Republic does not consider the system of reporting to a doctor to be in breach of the law or a breach of confidentiality. The content of these requests is very general (health problems, prescription of medicines or medical opinion). Maintaining this system is essential to ensure the running and functioning of the prison, as prisoners cannot move freely within the prison premises. They must always be directed to the medical centre by the officer on duty. In order to organise the performance of the duties of the guiding officers, it is therefore necessary to have lists of such persons at their disposal. The officers do not, of course, select the persons who report to the doctor, nor do they ascertain the detailed reasons for which they wish to be directed to the medical centre.

It should be noted that in order to provide medical care, coordination and involvement of the members of the Prison Service is generally necessary in the conditions of prisons. In this context, it cannot therefore be guaranteed, for objective reasons, that, for example, a prisoner would arbitrarily leave the facility without the knowledge of the members of the Security Service of the Czech Republic and arrange for a discreet examination in a doctor's office. Prison officers of the Prison Service of the Czech Republic will always have to be informed of this fact, inter alia, because of the need to know and be aware of the exact number of prisoners within or outside the dormitories for organisational reasons for planning the guidance of specific convicts to the doctor, for the reason of the actual physical presentation to the doctor and, last but not least, to ensure

security and order. For these reasons, the recommendation in question cannot therefore be accepted in the sense of excluding information for staff other than medical staff. In the current system, whereby prisoners make their requests to see a doctor through employees or members of the Prison Service of the Czech Republic, maximum discretion is ensured in relation to the necessary information. Prisoners are not obliged to specify their health problems. In order to ensure the existing system, it is sufficient if they state in their request, for example, 'dispensing of medication' or 'acute reasons', which they then specify only to the medical staff.

5. Other issues

Comment on point 171

The Czech Republic recognises that quality staff are key to effective service and work performance, to achieving the goals of protecting society, re-socialising prisoners and preventing recidivism. Maximum efforts are devoted to the recruitment of prison staff by the management and personnel of individual prisons, as well as by the management of the Czech Prison Service and the Personnel Department. Advertisements and presentations are financially supported, HR managers cooperate in an exemplary way with labour offices, educational establishments and other institutions. The management of the Prison Service of the Czech Republic continuously analyses the staffing situation and subsequently creates new tools to improve the recruitment, care and stability of prison staff. An example are the measures taken since mid-2024, whose positive impact is evident in the current data on staffing. Within the framework of the development of the Prison Development Concept until 2035, the area of personnel and human resources, including the training of prison staff, is perceived as a priority and the Prison Service of the Czech Republic identifies with the CPT's recommendation in this respect.

In terms of staff training, it is worth noting that the Prison Service of the Czech Republic has long been dedicated to providing quality education and training for its staff, with an emphasis on sufficient qualification of future employees. The Academy of the Prison Service of the Czech Republic is involved in the professional development of prison staff and continuously focuses on providing quality training programmes that meet current needs and standards. Emphasis is placed on continuous innovation and adaptation of the educational process to cover both theoretical and practical training. The aim is to ensure that prison staff are able to cope with various challenging situations that may arise in everyday practice. In this context, the Prison Service Academy actively cooperates with experts, educational institutions and international organisations to ensure that its training programmes are in line with the highest standards. Following CPT recommendations, the Academy focuses on continuous curriculum improvement and ensuring modern teaching that meets the current challenges and needs of the prison system. Emphasis is placed on providing quality preparation for specific tasks, such as effective management of the prison environment, communication with prisoners, crisis management and reinforcement of ethical principles.

Comment on point 172

The Czech Republic states that the conduct of thorough body searches is regulated by the Regulation of the Director General of the Prison Service of the Czech Republic No. 33/2019 on Prison and Judicial Guards. Its observance is monitored as part of the inspection activities of officers' performance of their duties in all prison establishments. Individual misconduct detected is corrected within the framework of measures taken by the director of the respective prison or at the level of the Director General of the Prison Service of the Czech Republic. It is therefore not necessary to change the set system in any way.

According to our information, the Rýnovice Prison has informed the CPT that in practice there are cases where some prisoners undress themselves during a thorough personal search, even before an officer asks them to remove their clothes in the prescribed manner. The reason for such action is often, for example, that the detainees see the process as too lengthy. A number of prisoners criticise the two-stage search on the grounds that they all go to the shower together anyway, and therefore often consider this measure illogical or unnecessary. Convicts and officers are sufficiently instructed on the correct procedure for a thorough body search. However, no sanction can be imposed on convicts for breach of this procedure. The abovementioned Prison and Judicial Guard Regulation allows for a thorough body search to be carried out in a manner in which the prisoner is completely naked, particularly for security reasons. In this context, it should be specified that a large part of the inmates the CPT interviewed were assigned to the section with enhanced structural and technical security for very dangerous inmates.

Observation on paragraph 173

The Czech Republic submits that the method of escorting prisoners is sufficiently regulated by internal regulations, which emphasise the individual approach in the context of escorting. This matter is emphasised at all meetings of the Prison and Judicial Guard Department of the General Directorate of the Prison Service of the Czech Republic. At the same time, an internal regulation has been amended to allow for the non-use of coercive means when escorting or accompanying prisoners placed in low, medium and high security wards in a secure prison, who are employed in an unguarded workplace outside the prison or are allowed to move freely outside the prison when performing work tasks or visiting medical, rehabilitation and similar facilities. This suggests both a differentiation in the use of law enforcement agents in escorting prisoners and an assessment of their risks, with consequent selection for the type of law enforcement tools used in escorting.

Comment on paragraph 175

The Czech Republic clarifies that the Prison Service Act allows for the use of coercive means when escorting a person if, given their previous behaviour, there is a reasonable apprehension that they may behave in a violent manner, and it is necessary for the fulfilment of the purpose of the act. Furthermore, according to the Regulation of the Director General of the Prison Service of the Czech Republic No. 33/2019 on Prison and Judicial Guards, officers are authorised to use demonstration chains, handcuffs or handcuffs with a handcuff belt against prisoners in the prison to ensure security, if, due to their previous behaviour, it is reasonable to expect violent behaviour towards other persons. In accordance with law and regulation, risks of violent behaviour are always assessed on an individual basis. The head of the prison guard department or the head of the custody and punishment department, the detention department or the pre-trial detention department and, in their absence, the acting chief inspector of the guard service, shall decide on the application of such coercive measures on the basis of a risk assessment. The use of coercive measures shall take into account the state of health of the prisoner. If there is no longer a reasonable apprehension of anticipated violent behaviour by the detainee and if all legal norms governing the execution of detention, imprisonment or security detention are complied with, an individual risk assessment shall be carried out to determine whether the measure can be waived. The detainee shall be informed accordingly.

From the above it is evident that the members of the Prison Service of the Czech Republic are obliged to act in accordance with the applicable legislation when using service handcuffs in prison and always take into account the security situation and the previous behaviour of the prisoners when applying service handcuffs to prisoners outside their cells. In the light of the above, the deployment of handcuffs to prisoners is by no means routine or systematic on the part of the Prison Service of the Czech Republic as confirmed also by to monitoring and control of the actual

situation in Czech prisons by the Ministry of Justice. Each use of handcuffs within the prison premises is by its nature quite exceptional and subject to an individual decision. Even the CPT's own delegation states in its report and agrees that in exceptional cases such measures may be necessary on the basis of an individual risk assessment, which fully corresponds to established practice within the Prison Service of the Czech Republic.

Comment on paragraph 176

The Czech Republic submits that, according to the Prison Service Act, an officer is entitled to restrict the free movement of a person who physically attacks an officer or another person, endangers his own life, damages property or attempts to escape, by handcuffing him to a suitable object, in particular by means of service handcuffs. Such restraint shall be terminated when it is clear that the person will not repeat such conduct, but no longer than 2 hours after the start of restraint. This legal possibility is used only exceptionally and for the time strictly necessary. The Prison Service of the Czech Republic places special emphasis on the use of this institute, as evidenced by the content of the instruction of the Director General, which lays down the method of processing the record and reporting on the use of coercive measures. The minimal use of this option is evidenced by the total number of cases in the past year, when out of a total of approximately 20 000 prisoners, this institute was used in only 46 cases. The recommendation to ensure medical examination of persons who act, for example, aggressively with regard to their state of health, is also being followed.

Comment on paragraph 180

The Czech Republic specifies that the use of the coercive measure of handcuffing a prisoner with straps is regulated by the Prison Service Act. The personnel of the Prison Service of the Czech Republic are authorised to intervene to ensure order and security in prison establishments on the basis of the conditions laid down by law. If a prisoner behaves aggressively for any reason, destroys the property of the Prison Service of the Czech Republic, endangers their health or life or the health or life of other persons, it is always the priority of the Prison Service of the Czech Republic to resolve the situation without the use of law enforcement. The use of coercive means shall only occur when all other possibilities of appeals, reprimands, warnings and other professional interventions to mitigate this undesirable behaviour have been exhausted. The prisoner is thus restricted in their freedom of movement only for the necessary period of time, usually until calming down, which varies from prisoner to prisoner and is influenced primarily by their personality or a possible influence by narcotic and psychotropic substances, addictive drugs or with regard to the current tension. Another factor is the fact that dealing with such a person is particularly demanding and, as a rule, the person is not able to respond adequately to the instructions of the officers and staff of the Prison Service of the Czech Republic.

Restraint in the cases described above, i.e. not in the context of the provision of health services, constitutes the use of a coercive measure within the meaning of the Prison Service Act, not a restraint measure under the Health Services Act. The Prison Service of the Czech Republic is obliged to inform without delay the public prosecutor who supervises compliance with legal regulations in the execution of detention, imprisonment and security detention about the use of a coercive device, including restraining straps. In this context, the obligation arising from the Prison Service Act to prepare a record of the use of a coercive device for subsequent evaluation of the legitimacy and legality of its use, cannot be overlooked. In this way, verification of the legality and proportionality in specific cases of the use of coercive measures is guaranteed.

According to the internal rules, the application of coercive measures should also take into account the state of health of the prisoner against whom they are used. Members of the Prison Service of

the Czech Republic are obliged by law to provide immediate first aid and medical treatment in the event of injury when using coercive means, as soon as the circumstances permit, which is common practice and is strictly monitored. If the officer who used the restraint finds it necessary to examine the prisoner while restrained, they shall take steps to secure medical services, and further action shall be taken in accordance with the doctor's opinion. Thus, continuous and direct supervision by a medical or trained medical officer is not strictly necessary and often not possible for staffing reasons, as medical officers are not usually on duty 24 hours a day in prisons. However, if a health worker is present in the prison, they are immediately informed that the prisoner is to be restrained with straps. In the absence of a medical officer, the prisoner is always taken to a civilian medical facility for examination or treatment as soon as circumstances permit.

The purpose of strapping is generally to ensure maximum safety and protection of all persons involved. This is the case, for example, in situations where the person concerned may cause injury to himself or herself without the immediate intervention of a member of the Prison Service of the Czech Republic and it will not be possible to wait for the arrival of the medical emergency services. It is for this reason that the Czech Republic is not currently planning to amend the Prison Service Act regarding the use of handcuff straps as a means of coercion and considers it necessary to retain the possibility of their use. Care has always been taken and will continue to be taken in the future to assess the individual risks and the actual situation and to comply with the legal limits of reasonableness and proportionality. According to the statistics for the past 3 years, 22 cases of their use were registered in 2022, 19 cases in 2023 and 22 cases in 2024. With the average number of prisoners in the period in question ranging between 19 and 20 000, it is quite clear that it is only an exceptional coercive measure used in extreme situations. However, within the framework of the Prison Concept until 2035, the Czech Republic will also consider possible amendments to legislation to ensure the highest possible level of security and protection of the rights of prisoners.

Comment on point 181

The Czech Republic informs that service dogs are used in the Prison Service of the Czech Republic primarily as a preventive security device as enshrined in the legislation in force and integrated into the system of security in prisons. They are used, for example, when escorting a large number of prisoners to the food service when only a limited number of officers are available. The use of a dog as a means of coercion has been implemented in only one case in the last 10 years, in Mírov Prison - with a muzzle. The mere presence of a dog when dealing with inmates who tend not to respond to the officers' lawful calls often calms the overall situation. The increasing aggressiveness of incarcerated persons is also evidenced by the fact that in 2021 a handler with a dog was called to such cases 208 times, in 2022 already 890 times and in 2023 even 983 times. In all cases, the situation was always calmed down and there was no need for officers to use other means of coercion. It follows that the all-round and defensive cynology service has no negative impact on prisoners and at the same time has an irreplaceable place in the prevention of emergencies that could otherwise escalate into, for example, illegal mass actions by prisoners.

Comment on point 182

The Czech Republic submits that the health centre of Valdice Prison is equipped with two separate waiting rooms for the accommodation of inmates, each equipped with separate sanitary facilities. There is also a small area enclosed by bars and equipped with a bench for emergencies. Only aggressive convicts (e.g. in cases of mutual assault or use of coercive means) or convicts who, for various reasons, cannot come into contact with others (e.g. offenders against children, etc.) are placed here when necessary. In all cases, the placement is only for as long as necessary, pending a medical examination. The current situation at Valdice Prison does not allow for the shifting or

rearrangement of waiting areas due to architectural constraints of the historic building, the distance between different parts of the prison and specific security requirements.

Comment on point 183

The Czech Republic clarifies that the carrying of pepper spray or batons is perfectly legitimate, given that high-security wards, disciplinary wards and detention areas accommodate prisoners who often have a very high level of identified security risk. In recent years, the aggression of prisoners towards officers and staff of the Prison Service has been on the rise, as has the number of assaults - in 2024 there were 43 assaults by prisoners. In this context, there have been three attempted murders of a staff member or officer in the last 4 years. In the first case, it was a governess at Všechný Prison who was strangled by an inmate, in the second case it was an officer from Valdice Prison in a closed ward, and at the end of 2023 there was an attempted murder of a guard by two convicted juveniles at Všechný Prison in a bedroom in the inmates' dormitory, who subsequently tried to escape from the prison. Coercive measures are therefore the only protection for the health and life of the officers, who are fewer than in the past due to the poor staffing situation at guard and supervisory posts. Law enforcement equipment is always worn on the officer's duty belt for immediate use in the event of a threat to their health or life or the health and life of others.

Officers of the Prison Service of the Czech Republic are obliged by the Prison Service Act to act within the limits of the law and other generally applicable regulations. For example, if a person commits a criminal offence while in custody, imprisonment or security detention is reasonably suspected of committing such an offence, or obstructs the legal purpose of custody, imprisonment or security detention. An officer can also use coercive measures if there is a threat to life or health, intentional damage to property or disturbance of order or security on the premises of the Prison Service. The officer of the Prison Service of the Czech Republic decides which of the coercive means to use according to the specific situation in order to achieve the purpose pursued by their intervention. In doing so, they shall ensure that the use of coercive means is proportionate to the purpose of the intervention and that it does not cause harm that is clearly disproportionate to the nature and danger of the offence. In order to comply with the above, it is necessary to be equipped with adequate coercive devices on duty, which officers must have attached to their duty belt for immediate use.

Commentary to paragraph 184

The Czech Republic recalls that, according to the Act on the Execution of Imprisonment, a very dangerous prisoner is a prisoner who has been sentenced to an exceptional sentence, who is being prosecuted for a particularly serious crime committed while in custody or serving a sentence, who has attempted to escape or has escaped from custody or serving a sentence within the last five years, or who may reasonably be expected to endanger the safety of other persons. Under this Act, very dangerous convicts are placed in a section with increased structural security for a period not exceeding 90 days. If no grounds for placement are established within that period, the convict shall be released. If such grounds are established, the convict shall be retained in the section, even repeatedly, for a maximum of a further 180 days. The convict may also apply to the director of the prison to be removed from that section if they consider that the reasons for their placement have not occurred or have ceased to exist. The decision on the request shall be made in writing and delivered to the convict. The convict may lodge a complaint against the decision within 3 days of service, which shall have no suspensive effect. The Director General of the Prison Service of the Czech Republic or an authorised employee of the Prison Service of the Czech Republic shall decide on the appeal. If the application has been rejected, it may be submitted again only after three months. The time limits laid down for the assessment of staying in a section with increased structural and technical security may be shortened by decision of the prison director. Therefore,

the Czech Republic considers that this margin of appreciation is sufficient. In the event of a complaint lodged by a convict, the General Directorate of the Prison Service of the Czech Republic investigates this complaint very thoroughly. If deficiencies are found in the decision on the classification or extension of placement in a section with increased structural and technical security, the decisions in question are returned for new assessment. In addition, in the case of prisoners sentenced for life, a methodological meeting was held with the participation of all the prisons concerned, which focused on further options for the treatment of this category of prisoners, with emphasis on their possible conditional release, education and skills upgrading.

Comment on paragraph 185

The Czech Republic submits that all cells located on the ground floor of Building D are approved for the accommodation of convicts in accordance with the legislation in force. They are small-capacity cells designed to accommodate convicts in small groups and are standardly equipped with a bed, locker, toilet, etc. As regards the sanitary facilities, the toilet with a toilet bowl is separated from the accommodation part of the cell by a metal door. Other sanitary facilities (washbasin with mirror) are separated from the cell by a retractable plastic curtain. Bathrooms outside the cells are equipped with showers for bathing inmates. Prisoners are very interested in being placed in these small-capacity cells, as they have more privacy there than in standard large-capacity cells and also usually have a larger accommodation area than in a standard cell.

However, these cells are primarily intended to accommodate male convicts in high-security prisons whose total number in all prisons in the Czech Republic exceeds the standard accommodation capacity available to the Prison Service of the Czech Republic. Therefore, these convicts are currently accommodated, in accordance with the prison regulations, in cells or dormitories in which the accommodation area per convict is smaller than the standard accommodation area, but not below 3 m². This means that if the Prison Service of the Czech Republic were to stop using these accommodation areas and move the convicts to another part of the prison designated for convicts in a type of high-security prison, it would exacerbate the already poor accommodation situation of convicts in this type of prison.

The issue of improving the accommodation facilities will also be addressed in the context of the Concept for the Development of the Prison System until 2035, which is currently being prepared. If sufficient funds are obtained, these cells will be structurally adapted to meet modern accommodation standards.

Comment on point 187

The Czech Republic informs that the Prison Service of the Czech Republic has an effective system of separate accommodation which is close to the conditions of normal imprisonment while respecting the protection of rights of convicts. In view of the fact that the CPT's delegation does not mention specific convicts, it is not possible to verify whether the prisons concerned have complied with the legislation and internal regulations in force. The Prison Service of the Czech Republic will address this suggestion in the future, inter alia, in the framework of nationwide meetings with the heads of the detention, punishment and pre-trial detention departments.

In general, following schemes exist for separate accommodation of convicts for their protection. The first of these is the yet-to-be-established institution of separate accommodation. In addition, the individual decision of the prison governor to extend the lock-up period in accordance with the prison rules is also used. These regimes are only used in individually justified cases in connection with a particular convict. They are applied only for the time strictly necessary and aim at an early return to the normal regime. A sentenced person accommodated separately for their own protection shall still be reasonably included in the activities set out in the treatment programme or to

educational or leisure activities. Inmates are also always assigned to specific professional staff who monitor and evaluate their requests and suggestions.

Comment on point 188

A final means of protecting convicts may be the use of a crisis cell. The rules for their establishment and organisation in prisons, remand prisons and institutions for the execution of security detention, including the procedure for the treatment of accused persons, convicts and inmates in crisis, are governed by the Regulation of the Director General of the Prison Service of the Czech Republic No. 20/2011 on crisis wards and the treatment of prisoners in crisis, which regulates the grounds for placement in such wards and the rules for the documentation of the stay in them, including the monitoring of the condition of the person placed and the provision of crisis intervention. Records are kept on the treatment of a prisoner in crisis in the Prison Information System. According to the regulation, an accused or a convicted person placed in a special (isolation) cell is visited daily by a general nurse who, if justified, takes the necessary measures to ensure a medical examination. If medical care is provided, an entry shall also be made in the medical records. If the general nurse is not present in the prison on days off work and on rest days and during non-working hours, the necessary arrangements shall be made by the warder on duty. In relation to the necessary measures, the warden shall report to his superior any atypical behaviour of the prisoner which may result in his injury to health, his sudden illness, etc.

According to the Regulation of the Director General of the Prison Service of the Czech Republic No. 11/2023, the prison employee who places a prisoner in a cell or dormitory with a camera system shall, without undue delay, make an entry in the Prison Information System. The entry must include, among other things, the reason for placing the prisoner in a cell or dormitory with a CCTV system. The head of the detention and punishment department shall, on the basis of a proposal by a prison psychological officer, set the interval for regular psychological assessments, at least once a week, and a record shall be made in the Prison Information System.

It can thus be concluded that the current system is fully in line with the CPT's recommendation. The shortcomings quoted are therefore not a systemic failure requiring any intervention in the internal regulations. In the event of any identified individual misconduct, the methodological and control activities of the General Directorate of the Prison Service of the Czech Republic can focus on this area.

Comment on point 190

In particular, the Czech Republic points out that under Czech law, a person's sex is defined primarily by their physical attributes. Its official change is then regulated by the relevant regulations, and the Prison Service of the Czech Republic is obliged to proceed in deciding on the placement of a prisoner according to their sex as stated in official documents. It should also be mentioned that the Prison Service of the Czech Republic is guided by the principles of equal treatment and respect for human rights. According to the Code of Professional Ethics of the employees and officers of the Prison Service of the Czech Republic, it is an obligation to act professionally, conscientiously and impartially, with an emphasis on the protection of human dignity and respect for the rights of all persons, including those who identify as transgender. In this respect, the Prison Service of the Czech Republic acts fully in accordance with the European Prison Rules, which recommend an individual approach to prisoners, including an assessment of their specific needs and risks. In practice, this means that the treatment of transgender persons is in accordance with their identity and needs, taking into account their safety and dignity. Following the necessary individual assessment, further measures are also taken where necessary, for example to prevent or detect violent behaviour early or to prevent degrading treatment by other prisoners

and staff. The Prison Service must also take into account in these cases not only the rights and safety of transgender persons, but also the rights and safety of fellow prisoners, such as women.

Comment on paragraph 191

The Czech Republic submits that the Prison Service of the Czech Republic is guided in the exercise of its disciplinary powers by the currently applicable legal norms governing detention and the execution of sentences. The list and maximum amounts of disciplinary penalties are laid down in the relevant laws and are fully respected by the Prison Service. When imposing the disciplinary punishment of solitary confinement and day confinement, Rule 60.6.b of the European Prison Rules stating that the decision to place a prisoner in solitary confinement must take into account their current state of health, is always respected. Prisoners with mental disorders or disabilities shall not be placed in solitary confinement if it were to aggravate their condition. The execution of solitary confinement shall always be interrupted or suspended if the mental or physical condition of the prisoner deteriorates. Prisoners shall be monitored by medical staff both before and during the imposition of the disciplinary sentence. A disciplinary sentence of confinement for up to 28 days is not a full-time placement, as the prisoner participates in treatment programme activities, attends the workplace or participates in activities to ensure the running of the prison.

The Czech Republic also states that the use of solitary confinement is minimal. The available data show that in 2022 this disciplinary sanction was imposed in 10 cases and in 2023 in 11 cases. In all cases the length of the punishment did not exceed 14 days – therefore, for the last three years, the disciplinary punishment of solitary confinement above 14 days was not imposed at all. Within the framework of the Concept of the Prison System until 2035, the Czech Republic will conduct a comprehensive assessment of the disciplinary management of prisoners to review and innovate the means to achieve order and discipline in prisons, followed by subsequent legislative amendments whereby consideration may be given to modifying the types of disciplinary punishments in a closed compartment or reducing the upper limit of their length. In view of the frequency and maximum length of solitary confinement sentences imposed, consideration will also be given to the possibility of reducing the maximum length of solitary confinement to 14 days.

Comment on point 193

The Czech Republic specifies that prisoners are monitored by medical staff on a long-term basis while serving their disciplinary sentences. The role of medical staff in relation to disciplinary proceedings, and in particular the execution of solitary confinement, has been reviewed and adjusted by the Prison Service of the Czech Republic, taking into account European Prison Rule 43.2. Even under the new regulation of the Director General of the Prison Service of the Czech Republic no. 41/2024 on the disciplinary procedure for accused persons, convicted persons and inmates, in force since 1 January 2025, the accused or convicted person is visited daily by a general nurse who, if she finds reasons to do so, takes the necessary measures to ensure a medical examination. A record of each visit by the general nurse shall be made in the documentation kept at the relevant supervisory department. In the case of the provision of health services, a record shall also be made in the medical records. However, the Prison Service does not agree that medical examinations should be recorded in a separate register. The Health Services Act requires that information about the health condition be recorded in the medical records kept on the patient. The inclusion of this information in another register and its subsequent disclosure would constitute a breach of the obligation of confidentiality under the Health Services Act.

Comment on point 194

The Czech Republic points out that under the Act on the Execution of Prison Sentences, convicts are prohibited from feigning ill health or deliberately harming themselves. It is therefore fully in

line with the legislation in force that disciplinary proceedings are initiated in the event of self-harm by a convicted person. In practice, however, punishment for self-harm occurs only sporadically. In such disciplinary proceedings, a psychologist is usually heard to assess the mental state of the convicted person before the offence was committed and to assess the therapeutic or educational impact of any disciplinary penalty. If the psychologist does not recommend the imposition of a disciplinary penalty, the disciplinary proceedings are in the vast majority of cases terminated without the imposition of a penalty, or the matter is resolved with the convicted person only through a verbal discussion of the situation.

In addition to the prison psychologists, other professional staff, such as a special educator, social worker, chaplain, therapist educator, leisure educator, etc., provide special care to prisoners who engage in suicidal behaviour. An early indication of risk and recommendations for appropriate placement and special treatment for each prisoner according to their situation serve as basis for measures to reduce the risk of suicidal behaviour among prisoners in each prison institution, with preference given to measures such as reduced check-up intervals and more frequent interviews with specialist staff over possible placement in a crisis cell or ward.

The Prison Service regularly analyses the suicidal behaviour of prisoners. At the beginning of each year, a comprehensive summary is submitted by the Department of Detention and Sentencing to the General Directorate of the Prison Service, which contains detailed statistical summaries, including analyses for the previous year, as well as proposed measures. The development of suicidal behaviour is also monitored on an ongoing basis and, if an increased number of incidents is detected, prisons are informed of this fact by the Director General of the Prison Service, with a call for increased attention to any case of atypical behaviour of a prisoner or inmate that could result in harm to health or the occurrence of an incident.

On the topic of prevention of suicidal behaviour of prisoners, a methodological manual has been issued, which was published in December 2023 in the 4th updated edition and is provided in a print run of 1600 copies to all staff and officers both in printed and electronic form as required. In addition, periodic training of employees and officers of the Prison Service of the Czech Republic is also provided. An annual interdisciplinary seminar on the prevention of suicidal behaviour of prisoners has also been organised by the Department of Detention and Punishment in recent years. The last such seminar, intended for all relevant officers and employees of the Prison Service of the Czech Republic was held on 19 November 2024 with 138 participants.

Comment on point 195

The Czech Republic would like to state first of all that the disciplinary punishment of solitary confinement for convicted prisoners is used as the most severe punishment for the most serious disciplinary offences posing a significant threat to security in prison, such as the presence of narcotic drugs and psychotropic substances in the body, assaulting prison staff, possession of an unauthorised item (e.g. a mobile phone). In the long term, the use of this punishment is minimal. In 2022, there were 10 cases of solitary confinement out of a total of 10,180 disciplinary punishments imposed, in 2023, there were 11 cases out of a total of 11,095.

The disciplinary punishment of a full-day placement in a closed compartment is used more frequently. But in this case, it is largely not a separate placement of the convicted person. According to the Rules of Procedure for the Execution of Imprisonment, when serving a disciplinary sentence of day confinement in a closed ward, the convicted person may be accommodated separately only in specified cases, such as for serious security reasons. In view of the long-term increasing number of assaults on prison staff and other threats to security in prison,

it is currently necessary for the Prison Service to include this punishment in the range of disciplinary punishments.

Regime measures such as raising beds during the day is in line with the Prison Service Act. The Act also lists the literature that can be used by convicts while serving these disciplinary sentences, namely legal, educational and religious literature. According to the Prison Service of the Czech Republic, the range of literature is quite wide, and practice shows that convicts make use of these possibilities only rarely.

Comment on point 196

The Czech Republic, following its preliminary observations, adds that disciplinary sentences are served in a closed ward at Valdice Prison. The cells are equipped with an openable window which provides natural light and ventilation. As it is a protected monument, it is not possible to change the size of the window openings. The cells are also equipped with fluorescent lights. Everything complies with the hygiene standards for lighting. The cells of the closed compartment undergo regular painting. It is true, however, that there is constant damage to the paintwork and masonry by inmates, such as scratching, soiling with food residues, etc., including damage to building equipment. For this reason, the cells are repainted several times a year, but always with only a temporary positive effect.

The cells are always cleaned by the inmates placed there with cleaning products issued for that purpose. All convicts are motivated to keep order and the level of order and cleanliness in the cells is therefore the result of their own activity. The mattresses issued to the cells in the closed section are subject to considerable and rapid wear and tear due to careless use by the inmates. Each prisoner is given his own mattress when he is placed in the closed section, and its subsequent condition is only the result of careless treatment. When mattresses are found to be damaged, they are continuously repaired or replaced, although, like the repeated repainting of cells, this entails increased financial costs for the prison administration.

Similarly, in Oráčov Prison, access to daylight in the cells of the closed section for the execution of disciplinary sentences is ensured through windows. In the same way, proper ventilation of all individual cells of the closed section is also possible. Their condition is perfectly satisfactory, the individual cells are clean, and the convicts are provided without exception with mattresses which are undamaged at the time of their arrival in the closed section. If they are damaged, each case is dealt with individually.

Comment on paragraph 199

The Czech Republic submits that the Prison Service of the Czech Republic is guided by the legislation in force in determining the frequency and duration of visits. At the same time, in order to improve the conditions of detention, the duration of visits to accused persons was extended from 90 to 120 minutes every two weeks. Physical contact between prisoners and their relatives during standard visits was never a priori denied by the Prison Service of the Czech Republic. In order to unify the practice and procedure within all prisons, the internal regulation of the Prison Service of the Czech Republic has been updated, which clearly states that contact in the form of normal touching and socially acceptable displays of affection, such as holding hands, stroking hands, etc., must be allowed during a standard visit. Personal contact between a convicted person and a minor child, such as holding, etc., is also allowed.

A possible increase in the statutory visiting time from three to four hours per month will require an assessment of a range of aspects, including the capacity of prison staff, which currently suffers from a very high understaffing, and the designated premises. This topic will also be addressed in

the new Prison Concept Paper 2035. However, it should be added that personal visits, with a minimum requirement of 3 hours per month, are not the only way in which prisoners have contact with the outside world and their families, including children. For prisoners with an appropriate level of (un)risk, a range of other forms of contact are used, such as rewarding an extraordinary increase in the duration of visits, leaving prison in connection with a visit for up to 24 hours (used more than 6,000 times in 2024), and interruption of imprisonment (used more than 1,700 times in 2024). These options have been used increasingly in the last 3 years.

Furthermore, the significant development in the field of communication via video calls cannot be ignored. The Prison Service of the Czech Republic is currently using the "WebEx" application, which allows prisoners to communicate with their loved ones beyond the normal visits. This platform can be used by most prisoners regardless of their differentiation, its rules are clearly set, and all prisoners are familiar with them. In addition, a pilot project "Video calls of convicts" was tested in the conditions of the Prison Service of the Czech Republic in 3 prisons, with the help of video telephones from an external company. The project was evaluated as beneficial after one year and the possibility of video calls was retained in these prisons with the vision of future extension to other prisons. Negotiations are currently underway for a new concession contract for prisoners' telephone communications, which will include a requirement to make video telephones available to all prisoners, based on the experience gained from the evaluation of the pilot project.

Comment on point 201

The Czech Republic submits that the Prison Service strongly supports the maintenance of positive social relations between the prisoners and their families and, in view of its financial and material possibilities, also tries to improve the aesthetic and material conditions of the premises where visits take place. Recently, attention has been focused on the introduction of so-called children's spaces.

Standard visits by close relatives of prisoners always take place in designated rooms equipped with tables and the necessary number of chairs. For the purposes of a standard visit, no obstacles are placed on the tables which could clearly prevent physical contact. A children's play area is also part of the premises for the implementation of the visits. Visiting behind a partition is only carried out in accordance with current legislation if there are clear safety reasons for doing so. The decision to carry out this form of visit is always taken by the prison governor on the basis of an individual assessment of the actual reasons for each person and is not a permanent measure. It is also true that in the ward with enhanced building and technical security at Rýnovice Prison, all visits to prisoners took place behind the partition. However, the ward in question was not a normal ward but a special ward where very dangerous convicts were placed on the basis of an assessment by an expert committee and a subsequent decision by the prison director. Visits to prisoners so individually assigned are, according to the rules set, generally carried out using a partition. However, after the inmate is removed from this ward and subsequently assigned to a regular ward, visits are again carried out according to normal practice, i.e. without a dividing partition. The procedure in the case of visits of prisoners with their relatives is thus identical to the CPT's recommendation, i.e. the use of the dividing partition is always justified and based on an individual assessment, either by assignment to a ward with reinforced building and technical security or by an individual decision of the prison director.

According to the Act on the Execution of Imprisonment, the Prison Service of the Czech Republic must ensure that the provision of legal assistance to the convicted person by a lawyer takes place in person and without the presence of a third person. The Prison Service of the Czech Republic is consistently careful to ensure this right of convicted persons and interviews with lawyers always take place without the presence of a member of the Prison Service of the Czech Republic.

Therefore, visits with lawyers take place in rooms designated for this purpose, and bars separating convicted persons from lawyers may be used to ensure security. This situation has not been criticised by the lawyers for a long time, and they consider it adequate in the conditions of the Prison Service of the Czech Republic.

Comment on point 202

There has been a significant development in the provision of contact between prisoners and the outside world in the past period in communication via video calls. The Prison Service of the Czech Republic currently uses two forms of such communication. This is the 'Skype-visit' project, which enables prisoners to communicate with their relatives beyond normal visits. The rules for the use of the project are clearly set and all prisoners are familiar with them. Most prisoners, regardless of their differentiation, can use this platform. After the end of the support of the "Skype" application, the "WebEx" application will be used by the Prison Service of the Czech Republic under similar conditions as for the "Skype" platform. Another is the pilot project "Video calls of convicts", which has been positively tested in 3 prisons and will be subsequently extended to other prisons. Negotiations are currently underway to conclude a new concession contract for prisoners' telephone communication, which will also include a requirement for the establishment of video telephones available to all prisoners, based on the experience gained from the evaluation of the above-mentioned pilot project.

Comment on point 203

The Czech Republic states, first, that prisoners are duly instructed by the staff of the Prison Service of the Czech Republic by their admission to custody, prison sentence or security detention on their rights and obligations guaranteed to them under the legislation in force, which they sign on a uniform record sheet. Thus, the procedure of the employees of the Prison Service of the Czech Republic is also documented vis-à-vis other entities that control the observance of the legality of its procedures.

Prisoners may submit complaints and requests to the authorities competent to deal with them to exercise their rights and legitimate interests. Prisoners also commonly make submissions via a close person, legal representative, agent or guardian. Prisoners may make any kind of submission orally or in writing, including through the complaint boxes located in each prison wing and collected daily by a competent member of staff of the prison establishment concerned. Prisoners and civilians can also send their complaints e.g. by mail, by authorised e-mail or by data message. The submission of a complaint must not be to the detriment of the complainant. In addition to the complaint, other means of protecting the rights and legitimate interests of prisoners are to speak to the director of the prison where the prisoner is detained or to speak to a public prosecutor, judge or the authority that controls the prison.

All submissions by prisoners are assessed by the employees of the Prison Service of the Czech Republic in accordance with the Administrative Procedure Code and according to their actual content regardless of how they are labelled. It follows that all submissions do not necessarily have to be registered and investigated as complaints. A complaint is defined by the Administrative Procedure Code as a remedy against improper conduct of officials or against the procedure of an administrative authority, unless this law provides another remedy. It may be a remedy in, for example, criminal or disciplinary proceedings, etc. Each individual submission is competently assessed by competent employees of the Prison Service of the Czech Republic and, according to its content, is further dealt with in accordance with the applicable legislation. If the submission is assessed as a complaint, it is duly registered in the electronic criminal procedure information system and the collection sheet of the relevant agenda. The submission is subsequently investigated

and the person concerned is informed of the outcome of the complaint, including the reasons and instructions on how to proceed, most often by personal receipt of the complaint, by registered mail or by delivery to a data box. If the Prison Service of the Czech Republic is not competent to deal with the complaint, it will immediately forward it to the competent administrative authority and at the same time inform the person who made the complaint about it.

Inquiry into the complaint shall mean an objective determination of the actual situation. It must be carried out promptly, responsibly and economically, using the appropriate means permitted by law. If the proper investigation of the complaint so requires, the complainant and the persons against whom the complaint is directed, and, where appropriate, other persons who can contribute to clarifying the matter, shall be heard. The above procedure is also applicable to other bodies which carry out compliance checks in this connection.

The report states that some detainees believe that it is useless to complain, as very few complaints have been found to be justified. According to statistics from the Prison Service, most complaints in the establishments visited between 2018 and 2024 were found to be unfounded. However, this does not say anything about the actual process of receiving, registering and handling complaints, which are regulated by the internal regulations of the Prison Service of the Czech Republic, and their compliance is subject to control activities. On a general level, it may be added that the efforts of the employees of the Prison Service of the Czech Republic are aimed at strengthening the complainants' confidence in relation to the complaints under investigation in the long term, since even unfounded complaints help the employees of the Prison Service of the Czech Republic to improve the overall system of care and the daily life of prisoners. Adequate measures are continuously taken in response to founded complaints in order to eliminate any undesirable defective behaviour on the part of prisoners and Prison Service staff.

As regards the issue of adequate information on the right to appeal against the assessment of a complaint, as stated in the CPT Report, it is necessary to distinguish the procedure for complaints about improper conduct or actions of officials under the Administrative Code from ordinary administrative proceedings in which the rights and obligations of the applicant are decided. If the complainant disagrees with the outcome or the grounds of the complaint, they cannot appeal against the handling of the complaint but may request the superior administrative authority to investigate the handling of the complaint. According to the new regulation of the Director General of the Prison Service on the handling of complaints, effective from 1 July 2025, the request for a review is first dealt with by the prison which handled the complaint, and which may reconsider its handling and satisfy the complainant within the framework of self-medication. Otherwise, the request will be referred to a superior administrative authority, which is the General Directorate of the Prison Service or the Ministry of Justice. The complainant is always informed of the outcome of the review of the complaint. Prisoners are informed of their right to have their complaint investigated when they receive the complaint or, for example, by posting notices on notice boards in prisons. and other places accessible to prisoners. In the future, the Czech Republic will continue to develop the system of handling complaints and informing prisoners of their rights.

Comment on paragraph 204

The Czech Republic considers it necessary to clarify the system for investigating health complaints under the Health Services Act. According to this law, the director of the relevant prison facility is competent to investigate complaints, unless the Director General of the Prison Service of the Czech Republic has stipulated otherwise. This provision is then followed by the internal regulation of the Prison Service of the Czech Republic in the Regulation of the Director General of the Prison Service of the Czech Republic No. 55/2014 on the handling of complaints and notifications in the Prison Service of the Czech Republic, which determines the competence of individual bodies of

the Prison Service of the Czech Republic to investigate complaints. These bodies are either the directors of prisons or their health services departments, which actually investigate most complaints.

It is also necessary to specify that the patient's consent to the sharing of information from medical records cannot be presumed. It is therefore not the case that, if patients have not prohibited access, complaints are investigated by the prison authorities. Nor does it generally apply that prisoners must prohibit access to their medical records, but rather that they must consent to access to their medical records. This principle is consistently observed in prisons.

It is also not true that the Prison Service of the Czech Republic does not keep records of complaints lodged, as this is its legal obligation under the Health Services Act. The register of complaints processed in prison establishments is kept on the web portal, where authorised persons enter basic data on complaints. The Health Service Department keeps an overview of complaints investigated by the Health Service Department in its own records. In the regular annual report to the Director General of the Prison Service, a summary of all complaints against the health services is compiled. The Prison Service of the Czech Republic therefore follows the applicable legislation and in principle already implements the CPT's recommendations.

Complaints about health services provided until 31 March 2025 will be investigated completely by the Department, i.e. they will not be investigated by prisons. These complaints cannot be referred to the new health service provider, the Department of Justice Health Facilities, as this would violate the process envisaged by the Health Services Act that complaints are resolved in the first instance by the provider who provided the health services. At the same time, the Ministry of Justice Health Facilities do not have the medical records of the Prison Service of the Czech Republic. Therefore, this entity will only investigate complaints against health services provided after 1 April 2025. These changes have also been reflected in changes to the internal regulations

E. The use of surgical castration in the context of sex offender treatment

Comment on point 205

The Czech Republic continues to seriously address the issue of surgical castration. In particular, it monitors the proper implementation of the legislation described in the CPT report, which is intended to ensure maximum protection of the rights of the patient and all public interests concerned. It also continues to take into account the CPT's arguments against surgical castration and, in general, tries to offer alternatives to paraphilic patients in particular, so that surgical castration is indeed the last possible treatment alternative in accordance with the law. It is, of course, preceded by psychotherapy and pharmacological treatment, together with the provision of support services.¹ This is demonstrated by the fact that in 2024, approximately 1 200 patients were treated for paraphilia, of whom only 2 patients requested surgical castration and for whom it was truly the last treatment option. However, the Czech Republic certainly wants to continue the joint expert debate on finding appropriate treatment for paraphilic disorders in accordance with international human rights standards.

¹ See, e.g., the National Institute of Mental Health's Paraphilic program (<https://parafilik.cz/>).
