

Report to the Czech Government
on the visit to the Czech Republic
carried out by the European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment (CPT)
from 1 to 10 April 2014

EXECUTIVE SUMMARY

During the fifth periodic visit to the Czech Republic, the CPT's delegation reviewed the measures taken by the Czech authorities to implement various recommendations made by the Committee after previous visits, notably as regards the treatment of detained persons and conditions of detention in police establishments and several prisons. Particular attention was paid to the situation of juveniles, high-security and life-sentenced prisoners. For the first time in the Czech Republic, the delegation examined the treatment of and legal safeguards offered to persons held under the measure of "security detention" (*zabezpečovací detence*), at Brno Prison. Further, the delegation visited a detention centre for foreigners as well as a psychiatric hospital where it examined the situation of involuntary patients. The report also deals with the issue of surgical castration of sex offenders which was the subject of consultations with representatives of the relevant national authorities.

The co-operation received from the Czech authorities throughout the visit was generally good. That said, in one of the prisons visited, the delegation was initially denied access to a particular ward. Further, in the psychiatric hospital visited, the delegation received misleading information from senior staff about the use of net-beds as a means of restraint.

Police custody

The majority of persons interviewed by the delegation stated that they had been treated correctly by police officers whilst in police custody. However, several allegations were received from detained persons of excessive use of force at the time of apprehension and/or physical ill-treatment (such as slaps, punches, kicks and blows with a baton) during police questioning. The delegation also heard several accounts of verbal abuse, including of a racist/xenophobic nature, by police officers.

The report concludes that, in general, the practical operation of fundamental safeguards against ill-treatment did not pose major difficulties. However, there are certain issues which give cause for concern. In particular, it remained the case that detained persons could not benefit from free legal aid from the beginning of their deprivation of liberty by the police.

Material conditions of detention were on the whole satisfactory in the police establishments visited. That said, certain shortcomings were found in some detention facilities and the CPT recommends that they be remedied. The Committee also reiterates its recommendation that all persons held in police custody for 24 hours or more be offered the possibility of access to outdoor exercise every day.

Despite a specific recommendation made after previous visits, the practice of handcuffing detained persons to fixed objects in police establishments persisted. The CPT calls upon the Czech authorities to take effective measures to stamp out such practices in all police establishments.

Further, the CPT expresses serious misgivings about the fact that persons detained by the police were routinely subjected to a strip-search, and the Committee formulates specific recommendations regarding the circumstances of and procedures for searching detained persons in police establishments.

Detention of foreign nationals under aliens legislation

No allegations of ill-treatment by staff or violence amongst inmates were received at the Bělá-Jezová Detention Centre for Foreigners. The material conditions of detention found were generally satisfactory, and foreign nationals were offered a wide range of activities.

The CPT acknowledges the efforts made by the management to accommodate the special needs of children who were held in the Centre together with their parents. At the same time, the Committee stresses that the placement of minors with their parents in a detention centre should only occur as a last resort and for the shortest possible time. The Committee also recommends that the necessary measures be taken to ensure that unaccompanied/separated minors are always accommodated in an open (or semi-open) establishment specialised for juveniles.

The Bělá-Jezová Detention Centre was generally well-staffed. However, most of the staff did not speak any foreign language, and many members of staff, in particular those employed by a private security company, had received no specific training to work in a multi-ethnic environment.

Prison establishments

The delegation received a few allegations of physical ill-treatment and verbal abuse, including of a racist nature, by custodial staff in the establishments for adults visited. Further, inter-prisoner violence appeared to be a problem at Valdice Prison, despite the efforts made by the management of the establishment.

As regards juveniles, the CPT expresses grave concern about the frequency of allegations of physical ill-treatment (such as slaps and punches) received from juvenile sentenced prisoners at Všebrdy Prison. Following repeated requests by the CPT to carry out a prompt, independent and thorough inquiry into these allegations, the Czech authorities informed the Committee that the Director of the prison had been dismissed and that disciplinary and criminal proceedings had been initiated against a number of prison officers and senior members of staff.

The material conditions of the establishments visited were on the whole acceptable at Litoměřice Remand Prison and Valdice Prison, although access to natural light was insufficient in a number of cells in both establishments.

The delegation gained a generally favourable impression of the regime offered to sentenced prisoners at Valdice Prison. However, the CPT expressed serious concern about the fact that the overwhelming majority of remand prisoners at Litoměřice Remand Prison were not offered any regular out-of-cell activity other than outdoor exercise for one hour per day. The situation was particularly worrying as regards one juvenile remand prisoner at Litoměřice who had *de facto* been held in a solitary-confinement-type regime for some three months.

The report describes a number of improvements regarding the situation of life-sentenced prisoners at Valdice Prison. In particular, all prisoners were in principle offered paid work and had more possibilities for association with other life-sentenced prisoners than before. On the other hand, the CPT stresses that further measures are required to render the regime satisfactory. The CPT once again expresses its misgivings about the fact that life-sentenced prisoners were systematically handcuffed and guarded by a service dog during movements outside the detention unit. The Committee also reiterates its recommendation that the relevant legislation be revised, with a view to integrating life-sentenced prisoners into the general prison population.

Some improvements have also been observed with regard to high-security prisoners at Valdice Prison, although the regime applied to them was still far from satisfactory; almost all prisoners concerned were usually locked up in their cells alone for up to 22 hours per day.

As regards health care, the CPT expresses serious concern that, due to the obligation to pay a “regulatory fee” for medical consultations, a number of indigent prisoners were denied medical treatment other than emergency care and that prison officers continued to be routinely present during medical examinations. Further, the CPT recommends that the vacant posts of prison doctors at Litoměřice Remand Prison and Valdice Prison be filled as a matter of priority and that the number of qualified nurses be significantly increased in both establishments.

As for security-related issues, the CPT recommends that immediate steps be taken to put an end to collective strip-searches as well as to the use of service dogs within detention areas.

Security detention

Many security detention inmates interviewed by the delegation at Brno Remand Prison made no allegations of ill-treatment by staff. However, the delegation did receive some allegations of inmates being slapped and/or verbally abused by members of the custodial staff. Moreover, several allegations were heard that inmates with a learning disability had been made by custodial staff to dance, bark, eat grass and drink water from a bucket. If confirmed, such actions would, in the CPT’s view, amount to degrading treatment.

Material conditions of detention in the security detention facility were generally very good. That said, the CPT encourages the Czech authorities to further develop the regime provided to inmates in order to ensure that they can spend more time out of their rooms.

As regards health care, the delegation gained a generally positive impression of the range of therapeutic and recreational activities. However, the Committee is concerned that all contact of the psychiatrist and psychologist with inmates was conducted through metal bars.

Psychiatric establishments

During its visit to Kosmonosy Psychiatric Hospital, the delegation received no allegations of ill-treatment of patients by staff. Living conditions at Kosmonosy Psychiatric Hospital were generally satisfactory. However, recommendations were made to improve access to outdoor exercise for patients.

Staffing levels in the hospital appeared to be generally adequate for the number of patients and care provided. The delegation also gained a positive overall impression of the psychiatric treatment. That said, the CPT recommends that the written consent of patients be obtained prior to the commencement of anti-androgen treatment and that patients be able to withdraw their consent to any anti-androgen treatment and to have their treatment discontinued at any time. Further, the Committee expresses serious misgivings about the imposition of a so-called “pyjama regime” on patients by the treating psychiatrist or psychologist as a punishment and recommends that this practice be discontinued.

The new Law on Medical Services regulates in a comprehensive manner the use of means of restraint in health-care settings, and the delegation observed that the relevant legal requirements were respected in practice. However, several recommendations were made as regards the duration of mechanical restraint, the recording of instances of chemical restraint and the supervision of patients under restraint. Moreover, the CPT once again expresses its serious misgivings about the use of net-beds and in particular as regards the excessive duration of placement of certain patients therein, as well as their use as “ordinary” hospital beds.

Surgical castration of sex offenders

The CPT takes note of the new legal framework governing the use of surgical castration in the context of treatment of sex offenders and acknowledges the significant decrease in the resort to this intervention in recent years. However, the Committee emphasises that this in itself cannot remove its fundamental objections to the intervention. Consequently, it urges the Czech authorities to put a definitive end to the use of surgical castration in the context of treatment of sex offenders and to amend the relevant legal provisions accordingly.